



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, 11 September 2008

Time: 2.00 pm

Venue: The Guildhall, York

AGENDA

Site Visits for this meeting will commence at 10am on Wednesday 10 September 2008. There will be no mini-bus. Members who are not travelling by their own means should meet at 9 St. Leonards Place Reception.

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 - 9)

To approve and sign the minutes of the last meeting of the Sub-Committee held on Thursday 24 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 10 September at 5pm.

4. Plans List

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

- a) **2 Hempland Drive, York, YO31 1AY.** (Pages 10 - 14)
(08/01715FUL)

Two storey side extension, one and two storey rear extension of detached single garage (amendment to 08/00152/FUL)[Heworth Without Ward] **[Site Visit]**

- b) **Applefields School, Bad Bargain lane, York,** (Pages 15 - 20)
YO31 0LW (08/01875/GRG3)

Installation of polytunnel. [Heworth Ward] **[Site Visit]**.

- c) **38 Rawcliffe Lane, York, YO30 5QB** (Pages 21 - 24)
(08/01779/FUL).

Single storey rear extension. [Skelton, Rawcliffe & Clifton Without Ward]

- d) **Elvington Water Treatment Works, Kexby** (Pages 25 - 34)
Lane, Elvington, York (07/02915/FUL)

Erection of 50m high environmental monitoring mast and associated guy ropes for a temporary period of 18 months.[Wheldrake Ward]

- e) **Rose Cottage, Sutton Road, Wigginton,** (Pages 35 - 40)
York, YO32 2RB (08/01866/FUL)

Removal of condition 3 planning permission 07/01224/FUL relating to erection of new workshop [personal occupancy condition]. [Haxby & Wigginton Ward]

- f) **The Villa, Main Street, Elvington, York,** (Pages 41 - 45)
YO41 4AG (08/01868/FUL)

Erection of 1no. dormer bungalow with attached single garage (revised scheme). [Wheldrake Ward]

- 5. Clifton Hospital: Outstanding Section 106 in** (Pages 46 - 49)
relation to Management of the Landscape.

This update details the discussions that have taken place with regard to the outstanding Section 106 issues in relation to Clifton Hospital.

6. 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 10 September 2008**

Please note: There will be no mini-bus. Members who are not travelling by their own means are to meet at 9 St. Leonard's Place reception at 10am.

TIME	SITE	
10:00 am	Meet at 9 St. Leonards Place reception.	
10:10 am	2 Hempland Drive, Heworth	(4a)
10:30 am	Applefields School, Bad Bargain Lane	(4b)

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Further information about what's being discussed at this meeting

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

Scrutiny Committees

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

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

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City of York Council

Committee Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	24 JULY 2008
PRESENT	COUNCILLORS MOORE (CHAIR), CREGAN (VICE-CHAIR), DOUGLAS, FIRTH, FUNNELL, HYMAN, KING, ORRELL, TAYLOR AND WISEMAN

20. 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 Hymen declared a personal non prejudicial interest in Plans Item 4b (60 Meadlands, Osbaldwick) as his father used to live near to 60 Meadlands.

21. MINUTES

RESOLVED: That the minutes of the meeting of the Sub-Committee held on 26 June 2008 be approved as a correct record and be signed by the Chair.

22. 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.

23. 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.

23a CD Bramall, 260 Malton Road, York (08/00813/FULM)

Members considered a major full application submitted by Mr Michael O'Neill for the change of use from a car showroom to a tile and floor covering retail trade sales and distribution outlet.

The Planning Officer advised that the key concern was the extent of the proposed retail area which was outside the designated retail area of the city.

Representations were received from the applicant's agent in support of the application. He stated that the site was in a prominent position in the greenbelt and passed round a photograph showing the current operation as a car showroom highlighting a forecourt full of cars, cars parked on the highway verge, flags and balloons flying and brightly coloured advertising being displayed. He advised Members that there was currently a large flow of traffic to the site including customers visiting the showroom and taking cars in for servicing. He advised that the proposed change of use would reduce the amount of traffic to the site as well as generate additional jobs and that a smaller percentage of the site would be used for retail than is currently the case.

In response to a query regarding the expected number of deliveries and customers, the applicant confirmed that they would expect roughly 2-3 deliveries per day and anywhere between 5 and 50 customers per day.

Members questioned whether it was possible to add a condition to restrict the sale to tiles only. The Planning Officer responded that it would be difficult to word any restriction as there would be ancillary retail products that would be sold alongside tiles and it would be difficult to enforce any restriction in future.

RESOLVED: That the application be refused.

REASON: The proposed Change of Use introduces a retail use into an out of centre, unsustainable location and is considered contrary to the Council's retail policies which states that retail uses should be concentrated either within the defined central shopping area or on edge of centre sites. The applicant has not undertaken the sequential approach to development required in order to establish the availability and suitability of other sites. Furthermore, no retail impact assessment has been submitted with the application in order to establish the quantitative and qualitative need for the development and the impact on the vitality and viability of York City Centre. The site is also considered to be in an unsustainable location which encourages car borne travel. As such the proposal is considered to be contrary to national guidance in PPS6 (Planning for Town Centres) and Policies SP7a, S2 and GP4a of the City of York Draft Local Plan (4th set of changes) approved April 2005.

Action Required

1. To issue the decision notice and include on the weekly planning decision list within agreed timescales. SL

23b 60 Meadlands, Osbaldwick, York (08/01236/FUL)

Members considered a full application submitted by Mr Peter Fort for single storey side and rear extensions (following demolition of the existing garage and conservatory) and the erection of a front porch and dormers to the front and rear.

Representations were received from a neighbour in objection to the proposed changes to the front of the bungalow. His expressed concerns that the scale of the proposed dormer windows and porch were too large and would be out of proportion with the existing bungalow. He also voiced his concern over noise which would be created and the times when work would be taking place and requested that restrictions be placed on this.

Representations were also received from the architect in support of the application. He reported that, following refusal of the original application earlier in the year, this application was for a substantially smaller extension with the dormer windows being absorbed below the ridge line. He stated that there were several other houses on the same road with dormer windows and that this was a more sensitive scheme enabling the character of the bungalow to be retained.

The Chairman drew Members' attention to a letter received from another neighbour which set out his concerns that there were no dimensions stated on the plans and no details of drainage. The neighbour was also concerned over anti social working hours.

The Planning Officer confirmed that restrictions on working hours would not normally be placed on a development of this size. Furthermore, drainage details would not normally be requested for a modest size domestic application such as this.

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

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to design and appearance and neighbour amenity. As such the proposal complies with Policies GP1 and H7 of the City of York Draft Local Plan (4th set of changes approved April 2005).

Action Required

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

SL

23c Alfreda Guest House, 61 Heslington Lane, York (08/00750/FUL)

Members considered a full application, submitted by Bentley Developments, for a change of use with part two storey, part single storey pitched roof rear extension to form four dwellings with associated access, landscaping, parking and cycle storage following the demolition of side and rear outbuildings.

The Planning Officer advised Members that some additional conditions had been added to the application.

Representations were received from the agent in support of the application. He advised Members that the intention was to use the area in front of the houses as a communal area which would be visibly attractive and this area would be managed through a service charge on future occupants. He saw this application as a viable and appropriate solution to preserving and reusing an asset in the Fulford Conservation Area.

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

Amended Condition 9

Details of all new means of enclosure to the site boundaries and all boundaries within the individual plots hereby approved 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 and to preserve the openness of the Conservation area at this point.

Additional Condition 13

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 shall include within the 3 metre wide planting strip shown to the rear of the building on the approved plans within which the planting shall not exceed 1.5 metres in height. 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 and to preserve views through the site from Heslington Lane.

Additional Condition 19

The front boundary wall shall be retained in its existing form unless an alternative scheme has first been submitted and agreed in writing by the Local Planning Authority.

Reason. In the interests of preserving the character of the Conservation area and ensuring that no rebuilding work damages the health of the protected trees on the site.

Additional Condition 20

There shall be no sub-division by the way of fences, walls or any other means of enclosure of the garden area to the front of the building.

Reason. To retain the openness of the site so as to preserve the open character of the Conservation area.

Additional Condition 21

There shall be no resurfacing of the existing hardstanding areas, including the area shown on the approved plans for the storage of refuse bins on collection day unless otherwise agreed in writing by the Local Planning Authority.

Reason. In order to preserve the character of the Conservation area and protect against damage to the protected trees with the application site.

REASON:

The proposal, subject to the conditions listed in the report and the amended and additional conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the Conservation area, loss of neighbour amenity, sustainability, affordable housing, provision of open space and protected trees within the site. As such the proposal complies with Policies H4A, HE3, H2A, GP4A, L1C and NE1 of the City of York Draft local plan (4th set of changes) approved April 2005.

Action Required

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

SL

R MOORE, Chair

[The meeting started at 2.00 pm and finished at 2.55 pm].

1.5 The application is brought to Committee following a request from Councillor Ayre. A site visit has also been requested in order to assess the impact of the proposal on the street scene.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

3.1 Statutory / None Statutory
No consultations were considered necessary.

3.1 Public Response
No letters of representation have been received.

4.0 APPRAISAL

4.1 Policy Background

Policy H7 of the City of York Draft Local Plan relates to residential extensions and states that extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building and (iii) there is no adverse effect upon the amenities of neighbours.

Policy GP1 of the City of York Draft Local Plan relates to design and sets out the criteria that the design of development proposals would be expected to meet. These include requirements to (i) respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline,

landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

Supplementary Planning Guidance - 'A Guide to Extensions and Alterations to Private Dwelling Houses' dated March 2001 states that the basic shape and size of the extension should be sympathetic to the design of the original dwelling.

4.1 Residential Amenity

The two storey extension to side was originally granted planning permission with a flat roof, which measured 8.3 metres in height. The proposed two storey extension to side has been constructed with a hipped roof, which has increased the overall height of the property, by 450mm to 8.75 metres. The extension is positioned 550mm from the shared side boundary with 4 Hempland Drive, which also has a two storey side extension close to the shared boundary with the application site. This neighbouring extension does not contain any windows in the side elevation facing the host property. The roof of the extension, which is the subject of this application, is hipped away from the shared boundary with 4 Hempland Drive and its overall height is no higher than the ridge of this property or other dwellings in the street scene. Given the position of the side extension at 4 Hempland Drive it is not considered that the alterations to the roof would result in overshadowing or appear overly dominant in relation to this neighbouring property. Whilst it is accepted that the revised scheme does result in an increase in the overall height of 2 Hempland Drive it is not considered that an increase of 450mm would result in significant levels of harm to the residential amenities of surrounding dwellings.

4.2 Impact on Street Scene

As discussed above, the increase in the height of the dwelling house to 8.75 metres does not result in the ridge of the property being any higher than the ridge of neighbouring dwellings on Hempland Drive. This is demonstrated by the photographs from the roof of the property supplied by the applicants. As a result it is not considered that the property would appear out of character with the street scene or be detrimental to the visual amenities of the area. The revised scheme has removed an area of flat roof, which was not a characteristic of the original dwelling and has been replaced by a hipped roof, which reflects the design of both the original dwelling and the properties in the immediate street scene. The extension has been constructed from brick and tiles reclaimed from the previously demolished single storey extension, which therefore match those used in the construction of the original property. The design and appearance of the extension is therefore considered to respect the host property and would not be detrimental to the visual amenities of the area.

5.0 CONCLUSION

5.1 It is not considered that there have been any changes in circumstances or relevant policy guidance since the original application was granted that would warrant reaching a difference conclusion that the original scheme was acceptable.

5.2 The difference in the design and height of the roof of the two storey side extension would not harm the residential amenities of neighbouring dwellings, nor would it be detrimental to the design and appearance of the host property or the visual amenities of the street scene. The application is therefore recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

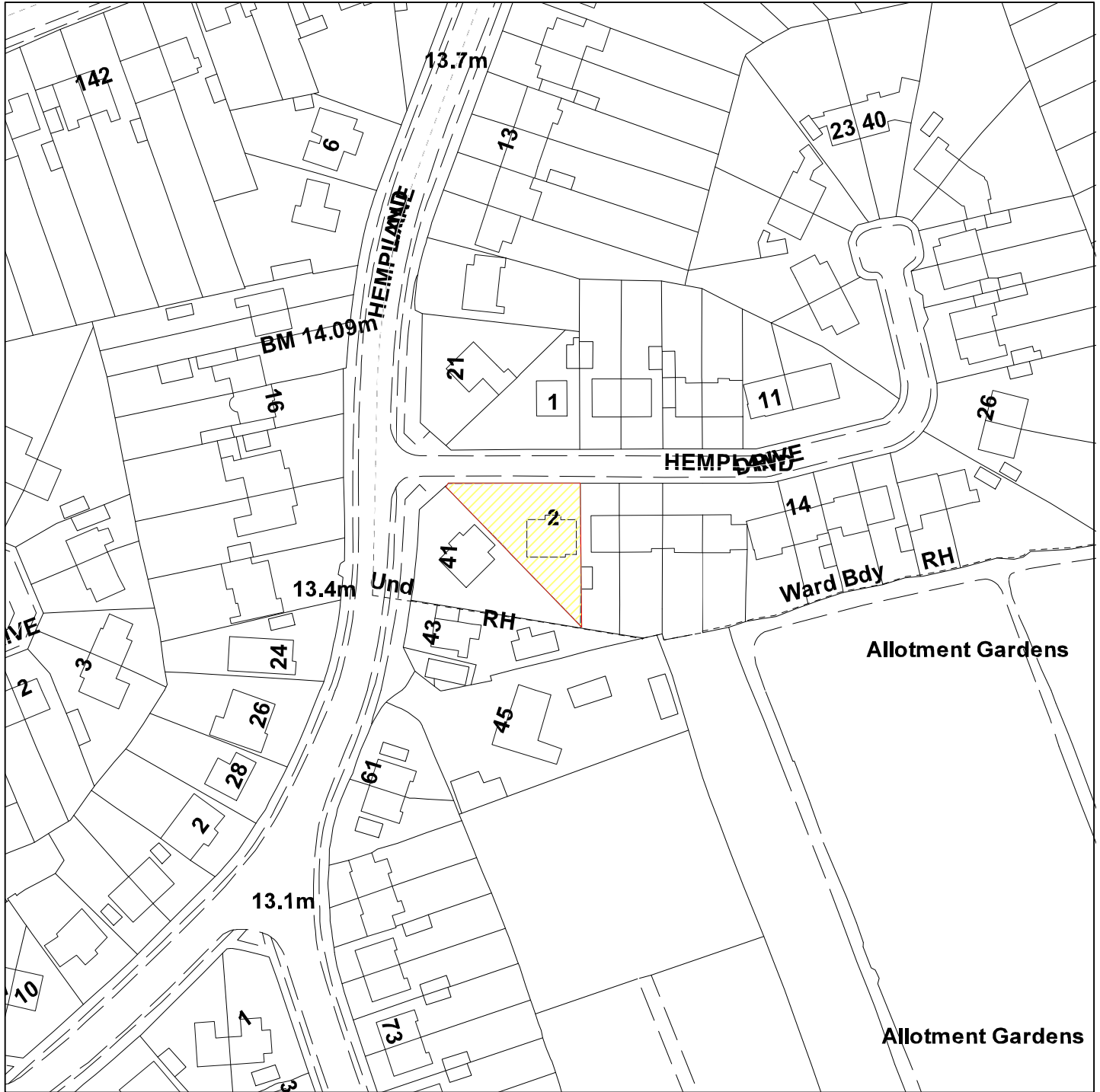
In the opinion of the Local Planning Authority the proposal would not cause undue harm to interests of acknowledged importance, with particular reference to the effect on the amenity and living conditions of adjacent occupiers and the impact on the streetscene. As such the proposal complies with Policies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

Contact details:

Author: Kirsty Catlow Development Control Officer
Tel No: 01904 551477 (Tues - Thurs)

2 Hempland Drive

08/01715/FUL



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	01 September 2008
SLA Number	Not Set

3.0 CONSULTATIONS

3.1 Internal - None

External

Parish Council - Object to the proposed development for the following reasons:

- Concerned about noise being created during windy and rainy weather
- The structure will be unsightly in appearance
- Concerned about the impact the proposal will have on the properties to the rear of the school

Public representation - The application was advertised by means of neighbour notification letters. One letter of objection from a local resident has been received.

The main concerns are as follows:

- Plans show the polytunnel 5 metres from the boundary, but this distance is less due to the path that runs around the structure
- Noise will travel to neighbouring properties as it will not be sound proofed
- There is no indication as to whether the existing trees and shrubbery would be affected
- There are a numerous other locations around the school for the structure

The original application for the school building showed the proposed site as open space and play area. It was understood that this would be preserved as such and not used for any infill building

The writer points out that in 1981 when the original school was to be built the County Planning Officer at the time in his report said that the main consideration was that the building had to be designed to affect as little as possible the adjacent dwellings. The school was approximately 33m from the nearest dwelling and this distance has already been encroached upon by extension

There is no indication as to how the polytunnel will be heated during the winter months.

4.0 APPRAISAL

Key issues: Impact on visual amenity and neighbouring property

4.2 Draft Local Plan Policy GP1 amongst other criteria states that development proposal should respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; and ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.3 Draft Local Plan Policy ED1 states that planning applications for new/extended primary and secondary education facilities will be granted permission provided that:

a) Would meet a recognised need.

b) The proposed development is of a scale and design appropriate to the character and appearance of the locality:

c) An area of open space and playing fields, sufficient to meet the needs of pupils is incorporated in the development:

d) Where a development is capable of a joint or dual use for community benefit, this has been incorporated into the design.

4.4 Visual amenity

It is intended to construct the proposed polytunnel, which is of a standard design, of galvanised steel and polythene. The materials are considered to be acceptable and it is considered that the proposal would not detract from the visual amenity of the host building or character of the area. Materials of construction can also be controlled by the imposition of a condition on any grant of permission.

4.5 Impact on neighbouring property

The proposed works are to be contained within the curtilage of the school grounds and 5m from the boundaries with nos. 8 and 10 Meadlands. These properties have a rear garden depth of approximately 8-10m. The trees and hedge along the boundary are in excess of 2m high and would provide screening from the rear elevation of the dwellings. Given the separation distances achieved to adjacent property and the existing trees and hedge that runs along the (eastern boundary) of the site with the dwellings, it is considered that the impact of the proposed polytunnel would not be significant. It is therefore considered that the proposal would not result in an unduly detrimental impact on the occupiers of the residential properties situated on Meadlands.

4.6 The proposal is associated with the existing school and is required to develop part of the existing school curriculum. Given the nature of the established use of the site, it is not considered that the proposal would result in an unacceptable intensification of the existing use of the site.

4.7 In relation to the comments received on the application, the following response is made:

* It is not considered that the noise generated from the proposal during windy and rainy weather is likely to be an issue.

* The appearance of the proposed polytunnel and its impact on neighbouring property has been addressed in the main body of the report

* The proposed polytunnel has a 1m path running around the edge; therefore the distance from the path to the rear boundaries of the dwellings situated on Meadlands is 4m. The dwellings situated on Meadlands have a rear garden depth of approximately 8-10m and it is felt that this distance together with the existing

boundary treatment is sufficient in order to alleviate any potential impact on the amenity of the occupiers of the properties

* In terms of noise nuisance, and bearing in mind the existing use of the site it is not considered that the proposal would result in any significant increase in levels of noise emanating from the site.

* The proposed polytunnel is to be situated approximately 5m from the trees and shrubbery that form the boundary with the residential properties on Meadlands. The agent has confirmed that the trees and hedge that run along the eastern boundary of the site are to remain.

* It is considered that given the nature of the proposal, this is an acceptable location as a site of the proposed polytunnel. If it was to be relocated, it would be likely to result in parts of the existing tarmac surfacing being excavated in order to accommodate the polytunnel and it would also be visible from a wider area.

* Given that this area is open space/play area within the cartilage of a school, it can be reasonably expected that it is likely to contain structures erected in association with the land

* The agent has confirmed that the proposal is for the pupils of the school, would not be used on a commercial basis, and it is not expected to be heated or provided with lighting

5.0 CONCLUSION

5.1 It is considered that the proposal is acceptable in terms of site, design and intended materials of construction and would not have a detrimental effect on the amenity of neighbouring residential properties. Therefore, approval is recommended subject to conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

08/MA/002

08/MA/003

08/MA/004

08/MA/005

08/MA/006

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

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

3. Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, details of the external materials to be used for the proposed polytunnel 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: 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 visual amenity and the impact upon neighbouring property. As such the proposal complies with Policies GP1 and ED1 of the City of York Local Plan Deposit Draft.

Contact details:

Author: Angelina Lambert Development Control Officer
Tel No: 01904 551596

4.0 APPRAISAL

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

4.2 The Application Site - The property is a traditional semi-detached dwelling located within a residential area of similar style dwellings on Rawcliffe Lane. The dwelling is situated on a large plot with large rear garden surrounded by tall trees providing screening from neighbouring properties.

4.3 Draft Local Plan Policy GP1 states that development proposals will be expected to (i) respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.4 Draft Local Plan Policy H7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

4.5 The City of York Council Supplementary Planning Guidance - Guide to extensions and alterations to private dwelling houses (2001) states that the basic shape and size of the extension should be sympathetic to the design of the original dwelling. The scale of the new extension should not dominate the original building. Proposed extensions should have pitched roofs and the materials should match those of the main property. For single storey extensions, obscured glazing should be fitted to any essential windows facing the neighbouring boundary where there may be a loss of privacy for neighbours.

4.6 Effect upon neighbouring properties - The proposal will have no adverse effect on the amenity of neighbouring properties. The proposed extensions are single storey and are located away from the property boundary, and there would be no overlooking of neighbouring properties as the garden is well screened due to numerous tall trees surrounding the rear boundary. No objections have been received from neighbouring properties.

4.7 Effect On the Street Scene - There are similar examples within the street scene therefore the design of the proposal is compatible with neighbouring buildings, and would be in keeping with the character of the area. Matching materials would be used. The extensions are very minor and are in proportion with the size and scale of the existing dwelling.

5.0 CONCLUSION

5.1 It is considered that the proposal will not significantly harm the amenity of neighbours or the visual amenity of the area. The size and scale of the proposed extensions will not have any detrimental impact on the street scene and therefore the application is recommended for approval.

6.0 RECOMMENDATION: Approve

- | | | |
|---|--------|--|
| 1 | TIME2 | Development start within three years |
| 2 | PLANS1 | Approved plans - Drawing no. 2429/102 received 10.07.2008. |
| 3 | VISQ1 | Matching materials |

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

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

Contact details:

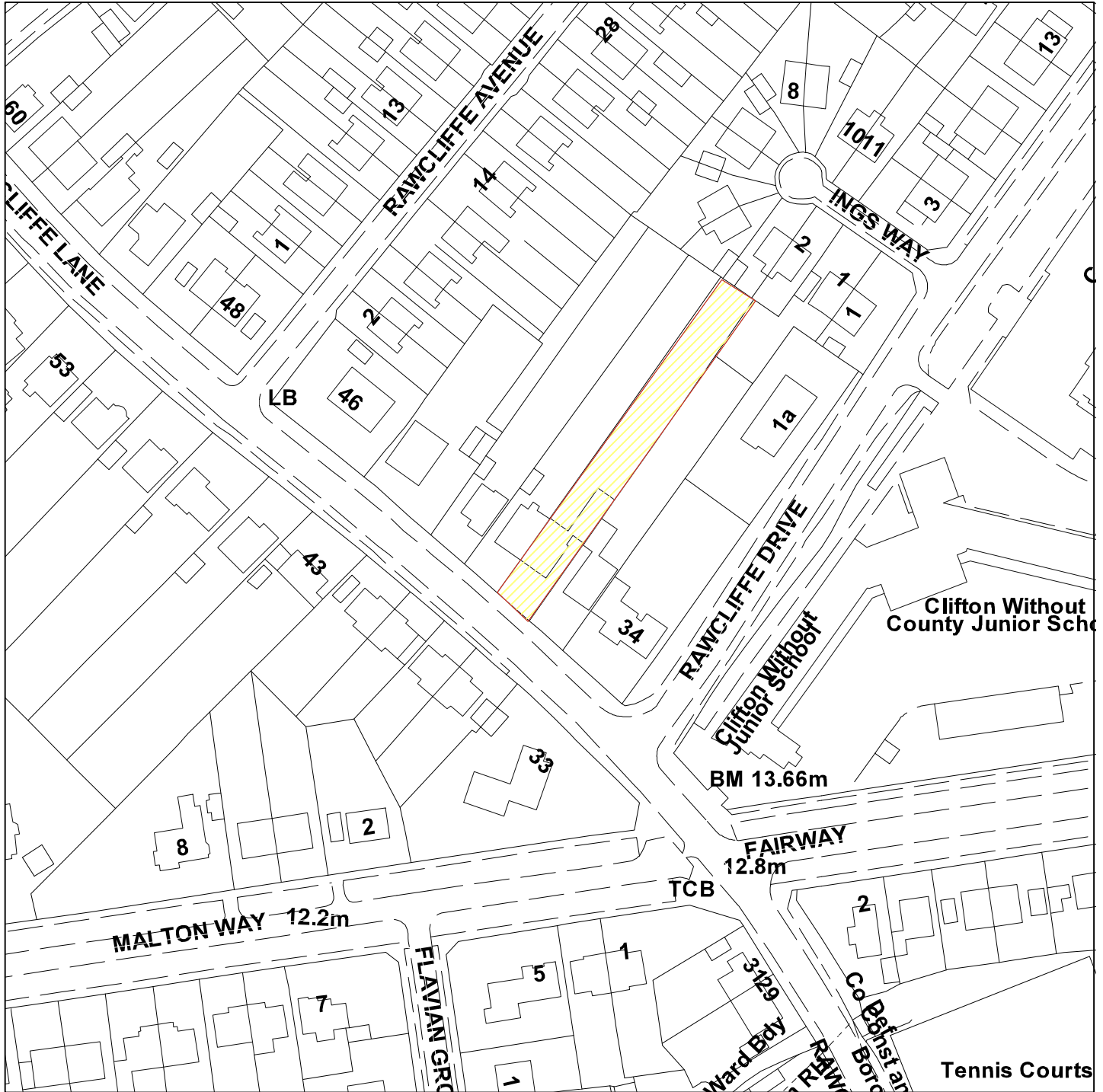
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38 Rawcliffe Lane

08/01779/FUL



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Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	01 September 2008
SLA Number	Not Set

1.3 It is considered that the application should be referred back to the Planning Committee in order that these comments can be considered by Members prior to a final decision being made on the application.

1.4 The above comments are noted, in particular the reference to the possibility of placing coloured buoys on the cables to make them more visible in low light conditions. Officers have considered this and whilst this aspiration is noted, it is not considered by the Countryside Officer to be essential and he is not recommending it as a condition of approval. It is considered that by their very purpose, the placing of such buoys on the cables would make the mast more visually prominent in the landscape, a key issue given the masts location in the Green Belt. Therefore, given that they are not considered an essential safety requirement here, and given the temporary nature of the proposal, officers do not consider it necessary to place such attachments to the structure and recommend that the proposal be approved as originally submitted.

1.5 A number of comments in these additional letters also make reference to the Green Belt status of the application site, the link between the monitoring mast and any future proposal for a wind turbine and the lack of very special circumstances being put forward by the applicant. For member's information this was referred to in the original officer's report at para. 4.3 below and no new issues are raised on this which were not fully considered last time. The original report also recognised that the monitoring mast would constitute inappropriate development in the Green Belt and that very special circumstances that outweigh any harm to the Green Belt would need to be demonstrated in order to justify the granting of planning permission. For clarification, although not specifically referred to by the applicant, it is clear that the purpose of the monitoring mast is to assess the suitability of the site for a wind turbine. (see para. 4.5 below). It is considered that the desirability of exploring the potential of the site for wind energy development could be regarded as very special circumstances justifying the development, particularly for a temporary period of 18 months, as has been requested. Again, this issue was fully explored at the previous meeting.

1.6 Officers strongly believe that the application should not be considered on the basis that it may result in a future application for a wind turbine. The monitoring exercise may reveal that the site is unsuitable for a wind turbine, in which case it can be assumed that no further applications would be submitted, or it may result in the submission of an application in a different location to the monitoring mast. Any future application for a wind turbine would have to be considered separately, on its own merits, having regard to policies and Government advice prevailing at the time and any other relevant material considerations, including the location in the Green Belt and wildlife interests. It is strongly refuted that the granting of planning permission for the monitoring mast would act as a precedent for a wind turbine at some future date

1.7 In the opinion of officers there are no new issues raised as a result of the additional correspondence received which would alter the previous recommendation and decision.

1.8 The report continues below as previously presented to committee.

1.8 This application seeks temporary consent for a period of 18 months for a 50 metre high anemometer mast on land at the Yorkshire Water Treatment Plant at Elvington.

1.9 It is a 50m high slender aluminium pole secured to the ground with cables which stretch to a radius of 25 metres from the mast itself. There will be several small measuring devices on the mast in order to measure wind speed, wind direction and temperature. The information gleaned from the measuring devices will be used to decide whether a wind turbine would be appropriate to be sited in this location in the future and if so, how high that should be.

1.10 The site lies within the Green Belt to the north of Elvington village within the boundaries of the Yorkshire Water treatment works. The River Derwent runs along the northern boundary of the site and the other immediate boundaries of the site are seen against open arable land. The nearest house is some 360 metres to the south on Riverside Gardens. The nearest house to the west is on White House Grove and Derwent Grove, approx. 390 metres away.

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:

CYGP5
Renewable energy

CYSP2
The York Green Belt

CYGB1
Development within the Green Belt

CYSP3
Safeguarding the Historic Character and Setting of York

CYGP1
Design

3.0 CONSULTATIONS

INTERNAL.

3.1 Environmental Protection Unit.
No objections.

EXTERNAL.

3.2 Elvington Parish Council.
Object.

- i) Development is too close to residential properties and will have an excessive visual impact on the whole village. Homes are within 400 metres and the school is only 550 metres away. Height of the proposed mast is just short of the highest point of York Minster. Visual impact assessment for mast should be made.
- ii) The existing landscape is of open nature so the mast/turbine will be a highly visible intrusion over the area. Other local parishes should be consulted.
- iii) Site is not secure as claimed by Yorkshire Water. Gates to the site are often left open and there is no full time personnel on the site.
- iv) Insufficient opportunity given for residents to comment. All residents in the north facing properties should be given the opportunity to comment.
(OFFICERS NOTE - 12 site notices were placed at various points along the whole of the north side of the main road through the village, including outside the village shop. A press advert has also being placed in the York Evening Press).
- v) Wind turbines generate noise, both audible and sub-sonic. They affect local people's quality of life.
- vi) Shadow flicker and strobe affect from wind turbines may affect local residents and the pupils and staff at the local school.
- vii) Studies have being carried out which conclude that a safe buffer of at least 2km should exist between turbines and family dwellings.
- viii) Potential impact on the birdlife in the area. The area is an important habitat for geese, barn owls and raptors. Research shows that birds are susceptible to collision with turbine blades. Has as assessment of the impact of the mast/turbine on wildlife being made.
- ix) The mast is in close proximity to Elvington airfield and would be in direct line of the approach to the runway of the airfield.
- x) Yorkshire Water have sited turbines at their treatment works at Barmby Marsh but that is a much more appropriate site as there are only 2 houses within 2km of the turbines.
- xi) Yorkshire Water should be making use of the water resource on their doorstep (River Derwent). They could utilise the weir at Sutton on Derwent to generate power and this power source would be more reliable than the wind.

The Parish Council is supportive of power generation from renewable sources - but only of schemes suitable to a particular site.

3.3 Neighbours / Third parties.

42 letters of objection have being received making the following observations.

- 1) The mast is much too close to houses and the village school. It is huge and will overlook the village.
- 2) Significant visual intrusion. The mast will dominate the skyline. Ultimate aim is to put up a wind turbine.
- 3) Noise pollution. Noise from the mast could be intrusive. Already disturbed by sirens going off at the plant.
- 4) Adverse impacts have not been analysed, particularly the visual impact on the skyline.
- 5) Application is speculative and depends on where Yorkshire Water own land, not on reasonableness. This is evident from the secretive nature of the application.
- 6) Application should be considered in terms of the longer term plan for a wind turbine.
- 7) The wider issue has not been considered ie: wind farm developments should be assessed on wider joined up thinking as opposed to small developments dotted about everywhere, giving low efficiency with high social impact.
- 8) Will affect local property prices.
- 9) Recent studies have found that there should be a buffer of at least 2km between turbines and houses.
- 10) Impact on birdlife which are susceptible to collision with blades. Area is an important habitat for birds. Have seen in excess of 200 geese flying over at any one time. Birds nest on the nearby lagoons.
- 11) Will destroy the surroundings of an important dormitory village and would represent an appalling abrogation by the Council of their duty to their citizens.
- 12) Severe doubts as to the economic viability of the proposal.
- 13) Health and safety aspects of a mast on an insecure and often unmanned site.
- 14) Implications for future developments at the site.
- 15) Inadequate notification of the application to local residents.
- 16) Development represents inappropriate development in the Green Belt and no justification has been included in the application to demonstrate that very special circumstances exist which would outweigh this harm, as required by PPG2. There is no evidence that other sites have been considered such as a site to the north which is a designated Green Belt development site. Proposal is contrary to Policy SP2 of the draft local plan (safeguarding the setting and historic character of the City of York).
- 17) Scale and appearance of the mast is not in keeping with the surrounding landscape and will be intrusive to the scenic views enjoyed by residents of Elvington as the mast will be considerably taller than surrounding buildings.
- 18) This mast could lead to the erection of a wind turbine which would have a detrimental impact on surrounding residential development through noise.
- 19) Health and safety issues for Yorkshire Water workers themselves.
- 20) Concerned about flying debris.
- 21) The principle of using greener energy is a sound one. The choice of which source of energy is not.
- 22) Concerned about the potential effect on the health of children and people from loss of sleep, headaches, depression. Children may no longer be able to play outside.
- 23) Increased levels of traffic using Dauby Lane accessing the site, particularly during construction of the mast.
- 24) Obtrusive structure. Views over open fields from homes and gardens would be ruined.

- 25) It could be placed further back within the site.
- 26) Elvington is a Conservation area and there are extra controls to preserve and enhance these. The siting of this mast is in direct contradiction to this designation. Will be particularly visible from the old bridge.
- 27) Concerned about flooding in the area.
- 28) There may be lights attached to the mast which would be visually harmful in a rural area.
- 29) Mast is on the flightpath to Elvington airfield.
- 30) Back up power generation will be required to facilitate the possibility of a power outage.
- 31) What is the cost benefit. How will the wind power integrate within the overall power profile of the water treatment works.
- 32) Quality of radio and tv reception would be affected.

4.0 APPRAISAL

4.1 KEY ISSUES.

- Green Belt.
- Visual amenity.
- Renewable energy.
- Noise and disturbance. Neighbour amenity.

4.2 The main draft local plan policies are GB1, SP2, SP3, GP1 and GP5.

Policy GB1 and its supporting text relates to the control of development in the Green Belt and SP2 and SP3 refers to safeguarding the Green Belt and the historic character and setting of York with reference to the overall impact on the York skyline. Policy GP1 seeks to control design and ensure that neighbour amenity is not compromised. Policy GP5 relates to developments for renewable energy. The proposed monitoring mast is the initial stage in a process of considering a renewable energy scheme in the area and it is therefore considered appropriate to assess the proposal against this policy.

4.3 Green Belt.

National policy and guidance on development in the Green Belt is outlined in PPG2 and this defines what is appropriate development in the Green Belt. Renewable energy projects when located in the green belt will generally constitute inappropriate development and may impact on the openness of the Green Belt. Para. 13 of PPS22 (Renewable energy) recognises this and states that careful consideration will need to be given to the visual impact of such projects in the Green Belt and developers will need to demonstrate very special circumstances that outweigh any harm by reason of inappropriateness. It goes on to say that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

4.4 Such proposals, by their very nature, will be situated in open areas and in York this will almost inevitably be on Green Belt land. A main thrust of Government guidance generally is a focus on achieving sustainable forms of development and the Government are committed to targets aimed at increasing energy generation from renewable sources. This is advocated in PPS1 and PPS22. Draft Local Policy GP5 reflects advice in PPS22.

4.5 Whilst the mast in this instance will not directly act as a form of renewable energy, the information gained from the monitoring devices will aid Yorkshire Water in making informed decisions on whether a future turbine is appropriate in this location and if so, how this would best operate. As such, whilst the proposal would constitute inappropriate development in the Green Belt when considered against PPG2, it is in line with up to date Government guidance on renewable energy. The proposed mast is a monitoring mast and not a wind turbine and its sole purpose is to assess weather conditions. Furthermore, it is proposed to be only a temporary structure for 18 months. Given the thrust of Government guidance which is encouraging of such renewable energy developments, even small scale schemes can be considered to be appropriate (key principle vi of PPS22), and officers consider an application which is aimed at assessing whether such a development might be suitable in the future does constitute the very special circumstances referred to in para. 13 of PPS22. Officers consider that these very special circumstances outweigh the harm by reason of inappropriateness as required by PPG2.

Visual amenity.

4.6 When assessing harm to the Green Belt, it is also appropriate to consider visual impact even when it is concluded that the proposal is appropriate in the Green Belt. The proposed mast would be tall and slender in design. Given the height of the mast, and the relatively flat open character of the area, it would be visible over a relatively wide area. However, given its extremely slim design (139mm in diameter) and the even slimmer nature of the supporting cables, it would not be particularly visually prominent, despite its height. It is not considered that it harms the openness of the Green Belt. Furthermore, it is proposed for 18 months only. A condition is recommended to control this. Given the above and despite its height, it is not considered that the mast will have an unacceptable impact on the wider setting and skyline of York.

Neighbour amenity.

4.7 The visual impact of the mast has been considered above and at a distance to the nearest house of approx. 360 metres, it is not considered that the mast will dominate or oppress the views of any local resident. The mast will not generate any noise. Therefore it is considered that the mast will not affect the residential amenity of neighbouring properties.

Flooding.

4.8 The site is within Flood zone 1, the site being slightly raised as it stands within the grounds of the Yorkshire Water Treatment Works, a site which benefits from flood protection from the River Derwent. However, even without this protection, the

proposal is unlikely to result in any additional floodrisk. The proposal does not require any significant increase in hardstanding as it will be supported by cables driven into the existing grassed surface.

Objections.

4.9 There is significant local opposition to the proposal and the comments are precised at para 3.3 above. Some of the objections refer to concerns over the perceived impact and effects of wind turbines. This application is for the temporary installation of a monitoring mast to assess wind speed, direction and other weather related issues and the determination of the application should be based on what has been applied for and not what might happen in the future. If, following on from this application, Yorkshire Water decide to press ahead with plans for a wind turbine then a planning application will be required and all issues relevant to such an application will be fully considered and assessed. If members are minded to approve this monitoring mast, this does not in anyway suggest support for a future turbine which will have to be assessed on its own merits.

4.10 The publicity period for this application expires on 19 March, and officers request that the application be dealt with under delegated powers provided that no new issues or objections are raised during this period.

5.0 CONCLUSION

5.1 The proposed mast, despite being 50 metres high will not, by virtue of its slender design, have an adverse visual impact in the area. It is considered that very special circumstances exist which outweigh the harm by inappropriateness to the Green Belt. There is no impact on neighbour amenity.

5.2 Therefore the proposal is considered to be acceptable, having had regard to national guidance in PPS22 and draft local plan policies GB1, SP3, GP1 and GP5.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 Prior to the commencement of the development the Local Planning Authority shall be informed in writing of the date on which the mast shall be erected and the mast and all associated works shall be wholly removed from the site within 18 months of that date.

Reason. To restrict the period in which the permission may be implemented, and to ensure the removal from the site of the mast and associated works and the site's restoration upon the expiry of the permission.

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

Drawing no's:
C2031 Issue A2
C2032 Issue A2
C2033 Issue A2

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

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

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the Green Belt, visual impact, renewable energy and local residential amenity with particular regard to noise and disturbance. As such the proposal complies with Policy E8 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GB1, SP2, SP3, GP1 and GP5 of the City of York Draft Local Plan (4th set of changes) dated April 2005.

Contact details:

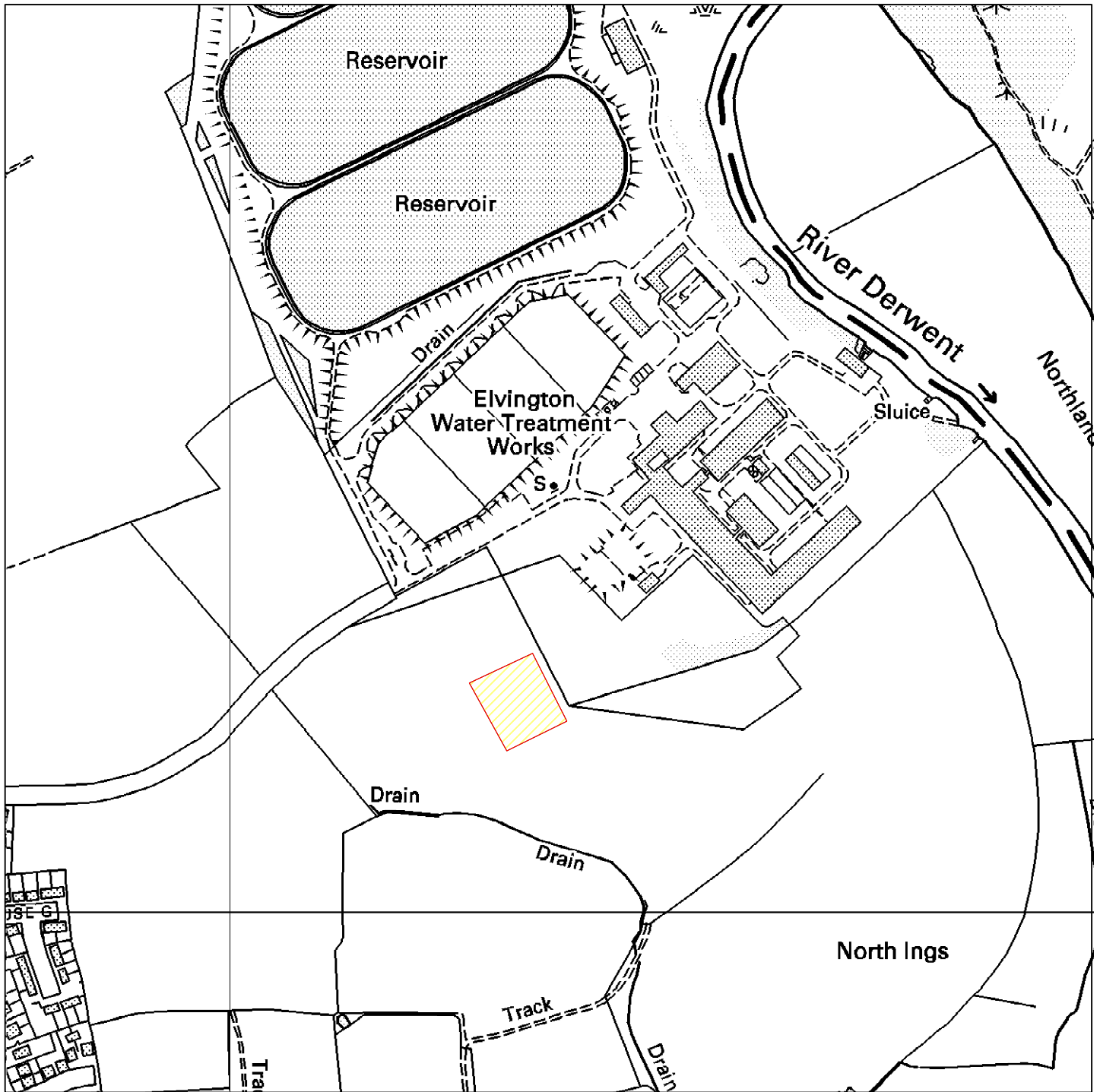
Author: Matthew Parkinson Development Control Officer
Tel No: 01904 552405

Wind Monitoring Mast at Elvington Water

07/02915/FUL



GIS by ESRI (UK)



Scale : 1:5000

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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	01 September 2008
SLA Number	Not Set

Wigginton Parish Council - Objection to the removal of Condition 3. It should be amended to limit the permission to occupants of Rose Cottage. This amendment would safeguard the use of the store room and workshop as ancillary to the premises of Rose Cottage.

Public Consultation - The consultation period expires on 2 September 2008. At the time of writing no responses had been received. Members will be updated at the meeting.

4.0 APPRAISAL

4.1 Key Issues

- impact on the openness of the Green Belt
- compliance with Government Circular 11/95 - "The Use of Conditions in Planning permissions"

4.2 Policy Context

Policy GB1 of the City of York Draft local Plan states that within the Green Belt, planning permission for development will only be granted where: (a) the scale, location and design of such development would not detract from the open character of the Green Belt; (b) it would not conflict with the purposes of including land within the Green Belt; and (c) it would not prejudice the setting and special character of the City of York; AND it is for one of the following purposes: agriculture and forestry; or essential facilities for outdoor sport and outdoor recreation; or cemeteries; or limited extension, alteration or replacement of existing dwellings; or limited infilling in existing settlements; or limited affordable housing for proven local needs; or limited infilling or redevelopment of existing major developed sites; or minerals extraction, provided high environmental standards are attainable; or highways works or other essential engineering operations including waste disposal; or park and ride facilities; or reuse of existing buildings. All other forms of development within the Green Belt are considered inappropriate. Very special circumstances will be required to justify instances where this presumption against development should not apply.

Policy GB11 states that planning permission will only be granted for new industrial and business development outside defined settlement limits in the green belt and open countryside where: (a) it involves the re-use or adaptation of an existing building or is for a small scale extension to an existing building; and (b) it provides a direct benefit to the rural economy and the local residential workforce.

The Application Site

4.3 The site consists of a group of former farm buildings including farmhouse, pole barn and other agricultural-type outbuildings. The house has a dedicated access from Sutton Road. The outbuildings have a separate, wider access from Sutton Road. The whole of the site lies within the Green Belt, outside development limits. Whilst the area includes a range of uses it is predominantly agricultural and largely open. Officers understand that the applicants are in the process of moving

their business from Hessay to the site but they have yet to implement the permission to which condition 3 relates.

Reason for Application

4.4 The applicants are seeking removal of the condition on the grounds that it prevents them raising finance for the new workshop. They state that lenders would not have any security if anything untoward happened to the applicants and/or their business. Further, they consider that the condition does not comply with the tests of reasonableness set out in Government Circular 11/95 relating to the use of conditions in planning permissions.

Impact on the Openness of the Green Belt

4.5 Central government advice in Planning Policy Guidance Note 2 ("Green Belts") states that the construction of new buildings in the green belt is inappropriate unless it is for a tightly restricted range of purposes. Industrial development is considered to be inappropriate and therefore, by definition, harmful to the green belt.

4.6 The proposed workshop building would be 18m long, 12m wide and 5.6m high. Its footprint would be 216sqm, compared to the pole barn's footprint of 104sqm. The workshop would be a significant addition to the volume of buildings on the site. Moreover, it would be located to the east of the pole barn, ie wholly beyond the group of existing buildings. It would be easily visible from the north, south and east. Whilst the design and materials of the workshop would be typical of new commercial/agricultural buildings in the countryside the workshop would, due to its size, design and appearance, significantly detract from the open character of the green belt.

4.7 It was for the above reasons that officers recommended refusal of the application for the erection of the workshop. Nevertheless the Committee wished to support the applicants' business and felt that the proposal comprised a laudable use of vacant buildings. Whilst members were concerned about the impact on the green belt the predominant view was that the personal circumstances of the applicant were sufficiently exceptional to justify consent - on condition that it be personal to the applicants. Officers remain of the view that the workshop is inappropriate development in the Green Belt, contrary to PPG2 and policies GB1 and GB11 of the Draft Local Plan.

Compliance with Circular 11/95

4.8 The Circular requires that all planning conditions satisfy a number of tests particularly, in this case, that they be necessary and reasonable. A condition may be unreasonable because it is unduly restrictive and effectively nullifies the benefit of the permission. Whilst officers sympathise with the applicants for any difficulties the condition may cause regarding raising finance for the construction of the workshop this is not considered to be a planning issue. The condition is considered reasonable in that it would not affect the applicant's use, enjoyment or operation of the workshop or business.

4.9 The Circular states that whilst it is seldom desirable to make a condition personal to a named person there can, in exceptional circumstances, be strong compassionate or other personal grounds for granting permission for a purpose that would not normally be allowed at the site. However, the Circular goes on to state that such a condition is scarcely ever justified for the erection of a permanent building, the principle issue being that the building is likely to remain in situ long after the personal circumstances that allowed to be erected have passed. Whilst the condition requires the use of the workshop to terminate at such time as the applicant ceases to occupy the premises, it does not require the building to be removed at that time (that in itself would be a wholly unreasonable requirement). Thus any harm that may otherwise be caused (in this case, the impact on the openness of the Green Belt) would remain irrespective of the condition restricting the use/occupation to a particular person. Thus, in planning terms, it could be argued that the condition serves no useful purpose and as such is unreasonable.

Other Matters

4.10 The parish council have requested that the condition to be amended so that the permission is limited to occupants of Rose Cottage. Amending the condition in this way would not protect the long-term openness of the green belt, which is the essence of government policy in PPG2 and the main concern of officers.

5.0 CONCLUSION

5.1 Condition 3 was attached due to the personal circumstances of the applicant and to enable a viable light engineering business to be established on the site. However, it is considered that the condition conflicts with the advice in Circular 11/95, which states that a personal planning permission is scarcely ever justified for the erection of a permanent building. For this reason, on balance, it is recommended that the application be approved and condition 3 removed.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 VISQ8 Samples of exterior materials to be app

3 Prior to the development hereby permitted being brought into use, the existing access serving the site shall be reconstructed with 7.5 m radius kerbs to give a minimum access width of 6 m and that part of the access extending 20 m from the carriageway shall be constructed to the satisfaction of the Local planning authority and in accordance with City of York Highway Authority standard detail STD1.

Reason: To ensure a satisfactory means of access to the site for all classes of users of the site and in the interests of highway safety.

4 Prior to the commencement of the development hereby permitted the surface

water drainage ditch at the access to the site shall be piped in to the specification of the drainage authority and the satisfaction of the Local Planning Authority.

Reason: To ensure a satisfactory arrangement of surface water and highway drainage in the interests of the amenity of the area and to ensure the structure can satisfactorily bear the traffic loads associated with the proposed use.

- | | | |
|---|--------|--|
| 5 | HWAY8 | IN Position of Gates - 20 |
| 6 | HWAY10 | Vehicular areas surfaced, details reqd |
| 7 | HWAY19 | Car and cycle parking laid out |
| 8 | HWAY31 | No mud on highway during construction |
| 9 | HWAY35 | Servicing within the site |

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:

- visual appearance
- highway issues
- neighbour amenity

As such the proposal complies with Policies GP1, GB1, GB3 and GB11 of the City of York Local Plan Deposit Draft.

Contact details:

Author: Kevin O'Connell Development Control Officer

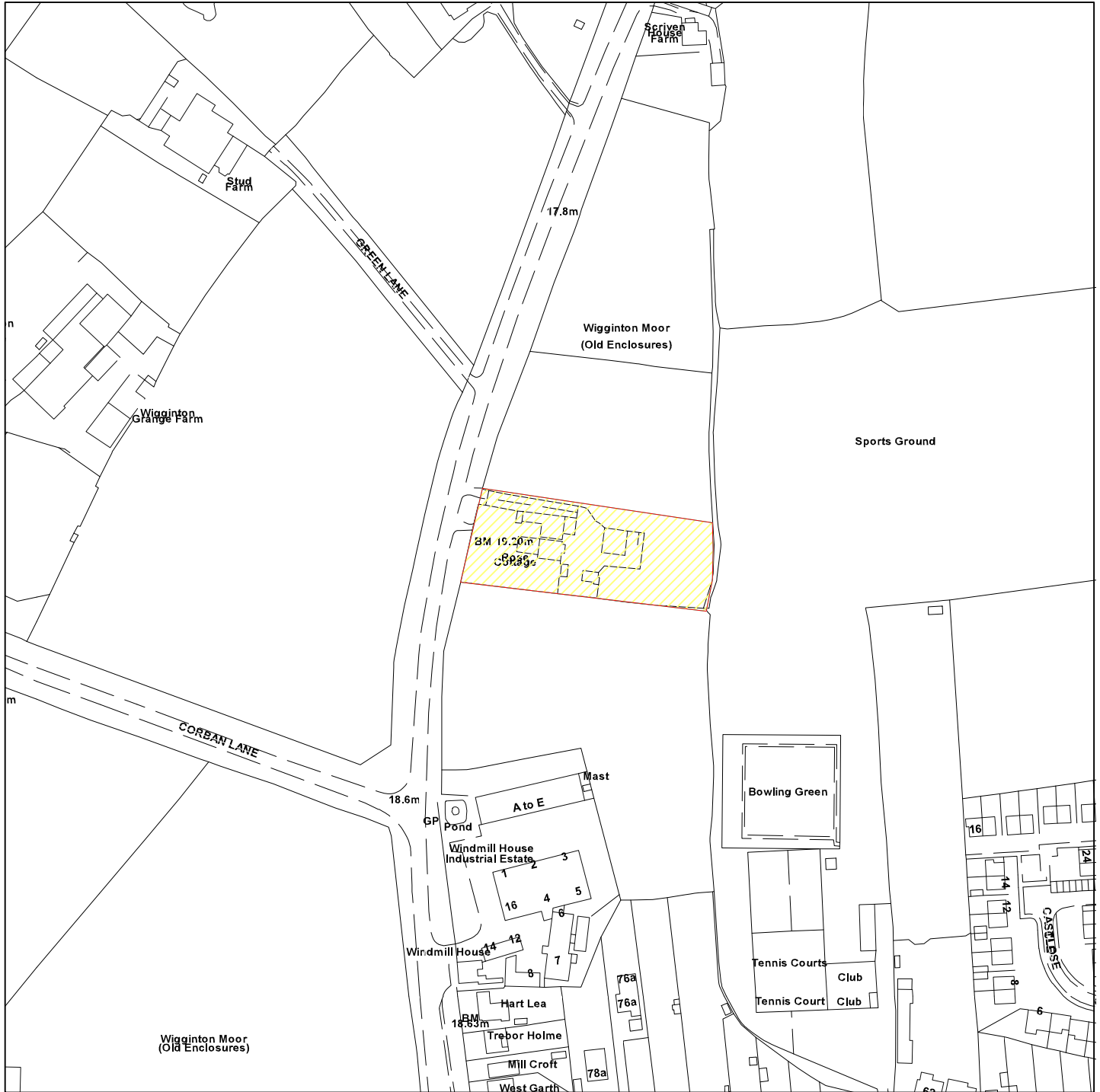
Tel No: 01904 552830

Rose Cottage, Sutton Road, Wigginton, York

08/ 01866/FUL



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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	01 September 2008
SLA Number	Not Set

CYGP10
Subdivision of gardens and infill devt

CYH4A
Housing Windfalls

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - Awaited.

Landscape Architect - Awaited.

3.2 External

Parish - Object for the same reasons as the original schemes. (case officer - objections to 07/01806/FUL were on the grounds of highway safety. Objections to 08/0892/FUL also related to over-development and harm to trees.

Neighbours - At the time of writing this report objections from two neighbours have been received. The following issues have been raised:

The reasons for refusal of the previous scheme are equally valid.
The proposal is an overdevelopment of the site
The development will have a dominating and overbearing impact

Internal Drainage Board - No objections

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 over-development 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 planning officer recommended the original scheme submitted in September 2007 for refusal on the grounds of the impact on the amenity of the occupiers of Grange House and 3 Loraine Avenue and because of concerns in respect to the

close relationship to trees. Bearing in mind that planning permission was subsequently granted it would be inappropriate for Members to re-visit the principle of development, however, the officer's opinion on these aspects is as previously reported. This report focuses on the differences between the scheme that was approved by Members in September 2007 and the scheme currently submitted. The key considerations are:

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

IMPACT ON THE STREETSCENE AND TREES

4.5 The changes to the scheme will not increase the dominance of the development when viewed from the street. The main issue is the impact of the development on adjoining trees and the visual impact of any loss of these trees. Although the eaves height will be increased slightly it is not considered that the revised scheme would have a materially different impact on surrounding trees than that which was approved previously. The fenestration facing the main row of trees (south) is little changed

IMPACT ON NEIGHBOURS' LIVING CONDITIONS AND ENVIRONMENT

4.6 The footprint of the scheme is the same as that which was approved previously. The only significant change is the increase in the eaves height of the building. Although the eaves height of the building is only proposed to increase from 2.7m to 3.3m it is considered that this increase in height would have a material impact on the mass of the building when viewed from surrounding properties. When viewed from surrounding houses and gardens residents would largely just see the roof of the approved house. Significantly more of the walls of the revised scheme would be visible and its impact on the character of the backland site would be greater. This is significant given that Policy GP10 that relates to the Subdivision of Gardens and Infill Development states that new development should not be 'detrimental to the character and amenity of the local environment"

HIGHWAY ISSUES

4.7 Highways officers have previously raised no safety objections to the development. It is not considered that the increase in the number of bedrooms would create such a rise in traffic levels to cause concern.

THE QUALITY OF ACCOMMODATION

4.8 Because of the existence of a belt of trees along the southern elevation it is the case that the outlook from the property and light levels entering the property would be restricted. The revised scheme would not be significantly different in this respect than that which was approved.

4.9 The garden of the approved scheme was fairly modest with fragmented areas often in the shade around the house. It was, though, considered adequate to meet the needs of the property. The larger scheme that was refused had a smaller area of garden and one of the reasons for refusal related to the garden size. The current scheme has the same size garden of the scheme that was approved, however, the internal size of the house has increased to create an additional bedroom. Paragraph 17 of PPS3 (Housing) states that where family housing is proposed, it will be important to ensure that the needs of children are taken into account and that there is good provision of recreation areas, including private gardens, play areas and informal play space. Although the garden size is small, prospective occupiers would typically have a choice in respect of whether to live in the home and may decide that they did not want, or need a larger garden. Given that the development is for one house only and there are other houses in the vicinity with gardens more suitable for children's play it is not considered that the layout is such to justify refusal.

5.0 CONCLUSION

5.1 The main change between this scheme and the approved scheme is the increase in the eaves level of the house. The house is in relatively close proximity to the boundaries of the site and the change would significantly increase the mass of the building. Within the context of the local environment it is considered that this would detract unacceptably from the character of the site and the enjoyment of neighbouring gardens. It is recommended that the application be refused on these grounds.

5.2 The statutory period for consultation responses expires on 12 September 2008. To ensure that the decision is made within an eight week period (1 October 2008) it is requested that delegated authority be given to refuse planning permission.

6.0 RECOMMENDATION: Delegated Authority to Refuse

1 The proposed dwelling would be located in close proximity to the garden boundary of surrounding properties, particularly Grange House and 1 and 3 Lorraine Avenue. It is considered that the increase in eaves height in comparison to the approved scheme would increase the mass and dominance of the proposed house to a degree that would make it unduly prominent and intrusive 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 a, b and l), Policy GP10 and Policy H4a of the City of York Local Plan 4th Set of Changes 2005.

Contact details:

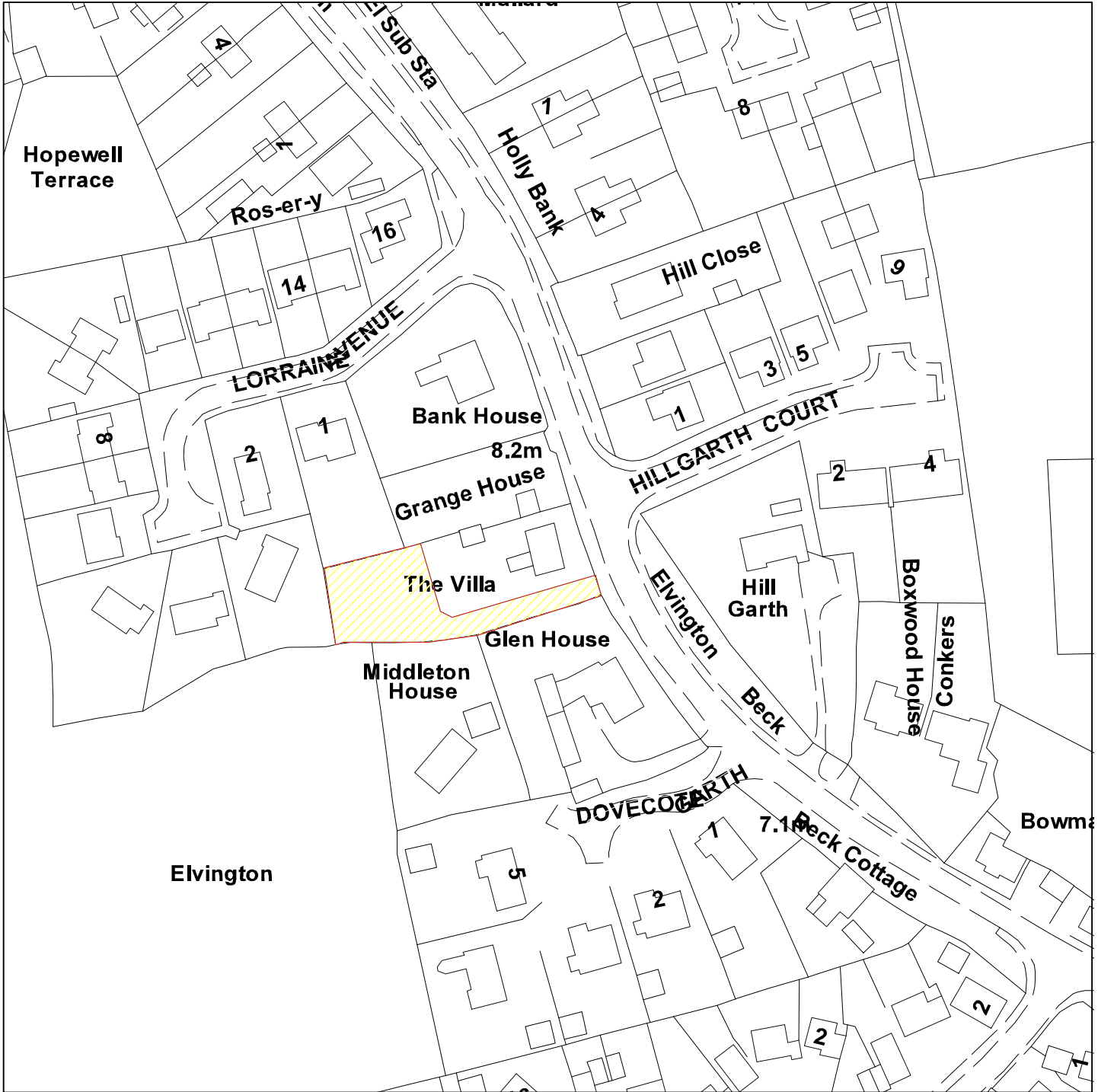
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08/01868/FUL



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Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	01 September 2008
SLA Number	Not Set



East Area Planning Committee**Sept 2008**

Report of the Director of City Strategy

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

1. This update details the discussions that have taken place with regard to the outstanding Section 106 issues in relation to Clifton Hospital. Members are asked to note that a number of meetings have taken place and that progress has been made in finalising the Section 106.
A report will be prepared in Jan 2009 to update members on the progress made although it is anticipated that final work will not be completed until summer 2009.

2. Background

- 2.1 A report was prepared in April 2008 with regard to the current status of the outstanding Section 106 Agreement on the old Clifton Hospital Site. It was reported that no progress had been made with Persimmon's with regard to the outstanding issues on the Section 106.
- 2.2 It was agreed that unless progress was made, enforcement action would be taken.

3. Consultation

- 3.1 A number of discussions with Persimmon's have taken place.
- 3.2 The Ward Member and Clifton Parish Council have been kept informed of these discussions.

4. Analysis***Update Aug 2008***

- 4.1 Three meetings and a number of telephone discussions have taken place with regard to the outstanding issues, namely the footpath creation order, the dedication of land to the Council, the final reinstatement of the old sewage works and the management plan for the site.
- 4.2 With regard to the footpath, a formal letter requesting the creation of the right of way from Shipton Rd to the land proposed for adoption has been received. This will now initiate the Council's dedication procedures. No surfacing work

is required for this route and all necessary furniture has been in place for a number of years.

- 4.3 The dedication of the land is currently with the Council's legal section and will be progressed in conjunction with Persimmon's Solicitors.
- 4.4 The final reinstatement of the old sewage works site has been agreed and the Council's countryside officer has been asked to initiate the work at Persimmon's expense. Quotes for the work will be obtained. The proposal is to cut the vegetation, spray the area with a total herbicide, do a final clearance of any debris, lightly harrow the site and then seed with a wild flower mix to create a wildflower area. If a locally sourced seed is to be used then the majority of the work will need to be carried out next spring to prepare the area for seeding in July/Aug. 2009.
- 4.5 In addition to the above, the copse at the end of Matrons Walk will be inspected with a view to undertaking some tree management work which may include some felling of dangerous trees and replacement planting.
- 4.6 With regard to the management plan, an outline of proposed works has been supplied and the Council's Countryside Officer is considering whether this is acceptable. The work includes the continued management of the hayfield either by haycropping or topping dependent on whether gypsy horses are grazing the fields, continued ragwort control, inspection and maintenance of trees, limited replacement planting of standard trees on the ridge and furrow field to retain the parkland character, regular inspection and clearance of any litter or flytipping that may be present. It is proposed to leave the hedges to grow on but will be monitored to ensure that the overall integrity of the hedges are retained.
- 4.7 This is broadly in line with its current management.
- 4.8 In addition it is proposed to seek a suitable grazier to see if the meadows can be properly grazed to reduce the need for grass cutting. If a grazier can be found then the fields will be fenced with a combination of post and rail and post and wire. This will be in two blocks from Shipton Rd to the access lane to the Cricket Club and from the Cricket Club access lane to the Yorkshire Water Access Lane. This will leave the area between the YW access lane and the flood bank as grass to be managed by cutting on a 2 yearly basis for nature conservation purposes. Suitable access will be retained through the establishment of a Section 31 Order which allows public access to be retained on what is private land.
- 4.9 Related to the transfer of the open space land to the Council, Persimmons have also suggested that the Council may wish to also include the sewage works area, once it has been reinstated, and the balancing pond. These would both be low maintenance areas but of considerable value for nature conservation purposes.
- 4.10 This will be considered separately to the work required to conclude the Section 106 but is of some interest. A further report will be prepared with regard to this proposal in due course.
- 4.11 Clifton Without Parish Council have also been informally approached about the possibility of the Parish Council taking on a lease for the rest of the site to manage it for the community. A formal offer is to be made and will be discussed in due course.

5.0 Corporate Objectives

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

6.0 Implications

- 6.1 There are no financial implications with regard to this report.
- 6.2 There are no Equality implications.
- 6.3 Human Resources implications are limited to the time spent by the Countryside Officer in organising and supervising the management of the Clifton Hospital site.
- 6.4 There are no Legal, Crime and Disorder or IT Implications with regard to this report.
- 6.5 The property implications were dealt with within the report regarding the transfer of land to the Council in Feb 06.

7.0 Risk Management

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

8.0 Recommendations

- 8.1 Members are requested to note the progress made with regard to the completion of the Section 106 agreement and the work still required in order to achieve a satisfactory conclusion to this long standing case.
- 8.2 To approve enforcement action if there are further significant delays.
- 8.3 A report be prepared in Jan 2009 to update members on the progress made toward completing the Section 106 agreement.

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Report Approved **Date** 28 March 2008

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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: List wards or tick box to indicate all

All

For further information please contact the author of the report

Background Papers:

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

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