



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, 5 February 2009
- Time:** 2.00 pm
- Venue:** The Guildhall, York

AGENDA

Site Visits for this meeting will commence on Wednesday 4 February at 10am from 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 - 23)

To approve and sign the minutes of the last meeting(s) of the Sub-Committee held on 11 December 2008 and 17 December 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 4 February 2009 at 5pm.

4. Plans List

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

- a) **1 Beans Way, York, YO31 1HT** (Pages 24 - 37)
(08/01126/FUL)

A full application for a single storey detached dwelling on land adjacent to 1 Beans Way, following the demolition of garage, single storey side extension and porch to 1 Beans Way. **[Site Visit]** [Heworth Without Ward]

- b) **22 Middle Banks, Wigginton, York, YO32 2ZF** (Pages 38 - 46)
(08/02485/FUL)

A full application (resubmission) for a two storey dwelling attached to side of existing dwelling. **[Site Visit]** [Haxby & Wigginton Ward]

- c) **29 The Avenue, Haxby, York, YO32 3EH** (Pages 47 - 51)
(08/02707/FUL)

A full application (retrospective) for the erection of vehicular and pedestrian gates to front boundary. **[Site Visit]** [Haxby & Wigginton Ward]

- d) **Brook House, Main Street, Elvington,** (Pages 52 - 59)
YO41 4AA (07/01030/FUL)

A full application (resubmission) for the erection of a dwelling and detached garage. **[Site Visit]** [Wheldrake Ward]

- e) **Caravan Site, Stockton Lane, York, YO32 9UA** (Pages 60 - 69)
(08/02729/FUL) - APPLICATION NOW WITHDRAWN

A full application for the use of land for the stationing of 20 additional touring caravans. **[Site Visit]** [Heworth Without Ward]

- f) **Powerhouse, Unit 9, Hurricane Way,** (Pages 70 - 77)
York, YO30 4XU (08/00362/FUL)

A full application for external alterations including formation of a double entrance and canopy, and the extension of exiting service access to rear. **[Site Visit]** [Skelton, Rawcliffe, Clifton Without Ward]

5. **Clifton Hospital Update** (Pages 78 - 81)

This update details the discussions that have taken place with regard to the outstanding Section 106 issues in relation to Clifton Hospital. [Skelton, Rawcliffe and Clifton Without Ward]

6. Urgent Business

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

Democracy Officer:

Name: Laura Bootland

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

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

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

Contact details set out above.

**EAST AREA PLANNING
SUB-COMMITTEE****SITE VISITS****Wednesday 4 February 2009**

TIME	SITE
10:00	Depart Union Terrace Car Park
10:10	Powerhouse, Hurricane Way, Clifton Moor (4f)
10:40	29 The Avenue, Haxby (4c)
11:10	22 Middle Banks, Wigginton (4b)
11:45	1 Beans Way (4a)
13:00	Brook House, Main Street, Elvington (4d)

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

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

Scrutiny Committees

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

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

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City of York Council

Committee Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	11 DECEMBER 2008
PRESENT	COUNCILLORS HYMAN (CHAIR), GREGAN (VICE-CHAIR), DOUGLAS, FIRTH, FUNNELL, KING, MOORE, ORRELL, TAYLOR AND WISEMAN

INSPECTION OF SITES

Site	Attended by	Reason for Visit
25 Shipton Road	Cllrs. Hyman, Douglas, King and Moore	In view of objections received and to familiarise Members with the site and access.
1 The Meadows	Cllrs. Hyman and Moore	In view of objection received when recommendation is to approve.
Oak Lane Haxby – Telecom Pole	Cllrs. Hyman, Moore and Orrell	In view of objections received and to familiarise Members with the site
Hope Cottage	Cllrs. Hyman and Moore	In view of objections received when recommendation is to approve.

1. DECLARATIONS OF INTEREST

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

Councillor Firth declared a personal non-prejudicial interest in item 4c (Telecommunications Pole, Haxby) as he is the Ward Councillor for the area.

Councillor King declared a personal non-prejudicial interest in item 4a (25 Shipton Road) as he is Ward Councillor for the area.

Councillor Douglas declared a personal non-prejudicial interest in item 4a (25 Shipton Road) as she is Ward Councillor for the area.

2. MINUTES

RESOLVED: That the minutes of the meetings of the Sub-Committee held on the 9 October 2008 and 6 November 2008 be approved as a correct record and be signed by the Chair.

3. PUBLIC PARTICIPATION

It was reported that nobody had registered to speak under the Councils 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 25 Shipton Road, Clifton, York, YO30 5RE (08/00311/FUL)

Members considered a full application which seeks planning permission for the erection of a single storey detached dwelling to the rear of 25 Shipton Road.

The application site forms part of the side and rear garden area of 25 Shipton Road which is a Grade 2 Listed Building. To the south west of the site is Clifton Ings leading down to the River Ouse. A planning application for a two storey dwelling to the rear of 25 Shipton Road was refused at Planning Committee on 14 November 2003 on the grounds that the proposal would be detrimental to the character and appearance of the Conservation Area and the Listed Building.

Officers reported the receipt of additional information:

- Photomontages produced by the applicant.
- Comments received from Clifton Parish Council in objection to the application.
- Further letters of objection from neighbouring residents
- A sustainability statement had been submitted by the Agent in accordance with Policy GP4 of the City of York Draft Local Plan.
- It was confirmed the dwelling is in flood zone 2 which is in compliance with York Strategic Flood Risk Assessment.
- Officers pointed out that there is an error within the Committee report at paragraph 3.2 which should read Clifton Planning Panel and not Clifton Parish Council.

Representations in objection to the application were received from the residents of neighbouring properties. The first objected to the site being located on a strip of land between the Conservation Area and Green Belt. The second distributed a diagram showing the positioning of the application site and expressed concern that the general area carries a high risk of flooding.

Representations in support of the application were heard from the applicants agent who confirmed that the Environment Agency had been consulted and that during the floods of 2000 the flood bank near to the site was not crossed and the site is a metre above the levels of the last severe floods in 2000.

Members expressed concern regarding the proximity of the application site to the Green Belt and the Conservation Area and the detrimental impact the application would have on the area. Certain members raised concerns regarding the flood risk.

RESOLVED: That the application be refused.¹

REASON: It is considered that the erection of the proposed dwelling in this location would have a significantly detrimental impact on the character, appearance and views into and out of Clifton Conservation Area and detract from the setting of the adjacent Grade II Listed Buildings 21, 23 and 25 Shipton Road. As such the proposal would be contrary to policies GP1 (Design), GP10 (Subdivision of Gardens and Infill Development), HE2 (Development in Historic Locations) and HE4 (Listed Buildings) of the City of York Council Draft Development Control Local Plan, and Central Government advice contained within Planning Policy Guidance Note 15 "Planning and the Historic Environment".

Action Required

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

4b 1 The Meadows, Skelton, York, YO30 1XS (08/02001/OUT)

Members considered an outline application for the erection of 1no. single storey detached dwelling. The proposed dwelling would sit to the east of the existing house, adjacent to St. Giles Road.

Officers updated that in August 2005 outline planning permission was granted for the erection of a bungalow. No sustainability report had been received for this application and Officers recommend a condition that requires the developer to achieve level 3 under the Code for Sustainable Homes. Officers clarified that due to the lapse of time since the previous

approval this extra condition can be added. Additional conditions regarding drainage should also be added.

Councillor Moore expressed concerns regarding vehicle access from the application site onto the main road due to its position between 2 blind bends. He advised the committee he could not support the Officer's recommendation of approval.

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

Condition 10 – Development shall not begin until details of foul and surface water drainage works have been submitted and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

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

Condition 11 – Peak surface water run-off from the development shall be attenuated to 70% of the existing rate, in accordance with a scheme to reduce run off to be submitted to and agreed in writing by the Local Planning Authority (based on 140 l/s/ha of connected impermeable areas). The scheme submitted shall include storage volume calculations, using computer modelling, allowing for a 1:30 year storm with no surface flooding along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model shall also include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst case volume required. Details of run off rates including calculations of both the existing and proposed rates shall also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason – In the interests of sustainable drainage and to comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk).

Condition 12 – The first reserved matters application submitted in pursuance of this outline planning permission shall be accompanied by an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. This shall indicate that at least a CSH level 3 star rating shall be achieved. This shall be

followed by the submission of a Code for Sustainable Homes Final Certificate (issued at post construction stage) which shall be submitted to the Local Planning Authority after completion and before first occupation of the building, and shall confirm that at least the minimum code level 3 star was achieved as indicated in the initial CSH Design Stage assessment. If the dwelling has not achieved the required 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.

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

Action Required

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

4c Proposed Telecommunications Pole Fronting 39 Oak Tree Lane, Haxby, York. (08 02441 TCNOT)

Members considered an application for prior approval for the proposed installation of a 12.2 metre high telecommunications mast with associated equipment.

Officers updated with the following information:

- Highways had confirmed that the width of the footpath would still meet the minimum width of 2metres with the mast in place.
- Councillor Watt had emailed a letter of objection and a further letter of objection had been received from a local resident containing general comments.

- Officers clarified that the recommendation “no objections” is due to the application being for prior approval and the council is only able to object or not object to such an application.

Representations in objection to the mast were received from the Head Teacher of Headlands Primary School, and two local residents. They expressed concerns regarding the wellbeing of school children and people living close to the mast. They felt that there had been insufficient prior consultation with residents and highlighted that there was great concern amongst residents about the location of the mast.

Members expressed disappointment at Vodafones lack of consultation with residents and asked officers if other sites had been considered as the proposed site is in a built up area. Officers confirmed that 15 other sites had been looked at but this one provides the coverage Vodafone require.

Members felt that the telecommunications pole would be visually intrusive in such a prominent area and could not support the proposal.

RESOLVED: Prior approval required and refused.¹

REASON: The proposed mast by virtue of its appearance and height will represent a dominant and visually intrusive feature in the streetscene which is not considered to be in keeping with the character of the residential area in which it would be located. This is considered contrary to national guidance in PPG8 (Telecommunications) and Policy GP20 of the City of York Draft Local Plan, 4th set of changes approved April 2005.

Action Required

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

4d House Of James, Stamford Bridge Road, Dunnington, York, YO19 5LN (08/00785/FUL)

Members considered an application for the change of use from Class B8 (Storage and Distribution) to the conversion and customising of cars and light commercial vehicles on land at St. James Business Park. The site has recently been used by the Hauliers, House of James Transport Ltd.

Members commented that although the application site is in the Green Belt, the change of use being applied for on this occasion was suitable for the site.

RESOLVED: That the application be approved.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 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.

Action Required

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

4e Lord Deramores Primary School, School Lane, Heslington, York, YO10 5EE. (02/02386/GRG3)

Members considered an application for a temporary unit after the demolition of existing units and the removal of a tree at Lord Deramores Primary School. The application seeks permission for the siting of a temporary relocatable building to the south east of the school. Consent is sought for the unit for 3 years and would be used as a pre and after-school accommodation unit.

Officers present representing the school confirmed that the building was required to replace inadequate facilities currently in place.

Members expressed concern over the use of temporary buildings at schools, when permanent structures are needed in the long term.

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

Condition 6 – Within one month of the siting of the temporary unit on the site, the existing units shall have been demolished and all building materials, rubble etc removed from the site in its entirety.

Reason – In the interests of the amenity and appearance of the area.

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

Action Required

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

SS

K Hyman, Chair

[The meeting started at 2.00 pm and finished at 3.20 pm].

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	17 DECEMBER 2008
PRESENT	COUNCILLORS HYMAN (CHAIR), DOUGLAS, FIRTH, FUNNELL, KING, MOORE, ORRELL, TAYLOR AND WISEMAN
APOLOGIES	COUNCILLORS CREGAN

INSPECTION OF SITES

Site	Attended by	Reason for Visit
Shipton Street School	Cllrs. Hyman, Moore and Douglas	To familiarise Members with the site.
Hall Farm	Cllrs. Hyman and Moore and Orrell	In view of objections received and to familiarise Members with the site.
8 Cundall Close	Cllrs. Hyman, Moore and Wiseman	In view of objections received when the recommendation is to approve.

5. DECLARATIONS OF INTEREST

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

Councillor Douglas declared a personal and prejudicial interest in item 3e (Shipton Street School) as she is Ward Councillor for the area and felt that she had prejudged the application and left the room and took no part in the discussion and voting for this item.

Councillor King declared a personal and prejudicial interest in item 3e (Shipton Street School) as he is Ward Councillor for the area and felt that he had prejudged the application. He spoke from the floor as Ward Councillor and then left the room and took no part in the discussion and voting for this item.

6. 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.

7. 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.

7a 8 Cundall Close, Strensall, York, YO32 5ZW (08/02561/FUL)

Members considered a full application for a single storey pitched roof side extension and a two storey pitched roof rear extension.

Representation in objection to the application was heard from a neighbour who raised concerns regarding overdevelopment. He felt that the proposal would negatively affect the level of privacy to his property and the amount of light it receives.

Members confirmed that they agreed with the Officers recommendation of approval as they could see no planning reason why the application should be refused.

RESOLVED: That the application be approved.¹

REASON: 1. In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to occupants of neighbouring properties. Not is it considered that the size and scale or design of the two storey side extension would have any detrimental impact on the street scene. As such the proposal complies with policies H7 and GP1 of the City of York Draft Local Plan.

2. The Town and Country Planning (General Permitted Development) Order as amended on 1 October 2008 states under Class A, condition A.3 (b) that 'any upper floor window located in a wall or roof slope forming a side elevation of the dwelling house shall be –

- (i) Obscure-glazed, and
- (ii) Non opening unless parts of the window which can be opened more than 1.7 metres above the floor of the room in which the window is installed'

So long as the proposed window on the existing east elevation is compliant with the above it is acceptable. Any variation may require a separate planning application.

Action Required

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

7b Hall Farm, Church Lane, Huntington, York, YO32 9RE. (08/02493/FUL)

Members considered a full application for the installation of a 21m high lattice type telecommunications mast with associated equipment at Hall Farm, Huntington.

Officers updated that 82 signed slips in objection to the scheme had been received. In addition, details of the Parish Councils objection and the list of alternative sites considered by Vodafone was distributed to Members.

Objections were heard from a Parish Councillor who advised members that the proposed mast would be a major loss of amenity to residents of Huntington and visitors to the area. Objections were also heard from the River Foss Society who expressed concerns about the proposed location of the mast within the Green Belt.

Members agreed with the Officers recommendation of refusal due to the location of the proposed mast in the Green Belt and the loss of amenity to local residents. Concerns about the impact on the nearby conservation area were also raised.

RESOLVED: That the application be refused.¹

REASON: The site is within an area of Green Belt. It is considered that the location, design and height of the proposed mast, together with the visual impact of the access road and associated equipment, would be harmful to the character, appearance and visual amenity of the area. It is considered that the proposed development would introduce a visually intrusive form of development into a landscape which is attractive, open and undeveloped and is enjoyed by both local residents and visitors to the area. As such the proposed development is considered contrary to Policies GB1 and GP20 of the City of York Draft Local Plan, and Central Government advice contained within Planning Policy Guidance 2: "Green Belts" and Planning Policy Guidance 8: "Telecommunications".

Action Required

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

7c Royal Dragon, 16 Barbican Road, York, YO10 5AA. (08/02081/FULM)

Members considered a major full application for the erection of a 3 storey detached building comprising of 10 no. flats and 2 no. maisonettes on existing pay and display car park at the rear of Royal Dragon Hotel. Demolition of the north wing of the existing single storey extension and rear single storey extension at the Royal Dragon Hotel to create new access from Barbican Road.

Officers updated with the following additional information:

- An additional letter of objection had been received from a resident of Barbican Mews objecting on numerous points, including the close proximity of the development to their property, concern at possible noise and inconvenience during building works, the scale of the development, loss of privacy, possible overdevelopment and road safety.
- Drainage proposals for the development had been agreed since the officers report was drafted and are as follows: (i) Drainage proposals are satisfactory but a specific condition to deal with outstanding information is required. This would replace the informative attached to condition 21 on pages 32 and 33 of the agenda. (ii) An informative has been added to reflect that Surface Water Drainage details should include details of the surface water attenuation system and the porous car park paving.
- Archaeology conditions ARCH1 and ARCH2 need to be added on recommendation of the Council's Archaeologist.

Representations in support of the application were heard from the applicants agent who stated that the scale of the proposed buildings would be no higher than neighbouring properties and that the surface water would be a 30 percent reduction on the current status.

Members expressed concern over the reduction in parking spaces, highway safety and overdevelopment in the area. Members also raised concerns regarding the provision of affordable housing and queried if an informative could be added.

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

Informative 7 – The applicant/developer is reminded that in the event of any future proposal to convert the Royal Dragon restaurant to residential use, the Councils affordable housing criteria will be applied to the entire site, including the development hereby approved . This currently stands at 50% of the total number of units, where this exceeds 15. This is in order to avoid a situation where the affordable housing criteria are not exceeded through the artificial separation of development sites.

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:

- principle of the proposal
- visual amenity and impact on the conservation area
- residential amenity
- housing mix
- parking and highway safety
- environmental protection
- flood risk and drainage
- sustainability
- planning out crime

As such the proposal complies with Planning Policy Statement no.1 “delivering Sustainable Development”, Planning Policy no.3 “Housing”, Planning Policy Guidance no.15 “Planning and the Historic Environment”, Regional Spatial Strategy for Yorkshire and the Humber (2008) and Policies SP10, SP6, GP1, GP3, GP4a, GP4b, GP9, GP15, HE2, T4, T16, H3c, H4a, H5a, ED4, L1c, C6, SP3 and SP8 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

7d Royal Dragon, 16 Barbican Road, York, YO10 5AA.(08/02082/CAC - Conservation Area Consent)

Members considered an application for Conservation Area Consent for the partial demolition a wall and railings at the Royal Dragon Hotel.

RESOLVED: That the application be approved.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 of the demolition works on the character, setting and appearance of the Conservation Area. As such the proposal complies with Policies HE5 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

**7e Shipton Street County Infant School, Shipton Street, York, YO30 7AU.
(07/01633/FULM)**

Members considered a full application for the change of use, extension and alteration of the existing former school buildings and new build to form 37 residential dwellings and a community ward facility and associated access, open space and landscaping.

Officers updated that comments had been received from the Police Architectural Liaison Officer. The main points raised are as follows:

- Ideally the vehicle entrance gates should be electronically operated and the pedestrian entrance gates key operated. Gates should be 1.8m high as a minimum.
- If gates are not provided the Police feel the parked vehicles inside would be vulnerable to crime.
- Failure to control the pedestrian gates by lock and key could result in the creation of an escape route through the development, the development being used as a short cut, particularly on football match days, illegal parking on match days.
- If gating the vehicle entrance is not possible then other measures should be used such as making the area appear to be private property with change of road surfaces, pillars etc.
- The car park should be lit to the relevant levels as recommended by BS5489.
- The Police recognise the difficulties the site poses.

Officers updated and recommended the following amendments to conditions:

- A full landscaping plan has been agreed and a condition will be added to reflect this plan.
- The vehicular entrance into the site needs to be widened .A condition will be added to control materials, design etc, including any gates which may be fitted to it.
- Add Noise 7 – control of times of work.
- Condition3 – Add the need for sample panels of materials to condition 3 to be constructed on site for agreement as opposed to just the submission of materials. This amendment will allow officers to address how materials fit together and the type of mortar to be used.
- Condition 5 to be utilised to condition the internal road surfaces and the reason amended to reflect this.
- Condition 19 – Sustainability-amend the words at the beginning to say ‘Unless otherwise agreed in writing by the Local Planning Authority’. The applicant has committed to achieving Code for Sustainable Homes Level 3 and this can be achieved on the new build but maybe a little more problematic on the listed building given the constraints the building offers in terms of historic importance and the need to retain existing features.
- Condition 14. A long condition which following the submission of a gas assessment report, which confirms that no significant gas levels

were encountered at the site, can be substantially amended to that in the Agenda and will be shown at the end of these minutes.

- Condition will be added in relation to a construction traffic management plan and boundary treatment.

Councillor King spoke from the floor as Ward Councillor. He congratulated the applicant for working so closely with local residents and the Council . He told the Committee that he decided to get involved to help residents in the area to get what they wanted. He said the Community room will be a great asset to the area and would be initially handed over to Ward Members to control and to devise a management plan for the room. He advised he would prefer no gates to be added to the development and urged the Committee to support the scheme. He then left the room and took no part in the discussion, debate or voting on this item. Councillor Douglas as Ward Member also left the room.

Representations in support of the application were received from a representative from Clifton Residents group who confirmed that local residents are in favour of the scheme and are keen for it to progress. He praised the applicant for the exemplary way consultations had been carried out. Representations in support of the application were then heard from the Applicants Agent who advised that full community engagement had been undertaken in the planning stages of the application. He advised that the scheme was a good use for the deteriorating site and is a sensitive refurbishment of a listed building.

In answer to Members question, the representative from Clifton residents Association confirmed that they saw no reason why the development should be gated and that they do not wish to see it isolated.

Members expressed support for the proposal and commented that the design is attractive and the use appropriate for the area. They welcomed the provision of affordable housing and overall were happy to support the scheme.

RESOLVED: That the application be approved subject to the conditions listed in the report and subject to the following amended or additional conditions and subject to Section 106 Agreement.

Amended Condition 3 – Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of all the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The development shall be carried out using the approved materials. These details shall include a sample panel of the brickwork to be used on all buildings to be erected or altered. This sample panel shall be erected on the site and shall illustrate

the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

REASON: To achieve a visually cohesive development and so that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

Amendment to Condition 5 – Notwithstanding the details submitted with the application, a fully detailed drawing illustrating the design and materials of all internal roads, footpaths, turning and parking areas and any other adoptable open spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the start of construction on site.

REASON: In the interests of highway safety and in the interests of preserving character and appearance of the site and the historic setting of the listed building.

Amended Condition 14 – The approved remediation scheme (as outlined in Robinson Geo Engineering's proposed Methodology for Management and Disposal of Contaminated Ground, dated January 2008) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23) as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled

Amended Condition 19 – Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall be constructed to at least level 3*** under the Code for Sustainable

Homes (CSH). A CSH final certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Should the building fail to reach level 3 a report shall be submitted for written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve level 3 of the code. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

The following conditions have been added but the numbering of them is subject to the issuing of the decision notice.

Noise 7 – The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday and 9:00 to 13:00 Saturday and no working on Sunday or public holidays.

Reason: To protect the amenities of adjacent residents.

The Landscaping of the site shall be in accordance with approved drawing ref: 1911/1 Revision F 'Landscape Proposals'. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of construction works traffic within the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the

development commences and shall be provided before the development is occupied. These details shall include the required alterations to the boundary wall at the site entrance off Newborough Street including its detailed design materials and any gates.

REASON: In the interests of good design, the visual amenities of the area and preserving the character and appearance of the site and the historic setting of the listed building.

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

- Principle of residential development
- Affordable Housing
- Access and Highway Safety
- Impact on the setting of the Listed Buildings
- residential amenity
- Landscaping
- Sustainability

As such the proposal complies with Policies D6, H4A, H5, H2A, C6, L1C, T4, GP1, GP4A, HE2 and HE4 of the City of York Local Plan Deposit Draft and national guidance in PPG15.

7f Shipton Street County Infant School, Shipton Street, York, YO30 7AU. (07/01643/LBC - Listed Building Consent)

Members considered an application for Listed Building Consent for the conversion, extension and alteration of existing former school buildings to form part of a residential redevelopment scheme.

Officers updated that conditions 5 and 7 required amending at the beginning to state "Notwithstanding the details submitted with the application" and then the rest of the condition to follow as printed in the Officers report.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to preserving the historic character of the Grade II listed buildings. As such the proposal complies with National Guidance in PPG15 (Development and the Historic

Environment) and Policy HE4 of the City of York Draft Local Plan.

K Hyman, Chair

[The meeting started at 2.00 pm and finished at 3.20 pm].

COMMITTEE REPORT

Committee: East Area

Ward: Heworth Without

Date:

Parish: Heworth Without Parish Council

Reference: 08/01126/FUL

Application at: 1 Beans Way York YO31 1HT

For: Single storey detached dwelling on land adjacent to 1 Beans Way following demolition of garage, single storey side extension and porch to 1 Beans Way

By: Mr M Hussain

Application Type: Full Application

Target Date: 7 August 2008

1.0 PROPOSAL

1.1 The application site is located within a residential estate built in the 1960's, with a wide variety of house types and sizes. 310 Stockton Lane lies to the north, 2 and 3 Beans way to the south, 312 Stockton Lane to east, and the properties along Galtres Road on the opposite side of Beans Way are situated to the west. Adjoining the site to the south also lies a public footpath which connects Beans Way with Ryecroft Close. The site is currently occupied by a detached bungalow with a large detached flat roof garage in the northern corner.

1.2 This is a revised full planning application to erect a 2 bedroom bungalow following the demolition of the existing flat roof garage and partial demolition of the existing dwelling. The proposed development would also involve a single storey addition to the south of the existing bungalow, and a replacement porch on the front elevation. A 1.8m high boundary fence between the existing property and the proposed bungalow, a new landscaped area, a new driveway and bin and cycle storage areas also formed part of the scheme.

1.3 The proposed bungalow would measure 10.0m x 9.0m (max), with eaves height of 2.5m and an overall height of 5.0m. Both dimensions are broadly in line with the existing bungalow.

1.4 The latest revised drawings show the following changes:

i. the width of the southern extension to the existing bungalow has been reduced to 2.65m from the original 3.5m, leaving a 1.0m gap between the southern wall of the extension and the public footpath;

ii. the front wall of the proposed bungalow has been set 400mm back in line with the existing bungalow;

iii. an L-shaped footprint has been introduced to mirror the set back evident on the existing property; and

iv. a below ground surface water storage tank has been added within the front garden to store surface water and allow it to be discharged to the main sewer at a restricted rate.

1.5 Access into the site is from Beans way off Stockton Lane. The plans submitted show there would be individual driveways for both the existing and the proposed bungalows. Highway officers are satisfied that the driveways allocated for both the dwellings are capable of accommodating two vehicles each. A new drop kerb is proposed between the public highway and the new driveway fronting the existing bungalow. A cycle storage shed would be provided for each of the units, each accommodating two cycles.

1.6 This application is brought to Planning Committee due to the high level of public interest and the appeal history relating to the site. As one of the key issues is the impact of the proposal on the streetscene, a site visit has also been recommended.

RELEVANT PLANNING HISTORY

1.7 In January 2007 an outline application to erect 2no. detached dormer bungalows following demolition of an existing bungalow and garage (ref. no.: 06/02422/OUT) was refused under delegated power for the following reasons:

i. "The proposed development is in conflict with policy GP10 of the City of York Draft Local Plan 2005 in that by virtue of its overall footprint in relation to the size of the application site, the proposed development would fail to provide sufficient space to accommodate various domestic and leisure activities for the eventual occupants."

ii. "By virtue of the close proximity between the two dwellings proposed, the proposed scheme would fail to provide adequate level of privacy for future occupants living in these dwellings, contrary to policy H5a of the City of York Draft Local Plan 2005".

1.8 An appeal was made against the decision of the Local Planning Authority in February 2007 (Appeal ref. no.: APP/C2741/A/07/2037290) and was dismissed by the Planning Inspectorate on 12 June 2007. Part 4 of the report below outlines the reasons for dismissing the appeal.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYGP10
Subdivision of gardens and infill devt

CYT4
Cycle parking standards

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYH7
Residential extensions

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

EXTERNAL

3.1 Neighbours notified and site notice posted - Expired 10 July 2008. 5 letters of objections received on the following grounds:

- this property was the first house built on this land - the flagship home for the estate;
- it was a former home of the man who gave Beans Way its name (Mr. Noel Bean), as such it should be treated with some sensitivity;
- the prominence of this property has meant that any development here would have an impact on the lives of the people living in this estate;
- this is a classic 1960s building due to its architectural character and appearance. The proposal would destroy its architectural quality and its original setting;
- the existing property merits listing;
- the proposal would effectively demolish the existing dwelling.
- the proposal would result in the sheer vandalism of this property;
- by altering the existing dwelling to make way for the new dwelling is unsustainable;
- the proposal is not sympathetic to the host building and the character of the area;
- the proposal is disproportional to the main building;
- the proposal does not relate to the 1960s look of the existing property;
- the proposal would affect the classic roofline of existing building;

- the proposal would result in the loss of the garden at the side. The front garden would be given over to car parking, and the rear garden will be halved, leaving little amenity space for what is a family home;
- the proposal would harm the view of the occupants at 2 Beans Way;
- the proposal is not sustainable as it would result in a loss of garden to make way for parking.
- the proposal would result in the loss of an estimated 40 per cent of the mature beech hedge mentioned as valuable by the planning inspector;
- the proposal would not result in a more attractive road frontage;
- there would be a large, ugly and windowless wall to the south of the property which would encroach on the neighbours to the south;
- the proposal would harm an area characterised by relatively low density housing and occupied by elderly people and small families;
- the proposal would increase traffic in the area and particularly around the junction with Stockton Lane where there are already traffic and parking problems, partly due to cars parked near the application site by patients visiting the Chiropractice on Stockton Lane;
- an additional driveway without adequate turning space will only increase traffic problems;
- the proposed extension would make the footpath dark and unattractive to the many elderly users;
- the proposal would add pressure to the existing sewerage system, which is already struggling to cope with heavy rain;
- the existing pumping system to the rear of 3 Beans Way is already inadequate. The proposal would not improve the situation;
- this application should be more widely publicised;
- the proposal represents an overdevelopment of the site;
- the proposed building line may interfere with the sightline on what at the present time is a bad corner for traffic;

3.2 Five letters of objections received following the submission of amended drawings. The following concerns were raised:

- the revised scheme is still an overdevelopment of the site;
- the proposal only allows two vehicles to be parked off the road;
- the revision may not have done enough to keep an acceptable distance from the existing footpath;
- the revised scheme have not fully addressed problems with the sewerage, surface water, speeding vehicles, parking on a public highway, sustainability, and poor quality design;
- the proposal would set a harmful precedent to future developments in this location;
- the proposal would destroy the fine beech hedging planted by Noel Bean, a well-respected figure in Heworth;
- this classic building should be left untouched;
- the revised scheme would still have an impact on the streetscene;

3.3 Heworth Without Parish Council - first response received 27 June 2008. No objections. No further response received following the submission of revised drawings.

3.4 Foss Internal Drainage Board - response received 4 July 2008. No objections subject to recommended conditions. No further response received following the submission of additional information.

3.5 Yorkshire Water - first comments received 13 October 2008. Yorkshire Water have no objections to the proposed surface water connection to their nearby sewer. Further comments received 16 January 2009:

- it is confirmed that there is a 150mm foul public sewer in the highway of Beans Way within 3m of the boundary of the property;
- this sewer is of sufficient size to accommodate the additional flows from the proposed development. Yorkshire Water have no recorded incidents in relation to this sewer or the sewer network as a whole in this area.
- the development is to a gravity sewer downstream of their nearby pump station and therefore has no impact upon its operation.
- In light of the above it is confirmed that the proposed connection and additional flows causes us no operational concerns and therefore Yorkshire Water have no objections in principle to the proposals.

INTERNAL

3.6 Drainage Engineering Consultancy - First response received 1 July 2008. The consultancy objected as insufficient information has been provided by the developers to determine the potential impact the proposals may have on the existing drainage system.

3.7 Drainage Engineering Consultancy - Second response received 16 January 2009 following the submission of additional drawings showing the proposed surface water drainage connection and surface water drainage tank. The Consultancy has removed their previous objections subject to drainage conditions.

3.8 Highway Network Management team - first response received 30 June 2008. No objections subject to recommended conditions. Second response received 19 January 2009 following the submission of revised drawings; the following comments were made:

- There are no objections in principle to these amended proposals;
- it is noted that the adopted footway running along the south east side of the existing dwelling is shown as being rounded off, approximately 10m centreline, at the southern corner.
- There are no specific requirements or recommendations of the highway authority to re-route the footway as a consequence of this development in the manner shown,
- should the applicant offer to provide such "improvements" then detailed drawings and proposals should be submitted for our approval and, if appropriate, agreements entered into to secure the works.
- Amended drawings requested to show either the true extent of the site or proposed footway re-routing.

3.9 Environmental Protection Unit - Response received 25 June 2008. No objections. Informatives recommended.

3.10 Lifelong Learning and Leisure - Response received 3 July 2008. As there is no on-site open space financial contribution toward off-site provision is required. This should be based on the latest York formula.

4.0 APPRAISAL

4.1 The main issues to be considered are:

- i. Principle of residential development
- ii. Character, appearance and impact on residential amenity
- iii. Drainage
- iv. Parking and Highway Safety
- v. Sustainability

PRINCIPLE OF RESIDENTIAL DEVELOPMENT

4.2 Neither the reasons for refusing the first application nor the Inspector's subsequent decision letter raised any objections to the principle of residential development on this site. Policy H4a of the City of York Draft Local Plan broadly reflects Central Government advice within Planning Policy Statement 3 ("Housing") and supports residential development within the urban area which involves the redevelopment of existing building in a location with good accessibility to jobs, shops and services by non-car modes. It also requires developments to be of an appropriate scale and density to surrounding development, and would not have a detrimental impact on existing landscape feature. These issues are assessed below.

CHARACTER, APPEARANCE AND RESIDENTIAL AMENITIES

4.3 At the time of dismissing the appeal, concerns were expressed by the Planning Inspector regarding the size and positioning of the proposed dwellings. He noted that "the front main wall of both proposed dwellings would stand well forward of that of the existing dwelling; and in front of the line of the side boundary of no.310 Stockton Lane" (paragraph 7). Furthermore, "the proposal would bring a much larger building on to the northern part of the plot and, in particular, its gable wall would form the common boundary with the garden of 310 Stockton Lane and with part of the close-mown highway verge, at the entrance of Bean's Way" (paragraph 7). As such, the inspector considered that "the scale and mass of the side elevation of the bungalow on the northern site boundary, together with its position in relation to the highway verge, would dominate this part of the site and would unacceptably intrude into the street scene at the entrance of this residential estate" (paragraph 7).

4.4 The latest submission shows the existing bungalow would be altered rather than completely demolished and the front wall of the new dwelling would not project beyond the existing property. In relation to 310 Stockton Lane, the front walls of both the existing and proposed dwellings would not protrude beyond the side boundary of this property, and in order to mirror the set back evident on the existing property, the footprint of the proposed building would be in the form of an L-shape. The latest submission further shows a 1.0m gap between the northern wall of the new dwelling and the boundary hedge to the rear of 310 Stockton Lane; the overall width of the

side wall facing 310 Stockton Lane would be reduced to 9.6m from the original 11.0m (as shown in the original 2006 submission). It is considered that the amendments to the original scheme as described above would sufficiently address the concerns regarding unacceptable intrusion into the street scene at the entrance of the residential estate. The proposed amendments would also address the Inspector's second concern regarding the impact the side wall of the proposed bungalow would have on the garden at 310 Stockton Lane in terms of overshadowing and visual intrusion.

4.5 Issues concerning the architectural merits of the existing 1960s bungalow within the application site, and its contribution to the character and appearance of this estate had been considered at the time of the appeal. The inspector acknowledged that this building "has an unusual design" (paragraph 5). Nevertheless, he did not consider that the building "has a sufficiently special or distinctive appearance that would demand its retention for its own sake" (paragraph 5). It is further noted that this is not a listed building, and that the application site is outside a conservation area. As such, the fact that this was the former home of the man who gave Beans Way its name is unlikely to warrant its retention. Notwithstanding this, the latest scheme seeks to retain parts of the existing bungalow.

4.6 The only structure which requires complete demolition is the flat roofed detached garage which occupies about a third of the plot width. The inspector considered that this is a garage with "very ordinary appearance" (paragraph 5).

4.7 The proposed bungalow occupies a smaller footprint than the original building. To reflect the character of original bungalow the scheme mirrors the "L" shaped form of its footprint. The height, fenestration, pitched roof appearance, eaves details and use of materials would compliment the existing dwelling and would sit comfortably within the local street scene. The proposed additions to the existing dwelling would be in keeping with the general design of the original building and would be subservient to the scale and massing of the existing bungalow. In order to reduce the visual impact the proposed extension would have on the users of the public footpath, the latest revised plan shows there would be a 1.0m gap between the proposed extension and the footpath to the south of the site. Overall, it is not considered that the character and appearance of the area would be unduly compromised by this development.

4.8 The original scheme was refused in 2007 due to the close arrangement of the two bungalows and insufficient garden spaces to serve two dwellings. The inspector disagreed with the reasons for refusal, in that he felt the close arrangement of the two bungalows would be consistent with the general pattern of development elsewhere (paragraph 8). He also acknowledged that although the proposed garden spaces were small, they would be the same as that currently available to the existing dwelling, and that the overall amenity space would be sufficient (paragraph 14). The amenity spaces proposed for the two dwellings would be slightly larger than the original refused scheme. Furthermore, the footprint to be occupied by the proposed development would be less than the original scheme. As such, and having taken into account the Inspector's decision, it is not considered that the proposal constitutes an overdevelopment of the site.

4.9 The scheme would involve the removal of parts of the boundary hedge fronting the public highway. It is not considered that the extent of the removal as shown on the submitted drawings would unacceptably affect the general character and appearance of the area.

DRAINAGE

4.10 Following the concerns raised by the Council's drainage engineering consultancy, additional information has been provided to ensure the site can be adequately drained as a result of the proposals. Detailed calculations of surface water runoff from the development have been carried out, and the point of discharge of the existing drainage system has been investigated. As a result of this work the applicant proposes to install a surface water storage tank within the front garden, which will store surface water and allow it to be discharged to the main sewer at a restricted rate.

4.11 Drainage engineering consultancy has now removed their initial objections following the submission of additional information. This is subject to a condition requiring surface water discharge from the site to be restricted to a maximum of 1.1 litres per second with a storage tank of minimum 5.34 cubic metres (condition 12). A condition requiring the position and details of the flow control device manhole to be approved (condition 13), and a condition controlling the existing and proposed finished floor and ground levels (condition 14) have also been recommended.

4.12 It has been confirmed by Yorkshire Water that there is a 150mm foul public sewer within Beans Way. This sewer is considered by Yorkshire Water to be of sufficient size to accommodate the additional flows from the proposed development. Yorkshire water has no recorded incidents relating to this sewer or the sewer network as a whole in this area. Hence the proposed connection and additional flows would cause no operational concerns. Yorkshire Water has also raised no objections to the proposed surface water connection to their public sewer.

PARKING AND HIGHWAY SAFETY

4.13 Highways officers are satisfied that the driveways proposed for both the existing and proposed dwellings are capable of parking two vehicles each. Appendix E of the City of York Draft Local Plan sets out the maximum car parking standard; this is 1 per two bedrooms dwelling and 2 per three or more bedrooms dwelling. Given that the existing dwelling would remain as a three bedroom property and the proposed bungalow would contain two bedrooms only, the scheme proposed would exceed the Council's car parking standards. No concerns were raised by the Highway Network Management team regarding highway safety subject to standard highway conditions (conditions 8 to 11).

4.14 With regard to the layout of the public footway as shown on the submitted site plan, the applicant's agent has confirmed that the proposals will not encroach upon the existing highway. It is also not intended to create an additional area of highway, amend the route of the footpath, nor extend the existing highway into the application site. An amended plan has been submitted to show a more accurate boundary of the site. No further concerns are raised by the Highway Network Management team.

SUSTAINABILITY

4.15 In accordance with policy GP4a of the City of York Draft Local Plan a Sustainability Statement covering the criteria set out in this policy has been submitted with the planning application. The latest scheme is considered to be more sustainable than that of the previous application, in that it seeks to make use of the existing bungalow on the site. It is hoped that some of the existing materials can be re-used to construct the new extension to the bungalow. In order to reduce surface water runoff a large area of hardstanding will be replaced with soft landscaping. In addition, the applicant will install water butts to collect rainwater from the roofs of the properties for use to water garden areas. As shown on the site plan, there would be adequate provision for the storage and collection of refuse and recycling.

4.16 The site is also located within the main urban area of York with good access to local services and public transport network. The nearest local shops are located within 2km of the site in the centre of the village of Heworth including a convenience store, pharmacy and other local services. The nearest local schools are Hempland Junior school and the secondary school Burnholme Collage, both of which are located within walking distance of the site.

4.17 The proposal accords with the general principles of sustainable development. Nevertheless in accordance with the standards set out in the Interim Planning Statement on Sustainable Design and Construction, the development is expected to achieve Code for Sustainable Homes Level 3*** or above as a minimum. The Interim Planning Statement also requires at least 5% of the expected energy demand for the development to be provided through on-site renewable generation. These requirements are to be secured by recommended conditions (conditions 15 and 16).

OTHER MATERIAL CONSIDERATION

4.18 Public consultation - Neighbours notification was carried out in accordance with the standards set out in the "Publicity for Planning Application" document produced by the Council. This procedure was prepared in line with the standards set out in Circular 15/92 "Publicity for Planning Applications" published by the then Department of the Environment.

4.19 Open space - In accordance with Policy L1c of the City of York Draft Local Plan 2005 a commuted sum payment towards off site open space provision is required. For a 2 bedroomed property (as proposed), the commuted sum required is £1242.00.

4.20 Having taken the above into account, it is considered that the proposal accords with the policies set out in the City of York Draft Local Plan. It is also considered that the concerns of the Inspector expressed in the previous appeal have been fully addressed. Hence this application is recommended for approval.

5.0 CONCLUSION

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

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:-

ARK-274-02RA, ark-274-001 and ark-274-002

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

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

3 VISQ8 Samples of exterior materials to be app

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

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

5 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 £1242.00.

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

6 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 5 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

7 All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

Reason: To safeguard the amenities of adjoining occupants.

- 8 HWAY10 Vehicular areas surfaced, details reqd
- 9 HWAY19 Car and cycle parking laid out
- 10 HWAY25 Pedestrian visibility splays protected
- 11 HWAY31 No mud on highway during construction

12 Surface water discharge from the application site shall at all times be restricted to a maximum of 1.1 litres/second and the capacity of the surface water storage tank as shown on drawing no. Ark-274-001 shall at all times be a minimum 5.34 cubic metres. The surface water drainage system shown on the approved drawing shall be fully operational prior to the occupation of the dwelling hereby approved.

Reason: To ensure the site is adequately drained.

13 Notwithstanding the information obtained on the approved drawing, prior to the commencement of development details and position of flow control device manhole shall be submitted to and agreed in writing by the local planning authority.

Thereafter the approved details shall be fully implemented and shall not be removed or altered unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the site is adequately drained.

14 Notwithstanding the information obtained on the approved drawing, prior to the commencement of development details of the existing and proposed finished floor and ground levels shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved details shall be fully implemented and shall not be altered unless otherwise agreed in writing by the local planning authority.

Reason: So that the Local Planning Authority may be satisfied that adequate protection against flooding is achieved.

15 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-star 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.

16 Unless otherwise agreed in writing by the Local Planning Authority, a minimum of 5% of the expected energy demand for the development hereby approved shall be provided through on site renewable generation for heat and/or electricity. Prior to the commencement of development a statement outlining how this is achieved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable and accords with Policy GP4a of the Draft City of York Local Plan and the City of York Interim Planning Statement on Sustainable Design and Construction.

17 VISQ4 Boundary details to be supplied

**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 principle of residential development, character and appearance, residential amenity, drainage, parking, highway safety and sustainability. As such the proposal complies with Policies GP1, GP4a, GP10, T4, H4a, H5a, H7, L1c of the City of York Local Plan Deposit Draft.

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.

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

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

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

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

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

v. There shall be no bonfires on the site.

4. INFORMATIVE:

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

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

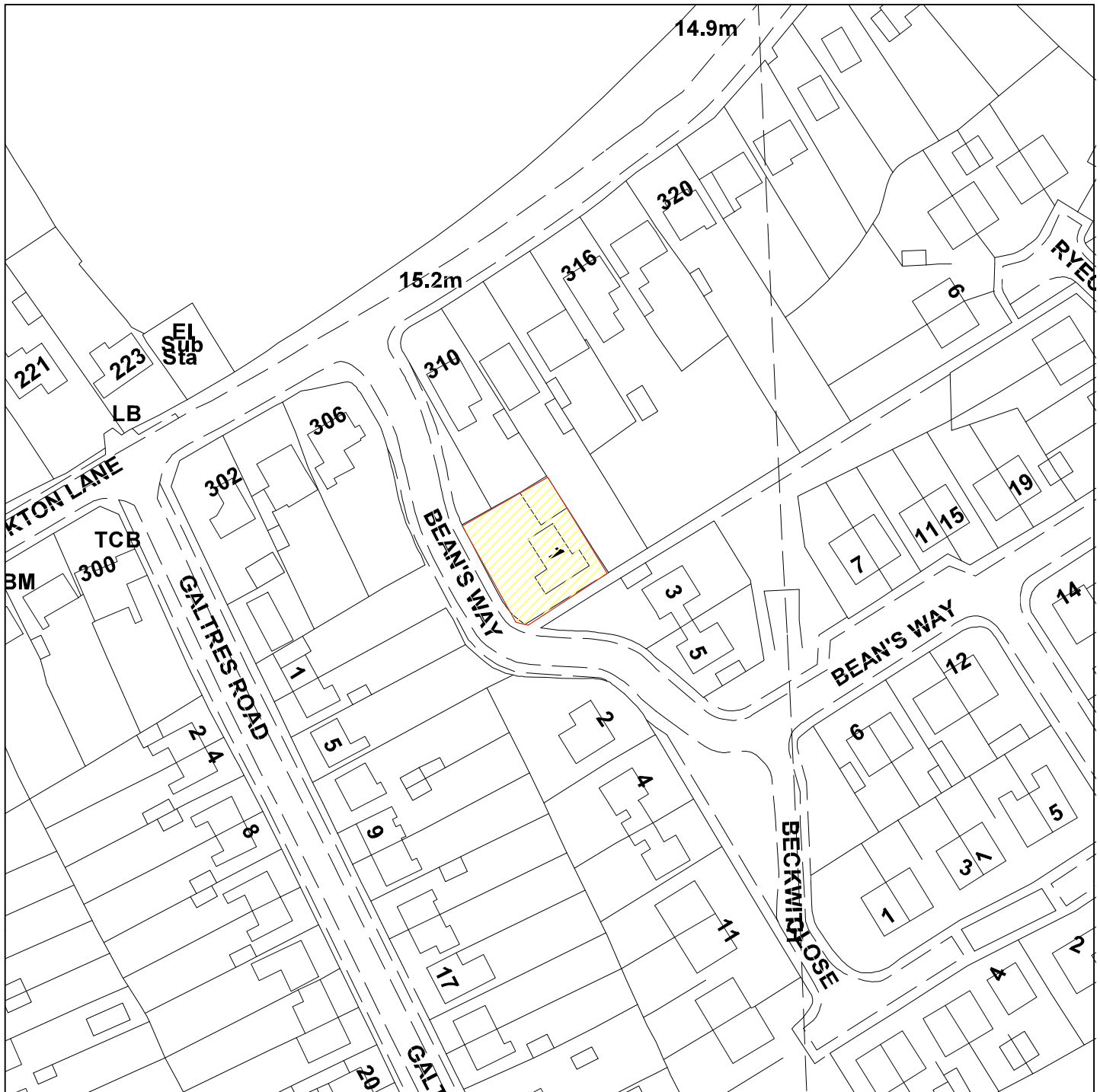
Contact details:

Author: Billy Wong Development Control Officer

Tel No: 01904 551326

1 Beans Way

08/01126/FUL



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Site
Date	27 January 2009
SLA Number	Not Set

COMMITTEE REPORT

Committee: East Area
Date: 5 February 2009

Ward: Haxby And Wigginton
Parish: Wigginton Parish Council

Reference: 08/02485/FUL
Application at: 22 Middle Banks Wigginton York YO32 2ZF
For: Two storey dwelling attached to side of existing dwelling (resubmission)
By: Mr Paul Foster
Application Type: Full Application
Target Date: 24 December 2008

1.0 PROPOSAL

4.1 The application property is one of two gable roofed semi-detached properties built circa 1980. A small extension has been erected to the rear and a garage to the side. It is proposed to erect a small 2 bedroom dwelling attached to the side. The garage would be replaced and a small single storey element attached.

4.2 In August 2008 (08/01782) an application for a three storey bedroom attached dwelling was refused because of the impact of overdevelopment and because it did not address flooding concerns.

4.3 During the consideration of the present application revised plans were received. The main difference between the current scheme and the scheme that was refused is that the width of the proposed two-storey element of the house has been reduced from 7.2m to 4.5m. The internal floor space has been reduced significantly with the scale of the proposed house similar to the attached dwelling.

4.4 The application is brought to Committee due to the large volume of local concern that has been expressed.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary : York City Boundary 0001

DC Area Teams : East Area (2) 0005

Floodzone 2 : Flood Zone 2 CONF

Floodzone 3 : Flood Zone 3

2.2 Policies:

CYGP1
Design

CYH4A
Housing Windfalls

CYGP10
Subdivision of gardens and infill devt

CYGP15
Protection from flooding

CYGP4
Environmental sustainability

3.0 CONSULTATIONS

3.1 Internal

York Consultancy - No objections subject to conditions.

Highways Network Management - No objections subject to conditions.

Environmental Protection - No objections subject to conditions/informatives.

Life Long Learning and Leisure - require a financial contribution towards the provision of for open space.

3.2 External

Environment Agency - No objections subject to conditions.

Parish - Object due to overdevelopment, inadequate access, inadequate parking arrangements, terracing effect, new development out of scale, concerns re drainage implications on the area.

Neighbours - Objections received from the occupiers of 6 properties. The following concerns are raised. Comments were not sought in respect to the revised scheme as they did not create new issues from those listed below:

Overdevelopment.

Terracing.

Terraces are out of character

Inadequate separation to front, side and rear - will decrease light and increase overlooking.

Will add to existing parking problems.

Gardens are too small.

Noise and disturbance.
Conflict with pedestrians.
Loss of security through rear access.
Surface water drainage concerns.
Foul water drainage concerns.

Case officer - these issues are addressed in the report. It is not considered that a small increase in foul drainage would justify refusal and can be considered via alternative legislation.

4.0 APPRAISAL

4.1 Key Issues

- impact on streetscene
- impact on neighbours
- quality of accommodation
- flood risk
- highway considerations

4.2 Local Plan Policy GP1 'Design' states that development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and vegetation. The design of any extensions should ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.3 Planning Policy Statement 1 sets out the Government's overarching planning policies. It sets out the importance of good design in making places better for people and emphasises that development that is inappropriate in context or fails to take the opportunities available for improving an area should not be accepted.

4.4 Policies H4a and GP10 allow for the subdivision of gardens for new development providing (amongst other things) it is of an appropriate scale and does not harm living conditions.

The key issues in assessing the proposal are considered to be:

4.5 Impact on the streetscene

The surrounding area is made up of detached and semi-detached properties - both bungalows and two-storey dwellings. In the context of a fairly varied streetscene it is not considered that a short terrace would necessarily be unacceptable.

The proposed dwelling is similar in style and scale to the attached semi-detached houses. It is considered that if approved it would create a sensitively designed terrace. Visually it would not appear over-developed through a gap of around 3.5 m being retained to the side boundary. This will help retain a feeling of space beside the adjacent public footpath and mature tree.

The revised scheme shows a car parking layout that would not appear unduly cramped. The parking needs for the small house would not be excessive. The layout proposed would not be unlike the extended property opposite. The erection of a suitable boundary treatment will be controlled by condition.

4.6 Impact on neighbours

The separation distance to the property to the rear would be approximately 20m with a distance of 12m to the garden boundary.

The separation distance to the front is approximately 15 m. Because of the angle of the house this is slightly less than the host property and established separation distances in the street.

There is adequate separation to the side.

It is considered that the arguments in respect to the acceptability of the proposal on the amenity and living conditions of adjacent occupiers are fairly well balanced. The previous scheme was wider and would have had a greater visual impact. It is the case that the width of the house now proposed is little wider than a 'typical' two-storey side extension; several such extensions have been erected in the street. On balance, it is now considered that an objection on the grounds of additional loss of light or outlook would be difficult to sustain. The separation distances in respect to overlooking are little different than existing.

4.7 Quality of the accommodation

Proposed House

The proposed two-bed dwelling has a reasonable level of internal and external amenity space.

Host Property

The remaining host property would have a small rear garden adequate to meet its needs. Parking for cycles can be achieved through access from the lane to the side. One car parking space is available to the front of the house. Through altering the front garden boundary the layout of the revised scheme has been improved with adequate separation to the house and pedestrian access to the front door being retained.

4.8 Flooding

The property would be located in Flood Zone 3. The Environment Agency has confirmed that they have no objections subject to surface water drainage scheme being conditioned. York Consultancy objected previously but have now confirmed that they have no objections subject to a condition being included relating to discharge rates. Given that expert consultees do not consider the property to be at risk of flooding or increase the risk of flooding it is not considered that the scheme can be opposed on these grounds.

4.9 Highways

The proposed scheme provides adequate car parking and access to cycle parking for both houses. Although the shared drive arrangement is a little unusual it is considered that the proposed arrangements are acceptable.

It is considered that the rear access arrangements are acceptable and should not create new security concerns.

5.0 CONCLUSION

It is considered that the revised scheme overcomes the concerns set out in the previous refusal reasons. The proposal would create good quality new accommodation, would cause little harm to neighbours living conditions and would be well related to the established streetscene. Flooding concerns can now be addressed through appropriate conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: PP required - determination applications

1 TIME2 Development start within three years

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

Revised plans PFM/1/02/A, PFM/1/04/A, PFM/1/05/A, PFM/1/06/A received by the Local Planning Authority on 27 November 2008 and PFM/1/06/B received by the Local Planning Authority on 17 December 2008.

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

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

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

Reason: So as to achieve a visually cohesive appearance.

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

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

5 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is commenced.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system.

6 Unless otherwise agreed in writing with the Local Planning Authority no development approved by this permission shall be commenced until a scheme for the on-site storage of surface water (a minimum of 4.8 cubic metres) and its discharge from the site at a controlled rate of 1.2 litres per second has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in its entirety prior to the first occupation of the development and shall be maintained in an efficient manner thereafter.

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

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

8 Prior to the occupation of the dwelling a suitable boundary treatment shall be erected along the front boundary of the new dwelling and in the front garden between the new dwelling and 22 Middlebanks in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The boundary shall be constructed as approved prior to the occupation of the dwelling and shall remain as such unless otherwise agreed in writing with the Local Planning Authority.

Reason: To enhance the streetscene and protect pedestrians.

9 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with

such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

10 All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

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

Reason: In order to comply with the provisions of Policy L1c of the Development Control Local Plan which requires that all new housing sites make provision for the open space needs of future occupiers.

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £1,400.

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

12 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C, D and E of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the streetscene, highway safety, amenity and living conditions of adjacent occupiers and flood risk. As such the proposal complies with Policy GP1, H4a, GP10, GP4 and GP15a of the City of York Local Plan Deposit Draft.

2. DEMOLITION AND CONSTRUCTION

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

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

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

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

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

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

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

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

Contact details:

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

Tel No: 01904 55165

22 Middle Banks, Wigginton York

08/02485/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Site
Date	27 January 2009
SLA Number	Not Set

EXTERNAL

3.2 Haxby Town Council - No comments received to date. Update to be given at committee.

3.3 Neighbours - One letter of objection received from 31 The Avenue. The following comments were made:

- the plans are incorrect because the hedge between 29 and 27 The Avenue is a beech hedge not a birch hedge;
- the existing plan is inaccurate as it shows a metal vehicle gate, this has never been in place, the former boundary treatment of 29 The Avenue was a low stone wall;
- a Community Police Officer suggested avoiding planting or construction to the front of properties so that there is no hiding place, the proposal is of a height as to provide hiding opportunities;
- the gateposts have already been erected and thus have been constructed without planning permission;
- the position of the gateposts will cause a blind spot for anyone driving out of 29 The Avenue;
- there is only space for one car on the driveway and the garage is of limited size, therefore a second car is likely to be parked on the narrow road causing congestion;
- an open frontage would allow easier off road parking;
- the only hedges in the area of comparable height in The Avenue are corner properties where they are required to protect privacy;
- the design of the proposal is out of keeping within the remainder of The Avenue.

4.0 APPRAISAL

4.1 The key issues are considered to be the visual impact on the street scene and highway safety.

4.2 The Avenue is a road of predominantly detached houses of varied scale and design. 29 The Avenue is a house of contemporary design which was granted planning permission in 2007 (Ref. No. 07/00633/FUL). The two storey house was built after the demolition of a bungalow. The approved plans for the house did not include any detail regarding the front boundary treatment. The boundary treatment for the former bungalow was a dwarf stone wall. This is reflective of the character of The Avenue. The Avenue has a semi-rural feel which is partially created by the front boundaries. Many dwellings along The Avenue have no front boundary treatment with the majority of others having either a dwarf wall or hedge.

4.3 The frontage of 29 The Avenue is approximately 11m wide. The proposed boundary treatment consists of approximately 4.5m of hedge and 6.5m of piers and gates. The proposed access gates are of solid timber construction and are 1.5m in height. The gates are supported by three rendered piers of equal height. The materials to be used on the gate and piers are proposed to match those used in the construction of the house.

4.4 The Local Planning Authority has no specific design guidelines relating to front boundary treatments. However, Policy GP1 of the Draft Local Plan states that development proposals should respect or enhance the local environment and they

should be of a mass and design that is compatible with spaces and the character of the area. This policy reflects sound planning principles. National planning guidance contained within Planning Policy Statement 1 ("Delivering Sustainable Development") encourages a high standard of design for all development. It states that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. The character of The Avenue is clearly defined by open and green frontages. It is considered that the proposed 6.5m wide, 1.5m high, solid boundary treatment will be a visual intrusion on the street scene. In the vicinity of the site, 31 The Avenue has an entirely open frontage, 27 The Avenue has a dwarf wall, and 14 The Avenue opposite is also open. The addition of a solid man made boundary treatment of the scale proposed is not considered compatible with the character of the area.

4.5 The applicants case for the development is that they wish to make a bold architectural statement in both the design of the house and the boundary frontage. They state that there are some significant boundary treatments in the wider area, particularly along York Road. The new house at 29 The Avenue is of contemporary design and is clearly of different style to other houses in The Avenue. However, it is officer opinion that the house reflects the layout of The Avenue in that it is set back from the road with space around it. Given its position and scale, the proposed boundary treatment would remove the sense of space within the street scene. The applicants also state that they could build a boundary treatment of any design up to one metre high without planning permission. However, it is considered that the 0.5m increase above this is harmful to the open character and appearance of the area and therefore this does not justify the granting of planning permission.

4.6 No highway objections have been raised to the proposal on safety grounds. The Avenue is a quiet street which only serves the dwellings of The Avenue. It is not considered that the proposed vehicular gates would harm highway safety. Concerns were raised from a neighbour regarding occupiers of the house having to park one of two cars on The Avenue itself. However, the proposal allows for one car to be comfortably accommodated within the driveway with the option of a second car parking space within the existing garage. This level of provision complies with local parking standards and both local and national planning policy do not encourage the creation of additional car parking areas over and above the perceived requirement of the applicants.

5.0 CONCLUSION

5.1 It is considered that the proposed development is harmful to the character and appearance of the street scene.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 It is considered that the proposed development would appear as an intrusive and incongruous feature within the street scene. The height, scale and design of the proposed boundary gates and piers do not respect or enhance the local environment

and are not considered compatible with the open semi-rural character of the area. Therefore the proposal is considered contrary to The City of York Draft Local Plan Policy GP1 parts (a) and (b) and national planning guidance on design contained within Planning Policy Statement 1 "Delivering Sustainable Development".

Contact details:

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

29 The Avenue, Haxby

08/02707 FUL



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Site
Date	27 January 2009
SLA Number	Not Set

COMMITTEE REPORT

Committee: East Area
Date: 5 February 2009

Ward: Wheldrake
Parish: Elvington Parish Council

Reference: 07/01030/FUL
Application at: Brook House Main Street Elvington York YO41 4AA
For: Erection of dwelling and detached garage (resubmission)
By: Mr And Mrs C Bundy
Application Type: Full Application
Target Date: 26 June 2007

1.0 PROPOSAL

1.1 This is a full planning application to erect a detached dwelling on land that was formerly part of the rear garden of Brook House. The site has a frontage to Main Street and is located within Elvington conservation area.

1.2 The proposed house is two-storey and of traditional construction. The annotation on the plan states that the house has three first floor bedrooms and a study. The current proposed drawings indicate a proposed single garage, however, the applicant has requested that this be deleted from the scheme. The site has dimensions of approximately 30 m wide and 17m deep. Elvington Beck runs along the rear boundary of the site.

1.3 The application is brought to Committee at the request of Cllr. Vassie as it appears not to be a clear-cut decision and would benefit from being considered in the public domain. As a key consideration is the relationship between the dwelling and the existing mature trees on the site, a site visit is also recommended.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Elvington

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYGP10

Subdivision of gardens and infill devt

CYH4

Housing devp in existing settlements

CYNE1

Trees, woodlands, hedgerows

CYHE3

Conservation Areas

CYGP15

Protection from flooding

CYGP1

Design

3.0 CONSULTATIONS

3.1 INTERNAL

Highways (Network Management) - No objections subject to standard conditions.

Conservation Architect - The proposal would not harm the character or appearance of the conservation area.

Nature Conservation - No objections. Bat habitats should be incorporated into the new development.

Landscape Architect - Feel that the development would create a conflict between the property and neighbouring trees due to concerns about light levels. The property is particularly tight along the southern boundary.

Housing and Adult Services - Should provide more than one unit so that an affordable unit is included.

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

Environmental Protection Unit - Because of concerns in respect to noise from the adjacent village hall the facing elevation should have suitable soundproofing and mechanical ventilation.

York Consultancy - Insufficient flood protection - floor levels should be 600mm above 2000 flood levels and soakaways proven to work through a test to BRE Digest 365.

3.2 EXTERNAL

Parish Council - No objections, but comments raised regarding concerns that the entrance is by the bus shelter and that the development should not lead to activities in the adjacent village hall being curtailed. Also request suitable materials and a contribution towards the cost of the village flood defence scheme.

Environment Agency - Floor levels should be 600mm above average site levels, compensatory surface water storage should be provided through landscaping, and surface water should be disposed of via soakaways.

Ouse and Derwent Internal Drainage Board - No objections subject to a 5m strip adjacent to the beck being kept free of development, the use of soakaways and ensuring that foundations would not affect the stability of the watercourse bank.

Neighbours

Representations have been received from two neighbours. The following issues have been raised:

The house will overlook houses to the front.

The access will reduce much needed on-street parking, create congestion and have poor visibility.

It will lead to the loss of an attractive green space that has value for wildlife.

Request that the vegetation along the beck remains, or is replaced to provide privacy to Willow House.

Need to ensure that new development doesn't lead to a change in the line of the beck or adjacent fence.

4.0 APPRAISAL

Key Issues

- impact on the streetscene and conservation area
- impact on amenity and living conditions of adjacent occupiers
- impact on trees
- highway issues
- drainage
- quality of accommodation provided
- sustainability

4.1 The application site is within the defined settlement limit of Elvington and thus the broad principle of the proposal is acceptable. The site is also within Elvington Conservation Area. When determining planning applications within conservation areas, the Council has a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area. Proposals that make more efficient use of land for residential accommodation in previously developed accessible locations are in line with the overall thrust of current local and national planning policy. However, in assessing the acceptability of the application it is important to ensure that the proposal does not cause harm to issues of acknowledged importance and that the site is a suitable location for a new dwelling.

4.2 Policy GP10 and H4a of the Local Plan relate to infill development and the subdivision of gardens. They place particular significance on avoiding over-development and ensuring that new development is not detrimental to the character and amenity of the local environment. Policy NE1 seeks to protect trees and woodland. Policy HE3 requires new development to protect the character and appearance of conservation areas. Policy GP15a states that new development in flood zone 3 should be shown not to be at risk of flooding and surface water discharge rates should be less than existing.

4.4 The key issues to address when assessing this application are considered below:

IMPACT ON THE STREETSCENE AND CONSERVATION AREA.

4.5 It is considered that the style of the house would be sympathetic to the appearance of other housing in the area. The proposal would change the character of the land where it is proposed through introducing built development and the reduction in the prominence of vegetation along the roadside edge. However, providing significant trees were retained on the site it is not considered that this would be harmful to the character of the village.

4.6 Brook House is a grade II listed building - the Conservation Officer is satisfied that the development would not detract from its setting.

IMPACT ON NEIGHBOURS' LIVING CONDITIONS

4.7 The proposed dwelling would be located approximately 21 metres from the properties on the opposite side of Main Street. In the context of facing two-storey development this is considered sufficient to avoid undue harm in respect to the loss of outlook, light and privacy. It is not considered that the slight increase in the house floor level above existing average site levels would be such to cause harm.

4.8 The rear garden of 'The Willows' on Church Lane runs along the opposite side of Elvington Beck. The separation distance between the rear of the proposed house and the side of the rear garden of The Willows would be around 7 metres.

4.9 It is not considered that the proposal will cause undue harm to living conditions within the house. This is because the development is sufficiently oblique and far enough away not to have a large impact in respect to privacy and outlook. However, during the winter when trees are not in leaf there will be some additional overlooking to parts of the rear garden, particularly from a first floor rear bedroom window. The area of the garden nearest to the house will still remain screened from the proposed house. Normally a minimum separation distance of 10 metres is sought between first floor windows and neighbouring gardens and arguments in respect to the impact on privacy are relatively well balanced. However, the situation does indicate that the scale of the development may be too great for a fairly shallow plot.

IMPACT ON TREES

4.10 The site contains a number of mature trees that are important to the character and appearance of the Conservation Area. The Council's Landscape Architect has

concerns in respect to conflict between the proposed dwelling and existing trees. A detailed tree survey has not been submitted with the application, however, from visiting the site it is clear that the house would be located in very close proximity to the canopy of several trees. When in leaf the trees would dominate the house and garden and reduce light levels. There are concerns that should the house be constructed future occupiers may seek to remove or significantly cut back trees to improve living conditions. This would reduce the amenity value of the site and detract from the landscaped setting of the conservation area, thereby conflicting with policies HE3 and NE1 of the Local Plan.

4.11 The proposed driveway and turning area would thread its way through several trees - subject to appropriate construction techniques it is not considered that it would cause significant harm. A small timber shed could be provided for the storage of cycles.

HIGHWAYS

4.12 It is considered that visibility out of the site for vehicles is acceptable. The new driveway would create car parking for two vehicles and ensure that vehicles could turn in the site and exit in a forward gear.

DRAINAGE

4.13 The application site is within flood zone 3. The Elvington flood alleviation work was completed in the summer of 2007. It is the case however, that the site is still categorised as being within flood zone 3 and the rear wall of the house would be located within several metres of the beck.

4.14 In 2000 the area around the beck that runs through the village suffered severe flooding. It is understood that the flood level was 7.100mm A.O.D. The application site is relatively flat and typically around 6.400mm A.O.D. The applicants have indicated that the finished floor level of the proposed dwelling would be 7.000mm A.O.D. The Environment Agency has stated that the floor levels should be at least 600mm above the average site level. However York Consultancy has stated that it should be 600mm above the 2000 flood level - i.e. 7.700mm. The representative at the Environment Agency has stated that York Consultancy requirements should take precedence. They consider that the new levels are required in the event that the flood defences are overtopped or pumping station fail.

4.15 The applicants have stated that surface water will be dispersed via a soakaway. However, no evidence has been submitted indicating that the ground conditions are such that soakaways will work. Given the requirement to ensure that new development does not increase flood risk this is unacceptable in relation to policy GP15 a of the Local Plan and advice contained in Planning Policy Statement 25 (Flood Risk).

4.16 The Internal Drainage Board have confirmed that they would accept a gap of 5 metres between the house and the beck providing ground levels are not raised.

QUALITY OF ACCOMMODATION CREATED

4.17 The property would be relatively large and if sited in most locations would give occupiers a good a standard of living. However, concerns exist in respect to the

relationship to existing trees. The site is relatively small in relation to the proposed house and there are significant trees on all elevations, particularly the south. The trees will typically be in leaf for approximately five or six months of the year and at such times limited sunlight would reach the inside of the house. Much of the garden would also be in shade.

4.18 The house itself would also cast a shadow over large parts of the garden - for example, the distance between the rear of the house and the top of the beck would be only 5.5m. The distance between the front of the house and the hedge would be around 4.5m. It is not considered good practice to erect a dwelling in such restricted circumstances when the resulting natural light and outlook levels from the house would be poor. Moreover, as mentioned previously this tight relationship may lead to continued pressure from future occupiers to remove trees from within and around the site. This is of concern given their importance to the wider environment.

4.19 The proposed dwelling is located within close proximity of Elvington village hall. The hall is used for a variety of different functions some of which have amplified music and can run into the early morning. The main hall has two windows bounding the application site. The proposed dwelling would be around 17m from the nearest windows. The house has been designed with minimal glazing facing this direction (a dining room and bathroom window). The Council's Environmental Protection Officer has requested a condition seeking noise attenuation measures within the house to avoid conflict causing unacceptable harm to future occupiers living conditions.

SUSTAINABILITY

4.20 The design and access statement submitted with the application makes little reference to sustainability in respect to construction techniques, siting or materials. Concerns exist in respect to the conflict with the well being of trees as well as the impact of the trees on light levels within the proposed house. It is therefore not considered that the application adequately meets policy and guidance requirements that seek sustainable development.

5.0 CONCLUSION

5.1 The proposed development raises concerns in respect to possible conflict with existing mature trees around the site. If approved the scheme could eventually lead to pressure for their removal with resulting harm caused to the conservation area. If the trees were retained they would create a very dark and enclosed living environment.

5.2 The relationship with the property to the rear and the village hall is also constrained. On their own it is not considered that these issues would justify refusal of the application, however, it does indicate that the scheme may amount to overdevelopment.

5.3 The house is proposed within very close proximity to a beck and historically the area has suffered from flooding. Despite flood alleviation works being recently completed, the council's drainage engineers have concerns that the new development is not designed to avoid flood risk should the flood defences fail. It is

also the case that it has not been proven that the scheme will not increase flood risk through increased run-off. This is unacceptable

5.4 As such, for the reasons outlined the application is recommended for refusal.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed dwelling would be located in very close proximity to the canopy of mature trees that surround the site. When in leaf, this would result in the occupiers of the proposed dwelling experiencing poor light conditions and having a poor outlook. It could also raise concerns amongst future occupiers in respect to danger caused by falling trees and subsidence. It is considered that this is an unsatisfactory relationship and may in the future lead to pressure for the trees to be removed. This would be unacceptable in that they are important to the setting of the conservation area and the environment generally. It is also considered that the application fails to demonstrate that the proposal would fulfil the aims and objectives of sustainable development. As such the proposal conflicts with Policies GP1 (criterion a), GP4a, H4a (criterion d) and NE1 (criterion a) of the City of York Draft Local Plan (Fourth Set of Changes) 2005 and Central Government advice relating to design quality and context contained within Planning Policy Statement 1 (Delivering Sustainable Development) and Planning Policy Statement 3 (Housing).

2 The proposed dwelling would be located within Flood Zone 3. The application fails to show that the development would reduce flood risk in the wider area. It also fails to show that the new dwelling would have an internal floor level that would provide it with suitable safeguards against flood risk. Accordingly, it is considered that the application conflicts with advice contained within Planning Policy Statement 25 'Development and Flood Risk', Policy GP15a of the City of York Draft Local Plan (Fourth Set of Changes) approved April 2005 and advice contained within the City Of York Strategic Flood Risk Assessment Approved September 2007.

7.0 INFORMATIVES:

Notes to Applicant

1. FOR INFORMATION

This decision relates to drawing 301/01B received by the Local Planning Authority on 13 August 2007 - with the exception of the garage shown on the drawing that has been deleted by the applicant.

Contact details:

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

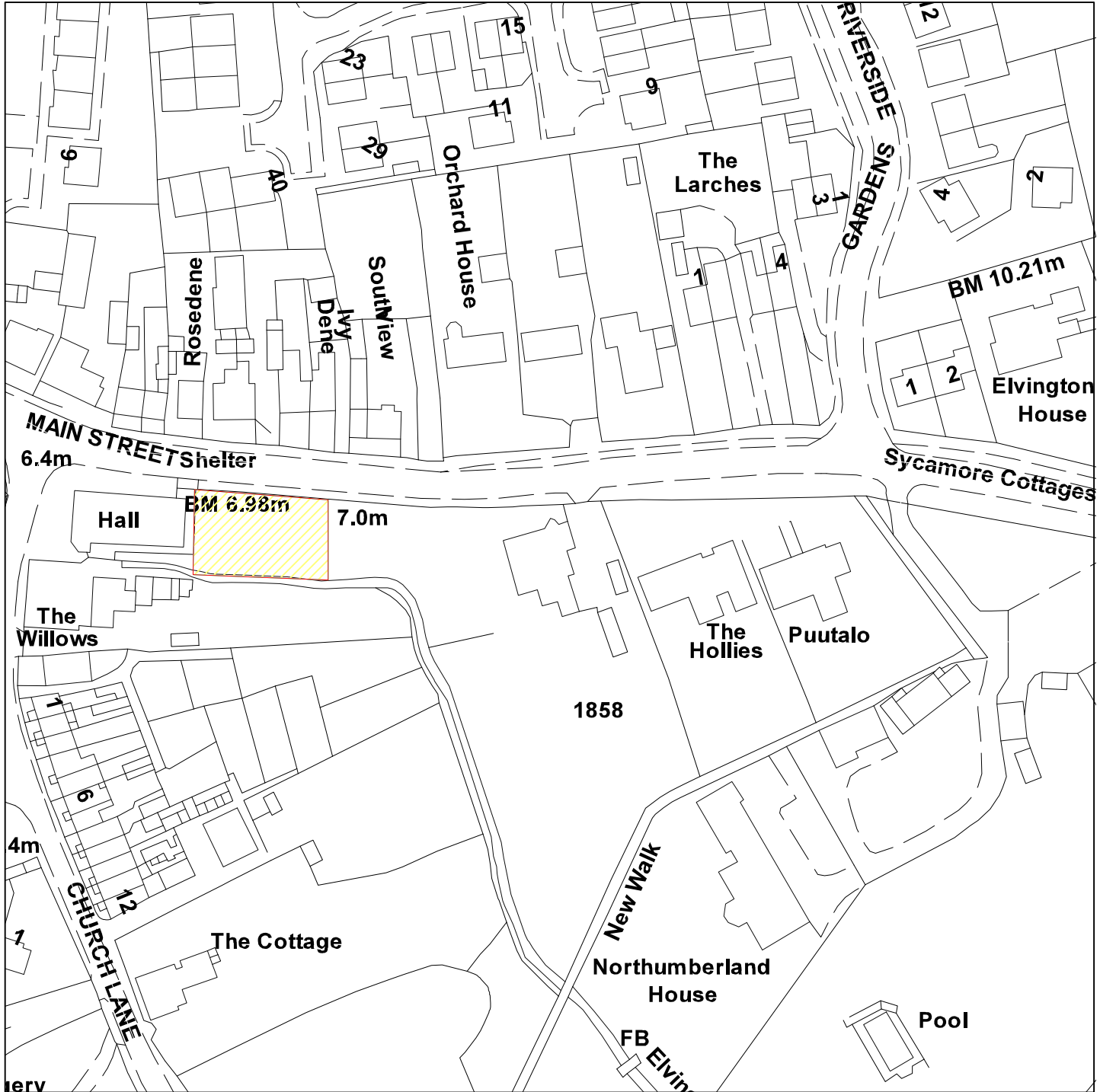
Tel No: 01904 551657

Brook House, Main Street, Elvington

07/01030 FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Site
Date	27 January 2009
SLA Number	Not Set

COMMITTEE REPORT

Committee: East Area
Date: 5 February 2009
Ward: Heworth Without
Parish: Heworth Without Parish Council

Reference: 08/02729/FUL
Application at: Caravan Site Stockton Lane York YO32 9UA
For: Use of land for the stationing of 20 additional touring caravans
By: Mr Andrew Wilson
Application Type: Full Application
Target Date: 4 February 2009

1.0 PROPOSAL

1.1 Permission is sought for the use of 0.7 ha of land (1.04 ha including the access road) for the stationing of 20 touring caravans. The proposal would form an extension of an existing caravan site granted for 20 pitches in June 2005.

1.2 The site is located on the north side of Stockton Lane, from which access would be taken. The existing caravan site is located to the west of the application site and utilises the same access as that proposed for the application site. The existing utility block at the site is to serve the proposed and existing development. To the front of the site are a number of residential properties some of which are used as holiday lets. To the west of the site beyond the existing caravans site is the residential curtilage of Orchard House and to the east is open farmland. The north of the site is bounded by Old Foss Beck.

1.3 The proposal will include the formation of 20 hardstandings, which will be formed by laying down crushed stone and seeding over, and the planting of landscaping to provide sub-division between each plot.

1.4 The application is supported by a design and access statement, which concludes that the development will provide agricultural diversification beneficial to the farm enterprise and the rural economy. The proposals will provide for visitors coming to the area and the site is sustainably located close to the city and is proving exceptionally popular.

Site History

1.5 03/03529/OUT Touring Caravan site for 135 pitches on 3.9ha of land WITHDRAWN following concerns over the effect of the development on the Green Belt and on drainage/flood risk issues

1.6 04/03206/OUT Touring caravan site and ancillary outbuilding & 04/012888/FUL Conversion of agricultural building to caravan storage and rebuilding a former dwelling as a security/reception building. These two were WITHDRAWN from Main Planning Committee agenda in October 2005 following concerns over the effect of

the development on the Green Belt, the amount of landscaping required to screen the development, lack of information on foul drainage.

1.7 05/01395/FUL Touring caravan site for 20 pitches and the use of existing buildings for the storage of caravans was granted in 2005

1.8 07/02755/FUL Provision of 20 hardstandings for the 20 pitches approved in 2005 was granted in January 2008

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary : York City Boundary 0001

DC Area Teams : East Area (1) 0003

2.2 Policies:

CYV5

Caravan and camping sites

CYV1

Criteria for visitor related devt

CYGB1

Development within the Green Belt

3.0 CONSULTATIONS

INTERNAL

3.1 Highways Network Management - It is noted that the proposal would double the size of the site with potentially similar increases of traffic movement into/out of the site. The existing access is not laid out such that car and caravan units can simultaneously pass at the entrance and these units cannot turn left into or out of the site without crossing to the opposite side of the road. It is recommended that the access be reformed with effective kerb radii of 9 metres and a drive width of 5.5m for 15 metres into the site. Conditions are recommended to ensure the access is formed to the standard required.

3.2 Countryside Officer - The location of the proposed beck is not a significant problem from a nature conservation point of view. However there are water voles in Old Foss Beck. Whilst the proposal is unlikely to affect the water voles it will be necessary to ensure that the bank side habitat is protected and enhanced for it's wildlife interest.

3.3 Environmental Protection - No objections to the application however an informative is requested to ensure that the developers are aware of the relevant legislation governing their activities.

EXTERNAL

3.4 Heworth Without - The Parish Council object to the application for the following reasons:-

3.5 The proposal would significantly enlarge the current area occupied by caravans thereby encroaching on an open Green Belt.

3.6 The development is considered to represent inappropriate development in the Green Belt as the size, scale and location of the proposed extension, together with the activities associated with it would harm the openness of the Green Belt and be a detriment to the visual amenity and the attractive rural character of the area.

3.7 The development due to the lack of local shops is not considered convenient for the use of public transport, and therefore is likely to increase the number of vehicular journeys undertaken by visitors to the site by private cars.

3.8 It is considered the development would harm the visual amenity and outlook from Stockton Lane by virtue of the proposed site encroaching into the field up to the Eastern Tree Belt, and becoming a dominant feature.

3.9 Environment Agency - Object to the application in the absence of any evidence to demonstrate that the flood risk sequential test has been applied. The flood risk assessment (FRA) has been carried out as if the entire site is flood zone 2 however much of the site is in flood zone 3. The Agency is only satisfied with the FRA if all the caravans are positioned in the portion of the site that is flood zone 2.

3.10 Nineteen Letters of support have been received covering the following points:-

- The extra pitches will bring further tourist money into the York area
- The caravan park will help with jobs in local pubs and establishments
- Living next door to the caravan site is hardly noticed
- Supporters use the site a lot and enjoy the very high standards of the site
- Increase in the number of pitches will enable more people to enjoy the City of York and surrounding area
- This scheme will help keep tourist traffic out of the city, there is a convenient bus stop adjacent to the site
- Revenue will be put into the local community
- Site is conveniently located
- Farmers are being encouraged to diversify
- Local Authorities should be supporting tourism
- The applicant has always acted for the good of wildlife
- The applicant has planted a lot of trees making the site very pleasant
- The bus stop outside the site makes it very accessible
- A lot of the sites in the York area are allowed to open all year round

3.11 One letter of objection has been received covering the following points:-

- The original site opened two years ago is clearly visible from the surrounding areas of Stockton Lane because it is inadequately screened
- The current site is very intrusive in the green belt
- There is no screening at the entrance to the site, caravans are clearly visible and occupants can be seen walking around the site
- The caravans can also be seen from the A64 between Hopgrove and York across Monk Stray.
- The approval of an extension would cause future problems for refusing planning applications on the site. On this site there is already caravan storage, holiday cottages and caravans.
- Stockton Lane enhances the approach to York and the entrance to Stockton Village
- The bus stop is currently positioned badly for access to the caravan site on what is a very dangerous road for pedestrians. The bus stop should be repositioned

PUBLICITY

3.12 The application was advertised by means of a site notice displayed on site on the 6th January 2009. The nearest properties have also notified.

4.0 APPRAISAL

4.1 Key Issues:-

- Policy background
- Impact on openness of the green belt
- Flood risk and drainage
- Highways issues
- Sustainability
- Tourism

4.2 The following national planning advice in Planning Policy Guidance Notes (PPG) and Planning Policy Statements (PPS) are considered of most relevance to this application:-

4.3 PPS1: "Delivering Sustainable Development" - promotes sustainable development as well as mixed use development, offers guidance on the operation of the plan led system and considerations to be taken into account in determining planning applications.

4.4 PPG2: "Green Belts" identifies the purposes and uses of land within the Green Belt, and states that their most important attribute is their openness. In relation to the change of use of land, this is inappropriate unless it maintains openness and does not conflict with the purposes of including land within the Green Belt. Very special circumstances to justify inappropriate development, will not exist unless the harm is clearly outweighed by other considerations.

4.5 PPS7: "Sustainable Development in Rural Areas" identifies the planning system as having an important role in supporting and facilitating development and land uses in helping to maintain and manage the countryside. It also advises of the importance of protecting the quality and character of the countryside, and supports re-use of buildings in particular for economic purposes. It is also supportive of farm diversification. In relation to farm diversification in the Green Belt, it states, where relevant, favourable consideration should be given as long as the development maintains openness. The wider benefits of a proposal are capable of constituting very special circumstances.

4.6 In relation to touring caravan parks, it provides particular advice. Authorities should balance the need to provide facilities with the need to protect landscapes and scope for relocating sites away from flooding, and to ensure new sites are not prominent, and visual intrusion is minimised by screening.

4.7 PPG13: Transport seeks to promote more sustainable transport choices for people, and to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and seeks to reduce the need to travel, especially by car in new developments.

4.8 PPS23: Planning and Pollution Control gives guidance on the relevance of pollution controls to the exercise of planning functions, including light pollution and contamination.

4.9 PPS25: Development and Flood Risk sets out the importance the Government attaches to management and reduction of flood risk in the planning process.

4.10 Relevant City of York Draft Local Plan (incorporating the Fourth Set of changes) (April 2005) include GB1, GP1, V1 and V5. GB1 reflects advice within PPG2. Policy GP1 'Design' includes the expectation that development proposals will, inter alia; respect or enhance the local environment; ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape and incorporate appropriate landscaping.

4.11 Policy V1 says that visitor related development will be encouraged. In determining applications account will be taken of whether the proposal has made adequate servicing arrangements, is accessible to public transport routes, will result in increased traffic, is likely to improve the prosperity of the tourism industry and the city's economy, will adversely impact on the reasonable use and enjoyment of adjacent buildings and land or adversely impact on the countryside setting of the city.

4.12 Policy V5 relates specifically to touring caravan/camping sites and sets out criteria for assessing proposals. The policy specifies that the number of pitches should not exceed 20, and that there should be no pitches for static caravans. In addition, the proposal should not involve the erection of permanently sited ancillary buildings other than toilets/washrooms and a site office, the site should be associated with an existing settlement and of a compatible scale to the settlement, and should be readily accessible by public transport. Further criteria within the policy

are that the proposal has no adverse effect on the openness of greenbelt, it provides a direct benefit to the local residential workforce, the approach roads are of a suitable standard to accommodate caravans, there is no adverse effect on the provision of local services, the proposal is complementary to recreational opportunities in the vicinity and it provides a direct benefit to the local residential rural community.

4.13 The Good Practice Guide for Planning and Tourism replaced PPG21 in 2006. The guide reiterates much of the advice in PPS7 with regard to planning policy. The guidance says Local Planning Authorities should carefully weigh the objective of providing adequate facilities and sites with the need to protect landscapes and environmentally sensitive sites. They should examine the scope for relocating any existing visually or environmentally intrusive parks away from sensitive areas, or for re-location away from sites prone to flooding or coastal erosion.

The key issues are:

Impact on the openness of Green Belt

4.14 The approved application for the existing 20 pitch caravan site was a reduced scheme approved following the withdrawal of an earlier application. The site was reduced in size from 2.4Ha to 1.9 ha so that the caravans were contained within field boundaries and to some extent could be obscured by existing buildings. At the time of the consideration of that application the reduction in site area was considered to significantly reduce the impact of the development on the openness of Green Belt.

4.15 The application now submitted is to extend the caravan site into the area north east of the existing camp site. Policy V5 of the Draft Local Plan relates specifically to touring caravan/camping sites and sets out criteria for assessing proposals of this nature. The policy specifies that the number of pitches should not exceed 20; the text to the policy confirms that this includes existing pitches together with any extensions. The proposal, which would result in the increase of the site to 40 pitches in total, would undermine the basis of this policy which is to permit small-scale sites which whilst benefiting the tourism industry do not overpower existing settlements or become visually prominent in the Green Belt/open countryside.

4.16 A further requirement of Policy V5 is that proposals of this type should not adversely affect the openness of Green Belt. The site is located in a relatively open and undeveloped area which is agricultural in its appearance. The north-east boundary of the site has been well planted and although these trees are not yet mature and most were not in leaf when the site was inspected it is apparent that they would afford some visual protection for the caravans in the summer months. Furthermore hedges adjacent to the roads surrounding the site are mature and have been allowed to grow and again in summer would provide some visual protection for the site. Notwithstanding the new planting and existing hedging, it is considered that the extension of the site will still be prominent in the landscape, and the contrast of the white caravans against the countryside backdrop will be clearly visible particularly early and late in the season. Furthermore the entrance to the site is relatively open and there are views into the application site. Officers consider from this vantage point the caravans will be visually significant in the landscape. The

implementation of the access improvements required by Highways Network Management would further open up views from the front of the site.

4.17 As PPG2 states that material changes of use are inappropriate unless they preserve openness, it is considered that the proposal constitutes inappropriate development, which is, by definition, harmful to the Green belt. In these circumstances it is for the applicant to show why permission should be granted. The applicant's agent within his design and access statement concludes that the proposals will enhance diversification of the farm, will benefit the local economy and will better meet the needs of visitors. These statements are not backed up by any quantitative information relating to the farm enterprise or the wider economy and are therefore difficult to consider as very special circumstances sufficient to outweigh harm to the Green Belt.

4.18 In relation to Draft Policy V5, the justification text to the policy considers that small scale proposals for touring caravans 'are unlikely to compromise Green Belt objectives and may be acceptable' subject to meeting the criteria of the policy. However the text also says that ' Ideally caravans sites should be located in well wooded areas... the essential screening of sites should consist of already well established tree cover and any new planting should only be necessary to reinforce existing cover'. Given the open nature of the area around the site the level of existing planting and the openness of the frontage of the site it is not considered that sufficient screening exists to make the proposal acceptable. Furthermore policy V1 of the Local Plan states that in determining applications for visitor related development account will be taken of whether the proposal adversely impacts on the countryside setting of the City. Officers consider that such adverse impacts would be likely to be caused for the reasons stated above.

Flood Risk and Drainage

4.19 PPS25 entitled 'Development and Flood Risk' (PPS25) advises a sequential risk based approach to determining the suitability of land for development in flood risk areas is central to the Policy Statement and should be applied at all levels of the planning process. Annex D of the statement says that the overall aim of decision makers should be to steer new development to flood Zone 1. Where there is no reasonably available sites in flood Zone 1 account should be taken of the flood risk vulnerability of land uses and consider reasonably available sites in flood zone 2. The application site is located partly within flood zone 2 and partly within flood zone 3. The flood risk assessment fails to acknowledge that the site is partly within flood zone 3. PPS25 classes short-let caravan pitches as 'more vulnerable' uses. The Environment Agency objects to the application on the basis that PPS25 requires decision makers to steer new development to areas at the lowest probability of flooding by applying a 'sequential test'. The applicant has provided very limited evidence that the site is sequentially preferable, the argument being that the site is part of an established business and therefore has to be located as proposed. In officers opinion the information submitted is insufficient to show that there are no other sites in the locality or wider area that could fulfil the need for touring caravans that are not within flood zone 3. In the absence of an adequate sequential test being submitted the application cannot be supported.

Highways Issues

4.20 Highways Network Management are satisfied that the proposals can be supported subject to the access being improved so that cars pulling caravans can enter and leave the site without having to cross to the other side of Stockton lane to enter the site. Conditions are recommended to ensure the improvements to the radii of kerbs and to widen the entrance to 5.5 metres.

Sustainability

4.21 The applicant contends that the site is sustainably located given the position of a bus stop outside the site and the frequent bus service both in to York and further a field. However officers consider that the site is less sustainable when considering either walking or cycling given the nature of Stockton Lane adjacent to the site. Along Stockton Lane the speed limit is 60, there are no footpaths and the road is relatively narrow, this makes cycling and walking from the site difficult and in officers view potentially dangerous. Furthermore the lack of suitable walking and cycling facilities from the site to the Stockton-on- the-Forest is likely to mean that accessing any services within the village is unlikely unless by car. However, on balance, given the existence of a caravan site granted when the circumstances around the site were similar in 2005, officers do not consider that there is sufficient basis to refuse the application on sustainability grounds. However, this deficiency adds to officer concerns regarding the proposal.

Tourism

4.22 Whilst undoubtedly the letters of support show that this site is well liked by visitors the Good Practice Guide for Planning and Tourism indicates that such development should be steered away from sites vulnerable to flooding or which are considered to be visually intrusive.

4.23 The applicant whilst indicating that the site will bring benefits to the existing farming enterprise and the wider economy has provided no quantitative evidence of this that would outweigh the harm officers have identified above.

5.0 CONCLUSION

5.1 The proposal is considered to adversely impact on the openness of Green Belt. PPG2 states that material changes of use are inappropriate unless they preserve openness, it is considered that the proposal constitutes inappropriate development, which is, by definition, harmful to the Green Belt. No very special circumstances sufficient to outweigh harm to the Green Belt have been put forward by the applicant.

5.2 The application site is, in part, located in flood zone 3. The applicant has failed to provide sufficient evidence to meet the sequential test set out in Annex D of PPS25 and in the absence of sufficient information to show that the site is "sequentially preferable" the proposal conflicts with advice in PPS25 "Development and Flood Risk", PPS7 "Sustainable Development in Rural Areas" and the Good Practice Guide for Tourism and Planning 2006

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The site is located within an area of Green Belt which is characterised by its generally agricultural appearance. The extension of the touring caravan site would compromise the openness of this area and would conflict with the purposes for including land within Green Belt. The proposal is therefore inappropriate development in terms of the advice contained in Planning Policy Guidance Note 2 "Green Belts", and is, by definition, harmful to the Green Belt. No very special circumstances have been shown by the applicant which would outweigh the harm to the Green Belt. The proposal would also conflict with Policy V5 of the City Of York Draft Local Plan (CYDLP) which does not permit touring caravan sites in Green Belt where there is an adverse effect on the openness of the Green Belt and GB1 of the CYDLP which does not support development that detracts from the open character of the green belt.

2 The proposal would enlarge the area currently occupied by caravans, thereby encroaching into open countryside to the detriment of visual amenity and the attractive rural character of the area. This is considered contrary to policies V5 and V1 (f) of the City of York Draft Local plan

3 The application site is, in part, located in flood zone 3. The applicant has failed to provide sufficient evidence to meet the sequential test set out in Annex D of Planning Policy Statement 25 "Development and Flood Risk" (PPS25) and in the absence of sufficient information to demonstrate that the site is "sequentially preferable" the proposal conflicts with Central Government advice in PPS25, PPS7 ("Sustainable Development in Rural Areas") and the Good Practice Guide for Tourism and Planning 2006

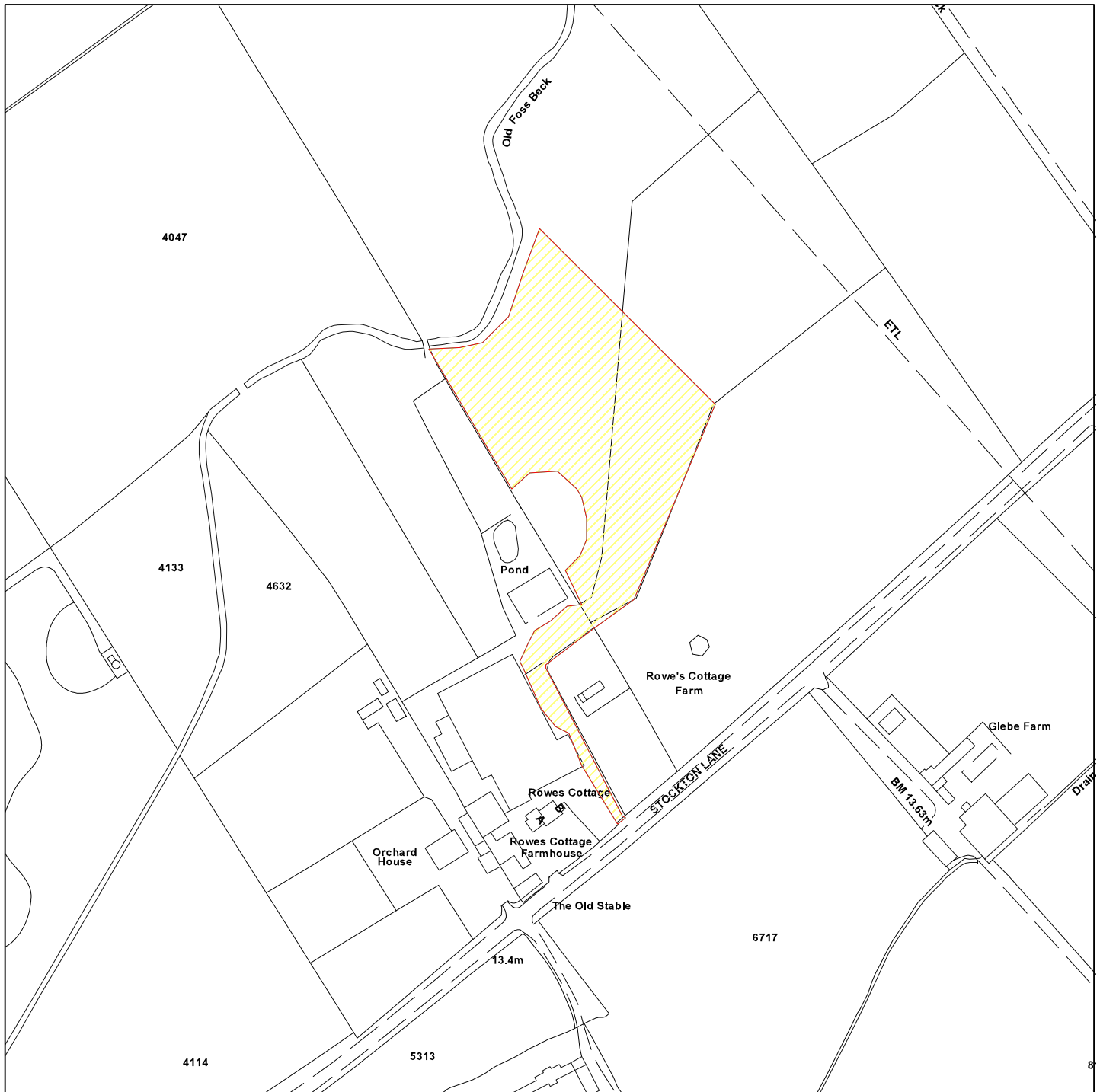
7.0 INFORMATIVES:

Contact details:

Author: Diane Cragg Development Control Officer (Mon/Tues)
Tel No: 01904 551657

Caravan Site, Stockton Lane, York, YO32 9UA

08/02729/FUL



Scale : 1:2500

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Site
Date	27 January 2009
SLA Number	Not Set

RELEVANT PLANNING HISTORY

1.7 08/00361/FUL: Variation of condition 4 of planning permission 3/104/141/CV/OA - 3/121/131L/OA to allow the subdivision of Unit 9 into 2no. non-food retail units. Permission granted.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary : York City Boundary 0001

DC Area Teams : East Area (2) 0005

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYGP16
Shopfronts

3.0 CONSULTATIONS

EXTERNAL

3.1 Neighbours notified. Consultation expires 19 March 2008. Two letters received. The following concerns were raised:

- it is unclear whether the existing line of trees that blocks the view to the back of the Powerhouse building would remain;
- local wildlife would be disrupted if the existing tree line is to be removed.
- the proposed creation of a new vehicular access to the rear of the retail unit would harm the amenities of the local residents;
- other concerns regarding the development include possible noise pollution, vibrations, exhaust fumes, littering, loss of privacy, disruption to wildlife, unsociable delivery hours, staff using rear exit for lunch breaks or as smoking areas.

3.2 Rawcliffe Parish Council consulted. Response received 10 March 2008. The Council supports this application. Nevertheless the Council is aware of the concerns expressed by a nearby resident and feel that a site visit is necessary and the application is to be determined by committee.

3.3 Safer York Partnership. Response received 16 January 2008:

- It is noted that a considerable amount of litter and old electrical equipment, such as fridges and television's, have been allowed to accumulate in the service area next to the entrance. The service area generally looks run down and currently gives the impression of a 'lack of care and ownership'.
- There have been no crimes recorded against properties whose rear gardens back onto the service yard area.
- It is suggested that the issues around management and maintenance of this site are raised as a condition of planning consent.

INTERNAL

3.4 Highway Network Management consulted. Response received 4 March 2008: No highway implications.

3.5 Environmental Protection Unit consulted. Response received 4 November 2008:

- The unit have concerns about the proposed access road and the potential for noise from deliveries, resulting in loss of amenity for residents living in close proximity to the site;
- However, in view of the proposed number of 1 to 2 delivery vehicles per day, and the building of a new retaining wall to the rear, these concerns are slightly mitigated.
- Conditions to restrict the hours of collections and deliveries (condition 3), to limit the frequency of the deliveries (condition 4) and to require "white noise" reversing sounders to be fitted to and used by all delivery and collection vehicles (condition 5) have been recommended.

4.0 APPRAISAL

4.1 The main issues raised by this application are whether the proposed external works would harm the visual appearance of the area and amenity of the local residents.

4.2 The external alterations are well organised and sympathetic to the existing building. As such it is unlikely that the visual appearance of Clifton Moor Retail Park would be compromised by this development.

4.3 Issues regarding noise and other environmental health concerns associated with the proposed vehicular access have been noted. Further details have been provided, which states the number of deliveries would be restricted to two per day and the delivery hours would be between 8:00am and 6:00pm Mondays to Saturdays. The plan further shows a new retaining wall would be erected to separate the proposed access from the residential properties to the south and to the east of the application site, and that the existing row of trees to the back of the building would not be removed (as confirmed by the applicant's agent dated 9 January 2009). The retaining wall would be located approximately five metres away from the site boundary, thus avoiding any conflict with the trees along the boundary. It is considered by the Environmental Protection Unit that these measures would mitigate the effects the proposal would have on the nearby residents. In order to act as an effective sound barrier, the proposed retaining wall must be at least 2.0m high and constructed of solid materials.

4.4 Conditions restricting the hours of deliveries and collections (condition no.3) and the fitting of "white noise" reversing sounders to all delivery and collection vehicles (condition no.4) have been recommended. In addition, a condition requiring the height and the choice of material of the retaining wall (condition no.5), and a condition requiring the protection of existing trees (condition no.6) have also been recommended. It is not considered that a condition restricting the number of deliveries to two per day would be either reasonable or easily enforceable. It could be the case, for example, that a future occupier may receive a number of deliveries each day from smaller vehicles, causing little or no nuisance to adjacent occupiers, and in such a case a breach of the condition would cause no material harm. Provided that conditions 3, 4, and 5 above are observed and enforced, it is considered that the amenity and living conditions of adjacent occupiers would be adequately protected.

4.4 The current access into the customer parking area and service yard from Hurricane Way would remain unaltered by virtue of this development. Furthermore, the proposal would not result in an increase in retail floorspace. Hence no objections were raised by the Highway Network Management team.

4.5 In accordance with policy GP4a of the City of York Draft Local Plan, a Sustainability Statement which addresses the criteria set out in this policy has been submitted. The proposal would aim to minimise pollution through upgrading the existing heating and cooling system and the insulation of the building. Energy efficient lighting would also be utilised. To promote the efficiency of refuse recycling, more specific bins will be provided where appropriate. The proposal would minimise the use of non-renewable resources and re-use materials already in existence on the development site by re-using an existing unit which has been vacant for a number of years. This is considered to be more sustainable than replacing the existing building with a new structure. The proposed external alteration works would help to improve the appearance of a building which has been disused and poorly maintained for a long period. Such improvement works would in turn enhance the overall character and appearance of the locality. The purpose of the scheme is to attract prospective tenants occupying this long term vacant unit. Hence the renovation works proposed would add to the economic prosperity of Clifton Moor retail park by increasing its attractiveness and thus its long term economic stability and diversity. This would in turn provide increased employment and retail opportunities for the local community, thus avoid the need for additional travel.

4.6 The level of detail provided in the sustainability statement is considered to be adequate for the size and nature of the development proposed. In accordance with the Interim Planning Statement on Sustainable Design and Construction a BREEAM assessment is not required for small scale developments of this nature.

4.7 Planning against crime: With regard to a condition requiring the management and maintenance of the service area, when outline consent was given for the Clifton Moor Retail park in March 1993 (planning ref. no. 3/104/141/CV/OA - 3/121/131L/OA), a condition restricting the stacking or storage of all materials including refuse outside any buildings on the site has already been imposed. It is

recommended that an informative is attached to any planning permission reminding the applicant/future occupiers of their obligations in this respect.

4.8 Having taken the above into account, it is considered that the proposed development accords with the policies set out in the City of York Draft Local Plan 2005 and the Interim Planning Statement on Sustainable Design and Construction. Hence, this application is recommended for approval.

5.0 CONCLUSION

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

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:-

BFA-CMY(22)GE0 001, BFA-CMY(20)GA0 001 Rev B and BFA-CMY(02)GA0 001 received 14 February 2008

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

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

3 All collections and deliveries from the site shall be confined to the following hours:

Monday to Saturday 08.00 to 18.00
Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of the nearby residents.

4 White noise reversing sounders shall be fitted to and used by all delivery and collection vehicles at all times when reversing within the application site boundaries.

Reason: to protect the amenity of the nearby residents.

5 Notwithstanding the information shown on the approved drawings, prior to the commencement of development details of the retaining wall, including its height, materials and method of construction, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the retaining wall shall be implemented in accordance with the approved details and shall not be lowered, breached or

removed at any time.

Reason: To protect the amenity of the nearby residents.

INFORMATIVE:

To comply with this condition the retaining wall is expected to be at least 2.0m high from the ground level and constructed of solid materials. A plan showing the relationship between the retaining wall, the existing trees and the nearby residential dwellings is also expected to be submitted for approval.

6 Before the commencement of and during building operations, adequate measures shall be taken to protect the existing trees on this site. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason: The existing trees are considered to make a significant contribution to the amenity of this area.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual and residential amenity, highway safety and sustainability. As such the proposal complies with Policies GP1, GP4a and GP16 of the City of York Local Plan Deposit Draft.

2. The applicant is reminded that conditions 8 and 9 of the outline planning consent for the Clifton Moor Retail Park still apply to this site and state the following:

(viii) No materials, products or parts, crates, waste, refuse or any other item shall be stacked or stored outside any buildings on the site without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the appearance of the area is not prejudiced by the external storage of materials.

(ix) No part of the site outside any building shall be used for the storage or display of any goods or materials without the express consent in writing of the Local Planning Authority.

Reason: To ensure that the appearance of the area is not prejudiced by the external storage of materials.

Contact details:

Author: Billy Wong Development Control Officer

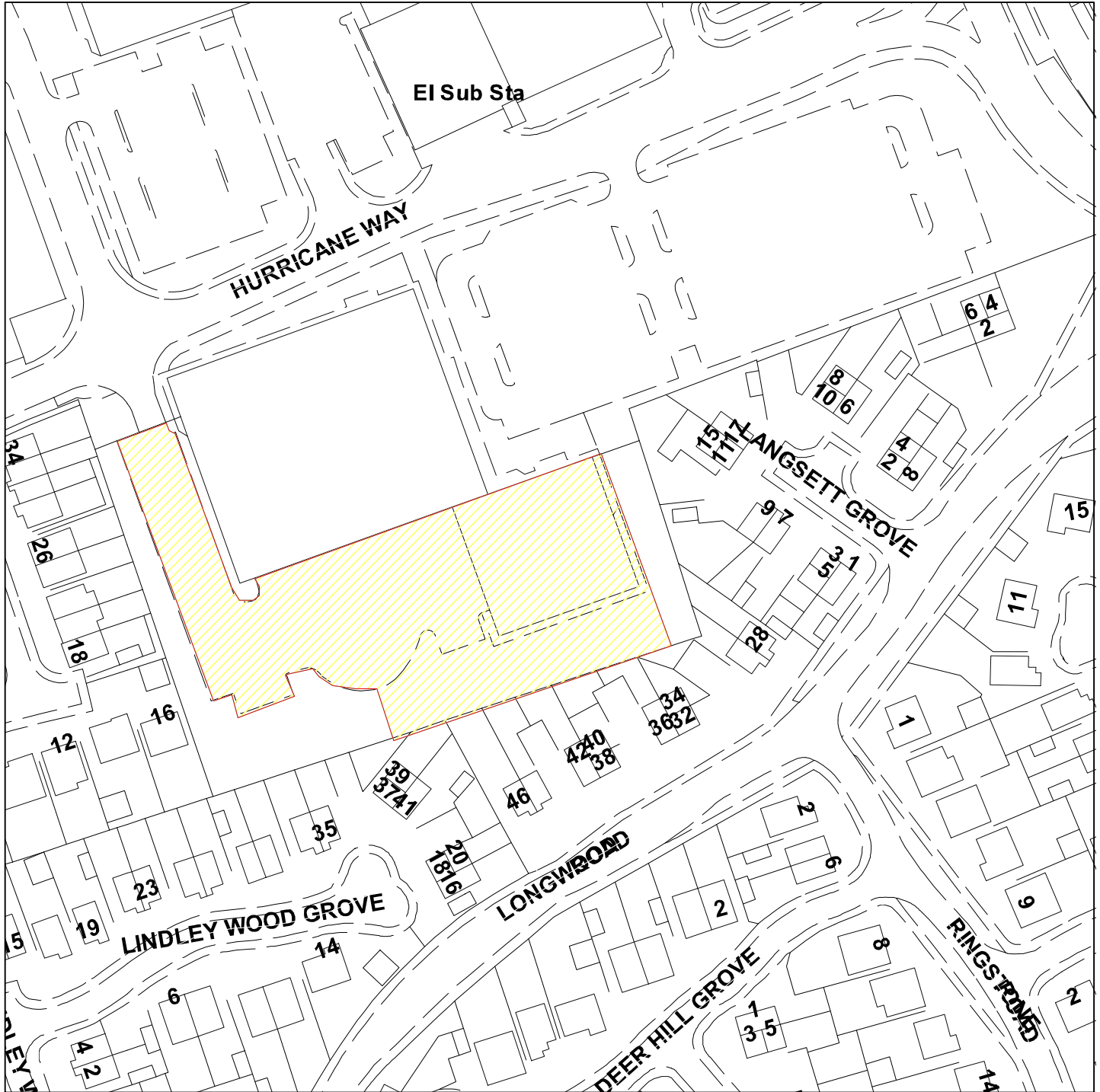
Tel No: 01904 551326

Powerhouse, Unit 9 Hurricane Way

08/00362/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Site
Date	27 January 2009
SLA Number	Not Set



East Area Planning Committee

Feb 2009

Report of the Director of City Strategy

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

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

2. Background

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

3. Consultation

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

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

- 4.1 With regard to the footpath, the Council's dedication procedures are currently underway. No surfacing work is required for this route and all necessary furniture has been in place for a number of years.
- 4.2 The dedication of the land is currently with the Council's legal section and is being progressed in conjunction with Persimmon's Solicitors.

- 4.3 The final reinstatement of the old sewage works site has been agreed and the Council's countryside officer has been asked to initiate the work but Persimmon's will implement all the works other than the seeding. The proposal is to cut the vegetation, spray the area with a total herbicide, do a final clearance of any debris, lightly harrow the site and then seed with a wild flower mix to create a wildflower area. It is intended that a locally sourced green hay is to be used and the majority of the work will therefore be carried out from April to prepare the area for seeding in July/Aug. 2009. A plan of the proposed work will be tabled at the meeting.
- 4.4 The copse at the end of Matrons Walk has been inspected and, whilst some of the trees are not in good condition, no further tree work is proposed at present. Some replacement planting is proposed for this month to begin to re-establish the avenue.
- 4.5 With regard to the management plan, an outline of proposed works has been supplied and the Council's Countryside Officer has discussed this with Persimmon's. The work includes the continued management of the hayfield by haycropping or topping, dependent on whether gypsy horses are grazing the fields, continued ragwort control, inspection and maintenance of trees, limited replacement planting of standard trees on the ridge and furrow field to retain the parkland character, orchard management and regular inspection and clearance of any litter or flytipping that may be present. It is proposed to leave the hedges to grow on but will be monitored to ensure that the overall integrity of the hedges are retained. This is broadly in line with its current management.
- 4.6 Some slight amendments are proposed to leave some areas of grass long to retain winter feeding sites for birds including Reed bunting, a species on the declining bird list that roosts in considerable numbers here. This is similar to the proposal referred to in the report of Sept 2008 where the area between the flood bank and the YW access was proposed to be managed by cutting on a 2 yearly basis for nature conservation purposes.
- 4.7 At the present time, it is not proposed to try to introduce fencing and grazing because of the difficulties imposed by access and existing site conditions. However, the ditches will be reformed where necessary to ensure that access is restricted to pedestrians only.
- 4.8 The proposal to also include the sewage works area once it has been reinstated and the balancing pond in the transfer of the open space land to the Council is still being considered but is in part dependent on ongoing discussions with YW. These would both be low maintenance areas but of considerable value for nature conservation purposes.
- 4.9 This will still be considered separately to the work required to conclude the Section 106 but is of some interest. A further report will be prepared with regard to this proposal in due course.
- 4.10 However, Persimmons have also suggested that the Council may wish to consider purchasing the whole of the site for a peppercorn sum as opposed

to; and this may supersede, the earlier suggestion that Clifton Without Parish Council may wish to lease the whole site to manage it for the community.

- 4.11 I understand that this later suggestion has not yet been progressed.
- 4.12 A formal proposal from Persimmon has been requested but the implications with regard to the Council taking over the land will be considered and a report prepared if the matter is to be progressed, however, any views from members would be appreciated.
- 4.13 The requirements to conclude the Section 106 will be continued regardless of this proposal.

5.0 Corporate Objectives

- 5.1 The management of this site ensures that the green separation between Clifton Without and Clifton is retained. Its management is therefore important in order to retain this separation in good condition. The site also has some Nature Conservation and Landscape value and assists in fulfilling the Councils duties with regard to the Natural Environment and Rural Communities Act.

6.0 Implications

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

7.0 Risk Management

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

8.0 Recommendations

- 8.1 Members are requested to note the progress made with regard to the completion of the Section 106 agreement and the work still required in order to achieve a satisfactory conclusion to this long standing case.
- 8.2 No enforcement action is currently considered necessary.

8.3 A report be prepared in due course when the management plan has been finalised.

Contact Details

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Report Approved **Date** 22 Jan 2009

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Chief Officer's name
Title

Report Approved **Date** Insert Date

Specialist Implications Officer(s) List information for all
Implication ie Financial Implication ie Legal
Name Name
Title Title
Tel No. Tel No.

Wards Affected: List wards or tick box to indicate all

All

For further information please contact the author of the report

Background Papers:

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

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