



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, 10 July 2008

Time: 2.00 pm

Venue: The Guildhall, York

AGENDA

Site Visits for this meeting will commence at 10.00am on Wednesday 9 July 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 6 and agenda items 7 and 8 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 - 9)
To approve and sign the minutes of the last meeting of the Sub-Committee held on 12 June 2006.

- 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 July 2008 at 5.00pm.

- 5. Plans List**
To determine the following planning applications related to the East Area.

- a) R S Cockerill York Limited, Stamford Bridge** (Pages 10 - 17)
Road, Dunnington, York, YO19 5AE
(08/00856/FULM)

Extension to pack house to provide additional potato washing, grading, packing, storage and staff facilities and covered loading bays and additional vehicular manoeuvring space. Installation of wastewater treatment plant.
[Derwent Ward] **[Site Visit]**

- b) 279 Huntington Road, York, YO31 9BR.** (Pages 18 - 34)
(08/00814/FUL)

Erection of 3 no. three storey and 1 no. two storey flat roof dwellings and 1 no. detached flat roof dwelling with attached double garage, with associated parking, landscaping and access road after demolition of 279 Huntington Road, on land to the rear of 277 to 281 Huntington Road.
(Resubmission) **[Site Visit]** [Huntington and New Earswick Ward]

- c) 42 South Lane, Haxby, York, YO32 3JA.** (Pages 35 - 47)
(07/02590/FUL)

Erection of 4 no. detached dwellings, following demolition of 2 semi-detached dwellings, 2 single garages and 2 brick stores. **[Site Visit]** [Haxby and Wigginton Ward]

- d) **The Villa, Main Street, Elvington, York, YO41 4AG. (08/00892/FUL)** (Pages 48 - 54)

One dormer bungalow with attached double garage on land to rear of The Villa. [Revised Scheme] **[Site Visit]** [Wheldrake Ward]

- e) **32 Lamel Street, York, YO10 3LL. (08/01183/FUL)** (Pages 55 - 62)

Change of use of outbuilding to 1 bed dwelling. **[Site Visit]** [Hull Road Ward]

- f) **65 Wycliffe Avenue, York, YO10 3RH. (08/00452/FUL)** (Pages 63 - 68)

Two storey pitched roof side extension and change of use to house in multiple occupation. [Hull Road Ward]

6. **Enforcement Cases Update** (Pages 69 - 152)

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

7. **York Riding School, Wigginton Road, York.** (Pages 153 - 155)

This report updates Members on enforcement issues at this address.

8. **Enforcement Case relating to Motor Vehicle Activities at Elvington Airfield** (Pages 156 - 159)

This report updates Members on the ongoing enforcement proceedings in relation to this site.

9. **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

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 JULY 2008**

TIME	SITE	
10:00 am	Meet coach at Union Terrace Car Park.	
10:10 am	279 Huntington Road, York	(5b)
10:50 am	42 South Lane, Haxby	(5c)
11:30 am	Cockerills, Stamford Bridge Road, Dunnington	(5a)
12:15 pm	The Villa, Main Street, Elvington	(5d)
1:15pm	32 Lamel Street, York	(5e)

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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	12 JUNE 2008
PRESENT	COUNCILLORS MOORE (CHAIR), CREGAN (VICE-CHAIR), DOUGLAS, HYMAN, JAMIESON-BALL (SUB FOR CLLR WAUDBY), KING, MORLEY (SUB FOR CLLR ORRELL), PIERCE (SUB FOR CLLR FUNNELL), TAYLOR AND WISEMAN
APOLOGIES	COUNCILLORS FUNNELL, ORRELL AND I WAUDBY

1. DECLARATIONS OF INTEREST

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

Councillor Morley registered a personal non-prejudicial interest in Plans item 4a (J H Shouksmith and Sons Ltd, Outgang Lane, Osbaldwick, York) as the applicant and his family had been members of the Church he had previously attended as well as that he presently attended.

2. MINUTES

RESOLVED: That the minutes of meetings of the Sub-Committee held on 8 and 29 May 2008 be approved as correct records and be signed by the Chair.

3. INSPECTION OF SITES

The following site was inspected before the meeting:

Site	Attended by	Reason for Visit
J H Shouksmith and Sons Ltd, Outgang Lane, Osbaldwick, York	Cllrs Douglas, Hyman, Moore, Morley, Pierce and Wiseman	To familiarise members with the site and accesses and as concerns had been raised by the Parish Council and a neighbour.

4. PUBLIC PARTICIPATION

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

5. PLANS LIST

Members considered a schedule of reports of the Assistant Director (Planning and Sustainable Development) relating to the following planning application, outlining the proposals and relevant policy considerations and setting out the views and advice of consultees and officers.

5a J H Shouksmith and Sons Ltd, Outgang Lane, Osbaldwick, York YO19 4UP (08/00736/FULM)

Members considered a major full application, submitted by J H Shouksmith and Sons Ltd, for the erection of 3 no. two storey pitched roof buildings comprising 8 no. business units for B1, B2 and B8 uses, with associated access, parking, cycle storage and landscaping.

Officers circulated a Sub-Committee update, which detailed that:

- Paragraph 4.19 second line should read, “it is not considered that the provision of 65 parking spaces in this location is unacceptable.”
- Confirmation that the comparison of floor area in paras. 4.5 and 4.6 was based on the gross floor area of each of the units.
- Confirmation that the DVLA would be moving from the site due to their operational requirements.
- Currently 54 staff on site including those employed by the DVLA.
- Point 8 on page 28 of the report should read, “a footway link into the site is to be provided into the site. The standard width of the path should be 2m rather than 1.5m”.
- Condition 7 should be amended to refer to “the height of the approved development shall not exceed 10 metres, as measured from existing ground level”.
- Condition 8 should be amended to read “ The areas shown on drawing no. M2463-01 Rev C as “amenity space” shall be retained at all times, shall be maintained in accordance with the management plan which prior to the development shall be submitted to and approved in writing by the Local Planning Authority...”
- Condition 21 should be amended to read “The hours of operation of each unit hereby permitted shall be confined to 8:00 to 18:00 Mondays to Saturdays and not at all on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.”
- That in addition to the conditions recommended additional conditions were proposed to provide means of protection to the existing trees on the site during the construction period, a condition to require the developer to provide a permeable surface on parking areas and a condition to require a full company travel plan to be developed and implemented within 6 months of occupation of the site.

Representations in support of the application were received from the applicant’s agent. She circulated photographs showing the buildings and the site access. She confirmed that the applicants had been on this site for over 40 years and that they wished to demolish the 3 existing buildings and erect new head office premises, at the front of the site, and to erect

smaller units for start up companies. She stated that the existing buildings were not suitable for the operational needs of the firms at present on site. With reference to the proposed conditions she stated that, at present, no planning restrictions covered the site, and that the condition proposed restricting hours of use would affect field workers and employees who took advantage of flexitime.

Members questioned details of the proposed travel plan and Officers confirmed that this would apply to the applicant and apply to individual firms through their leases. Concerns were also expressed at the restrictions to the hours of operation, the amenity and landscaping provision and to the type of security fencing.

Following discussion it was

RESOLVED: That the application be approved subject to the imposition of the conditions listed in the report and the following additional and amended conditions: ¹.

Amended Condition 7: Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 10.0 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.

Amended Condition 8: The areas shown on drawing no. M2463-01 Rev C as "amenity space" shall be retained at all times, shall be maintained in accordance with the management plan which prior to the commencement of development shall be submitted to and approved in writing by the Local Planning Authority, and shall not be used for any purposes other than on-site open space provision unless otherwise agreed in writing by the Local Planning Authority.

Amended Condition 21: The hours of operation of units 2 to 8 hereby permitted shall be confined to 7:00 to 19:00 Mondays to Saturdays and not at all on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

32. Before the commencement of and during building operations, adequate measures shall be taken to protect the existing trees to be retained 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.

33. Prior to the occupation of the site, a heads of terms agreement to be included in a future travel plan for all 8 units hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. The heads of terms agreement shall include those measures that will be carried out by the occupier to reduce dependence on the private car and encourage sustainable means of travel to and from the site.

Within 6 months of occupation of the site a full travel plan developed and implemented with national guidance and guidance currently published by the City of York Council shall have been submitted to and approved in writing by the Local Planning Authority.

Within 12 months of occupation of the site a first year staff travel survey shall have been submitted to and approved in writing by the Local Planning Authority. Results of the yearly staff travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

34. The parking areas hereby approved shall be constructed of permeable materials. Prior to the development commencing a scheme detailing the permeable parking area shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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 employment development, sequential approach to development, scale, design and external appearance, open space provision, landscaping, highway safety and parking standards, flood risk, sustainability and environmental protection. As such the proposal complies with Planning Policy Statement no.1 "Delivering Sustainable Development", Planning Policy Statement no.6 "Planning for Town Centres", Planning Policy Statement no.25 "Development and Flood Risk", Planning Policy Guidance no.17 "Planning for Open Space, Sport and Recreation", Policy E3 of the Regional Spatial Strategy for Yorkshire and the Humber (2008) and Policies GP1, SP8, GP3, GP4a,

GP9, T4, E4, SP7a, L1c and GP15 of the City of York
Local Plan Deposit Draft.

Action Required

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

6. WELCOME AND THANKS

The Chair introduced Laura Bootland, the new Democracy Officer for the East Area Planning Sub-Committee, to her first meeting. He also thanked Jill Pickering, Democracy Officer for her work with the Sub-Committee.

R MOORE, Chair

[The meeting started at 2.00 pm and finished at 2.25 pm].

COMMITTEE REPORT

Committee: East Area
Date: 10 July 2008

Ward: Derwent
Parish: Holtby Parish Council

Reference: 08/00856/FULM
Application at: R S Cockerill York Limited Stamford Bridge Road Dunnington York YO19 5AE
For: Extension to pack house to provide additional potato washing, grading, packing, storage and staff facilities and covered loading bays and additional vehicular manoeuvring space. Installation of wastewater treatment plant.
By: R S Cockerill (York) Ltd.
Application Type: Major Full Application (13 weeks)
Target Date: 3 July 2008

1.0 PROPOSAL

1.1 The application relates to Cockerill's potato processing site located off Stamford Bridge Road in Holtby. Cockerill's have operated from this site since 1981 when the existing pack house was built. Further potato stores were erected in 1987 and 1995 with a new office and quality control laboratory being erected in 1998. This application seeks planning consent for an extension to the main potato packing plant.

1.2 The footprint of the existing facilities is 5600 sq m, the proposal is to extend this by 2800 sq m. The extension is proposed to follow the shape, style, and proportions of the existing pack house. The proposed extension would be approximately 62 m in length and 44 m in width and measure 11.5 m in height. The number of employees working at the plant is likely to increase from around 67 to 79 people. Vehicle movements would also increase from approximately 140-200 to 200-300 per week.

1.3 The additional floorspace would be used primarily for additional accommodation for potato washing, grading, packing and storage. Staff facilities would also be improved with a new canteen and toilets provided.

1.4 The application site is located wholly within the Green Belt.

1.5 As one of the key issues in this case relates to the impact of the proposal on the openness of the Green Belt, it is proposed to carry out a site visit.

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

CYGP4A
Sustainability

CYGB1
Development within the Green Belt

CYGB11
Employment devt outside settlement limits

3.0 CONSULTATIONS

3.1 INTERNAL

ENVIRONMENTAL PROTECTION UNIT - The distance between the additional vehicle turning area and the nearest residential dwelling is approximately 215m. The A166 is already a busy road, the estimated HGV movements rise to 200-300 a week from their current level of 140-200 per week. This is a small rise and the environmental protection unit therefore have no objections to this application.

HIGHWAYS (NETWORK MANAGEMENT) - The proposals would create an additional 12 jobs taking the number of employees to approximately 80. The operating times vary from a normal 5-day week of 7am to 5pm to seven day round the clock working depending on season and demand. The total number of employees would normally be considered sufficient to trigger the requirement for a travel plan to be submitted. The existing number of staff already exceeds the trigger point and the additional numbers are relatively small with the potential for variable working patterns. It is therefore considered that a travel plan is not required. A cycle store is already in place which can accommodate 20 bicycles and therefore encourage sustainable travel choice.

The number of HGV movements would increase as a result of the proposed development. The existing access has appropriate sight lines and is in a good state of repair. HGV's are well catered for within the site with regard to parking and turning facilities. It is not considered that the additional HGV movements would have a pronounced effect upon the highway network in terms of congestion or safety. Therefore there are no objections to the proposed development.

STRUCTURES AND DRAINAGE - The development is in low risk Flood Zone 1 and should not suffer from river flooding.

3.2 EXTERNAL

HOLTBY PARISH COUNCIL - No objections, Holtby Parish Council fully support a local business wishing to expand. However the following points should be considered in determining this application:

- water pollution as a result of the expansion;
- noise from ventilation fans;
- large vehicle access can only be from A166;

- fumigation needs to be considered.

NEIGHBOURS/SITE NOTICE - Letter of concern submitted by the residents of Hunters Lodge which is on the opposite side of the A166. The following points were raised:

- there were 3 accidents outside Cockerills last year and the proposed extension is likely to increase traffic numbers in the area and the number of people entering and leaving the site;
- the additional traffic would create more noise and the A166 is close to Hunters Lodge.

ENVIRONMENT AGENCY - No objections. The applicants may require written consent from the Agency to discharge sewage, surface water, or trade effluent into controlled waters.

4.0 APPRAISAL

4.1 Key Issues:

- Visual Impact on the Green Belt;
- Impact on the Amenities of Neighbours;
- Highway/Traffic Safety;

GREEN BELT

4.2 The application site is located within the Green Belt. Draft Local Plan Policy GB1 and national guidance contained within PPG2 'Green Belts' state that new industrial and storage and distribution operations within the Green Belt are inappropriate development. Therefore, there is a presumption against the proposed development.

4.3 Chapter 5 of the Draft Local Plan states the objectives of Green Belt Policies. These are: a) to preserve the setting of York; b) to check unrestricted sprawl of York; c) to safeguard the surrounding countryside from further encroachment; d) to prevent neighbouring settlements from merging into one another; and, e) to assist in urban regeneration by encouraging the use of urban land. It is not considered that the proposed development would significantly affect the setting of York given its location and size. The development does not encourage urban sprawl as the application site already exists and the proposed building extension would be located within an area which is currently used in part for external storage. The proposal would not contribute to neighbouring settlements merging into one another, the application site stands alone and does not border any settlement directly. In terms of promoting urban regeneration by encouraging development in urban areas, it could be argued that the site already exists and is well established and it would be unreasonable and perhaps impractical for the company to relocate to an urban area. Therefore it is considered that the proposed development would not conflict with the purposes of including land within the Green Belt as identified within the Draft Local Plan.

4.4 Draft Local Plan Policy GB11 allows for employment development outside of settlement limits where it involves a small-scale extension and it provides a direct

benefit to the rural economy and local residential workforce. The proposal cannot be described as small scale and thus very special circumstances are required to overcome the presumption against this development in the Green Belt.

4.5 The applicants have submitted a supporting statement with the application which seeks to demonstrate very special circumstances which outweigh any harm to the Green Belt through inappropriate development. The first of these is that old equipment needs to be replaced in order for the company to remain competitive. Whilst the development would increase the potential capacity of the grading/packing operations it will also act to safeguard the existing jobs and create new ones. New requirements and demands from customers have led to a greater variety of products being demanded often with very specific requirements, for example in terms of potato size and weight. The applicants argue that higher specification sorting and packing machinery is required. This machinery is significantly larger than what is used at present and there is insufficient space within the existing unit to accommodate this. A potato polishing machine would also be installed which brings the benefits of reduced water use during the washing process.

4.6 In addition to the jobs which are created at the pack house itself, the potato grading and packing facility provides income to a number of local businesses. Cockerills deals directly with a large number of potato growers within a 30-mile radius of the site. In the last full accounting year 13,050 tonnes (87% of potato stocks) were purchased from farms within a 30-mile radius of Cockerills. 123 growers produced these potato stocks and therefore it is argued that Cockerills currently helps support a number of local farmers with the potential for additional supplies being required if productivity increases. Products such as packaging materials and paper sacks are also sourced locally.

4.7 It is also argued that the proposal would improve standards of health and safety within the pack house and across the site generally, to provide better amenities and facilities for staff. Current facilities for pack house staff are inadequate and are not health and safety compliant. There are just two WC's and a portacabin acts as the canteen. There are no disabled facilities and staff lockers and changing facilities are inadequate. The proposed extension would incorporate facilities to overcome these current problems and raise the standard and quantity of facilities available to staff.

4.8 A large amount of forklift truck activity takes place in an area with heavy pedestrian traffic. For this reason a separate loading area would be provided in the extension to reduce the vehicle/pedestrian conflict. Additional storage space is also required so that raw and finished goods are stored in different areas, this is a requirement of the British Retail Consortium (BRC) but is currently difficult to achieve. BRC accreditation is required in order for the business to operate. Additional storage space for packaging materials would also allow less frequent deliveries of these materials and thus reducing traffic levels.

4.9 It is considered that safeguarding the current business and supporting the local rural economy combined with meeting health and safety requirements for staff could be justified as very special circumstances that are sufficient to overcome the harm to the Green Belt caused through inappropriateness. There is no definition of what are or are not very special circumstances. Members must be satisfied that the circumstances of this application justify a major development within the Green Belt

and would not act as an unwanted precedent for future applications. The proposal would by its very nature harm the openness of the Green Belt and thus the reasons for allowing the development must be seriously considered.

4.10 For information, a submission has been made by Cockerills to the Local Plan team which states that the site should be included as a major developed site in the Green Belt when the Local Development Framework is published. If Cockerills were included as a major developed site the presumption against the development would be removed.

DESIGN

4.11 If members are satisfied that the principle of developing the site has been established the details of the scheme itself are to be assessed. The site is set down from the A166 and is not visually prominent in the landscape when viewed from this road. However, the site is more visible from the north. The proposed extension is of typical design for an industrial plant and would be seen within the context of the existing main building and the surrounding structures. It is considered that the design of the structure is acceptable given its context with an existing industrial site. The site benefits from a good level of landscaping around it and Cockerills have continued to plant trees and shrubs in and around the site to reduce the potentially harsh appearance of the industrial development in the open countryside. A landscaping condition could be included within any approval if members wished for a greater level of planting around the proposed extension in order to soften its visual impact.

NEIGHBOURS/HIGHWAY SAFETY

4.12 One letter of concern was raised by a neighbour regarding traffic and the potential for additional accidents as a result of greater vehicle movements. Highway Network Management have assessed the proposal and are satisfied with the existing site lines. There is sufficient space within the site for vehicles to enter in a forward gear, turn around, and leave in a forward gear. In response to the neighbours concern Cockerills stated that there had been problems with drainage on the A166 near the entrance which during cold weather could create black ice forming on the road. However, it is understood that the Highway Authority has now corrected the drainage problems and there have been no further accidents since then.

4.13 It is anticipated that there would be an increase in traffic movements as a result of the proposed development from approximately 140-200 to 200-300 per week. However, as the site is accessed from the A166 which is already very busy it is not considered that the small daily increase in traffic would significantly harm neighbours amenity through noise and disturbance.

4.14 A green travel plan is not required for the proposed development. The site already has 20 cycle parking spaces which is considered sufficient and in line with local standards. The proposed development would incorporate showers which could be used by members of staff travelling by bicycle. Therefore, a sustainable transport choice is available should staff wish to participate. A frequent bus service also runs between the city centre to Holtby past the application site which further reduces the dependency on using a private vehicle to reach the site for workers.

4.15 So far as the construction of the building is concerned, the application was submitted prior to the sustainability guidance being adopted by the Council. A standard BREEAM condition is therefore recommended.

5.0 CONCLUSION

5.1 The proposed extension is of significant size and constitutes inappropriate development in the Green Belt and is therefore by definition harmful to the Green Belt. In such circumstances the onus is on the applicant to prove that very special circumstances exist which would outweigh this harm. The main reasons offered by the applicant to demonstrate this are to improve efficiency and productivity which can bring direct benefits to the local rural economy and secondly the need to meet health and safety requirements and provide reasonable staff facilities.

5.2 The proposal would create a small number of additional jobs within the pack house and would safeguard existing jobs. In addition, the company is considered to bring significant benefits to the local economy through the purchase of potatoes from a large number of local farmers and this is also considered to be a material consideration.

5.3 There is a significant issue over the size of the proposed new building but the applicant has submitted information in support of this and it is difficult for officers to question this perceived operational need. Therefore, whilst it is a finely balanced argument, officers consider that the applicant has demonstrated that, for a combination of reasons outlined above, very special circumstances do exist which outweigh the harm by inappropriateness and that planning permission should be granted.

5.4 If members were minded to approve the application, it must be referred onto the Secretary of State as the proposal constitutes a departure from the Development Plan as the building is over 1000 sq metres and is deemed to be inappropriate development in the Green Belt. Under the terms of the Green Belt Direction January 2006, this requires referral.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve after referral to Secretary of State

1 TIME2 Development start within three years

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

Drawing Numbers RSC/04/1 Rev 7, RSC/04/2 Rev 8, RSC/04/3 Rev 6, RSC/04/4 Rev 7, RSC/04/6 Rev 8, RSC/04/7 Rev 3, 10013 Issue 2, received by The CoYC on 03/04/08

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

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

4 VISQ8 Samples of exterior materials to be app

5 The building 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.

6 Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority a preliminary BREEAM Design and Procurement stage assessment for the development. This shall indicate that a minimum "Very Good" rating will be achieved under the appropriate code. This shall be followed by the submission of a BREEAM Post Construction Review, and a BREEAM Certificate for this review shall then be submitted to the Local Planning Authority after completion and before first occupation of the building. Both assessments shall confirm the minimum "Very Good" rating indicated in the preliminary BREEAM Design and Procurement assessment submitted with the application.

Reason: In the interests of sustainable development

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the aims of including land within the Green Belt and the living conditions of neighbours. As such the proposal complies with Policies GP1, GP4a, GB1, and GB11 of the City of York Draft Local Plan.

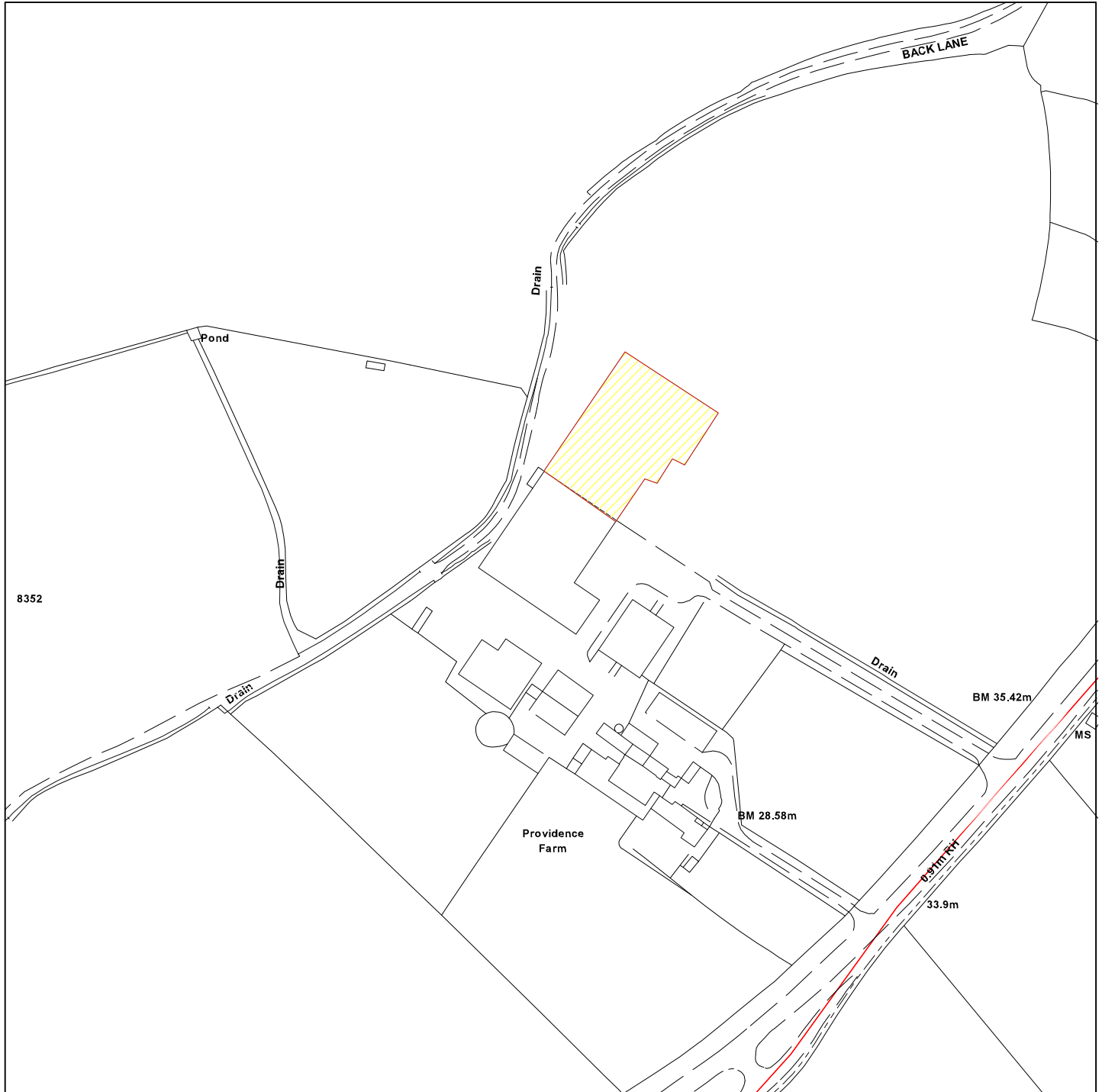
Contact details:

Author: Michael Jones Development Control Officer

Tel No: 01904 551325

R S Cockerill (York) Ltd, Stamford Bridge Road,

08/00856/FULM



Scale : 1:2500

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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	30 June 2008
SLA Number	Not set

COMMITTEE REPORT

Committee: East Area
Date: 10 July 2008

Ward: Huntington/New Earswick
Parish: Huntington Parish Council

Reference: 08/00814/FUL
Application at: 279 Huntington Road York YO31 9BR
For: Erection of 3 no. three-storey and 1 no. two storey flat roof dwellings and 1 no. detached flat roof dwelling with attached double garage, with associated parking, landscaping and access road after demolition of 279 Huntington Road, on land to the rear of 277 to 281 Huntington Road (resubmission)
By: Mr C Cook
Application Type: Full Application
Target Date: 27 May 2008

1.0 PROPOSAL

1.1 This is a full planning application to demolish 279 Huntington Road and to erect 4 terraced dwellings and one detached dwelling. Three of the terraced dwellings are three-storey and one is two-storey. The detached dwelling is two-storey and also includes an attached double garage. All of the properties are flat roofed and have a contemporary design. The terrace of houses would be parallel to the river and the detached property at a right angle creating an 'L' shaped courtyard.

1.2 The application site comprises 279 Huntington Road and the rear element of what would presumably have been the gardens of 277, 279a and 281 Huntington Road. The site is bounded to the west by the river Foss. To the south is part of the rear garden of 275 and to the north part of the rear garden of 283 Huntington Road.

1.3 The site is rectangular in area and proposed to have a new private access road on to Huntington Road. The overall area is approximately 0.20 hectares.

Planning History

1.4 In 2001 a planning application (01/00533/FUL) to erect 3 large detached dwellings with associated double garages on a site that had the same boundary (with the exception of not including the rear garden of 281 Huntington Road) was refused by committee on the grounds of overdevelopment and because it was considered that the replacement of a house with an access road would detract from the area's visual amenities. The application was dismissed at appeal. The Inspector raised particular concerns in respect to the impact of the access road on the security and amenity of adjoining neighbours and felt that the scheme was a 'contrived' overdevelopment which did not make the best use of land to the rear of Huntington Road. She also raised concerns in respect of the position of the bin store.

1.5 In 2007 two planning applications were submitted to develop the current application site coupled with the adjoining land to the rear of 283 and 285 Huntington Road (07/0962 and 07/02588) (an additional 0.07 hectares). The schemes were for 9 and 10 houses respectively and included an adopted road access to Huntington

Road. Both were withdrawn. Officers had raised several planning concerns including overdevelopment, the impact on trees, the impact on the setting of the river and the impact on the amenity of adjacent occupiers.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYGP1

Design

CYGP4A

Sustainability

CYGP7

Open Space

CYGP9

Landscaping

CYGP10

Subdivision of gardens and infill devt

CYGP15

Protection from flooding

CYNE2

Rivers and Stream Corridors, Ponds and Wetland Habitats

CYNE1

Trees, woodlands, hedgerows

CYH4A

Housing Windfalls

CYH5A

Residential Density

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAYS (NETWORK MANAGEMENT) - No objections subject to conditions relating to the design of the junction and highway widths.

COUNTRYSIDE OFFICER- There should be provision for wildlife along the riverbank.

LANDSCAPE ARCHITECT - Generally supportive of the modern design and increased separation distance from the rivers edge. Reservations in respect to the box like height. Surfacing and landscaping should be conditioned along with boundary treatment by the river.

ENVIRONMENTAL PROTECTION UNIT - No objections subject to conditions regarding assessing contaminants and methods of construction.

ARCHAEOLOGIST - Watching brief required.

YORK CONSULTANCY (DRAINAGE) - No objections

3.2 EXTERNAL

PARISH COUNCIL - Object - The development is incongruous, there is insufficient car parking, the collection point for refuse is too far from the houses and main road.

NEIGHBOURS - 4 written objection received raising the following issues:

Huntington Road is very busy with cycle lanes, a mix of junctions and many uses, the junction including its levels would create a hazard for neighbours, occupiers, pedestrians and cyclists.

Buildings are out of character.

It is unclear what landscaping is being proposed and retained.

Inadequate information on proposed lighting, signage and boundaries along the new access road.

Inadequate number of parking spaces.

The refuse collection point will be used for parking and people loitering.

Works to change ground levels could cause gardens to 'slide'.

Discrepancies in respect to the width of number 279 shown on the plan and the measurement on site. The boundary and outbuildings of 277 are not shown accurately

Noise from the construction and demolition.

Overlooking of gardens.

Discrepancies on plans

FOSS INTERNAL DRAINAGE BOARD - No objections subject to conditions relating to the rate of surface water discharge, development adjacent to the river and floor levels.

ENVIRONMENT AGENCY - No objections in principle subject to conditions on surface water and finished floor levels.

4.0 APPRAISAL

4.1 Key Issues

- impact on living conditions of adjacent occupiers
- impact on visual amenity
- quality of accommodation
- parking and highway safety
- sustainability
- drainage
- wildlife and landscaping
- development potential of adjoining land

4.2 Although the proposals are to develop the site with 5 houses the net gain in dwellings is 4 given that it includes the demolition of 279 Huntington Road. The dwelling is being demolished in an attempt to create an adequate access into the site. The site including the access road is 0.20 of a hectare giving a density of 25 units to a hectare. This is below the target for residential densities in urban areas, although given the long access and constraints of the site caused by the riverside setting it is considered that this should be applied flexibly in this case.

4.3 Proposals to make better use of brownfield land for residential development accord with the general thrust of local and national planning policy subject to meeting specific criteria. Policy GP1 of the City of York Draft Local Plan sets out criteria for development proposals, including: respect for the local environment: density, layout, scale, mass and design compatible with neighbouring buildings, space and character of the area and provision of adequate amenity space and wildlife habitat. Policy GP10 states that permission for new development will only be granted for the subdivision of existing gardens or infilling where this would not harm the character and amenity of the local environment. Policy H4a generally permits residential development on unallocated land in accessible locations within the urban area where amongst other things it is of an appropriate scale and density to the surrounding development.

4.4 Relevant national guidance includes PPS1: Delivering Sustainable Development and PPS3: Housing. As the site is within Flood zone 2/3 the guidance within PPS25: Development and Flood Risk is also relevant

The key issues are considered below:

IMPACT ON LIVING CONDITIONS

4.5 It is considered that there is adequate separation between the development and adjoining properties to avoid unacceptable harm in respect to loss of light, outlook or privacy. Typically distances between the proposed houses and the rear of existing homes is around 30 metres. There will be some loss of light and privacy to adjoining gardens however their size is such that overall amenity levels will still be of an acceptable standard.

4.6 It is not considered that the access road into the site would cause unacceptable harm to neighbours and is not unlike many small infill developments elsewhere in the city and the local area. One of the more recent schemes involved the development of 7 three-storey homes following the demolition of 175 Huntington Road. This created a small cul-de-sac development with a new access road adjacent to the garden of 177 Huntington Road. It was approved in August 2004 (04/01993).

4.7 The road that is proposed to enter the site would be located between the side elevations and gardens of 277 and 279a Huntington Road. Both properties have their own narrow vehicular access between the house and proposed access road. It is not considered that the demolition of the house and new road would be unduly harmful to their living conditions. The creation of the road would create some additional noise through comings and goings, however, it is the case that existing background noise levels from vehicles using Huntington Road are already relatively high. To limit the impact on living conditions and aid security, if consent were granted suitable fencing and walling to a height of 1.8 m - 2.0 m would be required. Unlike the scheme that was refused previously the whole of the road would be directly overlooked by several of the new properties and 'shrub like' vegetation would be limited to avoid potential hiding places for intruders. The refused scheme incorporated an enclosed bin store adjacent to 277 which raised concerns in respect to noise and odours. The current scheme incorporates storage adjacent to the new dwellings with bins stored in an un-enclosed area closer to Huntington Road on the day of collection.

IMPACT ON VISUAL AMENITY

4.8 The proposal will have limited impact on Huntington Road given that it is a backland site. It is not considered that the demolition of 279 Huntington Road is unduly significant to the character of the area providing the boundary treatment and landscaping of the new access road is to a good standard. There will be some views of the development from areas of Foss Court and Waterdale Park, however, it is not considered that the development will be unduly prominent from these viewpoints.

4.9 It is considered that the most significant elevation is that facing the river Foss. There is a public footpath running along the opposite bank with clear views of the application site. The banks of the river Foss in the vicinity of the application site and heading north out of the city generally have a natural character with a backdrop of trees dominating the environment. It is considered that any proposed residential development should seek to achieve an adequate balance between built development and a naturalised environment. Residential development is typically proposed to be set back about 15 metres from the rivers edge. This is considered adequate. The scheme is imaginative utilising contemporary buildings and has been

designed to try and harmonise with the site. The generous use of timber cladding will help to soften its impact. The maximum building height is 8.2m - this is comparative to much two-storey development, however, the flat roofed design will make it more bulky than a pitched roof development. Landscaping along the rivers edge can be conditioned and permitted development rights to erect fences, extensions and outbuildings removed to help ensure that the setting of the riverbank is protected in the future.

QUALITY OF ACCOMMODATION

4.10 It is considered that the proposed dwellings have a good standard of amenity with attractive views across the river. The garden size for the four properties within the terrace is relatively short at 7 metres, however, the properties also have balconies. Because of the openness of the site the homes and gardens have good 'visual access' to surrounding land. Attached storage buildings are built within the rear garden.

PARKING AND HIGHWAY SAFETY

4.11 Highways officers have no objections to the scheme. Each of the dwellings now have 2 off-street parking spaces to meet the needs of occupiers and visitors. It is considered that this is appropriate for the location and size of the houses. Attached cycle storage buildings are built within the rear garden.

4.12 Because the access route to the cul-de-sac is straight and overlooked from Huntington Road and proposed dwellings it is considered that it creates a safe environment for pedestrian access. The width of the access route is 8 metres and adjoining homes are set off the boundaries. This will stop the entrance from feeling oppressive or unsafe. Aspects relating to road widths and visibility will be covered by condition.

SUSTAINABILITY

4.13 Policy GP4a of the Draft Local Plan requires the submission of a sustainability statement to demonstrate how the proposal addresses the criteria set out within the policy. In this respect, the applicant's agent makes the following points:

- the site is within walking distance of local amenities and approx 15 minutes by cycle from York City Centre. There is also a good bus service.
- the proposal provides family houses rather than apartments
- commuted sums will be provided to enhance local facilities
- the development will be constructed of renewable materials where possible, utilising timber frames and sheeps wool for wall cavities
- energy efficient PVCu glazing will be used together with a micro combined heating and power unit
- the terraced properties will reduce heat loss as a result of the reduced external envelope
- low energy lighting, movement sensitive lighting and non-electric heating all combine to reduce power consumption
- rainwater harvesting will be utilised for watering the landscaped area along the Foss

- each dwelling will be provided with separate containers for household and green waste

A condition will be attached requiring the submission of full Sustainable Design and Construction Statement to demonstrate that the development will achieve a "Very Good" rating under the appropriate code.

DRAINAGE

4.14 The proposed rear gardens are within flood zone 3. Given that the ground levels rise up from the river the houses themselves would be within flood zone 2. In accordance with the content of the Council's Strategic Flood Risk assessment the applicant has included calculations to assess flood risk to and as a consequence of the proposed development. These have been assessed by internal and external consultees and are considered acceptable. Conditions have been included relating to surface water storage and floor levels.

WILDLIFE AND LANDSCAPING

4.15 The application site currently has relatively limited value for wildlife, however, given the potential importance of the riverbank as wildlife habitat it will be conditioned that further details are submitted in respect to its treatment and maintenance.

4.16 It is important that the boundary with the river is left as undeveloped as possible and attractive planting incorporated where practical. This aspect will be covered by condition, including taking away permitted development rights for fencing and outbuildings.

4.17 The soft and hard landscaping on the Huntington Road side elevation will also be conditioned.

DEVELOPMENT POTENTIAL OF ADJOINING LAND

4.18 The previous two applications that were withdrawn and involved the construction of 9 and 10 dwellings respectively also included part of the rear gardens of 283 and 285 Huntington Road. This area of land is in separate ownership to the land that is part of the current application for five dwellings. The layout of the scheme will make it impractical to create an access through to the site from the proposed new highway from Huntington Road. It is not considered that this should, however, justify the refusal on the grounds of creating potentially piecemeal housing development. The two previous schemes set out to create a more comprehensive scheme but did not reach the stage where it was considered they could be recommended for approval. It is considered that the current application is a reasonable use of land and that any proposals to develop the adjoining site should be considered on their merits. It will be conditioned that no habitable room windows are located on the rear of the detached property to avoid the development unacceptably compromising future development.

SECTION 106 CONTRIBUTIONS

4.19 Play/Open space

The development will lead to a net gain of 4 four-bedroom dwellings. On sites of less than 10 dwellings a commuted sum will be required towards off site provision. Using the Councils guidance on commuted sums for open space that was approved in April 2007 a total contribution of £12,024 would be required for increasing access and provision for children's equipped play space, informal amenity space and outdoor sports facilities.

4.20 Education

No contribution required.

4.21 Affordable Housing

The site area and number of homes is below the number at which affordable housing is sought.

5.0 CONCLUSION

5.1 Proposals to make more efficient use of brownfield sites for residential development are in accordance with the general thrust of central government guidance. In recent years several similar sites have been developed adjacent to the river with vehicular access from Huntington Road. It is considered that the proposal strikes a satisfactory balance between built development and the retention of open space. It is not considered that the change in neighbours' living conditions in respect to noise, privacy and outlook are such to merit refusal. It is therefore recommended that the application be approved.

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:-

Plan 05:54:21 'D' received by the Local Planning Authority on 12 June 2008.

Drawing 05:54:22 'C' received by the Local Planning Authority on 12 June 2008.

Drawing 05:54:23 received by the Local Planning Authority on 01 April 2008.

Drawing 05:54:24 received by the Local Planning Authority on 01 April 2008.

Flood Risk Assessment NR/AD/27330-Rp001 dated July 2007/ 22 May 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 any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The

development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

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

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

5 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used for the hard surfacing of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance and reduce surface water run-off.

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 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 - F of Schedule 2 Part 1 and Class A of Part 2 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.

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority no openings shall be created in the external elevations of the buildings other than those shown on the approved plans.

Reason: To protect neighbours' living conditions.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the windows in the northern elevation of the detached dwelling (unit 5) shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above and remain fixed shut.

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

10 Unless otherwise agreed in writing with the Local Planning Authority any gates shall be erected a minimum distance of 10 metres back from the carriageway of the existing highway and shall open into the site.

Reason: To allow a vehicle entering or leaving the site to stand clear of, and thereby avoid obstructing the public highway, in the interests of road safety.

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

Reason: To prevent the egress of water and loose material onto the public highway.

12 The development shall not be begun until details of the junction between the internal access road and the highway have been approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

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

Reason: In the interests of highway safety.

14 No part of the site shall come into use until the turning areas have been provided in accordance with the approved plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

15 Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning

Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

16 Vehicular access to the site shall at all times have a minimum width of 3.7m with a height clearance of 4.5m. Details of the design of this access, together with associated sightlines, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason: To ensure that there is access for emergency vehicles.

17 Notwithstanding the approved details, prior to the occupation of the accommodation further details of the proposed refuse collection point shall be submitted to and agreed in writing with the Local Planning Authority. The collection point shall be implemented in accordance with the plans prior to the occupation of the accommodation and maintained as agreed unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenity and living conditions of adjacent occupiers

18 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

19 No development approved by this permission shall be commenced until a scheme for the on-site storage of surface water and its discharge from the site at a controlled rate has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in its entirety prior to the first occupation of the development and shall be maintained thereafter. The rate of discharge would not be expected to exceed that of a "greenfield site", i.e. 1.4 lit/sec/ha.

Reason: To prevent the increased risk of flooding and prevent damage to landscaping.

20 All drainage routes through the Site shall be maintained both during the works on Site and after completion of the works.

Provisions shall be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

Drainage routes shall include all methods by which water may be transferred through the site and shall include such systems as "ridge and furrow" and "overland flows".

Reason

To avoid increasing the risk of flooding

21 Finished floor levels shall be set no lower than 11.40 AOD.

Reason

To protect the dwellings from potential flood flow routes

22 Trees shown to be retained and/or subject to a tree preservation order (TPO) shall be protected during the development of the site by the following measures: - Prior to site clearance, site preparation, installation of utilities, building or other development operations, including the importing of materials and any excavations, protective fencing to BS5837: 2005 shall be erected around all existing trees shown to be retained. Before commencement on site the protective fencing line shall be shown on a plan and agreed with the local authority and subsequently adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zone: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles, mechanical cultivation under the canopy spread of retained trees. There shall be no site huts, no marketing offices, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

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

23 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.

24 A desk top study, site investigation (which will assist with foundation choice) and gas monitoring shall be carried out prior to the commencement of development. This shall include:

(i) A desk study identifying any potentially contaminative uses which have or are currently occurring on site shall be submitted to and approved by the local planning authority prior to development of the site.

Reason: to protect the health & safety of workers and future occupants of the site.

(ii) Prior to the commencement of development a scheme for monitoring land fill gases shall be designed and provided to the Local Planning Authority for approval.

Reason: to protect the health & safety of workers and future occupants of the site.

(iii) Gas monitoring shall be carried out on the site in accordance with the approved scheme, to consider the effect of any landfill gas migration. The survey shall be undertaken and the results submitted to the local planning authority prior to any works being carried out on the site.

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

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

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

(v) 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 site.

Reason: to protect the health & safety of workers and future occupants of the site.

(vi) A risk based remedial strategy shall be developed based upon 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.

Reason: to protect the health & safety of workers and future occupants of 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).

(vii) 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 the health & safety of workers, future occupants of the site, and the integrity of any proposed underground services.

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

Reason: To protect the health and safety of workers on site, occupiers of the site and the integrity of any proposed underground services.

25 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 £12,024.

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.

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

reason: To protect the amenity of nearby residents.

27 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.	

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 streetscene, highway safety, neighbours' living conditions, the setting of the river and flood risk. As such the proposal complies with Policies GP1, GP4a, GP7, GP9, GP10, GP15a, NE2, NE1, NE7, H4a, H5a of the City of York Local Plan Deposit Draft.

2. A strip of land 9 metres wide adjacent to the top of both banks of all watercourses on Site shall be kept clear of all new buildings and structures (including gates, walls, fences and trees) unless agreed otherwise in writing with the Local Planning Authority in consultation with the Board. Ground levels must not be raised within this area. Access arrangements should be agreed with the Internal Drainage Board.

3. For Information

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

The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be 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.

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:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

5. Informative

Future occupiers should be made aware that because of the sensitivity of the site permitted development rights to erect extensions, outbuildings, fencing and so forth have been removed and as such planning permission will always be required for such developments. All occupiers are recommended to check with the Local Planning Authority prior to undertaking any external alterations.

Contact details:

Author: Neil Massey Development Control Officer (Wed/Thurs/Fri)

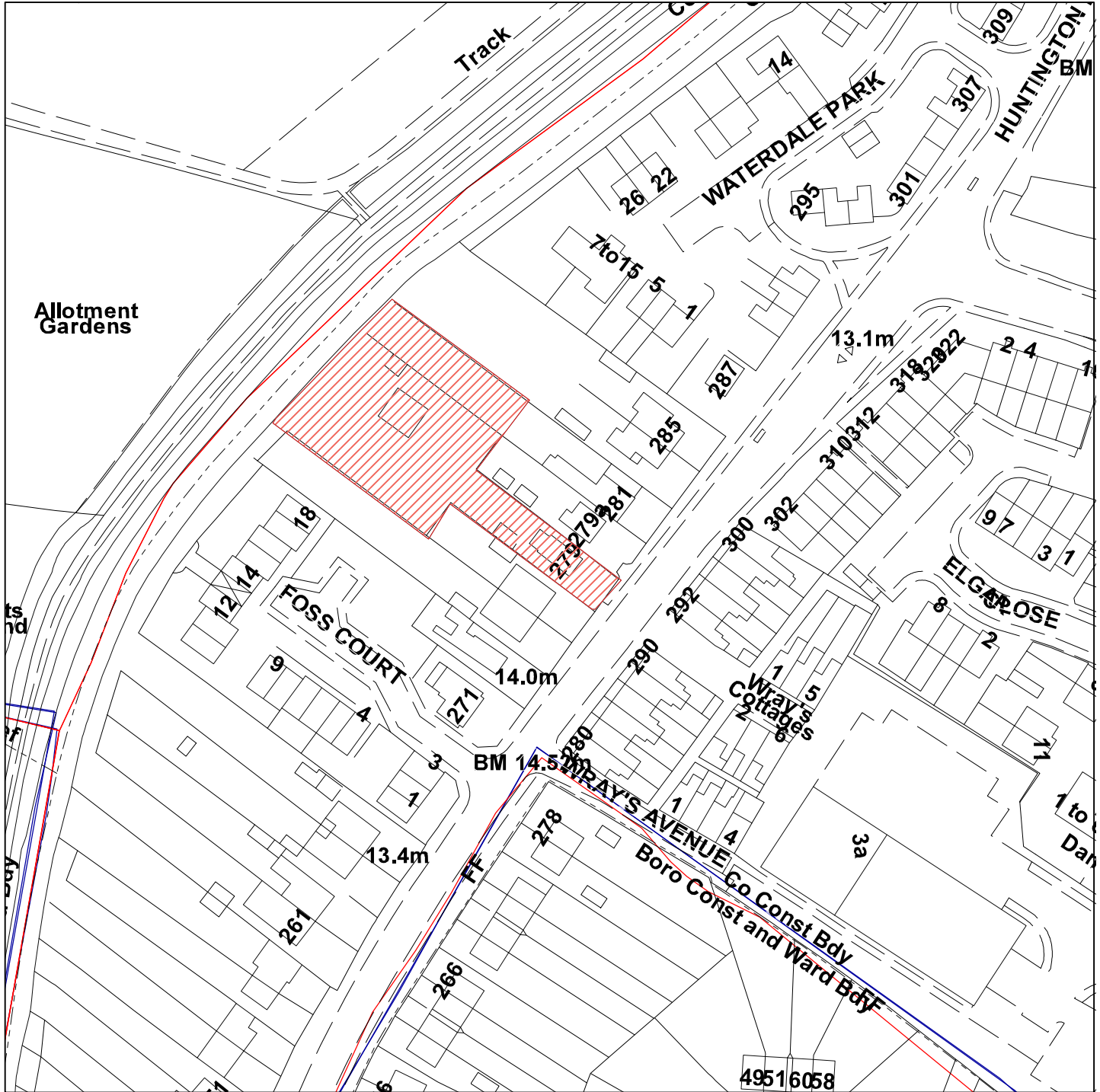
Tel No: 01904 551657

279 Huntington Road, YO31 9BR

08/00814/FUL



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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	30 June 2008
SLA Number	Not set

COMMITTEE REPORT

Committee: East Area
Date: 10 July 2008

Ward: Haxby And Wigginton
Parish: Haxby Town Council

Reference: 07/02590/FUL
Application at: 42 South Lane Haxby York YO32 3JA
For: Erection of 4 no. detached dwellings following demolition of 2 semi-detached dwellings, 2 single garages and 2 brick stores
By: Mr David Miller
Application Type: Full Application
Target Date: 26 December 2007

1.0 PROPOSAL

The application site is located to the north of South Lane. It comprises 42 and 44 South Lane, approximately half of the rear garden of 59 The Village and the existing car park of 55 and 57 The Village (primarily the car park of Miller's chip shop).

It is proposed to demolish the semi-detached bungalows (42 and 44) and erect in their place and on land to the west, four detached two-storey dwellings. Each of the houses would have a frontage to South Lane. The land to the north of the proposed dwellings that is currently used as a car park would be re-configured as a smaller car park to serve 55 and 57 The Village and visitors to the take-away uses.

The site is located within the Haxby Conservation Area. The southern boundary of the conservation area runs along the northern edge of South Lane. A Conservation Area Consent application has also been submitted for the demolition of the two dwellings.

Planning History

There is no recent planning history relating to the development of the site for housing. Probably of most significance to the proposal was a planning application in 2001 (01/02253) that related to number 57 (authorised use a pizza shop). The application sought to remove the 1997 unilateral undertaking on the applicants that required them to keep in place arrangements for customers to park their vehicles at the car park to the rear and allow pedestrian access from the rear to the front. The undertaking had a clause giving the Council power to enforce the obligation. In 2001 it was considered that there was not adequate justification to retain the undertaking and the obligation was discharged. As such there is no legal requirement to keep the car park available for customers to number 57.

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

Conservation Area Haxby 0024

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYGP7
Open Space

CYGP9
Landscaping

CYHE3
Conservation Areas

CYGP10
Subdivision of gardens and infill devt

CYGP15
Protection from flooding

CYH4A
Housing Windfalls

CYH5A
Residential Density

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAYS (NETWORK MANAGEMENT) - No objections subject to conditions providing a minimum of 10 parking spaces are provided to the rear of 55-57 The Village.

COUNTRYSIDE OFFICER - No objections.

CONSERVATION OFFICER - The existing dwellings proposed for demolition are of little historical or architectural significance within the context of the conservation area. The layout of the new houses respects the historic form of the site. The dwellings will change the character of this part of the conservation area but it is not considered that the development would be harmful. Variations in the scale and

design of each of the dwellings should reduce the visual impact on the conservation area.

3.2 EXTERNAL

HAXBY TOWN COUNCIL - Object - The development would harm the historic and rural character of Haxby and the Conservation Area, in conflict with the Haxby 2020 Vision Town Plan. The loss of car parking would disadvantage residents living in the vicinity and lead to illegal parking and congestion, the area suffers from flooding and there are concerns in respect to the sewage system. The Council strongly opposed the demolition of the semi-detached bungalows because they are in keeping with the character of the area.

ENVIRONMENT AGENCY - Comments on flooding implications of final scheme awaited.

FOSS INTERNAL DRAINAGE BOARD - No objections to revised proposals of March 2008 as the revised plans show that the site will not discharge to a watercourse.

YORKSHIRE WATER - No objections to revised proposals of March 2008 indicating surface water discharge to public combined sewer at restricted flow of 5 litres/second.

NEIGHBOURS - 16 neighbours have commented on the application. The main issues raised are:

The development will make worse the existing problems with surface water flooding and foul drainage.

Object if the scheme drains to Westfield Beck.

The development has inadequate car parking. The car parking should be retained and enhanced. The development will lead to more on-street car parking and inconvenience.

The development will lead to increased traffic congestion.

The buildings are out of character with the area and will detract from the rural character.

It is wrong to demolish two good homes.

The development could worsen access for people who travel further up South Lane and may lead to more flooding of the lane.

The scheme will lead to the loss of trees.

Overlooking concerns.

The development will improve the appearance of the area.

4.0 APPRAISAL

4.1 Proposals to make better use of brownfield land for residential development accord with the general thrust of local and national planning policy subject to meeting specific criteria. Policy GP1 of the City of York Draft Local Plan sets out criteria for development proposals, including: respect for the local environment: density, layout, scale, mass and design compatible with neighbouring buildings, space and character of the area and provision of adequate amenity space and wildlife habitat. Policy GP10 states that permission for new development will only be granted for the subdivision of existing gardens or infilling where this would not harm the character and amenity of the local environment. Policy H4a generally permits residential development on unallocated land in accessible locations within the urban area where amongst other things it is of an appropriate scale and density to the surrounding development. Policy HE3 states that proposals for demolition and development in conservation areas will only be acceptable where there is no adverse impact on the character and appearance of the area.

4.2 Relevant national guidance includes PPS1: Delivering Sustainable Development, PPS3: Housing and PPG15 Planning and the Historic Environment. Because part of the site is within Flood zone 2 the guidance within PPS25: Development and Flood Risk is of significance.

4.3 The key issues are considered below:

IMPACT ON LIVING CONDITIONS

4.4 Through negotiation units 1 and 2 fronting South Lane have been set further back from the road than the originally submitted plans, resulting in the dwellings being approximately 17 metres away from 9 Headland Close. Given that this house has a good aspect with glazing on each elevation it is not considered that the development would be oppressive or overbearing. The impact of overlooking from the house closest to the garden would be limited as the front elevation at first floor level has been designed with roof lights and an eaves level of less than 4 metres.

4.5 Units 3 and 4 are sited in a similar location to the existing bungalows. Although two-storey it is considered that the separation around the properties to existing adjacent dwellings is adequate to avoid harm. The first floor side opening of unit 4 has been obscure glazed to avoid increased overlooking of the garden and main windows of number 40 South Lane.

QUALITY OF ACCOMMODATION CREATED

4.6 Three of the houses are proposed to contain 4 bedrooms and one is proposed to contain 3 bedrooms. All of the properties also have access to a single garage. It is considered that the standard of accommodation in respect to light and outlook is good. The gardens are small, though adequate to meet the needs of the properties. In respect to living conditions the main concern relates to noise from visitors to the adjoining car park. The impact in respect to units 3 and 4 will be little different from

the existing semi-detached bungalows on site. Units 1 and 2 will be close to the access to a car park and will be impacted upon by the occasional relatively high traffic movement associated with the take-away uses. However, it is not considered that the impact would be so harmful to living conditions to merit refusal. The scheme has been designed with garages acting partly as buffers to the car park and the provision of suitable boundary walls will be conditioned.

IMPACT ON THE STREETSCENE AND CONSERVATION AREA.

4.7 The development is considered to be designed in a way that creates a transition in scale and design between the historic two-storey development of The Village and the post war low-density development of Headland Close and Kennedy Drive. The buildings in the immediate vicinity of the application site have fairly are of limited architectural and historic merit. It is considered that the main historic characteristic is the narrow burghage plots associated with properties facing The Village and the semi-rural character of South Lane. The footprint of the proposed development relates to the existing plot widths. Because the properties have relatively long front gardens with scope for landscaping along the front boundary it is considered that the development will have a relatively understated presence. This will be assisted by the low profile of unit 1 which is located furthest along the lane.

HIGHWAYS AND ACCESS

4.8 The scheme as originally submitted indicated 5 car parking spaces retained for 55/57 The Village, following negotiations the final scheme has indicated 10 car parking spaces along with space for cycles. This is considered an appropriate level of car parking to meet the requirements of the associated uses. Given the concerns raised by residents the site was visited several times to assess the level of parking and traffic movement. It would appear clear that at peak times (largely associated with visitors to the fish and chip shop) there may be more cars using the existing car park than the capacity of the proposed re-configured car park. For example at 12.30 on a Friday lunchtime in February there were 12 cars parked in the car park. However, by 1.35 this had dropped to just 4. On a Friday night in March there were between 10 -13 cars parked in the car park between 5.45 and 7.30. It is the case however that this high level of car parking would seem to be associated with just a small period of the week and at most times the 10 car parking spaces would be more than sufficient to accommodate visitors. For example, between 6.45 - 7.15 on a Tuesday in March only 1 - 3 cars were parked there.

4.9 Bearing in mind Central Government advice in respect to making more efficient use of brownfield sites and reduced emphasis on the private car, it is considered that the proposed decrease in the size of the rear car park could, on balance, be considered acceptable. It is the case that properties in Headland Close and Kennedy Drive generally benefit from off-street car parking and the car park to the rear of Somerfield is only a short walk to the chip shop. Should a small number of people choose to park on South Lane or adjoining roads it is not considered that it would cause such harm to highway safety, or neighbours living conditions to merit refusal. No objections have been raised to the proposal by highways officers.

FLOODING AND DRAINAGE

4.10 The area currently occupied by 42 South Lane is shown as being in Flood Zone 2 and the rest of the site proposed for development within Flood Zone 1 (Flood Zone 3 is the area with the highest risk). From letters and photographs sent in by neighbours it would appear that roads and gardens in the Headland Close area have suffered from flooding. It has been stated that some adjacent properties have suffered in respect to flooding of their houses. Concerns have also been expressed in respect to the capacity of the foul drainage system.

4.11 In response to the issue of locating further homes in the vicinity of an area where flooding and drainage concerns have been expressed the applicant has stated "I have been at this site for more than 20 years and to my knowledge I have never had any problems with flooding on the land or at the rear entrance to 55 The Village or the two bungalows 42, 44 South Lane, which I have owned for over 3 years. The water has always drained away with out any problems. About six years ago there was a very heavy flash rain storm and the drain at the front of the shop did not cope very well. This I reported to Yorkshire water, who after investigation discovered that the drain had collapsed on itself. They repaired the drain and since then I have never had any problems with drainage at the front of 55 The Village".

4.12 The applicant has employed engineers to try and overcome concerns in respect to the development increasing the risk of flooding. This has resulted in a proposal to discharge foul and surface water to the combined public sewer with discharge rates restricted to 5 litres per second using underground storage for surface water. This system is acceptable to Yorkshire Water and would not raise concerns to the Internal Drainage Board given that the water will go the interceptor pumping station in Landing Lane.

4.13 The Environment Agency had previously raised some concerns in respect to flooding and requested that the internal floor levels of the houses are set 300mm above existing ground levels. The Environment Agency have recently been re-consulted in respect to the latest proposals drawn up by the applicant's drainage consultants. Their response will be reported to Committee. It is not considered that a marginal increase in the height of the building that may be needed to accommodate the suggested internal ground levels would create significant additional concerns in respect to neighbours' living conditions.

SUSTAINABILITY

4.14 Policy GP4a of the Draft Local Plan requires the submission of a sustainability statement to demonstrate how the proposal addresses the criteria set out within the policy. In this respect, the applicant's agent makes the following points:

- the site is within easy walking distance of all shops and services in Haxby village centre, from where there are frequent bus services into the centre of York and other parts of the city.
- the proposal would make more efficient use of land, providing four new dwellings to contribute to the housing stock in a convenient and accessible location
- the design is of high quality and will enhance this part of the conservation area
- the design specification will be to current building regulations and best practice, providing a high level of energy efficiency and insulation

- good quality materials will be used, including timber framed high specification double glazed window units
- rainwater harvesting will be incorporated
- the south facing roof pitch will provide an ideal location for photovoltaic cells to produce a domestic electricity supply
- space is provided within the domestic curtilages for storage and collection of refuse and for recycling

A condition will be attached requiring the submission of full Sustainable Design and Construction Statement to demonstrate that the development will achieve a "Very Good" rating under the appropriate code.

SECTION 106 CONTRIBUTIONS

Play/Open space

4.14 The development will result in a net gain of two dwellings. On sites of less than 10 dwellings a commuted sum will be required towards off site provision. Using the Councils guidance on commuted sums for open space that was approved in April 2007 a total contribution of £6,012 would be required for increasing access and provision for children's equipped play space, informal amenity space and outdoor sports facilities.

Education

4.15 The development is below the size threshold for secondary and primary school educational contributions.

Affordable Housing

4.16 The site area and number of homes is below the number at which affordable housing is sought.

5.0 CONCLUSION

5.1 It is considered that the form, design and scale of the development is respectful of its setting within the Conservation Area between the historic and more modern areas of Haxby. The neighbour concerns in respect to parking, traffic movement and the character of the area are recognised. It is considered, however, that the revised proposals satisfactorily address these matters and that the proposed scheme would provide valuable new housing within a location accessible to a range of facilities. At the time of writing this report the final views of the Environment Agency were still being sought. Their comments will be updated to committee. Providing they do not object to the proposals it is recommended that the application be approved.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Recommendation Pending

1 TIME2 Development start within three years

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

Revised Plan 047097/(00)07 'D' received by the Local Planning Authority on 21 April 2008.

Revised Plan 047097/(00)10 'C' received by the Local Planning Authority on 21 April 2008.

Revised Plan 047097/(00)09 'D' received by the Local Planning Authority on 07 May 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 any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials (including window details) to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

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

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

5 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used for the hardsurfacing of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance and reduce surface water run-off.

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 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.

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority no openings shall be inserted in the side elevations of Unit 1 and Unit 4 other than those shown on the approved plans.

Reason: To protect neighbours' living conditions.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the first floor window in the eastern elevation of unit 4 shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above and remain fixed shut below an internal height of 1.8m.

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

10 No development approved by this permission shall be commenced until a scheme for the on-site storage of surface water and its discharge from the site at a controlled rate has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in its entirety prior to the first occupation of the development and shall be maintained thereafter.

Reason: To prevent the increased risk of flooding and prevent damage to landscaping.

11 Details of finished floor levels of the dwellings shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. The development shall be implemented in accordance with the agreed details.

Reason: To protect the dwellings from potential flooding

12 HWAY10 Vehicular areas surfaced, details reqd

- 13 HWAY14 Access to be approved, details reqd
- 14 HWAY17 IN Removal of redundant crossing
- 15 HWAY18 Cycle parking details to be agreed
- 16 HWAY19 Car and cycle parking laid out
- 17 HWAY21 Internal turning areas to be provided
- 18 HWAY26 Internal road details to be agreed
- 19 HWAY31 No mud on highway during construction
- 20 HWAY40 Dilapidation survey

21 Unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of any works details shall be agreed in writing with the Local Planning Authority of the resurfacing of the section of South Lane which fronts units 1 and 2 of the development and the agreed works shall be carried out at the developer's expense prior to occupation of the development as a whole.

Reason: In the interests of highway safety.

22 Prior to the commencement of any works, a detailed method of works statement shall be submitted to and agreed in writing with the Local Planning Authority. The statement shall include the precautions to be taken to ensure the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction materials and the hours during which this shall be permitted. The works shall be completed in accordance with the agreed details.

Reason: In the interests of public safety.

23 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

24 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 approved in writing by the Local Planning Authority.

Reason: To ensure that the development can be properly drained

25 Unless otherwise approved in writing with the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

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

26 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.

7.0 INFORMATIVES: Notes to Applicant

1. 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 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

2. 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.

3. The developer should contact Yorkshire Water to oversee and agree the proposed sewer diversion prior to starting work on site and no land drainage should be connected or discharged to the public sewer.

4. 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 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: Neil Massey Development Control Officer (Wed/Thurs/Fri)

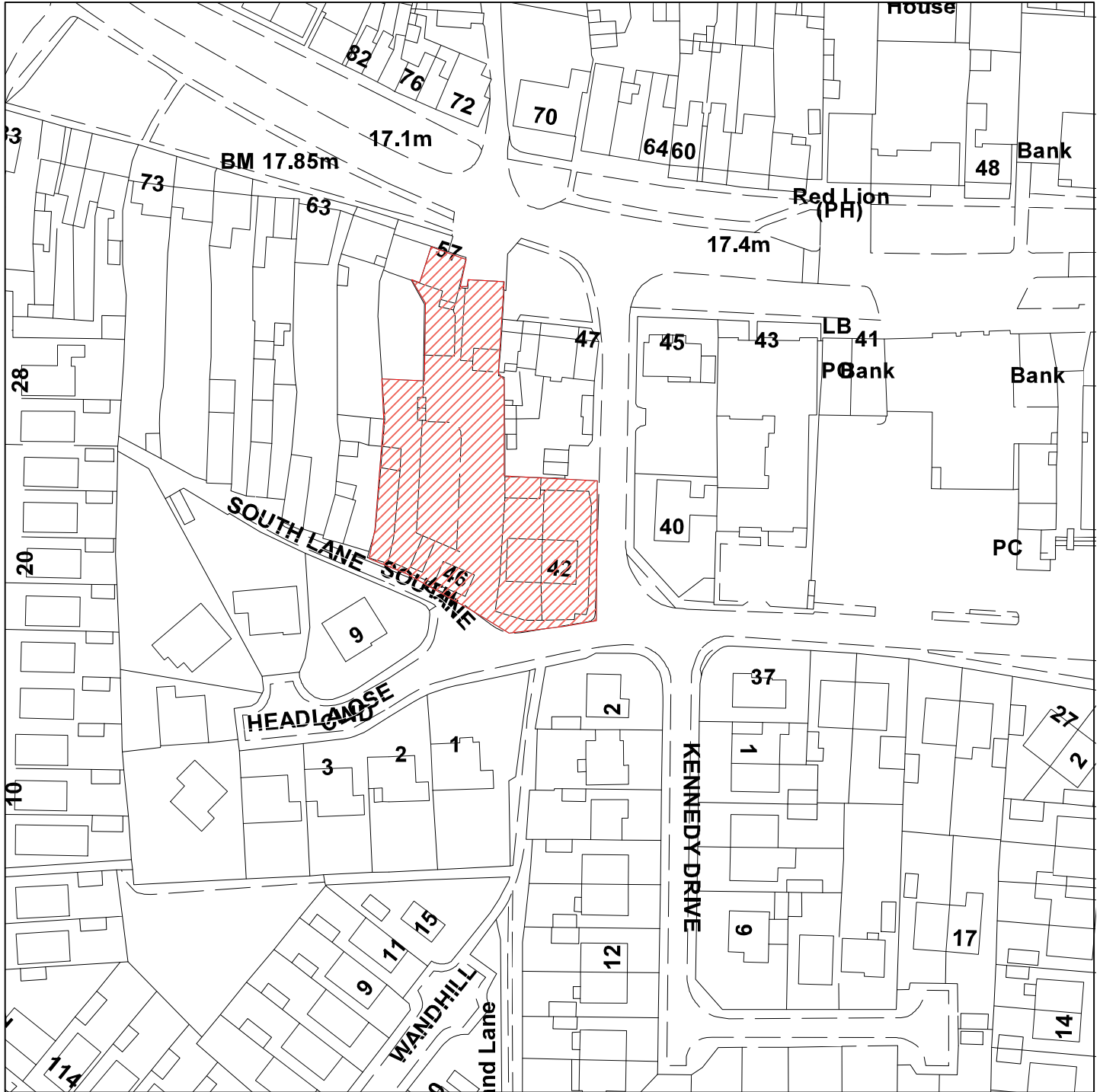
Tel No: 01904 551657

42 South Lane, Haxby

07/02590/FUL



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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	30 June 2008
SLA Number	Not set

COMMITTEE REPORT

Committee: East Area
Date: 10 July 2008

Ward: Wheldrake
Parish: Elvington Parish Council

Reference: 08/00892/FUL
Application at: The Villa Main Street Elvington York YO41 4AG
For: One dormer bungalow with attached double garage on land to rear of The Villa (revised scheme)
By: Mr And Mrs Lofthouse
Application Type: Full Application
Target Date: 20 June 2008

1.0 PROPOSAL

1.1 Members may recall that in September 2007 planning permission was granted for the erection of a three-bedroom dormer bungalow in the rear garden of The Villa on Main Street, Elvington. The officer recommendation at that time was one of refusal.

1.2 The current planning application seeks to increase the size and scale of the proposed development. The main changes between the approved scheme and the revised submission are listed below:

The length of the building has increased from 13.7m to 16m as a result of the addition of a double garage.

The number of bedrooms has increased from 3 to 4.

The ridge height of the garage has increased from 6m to 6.5m and a dormer window inserted within the south elevation.

A 4m x 5m summer room added to the rear elevation.

The eaves height has been increased from 2.6m to 3.4 m and dormer windows located further out towards the edge of the building.

The number of openings within the ground floor western elevation has increased.

The two-storey element of the building has been shifted towards the south and east.

1.3 The site is adjacent to a property occupied by a Council employee and although the application is again recommended for refusal, it has been referred to Committee in order to ensure transparency in the decision making process. For the same reason, it is also proposed to carry out a site visit.

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

CYH4
Housing devp in existing settlements

CYGP10
Subdivision of gardens and infill devt

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAY NETWORK MANAGEMENT - No objections subject to conditions, including those relating to the provision of a turning area within the site and a minimum access width of 3.7m.

LANDSCAPE ARCHITECT - Concerned that the development including the access drive might harm the well being of the beach trees along the southern boundary. They would cast a shadow on the house and there could be future pressure to remove them. The Sycamore to the front of the site could be suitable for a TPO, however, this could co-exist with the proposed driveway if suitably designed. The garden is made up of small parcels of land much of which would be in the shade or retained for vehicle access and turning.

INTERNAL DRAINAGE BOARD - The suitability of any existing soakaway to accept any additional flow that could be discharged to it as a result of the proposals should be ascertained. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the site is to be drained.

HOUSING AND ADULT SERVICES - Should consider if more than one unit can be provided so that an affordable unit is included.

(N.B. - this is not considered to be feasible given the restricted size of the site and its relationship to adjacent properties).

3.2 EXTERNAL

PARISH COUNCIL - Object - The scheme is over-development. To create an adequate driveway width trees may need to be removed. There is no turning area within the site for vehicles and access to Main Street is on a bend.

NEIGHBOURS

At the time of writing this report objections were received from the occupiers of 5 neighbouring properties. The following issues were raised:

Councillors must visit the site.

The new application to amend and increase the size of the building is an insult to local residents - it would have an even greater impact than the original proposal

The proposal is an overdevelopment of the site

The design and access statement is inaccurate.

Some trees have already been removed.

The trees on the site are of aesthetic value when viewed from the main road.

The beech trees are on land owned by Middleton House.

The driveway can't be created without damaging trees.

The development will lead to increased dominance and overlooking.

The increased scale of development will change the character of neighbours' gardens.

4.0 APPRAISAL

4.1 Proposals to make more efficient use of land for residential accommodation within previously developed accessible locations are in line with the thrust of current local and national planning policy. The definition of previously developed land includes the application site. However, in assessing the acceptability of the application it is important to ensure that the proposal does not cause harm to issues of acknowledged importance.

4.2 Policy GP10 and H4a of the Local Plan relate to infill development and the subdivision of gardens. They place particular significance on avoiding overdevelopment and ensuring that new development is not detrimental to the character and amenity of the local environment. The application site is within the defined settlement limit of Elvington although it is not within the Elvington Conservation Area. The south-west corner of the rear garden abuts the green belt.

4.3 The principle of erecting a house on the site was agreed at East Area Planning Sub-Committee in September 2007. The key issues to address when assessing this application relate to whether the larger dwelling creates new or additional concerns that justify the refusal of the application. The key considerations are:

- The Impact on the Streetscene
- The Impact on Neighbours' Living Conditions
- The Impact on Existing Trees
- Highway Issues
- The Quality of Accommodation.

IMPACT ON THE STREETSCENE

4.4 The larger house will be mainly screened from residential streets by existing development. The main concerns in respect to the impact on the visual appearance from the public realm relates to any potential conflict with the many trees that surround the site and the possible damage to them from the scheme or increased pressure to remove them. The proposed house would be positioned within 3 or 4

metres of the canopy of beech trees that run along the southern boundary of the garden. It is questionable whether such a close relationship would be desirable given the possible impact on roots and damage to the building from the trees. The light and outlook from the southern elevation of the house would also be severely restricted.

IMPACT ON NEIGHBOURS' LIVING CONDITIONS AND ENVIRONMENT

4.5 At its nearest point the closest dormer window of the proposed house would be only 5 metres from the rear garden boundary with Middleton House. It is considered that there is adequate separation to the house to avoid harm, however, when the trees are not in leaf such a close relationship to the rear garden would be unacceptable and likely to be intrusive and oppressive to the occupiers. It is also the case that the trees are not of such significance to justify a Tree Preservation Order. It would be difficult to guarantee that they remained at an appropriate height to retain privacy.

4.6 It is considered that there is adequate separation to the house and the garden of The Villa and 1 Lorraine Avenue to avoid undue harm to living conditions. It is also considered that the use of the drive will not cause significant harm to the living conditions of The Villa or Glen House.

4.7 The other key properties impacted upon are 3 Lorraine Avenue and Grange House. The principal concern relates to the proximity of the proposed dwelling to the gardens of these two properties. The side elevation of the proposed dwelling is only around 7 metres from the short rear garden of 3 Lorraine Avenue, although there is considerable vegetation along this boundary. The revised scheme does not propose any openings within the first floor side elevation and it is considered that the single storey addition would not be unduly harmful

4.8 At its nearest point the proposed dwelling would be only around 6 metres from the rear garden of Grange House. It is considered that in the context of a relatively low-density environment this level of separation is inadequate. It is considered that it is possible to design out overlooking from the proposed house, however, this would not overcome harm to the enjoyment of the external spaces that is derived from the current openness associated with the area. The increased ridge height of the garage and taller eaves height of the proposed dwelling as a whole would increase the dominance of the scheme significantly beyond the approved application.

4.9 The proposed dwelling is intended to be a large 4 bedroom house with double garage. It is considered that the scale and position of the proposed backland development is beyond what could be said to be reasonable in the context of the local environment. In taking this position regard is given to the limited space for the applicant to provide planting along the north and north eastern boundary of the site. The proposed building is also a very bulky structure and increases significantly the footprint of the building - the resulting balance between built development and open space and landscaping would not seem to be in keeping with the established character of the area. It is also the case that the increased activity typically associated with a large dwelling would be more likely to detract from neighbours' living conditions.

IMPACT ON TREES

4.10 There is a thick belt of trees along the south and west boundaries of the garden. It may be the case that the house would be located so close to these trees that either the trees would be damaged or the trees would reduce very significantly the light entering the south elevation of the proposed dwelling. There is also the potential that there could be pressure to remove the trees in the future given their proximity to the house. The loss of the trees would create potential overlooking issues and also increase the prominence of the proposed dwelling when viewed from several properties. The proposed scheme is markedly worse in this respect than that which was approved in September 2007.

HIGHWAY ISSUES

4.11 Highways officers raise no safety objections to the development. Notwithstanding concerns from residents and neighbours it is considered that issues relating to access, visibility and manoeuvring could be addressed by condition.

THE QUALITY OF ACCOMMODATION

4.12 Although the property has a large footprint it is the case that there would be limited sunlight and natural light entering many of the rooms. The outlook would also be poor. Attempts to rectify this by removing trees along the southern boundary would raise significant concerns in respect to neighbours' living conditions and the setting of the proposed building.

5.0 CONCLUSION

It is considered that the proposed increase in size of the approved dwelling would over-develop the site and cause harm to the established character of the area. The proposal would also detract from the reasonable living conditions of neighbouring properties and create a dwelling that would have a very poor level of light and outlook. It is recommended that the application be refused.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed dwelling would be significantly larger and bulkier than that approved in September 2007. It is considered that the building would be located in such close proximity to the rear gardens of Grange House, 3 Lorraine Avenue and Middleton House that the development would appear unduly dominant and oppressive when viewed from these properties and have a detrimental impact on the established character and amenity of the local environment. As such the proposal fails to comply with Policy GP1 (criterion b and I), Policy GP10 and Policy H4a of the City of York Local Plan 4th Set of Changes 2005.

2 The proposed application fails to demonstrate that the proposed dwelling can co-exist with the existing trees that surround the site. It is considered that the removal of the trees would have an unacceptable impact on the character of the area

and adversely affect neighbours' privacy and outlook. As such the proposal fails to comply with Policy GP1 (criterion a, c and d), Policy GP10 and Policy H4a of the City of York Local Plan 4th Set of Changes 2005

3 The proposed dwelling would be located in very close proximity to trees that border the south and west of the site. It is considered that this would result in the proposed dwelling have an unacceptably poor level of natural light, sunlight or outlook. As such the proposal fails to comply with Policy GP1 (criterion b and j) of the City of York Local Plan 4th Set of Changes 2005.

7.0 INFORMATIVES:

Contact details:

Author: Neil Massey Development Control Officer (Wed/Thurs/Fri)

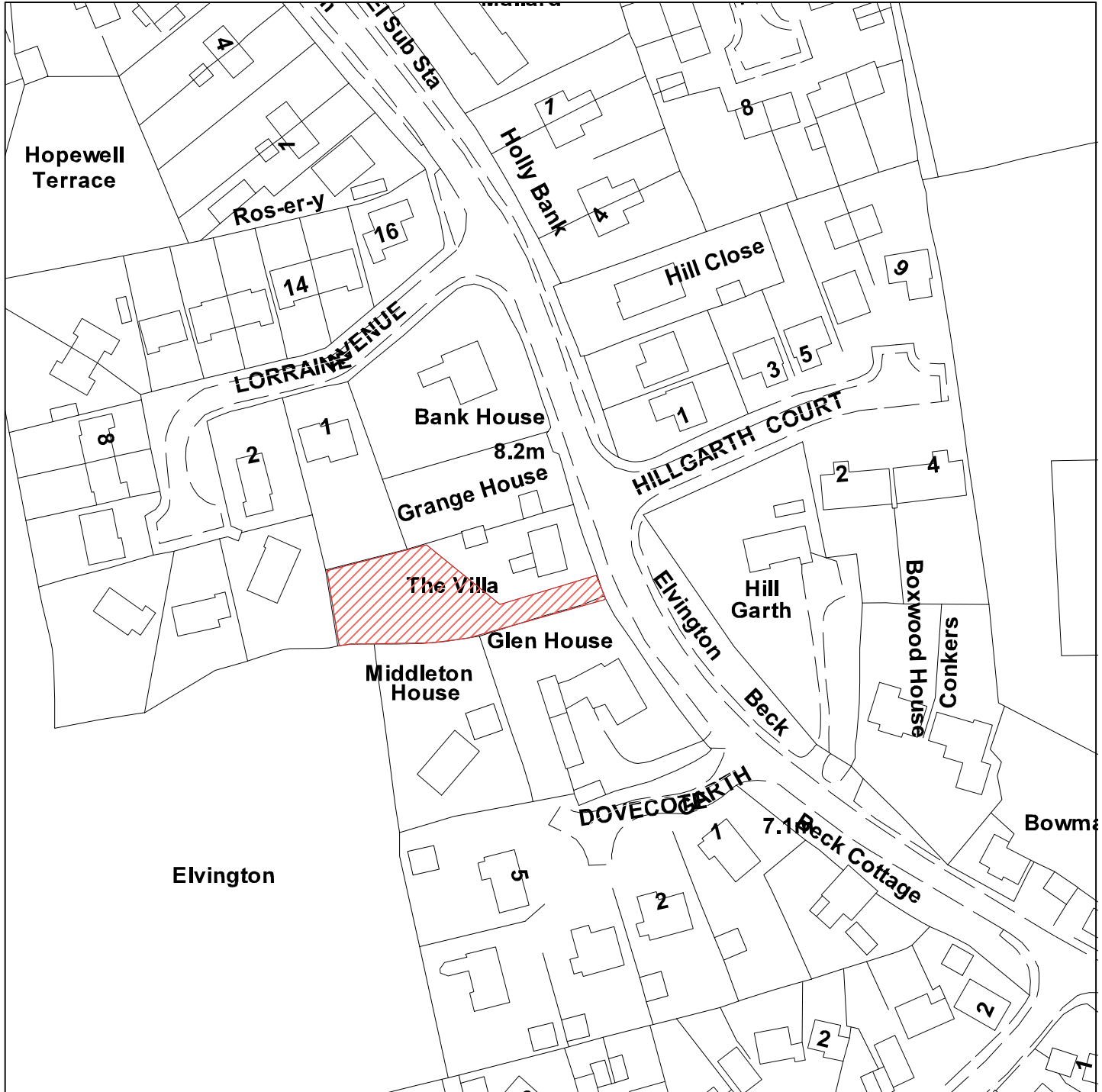
Tel No: 01904 551657

The Villa, Main Street, Elvington

08/00892/FUL



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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	30 June 2008
SLA Number	Not set

COMMITTEE REPORT

Committee: East Area
Date: 10 July 2008

Ward: Hull Road
Parish: Hull Road Planning Panel

Reference: 08/01183/FUL
Application at: 32 Lamel Street York YO10 3LL
For: Change of use of outbuilding to 1 bed. dwelling
By: Mr Brian Harnett
Application Type: Full Application
Target Date: 7 July 2008

1.0 PROPOSAL

1.1 This is an application for the conversion of an existing garage/outbuilding, presently within the curtilage of 32 Lamel Street, into a separate dwelling.

1.2 Lamel Street is located off the Hull Road. Lamel Street comprises of a mix of house types and is located to the west of the recently completed flat and supermarket development on the former Kwik Save site.

1.3 The proposal is to convert an existing garage/outbuilding measuring approximately 4.5 metres by 12 metres currently within the curtilage of 32 Lamel Street into a one bedroomed dwelling. The proposal includes the remodelling of the existing dwelling. This remodelling includes the demolition of an existing front porch and rear conservatory and the creation of an integral garage into a previously constructed two storey side extension as well as the remodelling of the first floor of the extension so that the rear window of the extension becomes an en-suite. A small new building will be constructed to the side of the outbuilding to provide cycle storage.

1.4 The density of the development as existing is 34 dwellings per hectare and will increase to 67 dwellings to the hectare.

1.5 The application is supported by a design and access statement that concludes that the proposal has been carefully considered to make the best use of existing buildings to increase housing provision in a sustainable location.

1.6 The application has been called into Committee by Councillor R. Pierce, due to concerns firstly about the impact on living conditions in Lamel Street which already has a very high density of bedspaces and shortage of car parking, and secondly about the living conditions inside and outside the dwelling to be provided to the new occupier. Due to the nature of the reasons given, it is considered that a site visit would also be appropriate.

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

CYGP4A
Sustainability

CYH4A
Housing Windfalls

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAYS (NETWORK MANAGEMENT) - Having received confirmation that the internal length of the garage is 4.8 metres Highways Network Management raises no objections to the application subject to conditions which ensure the proper implementation of the scheme.

LIFELONG LEARNING AND LEISURE - A commuted sum payment is required in accordance with the latest York Formula. The payment will be spent in Hull Road Park and in the east zone of the sport and active leisure strategy.

STRUCTURES AND DRAINAGE - No objections

ENVIRONMENTAL PROTECTION - No objections however an informative is suggested with regard to the operation of the site during construction.

3.2 EXTERNAL

HULL ROAD PLANNING PANEL - No objections

NEIGHBOURS - No replies

4.0 APPRAISAL

4.1 Key Issues

- policy background
- design and Landscape
- highways, access and parking
- impact on residential amenity
- open space requirements

Policy Background

4.2 Planning Policy Statement 3 'Housing', sets out Central Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land and the more efficient use of land.

4.3 Policy H4a states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features. Policy H5a outlines appropriate densities for new residential developments. Densities of 40 dwellings are encouraged for developments in urban areas.

4.4 Policy GP1 of the Local Plan states that development proposals will be expected to respect or enhance the local environment and ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. GP4a requires that development is carried out in a sustainable manner.

4.5 Policy L1c requires that all new housing sites make provision for the open space needs of future occupiers.

Design and Landscape

4.6 The proposal relates to an existing outbuilding located to the side of 32 Lamel Street, which has been extended to the side with a two storey extension. The outbuilding is a single storey structure measuring approximately 4.5 metres by 12 metres and is currently used by the existing property as garaging and for storage. To the other side of the outbuilding are three single garages belonging to adjacent properties. The proposal is to convert the outbuilding into a one bedroom dwelling utilising part of the rear garden area of 32 Lamel Street to provide the property with amenity space. To provide an acceptable relationship between the converted outbuilding and the existing house the house is to be remodelled removing a rear conservatory and front porch, creating an integral garage in the ground floor of the two storey extension and changing the layout of the upstairs so that the rear window of the extension becomes an en suite bathroom.

4.7 On initial assessment the relationship of the outbuilding and the amount of development at 32 Lamel Street appears excessive, however, the applicant's agent has rearranged the internal layout of 32 Lamel Street and laid out the new dwelling in such a way that concerns about overlooking between the properties and lack of amenity space for either property are clearly overcome. The split between the outdoor amenity space at the rear would not suit every purchaser but in officers view will provide each property with a sufficient level of amenity to be acceptable in planning terms and will allow for the provision of residential accommodation that is varied in its size and design in an area that is characterised by many types and designs of development. It is considered that the development will accord with the requirements of policy GP1.

Highways, Access and Parking

4.8 Highways officers raise no objections to the development. The proposal maintains car parking for 32 Lamel Street at its current level and introduces a second single bed dwelling with cycle parking only. A recent scheme on the opposite side of Lamel Street has recently been approved. The scheme includes two single bed dwellings with no parking facilities. It is considered that the addition of a further single bed dwelling will not be significant in its affect on the parking arrangement on Lamel Street and in the absence of any objections from Highways Network Management there is no basis to object to the scheme.

Impact On Residential Amenity

4.9 As there are garages to the south of the outbuilding the only property the development affects is 32 Lamel Street. Because of the amendments to the layout of this property as described in paragraph 4.6 above it is considered that the development will not unreasonably impinge on that property and the proposal is therefore acceptable in it impact on adjacent development and accords with the requirements of GP1 of the Local Plan.

Open space provision

4.10 An open space commuted sum will be required for the development in accordance with policy L1c and the accompanying commuted payment guidance. The commuted sum will be £360.

A condition is proposed to ensure that sustainability objectives are achieved in accordance with the Interim Policy statement on sustainable design and construction.

5.0 CONCLUSION

The applicant's agent has cleverly rearranged the internal layout of 32 Lamel Street and laid out the new dwelling in such a way that concerns about overlooking between the properties and lack of amenity space for either property are clearly overcome. Highways Network Management raises no objections to the application from an access and parking stance. It is considered that the proposal accords with the requirements of Policy GP1 of the draft Local Plan and is acceptable in planning terms.

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:-

BH3A dated April 08

BH4 dated April 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 Prior to the dwelling hereby permitted being brought into use the internal layout of the existing dwelling (32 Lamel Street) shall be altered in accordance with plan no. BH/3A dated April 2008. Thereafter the approved internal layout shall be maintained unless otherwise agreed in writing with the Local Planning Authority

Reason: In the interests of the residential amenity of future occupiers of the proposed dwelling and the residential amenity of 32 Lamel Street

4 Prior to the dwelling hereby permitted being brought into use the amenity space to the for the existing and proposed dwelling shall be provided in accordance with the details shown on drawing no. BH/3A dated April 2008. Thereafter the approved amenity space shall be maintained unless otherwise agreed in writing with the Local Planning Authority

Reason: In the interests of the residential amenity of future occupiers of the proposed dwelling and the residential amenity of 32 Lamel Street

5 HWAY10 Vehicular areas surfaced, details reqd

6 HWAY17 IN Removal of redundant crossing

7 HWAY19 Car and cycle parking laid out

8 HWAY29 IN No gate etc to open in highway

9 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Development Order 1995), (or any Order revoking or re-enacting that Order), development of the type described in Class A B C D E of Schedule2 Part 1 of that Order shall not be carried out without the prior written permission of the Local Planning Authority following receipt of a planning application in that respect.

Reason: In the interests of residential and visual amenity

10 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the 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 L1 of the City of York Draft Local Plan.

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the

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

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

11 VISQ1 Matching materials

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 maximise water efficiency and reduce pollution in accordance with chapter 6 of the council's Interim Policy statement on Sustainable Design and Construction . Prior to first occupation of the dwelling, a further statement shall be submitted which confirms that the dwelling has achieved the initiatives proposed.

Reason: In the interests of sustainable development.

13 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 adjacent occupiers

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to design and landscape, access and parking and impact on residential amenity. As such the proposal complies with Policies GP1, GP4a of the City of York Local Plan Deposit Draft.

2. 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 171/Vehicle Crossing - Section 184 - Stuart

Partington (01904) 551361

Cafe Licence - Section 115 - Heather Hunter or Anne-Marie Howarth (01904) 551418

3. CONSTRUCTION INFORMATIVES:

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 scheme remediation to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be 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: Diane Cragg Development Control Officer (Mon/Tues)

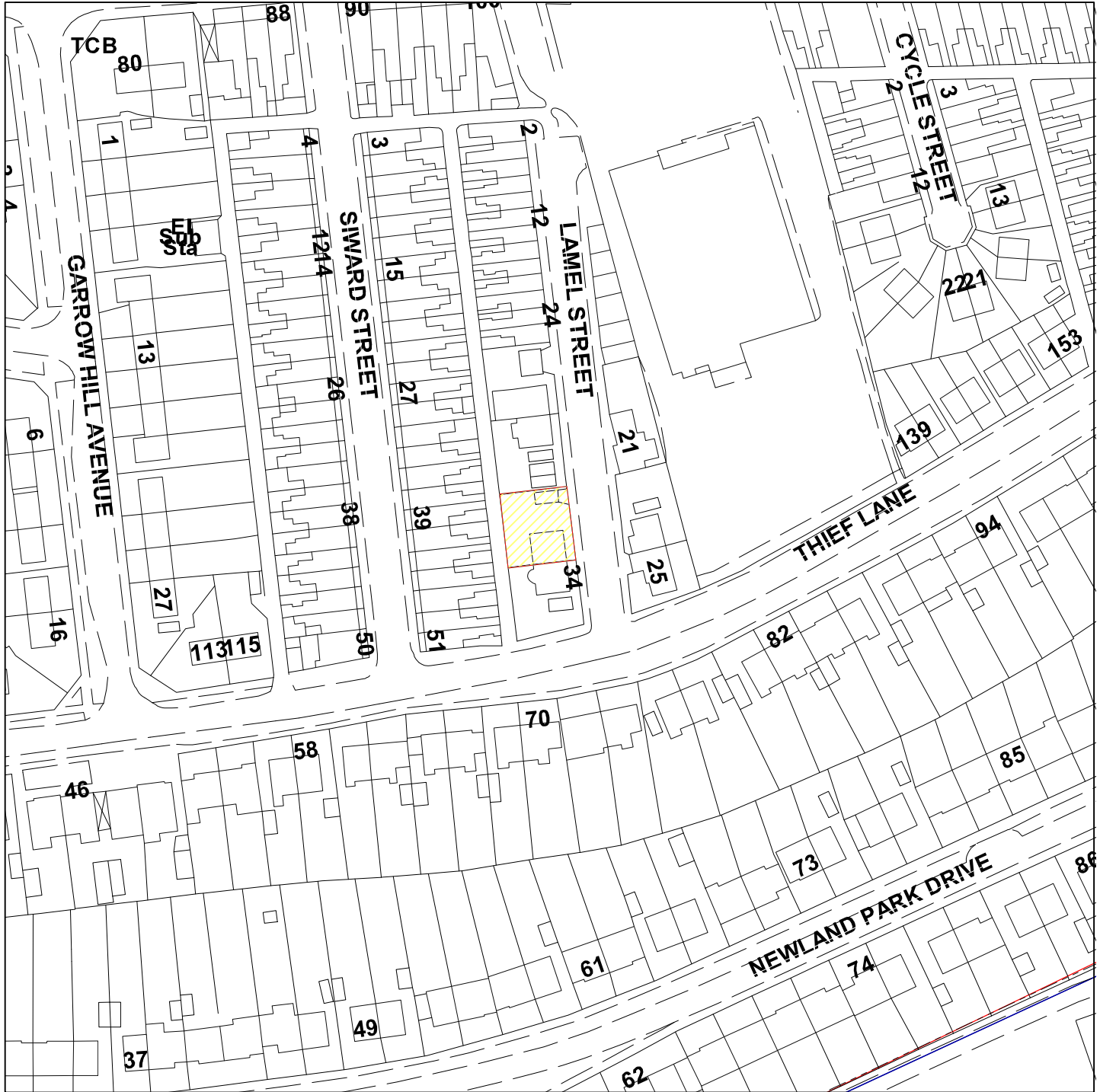
Tel No: 01904 551657

32 Lamel Street, YO10 3LL

08/01183/FUL



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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	30 June 2008
SLA Number	Not set

COMMITTEE REPORT

Committee: East Area
Date: 10 July 2008

Ward: Hull Road
Parish: Hull Road Planning Panel

Reference: 08/00452/FUL
Application at: 65 Wycliffe Avenue York YO10 3RH
For: Two storey pitched roof side extension and change of use to house in multiple occupation
By: Mr Kevin Marsden
Application Type: Full Application
Target Date: 15 May 2008

1.0 PROPOSAL

1.1 This is a full planning application to extend 65 Wycliffe Road with a two storey side extension and convert the resulting building into a house in multiple occupation (HMO) containing 7 bedrooms.

1.2 65 Wycliffe Road is a semi-derelict end of terrace 3 bedroom property. It is located at the end of a long cul-de-sac adjacent to a public footpath that runs alongside the former open space of Derwent County and Junior School. This now has planning permission (07/02384/REMM) for the erection of 23 dwellings. The adjacent footpath is intended to be widened.

1.3 The application is being brought to committee at the request of Councillor R. Pierce, because of the combination of the appeal history at the site, complaints about the condition of the property, proximity to the recently approved new housing, the salience of HMO`s in the locality and on-street parking.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Schools Multiple (Spatial)

2.2 Policies:

CYH7

Residential extensions

CYH8

Conversion to flats/HMO/student accom

3.0 CONSULTATIONS

3.1 INTERNAL

Highway Network Management - As there is no minimum requirement for car parking standards two spaces would be acceptable. A recommendation for refusal could not be substantiated on a perceived shortfall in parking spaces. A fence should be erected adjacent to the public footpath to avoid cars parking on it.

Environmental Protection Unit - No objections subject to an informative in respect to contamination and construction noise.

3.2 External

Planning Panel - We support the application.

Neighbours - None received.

4.0 APPRAISAL

4.1 Key Issues

- site history
- size of dwelling and quality of accommodation
- car and cycle parking
- impact on residential amenity

4.2 Site history

The design and footprint of the proposed extension to the house is identical to an extension to the house that was approved in 2007 (06/02389). The scheme proposed to create a 5 bedroom house. It has not been built. The current application differs only in respect to the internal layout. The ground floor rooms for the extended house show a play room and study. It is intended to replace these with two bedrooms with en suite facilities. All 7 bedrooms are proposed to have en suite facilities and a communal lounge, dining room and kitchen is included on the ground floor. No accommodation is proposed in the roof space.

4.3 Given the recent planning history it is not considered appropriate to assess the visual merits of the scheme or the impact of the built development on neighbours' living conditions. The key consideration relates to the acceptability of the use of the site (incorporating the extension) as a HMO. The appropriate Local Plan policy is H8 (conversions). The planning issues relating to the proposal are considered below:

4.4 Size of dwelling and quality of accommodation.

It is considered that the house with the approved extension is an adequate site to meet the needs of future occupiers. Policy H8 states that dwellings should have at least 4 bedrooms - given that consent has been granted for a larger dwelling the proposal does not conflict with this criteria. Although the application is for a HMO the degree of shared facilities and lack of kitchen areas within the bedrooms would suggest that there would be a degree of communal living within the property.

4.5 Off-street car and cycle parking

The scheme proposes two off-street car parking spaces and a cycle store within the rear garden. This is considered acceptable in respect to local and national parking standards for such uses.

4.6 Impact of the development on residential amenity

It is not considered that the scale of usage of the proposed extended dwelling and associated garden would be out of proportion with the internal or external space. Neither is it considered that the proposed use would be out of place within a residential area. It is proposed to accommodate seven persons within the extended property. If six persons occupied the property as a single household, planning permission would not be required. No objections have been received from local residents in respect to the proposed use. Five local residents were sent letters notifying them of the proposal and a site notice erected on Wycliffe Avenue.

4.7 Refuse and Recycling provision

There is adequate space at the rear of the property for the storage of refuse and recyclables.

5.0 CONCLUSION

5.1 For the reasons given above it is recommended that the application be approved.

6.0 RECOMMENDATION:

1 TIME2 Development start within three years

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

Drawings 592.001 and 592.02 E received by the Local Planning Authority on 26 February 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 VISQ1 Matching materials

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

Reason: To prevent the egress of water and loose material onto the public highway.

5 HWAY18 Cycle parking details to be agreed

6 HWAY19 Car and cycle parking laid out

7 Prior to the occupation of the extension, an enclosure shall be erected between the adjoining public footpath and the side of the front garden of 65 Wycliffe Avenue in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The enclosure shall remain as approved unless otherwise agreed in writing with the Local Planning Authority.

Reason: To prevent encroachment onto the adjacent public footpath

8 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.	

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 amenity and living conditions of adjacent occupiers, parking and highway safety, and the effect on the character of the local area. As such the proposal complies with Policy GP1 and H8 of the City of York Local Plan Deposit Draft.

2. FOR INFORMATION

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 scheme remediation 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 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

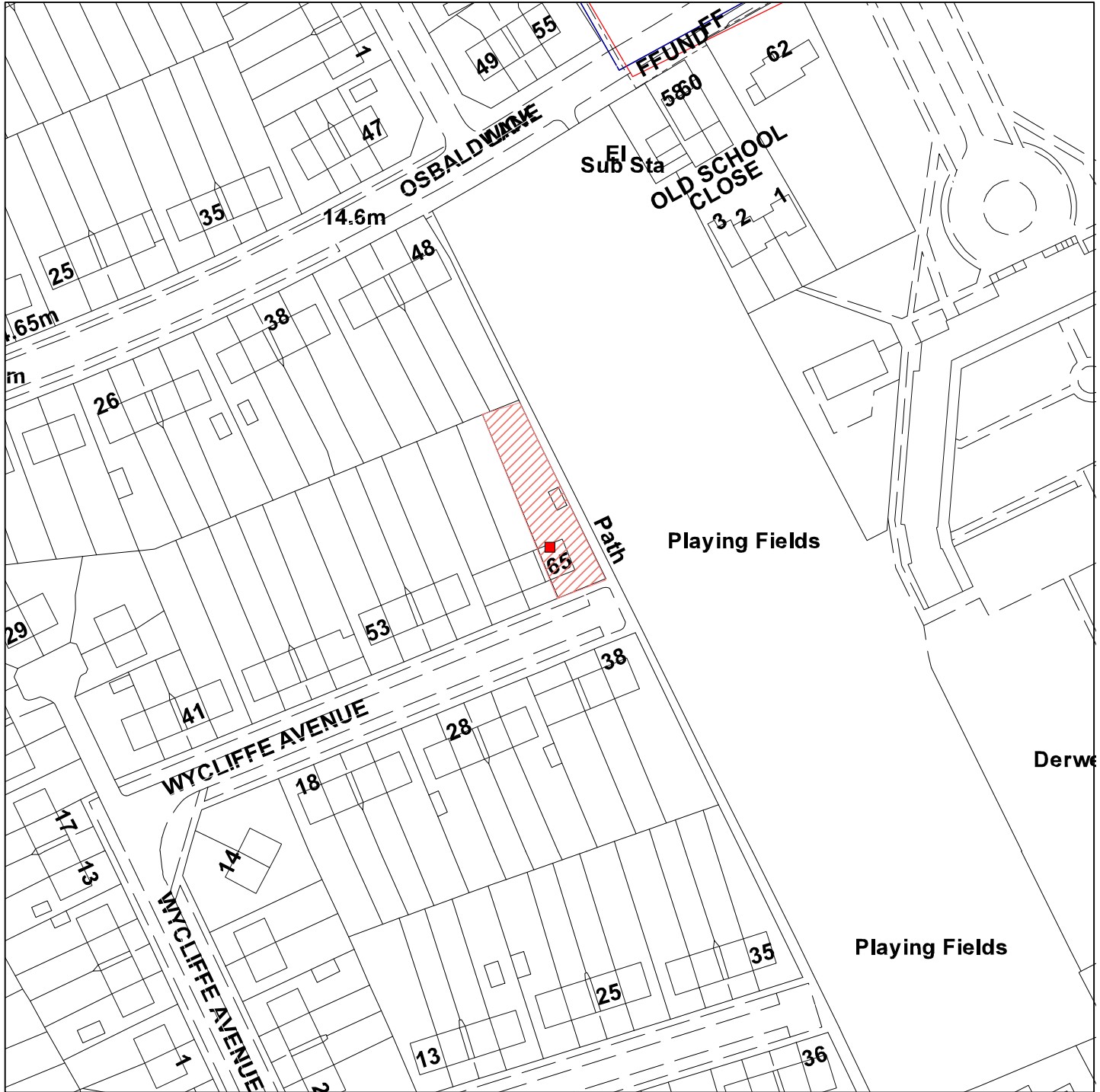
Contact details:

Author: Neil Massey Development Control Officer (Wed/Thurs/Fri)

Tel No: 01904 551657

65 Wycliffe Avenue, YO10 3RH

08/00452/FUL



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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	30 June 2008
SLA Number	Not set



Planning and Transport (East) Area Sub-Committee

10 July 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 116 new cases were received for this area within the last quarter. 78 cases were closed and 258 remain outstanding. There are 65 Section 106 Agreement cases outstanding for this area after the

closure of 8 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 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 30 June 2008

Chief Officer's name
Title

Report Approved

Date Insert Date

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.

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