



## Notice of meeting of

### East Area Planning Sub-Committee

- To:** Councillors Hyman (Chair), Cregan (Vice-Chair), Douglas, Firth, Funnell, Hyman, King, Moore, Orrell, Taylor and Wiseman
- Date:** Thursday, 9 October 2008
- Time:** 2.00 pm
- Venue:** The Guildhall, York

### AGENDA

**Due to Officer leave, If Members have any queries regarding Agenda Item 6, please email or telephone Laura Bootland or Mandy Swithenbank by Tuesday 7 October at 5pm.**

**1. Declarations of Interest**

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

**2. Exclusion of Press and Public**

To consider excluding the public and press from the meeting during consideration of agenda item 5 on the grounds that it contains information classed as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

**3. Minutes**

(Pages 5 - 12)

To approve and sign the minutes of two meetings of the Sub-Committee held on 7 August 2008 and 21 August 2008.

#### **4. Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Wednesday 1 October 2008 at 5pm.

#### **5. Plans List**

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

- a) **8 Hall Rise, Haxby, York, YO32 3LP** (Pages 13 - 29)  
**(08/00181/FUL)**

A full application for the erection of 2no. two storey pitched roof detached dwellings after the demolition of the existing dwelling and garage. [Haxby & Wigginton Ward] **[Site Visit]**

- b) **Rosevale Private Residential Home, 33** (Pages 30 - 36)  
**The Village, Wigginton, York, YO32 2PR**  
**(08/01678/FUL)**

A full application for a two storey extension to create additional bedrooms and storage facilities and single storey rear extension to create communal facilities and office space. [Haxby & Wigginton] **[Site Visit]**

- c) **Laverack Joinery, Unit 1 Birch park,** (Pages 37 - 47)  
**Huntington, York. (08/00525/OUTM)**

Major outline application for the erection of 14 dwellings after demolition of existing factory.[Huntington & New Earswick Ward] **[Site Visit]**

- d) **York Cricket and Rugby Union Football** (Pages 48 - 61)  
**Club, Shipton Road, Clifton, York, YO30**  
**5RE. (08/01930/FULM)**

Major full application for a two storey building incorporating clubhouse, changing rooms and members bar with associated landscaping and parking (amended scheme). [Skelton, Rawcliffe, & Clifton Without Ward] **[Site Visit]**

- e) **203 Hull Road, York, YO10 3JY.** (Pages 62 - 66)  
**(08/01847/FUL)**

Full application for a single storey rear and first floor side extension. [Hull Road Ward]

- f) **205 Hull Road, York, YO10 3JY.** (Pages 67 - 71)  
**(08/01845/FUL)**

Full application for a single storey rear and first floor side extension. [Hull Road Ward]

- g) **Centurion Office park, Tribune Way, York.** (Pages 72 - 85)  
**(08/01988/FULM)**

Major full application for a 70 bed nursing home, with associated access, parking and landscaping. Pedestrian link to Hornbeam Close. [Skelton, Rawcliffe & Clifton Without]

**6. Enforcement Cases Update** (Pages 86 - 130)

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

**7. 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 8 October 2008**

<b>TIME</b>	<b>SITE</b>	
10:00 am	Meet at Union Terrace car park	
10:20 am	Hall Rise, Haxby,	5a
10.45am	Rosevale 33 The Village, Wigginton	5b
11.15am	Laverack Joinery, Unit 1, Birch Park	5c



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If you would, you will need to:

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

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### 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.**

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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.

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## **Holding the Executive to Account**

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

## **Scrutiny Committees**

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

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

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- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
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City of York Council

Committee Minutes

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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	7 AUGUST 2008
PRESENT	COUNCILLORS MOORE (CHAIR), CREGAN (VICE-CHAIR), DOUGLAS, FIRTH, FUNNELL, HYMAN, KING, ORRELL, TAYLOR AND WISEMAN
APOLOGIES	COUNCILLORS

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**24. 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 Moore declared a personal prejudicial interest in agenda item 4c (Rawcliffe County Infant School, Eastholme Drive, York) as he was a Governor of the school for 4 years until he stepped down 3 months ago. He addressed the Sub-Committee from the floor, then left the room and took no further part in the discussion or decision on this item.

**25. MINUTES**

RESOLVED: That the minutes of the meeting of the Sub-Committee held on Thursday 10 July 2008 be approved as a correct record and be signed by the Chair.

**26. PUBLIC PARTICIPATION**

It was reported that nobody had registered to speak under the Council's Public Participation Scheme, on general issues within the remit of the Sub-Committee.

**27. 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.

**28. INSPECTION OF SITES**

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Straylands Day Nursery, Fairfield, Malton Road, York	Cllrs Hyman, Firth, Moore and Wiseman	As objections had been received and the officer recommendation was to approve.
2 Eastfield Avenue, Haxby, York	Cllrs Hyman, Firth, Moore and Wiseman	As objections had been received and the officer recommendation was to approve.

**28a Yortec Ltd, 58 Layerthorpe, York, YO31 7YW. (08/00823/FULM)**

Members considered a major full application submitted by Mr. Tim Marks, for the 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.

In answer to questions, Officers confirmed that the hours of use for the site could be agreed and added as a condition. They confirmed that City Strategy were satisfied with the Sequential Test carried out for the site in which reasons for discounting alternative sites, including the nearby Foss Islands Road retail development were given.

Representations in support of the application, were received from the applicant's Agent. He stated that the site had been empty for 4 years and in that time it had been marketed satisfactorily as a B2 (general industry) site but had failed to attract an end user. He confirmed that there would be no access for the public through the car park to the rear of the building and subsequently into nearby streets. He advised that no opening hours for the site had been agreed as an end user had yet to be found, but anticipated opening hours would be similar to neighbouring retail outlets.

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

That the hours of opening to be agreed prior to the occupation of the retail unit.

**REASON** In the opinion of the Local Planning Authority the proposal subject to the conditions listed in the Officers report and the additional condition 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.

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

Consideration was given to a variation of condition 5 planning permission (05/02251/FUL) to allow 26 children to attend Straylands Day Nursery.

Members expressed concern that the Nursery had applied for 26 Children in 2005 but had reduced this number to 22. Members queried why this happened and what had changed since the last application for the Nursery to re-apply to increase the number of children to 26.

In response to Members questions, Officers stated that since Straylands Day Nursery last applied to increase the number of children attending the establishment the proprietors had installed sound insulation. City of York Councils Environmental Protection Unit has received no further complaints from local residents regarding noise. Officers confirmed that the current Ofsted certificate for the premises states that 26 children should be the maximum number in attendance at any one time.

Members who had been in attendance at the site visit expressed concerns that the Nursery had limited space especially in the rooms that were used by toddlers and pre school children. They also questioned whether the request for extra places to be made available was viable, as the nursery was not at capacity for some of the age groups. Members also stated that the car parking provision was inadequate for the numbers already in attendance at the Nursery and the situation should not be exacerbated with potentially 4 more parents dropping off and picking up.

RESOLVED That the application be refused.

REASON It is considered that the proposed development would harm the living conditions which neighbours could reasonably expect to enjoy. The vehicle movements associated with the proposed development combined with intensification in use of the site would harm neighbouring amenity and unreasonable increase the potential for disruption and disturbance in the local area. Therefore the proposed development is considered contrary to policy C7 'Childrens Nurseries' part c) of the City of York Local Plan.

**28c Rawcliffe County Infant School, Eastholme Drive, York, YO30 5TA.  
(08/01507/GRG3)**

Members considered an application to replace an existing temporary structure with a new temporary modular unit including adjacent play area with a canopy over.

Councillor Moore, as Ward Member spoke from the floor. He stated that although the application was for a temporary unit, he was optimistic the school would receive funding in the near future to redevelop the whole school site and that this would only be a temporary measure. Therefore he was happy to support the application. He then left the room and took no further part in the discussion or debate.

Members expressed concern at the school applying for another temporary building and that it would be preferable that the redevelopment of the site went ahead as soon as possible.

Members expressed their unanimous support for the proposal, and said that while a temporary building was not ideal and accepted that the school required a temporary solution to the lack of space.

**RESOLVED** That the application be approved.

**REASON** In the opinion of the Local Planning Authority, the proposal, subject to the conditions listed in the report, 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.

**28d 2 Eastfield Avenue, Haxby, York, YO32 3EY (08/01346/FUL)**

Members considered a full application, submitted by Mr. Andrew Fallow for a pair of semi-detached pitched roof dwellings, after demolition of an existing detached bungalow.

Officers updated that 20 letters of representation had been received, 19 in objection to the application and 1 in support. None of the letters supported this revised application. It was also confirmed that the development was unlikely to have any impact on bats or newts and that a condition had been included that satisfactorily addressed their protection during demolition and construction.

Representations in objection to the application were received from a local resident. She stated that the proposed development would be out of character with the area as it was significantly higher than neighbouring properties. She felt that existing traffic problems could be made worse if two further properties are created.

Representations in support of the application were received from the Applicant who stated that he had worked in consultation with City of York Council Planning Officers for some time and that the application represented an honest attempt to develop the site. He felt that neighbours objections regarding the height and style of the proposed building were unfounded. He stated that the new dwellings would only be very slightly taller than the neighbouring property. In response to neighbours concerns

about parking, the applicant advised that each house would have 3 parking spaces which is in excess of government and local guidelines.

Members questioned if the application would affect drainage in the area as one dwelling would be replaced by two. Officers confirmed that the base area covered by the new building would be less than the original bungalow and would not adversely affect drainage.

RESOLVED: That the application be approved subject to the conditions listed in the report and the following amended condition:  
Condition 10: To achieve a minimum of “very good” under Code for Sustainable Homes.

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 impact on the street scene, highway safety, impact on local amenity and the living conditions 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.

R MOORE, Chair

[The meeting started at 2.00 pm and finished at 3.15 pm].

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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	21 AUGUST 2008
PRESENT	COUNCILLORS MOORE (CHAIR), CREGAN (VICE-CHAIR), DOUGLAS, FUNNELL, HYMAN, KING, ORRELL, TAYLOR, MORLEY (SUBSTITUTE) AND BROOKS (SUBSTITUTE)
APOLOGIES	COUNCILLORS FIRTH AND WISEMAN

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**29. INSPECTION OF SITES**

Site	Attended by	Reason for Visit
7 Fairfields Drive, Skelton	Cllrs, Moore, Hyman, Douglas, Orrell.	As the application was called in by the Local Member due to concerns on neighbour amenity and the effect on trees.
Archbishop Holgates School	Cllrs Moore, Douglas, Hyman, Orrell,.	In view of the application being re-submitted.

**30. 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.

Councillors Moore and Hyman declared personal non prejudicial interests in agenda item 3b as they both attended Archbishop Holgate's School.

Councillors Morley, Brooks, Funnell and Hyman declared a personal non prejudicial interest in item 3b as they are all involved in the Post 16 Education Scrutiny.

**31. 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.

**32. PLANS LIST**

**32a 7 Fairfields Drive, Skelton, York, YO30 1YP. (08/01640/FUL)**

Members considered a full application submitted by Mr. Steve Ward for a two storey extension to the side, a single storey extension to the rear and a pitched roof canopy to the front, after the demolition of an existing garage.

Officers updated that the map of the site included in the agenda did not show the correct positioning of the site. The agenda shows the site for a previous application, which was for rear garden which had been refused. This new application takes away the dwelling rights which had been recommended under the previous scheme. Officers reminded Members that the plans had been called in by Councillor Watt due to concerns about the impact of the scheme on the neighbouring property, 9 Fairfields Drive.

Representations in support of the application were received from the Applicants agent. He stated that the design and scale of the proposal would not be overly dominant and that in relation to the size of the plot the proposal is a sensible size. He emphasised that no amenity space would be removed and the development would not affect any trees.

Members questioned why the plans had been called in as they were satisfied with the proposal providing any trees were satisfactorily protected.

Members expressed their unanimous support for the proposal.

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

REASON: In the opinion of the Local Planning Authority the proposal subject to the conditions listed in the report would not cause undue harm to interests of acknowledged importance with particular reference to the impact on the street scene and the living conditions of neighbours. As such the proposal complies with Policies GP1 and H7 of the City of York Draft Local Plan.

Action Required

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

**32b Archbishop Holgates School, Hull Road, York, YO10 5ZA.  
(08/01266/FULM)**

Consideration was given to the resubmission of a full application by Archbishop Holgates School for the erection of 1 no. two storey learning

centre with associated access, landscaping, parking and cycle storage following the demolition of existing cycle storage.

Officers updated that they were still awaiting comments from the environment agency that have been consulted as the site exceeds 1 Ha.

Officers advised that the amended plan has a reduction of 19 car parking spaces bringing the total to 94 and included additional cycle storage. They confirmed that the school had completed a travel plan in the past and that it had advised that students would be discouraged from bringing their vehicles onto the school site.

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

REASON In the opinion of the Local Planning Authority the proposal subject to the conditions listed in the report would not cause undue harm to interests of acknowledged importance, with particular reference to design and landscape considerations, traffic, highways and access issues, playing field provision, drainage, sustainability, impact on residential amenity. As such the proposal complies with policies ED1, ED11, GP1, GP4a 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.

R MOORE, Chair

[The meeting started at 2.00 pm and finished at 2.15 pm].



**COMMITTEE REPORT****Committee:** East Area**Ward:** Haxby And Wigginton**Date:****Parish:** Haxby Town Council**Reference:** 08/00181/FUL**Application at:** 8 Hall Rise Haxby York YO32 3LP**For:** Erection of 2 no.two storey pitched roof detached dwellings after demolition of existing dwelling and garage**By:** Mr Kevin Marsden**Application Type:** Full Application**Target Date:** 29 April 2008**1.0 PROPOSAL**

1.1 The application site lies to the south of Station Road and to the west of Hall Rise in Haxby. It is proposed to erect two detached dwellings following the demolition of an existing bungalow and garage. The site area is approximately 1075sq.m.

1.2 The existing bungalow, which was built in the 1960s, is characterised by a high pitched roof and it is set within a corner plot well screened by protected trees and planting facing Station Road. The majority of the buildings along Station Road were built in the late 19th century, most of which are brick or stone structures. Nos. 2,4 and 6 Hall Rise, along with the rest of the properties fronting Hall Rise Cul-de-sac were built in the same period as the existing bungalow at 8 Hall Rise; their design and appearances reflect those which were built during the post-war period. The application site is outside the conservation area of Haxby.

1.3 The buildings proposed are detached two storey properties. Plot 1 would measure 14.0m x 12.5m (max) with height to eaves of 5.5m and an overall height of 7.5m. It is proposed to be a 4 bed property. Plot 2 is proposed to be a larger property with a total of 5 bedrooms. It would measure 17.0m x 13.0m (max) with height to eaves of 5.5m and an overall height of 7.5m. The external facing of the buildings would comprise of brickwork, cedar boarding and render with tiled roofs above.

1.4 The scheme has been subject to amendments. The latest revised plans show the following changes:

- i. the footprint of plot no.2 has set further back from the TPO trees;
- ii. the window frames in the bay windows of plot no.2 have been altered to improve the fenestration of the building;
- iii. the rear first floor balcony of plot no.1 has been omitted.

1.5 The proposed development would leave a distance of 4.0m from 6 Hall Rise and a distance of 3.5m from 10 Hall Rise. The existing bungalow is currently 10.5m from 6 Hall Rise and 9.0m from 10 Hall Rise (with a detached building in between). There would be a distance of 1.5m between the two buildings proposed (plot 1 and 2).

1.6 Access to plot 1 is gained through a 3.0m wide entrance off Station Road. A 6.0m wide driveway is proposed after the relocation of an existing driveway to allow access to plot 2 from Hall Rise.

1.7 This application is submitted before the Planning Committee for determination because the scheme proposed has attracted a high level of public interest in objection to the proposal.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

Schools Ralph Butterfield Primary 0216

2.2 Policies:

CYGP3  
Planning against crime

CYH4A  
Housing Windfalls

CYH5A  
Residential Density

CYGP1  
Design

CYGP4A  
Sustainability

CYGP15  
Protection from flooding

CYNE6  
Species protected by law

CYGP9  
Landscaping

CYGP10

Subdivision of gardens and infill devt

CYL1C

Provision of New Open Space in Development

### **3.0 CONSULTATIONS**

#### **INTERNAL**

3.1 Highway Network Management consulted. No highway objections subject to condition and informative.

3.2 Environment and Conservation team (Landscape Architect) consulted. Latest response received 24 June 2008 following the submission of amended scheme. The following comments were made:

- it is confirmed that the revised arrangement of dwellings satisfies the distances required for physical protection of the trees;
- hence the team do not object to these latest development proposals;
- The tree protection requirement will need to be strictly adhered to and the protective fencing should be tight up to the edge of the development activities; i.e. to the edge of the driveway for plot 1 and to the edge of the existing property for plot 2;
- the original house would have to be demolished from the southern side of the building to avoid the root protection area (RPA) of the trees to the north;
- fencing should be put in place before any works start on site, including demolition, delivery of materials, and provision of any extra utility services (which will need to be routed outside of the RPA).
- The driveway utilises the existing entrance. Where the existing and proposed alignment overlap, there should be no need to excavate; the remaining proposed driveway should involve excavations of no more than the top 150mm of vegetation/soil; the entire driveway should be of a porous construction;
- condition recommended.

3.3 Environment and Conservation team (Countryside officer) consulted. Response received 29 August 2008. The following comments were made:

- upon visiting the site it is considered that there is a moderate potential for bats.
- the surrounding area is beneficial for roosting bats and there are many records of roosts nearby.
- as such a condition is recommended to ensure that equivalent roost opportunities are incorporated into the proposed new dwelling to make up for features lost.
- measures should also be in place during the demolition phase to ensure that any bats which may take up residence in the future are taken into account. This can be done through timing of work or by carrying out further survey prior to demolition.

3.4 Drainage Engineering Consultancy consulted. Latest response received following the additional information submitted by the applicant dated 19 May 2008. The following comments were made:

- the applicant has now agreed to the principle of flow attenuation;
- as such the consultancy's initial objections have now been removed;
- this agreement of attenuation should be included within the condition of any approval;
- the design must be submitted prior to the commencement of work.

3.5 Environmental Protection Unit consulted. Response received 4 April 2008. No objections subject to informative.

3.6 Lifelong Learning and Culture consulted. Response received 5 June 2008. Off-site open space contribution is required as there is no on-site open space within the application site.

EXTERNAL:

3.7 Haxby Town Council consulted. First response received 9 April 2008 The following comments were raised:

- the Town Council would like to see that subject to condition, all trees and shrubs are retained and that material used for the dwellings are sympathetic with the surrounding properties;
- the materials used for the roof should be more traditional;
- the railing surrounding the property should be retained as they form part of the historic nature of old Haxby;
- in considering this application it should be noted that the application site is just outside the school safety zone, and that the area is often heavily congested by school traffic.

3.8 Second response received 5 June 2008 following the submission of amended drawings. The following comments were made:

- the comments made previously regarding this application still stood;
- the Town Council supported the first comments made by the Landscape Architect (dated 29 April 2008) regarding concerns about the mature trees protected by Tree Preservation Order;
- the Council would reiterate the concerns made previously regarding the retention of the railing surrounding the property as they form part of the historic nature of old Haxby.

3.9 Neighbours notified. First consultation expired 3 April 2008 and the second consultation expired 12 June 2008 following the submission of amended drawings - 10 letters of objection received; the following concerns were raised:

- the existing bungalow, which was built in the 1960s, is very attractively built and blend in well with the other buildings in Hall rise. The proposed buildings do not;
- the proposal would not compliment the area;
- the proposed red cedar boarding materials would not be sympathetic to the area. Greater area of brick work should be used instead;

- the buildings along Station Road are primarily brick or stone structures, the majority of which are over 100 years old - the buildings would therefore not compliment or add to its surroundings due to the proposed use of building materials;
- the building line of the proposed buildings facing Station Road projects further than the properties at 2,4 and 6 Hall Rise;
- the two storey buildings should be achieved by utilizing the existing loft space;
- the proposed design is not sustainable;
- the demolition of an attractive bungalow is not considered to be environmentally friendly;
- there is no explanation as to how the development would improve the local environment and community;
- the proposed development would have a direct impact on the privacy of the occupants at 13 Station Road;
- plot 1 is very close to the boundary of the property at 6 Hall Rise; this would create a very dark corridor at the side of this property;
- the privacy of the occupants at 6 Hall Rise will be affected by the relocation of the existing driveway. This should be addressed by erecting a tall and robust fence.
- the balcony on plot 1 master bedroom would overlook the private rear garden at 6 and 10 Hall Rise;
- there will not be extensive open space/private garden space by virtue of the development;
- the site is not an area to build dense housing and properties with small gardens and poor amenity space;
- the proposal is an overdevelopment of the application site;
- on street parking is limited due to the existence of double yellow lines;
- during demolition and construction methods of work must be imposed on station Road;
- Hall Rise should not be used during the demolition and construction process;
- the position of a nearby school and the sub-standard width of the road in Hall Rise pose a highway safety issue;
- the use of heat pumps/pipes may damage the TPO trees;
- the building line of the proposed houses have been moved closer to the TPO trees;
- the proposed buildings may interfere with the root structure, or the stability of the trees;
- no information has been provided regarding the management and monitoring of the areas of shrub planting areas;
- the trees which are currently within the plot and the dense hedges and bushes should be retained;
- conditions should be imposed to ensure that the trees and the existing mature shrubbery are retained.
- the applicant suggest that the two mature trees are to be removed and replace by new trees. The TPO status of these trees cannot be ignored.
- the owner/occupiers at 4 Hall Rise, 6 Hall Rise and 14 Hall Rise should have been consulted;
- the consultation process should be been carried out more extensively than just the neighbours immediately adjacent to the application site;
- the applicant states that the accommodation is too large for the present owner. This is a matter of opinion;
- the proposal should protect the common drain and manhole;

- the party sewer from no.2,4 and 6 Hall Rise which terminates under the garage of 8 Hall Rise, along with other drainage issues in this area would require some detail of investigation prior to further properties being built

3.10 North Yorkshire Police consulted. Response received 26 September 2008. No objections were raised regarding the design or layout of the development. It is not expected that the scheme proposed would become a crime generator in the area. As the application is only for 2 dwellings it does not fall into the remit of Secured-by-Design.

#### **4.0 APPRAISAL**

4.1 The main planning issues raised by this application are whether the proposed development would have a detrimental impact on the residential amenities of nearby properties and the visual appearance and amenities of the area, in particular whether it would have an impact on the health and lifespan of existing trees which are subject to Tree Preservation Order (TPO), and whether it would create conditions prejudicial to highway safety. Considerations will also be given to the national and local planning policies on residential development, in particular the findings of the City of York Strategic Housing Market Assessment. Issues concerning sustainability, consultation procedures carried out by the Council and drainage will also be considered.

#### **HOUSING DENSITY**

4.2 Central Government's planning policies on Housing is set out in Planning Policy Statement no.3 (PPS3). On the subject of housing density, paragraph 45 of PPS3 states "using land efficiently is a key consideration in planning for housing". Paragraph 47 of PPS3 further states "a density of 30 dwellings per hectare net should be used as a national indicative minimum to guide policy development and decision-making". In accordance with the minimum density set out in PPS3, Policy H5a of the City of York Draft Local Plan also expects a residential density of greater than 30 dwellings per hectare in areas outside York City Centre and the urban area of York. However, whilst meeting the density requirement this policy also requires the scale and design of proposed residential development to be compatible with the character of the surrounding area and not be harmful to local amenity.

4.3 In the case of this development, it is proposed to erect two residential units within a site area of approximately 0.1075 hectares. This would equate to an equivalent of 18 dwellings per hectare, a density which is significantly below the national minimum and the target set out in the City of York Draft Local Plan.

4.4 Nevertheless, in accordance with policy H5a of the City of York Draft Local Plan the issue on density should be considered in the light of other factors including the character and appearance of the surrounding areas and the amenity of the local residents. In this instance, the application site is situated in an area characterised by detached dwelling-houses with relatively large amenity space and distances in between the main elevation of each of the buildings. The application site also contains a number of mature trees which are subject to Tree Preservation Order. As

the result any structures which are to be erected within the site must keep an acceptable distance from these TPO trees and their roots. Furthermore, this is a corner plot directly facing towards one of the main accesses into and from the Haxby (Station road). Hence the site is highly visible especially from the opposite side of Station Road. It should also be noted that the building line of 2,4 and 6 Hall Rise are at least 15.0m away from Station road, which means any building which protrudes well beyond this 'established' building line would be harmful to the character and appearance of the area.

4.5 By virtue of the above constraints, it is considered to be unrealistic (without damaging the roots of the TPO trees and the visual character of the area) to expect the application site to offer a higher density level than what is already proposed. On the other hand, given that the proposed density is already far lower than the national and local expectations, issues concerning overdevelopment, a lack of garden space, the loss of amenity space, and the intensification of the application site are unlikely to warrant the refusal of planning permission. In order to comply with Policy L1c of the City of York Draft Local Plan 2005 the applicant will be expected to make a financial contribute towards off-site open space. This is to be secured by condition.

4.6 It has been noted that higher residential density could be achieved by erecting apartments rather than large 4-5 bed detached dwelling-houses (as proposed). Nevertheless, in the light of the findings of the City of York Strategic Housing Market Assessment, which concluded that almost two thirds of the housing demand in York is for houses, it is considered that the scheme proposed would accord with the aims of meeting York's housing demand as opposed to an apartment scheme.

## DESIGN AND APPEARANCE

4.7 With regard to the design and appearance of the scheme and its impact on the character and appearance of the area, the site currently comprises an existing bungalow which is located within an established residential area. Whilst it is one of the few bungalows in this location, and whilst it blends in harmoniously with the area, it possesses no very exceptional architectural merits or historic interest that make it worthy of retention. In addition, the site is outside the conservation area boundary and thus the bungalow has no statutory protection. By virtue of the above, it is not considered that any significant weight can be attached to concerns over the loss of the existing bungalow.

4.8 The irregular pattern of the proposed footprints and its influence on the overall appearance of the two dwellings have been noted. The two buildings are characterised by wide lobby and landing areas linking the main sections of each of the buildings. This distinctive internal layout creates an irregular footprint pattern, and thus also influences the elevations, fenestration pattern and roof design of the buildings in a way that could be regarded as distinctively different than a standard dwelling-house. However, on balance, the distinctive appearance of the dwellings is not itself considered to be a reason to justify refusal of the application.

4.9 The additional information submitted in support of the application indicates that the design ethos behind the scheme originates from the sustainability of the design. This is achieved through incorporating the existing mature landscape in a way which

still allows natural light to penetrate deep into the site. This allows the retention of the landscape which, if the scheme were designed in a more traditional manner, would be likely to result the in increased use of artificial light.

4.10 In relation to the character and appearance of the locality, especially the houses nearby, it is acknowledged that the scheme proposed would not conform with the surrounding area by virtue of the distinctive design and appearances. Nevertheless, it is not considered that the design and appearance of the scheme would justify the refusal of refusal of planning permission, bearing in mind that paragraph 38 of the Central Government's Planning Policy Statement no.1 states local planning authorities "should not attempt to impose architectural styles or particular taste and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles".

4.11 The application site comprises of a number of Beech and Oak trees along the northern boundary fronting Station Road that are protected by a Tree Preservation Order (TPO). The high concentration of trees along this boundary provides a high degree of screening, so much so that even the two storey buildings would be screened to a large extent by these trees.

4.12 It is further noted that the overall height of these buildings would be no higher than the surrounding two storey buildings, and that notwithstanding their irregular patterns the proposed roof designs (the part of the buildings which would be most prominent from the public highway) are of domestic character and appearance.

4.13 By virtue of the above, on balance it is not considered that sufficient harm can be demonstrated which suggest that the appearance of the scheme would be unduly harmful to the visual appearance and amenity of the locality.

4.14 Concerns have been raised regarding the use of cedar boarding as one of the main choices of external materials. In order to ascertain whether the use of cedar material would harm the visual appearance and amenity of the area a sample has been requested. It is noted that light coloured natural cedar boarding with no external preservatives would be used. In relation to the application site with a high concentration of mature trees and greenery, it is not considered that the use of light coloured natural cedar boarding would be materially harmful to an area surrounded by predominantly light brick buildings. The choice of materials would be further regulated by an appropriate condition.

4.15 The building line of the scheme would project further towards Station Road than 2,4 and 6 Hall rise by approximately 2.0m. Notwithstanding the projection, the scheme would still be 14.0m away from Station Road. This, together with the screening provision afforded by the existing trees and planting would mean that the proposed projection would not unacceptably harm the visual quality of the area. A condition has been recommended to retain the railings surrounding the property at all times.

## RESIDENTIAL AMENITY



4.16 The most recent drawing shows the first floor balcony which was originally proposed omitted from the scheme and replaced with a pitched roof. Furthermore, the rear elevation of plot 1 would be set approximately 4.0m away from the rear elevation of 6 Hall Rise with a distance of approximately 4.0m in between. In addition, there would be no window opening on the side elevation of plot 1. As such it is unlikely that the scheme would result in a loss of privacy to the principle rooms of the main building at no.6 Hall Rise. Due to the distance between the two plots and 13 Station Road, together with the screening effect afforded by the existing mature trees, it is not considered that the proposal would result in an unacceptable loss of privacy to 13 Station Road and other properties along Station Road. A distance of 4.0m between the side elevations of properties is considered to be acceptable.

4.17 There would be a distance of more than 3.0m between Plot 2 and 10 Hall Rise. The relationship between the two properties is regarded as acceptable. The rear elevation of the proposed buildings would be directly facing the garden area at 14 Hall Rise. Nevertheless it is considered that a separation distance of more than 20.0m would greatly reduce the potential loss of privacy, bearing in mind that such distance between the rear elevations of buildings is standard in this locality. This can be demonstrated by the distances between 6 and 16 Hall Rise, 4 and 18 Hall Rise, and 2 and 20 Hall Rise.

4.18 For the purpose of protecting the amenity of the nearby properties once the buildings are occupied, a condition has been recommended to remove the permitted development rights for future domestic developments including the installation of additional windows and doors.

### HIGHWAY SAFETY

4.19 No objections were raised by the Highway Network Management Team. Nevertheless, it is noted that the proposal would involve the relocation of the existing vehicle crossing to the property off Hall Rise. As such the existing crossing point will need to be reinstated. This would be secured by way of condition. Conditions have also been recommended to ensure that all areas used by vehicles would be surfaced, sealed and positively drained within the site, and that the areas for parking and manoeuvring of vehicles would be constructed prior to the occupation of the building. Condition has also been recommended to ensure that the turning areas have been provided in accordance with the approved plans. Subject to these conditions, it is not considered by the Highway Network Management team that the proposal would create conditions prejudicial to highway safety.

4.20 Subject to a condition requiring a detailed method of works statement to be submitted and approved in writing by the local planning authority prior to the commencement of work, it is not considered that the use of Hall Rise during the demolition and construction process would be detrimental to highway safety. In any case, due to the condition recommended by the Landscape Architect to create a root protection area (RPA) along the northern boundary, it would not be possible to carry out demolition and construction works by creating a temporary access to the north of the site.

4.21 In relation to this development, the applicant proposes to provide a double garage and a 5.5m x 6.0m turning area for the proposed 4 bed property (plot 1), and another double garage and a 4.5m x 5.5m driveway for the proposed 5 bed property (plot 2). Furthermore, there would be sufficient cycle storage space within the double garage of each of the plots, and that the application site is within walking distance from Haxby centre. Having considered the relevant national and local planning policies together with the number of parking spaces proposed within the application site and its proximity to Haxby centre, it is considered that limited weight can be attached to concern regarding the proposed parking provision

#### TREE PRESERVATION ORDER AND PROTECTION

4.22 Following the submission of amended drawings, the latest response received from the Council's Landscape Architect has confirmed that the latest arrangement would satisfy the distances required for physical protection of the trees. Hence no objections were raised regarding the latest amended scheme. The latest site plan also shows all existing trees on site will be retained. In order to protect these trees during construction and demolition work, a condition has been recommended requiring a method statement regarding protection measures for the existing trees to be submitted to and approved in writing by the local planning authority. Conditions have also been recommended to ensure that the existing trees and planting will be retained at all times. Due to the distance between the proposed buildings and the TPO trees it is not considered that the use of heat pumps/pipes would detrimentally affect these protected trees. No objections were raised by the Landscape Architect regarding the use of heat pumps/pipes.

#### SUSTAINABILITY

4.23 In accordance with Policy GP4a "Sustainability" of the City of York Draft Local Plan 2005 a Sustainability Statement has been submitted with the planning application which describes how the development would fulfil the criteria set out under this policy. According to the information provided, ground source heat pumps would be installed to provide energy from renewable sources. In addition, solar panels would be used on the main house roofs to provide energy for hot water provision. Wall, roofs and floors would also be heavily insulated to the extent greater than required by the current building regulation standards, and low volume flush toilets and water efficient appliances will be used.

4.24 In order to reduce pollution arising from construction activity and environmental impact on other sites, building floor levels will be set to minimise the amount of spoil which will be exported off the site. Sustainable materials such as cedar boarding would be used. In addition, to minimise waste roof tiles and bricks from the demolished building would be reused as hardcore.

4.25 As mentioned above, the design of the scheme would maximise the use of natural light and reduce the dependence on artificial light, thus minimising energy consumption.

4.26 In terms of rain water harvesting, each house will have a surface water recycling tank to the volume of 4500 litres. This collects surface water run off and

reuses it in washing machines, toilets and outside taps. Only when this reaches capacity is the surface water dispensed into the public sewer network.

4.27 It is also noted that the application site is within walking distance from the district centre of Haxby and public transport facilities. The type of family sized dwellings proposed would contribute towards meeting the social need of communities within the city, as demonstrated by the findings of the Strategic Housing Market Assessment.

4.28 By virtue of the above, it is considered that the scheme proposed would comply with the standards set out in Policy GP4a of the City of York Draft Local plan. It is also considered that by replacing the existing bungalow with two new dwellings constructed to a significantly higher standard is more sustainable, in the long term, than the status quo.

4.29 In accordance with the City of York Interim Planning Statement on Sustainable Design and Construction the scheme proposed is required to achieve a minimum of Level 3 under the Code for Sustainable Homes. A condition has been recommended to ensure that the development would comply with the required standard.

#### DRAINAGE

4.30 Following initial concerns raised by the Council's drainage engineering consultancy, additional information has been submitted by the applicant's agent, which states that as part of the drainage design, storage capacity suitable for a 1 in 100 year storm will be used. This will be by the way of oversized drainage pipes on site running into a 100mm diameter pipe before entering the public sewer. The 100mm diameter pipe will be fitted any necessary flow restrictors to reduce the flow as required. No objections are now raised on drainage grounds.

4.31 PROTECTION OF SPECIES: As noted by the Conservation team, the site has a moderate potential for bats as the surrounding area is beneficial for roosting bats and there are many records of roosts nearby. It is therefore recommended that a condition should be imposed to ensure that equivalent roost opportunities are incorporated into the proposed new dwelling to make up for features lost. In addition, measures should also be in place during the demolition phase to ensure that any bats which may take up residence in the future are taken into account. This can be done through timing of work or by carrying out further survey prior to demolition. Again this can be secured by condition.

4.32 PLANNING AGAINST CRIME: No objections were raised by the North Yorkshire Police regarding the design or layout of the development. It is not expected that the scheme proposed would become a crime generator in the area. As the application is only for 2 dwellings it does not fall into the remit of Secured-by-Design.

4.33 Having taken the above into account, it is considered that the proposed development accords with the National Planning Policy Guidance and Statements, and the policies set out in the City of York Draft Local Plan 2005. Hence, this application is recommended for approval.

## 5.0 CONCLUSION

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

## 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:-

666.002 Rev B and 666.001 Rev B received on 19 May 2008 and 25 September 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 Before the commencement of development, including demolition, building operations, or the importing of materials, and any excavations, a method statement regarding protection measures for the existing trees shown to be retained shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing to be shown on a plan; phasing of works; site access during demolition/construction; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles and storage of materials; location of site cabin; methodology and construction details for the driveway to plot 1. The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new service runs.

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

5 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

INFORMATIVE:

To satisfy this condition it is expected that design storage capacity suitable for a 1 in 100 year storm is incorporated as part of the drainage design. As confirmed in the applicant agent's e-mail dated 19 May 2008, this is to be achieved by oversized drainage pipes on site running into a 100mm diameter pipe before entering the public sewer. The 100mm diameter pipe will have the necessary restrictors to reduce the flow to 70% of the existing rate, along with a 20% addition to storage volume to accommodate climate change.

6 None of the boundary railings enclosing the site shall be lowered, breached or removed without the prior written consent of the Local Planning Authority.

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

7 The development shall not commence until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerbing to match adjacent levels.

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

8 HWAY9 Vehicle areas surfaced

9 HWAY19 Car and cycle parking laid out

10 HWAY21 Internal turning areas to be provided

11 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 £6894.00.

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.

12 No development shall take place until full details of what measures for bat mitigation and conservation are proposed and have been submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Council.

Reason: To take account of and enhance habitat for a protected species.

INFORMATIVE:

To satisfy this condition the measures for bat mitigation and conservation should include :

- i. Further survey at the appropriate time of year and not more than 1 month prior to any work being undertaken if the demolition is to be carried out between April and September. The results should be submitted to the Council beforehand.
- ii. A plan of how demolition work is to be carried out to accommodate the possibility of bats being present.
- iii. Details of what provision is to be made within the new building to replace the features lost through the demolition of the original structure. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts and should at least replace or substitute for what is existing.
- iv. The timing of all operations

In addition, the applicant is reminded that under Planning Policy Statement no.9 the replacement/mitigation proposed should provide a net gain in wildlife value.

13 LAND3 Protection of existing planting

14 LAND2 Retention of trees shown on plans

15 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 7.5 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.

16 Prior to the commencement of the works hereby permitted, a detailed method

of works statement shall be submitted to and agreed in writing by the Local Planning Authority. This statement shall include the precautions to be taken to ensure the safety of the general public, the method of securing the site, the access to the site, the route taken by vehicles transporting the demolition waste from and construction materials to the site and the hours of operations

Reason: to ensure that the works are carried out in a safe manner and with minimum disruption and inconvenience to the users of the adjacent public highways

17 At the soonest available opportunity, and in any event prior to the completion of the development, the developer shall submit a completed "Sustainable Design and Construction" statement for the development. The development hereby approved shall achieve a Code for Sustainable Homes Level 3\*\*\*, and if this is not achieved, the developer shall demonstrate the changes that will be made to the development in order to achieve this standard unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

18 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C, D and E of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995 as amended the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

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

### **1. REASON FOR APPROVAL**

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

Housing Density  
Design and Appearance  
Residential Amenity  
Highway Safety  
Tree Protection  
Sustainability

Drainage  
Safeguarding of Protected Species  
Open Space contributions.

As such the proposal complies with Policies H4A, H5A, GP1, GP4A, GP15a, NE6, GP9, GP10, GP3 and L1C of the City of York Local Plan Deposit Draft.

2. INFORMATIVE:

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

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

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

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

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

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

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

v. There shall be no bonfires on the site.

4. The applicant is reminded that if bats are discovered during the course of the work, then work should cease and Natural England should be consulted before continuing.

**Contact details:**

**Author:** Billy Wong Development Control Officer

**Tel No:** 01904 551326



# 8 Hall Rise, Haxby

08/00181/FUL



Scale : 1:1250

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Application Site
<b>Date</b>	29 September 2008
<b>SLA Number</b>	Not Set

## COMMITTEE REPORT

**Committee:** East Area

**Ward:** Haxby And Wigginton

**Date:**

**Parish:** Wigginton Parish Council

**Reference:** 08/01678/FUL

**Application at:** Rosevale Private Residential Home 33 The Village Wigginton  
York YO32 2PR

**For:** Two storey extension to create additional bedrooms and storage facilities and single storey rear extension to create communal facilities and office space

**By:** Wellburn Care Ltd

**Application Type:** Full Application

**Target Date:** 22 August 2008

### 1.0 PROPOSAL

1.1 This application seeks planning permission for a first and two storey rear extension and a rear conservatory at Rosevale Private Residential Home which is located at 33 The Village. Rosevale is not within a conservation area neither is it listed. Rosevale operates 24 hours a day 365 days a year and provides care for the elderly.

1.2 At present there are 39 bedrooms and associated communal space within Rosevale. The proposal increases the amount of internal floorspace from 1035 sq m to 1360 sq m with an increase in the number of bedrooms by 2 to a total of 41. The proposed extension is part of a general redevelopment of the whole site with en-suites being added to all rooms and better communal and care facilities provided.

1.3 This application is being referred to Planning Committee at the request of Cllr Firth who has concerns about the impact on the living conditions of residents living at 33b The Village. It is felt that a site visit is needed to understand the relationship between the application site and the dwellings at 33b The Village and Beech House which is located on Back Lane.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

Schools Wigginton Primary 0238

2.2 Policies:

CYGP1  
Design

CYH17  
Residential institutions

### 3.0 CONSULTATIONS

#### INTERNAL

3.1 Highway Network Management - The proposed extensions would only create a net increase of 2 bedrooms and therefore there are no material changes in highway terms. No objections.

3.2 Drainage - The application site is within Flood Zone 1 and should not suffer from flooding. However, sufficient details regarding surface water drainage have not been submitted which would determine the impact on downstream watercourses. (This has been discussed with the Drainage Department and the applicant and it was agreed that this could be controlled by condition.)

3.3 Environmental Protection Unit - No objections.

#### EXTERNAL

3.4 Wigginton Parish Council - No objections but there are concerns about construction traffic accessing Back Lane and Church Lane, these are used by children going to and from school. Hours of delivery should be conditioned and contractors vehicles should be parked off-road.

3.5 Neighbours - Letters received from two neighbours. Comments were received from 34 The Village which is opposite and 33b The Village which is immediately to the west of Rosevale. No comments regarding the revised plans had been received at the time of writing the report but the following comments were made in regard to the original proposal:

- Concern about the access for developers and where they would park, there is only a small parking area to the front and this is needed by staff and visitors;
- A number of cars already park along The Village and any addition to this would be unacceptable to local residents;
- Concerns regarding the height and length of the proposed extension and the impact this will have on the amount of natural light entering the rear garden, conservatory, and patio area;
- It is beneficial that the proposal has been designed with no windows overlooking the rear of 33b The Village;
- Concerned about the noise, dust and intrusion that a major construction problem will cause;

- Concern about the bedroom window in the side elevation of Rosevale which would overlook the front garden of 33b The Village.

#### **4.0 APPRAISAL**

##### 4.1 The Key Issues are:

- Visual Impact / Design
- Impact on the Living Conditions of Neighbours
- Highways
- Drainage

#### VISUAL IMPACT / DESIGN

4.2 The single storey rear extension to the conservatory is small in scale and would not have a significant impact on the appearance of the building. The two storey rear extension has a relatively low ridge height which ensures that it sits below the height of the main building which fronts onto The Village. Therefore the extensions will not be visually prominent from The Village and will not significantly affect the character and appearance of the streetscene.

4.3 The proposal also incorporates a first storey extension above an existing ground floor offshoot. The original offshoot is also extended by 5.7m to the rear ending with an L shaped design. The extension appears reasonably well proportioned in relation to the main building. The roof slope reflects the design and pitch of those on the existing building. A condition can be added to any approval to ensure that building materials used match those of the existing building in order to ensure an acceptable finished quality to the extensions.

#### NEIGHBOUR AMENITY

4.4 Concerns have been expressed regarding the impact of the proposed extension on the living conditions of neighbours living at 33b The Village to the west and Beech House to the south. As a result of this revised plans were submitted which seek to overcome any concerns. Firstly considering Beach House. The proposed two storey extension would be approximately 15m from the rear elevation and 3.4m from the curtilage boundary of Beach House. It is considered that given the separation distance and the relatively modest height of the extension (5.2m to the eaves), combined with some existing natural landscaping along the boundary will ensure that the structure would not appear dominant or overbearing when viewed from the dwelling and rear garden of Beach House. The extension would be north of Beech House and therefore would not have any significant impact on the amount of natural light entering the dwelling.

4.5 The original plans contained two bedroom windows within the rear elevation which were considered to overlook the curtilage of Beech House and therefore result in a loss of privacy. However, the plans have been revised whereby only one first storey window is located within the rear elevation and this would serve an assisted bathroom. It is considered appropriate to add a condition whereby this window is

obscure glazed in order to protect the privacy of users of the care home and the residents of Beech House. It is considered that the revised plans would not harm the living conditions which residents of Beech House could reasonably expect to enjoy. No letters of objection have been received from residents of Beech House.

4.6 A letter of objection was received from 33b The Village regarding the impact of the proposed extension on their living conditions. The revised plans attempt to overcome these concerns. No first storey windows other than rooflights are proposed for the west elevation and therefore there are no issues in terms of overlooking and a loss of privacy for residents of 33b.

4.7 The proposed extension runs parallel to the curtilage boundary of 33b The Village. The extension would protrude backwards approximately 13m from the main rear elevation of 33b The Village. However, an access path of approximately 4m sits between the proposed extension and the curtilage boundary with 33b The Village. The main house is also set back from the boundary by approximately 2.3m with a store room siting between the house and its curtilage boundary. In addition to this the first storey of the extension is set in 1.3m from the ground floor extension to allow some extra separation distance at this level. This gives a separation distance between the house and the proposed extension of approximately 7.6 m. It is considered that the structure would not appear overbearing at this distance. Only the first storey of the extension would be visible from the ground floor of 33b The Village, which has a 2m high boundary wall located on the curtilage boundary. The extension may have some impact on the amount of morning light entering the curtilage of 33b The Village, but given the separation distance, on balance the proposal is considered to be satisfactory.

4.8 The original plan contained a bedroom window which would overlook the front garden of 33b The Village. The revised plan has removed this element to ensure that there is no loss of privacy for the residents of the neighbouring house.

## HIGHWAYS

4.9 The proposed development is part of major refurbishment of Rosevale. This includes significant internal works within the existing building to create larger rooms for residents and to incorporate en-suite bathrooms. Many of these works do not require planning consent. The net result of the extension together with the internal works is that two additional bedrooms only would be created. This increase is very minor in relation to the size of the care home as a whole. It is therefore not considered that there would be any significant increase in vehicle movements associated with the care home. There would be little change in terms of staff and visitor numbers and no highways objections are raised.

4.9 Concerns were raised by local residents and the Parish Council regarding traffic associated with the construction of the extensions. Heavy goods traffic and traffic associated with workers is inevitable for any kind of major development. The control of this is very difficult within the planning system. Should planning permission be granted a condition could be attached to control construction times and to ensure that no loading or unloading takes place outside of the application site if this is considered necessary. It is not considered necessary to condition construction traffic

routes to and from the site given the size of the proposed development. In any event, such conditions are not encouraged by Circular 11/95 "The Use of Conditions in Planning Permissions".

## DRAINAGE

4.10 Although the site is within Flood Zone 1, York Consultancy have raised concerns regarding the lack of a surface water drainage report. However, it has been agreed that a condition can be attached to any approval whereby surface drainage details are agreed and implemented prior to occupation of the extension. A surface water flow restrictor can be installed to ensure that the proposed development does not create a greater level of surface runoff which may have implications in the surrounding area or downstream.

## 5.0 CONCLUSION

5.1 It is considered that the proposed development is acceptable subject to suitable conditioning.

## 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 Plans Drawing Numbers AL(0)000, AL(0)042 Rev F, AL(0)004 Rev D, and AL(0)005 Rev G

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

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

3 VISQ1 Matching materials

4 Prior to the commencement of development details of a scheme for the provision and maintenance of a surface water regulation system shall be submitted to and approved in writing by The Local Planning Authority. The surface water regulation system shall be installed in accordance with the approved details prior to the first occupation of the extensions.

Reason: To ensure that surface water runoff is controlled to reduce the risk of flooding.

5 Other than those shown on the approved plans no first storey windows or other openings shall be inserted into the west or south elevations of the extension hereby approved without the prior written consent of the Local Planning Authority.

Reason: To protect the privacy of residents of neighbouring properties.

6 The first storey window in the south elevation of the extension hereby approved shall be obscure glazed to a standard equivalent to Pilkington Glass level 3 and thereafter maintained.

Reason: To protect the privacy of residents of neighbouring properties.

7 NOISE7 Restricted hours of construction

## **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 Impact / Design
- Impact on the Living Conditions of Neighbours
- Highway issues
- Drainage

As such the proposal complies with Policies GP1 and H17 of the City of York Draft Local Plan.

### **Contact details:**

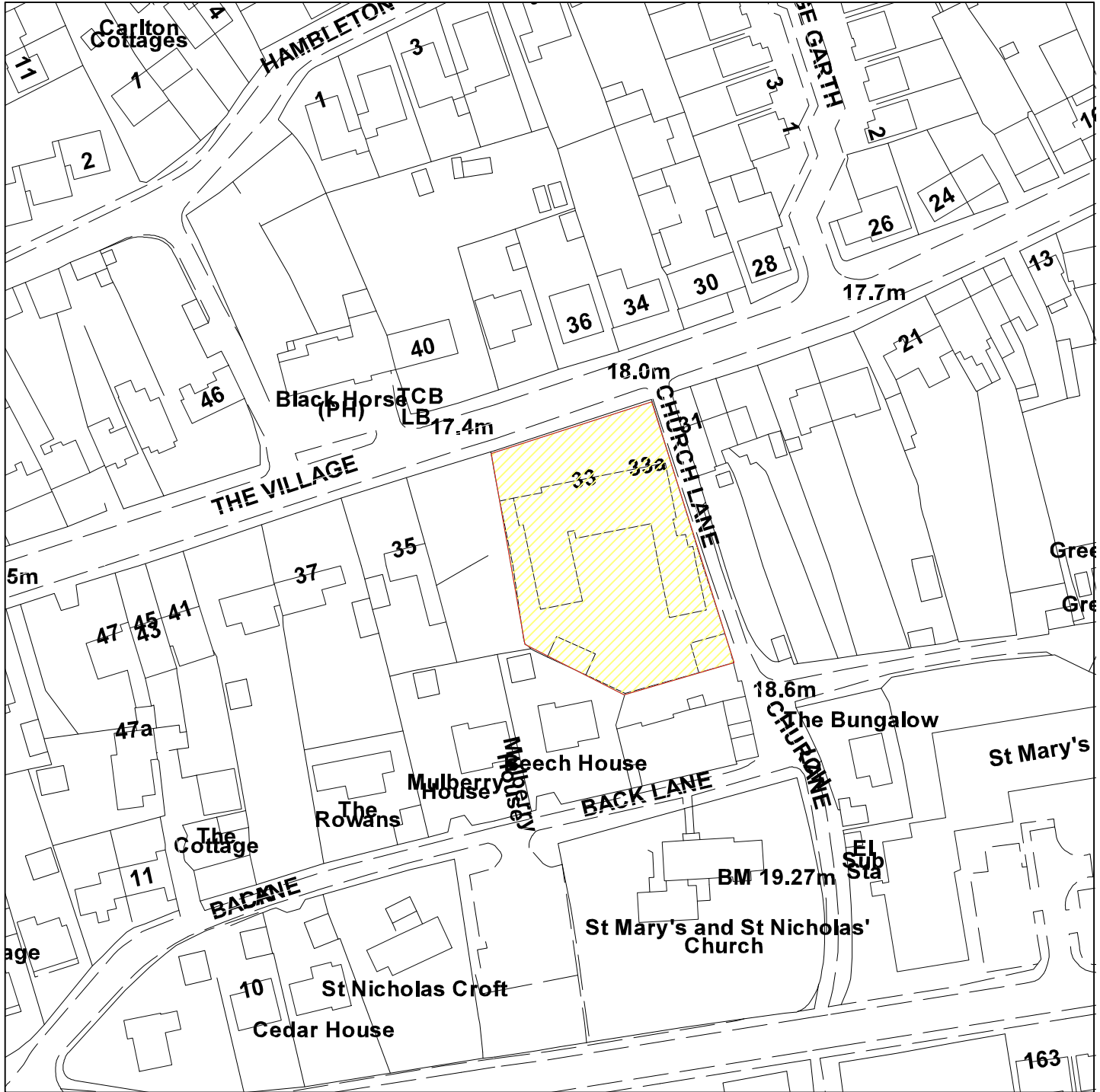
**Author:** Michael Jones Development Control Officer  
**Tel No:** 01904 551325

# Rosevale, 33 The Village, Wigginton

08/01678/ FUL



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Scale : 1:1250

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Application Site
<b>Date</b>	29 September 2008
<b>SLA Number</b>	Not Set



**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 29 May 2008

**Ward:** Huntington/New Earswick  
**Parish:** Huntington Parish Council

**Reference:** 08/00525/OUTM  
**Application at:** Laverack Joinery Unit 1 Birch Park Huntington York  
**For:** Erection of 14 dwellings after demolition of existing factory  
**By:** Robert Laverack  
**Application Type:** Major Outline Application (13 weeks)  
**Target Date:** 5 June 2008

**1.0 PROPOSAL**

1.1 This application seeks outline planning permission for the erection of 14 dwellings after the demolition of two existing factories. Outline consent is sought for layout, scale and access with appearance and landscaping being reserved for a later application. The proposed 14 dwellings would consist of 8 no 4 bedroom houses, 2 no. 3 bedroom houses, 2 no. 2 bedroom flats, and 2 no. 1 bedroom flats.

1.2 The application site is on Birch Park in Huntington. Currently on the site is 'Laverack Joinery' and 'C E Electrical Services' which are both considered to be B2 industrial uses. Birch Park is historically an industrial estate, however a number of major residential developments have taken place in the surrounding area in recent years.

1.3 A Committee site visit is recommended as a letter of objection was received to the proposed development. A site visit will also provide a greater understanding of the relationship between the application site and the surrounding residential and industrial land uses.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Contaminated Land

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

Floodzone 2 Flood Zone 2 CONF

Schools Yearsley Grove Infant 0240

2.2 Policies:

CYGP1  
Design

CYH3C  
Mix of Dwellings on Housing Site

CYH4A  
Housing Windfalls

CYH5A  
Residential Density

CYE3B  
Existing and Proposed Employment Sites

CYGP4A  
Sustainability

### 3.0 CONSULTATIONS

#### INTERNAL

3.1 City Development - The application site is an existing employment site and therefore the proposal should be considered in relation to Local Plan Policy E3b. The proposed development should maximise the best use of the site in line with Policy H4a. The housing development should achieve 'Code for Sustainable Homes' level 3 in line with the Interim Planning Statement for Sustainable Design and Construction.

3.2 Highway Network Management - No objections. Four conditions recommended to be included with any approval.

3.3 Lifelong Learning and Culture - There is no on site open space and therefore a commuted sum payment should be paid to the Council for off-site provision.

3.4 Education - £32,540 is sought towards secondary education provision in the area as a result of the new dwellings.

3.5 Drainage - The development is shown on the Environment Agency Flood Risk Maps as being within Flood Zone 2 (medium risk). The proposal would result in an increase in permeable surfaces on the site as compared to the current situation. Surface water drainage details have not been submitted and thus a condition is recommended to be included with any approval to ensure that drainage details are submitted showing a reduction in surface water run-off.

3.6 Environmental Protection Unit - The application site has previously been used as a landfill site and for industrial activities. Therefore there is the potential for land

contamination and a condition should be added to any permission to ensure that this is investigated and cleared if necessary prior to development. There is the potential for noise disturbance for future occupiers of the residential units due to the industrial uses nearby.

## EXTERNAL

3.7 Huntington Parish Council - No objections.

3.8 Police Architectural Liaison Officer - No correspondence received.

3.9 Public Consultation - One letter received from a local resident. The letter expresses concern about the amount of vehicles which would be using Birch Park. The letter goes on to say that cars already park on both sides of Birch Park and restrictions should be put on the roads to stop this taking place as it leads to poor visibility when leaving access roads.

## 4.0 APPRAISAL

4.1 Key Issues:

- Principle of Development
- Housing Density and Mix
- Scale and Layout
- Impact on Neighbouring Amenity
- Highways
- Drainage
- Sustainability

## PRINCIPLE OF DEVELOPMENT

4.2 The principle of developing this site must be assessed in two ways. Firstly in terms of the loss of an employment site and secondly in terms of the erection of residential development on this site. The application site is occupied by two B2 uses which means that the site is an existing employment site as identified by the Local Plan Policy E3b. This policy outlines a number of criteria by which proposals should be assessed in terms of identifying whether their loss from the employment land stock affects immediate and longer term employment land requirements.

4.3 The applicant has not attempted to justify the loss of an employment site in relation to Local Plan Policy E3b. Instead the applicant has pointed out a number of recent approved applications for housing developments on employment sites. The applicant has also submitted appeal decisions for recent cases in York whereby sites were converted from employment to residential sites. One example is an appeal at Unit 1 Fifth Avenue where it was concluded that the primary purpose of the employment land policy was to protect larger sites and that smaller sites offer very limited potential for redevelopment and use for an alternative business premise. The inspector also gave weight to the surrounding land uses and whether this site was appropriate to be retained as an employment site.

4.4 The application site has significant residential development to the north, east, and west. Only to the south does industrial development remain around the application site. There is a potential conflict between the existing B2 uses and the surrounding residential development. The industrial units are located very close to the rear boundaries of residential units on Darwin Close. In addition 182 apartments and 11 houses are currently under construction on land to the east of the application site. Whilst on site circumstances do not necessarily override the requirements of Policy E3b they are a consideration in determining the application. As outlined in paragraph 4.3 planning inspectors have given significant weight to surrounding land uses and whether a particular site should be retained for employment purposes. It is officer opinion that given the very modest size of the site and the surrounding residential developments that the application site does not offer important employment opportunities which should be retained; therefore there are no objections to its loss.

4.5 If it is accepted that the loss of an employment use on this site is acceptable then it is considered that residential development is the most suitable use for this land. As stated previously the application site is surrounded on three sides by other residential developments. The character of this section of Birch Park has changed from industrial to residential. Appropriate residential development could sit on this site and create no conflicts with the surrounding residential land uses. There is a B8 distribution centre to the south of the application site. Vehicles coming and going from the distribution centre would go past the application site, however they would also travel past a significant number of other recent dwellings which have been erected. However, a noise survey condition is recommended to be included with any approval in order to establish what level of sound insulation, if any, needs to be incorporated into the new dwellings.

#### HOUSING DENSITY AND MIX

4.6 The proposed development would create 14 residential units on a site of 0.25ha which is equivalent to 56 dwellings per hectare. Local Plan Policy H5a seeks to achieve a net residential density of at least 40 dwellings per hectare. Therefore the proposed development is in accordance with Policy H5a. The density of the housing development to the north of the application site is a little lower than the proposed application, however the development currently under construction to the east has a density of over 80 dwellings per hectare. It is therefore considered that the proposed density is both in accordance with local guidance and is consistent with much of the residential development in the surrounding area.

4.7 Local Plan Policy H3c seeks a mix of all house types and sizes within all residential development. The proposed development primarily creates family sized houses at 3 and 4 bedroom size with private gardens. This is in accordance with the Housing Market Assessment which showed the need for dwellings of this size within the city. The proposed four flats take up a relatively small proportion of the application site and it is therefore considered that the residential mix conforms with Policy H3c.

## SCALE AND LAYOUT

4.8 This application seeks consent for the scale and layout of the dwellings. It is proposed that the buildings will be predominantly three storeys in height with two and a half storey units at either end of the block of terraces. There is a variety in the scale of residential units in the area with more traditional two storey houses sitting close to three storey plus houses and flat developments. The residential units to the rear on Chester House and Danube House are both three storeys in height. It is considered that in terms of scale the proposed development is entirely consistent with its surroundings.

4.9 The layout of the proposed dwellings is that of a block of 12 terraced buildings. The building form follows the curve of Birch Park which creates a staggered development. This gives the block of terraces several visual breaks and creates a development with more vertical emphasis. Although the proposed development has a frontage of over 50m the variety of setbacks gives the unit as a whole greater visual interest.

4.10 The layout of the site allows for a reasonable level of landscaping to the front which will allow planting to soften the visual impact of the development. Each unit has a garage and parking space to the front. The 12 houses have private garden areas to the rear with the four flats sharing a good-sized communal rear garden area. Refuse and recycle stores are proposed at the front with bike stores to the rear. A private access is created at the rear to allow residents to access the rear bike stores without going through the house. This layout is considered typical of many recent family type residential developments approved in York over recent years.

## IMPACT ON NEIGHBOURING AMENITY

4.11 Chester and Essex House to the rear are set approximately 10 m off the boundary with Units 1 and 1A Birch Park. The proposed dwellings and flats are set between 11 and 19 m off the boundary which ensures that there is a reasonable separation of at least 21m between dwellings. This is considered sufficient to ensure that there is not a significant impact on neighbouring privacy and the structure would not appear dominant or overbearing when viewed from Chester and Essex House. Between the boundary and Essex and Chester House is a car parking area, any overlooking into this area is not considered to significantly affect neighbouring amenity. The other residential dwellings close to the application site are on the other side of Birch Park. Given the separation distance it is considered that the proposal would not affect the level of amenity which they could reasonably expect to enjoy.

## HIGHWAYS

4.12 No objections were raised by Highway Network Management. The level of traffic associated with the 14 dwellings would not significantly affect the local highway network. The application site is currently a B2 use which has the potential to generate at least as many traffic movements as the proposed dwellings. Car and cycle parking levels are considered to be in accordance with local standards.

## DRAINAGE

4.13 Part of the application site is within Flood Zone 2. The Council's Strategic Flood Risk Assessment states that residential development within Flood Zone 2 is appropriate. At present the whole of the site is impermeable for surface water. The proposed development will create a significant element of permeable surface in terms of private gardens and the landscaping area to the front. Therefore, it is not considered that the proposed development would increase flood risk elsewhere. A condition is recommended whereby surface water drainage details are agreed in writing prior to development to ensure that the site drains effectively.

## SUSTAINABILITY

4.14 A Sustainability Statement was submitted with the application in accordance with Policy GP4a. This application is in outline only with a number of details still to be considered. However, the sustainability statement points out the sites access to local bus and cycle routes which connect the site to the rest of the city. Each dwelling will also have a bin recycle area as well as individual cycle stores. The Sustainability Statement states that much of the material of the existing building on site can be re-used either on the proposed development or be sold on for use in other developments in the area. In accordance with The Council's Interim Planning Statement on Sustainable Design and Construction the applicants would be expected to achieve a Code for Sustainable Homes Level 3 star and produce 10% of expected energy demand for the development through renewable energy production on site. It is recommended that a condition is added to any approval in order to ensure this is achieved.

## 5.0 CONCLUSION

5.1 It is considered that the proposed development accords with local and national planning guidance. The proposed residential development is considered to be a better neighbouring land use to the recently built and currently under construction dwellings in and around Birch Park. The application is therefore recommended for approval subject to the following conditions.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 Application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development hereby permitted shall be begun before the expiration of two years for the date of approval of the last of the reserved matters to be approved.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details:

Details to be submitted: Appearance and Landscaping

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

3 VISQ8 Samples of exterior materials to be app

4 Prior to the commencement of the development, details of the security gate providing access to the rear of the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. The gate shall be installed in complete accordance with the approved details prior to the first occupation of the development.

Reason: In the interests of security and the prevention of crime.

5 Prior to the commencement of development, the developer shall submit for the written approval of the Local Planning Authority a preliminary Code for Sustainable Homes Design and Procurement stage assessment for the development. This shall indicate that a minimum Level 3 rating will be achieved under the appropriate code. This shall be followed by the submission of a Code for Sustainable Homes Post Construction Review and a Code for Sustainable Homes Certificate for this review shall then be submitted to the Local Planning Authority after completion and before first occupation of the building. Both assessments shall confirm that the minimum Level 3 rating indicated in the preliminary Code for Sustainable Homes Design and Procurement assessment submitted with the application.

Reason: In order to achieve a sustainable development

6 The development hereby approved shall provide a minimum of 10% of expected energy demand from on-site renewable sources. Details of the proposed renewable energy systems to be installed in order to achieve this target shall be submitted to and approved in writing prior to the commencement of the development. The approved renewable energy systems shall be installed in their entirety and shall be fully operational prior to the first occupation of the development.

Reason: In order to achieve a sustainable form of development.

7 NOISE7 Restricted hours of construction

8 Prior to the commencement of development a noise survey shall be carried out in accordance with details to be agreed in writing with the Local Planning Authority. A scheme for the installation of any sound insulation measures to be installed shall be agreed in writing with the Local Planning Authority. The agreed

sound insulation measures shall be fully installed to the satisfaction of the Local Planning Authority prior to the first occupation of the dwelling.

Reason: To protect the amenities of future residents of the dwellings

9 Prior to the commencement of development a contaminated land survey shall be carried out in accordance with details previously agreed in writing by the Local Planning Authority. A strategy for the removal of any contamination found on site shall be agreed in writing by the Local Planning Authority. All remediation works shall be carried out in accordance with the agreed strategy prior to the commencement of development.

Reason: For the protection of human health and the wider environment.

10 DRAIN1 Drainage details to be agreed

11 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 kerbing and footway to match adjacent levels.

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

12 HWAY26 Internal road details to be agreed

13 HWAY31 No mud on highway during construction

14 HWAY18 Cycle parking details to be agreed

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 L1 of the City of York Draft Local Plan.

**INFORMATIVE:**

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £31,500

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

16 No development shall commence unless and until a scheme to ensure the



provision of adequate additional foundation and secondary school places within the local catchment area has been submitted to and approved by the local planning authority.

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

**INFORMATIVE:**

The provisions of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, The obligation should provide for a financial contribution calculated at £32,540 . The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

No development can take place on this site until the condition has been discharged and you are reminded of the Local Planning Authority's enforcement powers in this regard.

**7.0 INFORMATIVES:  
Notes to Applicant**

1. REASON FOR APPROVAL

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

- Principle of Development
- Housing Density and Mix
- Scale and Layout
- Impact on Neighbouring Amenity
- Highways
- Drainage
- Sustainability

As such the proposal complies with Policies GP1, GP4a, H3C, H4A, H5A, and E3b 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:**

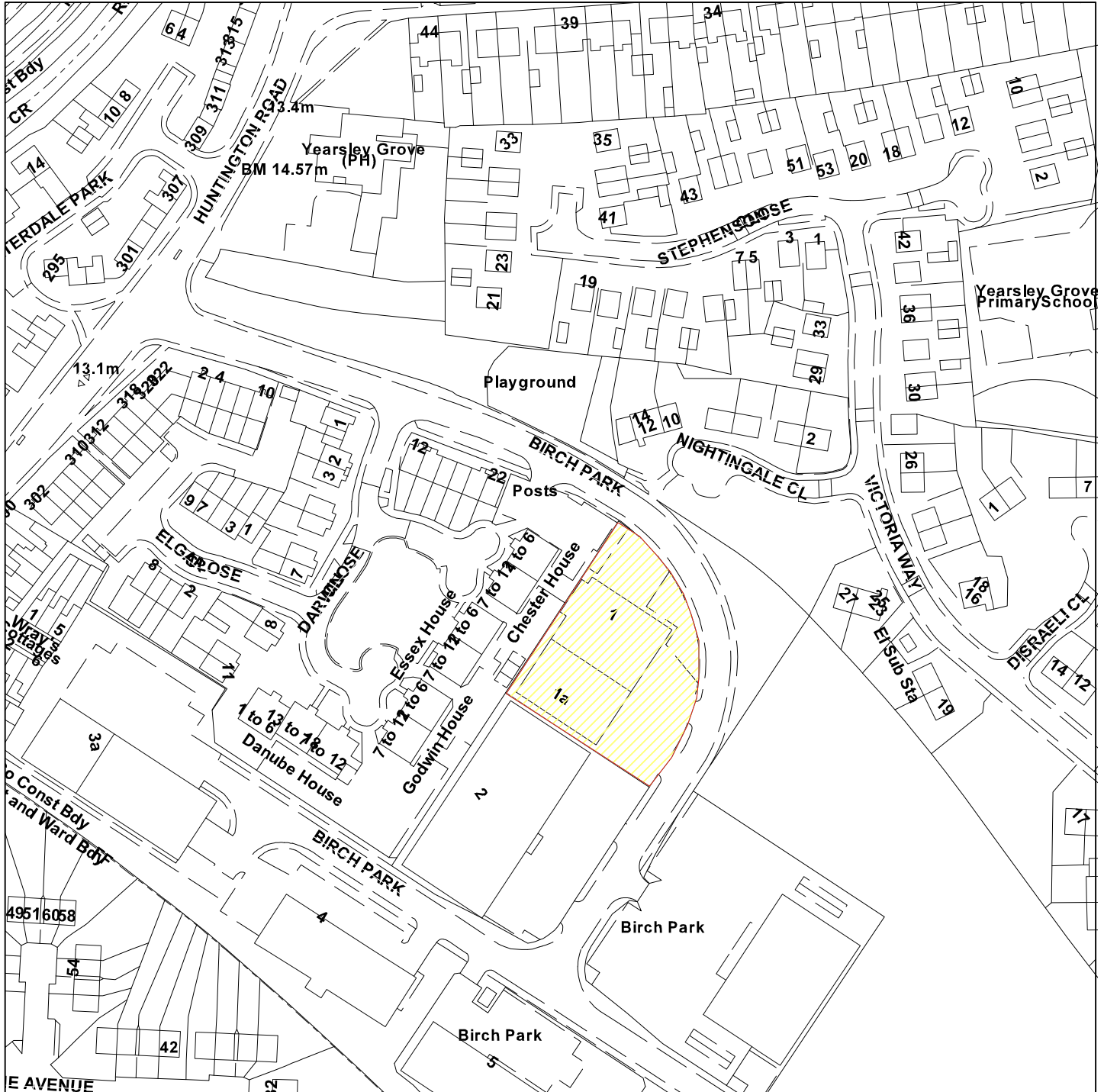
**Author:** Michael Jones Development Control Officer  
**Tel No:** 01904 551325

# Laverack Joinery, Unit 1, Birch Park.

08/00525/OUTM



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Application Site
<b>Date</b>	29 September 2008
<b>SLA Number</b>	Not Set

## COMMITTEE REPORT

<b>Committee:</b>	East Area	<b>Ward:</b>	Skelton, Rawcliffe, Clifton Without
<b>Date:</b>	9 October 2008	<b>Parish:</b>	Clifton Without Parish Council

**Reference:** 08/01930/FULM  
**Application at:** York Cricket And Rugby Union Football Club Shipton Road Clifton York YO30 5RE  
**For:** Two storey building incorporating clubhouse, changing rooms and members bar with associated landscaping and parking (amended scheme)  
**By:** York Cricket And Rugby Union Football Club  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 6 November 2008

### 1.0 PROPOSAL

1.1 Planning permission was granted in March 2006 for the erection of a replacement clubhouse building at the York Cricket and Rugby Union Football club site on Shipton Road. This showed a 3 storey modern sports pavilion incorporating new changing room and bar facilities. Due to financial constraints, the club no longer wish to implement this permission and now apply for an amendment to that scheme.

1.2 The existing building is single storey and measures approx 55m in length and approx. 10 metres deep at its deepest point. This application shows a building approx. 40 metres wide and approx. 9 metres deep at its deepest point. The extant permission has dimensions of 24.5 metres x 16 metres deep.

1.3 The new development will consist of accommodation over 2 floors with 6 changing rooms, an officials room, toilets, showers and a members bar at ground floor level with a club room and meeting rooms at 1st floor level. There will be balconies at first floor level on the rear of the building looking south out over the existing pitches. Materials are shown to be a combination of brickwork, cedar boarding and aluminium powder coated curtain walling and doors. The existing building will be demolished to make way for the development.

1.4 The urban area development line at this point is Shipton Road and this doubles up as the boundary of the Clifton conservation area. The site itself, including all of the car park, the buildings and the playing fields are in the Green Belt. Although outside of the conservation area, the impact of the development on the conservation area is a material consideration and is considered as part of the application.

1.5 The plans show the building to be developed in 2 phases but the entire development is considered here.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

2.2 Policies:

CYGB1  
Development within the Green Belt

CYGB13  
Sports facilities outside settlements

CYHE3  
Conservation Areas

CYGP1  
Design

## 3.0 CONSULTATIONS

INTERNAL.

3.1 Highway Network Management.

Officers have requested information with regard to the extent of the sporting facilities on the site, the number of matches played at any one time, the average number of players/ staff and spectators at an event and how often the function rooms are hired out for general use. Details of cycle parking have also been requested. The reason for this is to ensure that the proposal will have no additional impact on the highway network than the approved scheme given that the footprint of the building is larger although the floorspace itself is very similar. At the time of writing this report, the final comments of the officer are awaited and will be reported to members at the meeting.

3.2 Urban Design and Conservation.

The principal components which contribute to the special architectural or historic interest of this part of the conservation area are in my opinion the houses designed by Barry Parker (with Raymond Unwin), the mature hedges forming the majority of the boundaries, the wide grass verges, and the extensive tree cover, particularly in views to the north.

From Shipton Road and Galtres Grove, views out of the conservation area to the south-west are interrupted by the existing low brick club house, itself of no special architectural or historic interest, the plain brick walls of the squash courts, and a neighbouring dwelling dating from the twentieth century, again of no special interest. Trees and boundary hedges further curtail views. Consequently, there are only glimpses of the wider landscape. Views into the conservation area are also very limited.

The north elevation, although improved by alterations to the proposed fenestration and the central tower, remains somewhat uninteresting. That said, the building remains relatively low and set well back in the site and the use of hedges and trees for the boundary to Shipton Road is perpetuated. The south elevation is considered acceptable. The proposed materials will sit comfortably with those of neighbouring buildings.

By virtue of the scale, design, materials and siting, the building will in my opinion not appear overly intrusive in important views within or in and out of the conservation area. Consequently, the proposal preserves the setting of the conservation area.

### 3.3 Environmental Protection Unit.

Have consulted Licensing regarding the hours on the license for the current sports club and the current license was issued on the 6 September 2006 with a number of different hours of use to control different activities. In view of this, recommend that the following hours be permitted (this includes an additional 30 minutes before and after the times within the license hours of use)

1) The use hereby permitted shall be confined to the following hours:

Monday to Wednesday	08:30 to 23:30
Thursday to Saturday	08:30 to 01:30
Sundays and Bank Holidays	08:30 to 23:00

With additional hours on the following Bank Holidays

08:30 to 02:00 on New Years Eve
08:30 to 01:00 on Good Friday, Easter Monday, Boxing Day, New Years Dave

Additional conditions are recommended to deal with plant and machinery and the control of amplified music from the venue during functions.

### 3.4 CYC internal drainage officers.

No objections subject to a condition limiting surface water drainage discharge rates.

### 3.5 Lifelong Learning and Leisure.

We strongly support this application, and consider it to be a significant improvement for the needs of the club on the previous scheme. This design allows for phasing of the development which means that the urgently needed changing facilities can be delivered within the next year. In the mean time the club will continue to fundraise for the remaining capital required to deliver phase two of the project. This scheme has improved changing and circulation space, enhanced teaching and training space and social and viewing space on the ground floor which are considered to be an improvement over the original scheme.

This club house has been designed to fully comply with Sport England's design guidance. The 2 storey building has a mix of changing and ancillary facilities for the outdoor team sports for which the club already has an excellent reputation; teaching and training space indoors for the development of coaches, volunteers and players;

indoor sports and activity space for martial arts, exercise and community activities and social and meeting facilities.

The design will allow the site to continue to operate while the construction work is carried out, and is to be fully accessible to all. The club is the home of York Tennis-ability club, with coaching sessions for disabled adults and young people. The new facilities will cater for these players and have the capacity to attract more new disabled participants for all of the club's sports.

The club at Clifton Park are heavily involved in the Active York partnership in the city and this project has the full support of that partnership and the Council's Sport & Active Leisure team. They are a key partner in delivering the partnerships objectives of increasing participation in sport and physical activity and raising the standard of performance in sport. This new facility will allow the club to attract new participants to sport and physical activity and will be the first stage in developing new sports and activates on the site including a jogging/ walking route, fitness training, exercise classes, cycling and martial arts. We believe that the redevelopment of the club house is essential for maintaining the existing membership, but also crucial for attracting those who do not currently participate.

#### EXTERNAL.

##### 3.6 Clifton Without Parish Council.

Support the application providing the frontage is built in keeping in materials and style to the properties opposite as these are within the Clifton Conservation area. Adequate provision to retain noise within the building should also be provided.

Should the replanting as described in 05/00510/TPO have failed to be completed, it is essential that there should be a condition specifying that the replanting should be completed in the 2008/09 planting season and before the commencement of any other authorised works.

##### 3.7 Environment Agency.

A full FRA was submitted with the application. No objections raised subject to conditions on surface water drainage and finished floor levels.

##### 3.8 Neighbours and Third parties.

Nearby residents were consulted by letter and a site notice placed at the site. A total of 30 letters have been received, all in support of the application. 1 letter from the owner of 30 Shipton Road raised concerns that the new building will reduce the levels of light into this property and the views of trees and the sky. However they go on to state that they do not oppose the application as the new facilities are essential.

Comments in support of the application are as follows:

- i) The increase in members of this club is phenomenal and is deserving of the much improved facilities this proposal would bring.
- ii) Development is much needed to support the development of sport in the city and will enable more young people to become involved in sport and for adults to remain involved across a range of sports.

- iii) The playing facilities at the club are second to none but the clubhouse facilities have been in significant need of attention for at least 12 years. Current building is worthy of being condemned. The application should go ahead to ensure that York's sporting success continues to grow.
- iv) Current signage area should not be increased.
- v) Open to all those living in York and from wider afield.
- vi) A lot of people from York and further afield have benefited from the opportunities for recreation and fitness which the club have provided.
- vii) The new facility is just what the club need and will encourage the next generation to enjoy and participate in sport.
- viii) Existing building does not reflect well on our city as it is in such a poor state of repair.
- ix) The changing rooms are very small and run down and not up to the standard of other clubs. Will attract bigger games if the facilities improve.

## **4.0 APPRAISAL**

### **4.1 KEY ISSUES.**

- Impact upon the Green Belt.
- design and appearance.
- neighbour amenity.

Green Belt.

4.2 The site in question is allocated as green belt in the Draft Local Plan. Government guidance as to what constitutes appropriate development in the green belt is found in para. 3.4 of PPG2. This guidance is reflected in policy GB1 of the Draft Local Plan. Essential facilities in connection with outdoor sport and recreation, such as club houses, changing rooms, stands, stables etc are recognised as appropriate development in the Green Belt, ideally through the conversion of existing buildings. The construction of new buildings to fulfil this will generally only be acceptable where they are deemed essential to the functioning of the use of the land, and no greater in size than that necessary in order to fulfil the intended purpose.

4.3 In this case, the proposed building replaces an existing one and therefore consideration also has to be given to whether the impact of the development would have a materially greater impact than the present use on the openness of the green belt. Comparison to the already approved replacement building is also a material consideration here.

4.4 The club offers extensive cricket and rugby facilities with several pitches and practice areas within its grounds. It was concluded under the previous application that changing facilities are an essential requirement at such a facility and under Sport England legislation, would be required by law if formal league matches are to take place here, which they do. It is also considered perfectly reasonable to expect some recreational bar facilities to be included given the size and importance of the facility to the leisure needs of the City. Furthermore, given that the club is a recognised, committee run club, the provision of the meeting rooms and club rooms



at first floor level is considered perfectly reasonable. Weight should also be attached to the fact that such facilities are already provided in the existing building, albeit not on the same size or scale. Officers therefore consider that the new building remains essential to the proper functioning of the club and does not require very special circumstances to be proven by the applicant.

4.5 The essential characteristics of green belts are their permanence and open appearance and the overriding consideration is to maintain this openness. In this case, the existing pavilion / clubhouse building occupies a footprint of approx. 55m x 25m, but is only approx. 6 metres high. In the recent approved scheme this would have been replaced by a building with accommodation over 3 floors approx. 9.8 metres high. However, to offset this, the length of the building was approx. 30 metres less than the existing building and this would have significantly opened up the views of the playing fields from Shipton Road, something that was considered to benefit the openness of the Green Belt despite the increased height of the building.

4.6 In this revised scheme the replacement building falls somewhere between the size of the existing building and that shown in the approved scheme. It is 40 metres wide and the height is 7 metres as opposed to the 6 metres of the existing building. This would still allow views into the playing fields from Shipton Road albeit not quite on the scale of the previously approved scheme. The height of the building is approx. 1 metre more than the existing building and with a more solid flat roof appearance which results in a higher eaves level. However given its reduced footprint overall, this differential is not considered to cause significant harm to the character or openness of the Green Belt at this point. Whilst views over the building to the trees and skyline behind may be slightly diluted, the extent of this is not considered excessive and is offset somewhat by the reduced footprint on either side which will still open up the views through the site more than at present. A reduction in height of nearly 3 metres over the approved scheme, whilst acknowledging the much reduced footprint of that proposal is also welcomed as it will result in a less dominant building that would be more in keeping with its immediate surroundings. Officers therefore consider that the revised scheme does not harm the openness of the Green Belt when considered against the existing arrangement.

4.7 In order to safeguard this benefit, it is felt necessary to ensure that these views would be retained in the future. A condition is therefore recommended preventing any fencing or means of enclosure being erected along the field boundary without planning permission so as to retain views across the fields from Shipton Road.

Design and appearance.

4.8 The application site is outside of the Conservation area and whilst its impact on the setting of the conservation area is a material consideration, the proposal must also be considered in the context of the street scene and the purpose of its use. The approved scheme showed a highly modern and contemporary building finished mainly in glass and this resulted in some objections from local residents concerned that it did not sit comfortably with the character of this part of Shipton Road. The area is predominantly residential in character and some contrast can work well in the right setting. Good quality modern architecture is encouraged in Planning Policy Statement 1 and given the reasonably wide visual break from the boundary of the

conservation area, the large extent of the site within which it sits and the overall purpose of the building as a recreational building, a modern contemporary building was and is considered acceptable by officers in principle. The comments of the Urban Design, Conservation and Sustainability officer are at para. 3.2 above and no objections are raised by them. Therefore, officers do not consider the setting of the Conservation area to be materially harmed by the proposed development.

Neighbour amenity.

4.9 The development is a replacement of an existing building and use and therefore there is no reason why the impact on the surrounding area should be materially any worse than existing. However, it is acknowledged that the building is larger, is more modern in appearance and would therefore be more attractive for use for functions / entertainment evenings etc. The layout includes two function rooms and a bar in a similar vein to the previous permission. The existing building does have a bar and function room and enjoys a license into the early hours of the morning. However it is acknowledged that there is a possibility of the new building being used more than it is at present and this has the potential to harm local amenity through the playing of music and people leaving the site late at night. These issues were considered in the last application and conditions were attached which limited the hours of opening to the same as those detailed in the entertainment license with further control over the playing of loud music etc. The distance to the nearest house (27 Shipton Road) is slightly greater than in the previously approved scheme and no additional function space is shown. Therefore, overall the impact on the amenity of nearby residents is not considered to be materially different from either the present situation on site or that considered in the approved scheme. The Environmental Protection Unit have raised no objections and recommend that the same conditions be appended as before. The hours of use shown relate to the times allowed in the license issued to the club plus half an hour.

Other issues.

4.10. At the time of writing the report, the final comments of highways officers are awaited after clarification was sought as to the extent of the use of the club at any one time. Proposed parking levels and the overall floorspace and use of the building are very similar to that shown in the approved scheme and initial indications are that it is unlikely that any objection will be raised. However, members will be updated on this at the meeting.

4.11 The Environment Agency have raised no objections following receipt of an acceptable flood risk assessment and after extensive negotiation, the Council's drainage engineers are also satisfied that surface water drainage from the building can be adequately controlled so as not to increase the pressure on local drainage.

4.12 The proposal would involve the removal of some young trees close to the eastern elevation of the existing building and these could be easily replaced with new heavy standards. The existing trees are not worthy of protection due to their close proximity to the building and a couple of sycamores would need removing anyway for thinning operations. Some low level planting and shrubbery would also be lost.

4.13 The main trees on this site are those along the frontage with Shipton Road. It appears that the situation will be improved for these trees as a consequence of the new parking arrangements. The loss of vegetation was compensated for last time with the inclusion of three new trees within this 'grass' verge along the eastern boundary and two trees incorporated either side of the new building entrance path. The loss of trees is considered acceptable, provided new trees are planted on a one for one basis in agreed locations that shall include the Shipton Road frontage in order to perpetuate tree cover on the boundary of the conservation area. Condition LAND 1 is included to cover this.

## 5.0 CONCLUSION

5.1 For the reasons outlined above, officers consider the proposal to be appropriate development in the green belt. It is also considered to preserve and to some extent improve the openness of the Green Belt. It is also considered acceptable in design terms and does not adversely affect the setting of the conservation area nor materially harm the amenities of near neighbours through possible evening and late night use. The final comments of highways officers are awaited but it is not expected that any objections will be raised. The proposal also represents an important and much needed facility at this site which will be beneficial to the long term future of the site and the leisure needs of the City.

5.2 The replacement scheme in some ways represents an improvement over the previously approved scheme by re-introducing a less bulky, much lower design. Therefore, subject to mostly the same conditions being imposed as on the previous approval, officers raise no objections.

5.3 The development represents appropriate development in the Green Belt and is not considered to harm openness and therefore the proposal does not have to be referred onto Government Office.

## 6.0 RECOMMENDATION: Approve

1 The development shall be begun not later than the expiration of the three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

Drawing no's (to be inserted)

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

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

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

6 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.

7 Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

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

8 The details of any means of enclosure erected between the car park and the sports pitches shall be submitted to and agreed in writing by the Local Planning Authority prior to its erection. Any subsequent alterations to this enclosure shall also be agreed in writing by the Local Planning Authority prior to the changes being implemented.

Reason. In order to preserve views across the fields from Shipton Road in the interests of visual amenity and the preservation of the openness of the Green belt.

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

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

10 LAND1 IN New Landscape details

11 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through an interceptor.

Reason. To prevent pollution of the water environment.

12 Finished floor levels shall be set at no lower than 11.90metres AOD.

Reason:To minimise the impact of flooding.

13 Development shall not commence until details of the method of surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. The details shall incorporate a discharge rate limited to 29 litres per second during a 1 in a 100yr + 20% flood event . The development shall not be occupied until the drainage works have been carried out in accordance with the approved details.

Reason: In order to ensure that the site is properly drained.

14 All demolition and construction works and ancillary operations, including loading or unloading on the site and deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason: To protect the amenities of adjacent residents.

15 Details of any external lighting either within the site or on the approved building shall be submitted to and agreed in writing by the Local Planning Authority prior to its implementation. Such a scheme shall include details of the position, design and level of illumination of the lights and the scheme shall only be implemented in strict accordance with this approval.

Reason. To reduce harm from light pollution to a minimum In the interests of local residential amenity and in the interests of visual amenity with regard to the character, appearance and openness of the Green Belt.

16 The use hereby permitted shall be confined to the following hours:

Monday to Wednesday	08:30 to 23:30
Thursday to Saturday	08:30 to 01:30
Sundays and Bank Holidays	08:30 to 23:00

With additional hours on the following Bank Holidays

08:30 to 02:00 on New Years Eve

08:30 to 01:00 on Good Friday, Easter Monday, Boxing Day, New Years Dave

Reason: To protect the amenity of the locality from noise generated by the use hereby approved.

17 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels (L<sub>Amax</sub>(f)) and average sound levels (L<sub>Aeq</sub>), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the locality from noise generated by the use hereby approved.

18 All electronically amplified music emitted from the premises shall be played or reproduced through loudspeakers and a noise limitation device. The device, the levels set and the installation shall be approved in writing by the local planning authority before the use hereby approved commences. Thereafter the approved levels, equipment, installation and position and type of loudspeakers shall be maintained in accordance with the planning approval; at no time shall they be modified without the written approval of the local planning authority

Reason: To protect the amenity of the locality from noise generated by the use hereby approved.

19 Prior to the use hereby approved coming into use, the local planning authority shall identify a position on the public highway where music from the within the premises shall be inaudible at all times except with the written approval of the local planning authority. The use hereby approved shall not commence until the positions where music is inaudible have been approved in writing by the local planning authority. The local planning authority may review this condition and the location at where noise must be inaudible at any time

Reason: To protect the amenity of the locality from noise generated by the use hereby approved.

20 All windows, doors and other openings in the building structure shall be kept closed at all times when a function is being held at the premises where amplified music is being played.

Reason: Reason: To protect the amenity of the locality from noise generated by the use hereby approved.

## **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 green belt, design and appearance, impact on the conservation area and neighbour amenity. As such the proposal complies with Policies GB1, GB13, HE13 and GP1 of the City of York Draft Local Plan 4th set of changes approved for Development Control purposes April 2005.

2. The changing facilities must be designed in accordance with Sport Englands Design Guidance for such facilities. Information on this is available in the Sport England design publication 'Pavilions and Club houses' and this can be downloaded on the Sport England website [www.sportengland.org/pavilions.pdf](http://www.sportengland.org/pavilions.pdf). This also provides useful information on what would be required to meet the needs of sport users, and how design must allow for the accommodation of disabled users.

3. In line with the Government's stated aims on sustainability and climate change, the applicant is invited to contact the Council's Sustainability Officer to discuss all forms of renewable energy and the use of sustainable materials and how these can be incorporated into the development in the most cost and energy efficient manner. Please contact Jacqueline Warren on 551666.

4. In order to achieve the aims of condition 9 (see reason) any means of enclosure should take the form of either a post and rail fence, a picket fence or a hedge (species to be agreed).

### 5. Demolition and Construction - Informative

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

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

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

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

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

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

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

**Contact details:**

**Author:** Matthew Parkinson Development Control Officer

**Tel No:** 01904 552405

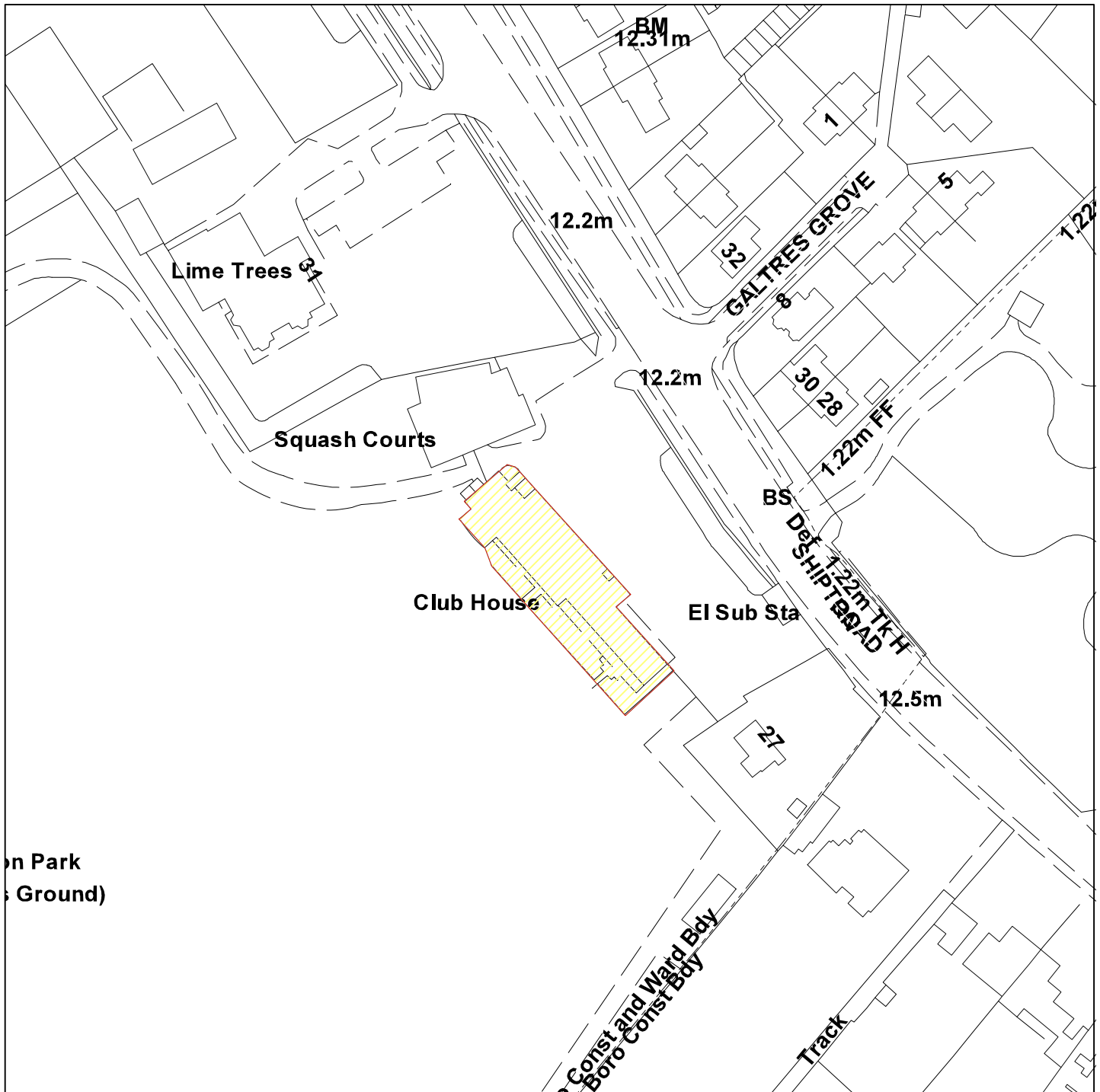


# York Cricket and Rugby Union Football Club,

08/01930/FULM



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Application Site
<b>Date</b>	29 September 2008
<b>SLA Number</b>	Not Set

**COMMITTEE REPORT****Committee:** East Area**Ward:** Hull Road**Date:****Parish:** Hull Road Planning Panel**Reference:** 08/01847/FUL**Application at:** 203 Hull Road York YO10 3JY**For:** Single storey rear and first floor side extension**By:** Mr T Mansfield**Application Type:** Full Application**Target Date:** 15 September 2008**1.0 PROPOSAL**

1.1 This application seeks planning permission for a side and rear extension at 203 Hull Road. The property already has a flat roof garage to the side. The proposal is to build above this to create room in the roof and to extend backwards. The proposed extension protrudes 1.9m from the main rear elevation of the house.

1.2 The submitted plans indicate that the proposal would create a study room on the ground floor at the rear and on the first floor would create a fourth bedroom for the house as well as extending an existing bedroom.

1.3 A similar application (Ref. No. 08/01845/FUL) is also to be considered for the extension of 205 Hull Road. Both dwellings are thought to be within the same ownership. This application is being referred to Planning Committee due to an earlier application (Ref. No. 08/00350/FUL) being refused at committee in April 2008 for a joint extension of 203 and 205 Hull Road and the change of use of the properties to houses in multiple occupation. The previous application was refused on three grounds, these were:

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

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

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

- It is considered that the proposed development does not provide suitable storage for bicycles and refuse and recycling bins. Therefore the proposal is contrary to Policies GP1, H8, and T4 of the City of York Draft Local Plan, in addition to Central Government advice within Planning Policy Guidance Note 13, which seeks to promote sustainable transport choices.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

2.2 Policies:

CYGP1  
Design

CYH7  
Residential extensions

## **3.0 CONSULTATIONS**

EXTERNAL

3.1 Hull Road Planning Panel - No objections.

3.2 Neighbours - No correspondence received.

## **4.0 APPRAISAL**

4.1 Key Issues:

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

STREET SCENE

4.2 The application site is an end terrace property on Hull Road. This section of Hull Road is characterised by blocks of four terraced houses with spaces between them at first storey level. The applicant has sought to retain this space as far as possible with the design of the extension. A pitched roof with room in the roof is proposed rather than a standard two-storey side extension. The total height of the first storey extension is below that of a standard two-storey side extension and the bulk is significantly reduced through a single storey eaves height. The ridge height has been reduced by approximately 0.3 metres from the previously refused application. It is considered that the visual break in development is retained, the position and height of the ridge means that the bulk of the extension is minimised whilst incorporating an additional storey. The ridge would be hidden behind the main house from various vantage points, it would only be when viewed straight on that the bulk of the extension would be visible.

4.3 Whilst the extension may maintain the important visual break between developments concerns remain about the design of the extension and how this relates to the main house. 203 Hull Road has a hipped roof whereas the extension is gable ended. The size of the roof structure is significant and the extension is not considered to appear subordinate to the main house and contains a different design style. 203 Hull Road is within a visually prominent location and it is considered that the proposed extension would harm the appearance of the dwelling and therefore the character of the street scene. It is considered that the reduction in ridge height of 0.3m from the previously refused application is an improvement, but on balance this is not considered sufficient to overcome the harm to the visual amenity of the area.

#### LIVING CONDITIONS OF NEIGHBOURS

4.4 The previous application was refused on the grounds that the extension would create a 7 bedroom HMO which would have the potential to harm neighbouring amenity through noise and disturbance. The current application under consideration would create a four-bedroom house. It is considered that this level of activity would not be harmful to neighbouring amenity and the proposal only consists of the creation of one additional bedroom.

4.5 The proposed extension would not appear dominant or overbearing when viewed from neighbouring properties and it is not considered that the proposed roof lights would result in a significant loss of privacy for neighbours.

#### CAR AND CYCLE PARKING AND BIN STORAGE

4.6 Unlike the refused application the proposal under consideration retains the front garage. This can be used as a refuse bin and recycle bin storage area as well as an enclosed and secure cycle parking area for residents of the property. The driveway can be used to park private vehicles. The lawn area is proposed to be retained. It is considered that car and cycle parking areas and bin storage areas have been provided in accordance with council standards. It is suggested that should the application be approved that a condition is added whereby the garage cannot be converted into a habitable room without planning permission in order to ensure that good quality cycle parking areas are maintained.

## 5.0 CONCLUSION

5.1 It is considered that the design of the extension is not subordinate to and does not relate well to the main house and would therefore harm the character and appearance of the street scene.

## 6.0 RECOMMENDATION: Refuse

1 It is considered that the proposed extension, by virtue of its scale and design, would harm the character and appearance of the street scene. The proposed side extension adds an incongruous feature to a row of simple designed and well-proportioned terraced properties. Therefore the proposal is considered contrary to Policies GP1 and H7 of the City of York Draft Local Plan, design guidance contained with the City of York Council Supplementary Planning Guidance 'Guide to extensions and alterations to private dwelling houses', and design principles contained in Central Government advice within Planning Policy Statement 1: "Delivering Sustainable Development".

## 7.0 INFORMATIVES:

### Contact details:

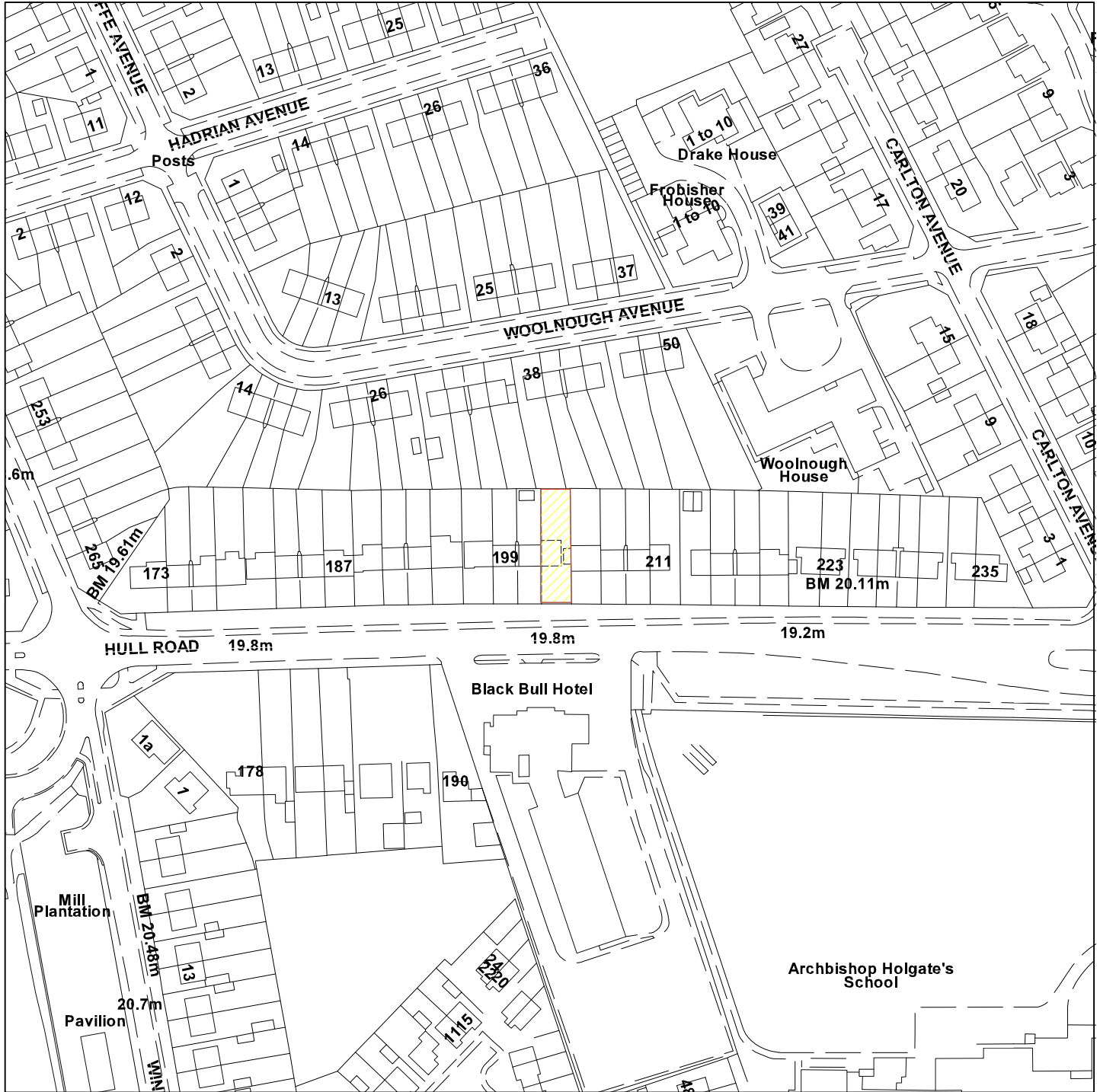
**Author:** Michael Jones Development Control Officer  
**Tel No:** 01904 551325

# 203 Hull Road

08/01847/FUL



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1.1 This application seeks planning permission for a side and rear extension at 205 Hull Road. The dwelling has been extended previously through a single storey side extension which is indicated as being a home office on the submitted plans. The proposal is to build above this to create an additional bedroom within the roof and to extend backwards to create a rear extension. The proposed extension protrudes 3.7m from the main rear elevation of the house.

1.2 The submitted plans indicate that the proposal would create an enlarged hall and kitchen and a new snug room on the ground floor an enlarged bedroom and new bedroom on the first floor. The total number of bedrooms as a result of the development would be four.

1.3 A similar application (Ref. No. 08/01847/FUL) is also to be considered for the extension of 203 Hull Road. Both dwellings are thought to be within the same ownership. This application is being referred to Planning Committee due to an earlier application (Ref. No. 08/00350/FUL) being refused at committee in April 2008 for a joint extension of 203 and 205 Hull Road and the change of use of the two properties to houses in multiple occupation (HMO). The previous application was refused on three grounds, these were:

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

- It is considered that the proposed extension and conversion from private dwelling houses to houses in multiple occupation would harm the living conditions which

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

- It is considered that the proposed development does not provide suitable storage for bicycles and refuse and recycling bins. Therefore the proposal is contrary to Policies GP1, H8, and T4 of the City of York Draft Local Plan, in addition to Central Government advice within Planning Policy Guidance Note 13, which seeks to promote sustainable transport choices.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

2.2 Policies:

CYGP1  
Design

CYH7  
Residential extensions

## **3.0 CONSULTATIONS**

EXTERNAL

3.1 Hull Road Planning Panel - No objections.

3.2 Neighbours - No correspondence received.

## **4.0 APPRAISAL**

4.1 Key Issues:

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



## STREET SCENE

4.2 The application site is an end terrace property on Hull Road. This section of Hull Road is characterised by blocks of four terraced houses with spaces between them at first storey level. The total height of the proposed first storey extension is below that of a standard two-storey side extension and the bulk is significantly reduced through a single storey eaves height. The ridge height has been reduced by approximately 0.3 m from the previously refused application. It is considered that the visual break in development is retained, the position and height of the ridge means that bulk of the extension is minimised whilst incorporating an additional storey. The ridge would be hidden behind the main house from various vantage points, it would only be when viewed straight on that the bulk of the extension would be visible.

4.3 Whilst the extension may maintain the important visual break between developments concerns remain about the design of the extension and how this relates to the main house. The proposed extension is of lesser width than that proposed at 203 Hull Road. However, the design principles remain the same. 205 Hull Road has a hipped roof whereas the extension is gable ended. The size of the roof structure is significant and the extension is not considered to appear subordinate to the main house and contains a different design style. 205 Hull Road is within a visually prominent location and it is considered that the proposed extension would harm the appearance of the dwelling and therefore the character of the street scene. It is considered that the reduction in ridge height of 0.3m from the previously refused application is an improvement, but on balance this is not considered sufficient to overcome the harm to the visual amenity of the area.

## LIVING CONDITIONS OF NEIGHBOURS

4.4 The previous application was refused on the grounds that the extension would create a 7 bedroom HMO which would have the potential to harm neighbouring amenity through noise and disturbance. The current application under consideration would create a four-bedroom house. It is considered that this level of activity would not be harmful to neighbouring amenity and would only consist of the creation of one additional bedroom.

4.5 The proposed extension would not appear dominant or overbearing when viewed from neighbouring properties and it is not considered that the proposed roof lights would result in a significant loss of privacy for neighbours.

## CAR AND CYCLE PARKING AND BIN STORAGE

4.6 Unlike the proposed development at 203 Hull Road the proposal at 205 Hull Road does not have a garage. The driveway can act as the car parking area, this is within Council standards. Bins would have to be stored at the front of the property. This is considered acceptable as there would not be a significant increase in the number of residents and thus the amount of refuse and recycling to be generated is likely to be similar to the present situation. The previous application which was refused included a significant increase in the number of bedrooms and thus the lack of bin storage away from the public domain was a more significant issue. There is a

shed in the rear garden which can be used for cycle storage. This is not accessible without going through the house at present and the proposed development would not alter this situation.

## **5.0 CONCLUSION**

5.1 It is considered that the design of the extension is not subordinate to and does not relate well to the main house and would therefore harm the character and appearance of the street scene.

## **6.0 RECOMMENDATION:** Refuse

1 It is considered that the proposed extension, by virtue of its scale and design, would harm the character and appearance of the street scene. The proposed side extension adds an incongruous feature to a row of simple designed and well-proportioned terraced properties. Therefore the proposal is considered contrary to Policies GP1 and H7 of the City of York Draft Local Plan, design guidance contained with the City of York Council Supplementary Planning Guidance 'Guide to extensions and alterations to private dwelling houses', and design principles contained within Planning Policy Statement 1: Delivering Sustainable Development.

## **7.0 INFORMATIVES:**

### **Contact details:**

**Author:** Michael Jones Development Control Officer

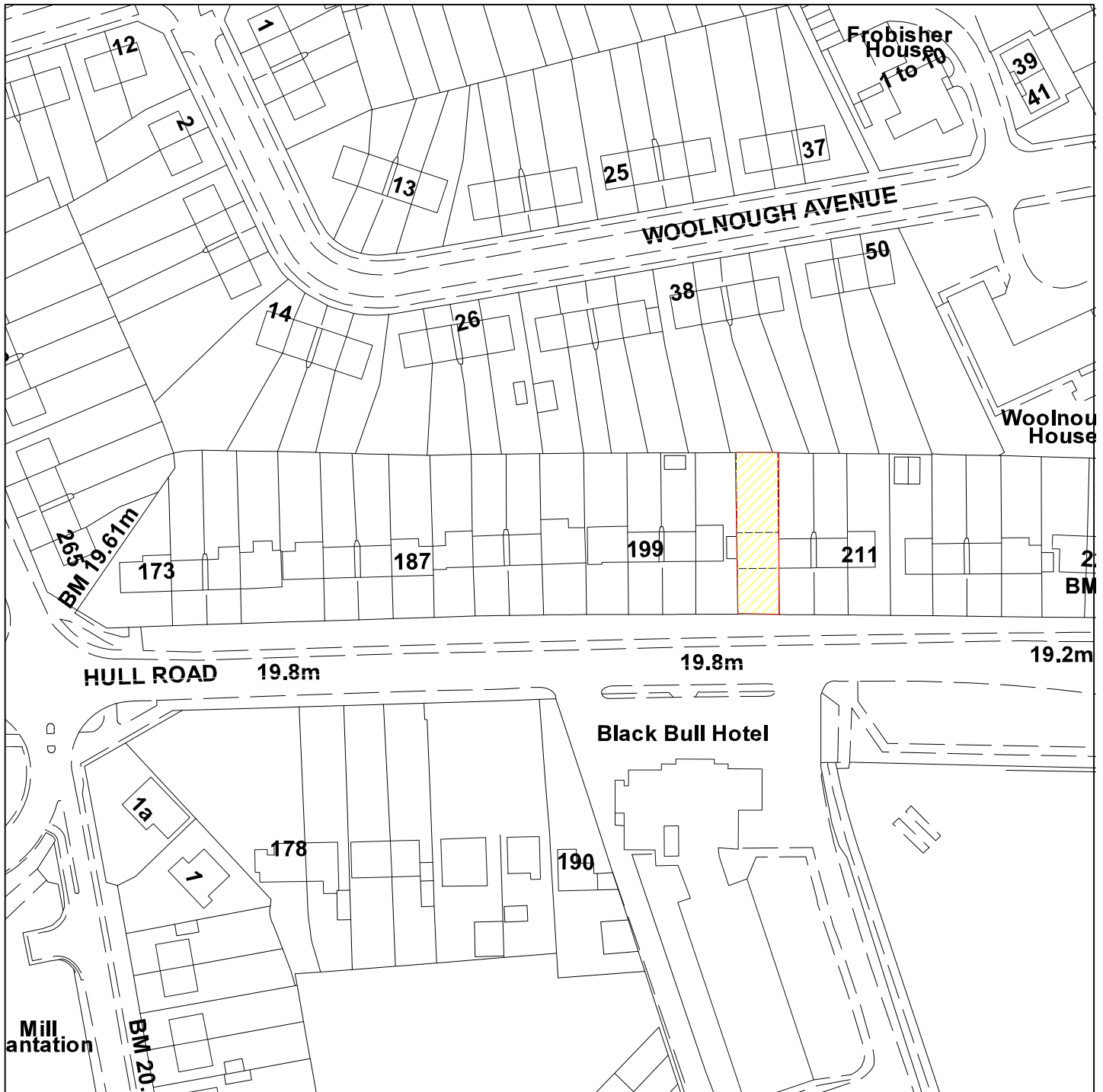
**Tel No:** 01904 551325

# 205 Hull Road

08/01845/FUL



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Application Site
<b>Date</b>	29 September 2008
<b>SLA Number</b>	Not Set

## COMMITTEE REPORT

**Committee:** East Area

**Ward:** Skelton, Rawcliffe, Clifton Without

**Date:**

**Parish:** Clifton Without Parish Council

**Reference:** 08/01988/FULM

**Application at:** Land Lying To The South Of Centurion Office Park Tribune Way York

**For:** 70 bed nursing home with associated access, parking and landscaping. Pedestrian link to Hornbeam Close

**By:** Mr Hargreaves

**Application Type:** Major Full Application (13 weeks)

**Target Date:** 12 November 2008

### 1.0 PROPOSAL

1.1 This application seeks planning permission for a two storey care home with rooms in the roof at Centurion Office Park. The care home would be located to the south of the office park, between the existing office unit 3a and 3b and the residential development accessed off Water Lane. Vehicular access would be via Tribune Way off Clifton Moor Gate with a pedestrian access being provided into Hornbeam Close and the housing development to the south of the site.

1.2 Centurion Park is a designated employment site on the City of York Draft Local Plan Proposals Map. The application site has been subject to a number of planning applications over the last two years, the most recent being an outline application for a care home (Ref. No. 07/02783/OUTM) which was approved at Planning Committee in January 2008. On this occasion the applicants have chosen to submit a full planning application rather than a reserved matters application, therefore all planning issues must be considered in the determination of this application.

1.3 The proposed care home would contain 70 bedrooms. The two storey element of the care home has been designed in a horse shoe style with a single storey element connecting up the two wings to create an enclosed outdoor courtyard to be used by residents of the care home. The proposed care home measures approximately 48m x 37m. The eaves height is 5m with a height of to the ridge of 8.7m. The site area is 0.38 ha and the floor space of the care home would be 2751 sq m.

1.4 This application is being referred to Planning Committee due to the size of the development proposed. Although there are local objections to the scheme a site visit is not considered necessary given that a site visit was undertaken on the outline planning permission in January.

### 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

CYE3B  
Existing and Proposed Employment Sites

CYH17  
Residential institutions

CYT4  
Cycle parking standards

CYSP8  
Reducing dependence on the car

CYGP4A  
Sustainability

CYGP9  
Landscaping

## 3.0 CONSULTATIONS

### INTERNAL

3.1 Highway Network Management - Assessing revised plans. Update will be provided at committee.

3.2 Countryside Officer - There are no objections in wildlife terms. There are both Great Crested Newt and Water Vole in fairly close proximity but it is not considered that the development of this area would have any significant impact on these species. Neither is there known to be any other wildlife of particular significance present.

3.3 Environmental Protection Unit - No objections. However the site is close to residential properties and some light industrial units. The amenity of local residents and future residents of the care home is required and conditions regarding noise are

recommended. There is a former military site in close proximity and therefore there is the potential for the site to have some level of contamination. A condition requiring a watching brief is therefore requested.

3.4 Structures and Drainage - No objections. The applicants have agreed to install a surface water runoff restrictor. The maximum discharge of surface water drainage is to be 5 litres per second. The drainage modelling and calculations will be based on 1 in 30 and 1 in 100 year flood events plus 20% taking account of climate change.

#### EXTERNAL

3.5 Clifton Without Parish Council - No objections subject to full consultation with and the support of the emergency services.

3.6 Public Consultation - 6 letters of objection were received from local residents and 1 received from a local business operation. The following points were raised:

- The care home would not be in keeping with existing buildings in the area due to its size;
- The care home would reduce the value of dwellings in the area;
- The proposed siting is very close to existing houses which could lead to overlooking;
- Visitors and staff may park in nearby streets and use the pedestrian access, this would result in an increase in traffic which would be dangerous, particularly for children;
- A high usage of the footpath would cause noise and disturbance in this quiet cul-de-sac;
- Opening up the end of Hornbeam Close may increase criminal activity in the area;
- The pedestrian access is not needed as people would have to choose as to whether they wish to live in a care home in this location or not;
- The proposed pedestrian access must be for the exclusive use of the care home and will therefore require some means of security control;
- Drainage and sewerage systems have struggled to cope in the past and there are concerns that the extra demands on the system could cause problems and must be paid for by the developer;
- The number of proposed car parking spaces appears inadequate;
- The care home would be squeezed into an office park which is a strange place to find such an operation;
- The building would be tall and imposing;
- Privacy would be compromised by the care home;
- The care home is difficult for emergency vehicles to access.

3.7 Kyle and Upper Ouse Internal Drainage Board - The site would discharge into Bur Dyke which is the responsibility of the Environment Agency

3.8 Environment Agency - The proposed development has a low environmental risk.

3.9 Police Architectural Liaison Officer - No objections. The minimum building standards of care homes exceeds 'Secure By Design' requirements.

3.10 Clifton Moor Business Association - No correspondence at time of writing the report.

#### **4.0 APPRAISAL**

4.1 The key issues are:

- Principle of Development
- Design and Impact on the Street Scene
- Living Conditions of Future Occupiers of the Care Home
- Impact on the Living Conditions of Local Residents
- Vehicle and Pedestrian Access
- Car and Cycle Parking
- Drainage
- Sustainability

#### **PRINCIPLE OF DEVELOPMENT**

4.2 Members will recall that an outline application was approved for a care home on this site earlier in the year (Ref. No. 0702783/OUTM). The application under consideration is a full planning application and not a reserved matters application. Therefore all issues must be considered in determining the application, including the principle of developing a care home on an allocated employment site. Clearly, however, the previous granting of outline planning permission for a care home on this site is a material consideration in this case.

4.3 The relevant local planning policy in establishing the principle of developing this site for a non-employment use (typically only B1, B2, or B8 uses are considered to be employment uses) is E3b. The Local Plan identifies Centurion Park as a Standard Employment Allocation. Policy E3b seeks to protect employment sites and states that planning permission for other uses will only be given where:

- a) there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in both quantitative and qualitative terms; and
- b) unacceptable environmental problems exist; or
- c) the development of the site for other appropriate uses will lead to significant benefits to the local economy; or
- d) the use is ancillary to an employment use.

4.4 The proposed care home is not an employment use and therefore is a change of use of the site from its standard employment allocation. Part a) and one of parts b), c) and d) of Policy E3b would need to be satisfied in order to justify the loss of this employment site. Detailed information was submitted with the previous application which highlighted the level of marketing which has taken place in respect of this site. It was accepted in the determination of the previous application that the site was not needed to meet the requirements of employment land supply in the immediate and longer term. Therefore part a) of Policy E3b is considered to have been satisfied.

4.5 It is also considered that part c) of Policy E3b has been satisfied. It is estimated by the applicant that approximately 60 jobs could be created by the care home which

would bring significant benefits to the local economy. The figure of 60 new jobs is based on an estimate of the number of rooms and the size of the site. This figure seems reasonable. A care home was approved on 0.3 hectares of land off Manor Lane in Rawcliffe in 2004, reference number 04/00479/FULM, which was expected to create around 68 full time equivalent jobs. The proposed care home is therefore considered to comply with parts a) and c) of Policy E3b and therefore the principle of development is considered to be acceptable. It is not considered that there has been any change in site circumstances or changes to national or local planning policy since the previous application on this site that would justify a different conclusion as to whether a care home is a suitable development on this site.

## DESIGN / IMPACT ON THE STREET SCENE

4.6 The proposed care home is primarily 2 storeys in height with some rooms in the roof. Centurion Office Park and the residential dwellings to the south are generally two storeys in height. The proposed structure is of significant footprint with a frontage of 48m in length. The design seeks to visually break up the frontage through the addition of a canopy feature at the entranceway and two protruding elements with a varied corner brick detail. This helps to reduce the massing of the structure and also give the building some vertical emphasis.

4.7 Whilst the structure is of significant footprint it appears to be well proportioned. The window position and details are considered appropriate for the design of the building and its use. The rear elevation which will be seen from the housing development to the south is broken up by a single storey element and views of a greater depth of the building are afforded due to the horseshoe shaped design which gives the building more visual interest from this area.

4.8 The site borders the Green Belt to the east. The proposed care home development leaves a gap of between 9 and 12m from the eastern boundary and the Green Belt. This area is proposed to be landscaped which provides both amenity benefits to occupiers of the care home as well as a softening effect on the physical bulk of the care home when viewed from the Green Belt to the east. A landscaping condition is recommended on any approval to ensure that suitable planting is carried out. Around all four sides of the care home there are areas designated for landscaping which has the potential to bring significant visual amenity benefits to the site.

4.9 A condition is recommended whereby external materials are submitted for approval to ensure an acceptable finished quality to the building. The applicants are proposing a natural slate roof with brick walls. Timber fencing will be used on some of the boundaries.

## LIVING CONDITIONS OF FUTURE OCCUPIERS OF THE CARE HOME

4.10 The care home would be adjacent to a warehouse to the west and an office development to the north. Two further developments, known as Units 4 and 5, have been recently erected to the north east of the site. These would be mixed use B1 and B8 developments. It is considered that if constructed using suitable materials and in accordance with noise conditions recommended by the Environmental



Protection Unit that there would not be significant harm in terms of noise or general disruption for future occupiers of the care home.

4.11 Landscaping has been incorporated into the scheme where possible in order to provide a more attractive outlook from the care home. Whilst a number of bedrooms would look out towards office and industrial units this is not considered sufficient to justify refusing the scheme. Each room is afforded an outlook and there are a number of communal areas which can be used by residents of the care home. Internal communal space is provided as well as an enclosed garden area and a smaller garden area to the east of the care home to provide facilities for residents to use. The pedestrian only access onto Hornbeam Close allows easy and pedestrian friendly access to the surrounding area as well as bus stops.

#### IMPACT ON THE LIVING CONDITIONS OF LOCAL RESIDENTS

4.12 Dwellings towards the end of Thorntree Grove and Hornbeam Close are immediately adjacent to the site. The application site is allocated for B1, B2, or B8 use and thus there is an expectation that some form of development will take place on this site at some point in the future. In terms of the impact on these dwellings it is considered that a care home is potentially a more suitable neighbour than an employment use.

4.13 In terms of the design of the care home itself it is considered that neighbouring amenity is reasonably protected. The care home is set approximately 8m off the shared curtilage boundary with 9 and 11 Hornbeam Close and 8 and 10 Thorntree Grove. This is considered a reasonable separation distance and it is not considered that the care home would appear dominant or overbearing at this distance. The roof hips away from these dwellings which further reduces the visual bulk of the care home when viewed from residential dwellings. The care home would be to the north of the residential dwellings and therefore there would be little impact in terms of the blocking of natural light entering residential dwellings. No windows are proposed for the end elevation of the care home and thus there is no potential for significant overlooking of neighbouring properties. A landscape buffer is also proposed between the care home and the residential dwellings which would provide a natural screening between the developments.

4.14 The eastern wing of the care home sits approximately 9m from the side elevation of 12 Hornbeam Close. This property has no primary windows in its side elevation and it is considered that the proposed care home would not significantly affect the living conditions of occupiers of 12 Hornbeam Close.

#### VEHICLE AND PEDESTRIAN ACCESS

4.15 Vehicular access to the site is considered to be acceptable in terms of its impact on the local highway network. The area is designated for employment purposes and as such there is likely to be significant transport movements from any use on this site. The access road is already in place and capable of serving the number of vehicle movements expected from a care home of this scale.

4.16 Access for pedestrians is proposed to be via Hornbeam Close or via the vehicular route. Opening up access to the residential area around Hornbeam Close provides a pedestrian friendly and easily accessible route into the site. Whilst some members of the care home may not be capable of leaving the site unaccompanied it seems reasonable to provide the option of leaving the site whether accompanied or not. It is considered that the proposed pedestrian access would allow the residents of the care home to integrate with the community and enjoy a better quality of life rather than being isolated within a business park. Within 100m of the junction of Woodland Chase and Water Lane there are bus stops on both sides of the road which can encourage the use of sustainable transport choices.

4.17 Concerns have been raised from local residents that the access could be used as a cut through. However, the applicant has confirmed that this gate will be secure and would not allow entry into the site for unauthorised persons. The site plan shows that the siting and design of the building would prevent the site being used as a cut through.

#### CAR AND CYCLE PARKING

4.18 Neighbour concerns have been raised regarding the low level of parking at the care home with the concern that this could have the knock-on effect of encouraging staff and visitors to park on the adjacent residential streets. The applicants have submitted a pedestrian access management plan to ensure it is not misused. A 'digi-pad' locking mechanism will be installed on the gate to ensure that it is only used by relatives when taking residents of the care home outside of the site. The access code will not be given to staff and it will be changed weekly. The operator will then meet the local residents within 4 weeks of the care home opening and then every quarter to ensure that any issues are discussed on a regular basis. It is recommended that a condition is added to any approval to ensure this takes place

4.19 Seventeen car parking spaces with 3 spaces developed to disability standards, 1 light goods vehicle space, and 2 motorcycle spaces are proposed to be included within the site for use by staff and visitors. This level of provision is within Council standards. Twenty cycle parking spaces are proposed located close to the site entrance to the north of the site. A travel plan to encourage sustainable transport choice can also be conditioned. The applicants have expressed a willingness to draw up a detailed travel plan to encourage staff to arrive by non-private car modes. The site has good links to local cycle routes and bus stops and it is therefore considered that successfully promoting green travel choice is possible on this site.

#### DRAINAGE

4.20 The application site lies within Flood Zone 1 and is therefore not at a high risk from flooding. The existing site is undeveloped and has a permeable surface, therefore the proposed development has the potential to significantly increase surface run-off which may affect areas downstream. In light of this it is important that the rate of surface water discharge is controlled, particularly during storm periods, to ensure that the risk of flooding is not increased elsewhere. The applicants have confirmed they are willing to do this and therefore a condition to ensure that these

measures are agreed and implemented is suggested to be included with any approval.

4.21 Neighbour concerns have been raised regarding foul drainage. It is understood that there have been problems with foul water disposal within the housing development around Woodland Chase. Concerns were raised that the proposed care home would exacerbate these problems. However, the applicant has confirmed that the care home, if approved, would connect up with the drainage system which serves Centurion Office Park. The Centurion Office Park drainage system is separate to that which serves the housing development around Woodland Chase. It is therefore concluded that the care home would not exacerbate or experience the foul drainage problems that exist in the adjacent housing development.

## SUSTAINABILITY

4.22 A sustainability statement has been submitted with the application which covers the areas identified by Local Plan Policy GP4a. Some of the key points presented in the sustainability statement are:

- the site is within 400m of a bus stop;
- the scheme contributes to the social needs of the local community;
- a number of local people will be employed;
- high levels of insulation will be included in the building and the options for recycling materials will be fully explored;
- full provision is made for the collection of recycling;
- materials will be sourced locally with local builders used for construction.

In addition to this discussions are ongoing regarding BREEAM and the possible use of renewable energy sources. An update will be given at committee to highlight what BREEAM rating the building will hope to achieve and whether any renewable energy sources are proposed in the scheme.

## 5.0 CONCLUSION

5.1 It is considered that the proposed development, subject to highways acceptance and the incorporation of appropriate sustainability measures, complies with local planning policy. The proposal has been designed to mitigate against any potential harm to the living conditions of local residents. The proposed care home has also sought to create a pleasant living arrangement for future residents in the care home with an enclosed courtyard and a garden area to the east of the care home to provide a pleasant outdoor environment. Cycle and car parking is to be provided in accordance with local standards and the site is reasonably well connected to the local transport network. For these reasons the application is recommended for approval subject to the conditions listed below.

**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:-

- Ground Floor Plan Drg No 01
- First Floor Plan Drg No 02
- Second Floor Plan Drg No 03
- Site Plan Drg No 04A
- Elevations/Section Drg No 05 and 06

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 The premises shall be used for a residential care/nursing home and for no other purpose, including any other purpose in Class C2 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: So that the Local Planning Authority may re-assess alternative uses which, without this condition may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

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

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

5 VISQ8 Samples of exterior materials to be app

6 The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

7 Details of all machinery, plant and equipment to be installed in or located on the care home hereby permitted, which is audible outside of the site boundary when

in use, shall be submitted to the local planning authority for approval. These details shall include maximum (LA<sub>max(f)</sub>) and average sound levels (LA<sub>eq</sub>), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

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

8 There shall be adequate facilities for the treatment and extraction of fumes so that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval; once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

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

9 An acoustic fence shall be constructed on the west and north perimeters of the application site. Details of the acoustic fence shall be submitted to the local planning authority for written approval. These details shall include the position, length and height of the fence, together with a description of the fence construction and an assessment of its acoustic performance. The fence shall be installed in accordance with the approved details prior to occupation of the use hereby permitted and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the residents of proposed care home.

10 The building envelope of all residential rooms with a facade on the West and North West elevations, shall be constructed so as to provide sound attenuation against external noise of not less than 36 dB(A), with windows shut and other means of ventilation provided. The detailed scheme shall be approved by the local planning authority and fully implemented before the use hereby approved is occupied.

Reason: To protect the amenity of the residents of proposed care home.

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

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

12 No part of the site shall come into use until turning areas have been provided in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

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

13 Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

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

14 HWAY18 Cycle parking details to be agreed

15 HWAY19 Car and cycle parking laid out

16 ARCH2 Watching brief required

17 The pedestrian only access route from the care home to Hornbeam Close shall be fitted with a security gate in order to control access to the site. Full details of the security gate shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The gate shall be fitted in accordance with the approved details and thereafter maintained unless otherwise agreed in writing with the Local Planning Authority.

Reason: To restrict access into and out of the site to members of staff, visitors and occupants of the care home.

18 The pedestrian access onto Hornbeam Close shall be used only for its intended purpose of providing residents of the care home with access into and out of the site. Prior to the first occupation of the care home a management plan shall be submitted to and approved in writing by the Local Planning Authority which outlines the measures to be taken to ensure the access operates as intended and the methods to be used for reviewing and updating the management plan over time.

Reason: To protect the amenities of local residents through restricting use of the pedestrian access to authorised persons and thus preventing the parking of vehicles on adjacent highways.

19 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 to enhance the biodiversity of the area. The works shall be completed in accordance with the approved details. Features suitable for incorporation include measures for species that use buildings such as bats and birds and enhancement of the ditch and hedgerow that form the boundary of the site.

Reason: To take account of and enhance the habitat and biodiversity of the locality.

20 The development hereby permitted shall not come into use until a travel plan has been submitted to and approved in writing by the Local Planning Authority. The premises shall operate in accordance with the agreed travel plan.

Reason: To promote sustainable transport choice and thus reduce dependence on the car.

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

22 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 9 metres in height, 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 and the living conditions of adjacent dwellings.

23 Prior to the commencement of development details of a scheme for the provision and maintenance of a surface water regulation system shall be submitted to and approved in writing by The Local Planning Authority. The surface water regulation system shall be installed in accordance with the approved details prior to the first occupation of the extensions.

Reason: To ensure that surface water runoff is controlled to reduce the risk of flooding.

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

### **1. REASON FOR APPROVAL**

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

- Principle of Development
- Design and Impact on the Street Scene
- Living Conditions of Future Occupiers of the Care Home
- Impact on the Living Conditions of Local Residents
- Vehicle and Pedestrian Access
- Car and Cycle Parking
- Drainage
- Sustainability

As such the proposal complies with Policies GP1, GP9, GP4a, SP8, T4, E3b, and H17 of the City of York Draft Local Plan.

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

**Contact details:**

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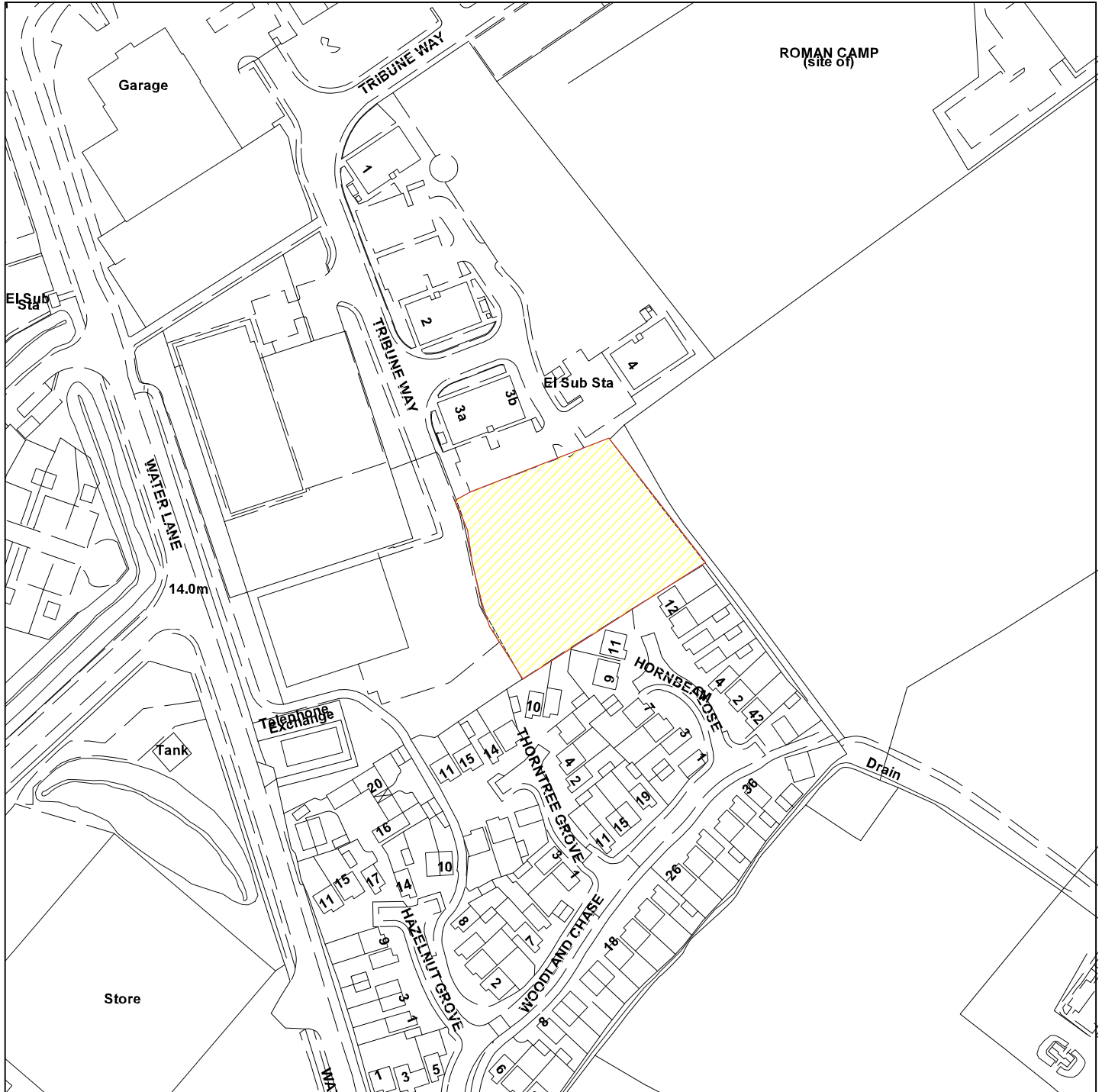


# Centurian Office Park, Tribune Way.

08/01988/FULM



GIS by ESRI (UK)



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Application Site
<b>Date</b>	29 September 2008
<b>SLA Number</b>	Not Set

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