



Notice of meeting of

East Area Planning Sub-Committee

- To:** Councillors Hyman (Chair), Cregan (Vice-Chair), Douglas, Firth, Funnell, King, Moore, Orrell, Taylor and Wiseman
- Date:** Thursday, 11 December 2008
- Time:** 2.00 pm
- Venue:** The Guildhall, York

AGENDA

Site Visits for this meeting will commence on Wednesday 10 October 2008 at 13.20pm at Union Terrace Car Park

1. **Declarations of Interest**

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

2. **Minutes**

(Pages 5 - 16)

To approve and sign the minutes of the last meetings of the Sub-Committee held on 9 October 2008 and 6 November 2008.

3. **Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Wednesday 10 December at 5pm.

4. Plans List

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

- a) **25 Shipton Road, Clifton, York, YO30 5RE** (Pages 17 - 31)
(08/00311/FUL)

This application seeks full planning permission for the erection of a single storey detached dwelling to the rear of 25 Shipton Road. [Clifton Ward] **[Site Visit]**

- b) **1 The Meadows, Skelton, York, YO30 1XS** (Pages 32 - 40)
(08/02001/OUT)

This application seeks outline planning consent for the erection of a dwelling within the cartilage of 1 The Meadows, Skelton. The proposed dwelling would sit east of the house, adjacent to St. Giles Road. [Skelton, Rawcliffe and Clifton Without Ward] **[Site Visit]**

- c) **Proposed Telecommunications Pole** (Pages 41 - 47)
Fronting 39 Oak Tree Lane, Haxby, York.
(08 02441 TCNOT)

This notification is seeking a decision as to whether approval of siting and design is required to install a Vodafone telecommunication base station. [Haxby and Wigginton Ward] **[Site Visit]**

- d) **House Of James, Stamford Bridge Road,** (Pages 48 - 54)
Dunnington, York, YO19 5LN
(08/00785/FUL)

This application is for a change of use from warehousing to a use which involves the conversion and customising of cars and light commercial vehicles. [Osbalwick Ward] **[Site Visit]**

- e) **Lord Deramores Primary School, School** (Pages 55 - 60)
Lane, Heslington, York, YO10 5EE.
(02/02386/GRG3)

This application seeks planning permission for the siting of a temporary unit after demolition of existing units and removal of tree. [Heslington Ward]

5. Urgent Business

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

Democracy Officer:

Name: Laura Bootland

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

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

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

Contact details set out above.

**EAST AREA PLANNING
SUB-COMMITTEE****SITE VISITS****WEDNESDAY 10 December 2008**

TIME	SITE
13:20	Depart Union Terrace Car Park
13:30	25 Shipton Road. (4a)
14:10	1 The Meadows, Skelton. (4b)
14:40	Oak Lane, Haxby. (4c)
15:20	House of James Transport (previously listed as Hope Cottage). (4d)

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

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

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City of York Council

Committee Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	9 OCTOBER 2008
PRESENT	COUNCILLORS MOORE, CREGAN (VICE-CHAIR), FIRTH, HYMAN (CHAIR), TAYLOR, WISEMAN, MORLEY (SUBSTITUTE) AND PIERCE (SUBSTITUTE)
APOLOGIES	COUNCILLORS DOUGLAS, FUNNELL, KING AND ORRELL

41. INSPECTION OF SITES

Site	Attended by	Reason for Visit
Rosevale, 33 The Village, Wigginton.	Cllrs Firth, Hyman, Moore, Morley, Pierce, Wiseman.	As the application is recommended for approval and objections have been received.
8 Hall Rise, Haxby	Cllrs Hyman, Moore, Morley, Pierce, Wiseman.	As the application is recommended for approval and neighbours have raised some concerns.
Laverack Joinery, Birch Park	Cllrs Hyman, Moore, Morley, Pierce, Wiseman.	To familiarise members with the site and as the application is recommended for approval and a neighbour has raised concerns about traffic issues.

42. DECLARATIONS OF INTEREST

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

Councillor Hyman declared a personal interest in agenda item 5c as the architect concerned had done some work for him in recent years.

Councillor Moore declared a personal prejudicial interest in item 5g as he had been involved in the past with matters relating to the Centurion Office Park .

43. EXCLUSION OF PRESS AND PUBLIC

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

44. MINUTES

RESOLVED: That the minutes of the meetings of the Sub-Committee held on Thursday 7 August 2008 and Thursday 21 August 2008 be approved as correct records and be signed by the Chair.

45. 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.

46. 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.

46a 8 Hall Rise, Haxby, York, YO32 3LP (08/00181/FUL)

Members considered an application for the erection of 2 no.two storey pitched roof dwellings after demolition of an existing dwelling and garage.

RESOLVED: That the application be refused.¹

REASON: It is considered that the proposal, by virtue of its siting, design, external appearance and materials of construction, would constitute a form of development that would be incongruous, out keeping and

inappropriate in its context. As such, the visual appearance and amenity of the area would be compromised by the development, contrary to national planning advice on design in Planning Policy Statements 1 (“Delivering Sustainable Development”) and 3 (“Housing”-paragraph 13) and Policy GP1 (criterion a and b) 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. SL

46b Rosevale Private Residential Home, 33 The Village, Wigginton, York, YO32 2PR (08/01678/FUL)

Members considered a full application for a two storey extension to create additional bedrooms and storage facilities and a single storey rear extension to create communal facilities and office space.

Officers outlined the proposal, and detailed the heights of various points of the proposed extension.

Members queried why a sustainability statement had not been submitted by the applicant, Officers reminded Members this was due to the application being an extension rather than a new building therefore this was not a requirement.

RESOLVED: That the application be approved subject to the conditions listed in the report.¹

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:

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

As such the proposal complies with Policies GP1 and H17 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. SL

**46c Laverack Joinery, Unit 1 Birch park, Huntington, York.
(08/00525/OUTM)**

Members considered a major outline application for the erection of 14 dwellings after the demolition of an existing factory.

Officers updated that the Police Architectural Liaison Officer (PALO) had responded since the report was drafted and had advised that as the development is in an area with a high crime rate they would recommend secure areas for refuse and cycles, good lighting and low level landscaping incorporated into the design. The PALO would also recommend that the development achieve a Secured by Design status.

Representations in support of the application were heard from the architect of the scheme.

Members expressed concern about the loss of an employment site, but officers advised that generally small sites such as this one do not contribute significantly to employment and supply.

Members discussed the location of the site in an area that has a high crime rate and agreed, following the comments from the police, that a condition should be added to ensure the development includes measures to prevent crime.

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

i)The development hereby approved shall incorporate measures to minimise the risk of crime and disorder to meet the specific security needs of the application site and the development. Any security measures to be implemented in compliance with this condition shall seek to achieve 'secured by design' accreditation. Written confirmation of those measures to be incorporated shall be agreed in writing with the Local Planning Authority prior to first occupation of the dwellings.

Reason: In interest of community safety, to reduce fear of crime and to prevent crime and disorder in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998.

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

- Principle 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.

Action Required

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

46d York Cricket and Rugby Union Football Club, Shipton Road, Clifton, York, YO30 5RE. (08/01930/FULM)

Members considered an amended major full application for a two storey building incorporating clubhouse, changing rooms and members bar with associated landscaping and parking.

Officers circulated an update containing further information received from Highways (Network Management) and the Countryside Officer. It was confirmed that there was no objections from the Environment Agency to the amended Flood Risk Assessment.

Highways Officers raised no objections to the original scheme in 2006 which offered similar levels of accommodation but was spread over 3 floors and do not consider that there have been any material changes to the current scheme. They have no objections subject to the following additional conditions not detailed in the officers report, HWAY18 cycle parking areas to be agreed and HWAY21 internal turning areas to be provided in accordance with approved plans.

The Countryside Officer advised that the surrounding area is good in terms of providing a suitable habitat for bats and that the building to be demolished did offer several access points to roosting bats. However it was not considered necessary for a bat survey to be carried out at present but the officer recommended a condition requesting that the details are

submitted to the Council prior to development advising what measures will be taken to accommodate bats within the design.

Members commented that overall they were happy with the scheme which would provide much needed new facilities, but expressed concern regarding the possibility of an increase in parked traffic on the park and ride route of Shipton Road.

RESOLVED: That the application be approved subject to the conditions listed in the report.¹

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 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.

Action Required

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

46e 203 Hull Road, York, YO10 3JY. (08/01847/FUL)

Members considered a full application for a single storey rear and first floor side extension.

Officers updated that an earlier application for a joint extension and a change of use for 203 and 205 Hull Road was refused in April 2008. The application was refused on 3 grounds and to date only 2 have been complied with.

With Members agreement a letter in support of the application from the Agent was distributed.

RESOLVED: That the application be refused.¹

REASON: 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

simply designed and well proportioned terraced properties. The dwelling which is a prominent location, benefits from natural spacing between developments, and the proposed extension is considered to close this space at first storey level creating an undesirable terracing effect. The proposal is therefore considered contrary to Policies GP1 and H7 of 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".

Action Required

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

46f 205 Hull Road, York, YO10 3JY. (08/01845/FUL)

Members considered a full application for a single storey and first floor side extension.

Officers updated that an earlier application for a joint extension and a change of use for 203 and 205 Hull Road was refused in April 2008. The application was refused on 3 grounds and to date only 2 have been complied with.

With Members agreement a letter in support of the application from the Agent was distributed

RESOLVED: That the application be refused.¹

REASON: 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 simply designed and well proportioned terraced properties. The dwelling which is a prominent location, benefits from natural spacing between developments, and the proposed extension is considered to close this space at first storey level creating an undesirable terracing effect. The proposal is therefore considered contrary to Policies GP1 and H7 of 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".

Action Required

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

46g Centurion Office park, Tribune Way, York. (08/01988/FULM)

Members considered a major full application for a 70 bed nursing home with associated access, parking and landscaping. Pedestrian link to Hornbeam Close.

Officers updated that a further letter of representation had been received expressing concerns regarding drainage and the pedestrian access into Hornbeam Close. Members were advised that an outline application for a care home on the site was approved at Planning Committee in January 2008, and that the applicant had now chosen to submit a full application, rather than an application for the approval of reserved matters.

Members queried if rainwater harvesting and the use of permeable surfacing could be added to condition 23 in the Officers report. Officers confirmed that this could be done.

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

Condition 23 – Prior to the commencement of development, details of a scheme for the control of surface water runoff, which shall include rainwater harvesting, storage flow restricting systems and the use of permeable surfacing, shall be submitted to and approved in writing by The Local Planning Authority. The surface water regulation systems shall be installed in accordance with the approved details prior to the first occupation of the care home and shall be maintained thereafter.

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:

- Principle of Development
- Design and Impact on the Street Scene
- Impact on the Living Conditions of Local Residents
- Vehicle and Pedestrian Access
- Car and Cycle parking
- Sustainability

As such the proposal complies with Policies GP1, GP9, GP4a, SP8, T4, E3b, and H17 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

SL

47. ENFORCEMENT CASES UPDATE

Members received a report providing a continuing quarterly update on the number of enforcement cases currently outstanding for the area.

RESOLVED: That the reports be noted.

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

K Hyman, Chair

[The meeting started at 2.00 pm and finished at 3.07 pm].

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	6 NOVEMBER 2008
PRESENT	COUNCILLORS HYMAN (CHAIR), GREGAN (VICE-CHAIR), FUNNELL, KING, MOORE, ORRELL, TAYLOR, WISEMAN AND MORLEY (SUBSTITUTE)
APOLOGIES	COUNCILLORS DOUGLAS AND FIRTH

1. **DECLARATIONS OF INTEREST**

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda. None were declared.

2. **MINUTES**

RESOLVED: That the minutes of the meetings of the Sub-Committee held on Thursday 11 September 2008 and Thursday 25 September 2008 be approved as correct records and be signed by the Chair.

3. **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.

4. **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.

4a **279 Huntington Road, York, YO31 9BR (08/00814/FUL)**

Members considered an application for the erection of 3no. three store and 1 no. detached flat roof dwelling with attached double garage, with associated parking, landscaping and access road after demolition of 279 Huntington Road, on land to the rear of 277 to 281 Huntington Road (resubmission).

Officers updated that should the application be approved, the informative in relation to bats would be amended to state that any outbuildings should be demolished at times not in conflict with any wildlife in the area.

Representations in objection to the application were heard from a neighbour. She raised concerns regarding the access road to the application site, she felt that as Huntington Road already had numerous side roads leading onto it, the creation of another road would add to existing highway problems. Concerns regarding the storage of bins, car crime and the electric gates to the development were raised.

Members discussed the potential problems in relation to the security gates, including the provision for dustbin collection and the potential for traffic build up on the access road. The applicants agent, who was in attendance at the meeting to answer questions, confirmed that the code for the gate would be given to the refuse collectors and a storage area for bins would be provided.

Some Members raised concerns over the design of the proposed houses and considered it incompatible with the traditional housing in the area. They also felt that due to the position of the development site, the area in their opinion, would appear overdeveloped and therefore could not support the application.

Councillor Taylor moved refusal and this was seconded by Councillor Moore. On being put to the vote this motion was lost.

Other Members were happy with the design supported the application, stating that had the application site been on Huntington Road there would have been more reason to refuse the application on the basis of design. As the Highways Officers had no problem with the creation of the new access road and as the potential problems in relation to the storage of bins were speculative, there was no planning reason why the application should be refused and supported the Officers recommendation of approval.

Councillor King moved approval and Councillor Cregan seconded.

RESOLVED: That the application be approved subject to the conditions listed in the report and the following amended informative:¹

Informative: If bats are discovered during the course of the work, then work should cease and Natural England consulted before continuing. It is recommended that the existing outbuildings are demolished at a time that minimises conflict with wildlife.

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

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

As such the proposal complies with Policies GP1, GP4a, GP7, GP9, GP10, GP15a, NE2, NE1, NE7, H4a, H5a of the City of York Local Plan Deposit Draft.

Action Required

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

SS

K Hyman, Chair

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

1.3 Planning History

A planning application for a two storey detached dwelling to the rear of 25 Shipton Road (03/02505/FUL) was refused at Planning Committee on 14.11.03 on the grounds that the proposal would be detrimental to the character and appearance of the Conservation Area and the Listed Building.

1.4 Land Use Allocations

Part of the application site, which comprises the access road and part of the proposed garden area, is located within the Clifton Conservation Area. The remainder of the site, which will house the proposed dwelling and the remainder of the garden area, is unallocated on the Local Plan. The land to the immediate south west of the application site is within the Green Belt. The application site lies partly in Flood Zone 2 and partly in Flood Zone 3 on the Environment Agency's Flood Zone Map. The proposed dwelling would be located within Flood Zone 2, except for the external loggia.

1.5 Amendments

Following objections from the Council's Drainage Department and the Environment Agency, the agents have submitted revised plans showing the proposed dwelling relocated to the eastern corner of the site (to be within Flood Zone 2), removing the basement level from the dwelling and substituting some of the indoor living area with an external loggia. In addition to these amendments, a revised Flood Risk Assessment Report and a Drainage Report were submitted.

1.6 Planning Committee

The application has been brought to Planning Committee following requests from Cllrs Moore, Douglas and King for the following reasons; previous application for a dwelling on this site was refused at planning committee; flooding issues; and impact on the Conservation Area.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Clifton 0013

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Listed Buildings Grade 2; 25 Shipton Road York YO3 6RE 0261

Listed Buildings Grade 2; Former Coach House To No 25 Shipton Road 0262

2.2 Policies:

CYGP1
Design

CYGP4
Environmental sustainability

CYGP10
Subdivision of gardens and infill devt

CYGP15
Protection from flooding

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYHE4
Listed Buildings

CYH4
Housing devp in existing settlements

CYL1
Open spaces in new residential devts

3.0 CONSULTATIONS

3.1 Internal

Urban Design and Conservation

Proposed dwelling acceptable in principle subject to conditions relating to materials and surface treatment of the proposed access.

Highways

No objections in principle. Additional information has been submitted to demonstrate that the site access is suitable for emergency vehicles. Suggest conditions relation to surfacing of access road, laying out of car parking area and provision of turning area.

Lifelong Learning & Leisure

As there is no on-site public open space, a commuted sum should be made towards amenity space, play space and sports pitches.

Environmental Protection

No objections subject to conditioning hours of construction and an informative relating to the control of pollution.

Drainage

Originally objected to the application due to insufficient information being provided on; flooding, surface water drainage; levels and surface treatments. Following the submission of amended plans, a revised Flood Risk Assessment Report and Drainage Report, the Drainage section withdrew their objection, subject to conditions relating to the size of the soakaway storage capacity and the submission for final surface water drainage details.

3.2 External

Yorkshire Water

No comments required.

Environment Agency

Originally objected to the application on the following grounds; flood risk, development (including sleeping accommodation) would be located within Flood Zone 3 which does not follow the sequential approach, basement level would be below flood level. Following the submission of amended plans, a revised Flood Risk Assessment Report and Drainage Report, the Environment Agency withdrew their objection, subject to conditions relating to on site compensatory flood storage, provision of safe routes into and out of the site, use of flood proof construction, minimum floor levels, and use of SuDs to attenuate surface water run-off.

Clifton Parish Council

No objections.

Conservation Area Advisory Panel

Originally raised no objections to the application in principle, but felt the design was uninspired and were disappointed that the site's potential had not been maximised. However, following the submission of revised plans they consider, due to the re-siting of the building and the changes in levels, that the revised proposal would be more visible and would affect views of the Conservation Area from the Ings.

Neighbour Representations

8 letters of representation were received from 3 addresses objecting to the original application on the following grounds:

Impact on the Conservation Area, listed building and the Green Belt;

Flooding;

Drainage issues;

Design;

Visual amenity and impact on character of the area;

Restrictive covenants / third part rights of way.

Two further letters of have been received from 21 Shipton Road objecting to the revised scheme on the following grounds:

The proposed dwelling would be in a high risk flood area;

Can the site be drained at the same run-off rates or lower than existing?;

Maintenance of any flood mitigation and drainage proposals;

What are the emergency evacuation procedures?;

If the proposed development passes the sequential test, it must also pass the exception test;

The design of the building is contemporary, it neither respects or enhances the local environment, the loss of open space and important gaps would be detrimental to the location;

The proposed dwelling would dominate views from the Conservation Area and affect its setting;

The position and design of the new building when viewed from the Ings would compromise the existing views into the Conservation Area;

The position, scale and design of the dwelling built on top of a mound would not respect the Conservation Area;

The proposed dwelling would impact on the setting of the nearby Listed Buildings 21, 23 and 25 Shipton Road;

Loss of green house within grounds of Listed Building.

4.0 APPRAISAL

4.1 Key Issues

- Policy Context
- Principle of Residential Development
- Impact on Conservation Area / Listed Building
- Character & Amenity of Local Environment
- Impact on Green Belt
- Impact on Residential Amenity
- Impact on Highway Safety
- Drainage and Flood Risk
- Sustainability
- Impact on Services

4.2 Policy Context

National Planning Policies

Planning Policy Statement 1 - Delivering Sustainable Development, sets out the Government's planning policies on the delivery of sustainable development through the planning process.

Planning Policy Guidance 2 - Green Belts, sets out how green belts are designated and outlines green belt land use objectives and the presumption against inappropriate development.

Planning Policy Statement 3 - Housing, provides guidance on the location of new housing.

Planning Policy Guidance 15 - Planning and the Historic Environment, relates to the identification and protection of historic buildings, Conservation Areas and other elements of the historic environment.

Planning Policy Guidance 25 - Development and Flood Risk, sets out the Government's policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk.

Local Planning Policies

GP1 - Design

GP10 - Sub-division of Gardens and Infill Development

GP4a - Sustainability

GP15a - Development and Flood Risk

HE2 - Development in Historic Locations

HE3 - Conservation Areas

HE4 - Listed Buildings

H4a - Housing Windfalls

L1c - Provision of New Open Space in Development

4.3 Principle of Residential Development

The application site is unallocated on the Local Plan and the future use of the site has not therefore been prescribed. The site is classed as previously developed land as defined in PPS3 as it is land within the curtilage of a site occupied by a permanent structure. The site is located within the village of Clifton close to local amenities and public transport links. The surrounding area is predominantly residential in character and it is considered that a dwelling on this site would be appropriate in principle.

4.4 Impact on Conservation Area / Listed Building

Part of the site, which would form the access and part of the garden area of the proposed dwelling, is located within the Clifton Conservation Area. The access track is currently grassed and bounded by a 3 metre high wall along the southern boundary with trees along the northern side. The applicant has demonstrated that the access track is wide enough to accommodate an emergency vehicle without any alterations. Whilst Highways officers require the first 10 metres of the track to be surfaced, this could be done using a permeable membrane, which would allow the existing grass surface to remain. The existing garden area, which is located within the Conservation Area, is an orchard and would remain as existing. A condition will be attached to any approval requiring the protection of trees throughout the construction period.

In terms of views into and from the Conservation Area the dwelling would be single storey in nature with a maximum ridge height of 5.7 metres and ground levels are proposed to be raised by a maximum of 750mm to create a flat surface. The dwelling would be located over 110 metres from Shipon Road and would be positioned behind the two storey properties facing onto Shipton Road. There are also a number of mature trees between the application site and Shipton Road. As a result of the single storey nature of the dwelling, the limited changes in land levels and the level of tree coverage in the area, it is not considered that the proposed dwelling would be visible from the nearest public viewpoint within the Conservation Area. With regards to views from the Ings towards the Conservation Area, the single storey dwelling would be visible and would be viewed against the backdrop of

buildings along Shipton Road. Due to the single storey nature of the dwelling it would not obscure views beyond into the Conservation Area. The dwelling is to be constructed of hand made bricks, slate, reclaimed stone ridge tiles, cast iron rainwater goods and wood framed windows. As a result it is not considered that the dwelling would be detrimental to the character or appearance of the Conservation Area.

So far as the impact on the setting on the nearby Listed Buildings, the proposed dwelling would be positioned partly on the footprint of an existing greenhouse and brick outbuildings, although these are smaller in scale and footprint than the proposed dwelling. The proposed dwelling would be located approximately 75 metres from 25 Shipton Road, and would be positioned to the rear of an orchard to the southern leg of the rear garden area, rather than in the formal garden area directly to the rear of 25 Shipton Road, creating a degree of separation between the host Listed Building and the proposed dwelling. Furthermore the proposed dwelling would be single storey in nature and would appear as a subordinate building in relation to the main house. The proposed dwelling would be located over 75 metres from 21 and 23 Shipton Road and separated from these listed buildings by mature trees and hedge rows. The use of traditional materials will be conditioned. Given the distance and separation with the proposed dwelling, it is not considered that the proposed development would be detrimental to the setting of these Listed Buildings.

4.5 Character and Amenity of Local Environment

In addition to the general advice contained within PPS1 and Policy GP1, Policy H4a specifically relates to proposals for residential development on land not already allocated on the proposals map. It supports such development where; a) the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings; b) the site has good accessibility to jobs, shops and services by non car modes AND c) it is of an appropriate scale and density to surrounding development, and it would not have a detrimental impact on existing landscaping features.

The application site is within the urban area and the existing buildings on the site are in poor condition, the site has good accessibility to village facilities and public transport links. In terms of the size of the building, whilst the footprint and scale of the building is larger than the existing outbuildings on the site, it is considered that the building is appropriate in terms of scale and density in relation to surrounding buildings. The proposal will not involve the loss of any trees or hedges and the existing orchard and garden area will remain.

The building, although of a contemporary design, would be constructed of traditional materials and it is considered that its design and appearance would not be detrimental to the character or visual amenities of the surrounding area.

4.6 Impact on Green Belt

The application site is located outside the Green Belt as depicted in the Draft Local Plan, however the green belt boundary runs along the south western boundary of the site. Guidance contained within PPG2 states that "the visual amenities of the green belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including

land in it, might be visually detrimental by reason of their siting, materials or design." The proposed dwelling would be visible from the Green Belt and would be viewed against the backdrop of the two storey dwellings along Shipton Road and in relation to more recent developments to the rear of these properties. Given the single storey nature of the building and the lower land levels in relation to Shipton Road, it is not considered that a single storey dwelling in the proposed location would detract from the open character or visual amenities of the Green Belt.

4.7 Impact on Residential Amenity

Access to the development will be along an existing access track between 23 and 25 Shipton Road, which is approximately 9 metres from the side elevations of both properties. Whilst the use of this existing access will increase as a result of the proposed development, given the level of traffic associated with one dwelling and the distance of the access road from these properties, it is not considered that the proposal would result in unacceptable levels of noise and disturbance.

The proposed dwelling would be located over 30 metres from the nearest dwelling house and given that it would be single storey in nature it would not result in any overlooking or overshadowing to neighbouring dwellings.

Issues relating to covenants and third party rights of access are matters to be resolved between individual landowners and carry little weight in the determination of this application.

4.8 Impact on Highway Safety

The site will be accessed off Shipton Road along an existing single access track, which has good visibility in both directions along Shipton Road. The applicant has demonstrated that the site is wide enough to accommodate emergency vehicles and subject to the provision of internal parking and turning areas and the surfacing to the first 10 metres of the access track, no objections are raised to the proposal from a highways safety point of view.

The proposed carport will provide adequate off street car parking, cycle and bin storage for the proposed dwelling.

4.9 Drainage and Flood Risk

The application site is partly located within Flood Zone 2 and partly within Flood Zone 3. The siting of the proposed dwelling has been revised so that the whole of the dwelling (except for external areas) is located within Flood Zone 2 only (low to medium risk). As a result the dwelling is located within the least vulnerable location within the application site, which is in line with the sequential approach as recommended in PPG25. In addition to the re-positioning of the dwelling, the basement level has been removed from the application. With regards to the exceptions test, new dwellings are classed as 'more vulnerable' in table D.2 of PPG25 and are therefore considered to be appropriate development within Flood Zone 2 in table D.3 of PPG25.

The revised plans were accompanied by a revised Flood Risk Assessment Report and following consultation with the Environment Agency they raise no objections to

the proposed dwelling subject to conditions relating to minimum floor levels, on site flood storage, emergency access and exit routes and flood proof construction.

The Council's Emergency Planning Officer has confirmed that they raise no objections to the proposed development.

In terms of drainage, a revised surface water drainage report has been submitted which demonstrates that the site is suitable for the use of a soakaway system for the disposal of surface water drainage. The Council's Drainage section have raised no objections to the revised scheme subject to conditions requiring on site surface water storage and final drainage details to be approved by the Local Planning Authority.

4.10 Sustainable Development

The application was not accompanied by a sustainability statement. The site is located within the existing urban area, close to local amenities and public transport links. Officers are seeking a commitment from the applicant that the principles of sustainable design and construction will be observed, together with an indication of the measures that might be incorporated. A condition can be attached to any approval to require the development to achieve a level 3*** rating under the Code for Sustainable Homes.

4.11 Impact on Services

Local Plan Policy L1c requires the payment of a commuted sum towards public open space for all residential developments of less than 10 units where there is no on-site provision. This four bedroom unit would generate a sum of £3006.

5.0 CONCLUSION

5.1 It is considered that the applicants agent, through the submission of amended plans and revised reports, have overcome the original objections raised by the Environment Agency and the Council's drainage engineers and the proposed development is acceptable in terms of flood risk. Whilst the site is partly located within the Conservation Area and within the grounds of a listed building, it is not considered that the proposed dwelling would be unduly detrimental to the character or appearance of the Conservation Area or the setting of the Listed Building. The proposed development would not compromise visual amenity, residential amenity or highway safety. The application is considered acceptable in terms of local and national planning policy and all material planning considerations.

For the reasons outlined above the application is recommended for approval, subject to conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Location Plan scale 1:1250 received on 18.07.08
Topographical Survey 08-D40-01 Rev B received on 6.08.08
Flood Zone Boundary 08-D40-02 Rev B received on 6.08.08
Impermeable Areas 08-D40-03 Rev A received on 6.8.08
Site Layout 08-D40-04 Rev A received on 6.8.08
Site Sections 08-D40-05 received on 6.8.08
Proposed Impermeable Areas 08-D40-06 received on 6.8.08
Elevations AA and BB GH-DB1 received on 18.07.08
Elevations CC and EE GH-DB2 received on 18.07.08
Elevations DD and FF GH-DB3 received on 18.07.08
Ground Floor Layout GH-DB4 received on 15.09.08
Section GH-DB-SINGLE STOREY received on 15.09.08

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

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

3 Prior to the development coming into use, the initial 10m of the vehicular access, measured from the back of the public highway, shall be surfaced with a permeable material, details of which shall first be 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.

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

Reason: In the interests of highway safety.

5 HWAY21 Internal turning areas to be provided

6 ARCH2 Watching brief required

7 Development shall not commence until a scheme detailing the final surface water disposal from the site has been submitted to and approved in writing by the Local Planning Authority. The site shall be drained in accordance with the approved scheme.

Reason; So that the Local Planning Authority may be satisfied with these details to ensure the proper drainage of the site.

8 The development shall not be brought into use until soakaway storage with a

minimum capacity of 25m³ has been provided in the form of 2 no. trenches of 15 metres by 2 metres using a manufactured void forming system as shown on drawings Y198/S/1A and Y198/S/2A. This soakaway storage shall be retained and maintained thereafter.

Reason; So that the Local Planning Authority may be satisfied with these details to ensure the proper drainage of the site.

9 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 £3006.

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.

10 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 5.7 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.

11 The finished floor levels within the dwelling shall be set no lower than 11.75 metres above Ordnance Datum (AOD).

Reason; To reduce the impact of flooding on the proposed development and future occupants.

12 Development shall not commence until a scheme detailing the following has been submitted to and approved in writing by the Local planning Authority; on site compensatory flood storage through a cut and fill method; identification and provision of safe routes into and out of the site to an appropriate safe haven; and use of flood proof construction methods. The development shall be carried out in accordance with the approved scheme.

Reason; To prevent flooding elsewhere by ensuring that compensatory storage for flood water is provided; to ensure safe access and egress to and from the site; and to reduce the impact of flooding on the proposed development and future occupants.

13 Notwithstanding the provisions of Article 3 of 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, E, F, G 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 flood risk; residential amenity; and visual amenity, 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) (Amendment) (No.2) (England) Order 2008.

14 VISQ8 Samples of exterior materials to be app

15 VISQ7 Sample panel ext materials to be approv

16 VISQ4 Boundary details to be supplied

17 Before the commencement of development including building operations, installation of utilities, the importing of materials, any excavations, and any development-related tree works, 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 construction; parking arrangements for site vehicles; arrangements for loading/off-loading; locations for storage of materials; location of site cabin. 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. Within the exclusion zones there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new service runs et al.

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

18 Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. Unless otherwise

agreed in writing with the Local Planning Authority, this shall indicate that at least the minimum code level 3.*.* rating will be achieved. This shall be followed by the submission of a CSH Post Construction Stage assessment, and a CSH Final Certificate (issued at post construction stage). These documents shall be submitted to the Local Planning Authority after completion and before first occupation of the building. Both documents submitted shall confirm that the code rating agreed in the initial CSH Design Stage assessment has been achieved.

Reason: In the interests of sustainable development.

19 All demolition, construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours; Monday to Friday 08.00 to 18.00, Saturday 09.00 to 13.00 and not at all on Sundays and Bank Holidays.

Reason; In the interests of residential amenity.

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 Conservation Area, Green Belt, residential amenity, highway safety, flooding and drainage. As such the proposal complies with Policies GP1, GP10, GP4a, GP15a, HE2, HE3, HE4, H4a and L1c 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 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 attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

a. 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".

b. 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.

c. 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.

d. 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.

e. There shall be no bonfires on the site.

3. No demolition shall take place until Listed Building consent has been obtained for the demolition of the existing greenhouse and out house on the site.

Contact details:

Author: Kirsty Catlow Development Control Officer

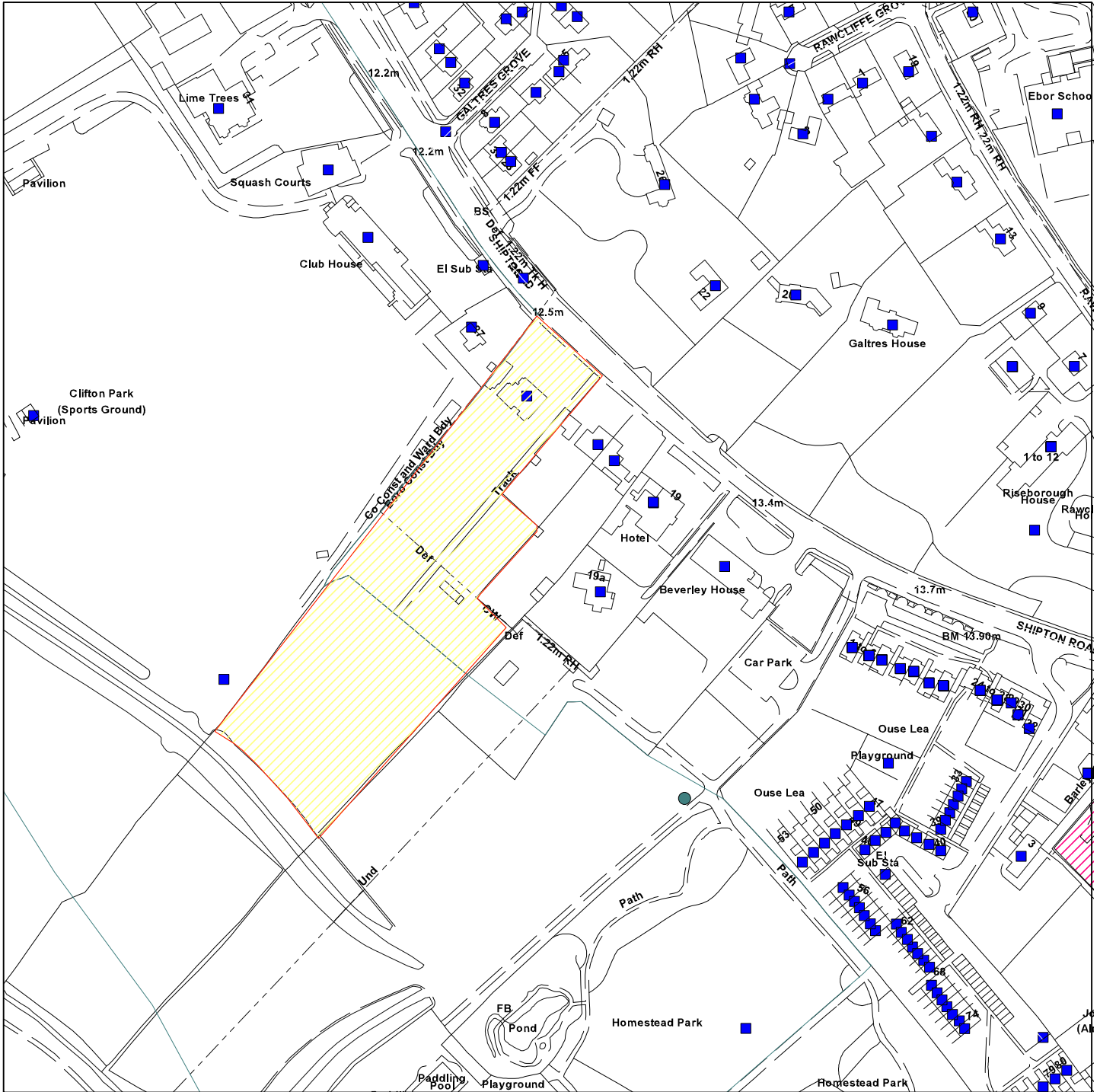
Tel No: 01904 551477 (Mon - Thurs)

25 Shipton Road

08/00311/FUL



GIS by ESRI (UK)



Scale : 1:2500

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	02 December 2008
SLA Number	Not Set

CYGP1
Design

CYGP10
Subdivision of gardens and infill devt

CYGP4A
Sustainability

CYH4A
Housing Windfalls

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

3.1 Environmental Protection Unit - No objections.

3.2 Leisure - No on-site open space is to be provided and therefore a commuted sum payment for off-site provision is sought.

3.3 Drainage - The application site is within Flood Zone 1 and therefore is at low risk of river flooding. However, insufficient information has been submitted to determine the potential impact the proposals may have on existing drainage systems.

3.4 Highway Network Management - There are no objections to the position of the proposed access. However, the proposed width of 2.75m is too narrow to provide sole access to a separate residential dwelling for vehicles and pedestrians. Therefore, a condition should be attached to any approval whereby full details of the access should be approved prior to the commencement of development.

EXTERNAL

3.5 Skelton Parish Council - No comments received at the time of writing the report, verbal update to be given at committee.

3.6 Neighbours - One letter has been received expressing concerns about the vehicle access onto what is already a fairly busy road. Concerns are also raised regarding the extra waste going into an already overloaded sewer system, the sewer has been blocked recently.

4.0 APPRAISAL

4.1 The key issues are considered to be:

- Principle of Development

- Visual Impact of the Proposed Development
- Highway Safety
- Neighbouring Amenity
- Drainage

PRINCIPLE OF DEVELOPMENT

4.2 The proposed development consists of the erection of a bungalow within the curtilage of 1 The Meadows which is a two storey detached house. The City of York Draft Local Plan Policy H4a permits residential development on windfall sites as long as: the site is within an urban area and involves infilling; the site has good accessibility to jobs, shops and services by non-car modes; and is of an appropriate scale and density to surrounding development. The application site is within the settlement limit of Skelton which is served by a frequent bus service. It is therefore considered that the principle of development is acceptable.

VISUAL IMPACT OF THE PROPOSED DEVELOPMENT

4.3 Local Plan Policy GP10 "Subdivision of Gardens and Infill Development" permits new development within garden areas where this would not be detrimental to the character and amenity of the local environment. The application under consideration is for siting and access only. Other matters, namely landscaping, appearance, and scale will be reserved for a future application, although an indication of scale has been given through the proposed description of the development, i.e. erection of a single storey dwelling.

4.4 Number 1 The Meadows is a house of significant proportions, with a frontage of approximately 15m, and benefits from space around it which is characteristic of a number of similar sized dwellings in Skelton. However, also characteristic of Skelton is a variety of house styles and sizes located within close proximity to each other. The Meadows itself contains dwellings with a variety of styles and size. This is encouraged in the Skelton Village Design Statement (October 2008) which states as one of its design principles that 'Any new development should observe the present pattern where dwellings of various sizes are grouped together.' It is therefore considered that the siting of a smaller single storey dwelling next to a larger two storey dwelling would not harm the character and appearance of the area.

4.5 The precise appearance and scale of the proposed dwelling will be considered as part of a future reserved matters application. The appearance of the dwelling would be approved at a later stage within the constraints of the layout under consideration. The proposed house continues the building line of 1 The Meadows and would sit approximately 0.7m to the north east of the host house. The proposed dwelling would be no closer than 2.4m to the boundary with St Giles Road. St Giles Road is raised above the application site and established green landscaping together with a 2m high solid fence divide the house curtilage from the road and would partially screen the proposed development and soften its visual impact. For this reason it is not considered that the proposed development would have a significant impact on the character or appearance of the conservation area, the boundary of which runs along the east side of St Giles Road. The majority of the landscaping is likely to remain and could be supplemented by further planting close to the boundary. The Village Design Statement encourages 'mature boundaries of

hedges, walls, trees and appropriate fencing...' to be retained and supplemented where possible.

HIGHWAY SAFETY

4.6 Access to the site is under consideration as part of this outline planning consent. A separate vehicular access would be created off The Meadows to serve the proposed bungalow. This access point is the same as was approved as part of application 05/01257/OUT. Highways officers do not object to the proposed access. The only concern relates to the width of the access into the new dwelling. It is considered that the finer details of the access can be controlled by condition, this approach being consistent with the previous outline planning consent.

NEIGHBOURING AMENITY

4.7 The only dwelling located close enough to the proposed bungalow to be potentially affected is the host house, no. 1 The Meadows. This property has only one small secondary window in its side elevation. The proposed bungalow has been sited approximately 1.5m from no. 1 The Meadows at the rear and it only protrudes beyond its main rear elevation by 2m. Both dwellings would have a reasonable curtilage size in relation to the main house and it is considered that both dwellings could occupy the site without a significant potential for conflict. The design of the bungalow has not been submitted for consideration, it is considered that the proposed siting will allow a bungalow to be designed and erected which would not significantly harm the living conditions of neighbours.

DRAINAGE

4.8 The Council's drainage team requested full drainage details submitting as part of this outline planning permission. However, as this application only includes siting and access, it is considered that drainage details could be assessed at a later stage when full details have been submitted for consideration. The site is within Flood Zone 1 and is therefore at low risk of river flooding. A condition is recommended to be included with any approval that requires drainage details to be submitted and approved by the Local Planning Authority prior to the commencement of development.

SUSTAINABILITY

4.9 No sustainability statement was submitted with the application. It is recognised that the site is within a sustainable location as it is within the settlement limit of Skelton. Although the application is in outline, officers are seeking a commitment from the applicant that the principles of sustainable design and construction will be observed at the detailed application or "reserved matters" stage, together with an indication of the measures that might be incorporated. A condition is recommended which requires the developer to design and construct a dwelling which achieves Code for Sustainable Homes Level 3, as required by the Council's Interim Planning statement on Sustainable Design and Construction (November 2007).

5.0 CONCLUSION

5.1 It is considered that the proposed development would not harm the visual amenity of the area or the living conditions of neighbours. There has been no

material change in site circumstances or planning policies which justifies a different conclusion from the 2005 outline planning application which was granted consent.

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

Drawing Number BWN:01/110 received by The CoYC on 07/08/08

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

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

3 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, landscaping, and scale of the proposed development to be carried out, including a schedule of all external materials to be used.

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.

- 4 VISQ8 Samples of exterior materials to be app
- 5 HWAY10 Vehicular areas surfaced, details reqd
- 6 HWAY23 Vehicular sight lines protected
- 7 HWAY31 No mud on highway during construction

8 HWAY40 Dilapidation survey

9 The development hereby permitted shall not commence until full details of the proposed vehicular access, parking and turning arrangements, and cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. These details shall include any such replacement facilities currently enjoyed by 1 The Meadows that would be lost, curtailed or otherwise amended by virtue of the development. These facilities shall be constructed in accordance with the approved details prior to the new dwelling first being occupied and thereafter shall be maintained.

Reason: To ensure appropriate on-site vehicle parking facilities, access and manoeuvring areas are provided in the interest of highway safety and general amenity of the development.

10 DRAIN1 Drainage details to be agreed

11 Prior to the commencement of development the developer shall submit a "Sustainable Design and Construction" statement for the development. This statement shall include the measures to be incorporated at the design and construction stage in order for the dwelling to achieve Code for Sustainable Homes level 3. Prior to first occupation of the dwelling, a further statement shall be submitted which confirms that the dwelling has achieved this standard. If the dwelling has not achieved the required sustainability standard, details of the changes to be made to the development to bring the dwelling up to the standard required and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

12 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 City of York Draft Local Plan.

Open Space - 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 £1242.

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.

**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 the Proposal
- Visual Impact of the Proposed Development
- Highway Safety
- Neighbouring Amenity
- Drainage

As such the proposal complies with Policies GP1, GP4a, GP10, H4a, and L1c of the City of York Draft Local Plan.

2. Demolition and Construction - Informative

The developer's attention should 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) Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.
- (vi) There shall be no bonfires on the site.

3. HIGHWAYS - 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

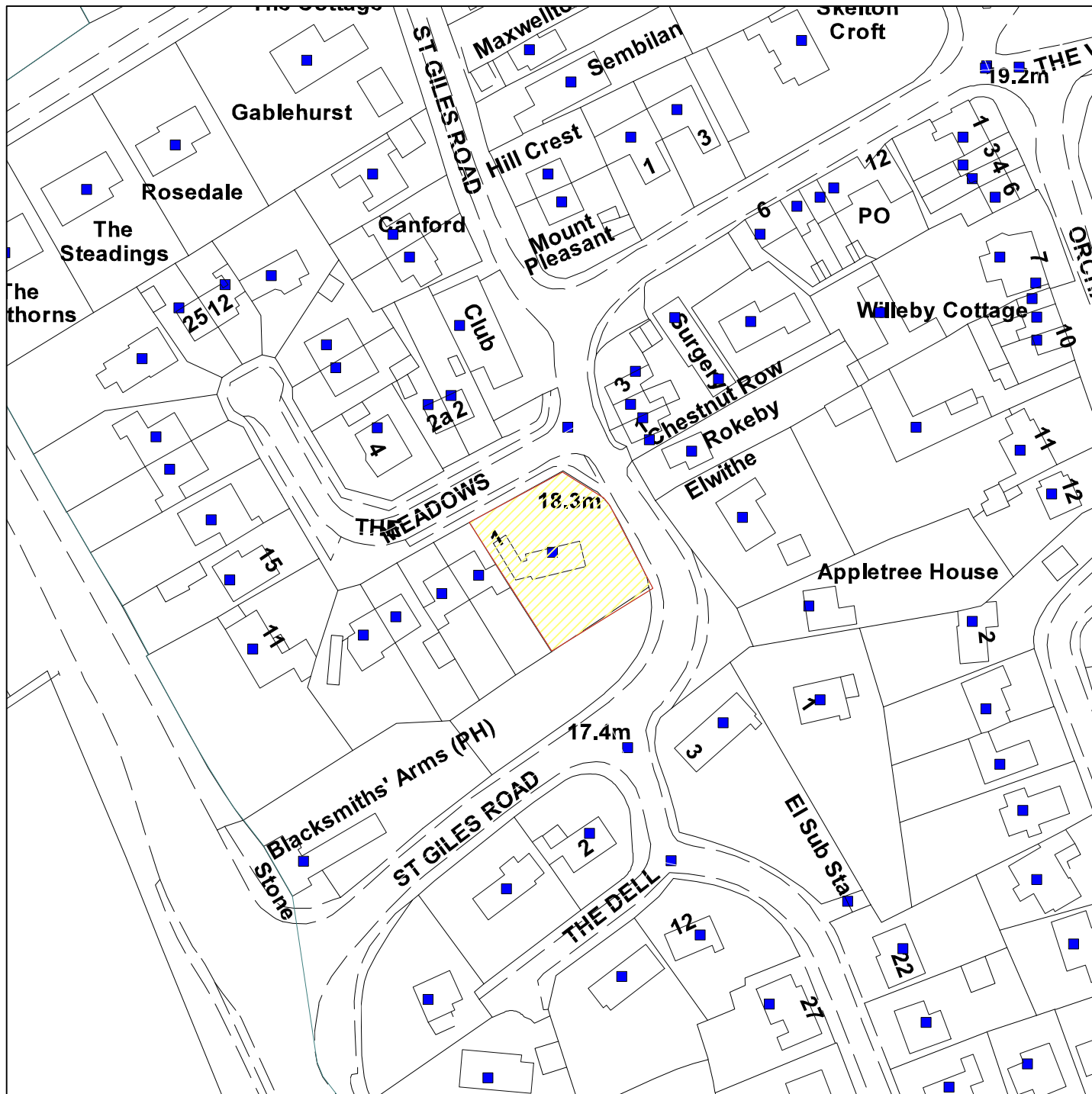
Tel No: 01904 551325

1 The Meadows, Skelton

08/02001/OUT



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	02 December 2008
SLA Number	Not Set

City Boundary : York City Boundary 0001

DC Area Teams : East Area (2) 0005

Schools : Headlands Primary 0199

2.2 Policies:

CYGP20

Telecommunication developments

3.0 CONSULTATIONS

3.1 Environmental Protection Unit.

No objections. The installation complies with public exposure guidelines drawn up by the International Commission for Non Ionising Radiation levels.

3.2 Haxby Town Council

Sympathised with the objections made by residents. However, no objections from the Town Council.

3.3 Neighbours and other interested third parties.

Individual letters were sent to 186 occupiers living close to the site of the mast including Headlands Primary School. A number of site notices were also put up in the area. 23 letters of objection have been received making the following comments. A petition with 233 signatures objecting to the proposal has also received.

- i) Health concerns and the unproven nature of any health effects upon those living close to the installation as well as people using the nearby shops.
- ii) The mast and the equipment will project into the footpath, meaning people will walk closer to the edge of the footpath, increasing the risk of an accident. Youths could sit on the equipment box and this could lead to problems with anti-social behaviour.
- iii) Visually intrusive. Not in keeping with a residential area. Will be significantly higher than existing street furniture and buildings and will not blend in with its surroundings. The area is quite open with nothing to hide it from view so it will be visible from a significant distance away, blighting local views.
- iv) Could lead to other phone companies wishing to locate masts here.
- v) Just an excuse to boost Council funds. Council has a responsibility not to earn income from those it serves.
- vi) Vodafone have ignored all the objections of local residents at the pre-application stage.
- vii) Flagrant disregard for public opinion.
- viii) Will reduce house prices in the area.

- ix) There are more appropriate locations within Haxby. Should be placed on the edge of the village where it impacts on less people. There would appear to be numerous other places where it could go. ie: fields and other open spaces.
- x) Too close to the nearby Headlands Primary school. Concerned for the health and well being of the children who attend the school.
- xi) Limited information and consultation has occurred and does nothing to allay local concerns.
- xii) It is a relatively rural location so other locations should be considered.
- xiii) A precautionary approach should always be taken close to sensitive uses such as housing and schools. No such masts should be allowed unless it is confirmed that emissions fall within ICNIRP guidelines. Such proposals should not be allowed until further research is conducted and a conclusive report issued which proves without doubt that there are no health implications to such an installation.
- xiii) Lack of pre-application consultation from Vodaphone. If it is so safe then why the reluctance to tell people.
- xv) The adjacent flats above the shops will be susceptible to direct exposure given the height of the mast.

4.0 APPRAISAL

4.1 This notification is seeking a decision before installing the proposed base station as to whether approval of siting and appearance of the development is required.

POLICY CONTEXT

4.2 The relevant national policy guidelines are set out in Planning Policy Guidance Note 8: Telecommunications (PPG8), August 2001. It explains permitted development rights for telecommunications equipment, the prior approval procedure for such equipment and gives advice on environmental considerations, including mast/site sharing and design. It states that 'protection from visual intrusion and the implications for subsequent network development will be important considerations in determining applications'. It encourages authorities and operators to find appropriate sites and use sympathetic design to minimise the impact of development on the environment. Authorities are required to take account of the special siting needs of code operators.

4.3 It also gives advice on health considerations. It states that 'it is the Government's firm view that the planning system is not the place for determining health safeguards. If a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them'.

4.4 Policy GP20 (Telecommunications Development) of the Council's Draft Local Plan is also considered to be material to the determination of this prior approval application. This reflects national advice in that it encourages mast sharing and that such sites have been considered, minimising visual intrusion and proliferation, seeks to avoid any adverse effect on the character of the area or historic character or the

skyline of the City and requires equipment to meet the latest approved Government guidelines for public telecommunications equipment.

SITING AND APPEARANCE

4.5 The main considerations are therefore siting and appearance.

4.6 The supporting statement and supplementary information submitted with the application includes details of the site selection process. This states that the Telecommunication industry's site database was checked for suitable sites as well as a physical search undertaken. A list of 15 alternative sites has been submitted, comprising of some existing base stations and other alternative new sites which have been considered and discounted by the applicant. These were discounted for a number of technical or operational reasons.

4.7 The proposal has been given a "red" site rating under the traffic light model used by system operators when assessing sites, the lowest of three ratings. The site is located in a built up residential area although the site of the mast itself fronts a row of shops. However there are flats above these shops so officers consider this to be a residential area as opposed to the mixed land-use area as suggested by the applicants. The site is not in a conservation area. Headlands Primary school is located approximately 100m (distance to boundary wall) from the proposed base station and this increases to approx. 170 metres to the nearest school building. The mast will be unseen from the school. The nearest residential unit will be the flats above the shops at nos 35-41 Oak Tree Lane and this is a distance of approx. 11 metres. To the houses across the road this distance rises to approx. 20 metres.

4.8 Given its location the mast will be visually prominent in the area. It is also acknowledged that at 12.2 metres the mast will be higher than surrounding buildings and street furniture. As a comparison, the nearby shops with flats above are approx. 9 metres high and the adjacent lamppost is 5 metres high. The flats in Oak Tree Court to the east are also approx. 9 metres high. However, the pole is slimline in nature (approx. 250mm in diameter with a slightly larger diameter shroud at the top covering the antenna) and will be seen against an urban backdrop which by its very nature has a strong vertical emphasis. It will stand opposite the junction with Ploughlands and will therefore be prominent when driving or walking south along this road. However, it will be seen against the backdrop of the retail/flats building behind and whilst the top of the mast may project above this building, this will not be significant and given its slender appearance, designed to look like an imitation "streetworks" pole, officers do not consider that it would be unduly harmful to the character of the area. This is the same for views from all other directions. Furthermore the proposed colour finish of the mast and shroud would help lessen any visual intrusion and its overall appearance would be similar to that of other street furniture in the area, albeit somewhat taller.

4.9 It is acknowledged that the mast will be close to a number of residential properties, however officers do not consider the installation would represent an overly oppressive or overbearing structure when seen from nearby houses.

4.10 The associated equipment cabinets would be narrow and only about 1.4 metres high. They will be seen against the backdrop of the boundary wall behind. Concern was expressed that they would represent a danger to pedestrians using the footpath, however they project only 500mm into the footpath leaving a further 2 metres of footpath for pedestrian use. Officers do not consider this to represent a highway danger.

4.9 In light of the above, it is considered that proposal does not harm the visual amenity of the area.

HEALTH CONSIDERATIONS

4.10 The applicant has certified that the proposed equipment and installation is designed to be in full compliance with the requirements of the ICNIRP Public Exposure Guidelines on radio frequency. Therefore, in accordance with national planning advice contained within PPG8 and in the absence of any special indication otherwise, it is not necessary to consider further the health aspects of the proposed development. No objection can be made on health grounds.

4.11 A Court of Appeal decision in November 2004 regarding the erection of a mast in Harrogate had reinforced this health advice and also ruled that it remains Central Government's responsibility to decide what measures are necessary to protect public health.

OTHER ISSUES.

4.12 Concern has been expressed by objectors that the installation will reduce house prices in the area. This is not a material planning consideration and is outside the consideration of this prior notification application. This is confirmed by advice within PPG8.

4.13 Several objectors have described the site as rural, officers consider it to be a built up, residential area within a medium sized settlement.

4.14 Many objectors refer to more suitable sites being available within Haxby. Other sites were assessed by the applicant and rejected on various grounds and the Council have no reason to doubt this evidence or its conclusions. Notwithstanding this, the application should be assessed as submitted and if considered acceptable in siting and appearance terms, the Council would have no justification for considering other sites.

4.15 The comment that the proposal, if approved, could result in other telecommunication operators wishing to site similar equipment in the locality is not a matter that can be considered. If further such applications were submitted then they would have to be assessed against the same criteria, policies and national guidance as outlined above.

4.16. Concerns have been raised that the installation could attract and increase levels of anti-social behaviour. However, there is no obvious reason why this should be the case.

5.0 CONCLUSION

5.1 Central Government advice within PPG8 makes it clear that the only matters material to the consideration of this application for prior approval are siting and appearance. The base station will be located in a residential area and will be higher than other buildings and other street furniture in the area. However, given the slimline nature of the proposal set against a strong urban backdrop, it is not considered that the proposal harms the visual amenity of the area. The application is accompanied by a Certificate confirming that the proposed mobile phone base station meets the ICNIRP guidelines for public exposure. As such, no objections are raised to the proposal.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: No Objections

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 effect on visual amenity, residential amenity, need, assessment of alternative sites and health considerations. As such the proposal complies with national guidance in PPG8 (Telecommunications) and Policies GP1 and GP20 of the City of York Local Plan incorporating the 4th set of changes approved April 2005.

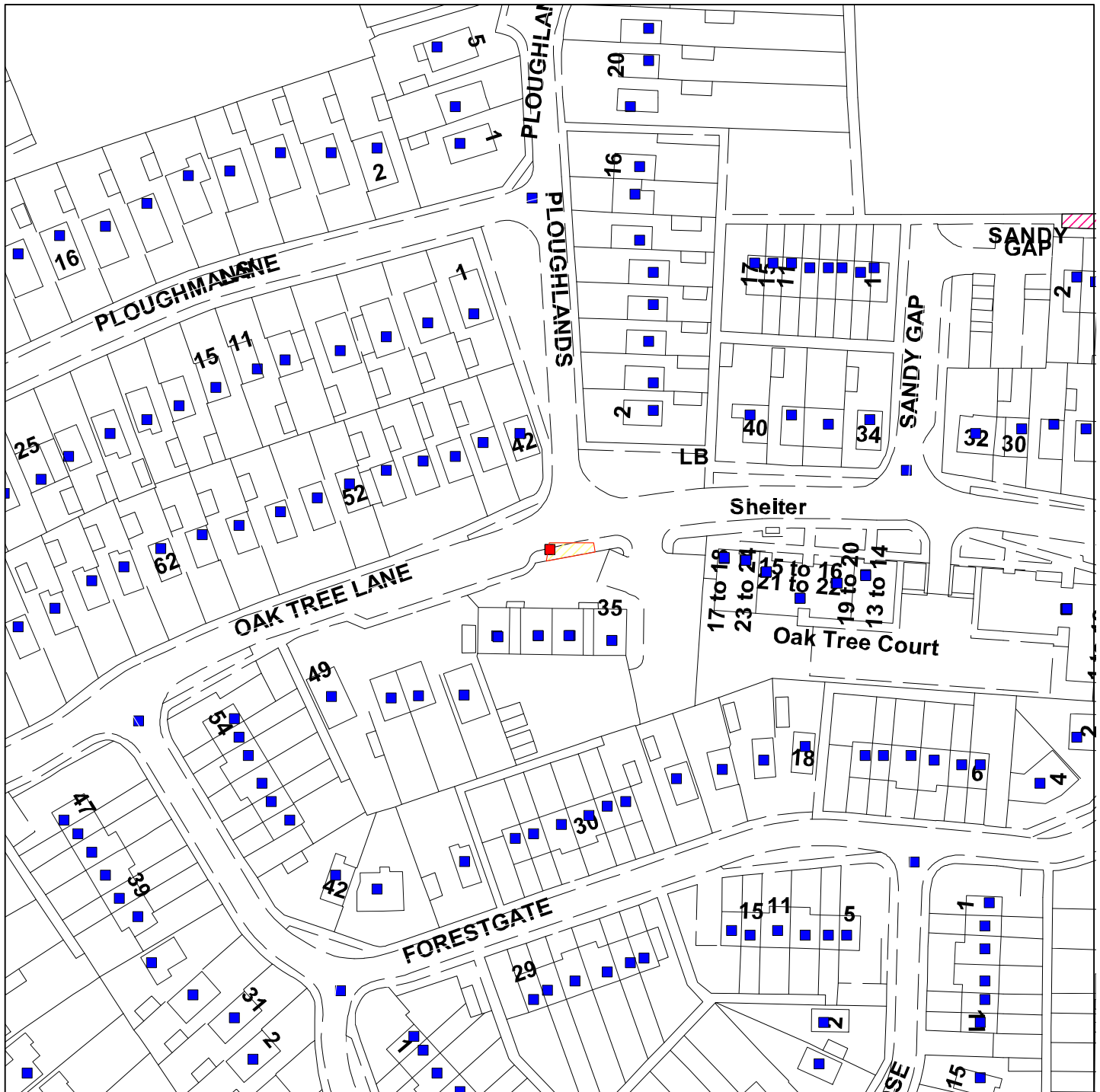
Contact details:

Author: Matthew Parkinson Development Control Officer

Tel No: 01904 552405

Oak Tree Lane

08/02441/TCNOT



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	02 December 2008
SLA Number	Not Set

DELEGATED REPORT

Committee: East Area
Date: 11 December 2008

Ward: Osbaldwick
Parish: Murton Parish Council

Reference: 08/00785/FUL
Application at: House Of James Stamford Bridge Road Dunnington York YO19 5LN
For: Change of use from Class B8 (Storage and Distribution) to the conversion and customising of car and light commercial vehicles on land at
By: House Of James Transport Ltd
Application Type: Full Application
Target Date: 22 May 2008

1.0 PROPOSAL

1.1 The application is for a change of use from warehousing to a use which involves the conversion and customising of cars and light commercial vehicles for specific customers uses. Such a use is considered to fall within the B1c (Light Industry) or B2 (General Industrial) use class of the Town and Country Planning Use Classes Order. The buildings in question form part of a complex known as St James Business Park which is located on the northern side of Stamford Bridge Road between the Grimston Bar roundabout and the junction with Dunnington village at Church Balk. The buildings in question offer 1330sqm of floorspace.

1.2 The buildings were originally used in connection with agricultural storage and an office block and additional warehouses were added in the late 1990's. The change of use to B8 was granted in 2003. Two of the three buildings have been vacant for some time and the 3rd building has some long term storage use which is only very occasionally used. There is no employment associated with any of these uses. House of James Transport Hauliers (owners of the site) have partially occupied the building on a temporary basis recently although their main operation is based at the Elvington Airfield Business Park.

1.3 Access is via a private roadway off Stamford Bridge Road. There is car parking provision within the site around the buildings.

1.4 The site is in the Green Belt.

1.5 The applicants currently occupy a unit at Hessay Industrial Estate. The nature of the business is based around the installation of parts and the conversion of car and light commercial vehicles (up to 3.5 tonnes) to fit customer requirements. This also includes cars and light vans intended for police use. The main reason for this relocation is one of site security, especially given the work on police vehicles. This site is secure when not in use as it provides a secure gated area enclosed by palisade fencing.

1.6 The supporting statement submitted by the agent and subsequent information submitted from the applicant describes the key aspects of the operation to involve the installation of plylining (protecting body sides), bulkheads, roof racks and bars, racking and shelving, communication equipment, lighting and beacons. Vehicles are delivered straight from the manufacturer, are fitted out as required and delivered to the end user.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

2.2 Policies:

CYGP1
Design

CYGB1
Development within the Green Belt

CYGB3
Reuse of buildings

CYE3B
Existing and Proposed Employment Sites

CYGP4A
Sustainability

CYGB11
Employment devt outside settlement limits

3.0 CONSULTATIONS

INTERNAL.

3.1 Highway Network Management.

No objections subject to conditions. Note a contradiction between site plan which shows 25 spaces and the application form which says 15 spaces. The spaces are not formally laid out and the area has included some informal open storage of pallets in the past. Note however that given that the nature of the proposed business involves modifying customers' vehicles then these additional spaces may be required for these.

Site is well served by a 6 metre wide, straight and surfaced access and within the general site area there is ample space for manoeuvring all classes of commercial vehicles.

The application gives details of a specific user but the description is for general change of use to B1c and B2. Suggest a "use specific permission" as a general permission for industrial use might have more onerous highway implications which could prove difficult to control in any future changes.

3.2 Environmental Protection Unit.

No objections subject to a restriction on working hours and noise outside of the site boundaries.

3.3 Economic Development Officer.

Consider the key issue here to be that the building is remaining in an employment generating use. Numbers employed in warehousing can vary considerably (usually low however) but the proposal provides for 9 jobs and potential for the future. No objection on economic development grounds.

EXTERNAL

3.4 Murton Parish Council.

Object.

- Consider it to be an inappropriate use of these premises. The site is in Green Belt and open countryside and is totally unsuited to a change of use to B1c and B2.

- If this applicant vacates the site this could lead to other occupiers in the future creating more noise, pollution and also possibly operating for longer hours. Once the classification has been changed there is no control within this classification. Tenants would be better sited on one of the many industrial sites around the city.

- Will result in an increase in traffic using the site on and off the A166, a busy trunk road. Visibility to the west is restricted.

3.5 Neighbours and Third parties.

1 letter has been received from the owner of Hope Cottage, the property adjacent to the entrance to the site by the A166. This makes the following observations:

- i) Concerned over possible increase in noise from the proposed change of use. Would not wish there to be any increase in noise levels at Hope Cottage.
- ii) Would like to see the proposed use limited to that described in the application so as to ensure that it is not the first step towards a different change of use.

4.0 APPRAISAL

4.1 KEY ISSUES:

- Green Belt
- Employment uses.
- Sustainability
- Residential amenity.

Green Belt.

4.2 The site is in the Green Belt. National guidance is contained in Planning Policy Guidance Note 2 (PPG2) ("Green Belts") and this establishes that the re-use of buildings can be an appropriate form of development in the Green Belt. This is providing that it does not have a materially greater impact than the present use on the openness of the Green Belt, strict control is exercised over any extensions proposed or any associated uses of land surrounding the building e.g.: storage, extensive hardstanding, car parking etc, the buildings are of permanent and substantial construction and their form, bulk and general design are in keeping with their surroundings. This advice is reflected in Policy GB1 of the Draft City of York Local Plan which states that the re-use of buildings is an appropriate form of development in the Green Belt and Policy GB3 (Re-use of buildings) which reiterates this

and further states that the site should already have a clearly defined curtilage around the site in question. Policy GB11 (Employment Development outside settlement limits) states that planning permission will only be granted for new industrial and business development in the Green Belt where a) it involves the re-use or adaptation of an existing building and b) it provides a direct benefit to the rural economy.

4.3 This application is for a change of use only. No extensions or alterations to the buildings are proposed. There are no policies which preclude, as a matter of principle, this type of use in the Green Belt and Policy GB11 states that such a use is acceptable providing that it involves the re-use of an existing building. The main issue here therefore is to consider whether the reuse has a materially greater impact than the present use on the openness of the Green Belt. There is no additional hardstanding or car parking proposed nor is any outside storage of materials proposed. Therefore, the proposed use is taking place within the confines of the existing building and officers consider that it represents an appropriate form of development in the Green Belt, and that the impact on the openness of the Green Belt should be no greater than existing.

Employment uses.

4.4 Policy E3b of the Draft Local Plan is the most relevant employment based policy in that it states that sites in employment use will be retained within their current use class unless there is a sufficient supply of employment land to meet both immediate and longer term requirements, unacceptable environmental problems exist or the proposed use would lead to significant benefits to the local economy. In this case, the proposed use is remaining an employment use, it is simply moving within the employment use class group from a B8 (Storage and distribution) to a use which would fall within a B1c (Light Industry) or B2 (General industrial use). However, planning permission is required for such a change where the size of the building is over 235sqm. Whilst storage and distribution uses are clearly important, there is no evidence of a significant shortage of such uses in the city and the application supporting information states that the buildings in question have remained largely unused for several months generating no employment. Furthermore the buildings in question are relatively modest in size and therefore not very attractive to the storage and distribution market.

4.5 In this regard the proposed change would see the units brought back into use and 9 staff employed on the site, therefore maintaining its employment site status as required by Policy E3b.

Sustainability.

4.6 The proposal is re-using an existing building and proposes no new building work. It is recognised that the site is in an unsustainable location but given its extant permission for warehousing, a use which can generate substantial vehicle movements, this impact is likely to be neutral. Officers therefore consider the development to be in accordance with the Council's sustainability policies.

Residential Amenity.

4.7 The closest residential property to the site is Hope Cottage. This lies approx. 160 metres to the south east fronting Stamford Bridge Road and immediately adjacent to the entrance to the application site. Some cutting of timber is likely to take place on site in connection with the fitting out of the new vehicles but it is stated that this is confined to a sound proof booth within the building. No objections have been raised by Environmental Protection officers to such work as the distance to the nearest property is considerable. However a condition is recommended to control this and also the hours of operation. Officers consider that this addresses the noise and disturbance concerns raised by the Parish Council and the owner of Hope Cottage.

Highways

4.8 Highway officers raise no objections on highway safety grounds. The existing planning permission is for warehousing and this has the potential for a significant number of vehicle movements. Vehicle movements in connection with the use proposed here are unlikely to be significant and would not be expected to be materially more than that for a B8 use. Although there is some slight contradiction between the site plan and the supporting statement in terms of parking spaces available, this area is clearly defined within the footprint of the buildings. It is all laid to hardstanding and capable of use for parking purposes and no additional areas are proposed. The control on operating times means that commercial vehicles will not be driving past the entrance to Hope Cottage at unsociable hours. Highway officers have also recommended that the use be specifically limited to the use proposed. The reason for this is that a general permission for industrial use might have more onerous highway implications which could prove difficult to control in the future if left unrestricted. A condition is recommended to reflect this and should also address the other concerns raised by the objectors.

5.0 CONCLUSION

5.1 The proposed change of use would reuse an existing building and associated parking and therefore there is no further harm to the openness of the Green Belt over and above any impact the present site may have. The use maintains an employment use at the site albeit an industrial use as opposed to the existing storage and distribution use. However this B8 use has been largely unused for some time and therefore given this and the fairly modest size of the buildings, the Economic Development Unit have raised no objections.

5.2 Officers consider that any potential loss of amenity can be dealt with by the recommended conditions and therefore approval is recommended.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

- location and site plan.

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 HWAY18 Cycle parking details to be agreed

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

Reason: In the interests of highway safety.

5 Prior to the commencement of the use hereby approved, provision shall be made

within the site for accommodation of delivery/service vehicles in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

6 Before the use hereby commences the sound proof booth as specified within the supporting documents shall be fully installed and operational. No cutting activities shall take place outside of the sound proof booth, and all other noisy activities shall be inaudible at the site boundary. All machinery, plant or equipment and approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be fully maintained thereafter.

Reason: To protect the amenity of the occupiers of Hope Cottage, to the southwest of the application site.

7 The hours of operation, including deliveries and collections to and from the site shall be limited to the following times:

Monday to Friday 08:00 - 18:00
Saturday 08:00 - 13:00
Sundays and Bank Holidays No working

Reason. To protect the amenity of the residents of Hope Cottage.

8 The use of the buildings hereby permitted shall be restricted to the uses referred to in the application and as described in correspondence received with the submitted application and in e-mail correspondence received on 8th November 2008 and not for any other use within Classes B1 or B2 in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or as in any further amended order, unless otherwise approved in writing by the Local Planning Authority.

Reason. In order for the Local Planning Authority to control any future uses which may have employment, highway safety or residential amenity implications.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

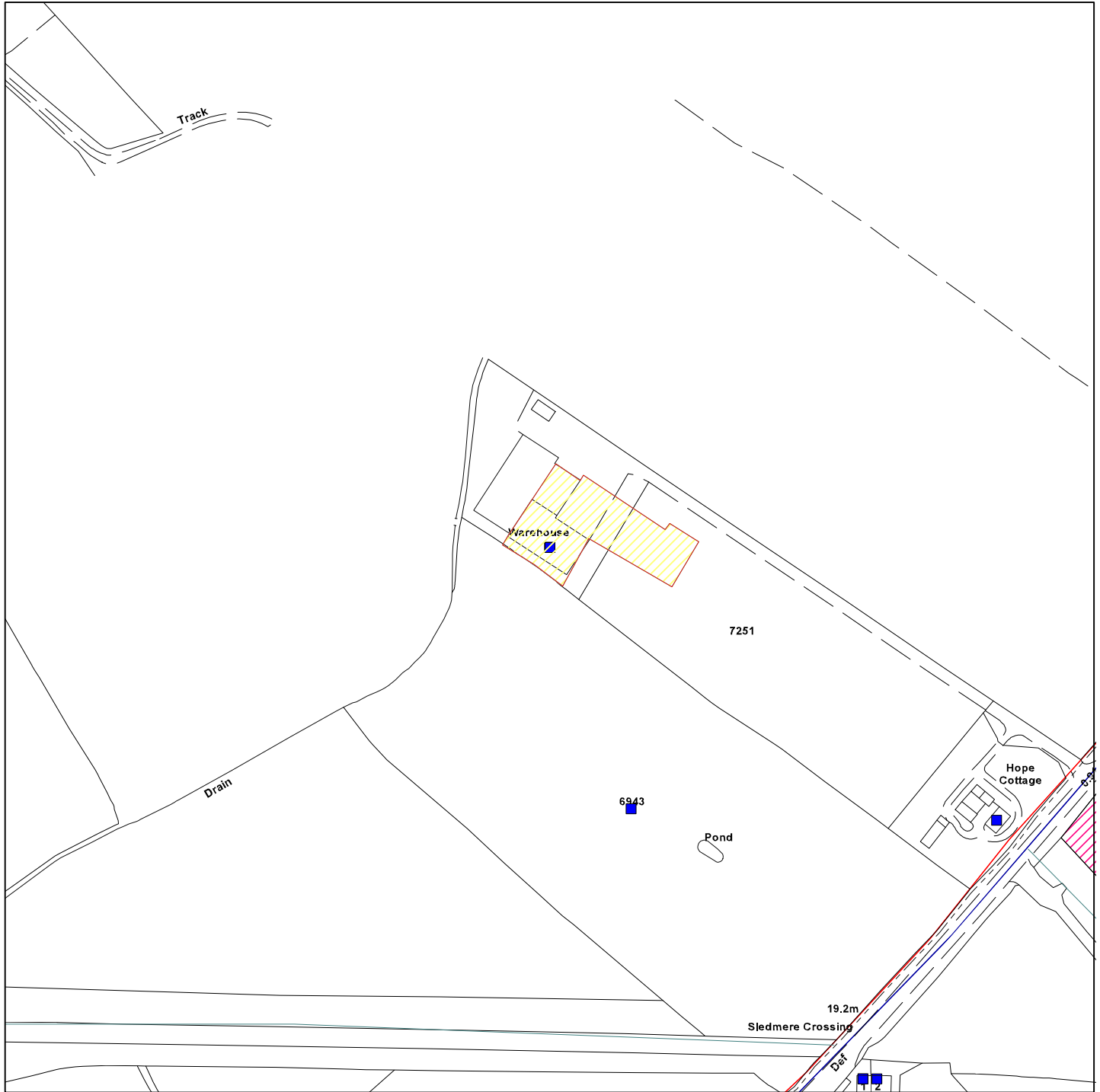
In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the openness of the Green Belt, loss of employment, sustainability, highway safety and residential amenity. As such the proposal complies with national planning advice in Planning Policy Guidance Note 2: "Green Belts" and Policies GB1, GB3, GB11, E3b, GP1, GP4A of the City of York Draft Local Plan.

Contact details:

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

Hope Cottage, Stamford Bridge Road

08/0 0785/FUL



Scale : 1:2500

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	02 December 2008
SLA Number	Not Set

CYGP1
Design

CYHE3
Conservation Areas

CYGP23
Temporary planning permission

3.0 CONSULTATIONS

INTERNAL

3.1 Conservation - The application site includes a Grade II listed school building and is within Heslington Conservation Area. Two temporary classroom units are to be removed; only the unit towards the front of the site is readily visible. Views are restricted to a small area in front of the car park, from where the classroom is seen, set well back from the plot frontage, behind a row of small trees. The replacement classroom presents a blank elevation to the street. Whilst uninteresting, it is my opinion that it will not be intrusive in views of the site and the listed building, and certainly no more so than the existing classrooms. Conditions should be attached requiring prior written approval of all exterior materials and paint colours.

3.2 Tree Officer - Although the cherry tree proposed for removal may contribute to the amenity of the area as viewed from the school and one neighbour (School House), it cannot clearly be seen from any public viewpoints (footpaths/roads) as it is screened by properties and other vegetation so would not meet the criteria for retention by protection with a Tree Preservation Order. Therefore, no objections to it being removed subject to its replacement with two trees suitable for the school grounds.

External

3.3 Heslington Parish Council - No correspondence received.

3.4 Neighbours / Local Residents - No correspondence received.

4.0 APPRAISAL

4.1 The key issues are considered to be:

- The principle of development
- The visual impact on Heslington Conservation Area

PRINCIPLE OF DEVELOPMENT

4.2 The City of York Council Draft Local Plan Policy GP23 sets out the criteria for assessing applications for temporary planning permission. In summary the four

criteria which are relevant to this application are: a) no loss of amenity to local residents; b) there is no viable permanent alternative available; c) plans are to be brought forward for permanent development in the future; d) the period of consent sought is the minimum required.

4.3 In respect of part (a), the proposed unit would replace two existing units. The floor space of the proposed unit is similar to the combined footprint of the two existing units to be replaced. Therefore it is reasonable to assume that the level of activity taking place on this section of the site would not significantly increase. The use of the proposed units is unlikely to create a significant conflict with surrounding residential dwellings and any activity taking place is unlikely to be at hours which could cause significant nuisance. The proposed unit is set back over 20m from Church Lane allowing a good separation distance from neighbouring properties. It is therefore considered that the proposed unit would not significantly harm the amenity of local residents living on Church Lane. There would be no increase in the number of people using the site or associated traffic.

4.4 In reference to part b), the proposed unit would be used as a pre and after school facility and also for an additional teaching resource room when necessary. There is insufficient space within the main school building to accommodate this facility which has proved popular and useful for parents in full time employment. With regard to c), a permanent solution cannot be brought forward at the present time due to a review of schooling provision taking place in the city. It is, however, stated within the application submission that a permanent solution will be sought in the future as part of the Primary Capital Programme. Consent is sought for three years as this is considered to be a reasonable timescale within which a permanent alternative can be brought forward.

4.5 Part d) requires the period sought to be the minimum required, and the three years proposed appears reasonable given the existing review taking place and the likely timescales involved in receiving funding and approval for a permanent solution to the shortage of space which currently exists at Lord Deramore's Primary School.

VISUAL IMPACT ON HESLINGTON CONSERVATION AREA

4.6 Lord Deramore's Primary School and grounds were added to the Heslington Conservation Area in 2004. The site enjoys a semi-rural character with the school being seen within a context of significant mature green landscaping. The proposed development involves the removal of one tree. However, the tree in question is not on the outer edge of the site and is therefore not visually prominent within the site. The applicant has expressed a willingness to replace this tree with another to be planted elsewhere in the site. This could be conditioned if considered necessary and could bring benefits by providing a suitable tree species in a more prominent position than the tree to be removed.

4.6 The proposed building is single storey in height, set back from Church Lane behind existing mature landscaping, and consent has been sought for a period of three years. For these reasons it is not considered that it would significantly harm the character and appearance of Heslington Conservation Area. The proposed building is of simple design with a flat roof. It is proposed to be timber with a felt

roof. The applicants have expressed a willingness to paint the temporary building a colour to be agreed with the Local Planning Authority. It is considered that this would ensure an acceptable finish for the building. The building would be partially screened from Church Lane by a row of existing trees which are proposed to remain on site.

5.0 CONCLUSION

5.1 It is considered that the proposed unit would not harm the character and appearance of Heslington Conservation Area and would allow Lord Deramore's Primary School to continue to offer an important facility for parents of children who attend the school.

6.0 RECOMMENDATION: Approve

1 The building shall be removed from the site by 31st December 2011 unless prior to that date a renewal of the permission shall have been granted in writing by the Local Planning Authority.

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

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

Revised Plan Drawing Numbers 0798/03 and 0798/04 received by The CoYC on 27/11/08

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

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

3 Prior to the building hereby approved being located on the site, the colour of the external walls of the building shall be submitted to and approved in writing by the Local Planning Authority. The building shall be painted the approved colour within 3 months of it being located on the site and shall be thus maintained.

Reason: To ensure an acceptable finished appearance to the building and in order to preserve the character and appearance of the conservation area.

4 The tree to be removed shall be replaced with two new trees. The replacement trees shall be to the following specification: minimum 10-12cm girth; min.300-350cm height; min. 4 branches, with a strong, straight main leader. The tree species shall be a choice of the following: Field maple, Bastard Service Tree, Fraxinus ornus variety such as 'Louisa Lady', Sorbus aucuparia variety such as aucuparia 'Asplenifolia', Sorbus intermedia Brouwers, or other species in agreement

with this Authority. The trees shall be supported with a two stakes and two rubber ties. The trees shall be planted before the end of the tree planting season (November - March) following removal of the cherry. The replacements should be planted in the school grounds away from the new temporary unit in locations that shall first have been approved in writing by the Local Planning Authority.

Reason: In order to perpetuate tree cover in this area as a contributory factor to the amenity of the area.

5 Neighbouring trees shall be protected during development by the following measures: -

(i) Prior to commencement on site of demolition, site preparation, building or other development operations, including the importing of materials and any excavations, protective fencing to BS5837 Part 8 shall be erected around all neighbouring trees. Before commencement on site the protective fencing line shall be shown on a plan and agreed with the local authority and subsequently adhered to at all times during development to create exclusion zones.

(ii) None of the following activities shall take place within the protective fencing: excavation, raising of levels, storage of any materials or top soil, burning, parking or manoeuvring of vehicles, no site hits, no mixing of cement, no disposing of washings, no stored fuel, no new service runs. The fencing shall remain secured in position throughout the construction process. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

(iv) No trenches, pipe runs for services or drains shall be routed under the crown spread of any tree without the prior approval in writing of the Local Planning Authority.

Reason - The Council is under a statutory obligation when considering planning applications to consider whether it is necessary to take steps to preserve existing trees. There are existing trees within or in the vicinity of the site and these contribute to the character and appearance of the area. It is important that they are protected from damage before, during and after construction works.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the character and appearance of Heslington Conservation Area. As such the proposal complies with Policies GP1, GP23 and HE3 of the City of York Draft Local Plan.

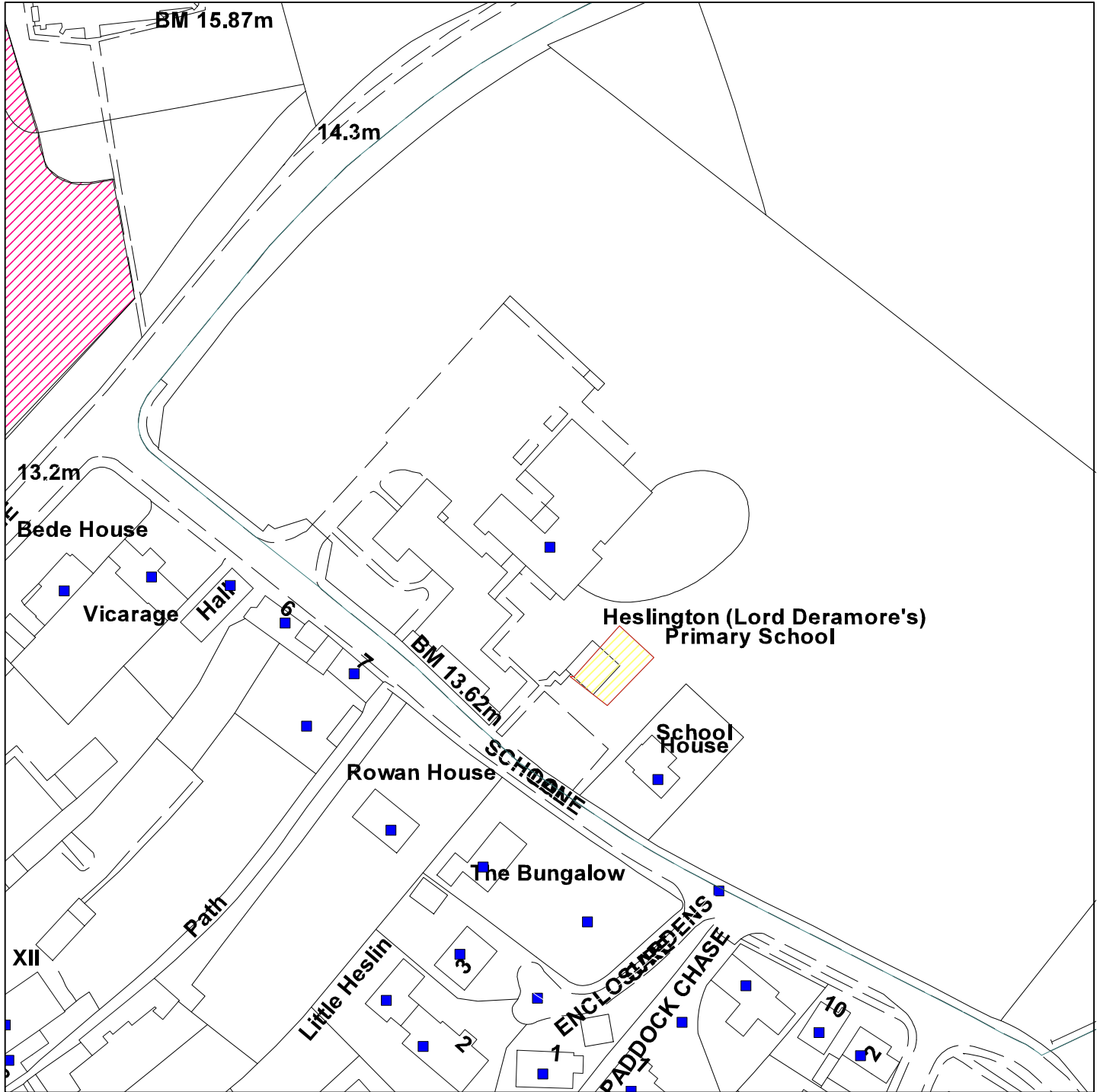
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Lord Deramores Primary School

08/02386/GRG3



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	02 December 2008
SLA Number	Not Set