



## Notice of meeting of

### East Area Planning Sub-Committee

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

**Date:** Thursday, 7 August 2008

**Time:** 2.00 pm

**Venue:** The Guildhall, York

### AGENDA

Site Visits for this meeting will commence at 10.00am on Wednesday 6 August 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. Minutes**

(Pages 5 - 14)

To approve and sign the minutes of the last meeting of the Sub-Committee held on Thursday 10 July 2008.

**3. Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Wednesday 6 August at 5pm.

#### **4. Plans List**

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

- a) **Yortec Ltd, 58 Layerthorpe, York, YO31 7YW. (08/00823/FULM)** (Pages 15 - 22)

Change of use from Class B2 (general industry) to Class A1 (retail), limited by condition to the sale of bulky goods, amended car-parking layout, cycle parking and external alterations. [Heworth Ward]

- b) **Straylands Day Nursery, Fairfield, Malton Road, Heworth, York. (08/00760/FUL)** (Pages 23 - 28)

Variation of condition 5 of planning permission 05/02281/FUL to allow 26 children to attend Straylands Day Nursery. [Heworth Ward] **[Site Visit]**

- c) **Rawcliffe County Infant School, Eastholme Drive, York, YO30 5TA. (08/01507/GRG3)** (Pages 29 - 33)

Replacement of existing temporary structure with new temporary structure with new temporary modular unit including adjacent play area with canopy over. [Skelton, Rawcliffe & Clifton Without Ward]

- d) **2 Eastfield Avenue, Haxby, York, YO32 3EY (08/01346/FUL)** (Pages 34 - 45)

Pair of semi-detached pitched roof dwellings after demolition of existing bungalow. [Haxby & Wigginton Ward] **[Site Visit]**

#### **5. Urgent Business**

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

Democracy Officer:

Name: Laura Bootland

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

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

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

Contact details set out above.

**EAST AREA PLANNING  
SUB-COMMITTEE****SITE VISITS****WEDNESDAY 6 August 2008**

<b>TIME</b>	<b>SITE</b>	
<b>10:00 am</b>	<b>Meet Minibus at Union Terrace Car Park.</b>	
<b>10:10 am</b>	<b>Straylands Day Nursery</b>	<b>(4b)</b>
<b>10:40 am</b>	<b>2 Eastfield Avenue, Haxby</b>	<b>(4d)</b>



## About City of York Council Meetings

### Would you like to speak at this meeting?

If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

**A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088**

### Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

### Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

যদি যথেষ্ট আগে থেকে জানানো হয় তাহলে অন্য কোন অর্ধাতে তথ্য জানানোর জন্য সব ধরনের চেষ্টা করা হবে, এর জন্য দরকার হলে তথ্য অনুবাদ করে দেয়া হবে অথবা একজন দোঅবী সরবরাহ করা হবে। টেলিফোন নম্বর (01904) 551 550।

*Yeteri kadar önceden haber verilmesi koşuluyla, bilgilerin terümesini hazırlatmak ya da bir tercüman bulmak için mümkün olan herşey yapılacaktır. Tel: (01904) 551 550*

我們竭力使提供的資訊備有不同語言版本，在有充足時間提前通知的情況下會安排筆譯或口譯服務。電話 (01904) 551 550。

اگر مناسب وقت سے اطلاع دی جاتی ہے تو ہم معلومات کا ترجمہ مہیا کرنے کی پوری کوشش کریں گے۔ ٹیلی فون (01904) 551 550

*Informacja może być dostępna w tłumaczeniu, jeśli dostaniemy zapotrzebowanie z wystarczającym wyprzedzeniem. Tel: (01904) 551 550*

## **Holding the Executive to Account**

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

## **Scrutiny Committees**

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

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

## **Who Gets Agenda and Reports for our Meetings?**

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
- Public libraries get copies of **all** public agenda/reports.

City of York Council

Committee Minutes

---

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	10 JULY 2008
PRESENT	COUNCILLORS MOORE (CHAIR), CREGAN (VICE-CHAIR), DOUGLAS, FUNNELL, HYMAN, KING, ORRELL, TAYLOR, WISEMAN AND MORLEY (SUB FOR CLLR FIRTH)
APOLOGIES	COUNCILLOR FIRTH

---

**11. INSPECTION OF SITES**

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
279 Huntington Road, York	Cllrs Hyman, Moore, Morley, Orrell and Wiseman	In view of objections raised by the Parish Council and adjacent residents.
42 South Lane, Haxby	Cllrs Hyman, Moore, Morley, Orrell and Wiseman	In view of objections raised by the Town Council and neighbours comments.
Cockerills, Stamford Bridge Road, Dunnington	Cllrs Douglas, Hyman, Moore, Morley, Orrell and Wiseman	To assess the impact of the proposal on the openness of the Green Belt.
The Villa, Main Street, Elvington	Cllrs Douglas, Hyman, Moore, Morley, Orrell and Wiseman	As the site is adjacent to a property occupied by a Council employee, is recommended for refusal and to ensure transparency in the decision making process.
32 Lamel Street, York	Cllrs Moore, Morley and Wiseman	As the application was called in by the Local Member due to concerns about future living conditions in the area.



**12. 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 Hyman registered a personal prejudicial interest in Plans item 5e (32 Lamel Street, York) as the applicant's agent had carried out work for him in the last nine months. He left the room and took no part in the discussion and voting on the application.

**13. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That the press and public be excluded from the meeting during consideration of the Annexes to agenda item 6 (Enforcement Cases Update) and agenda items 7 (York Riding School, Wigginton Road, York) and 8 (Motor Vehicle Activities at Elvington Airfield) on the grounds that they contain information, if disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person, or that the Authority proposes to make an order or directive under any enactment as exempt under Paragraph 6 of Schedule 12A Section 100A of the Local Government (Access to Information) (Variation) Order 2006.

**14. MINUTES**

RESOLVED: That the minutes of the meeting of the Sub-Committee held on 12 June 2008 be approved as a correct record and be signed by the Chair.

**15. 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.

**16. PLANS LIST**

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

**16a R S Cockerill York Limited, Stamford Bridge Road, Dunnington, York, YO19 5AE (08/00856/FULM)**

Consideration was given to a major full application, submitted by R S Cockerill (York) Ltd, for an extension to the pack house to provide additional potato washing, grading, packing storage and staff facilities and

covered loading bays and additional vehicular manoeuvring space together with installation of wastewater treatment plant.

Officers updated that an amendment was required to paragraph 4.15, the report stated that the application had been submitted prior to the sustainability guidance being adopted by the Council but it had in fact been received after the guidance had been adopted. They also confirmed that following the site visit the applicant had agreed to prepare a travel plan and pursue the siting of bus stops on Stamford Bridge Road, adjacent to the site, which would require the imposition of additional conditions if the application was approved.

Representations in support of the application were received from the applicant's agent, who referred to the comment that the extension would not be seen from the Stamford Bridge Road. She stated that the extension site, between the buildings, was visible and that the land was presently used for the storage of potato boxes, which were also visible from the road. She pointed out that, if approved, this application would not act as a precedent for future applications and that the special circumstances were sufficient to outweigh any harm to the Green Belt. She confirmed that health and safety issues had been raised in connection with 11 issues at the premises including safety of employees, lack of storage, staff accommodation, need for a dedicated quarantine area and the need to reduce the amount of water used. She also confirmed they were looking at water harvesting and reuse of the water as part of the scheme.

In answer to Members questions Officers confirmed that the 3 accidents referred to by a neighbour, had occurred adjacent to the site and that these had been due to a drainage problem on the road when ice had been present. Since highway works had been carried out there had been no further reported accidents at this point.

**RESOLVED:** That the application be approved subject to referral to the Secretary of State as a departure from the Development Plan and imposition of the conditions listed in the report and the following additional condition:

7. The development hereby permitted shall not come into use until a green travel plan and details of additional bus stops adjacent to the site have been submitted to and approved in writing by the Local Planning Authority. The premise shall operate in accordance with the agreed green travel plan. The bus stops shall be installed in accordance with the approved plans within 6 months of the development coming into use.

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

Action Required

1. Refer to the Secretary of State as a departure from the Development Plan.

JB

**16b 279 Huntington Road, York, YO31 9BR (08/00814/FUL)**

Officers requested deferral of this application to allow further discussions with the applicant.

RESOLVED: That this application be deferred at the request of the Officers.

REASON: To allow further discussions with the applicant.

**16c 42 South Lane, Haxby, York, YO32 3JA (07/02590/FUL)**

Consideration was given to a full application, submitted by Mr David Miller, for the erection of 4 no. detached dwellings following demolition of 2 semi-detached dwellings, 2 single garages and 2 brick stores.

Officers updated that 3 additional letters had been received from neighbours raising concerns regarding drainage and parking they also felt that the development would be harmful to the Conservation Area. Comments had also been received from the Environment Agency who had no objections subject to details of the finished floor levels being included as a condition. York Consultancy had also raised no objection subject to the discharge rate of surface water being amended to 2 litres per second in the condition.

In answer to Members questions it was confirmed that the core of the site was in Flood Zone 1/2 but that it bounded Flood Zone 3.

Representations in objection were received from a neighbour who circulated photographs showing flooding problems, which existed in the area. Objectors questioned if it could be guaranteed that the proposed underground storage tank for surface water would be sufficient in the future. He also stated that the development was within the Haxby Conservation Area and that the proposed new build would be out of character with the area.

Representations in support of the application were received from the applicant's agent who referred to the area surrounding the site as one of the last areas of Haxby to retain the medieval pattern of development. She confirmed that this development would replicate the medieval plot pattern and she felt enhance the area. South Lane was a narrow rural lane and the proposal would improve the lane frontage and provide 10 car parking spaces, with off street parking and garages. She also confirmed that to overcome flooding concerns the applicants were proposing a sustainable drainage scheme with restricted discharge rates.

A representative of Haxby Town Council confirmed their objections to the scheme. The Council felt that the development would harm the historic and rural character of Haxby, would set a precedent and would conflict with their Town Plan. They also felt that development should enhance or maintain the character of the Conservation Area, which they felt, this proposal did not and he requested the Sub-Committee to refuse the application.

In answer to Members questions the applicant confirmed that the materials from the demolished dwellings would not be of sufficient quality to reuse on the new properties but that the materials could probably be used on site. She also confirmed that the underground water storage tank had not yet been designed but that the discharge rate would govern the size of the tank.

**RESOLVED:** That the application be approved subject to the conditions listed in the report and the following amended conditions and informative:

Condition 7: The inclusion of "rain water harvesting in the Sustainable Design and Construction statement to be submitted to and approved in writing by the Local Planning Authority.

Amended Condition 10: Unless otherwise agreed in writing with the Local Planning Authority 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 limited to a maximum of 2.0 litres per second 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.

Amended Condition 23: Unless otherwise agreed in writing with the Local Planning Authority the site shall be developed with separate systems of drainage for foul and surface water on and off site.

Informative: To comply with condition 10 regarding drainage the Local Planning Authority are likely to require the following information:

Surface water drainage calculations.

Storage tank size and type.

Discharge control device.

Details of pump failure warning system and overflow provisions.

Management arrangements for the maintenance of the attenuation system.

**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:

- effect on the character and appearance of the conservation area
- impact on the streetscene
- impact on the living conditions of neighbouring residents
- quality of the accommodation provided
- access and highway safety
- flooding and drainage
- sustainability

As such the proposal complies with Policies GP1, GP4a, HE3, GP10, H4a, H5a, GP15, GP7, and GP9 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

**16d The Villa, Main Street, Elvington, York, YO41 4AG (08/00892/FUL)**

Members considered a full application, submitted by Mr and Mrs Lofthouse, for the erection of one dormer bungalow with attached double garage on land to the rear of The Villa (revised scheme).

Officers updated that they had received 4 additional letter of objection but only 2 were new objections raising similar objections of overdevelopment, impact on neighbours and objections to the removal of trees.

Representations were received in objection to the application from a neighbour who referred to the trees on the southern boundary of the site a number of which had already been removed. The trees provided screening for 5 months of the year but with their removal this would be lost and there would be little separation between his property and the proposed dormer bungalow. He felt that the scale of the new property would have a detrimental impact on neighbours and requested Members to support refusal of the application. He also circulated photographs showing the separation distance.

Representations in objection were also received from a further neighbour who confirmed that she was opposed to the backland development which she felt would erode the rural setting of the village. She stated that the proposed bungalow would tower above neighbouring gardens.

Representations were also received from the Chair of Elvington Parish Council but in his personal capacity as a neighbour.

Representations were received in support of the application from the applicant's agent who referred to the application for a 3 bed dormer bungalow approved by the Sub-Committee in September 2007. He stated that this was a similar scheme but with an increased ridge height, an additional room at the rear and a double rather than a single garage, which he felt, was not a significant change from the earlier application. He confirmed that the property would be south facing and would have

sufficient natural light. Regarding the trees he felt that the building could co exist with trees on site and he would be happy to have this conditioned.

Members commented that they felt the revised scheme was oppressive, over dominant and would have a major impact on neighbours. They requested addition to the reasons for refusal of reference to the lack of garden space and the affect the property would have on the amenity of neighbours.

RESOLVED: That the application be refused.

- REASON: 1. The proposed dwelling would be materially 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 l), 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.
4. The very limited and disjointed proposed external amenity space is considered inadequate to meet the needs of the future occupiers of the proposed dwelling. As such the proposal conflicts with criterion (g) of GP1 of the City of York Local Plan First Alteration 2005 and advice contained within paragraphs 16 and 17 of Planning Policy Statement 3.

Action Required

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

JB

**16e 32 Lamel Street, York, YO10 3LL (08/01183/FUL)**

Consideration was given to a full application, submitted by Mr Brian Harnett, for the change of use of an outbuilding to a 1 bed. dwelling.

The Chair confirmed that following the site visit no exterior changes were proposed to the outbuildings and that the remodelling of the existing dwelling involved the closing off of two windows.

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

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

Action Required

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

JB

**16f 65 Wycliffe Avenue, York, YO10 3RH (08/00452/FUL)**

Members considered a full application, submitted by Mr Kevin Marsden, for a two storey pitched roof side extension and change of use to house in multiple occupation.

Officers updated that Para. 6.0 Recommendation in the report should read "Approval".

The Local Member circulated photographs of the semi derelict property and garden area. He referred to the present state of the property, which was an eyesore and had been for some time he had been told that work would shortly take place on the property 12 months ago. He confirmed that there was a shortage of houses in multiple occupation in the city and he referred to future occupiers of the property. If approval was given he requested Members to agree to Officers serving a Section 215 notice on the owner to tidy the site, condition similar site treatment on the boundary adjacent to the cinder track and for a landscaping scheme for the large rear garden.

Officers confirmed that a management plan for the maintenance of the garden might be a better way forward to ensure the upkeep of the garden area.

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

Amended Condition 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.

8. Prior to the commencement of development details of the landscaping and future management and maintenance of the front and rear garden of the property shall be submitted to and agreed in writing with the Local Planning Authority. The works shall be completed, maintained and managed in accordance with the agreed details.

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

Action Required

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

**17. ENFORCEMENT CASES UPDATE**

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

RESOLVED: That the reports be noted.

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

**18. YORK RIDING SCHOOL, WIGGINTON ROAD, YORK.**

Members considered a report, which updated them on enforcement issues at York Riding School, Wigginton Road, York.

RESOLVED: That approval be given to the proposed action.

REASON: To update Members on this enforcement case and progress action.



**19. ENFORCEMENT CASE RELATING TO MOTOR VEHICLE ACTIVITIES  
AT ELVINGTON AIRFIELD**

Members considered a report, which updated them on the enforcement case relating to motor vehicle activities at Elvington Airfield, Elvington Lane, Elvington.

RESOLVED: That the update report be noted.

REASON: To update Members on the ongoing enforcement proceedings at this site.

R MOORE, Chair

[The meeting started at 2.00 pm and finished at 3.35 pm].

**COMMITTEE REPORT**

**Committee:** East Area                      **Ward:** Heworth  
**Date:** 7 August 2008                      **Parish:** Heworth Planning Panel

**Reference:** 08/00823/FULM  
**Application at:** Yortec Ltd 58 Layerthorpe York YO31 7YW  
**For:** Change of use from Class B2 (general industry) to Class A1 (retail), limited by condition to the sale of bulky goods, amended car-parking layout, cycle parking and external alterations  
**By:** Mr Tim Marks  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 18 July 2008

**1.0 PROPOSAL**

1.1 This application seeks planning consent to change the use of 58 Layerthorpe from B2 (general industry) to A1 (retail). An application (Ref. No. 06/01996/FUL) was approved in 2007 to convert the premises into a healthclub/gymnasium, however this was never implemented and the site has remained unused since 2004. Its most recent use was as a vehicle repair workshop.

1.2 External changes are proposed to the existing building, consisting of brick infills with display windows to the front elevation in order to enclose what is currently an open ground floor area. This would give the unit a larger ground floor area which would be included as part of the retail floorspace. Two roller shutter doors towards the rear of the premises would be bricked up.

1.3 The internal floorspace of the premises is 1218 sq m with 1036 sq m of this being commercial floor space. There would be 20 car parking spaces in total, 3 of which would be to disabled standards. Access to the car parking area would primarily be from Layerthorpe under the archway which runs under the first floor of the premises. Access from Redeness Street will primarily be used for deliveries.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Contaminated Land

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYGP1  
Design

CYGP4A  
Sustainability

CYE3B  
Existing and Proposed Employment Sites

CYSP7A  
The sequential approach to development

CYS2  
Out of centre retail warehouse criteria

CYT4  
Cycle parking standards

### 3.0 CONSULTATIONS

#### INTERNAL

##### 3.1 City Development - No objections.

- Loss of employment land - policy E3b. The recent permission for the change of use of this site to a gymnasium (06/01996/FUL) has established that the change of use of this site from B1 to other employment generating uses is acceptable in principle. The application site has been vacant for in excess of 3 years, despite ongoing marketing for B1, B2 or B8 since August 2005. As a non-strategic site, economic development would not wish to raise concern over the loss of employment use.

Proposed 'bulky goods' retail use - Sequential Test (draft policy SP7a): The applicant has considered and discounted the following allocated sites:

- \* Castle Piccadilly - unviable, as site is likely to attract a department store and a range of high-quality comparison units. In addition, as a strategic development opportunity the site should not be built out incrementally;
- \* George Hudson Street - allocated for comparison to small-scale convenience retailing;
- \* Hungate - bulky goods retailing would not be appropriate to the mix of small-scale comparison and café/bar style proposals.

- The Retail Study (2008) identifies other development opportunity sites to accommodate York's long-term comparison retailing needs. In considering the sequential test it is important to establish that allowing the proposed development would not be prejudicial to the City's overall strategy for retail growth. As such, whilst the York Northwest site is recognised as a major development opportunity with potential for retail, the scope and type of retailing has not yet been determined. In

relation to the other development sites identified in the core shopping area, neither Stonebow House nor the adjacent Telephone Exchange are to be considered as part of the 'area of search' prior to 2011, and can therefore be considered unavailable. Potential for comparison retailing has been identified at Fossgate, Goodramgate, Museum Street, and along the Ouse frontages, although given that the Local development Framework is not yet at a stage where scale and range of retail development has been established, these locations can also be discounted from the site search.

- Scale (draft policy S2): The proposed unit would have a net sales floorspace greater than 1,000sqm. This would be large enough to prevent occupation by smaller specialist comparison goods stores normally found in the city centre.

- Need: The Retail Study also estimates capacity for 9,245sqm additional floorspace by 2012, showing quantitative scope to accommodate the proposed 1,036 sq m. Whilst there is a recognised need to meet growing demand from retailers for larger modern units in York's city centre, in qualitative terms, the proposal could support linked trips to the bulky goods stores at Foss Islands Road.

- Impact: York city centre continues to have a high level of vitality and viability. Based on the 2008 Retail Study the Retail Impact Assessment identifies an overall level of trade diversion of only 0.3% (of which only 0.1% would be from York City Centre). In light of the current health of the City Centre this is not considered to be detrimental.

- Flood risk: The site falls within flood zone 2. This comprises land assessed as having between a 1 in 100 and 1 in 1000 annual probability of river flooding. Less vulnerable uses (including A1) are appropriate within this zone, without the need to undergo sequential testing. PPS25 (Dec 2006) advises that a flood risk assessment (FRA) should accompany an application for such a use within zone 2, however given that this is a change of use within the same flood risk class we do not feel submission of a revised FRA to be necessary.

3.2 Highway Network Management - No objections. It is considered that the proposed change of use is likely to generate similar levels of traffic to the sites existing lawful use (B2). Access to the car parking area is to be via the existing access which is to be improved and widened to provide two-way vehicular flow. The parking levels proposed accord with CYC maximum standards and surrounding streets are protected from indiscriminate parking by waiting restrictions.

3.3 Environmental Protection Unit - No objections to the application.

## EXTERNAL

3.4 Heworth Planning Panel - Support the application.

3.5 Public Consultation - No correspondence received.

## 4.0 APPRAISAL

### 4.1 Key Issues:

- Loss of Employment Site
- Creation of Retail Store
- Design/Appearance
- Highways/Car Parking

### PRINCIPLE OF DEVELOPMENT

4.2 Loss of Employment Site - Policy E3b of the Draft Local Plan seeks to protect existing employment sites from loss to other uses. However, the policy sets out criteria by which a change of use from an employment site (generally accepted to be B1, B2, and B8 uses) can take place. In summary these are if the land is no longer required to meet employment needs in the future and if a change of use will bring benefits to the local economy. The site has been vacant for a number of years and has been marketed since 2005 but there has been no interest in retaining it for employment purposes. Thus it is considered that it has been demonstrated that the site is not required for employment purposes. The proposed retail use would create a number of jobs within a unit which has been vacant for approximately 4 years and would bring benefits to the local economy. It is therefore considered that the proposed development conforms to the criteria for the loss of an employment site identified in Local Plan Policy E3b. The same conclusion was reached when the application to change the site into a gym was approved in 2007. There has been no significant change in site circumstances which justify the protection of this site for employment purposes. It is also worth noting that the character of this area has changed significantly in recent years. A significant amount of the recent developments around Layerthorpe have been of a retail and residential nature with employment uses becoming less common.

4.3 Proposed Retail Use - The applicants wish the retail use to be for bulky goods only. Local Plan Policy S2 states that out of centre shopping units are permissible as long as the floorspace is above 1000 sq m and only bulky goods are sold. This is to reduce competition with specialist city centre shops and to maintain the vitality of the city centre. The proposed development is above 1000 sq m and a condition can be added to any approval to ensure that only bulky goods are sold at the premises.

4.4 The applicant has analysed sequentially preferable sites in the city centre as part the application. These sites were analysed and discounted for a number of reasons. There were no viable sequentially preferable sites available and therefore the proposed development is considered to be in accordance with local Plan Policy SP7a. A need for additional retail floorspace has also been established through the carrying out of a Retail Impact Assessment. The principle of a bulky goods retail unit on this site is therefore considered to be acceptable.

### DESIGN

4.5 The building has been vacant for a number of years but remains in a reasonable structural condition. A few minor alterations are proposed to bring the unit back into

use. The only significant alterations proposed for the unit itself is the addition of a new shop front on the ground floor front elevation. This area is currently open with the building supported by three pillars. The space between these pillars is to be bricked up with display windows added. The gap which serves as the vehicular access point to the site is to remain open. The application site building is of flat roof design with little design detailing of interest. The existing building does not positively contribute to the character and appearance of the area. It is considered that through the addition of display windows in the premises a degree of interaction with the street will be established. The proposal will add visual interest to the building and immediate locality. Therefore, it is considered that the proposed external changes to the premises would enhance its appearance subject to the use of suitable materials, which could be conditioned.

#### HIGHWAYS/CAR PARKING

4.6 Car parking levels are provided in line with highway standards. The existing access is being altered in accordance with Highway Network Management requirements to allow two-way traffic at the entrance. A cycle parking area has been incorporated within the site layout, and a condition is recommended to ensure that a suitable level and quality of cycle parking is provided. The cycle parking area is to be used by staff and customers. The site is in a sustainable location with a number of bus services running close to the site with bus stops in close proximity.

4.7 The planning, design and access statement submitted with the application states that a retail use at this site is likely to generate less traffic movements during the AM or PM peaks than its lawful use as a B2 unit. Exact vehicle movements are difficult to predict, particularly given that no end user is known at present. However, the highways team have accepted the assumptions contained in the applicant's statement based on previous experience of such sites and land uses. Access into the site has been deemed acceptable given a small increase in the width of the entrance from Layerthorpe. It is also likely that the proposed development would give rise to a number of linked trips bearing in mind the new retail units at Foss Islands Road and existing retail units in and around Layerthorpe.

#### SUSTAINABILITY

4.8 A full sustainability statement was submitted with the application, addressing each of the criteria a) to i) contained within Policy GP4a of the Draft Local Plan. The report highlights the sustainability of the site in terms of access by non-car modes. The report also states the benefits of bringing a redundant building back into use and providing local jobs, therefore increasing the economic viability of the area. The report goes on to say that re-using a vacant building is the most sustainable way of developing this site.

## 5.0 CONCLUSION

5.1 It is considered that the principle of changing the use of the site from B2 to A1 retail is acceptable subject to the use of a condition controlling sales to bulky goods only. Access arrangements are suitable for a use of the type proposed and car and cycle parking are provided in accordance with highway standards. The proposed development will result in a long standing redundant building being brought back into use and provide a degree of interaction at the street level. This application is therefore recommended for approval in line with local and national planning guidance.

## 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Numbers BS1529-04 Rev A and BS1529-05 received by The CoYC on 18/04/08

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

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

3 VISQ8 Samples of exterior materials to be app

4 The following range of goods cannot be sold unless ancillary to the main range of goods:

- Food and Drink
- Clothing, footwear and fashion accessories (including watches and jewellery)
- Music/Video/DVD recordings and computer games
- Camera and Photographic Equipment (Including camcorders)
- Electronic goods, including TV/Video/DVD/PCs and HiFi equipment
- Toys
- Pharmaceutical Goods
- Books/Magazines and Stationery
- Household Textiles
- Sports goods

Reason: To minimise the impact of comparison goods sold at these stores competing with York City Centre retail outlets selling the same goods.

5 HWAY13 Access to be improved

6 The development shall not come into use until all existing vehicular crossings

not shown as being retained on the approved plans have been removed by reinstating the kerb and footway to match adjacent levels.

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

7 HWAY18 Cycle parking details to be agreed

8 HWAY19 Car and cycle parking laid out

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the loss of an employment site, the creation of a retail unit, the impact on the local highway network, and design. As such the proposal complies with Policies GP1, GP4a, E3b, S2, T4, and SP7a of the City of York Draft Local Plan.

#### 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:

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

#### **Contact details:**

**Author:** Michael Jones Development Control Officer

**Tel No:** 01904 551325

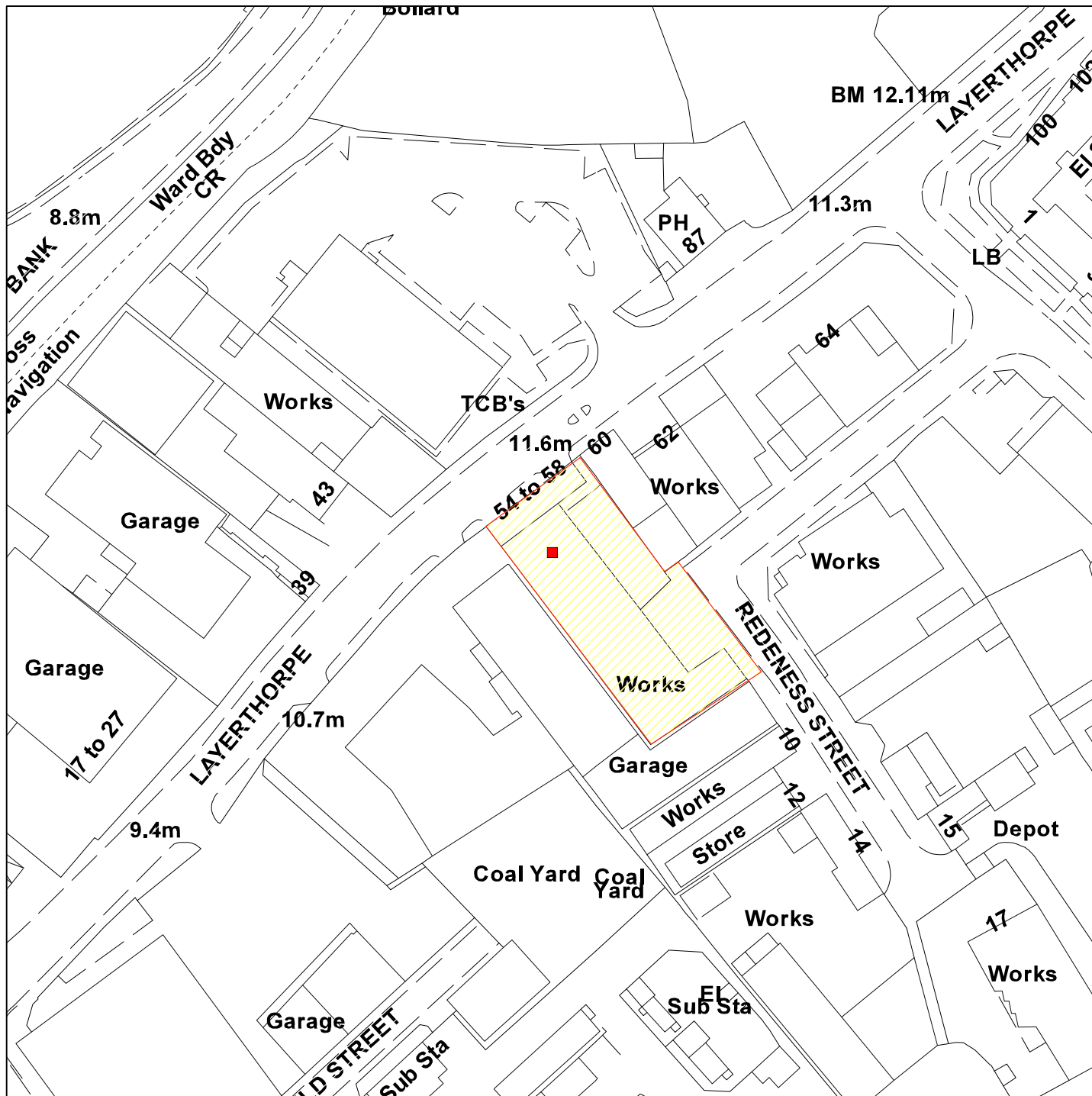


# 58 Layerthorpe, YO31 7YW

08/00823/FULM



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application site
<b>Date</b>	28 July 2008
<b>SLA Number</b>	Not set

**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 7 August 2008

**Ward:** Heworth  
**Parish:** Heworth Planning Panel

**Reference:** 08/00760/FUL  
**Application at:** Straylands Day Nursery Fairfield Malton Road Heworth York  
**For:** Variation of condition 5 of planning permission 05/02281/FUL to allow 26 children to attend Straylands Day Nursery  
**By:** Mrs Tracy Gowlett  
**Application Type:** Full Application  
**Target Date:** 4 July 2008

**1.0 PROPOSAL**

1.1 This application seeks consent to increase the number of children attending Straylands Day Nursery at any one time from 22 to 26. In December 2005, consent was granted by Planning Committee (Ref No. 05/02281/FUL), to increase the number of children attending the nursery from 10 to 22. The numbers are controlled by condition 5 of this planning permission, which states that no more than 22 children between the ages of 0 -5 years can attend the nursery.

1.2 Straylands Day Nursery operates from Fairfield which is a terraced property located on Malton Road. No residential element remains at Fairfield with the top floor acting as an office for the nursery use. To the rear of Fairfield is a garden which acts as the outdoor space for the children. Beyond the rear garden is a modest car parking area which is accessed off Laburnum Garth.

1.3 The previous application was determined by the Planning Committee, hence the referral of this application. A site visit is requested due to the number of objection letters received and to allow Committee Members to fully understand these objections.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

2.2 Policies:

CYC7

Criteria for childrens nurseries

### 3.0 CONSULTATIONS

#### INTERNAL

3.1 Highway Network Management - No objections. It is not felt that the small increase in the number of children attending the nursery at any one time would materially affect the highway network.

3.2 Environmental Protection Unit - No objections. Conditions attached to the previous decision notice have been fully complied with, sound insulation has been installed and no complaints have been received by this department. There is no reason to object to a small increase in the number of children attending the nursery.

#### EXTERNAL

3.3 Heworth Planning Panel - No objections.

3.4 Public Consultation - 12 letters were received, 5 were in support of the application, 7 were in objection to the application.

The letters in support stated:

- the nursery provides excellent care allowing parents to go to work knowing their children are well looked after;
- the nursery provides support for parents and gives flexibility during difficult times;
- the extension in children numbers would allow greater flexibility for children and parents;
- the proposal would aid the government's initiative of encouraging parents to go back to work;
- the management and staff are highly competent and could cope with a further 4 children.

The letters in objection stated:

- there is insufficient car parking space at the nursery;
- presently parents park on and clog up Laburnum Garth, any additional children attending the nursery would add to this problem;
- additional cars in the area may increase the chances of an accident given the narrowness of Laburnum Garth and the rear access to the car park;
- the existing car park area is difficult to access and therefore it is not widely used;
- the current parking behaviour of parents is inconsiderate to local people and may restrict access for emergency vehicles;
- parking is taking place in front of local residents garages, therefore people cannot get their cars in or out of the garage;
- it is proposed to add double yellow lines to sections of Laburnum Garth, this is likely to mean that even more cars will be parked over local residents driveways or in front of their garages;
- a legal agreement was made between the nursery and the owner-occupiers of Highfield which is an adjoining house. The owners of Highfield believe the nursery has broken this contract by applying for more than 22 children at the nursery and that the sound proofing has made no difference to sound levels. The agreement

also stated that children could not play outside for more than 1 hour in the morning and 1 hour in the afternoon, this has been broken several times. Additional children would cause more disturbance for neighbours, it is not a considerate use of a terraced property.

#### **4.0 APPRAISAL**

##### **4.1 Key Issues:**

- Impact on the living conditions of neighbours;
- Car parking/highway network

4.2 Fairfields already has permission to operate as a day nursery between 8am and 6pm Monday to Friday to care for a maximum of 22 children at any one time. This application does not seek to extend the opening hours of the nursery or fundamentally change how it is run. Therefore the only consideration in determining this application is the impact of the additional 4 children.

4.3 The application site is a three storey former dwelling house. The ground and first floor would be used to care for children between the ages of 0 to 5 years. No additional floor space would be created, instead some of the rooms would accommodate more children. The number of pre-school children would increase from 12 at present to 14, the number of toddlers from 6 to 7, and the number of babies from 4 to 5. There are designated rooms for children of different ages and therefore the 4 additional children would be spread throughout the property. Therefore, any disruption in terms of noise is likely to be minimal as there would be no significant intensification of use of any section of the nursery. Sound insulation has been installed at the premises, to the satisfaction of the Environmental Protection Unit, in accordance with Condition 1 of the previous approval (05/02281/FUL). The children go out into the garden at staggered times, and thus the noise emanating from the garden at any one time is unlikely to be significantly greater than at present. The applicants also state that start and finish times are staggered in order to provide the flexibility that parents need, and as a result it is stated that it will be rare for there to be 26 children on the premises at any one time.

4.4 The Office for Standards in Education (Ofsted) inspected the property in 2005 and gave a registration certificate for the nursery to operate from Fairfield. One of the conditions of this is that the nursery may care for no more than 26 children. Therefore, it is not considered likely that the nursery would ever be able to care for more than 26 children and thus the application under consideration is likely to be the last increase in numbers of children at the nursery.

4.5 The vast majority of objections which were received from local residents related to car parking and parents dropping off their children and blocking private driveways and garages with their cars. The nursery has space for four cars to the rear, however access is difficult and it appears that lots of nursery customers use Laburnum Garth instead. The majority of Laburnum Garth has no waiting restrictions on it, and therefore there is no control over vehicles parking on the street. The Local Planning Authority has no control over inconsiderate drivers who may block in other cars or stop neighbours accessing their driveways. It is not considered that the addition of 4 extra children, who are likely to arrive at staggered times, would be

likely to significantly affect the local highway network. Plans are under consideration by the highways team to add waiting restrictions to the south side of Laburnum Garth, however a decision will not be made until September as to whether these plans will be implemented. The Highway Network Management Officer who considered this proposal raised no objections in terms of the impact on the highway network.

4.6 Draft Local Plan Policy C7, which relates to childrens nurseries, states that permission will be granted for the development of a childrens nursery provided: a) adequate internal and external play space is provided; b) the development will not adversely affect neighbouring amenity or the residential character of the area; and c) the proposed development is well served by footpaths, cycleways and public transport. In respect of part a), it is considered that the Ofsted certificate provides reassurance that the internal and external play areas are adequate for 26 children. As discussed in paragraph 4.2 it is not considered that the increase in children numbers by 4 would materially affect neighbouring amenity. Fairfield has already lost its residential element and it is not considered that the proposal would harm the residential character of the area, therefore part b) is considered to have been satisfied. Fairfield is well served by frequent bus routes which run down Malton Road. The site is also easily accessible by bicycle or on foot from the local area, and it is therefore considered that the proposal complies with part c) of Policy C7. The proposed development is considered to be in accordance with local planning policy.

## 5.0 CONCLUSION

5.1 It is considered that the proposed increase in children attending the nursery from 22 to 26 would not have a significant impact on the living conditions of neighbours or the local highway network. Therefore, it is recommended that this application be approved.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 The nursery hereby permitted shall not operate before 08.00 hrs nor after 18.00 hrs on Mondays to Fridays and not at any time at weekends.

Reason: To safeguard the amenities of local residents

3 The existing 4 car parking spaces and turning space at the rear of the property shall be retained for users of the nursery at all times. The car parking area shall not be used for any purpose other than the parking of vehicles.

Reason: In the interests of highway safety

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

Layout plans received by The CoYC on 18/04/08

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.

5 No more than 26 children between the age of 0 and 5 years shall attend the nursely at any one time.

Reason: To safeguard the amenities of local residents

## **7.0 INFORMATIVES: Notes to Applicant**

### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the living conditions of neighbours, the residential character of the area, and the local highway network. As such the proposal complies with Policy C7 of the City of York Draft Local Plan.

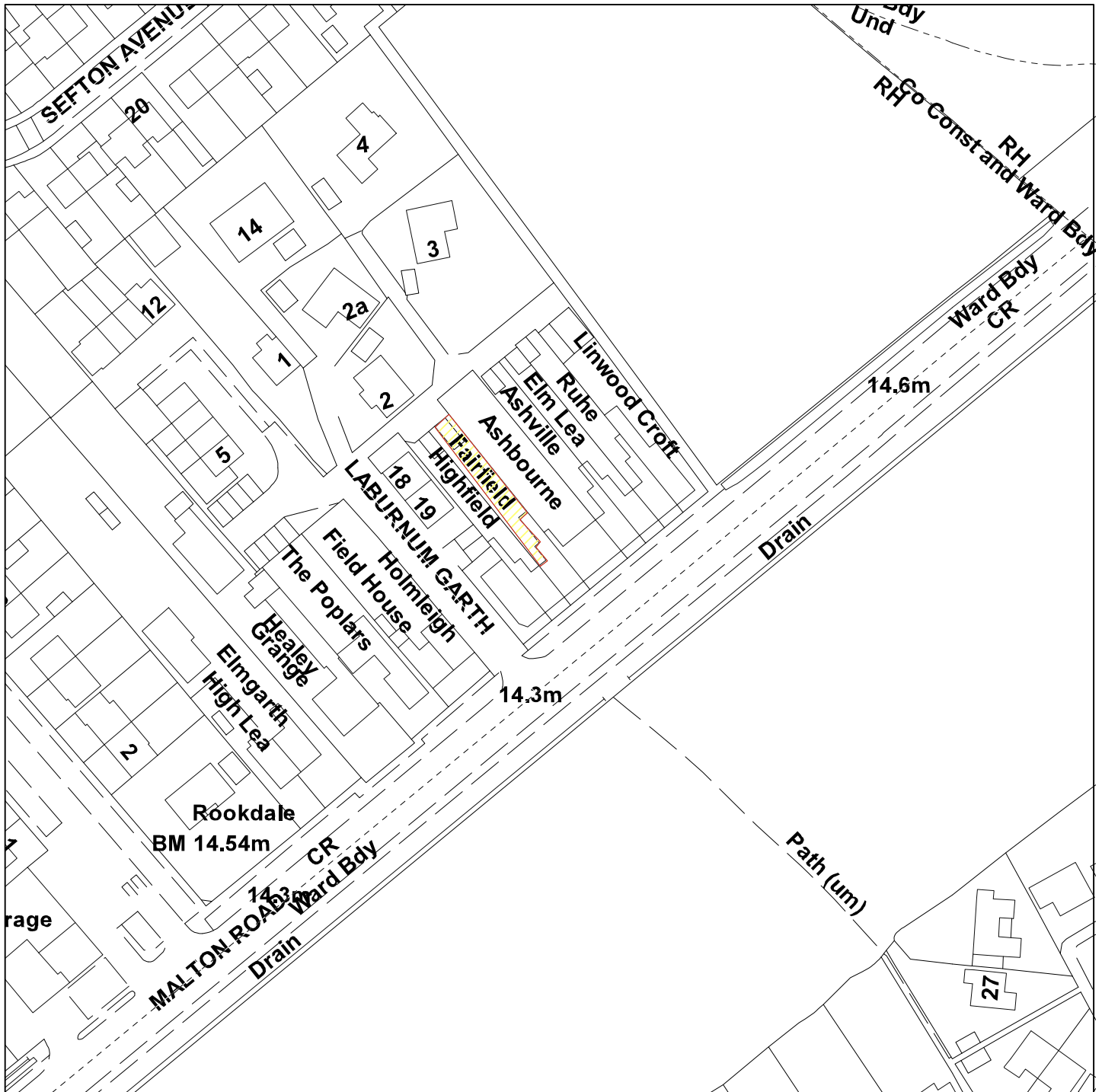
#### **Contact details:**

**Author:** Michael Jones Development Control Officer

**Tel No:** 01904 551325

# Straylands Day Nursery, Heworth

08/00760/FUL



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application site
<b>Date</b>	28 July 2008
<b>SLA Number</b>	Not set

**COMMITTEE REPORT**

**Committee:** East Area                      **Ward:** Skelton, Rawcliffe, Clifton  
Without  
**Date:** 7 August 2008                      **Parish:** Rawcliffe Parish Council

**Reference:** 08/01507/GRG3  
**Application at:** Rawcliffe County Infant School Eastholme Drive York YO30 5TA  
**For:** Replacement of existing temporary structure with new temporary  
modular unit including adjacent play area with canopy over  
**By:** Ms Sarah Kingston  
**Application Type:** General Regulations (Reg3)  
**Target Date:** 11 August 2008

**1.0 PROPOSAL**

1.1 The application site is Rawcliffe County Infant School which is on Eastholme Drive. The site is not within a conservation area. To the rear of the main school building is a detached temporary school building which serves as a staff room. Planning permission for this unit was originally granted in October 1999, and is now the subject of a temporary planning permission granted in June 2006 (Ref. No. 06/00829/GRG3), which expires on 30th June 2009. This temporary unit is now a number of years old and is in a state of disrepair and is therefore no longer fit for purpose. The proposal under consideration is to remove the existing structure and replace this with a new unit. A paved area would be created to the side of the new modular unit with a canopy over in order to protect the play area from the elements. Plans are to be brought forward to demolish and rebuild Rawcliffe County Infant School in the coming years and the proposed modular unit is required to provide important school facilities until such a time as plans have been approved for a new build school.

1.2 The existing unit measures approximately 8.1 x 8.1 m and acts as a staff room. The new proposed unit would be 15.1 x 9.6 m and would be a library and resource centre for the school. A new staff room would be created internally within the building.

1.3 This application is being referred to Planning Committee as the applicant is the City of York Council.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

Floodzone 2 Flood Zone 2 CONF



Floodzone 3 Flood Zone 3

Schools Rawcliffe Infant 0217

2.2 Policies:

CYGP23

Temporary planning permission

### **3.0 CONSULTATIONS**

External

3.1 Rawcliffe Parish Council - No correspondence received.

3.2 Neighbours - No correspondence received.

### **4.0 APPRAISAL**

4.1 The key issues are considered to be the principle of a new enlarged temporary modular unit on the site and its visual impact.

4.2 Policy GP23 of the City of York Draft Local Plan highlights the criteria which a development must satisfy in order to be granted temporary planning consent. In summary these are: a) no loss of amenity for local residents; or b) there are no viable permanent alternatives immediately available; and c) plans will be brought forward for a permanent development; and d) the period of consent requested is the minimum required to bring forward a permanent development; or e) a trial period is necessary.

4.3 It is considered that parts a), c) and d) are the most relevant for this application. The proposed modular unit sits within the existing school grounds where, by its very nature, one would expect there to be a certain level of noise. The location of the unit is such that the nearest residential property is approximately 50 m away. A play area is located between the nearest dwellings and the proposed classrooms. The modular unit is relatively small in scale. For these reasons it is considered that the proposal conforms with part a) of Policy GP23.

4.4 A temporary planning permission is sought whilst plans come forward for a complete rebuild of the school. Due to the complexities in planning for a new build school on this site it is difficult to give a clear date for the completion of this process. However, the applicant states that this is likely to be within the next few years. It is considered that a period of three years would be a reasonable timescale in this case, after which the situation could be reviewed. Thus it is considered that there is a reasonable degree of compliance with parts c) and (d) of Policy GP23.

4.5 The siting of the proposed modular unit and small play area with canopy is such that it would not be visible from Eastholme Drive. The existing unit is in a state of disrepair and thus it is considered that replacing this with a new modular unit would

improve the visual amenity of the school when viewed from the playing field to the north east and the surrounding dwellings. It is proposed that the temporary classroom unit be coloured 'Coral Red' (Ref No RAL 3016). The main school is of deep red brick build and therefore the proposed colour of the temporary modular building would complement the main school.

4.6 No additional students or members of staff would be accommodated at the school as a result of the new development. Therefore there are no highway issues.

4.7 Full details of the canopy to cover the play area were not submitted with the application. The principle of installing the canopy is considered acceptable and therefore it is recommended that a condition is added to any approval to ensure the design of this structure is acceptable.

4.8 Whilst a full sustainability appraisal was not submitted with the application, the applicants have stated that the proposed temporary unit has good insulation values and adequate heating levels for the relatively short period of time the unit is likely to be in use.

## **5.0 CONCLUSION**

5.1 It is considered that the proposed temporary modular unit complies with Draft Local Plan Policy GP23 and does not harm the amenities of the surrounding area. Therefore it is recommended that this application be approved for a three year period.

## **6.0 RECOMMENDATION: Approve**

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

Drawing Numbers 08-130 and 0572/WD03 Revision A received by the CoYC on 13/06/08

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.

2 The modular unit and canopy hereby approved shall be removed from the site by 31 August 2011 unless prior to that date the consent of the Local Planning Authority has been obtained to extend the period of the permission.

Reason: The temporary nature of the building is such that it is considered to be inappropriate on a permanent basis.

3 The exterior finish of the temporary modular unit hereby approved shall be

'Coral Red' (RAL 3016) and maintained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve a visually acceptable form of development.

4 Prior to the installation of the canopy hereby approved, full details of its design, external appearance and materials of construction shall be submitted to and approved in writing by the Local Planning Authority. The canopy shall be constructed in accordance with the approved plans and thereafter maintained.

Reason: To achieve a visually acceptable form of 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 impact on the character and appearance of the area and the amenity and living conditions of neighbours. As such the proposal complies with Policy GP23 of the City of York Draft Local Plan.

#### **Contact details:**

**Author:** Michael Jones Development Control Officer

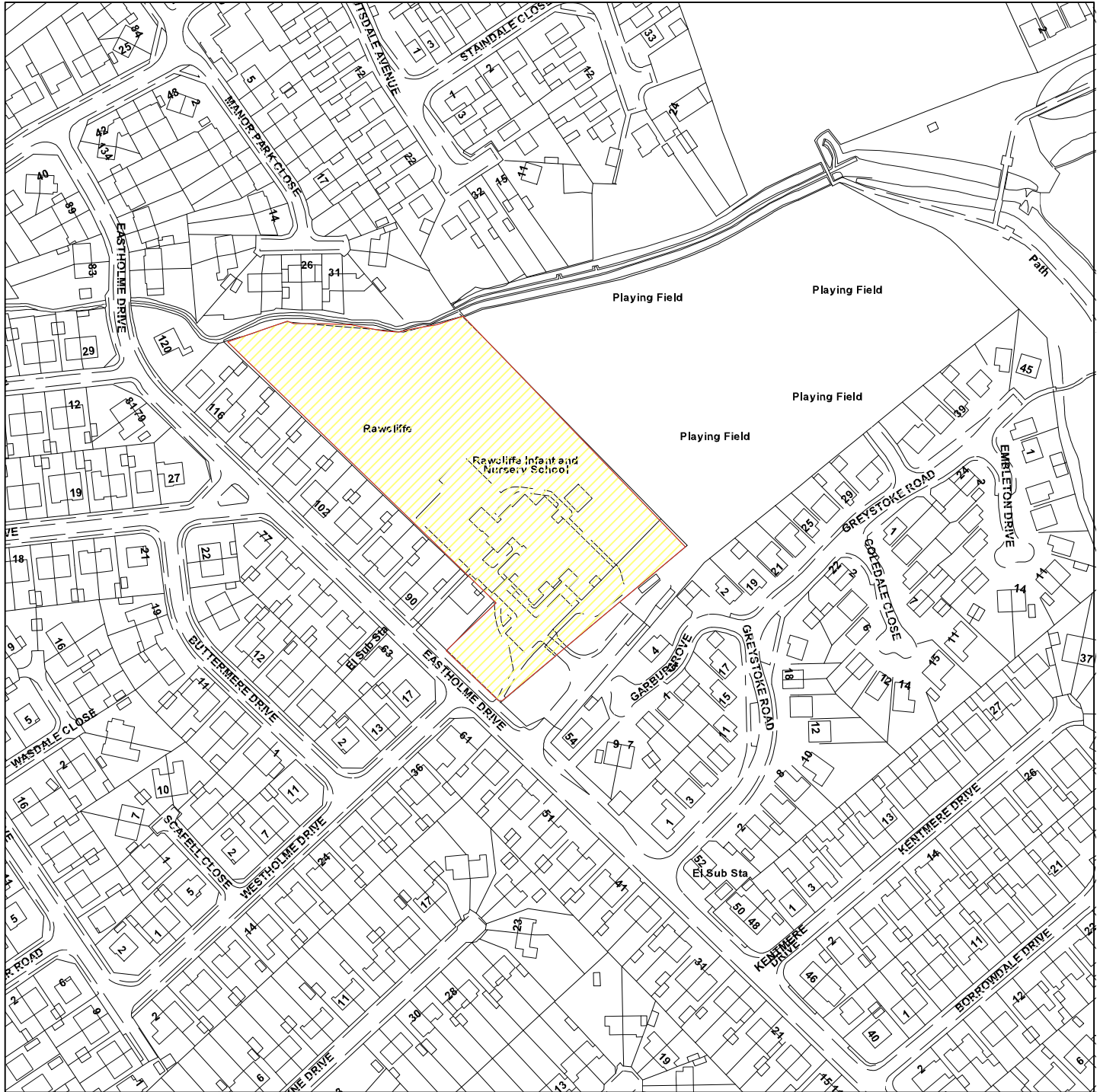
**Tel No:** 01904 551325

# Rawcliffe County Infant School, YO30 5TA

08/01507/GRG3



GIS by ESRI (UK)



Scale : 1:2500

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application site
<b>Date</b>	28 July 2008
<b>SLA Number</b>	Not set

## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 7 August 2008

**Ward:** Haxby And Wigginton  
**Parish:** Haxby Town Council

**Reference:** 08/01346/FUL  
**Application at:** 2 Eastfield Avenue Haxby York YO32 3EY  
**For:** Pair of semi-detached pitched roof dwellings after demolition of existing detached bungalow  
**By:** Mr Andrew Fallow  
**Application Type:** Full Application  
**Target Date:** 7 August 2008

### 1.0 PROPOSAL

This is a full planning application to demolish a detached four bedroom bungalow at 2 Eastfield Avenue and erect in its place a pair of semi-detached dwellings each containing four/five bedrooms. The development is of traditional design and incorporates garaging and car parking to the front. Pedestrian access remains to the 22 metre long rear gardens. The proposed properties are two-storey and also contain accommodation in the roof space. Following submission of the application amended plans have been received - the main alterations are changing the half-hip roof to a full hip and reducing the height of the ridge from 8.9 metres to 8.5 metres.

The site area is approximately 0.07 of a hectare with the density of proposed development being 28 units to a hectare. The site is in a predominantly residential location with some commercial uses on nearby York Road. The only recent planning history on the site was permission for the extension of the bungalow in 1979 to create two bedrooms and a bathroom. It is understood that the property may previously have been loosely divided into two separate units, each with their own kitchen and bathroom, however, no planning consent exists for the sub-division.

The application is being brought to committee at the request of local Members.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYGP1  
 Design

CYGP4  
 Environmental sustainability

CYH4  
Housing devp in existing settlements

CYGP7  
Open Space

CYGP9  
Landscaping

CYGP10  
Subdivision of gardens and infill devt

CYNE6  
Species protected by law

### **3.0 CONSULTATIONS**

#### **3.1 INTERNAL**

HIGHWAYS (NETWORK MANAGEMENT) - No objections subject to a condition regarding the use of non-projecting garage doors.

COUNTRYSIDE OFFICER- Awaited, however, informal response stating that wildlife aspects should be capable of being addressed by condition.

ENVIRONMENTAL PROTECTION UNIT - No objections. However, the site is within 250 metres of a closed landfill site and conditions are recommended requiring gas monitoring to be carried out for a period of at least six months, and gas protection systems to be installed should the need arise.

YORK CONSULTANCY (DRAINAGE) - Originally objected due to insufficient information, however, now consider that drainage aspects can be covered by condition.

LIFE LONG LEARNING AND LEISURE - Contribution to open space/leisure improvements requested.

#### **3.2 EXTERNAL**

FOSS INTERNAL DRAINAGE BOARD - Concerns in respect to the impact on Westfield Beck which consider to be at capacity. A number of conditions and informatives are suggested.

ENVIRONMENT AGENCY - The application has a low environmental risk.

TOWN COUNCIL - No objections, but raise concerns of residents in respect to bats, great crested newts, congestion, parking, light issues and drains.

NEIGHBOURS - 15 letters of representation have been received at the time of writing this report. Some residents have written separately to object to the original and revised plans. The following issues have been raised:

The development is three storeys and too high compared to other houses on Eastfield Avenue. It overdevelops the site.

There is insufficient parking for the two large homes and it will create further on road parking and congestion close to a junction and a regular bus route.

The site is home to bats and newts which are both protected.

It will lead to the loss of light.

It will lead to the loss of privacy.

The development will increase flood risk to other areas.

It is unsustainable to demolish a perfectly good home.

There is no market for the development.

It will devalue the price of nearby homes.

## **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

4.2 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.

4.3 Relevant national guidance includes PPS1: Delivering Sustainable Development and PPS3: Housing.

4.4 The key issues are considered below:

#### IMPACT ON LIVING CONDITIONS

4.5 There would be a separation distance of 22 metres to properties across Eastfield Avenue. This is considered an acceptable distance to avoid the new development creating undue harm in respect to loss of light or privacy. Because of the long garden length there will be little additional impact on the property to the rear. The main properties impacted are those to the sides:

##### 202 York Road

This is a shop with a flat above. It is considered that there is adequate separation to the house to avoid harm in respect to outlook and light. The garden is relatively large and it is not considered that the new taller dwelling would be unduly oppressive.

##### 204 York Road

This property has a garage/workshop to the rear which will partly screen the development. The workshop has no openings overlooking the site. It is considered that the separation distance in excess of 15 metres between the side of the proposed dwelling and the rear of 204 is sufficient to avoid undue loss of outlook. It will be conditioned that the side openings (landing windows) are obscure glazed.

##### 4 Eastfield Avenue

This is a semi-detached two-storey property with a carport erected to the side with a garage to the rear of the carport. The property has non-habitable room windows to the side with the exception of a window serving a small kitchen. Because the new structure is taller than the existing bungalow it will cut out more light. However, because the kitchen is small in scale and not suitable for dining and the outlook is limited because of the existing car port, on balance, it is not considered that any harm would be such to merit refusal. On the rear of the house there is an obscure glazed bathroom window nearest the proposed dwellings. The bedroom and lounge are set in towards the western side of the rear elevation. Because of this orientation it is not considered that the increased height of the building and location slightly closer to the boundary would cause undue harm. The single storey elements of the proposed houses do not project as far as those of the existing bungalow. The occupier has written to say he has no objections to the proposed scheme

#### IMPACT ON VISUAL AMENITY

4.6 Eastfield Avenue and the surrounding area is made up predominantly of two-storey dwellings. There is a mixture of house designs and heights within the vicinity.

4.7 There area that needs closest consideration is the height of the proposed dwellings. The ridge is around 0.9 metres higher than the ridges of the nearby properties on this side of 4 Eastfield Avenue. It is not considered however that this



causes significant harm to the streetscene. The ridge height of the proposed dwelling is not excessive at 8.5 metres and it is the case that the house is at the end of a row of the same style houses rather than appearing in the middle. The existing bungalow on the site has a pyramidal roof that is lower than the adjoining properties and probably contrasts more than the proposed dwelling subject to this application. The proposed dwelling has a higher ridge to make efficient use of the roof space for living accommodation. It will lead to the height of dwellings stepping up towards the junction with York Road where the corner property 204 has a ridge of approximately 9 metres. This is not considered unacceptable. The central two storey element of the proposed dwelling is set back a little further from the street which will help to reduce its visual impact. There is a mix of house and roof styles on the opposite side of the street.

4.8 A gap of approximately 1.2 metres wide will remain to the sides of the proposed houses, which is considered acceptable given that vehicle access is not required to the rear. The gap is sufficient to allow pedestrian/cycle access to the rear gardens. The width of the development site is 18 metres, the typical plot width of individual properties on Eastfield Avenue is around 8.2 metres.

4.9 The footprint respects the front building line of adjoining properties and the projecting gable reflects the design of a number of the properties on the opposite side of the street.

#### QUALITY OF ACCOMMODATION

4.10 It is considered that the proposed dwellings have a good standard of amenity in terms of light and outlook. The garden size is large in comparison to much modern development.

#### PARKING AND HIGHWAY SAFETY

4.11 Highway officers have no objections to the scheme subject to the garage having a door that does not open forward of the garage opening. Each of the dwellings has 2 off-street parking spaces in addition to the integral garage. This is considered more than adequate to meet the needs of the properties and avoid an unacceptable increase in on-street parking.

#### SUSTAINABILITY

4.12 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
- there is a good bus service.
- the proposal provides family houses to meet the needs of future residents
- the development will be constructed with sustainable materials and be more efficient than the existing bungalow.
- the design of the home allows home working if desired.
- adequate space for recycling is provided.

- cycle storage is provided.
- new landscaping is proposed.
- sustainable drainage methods will be incorporated where practical.

4.13 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 property is not within a Flood Risk Area as defined by the Environment Agency. York Consultancy initially expressed concerns that the applicant had not provided sufficient information to assess the impact on existing drainage systems. However, it was pointed out that the combined footprint of the proposed dwellings is smaller than the existing bungalow (189 square metres compared to 209 square metres). The applicant has also indicated he is seeking to use permeable surfacing where practical to replace a large expanse of existing concrete surfacing within the garden area. It is envisaged that the scheme would decrease the level of surface water run-off from the site and the applicant has confirmed that he would consider underground surface water storage if deemed necessary. It would seem more appropriate to condition that drainage details are submitted if the application were approved. A condition will be attached to remove permitted development rights for extensions (as well as the erection of dormer windows).

## WILDLIFE AND LANDSCAPING

4.15 The applicant is currently undertaking a study to assess whether there are any bat roosts within the existing roof. The results will be updated at committee, however, it is not envisaged that the outcome would lead to the application being refused. Concerns have been raised by neighbours about the possible impact on newts. Because the footprint of the building is smaller the final development is unlikely to have an impact, however, conditions will be attached to ensure that demolition and construction works do not have an unacceptable impact.

## SECTION 106 CONTRIBUTIONS

### 4.16 Play/Open space

The development will lead to a net gain of one four/five bedroom dwelling. Given that the primary use of the fifth "bedroom" is as a study and is labelled as such on the submitted drawing, it would seem reasonable to seek contributions for a four-bedroom dwelling. Using the Councils guidance on commuted sums for open space that was approved in April 2007 a total contribution of £3,490 would be required for increasing access and provision for children's equipped play space, informal amenity space and outdoor sports facilities.

### 4.17 Education

No contribution required.

### 4.18 Affordable Housing

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

## 5.0 CONCLUSION

The development would create two good quality family sized houses with large garden areas. It is considered that the development relates acceptably with the surrounding area and would not cause harm or undue harm in respect to important aspects including neighbours' living conditions, flooding and the impact on wildlife. As such it is 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:-

Revised drawing 08/0112 and 08/0116 received by the Local Planning Authority on 4 July 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 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B and C 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.

7 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 side elevations of the buildings other than those shown on the approved plans.

Reason: To protect neighbours' living conditions.

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 the windows in the side elevation of both dwellings with the exception of the ground floor doors 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.

9 Unless otherwise agreed in writing with the Local Planning Authority 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.

10 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.

11 Prior to the commencement of the development hereby approved, gas monitoring shall be carried out on the site over a period of at least six months to consider the effect of any landfill gas generation and migration. The monitoring shall be undertaken and results submitted to the Local Planning Authority in writing.

Reason: For the protection of property and human health.

12 Based on the information from the gas monitoring, proposals for gas protection systems to be included in the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. No dwelling shall be occupied until the approved systems have been installed in their entirety.

Reason: For the protection of property and human health.

13 No development shall take place until details have been submitted to and approved in writing by the Council of what measures are to be provided within the design of the new building and landscaping and phasing of construction and demolition to protect and enhance the biodiversity of the area including the safeguarding of protected species. The works shall be completed in accordance with the approved details.

REASON - To take account of and enhance the habitat and biodiversity of the locality and provide protection for protected species.

14 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.

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

implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1c of the 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 £3,490.

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.

16 Unless otherwise agreed in writing with the Local Planning Authority the garage shall be fitted with doors which shall at no time, even whilst being open or shut, protrude forward of the position of the face of the garage door whilst in the closed position.

Reason: To prevent cars projecting into the public highway and obstructing the free passage of road users.

17 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.	

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

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

## 7.0 INFORMATIVES:

### Notes to Applicant

1. In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the streetscene, highway safety, impact on amenity and living conditions of neighbours and wildlife protection. As such the proposal complies with Policies GP1, GP4a, H4a, GP7, GP9, GP10, and NE6 of the City of York Local Plan Deposit Draft.

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

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

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

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

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

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

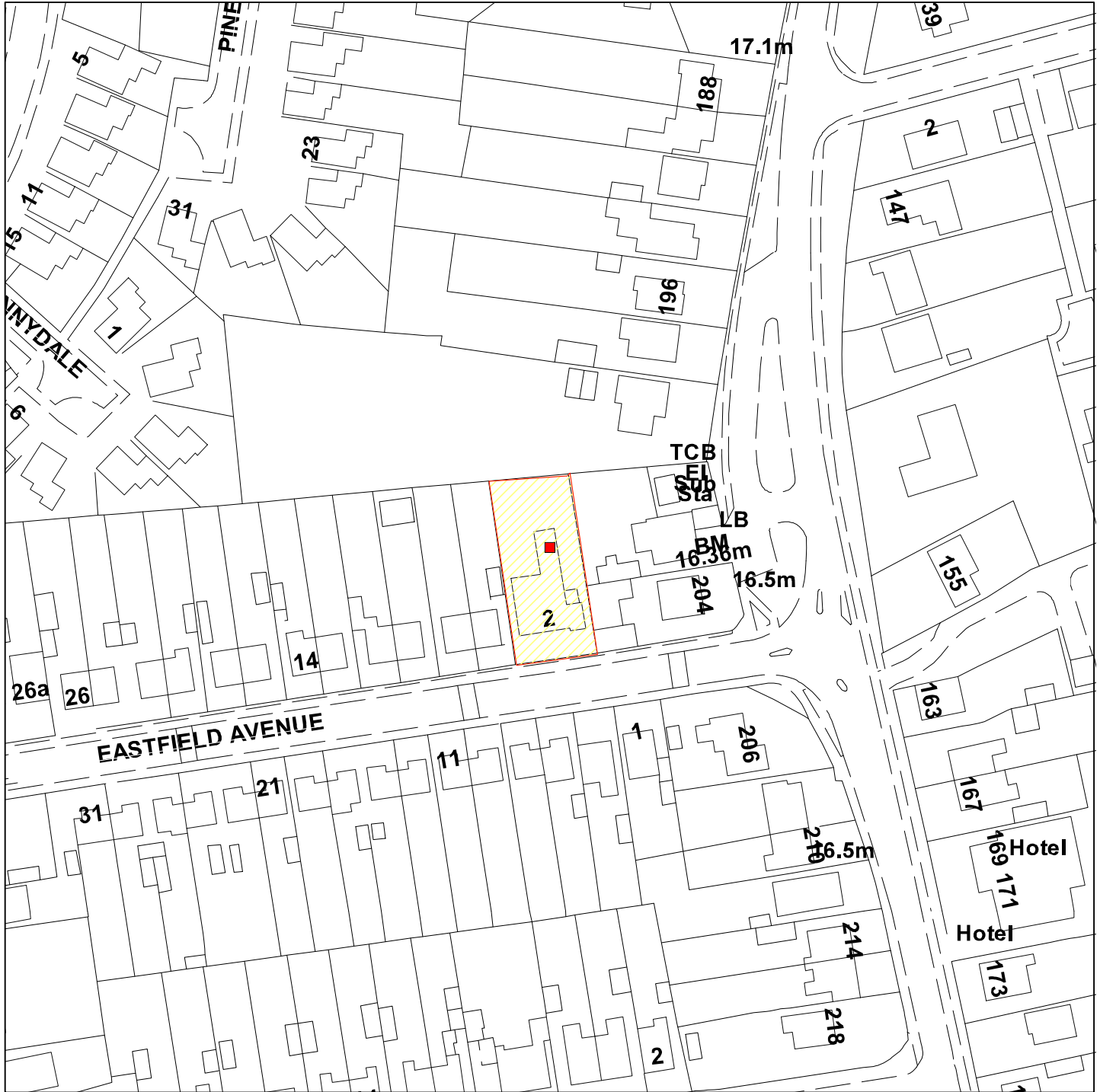
### Contact details:

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

**Tel No:** 01904 551657

# 2 Eastfield Avenue, Haxby

08/01346/FUL



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application site
<b>Date</b>	28 July 2008
<b>SLA Number</b>	Not set