



Notice of meeting of

West & City Centre Area Planning Sub-Committee

To: Councillors Horton (Chair), Sue Galloway (Vice-Chair), Crisp, Steve Galloway, Galvin, Gillies, Looker, Reid and Sunderland

Date: Thursday, 14 August 2008

Time: 3.00pm

Venue: The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00am on Wednesday 13 August 2008 at Memorial Gardens.

1. Declarations of Interest

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

2. Minutes (Pages 5 - 16)

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on 19 June 2008 and 1 July 2008.

3. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the working day before the meeting. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

4. Plans List

Members will consider a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to planning applications with an outline the proposals and relevant policy considerations and the views and advice of consultees and officers.

a) **Tancred House, Main Street, Hessay, York, YO26 8JR (08/01220/FULM)** (Pages 17 - 28)

30m x 50m ménage including 6 no. floodlights and access road, and change of use of agricultural land to paddock. [*Rural West York Ward*] **[Site Visit]**

b) **Woodlands, Wetherby Road, Rufforth, York, YO23 3QF (08/00836/FUL)** (Pages 29 - 38)

Erection of dormer bungalow revised access and creation of parking and turning area. [*Rural West York Ward*] **[Site Visit]**.

c) **Junior School Bungalow, 16 Low Green, Copmanthorpe, York, YO23 3SB (08/01311/GRG3)** (Pages 39 - 48)

Change of use from caretaker's dwelling to out of school club. [*Rural West York Ward*] **[Site Visit]**.

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

Democracy Officers:

Name: Catherine Clarke and Louise Cook (job share)

Contact Details:

- Telephone – (01904) 551031
- E-mail – catherine.clarke@york.gov.uk and louise.cook@york.gov.uk

(If contacting us by e-mail, please send to both democracy officers named above)

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 are set out above.

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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 13 August 2008****The bus for Members will leave from Memorial Gardens at 11.00am**

TIME (Approx)	SITE	ITEM
11.10	16 Low Green, Copmanthorpe	4c
11.40	Woodlands, Wetherby Road, Rufforth	4b
12.10	Tancred House, Main Street, Hessay	4a

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- 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	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	19 JUNE 2008
PRESENT	COUNCILLORS CRISP, SUE GALLOWAY (VICE-CHAIR), STEVE GALLOWAY, GALVIN, GILLIES, HORTON (CHAIR), LOOKER, SUNDERLAND AND MOORE (SUBSTITUTE FOR COUNCILLOR REID)
APOLOGIES	COUNCILLOR REID

6. DECLARATIONS OF INTEREST

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

Councillor Gillies declared a personal and prejudicial interest in agenda item 4a (Guy Fawkes Hotel, 25 High Petergate) as he knew the applicant personally. He left the room and took no part in the debate.

7. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
2 The Park, Westwood Lane, Askham Richard	Councillors Crisp, Sue Galloway, Galvin, Gillies, Horton and Sunderland.	At the request of Councillor Healey
6 Marston Crescent	Councillors Crisp, Sue Galloway, Galvin, Gillies, Horton and Sunderland.	As objections had been received and the recommendation was to approve.
Ali G Pizza, 11 Tower Street	Councillors Crisp, Sue Galloway, Galvin, Gillies, Horton, Looker and Sunderland.	At the request of Councillor Brian Watson.
Guy Fawkes Hotel, 25 High Petergate	Councillors Crisp, Sue Galloway, Galvin, Gillies, Horton, Looker and Sunderland.	At the request of Councillor Brian Watson

8. MINUTES

- RESOLVED:
- (i) That the minutes of the meeting held on 15 May be approved and signed by the Chair as a correct record.
 - (ii) That the minutes of the meeting held on 27 May be approved and signed by the Chair as a correct record subject to them being amended to show that Councillor Horton was Chair of the meeting and that Councillor Steve Galloway was present at the meeting as a full Member of the Committee rather than a substitute.

9. PUBLIC PARTICIPATION

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

10. 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.

10a Guy Fawkes Hotel, 25 High Petergate, York, YO1 7HP (08/00359/LBC)

Members considered an application for listed building consent from Debretton Contracting Ltd for internal and external alterations including new signs and gas lanterns to the front elevations and new windows at front first and second floor level.

Representations were received from the planning consultant, on behalf of the applicant, in support of the application. He spoke about issues relating to window fittings and the use of lanterns. He stressed that the premises in question were commercial premises and there was a need to ensure viable use of the premises. He identified similar lanterns used in the city, both outside the Minster and the Guildhall. He also spoke about the signage which had been applied to the string course on the front elevation.

Members debated whether or not the string course, signage and lanterns caused undue harm to the appearance and character of the 2* listed building

Councillor Galvin moved and Councillor Horton seconded a motion to approve the application. On being put to the vote this motion was not carried.

A motion to refuse the application was then moved, seconded and carried as set out below. Members requested that the Assistant Director (Planning and Sustainable Development) consider undertaking enforcement action.

RESOLVED: That the application be refused.

REASON: The over-painting of the string course results in the loss of distinctive string coursing harmful to the strong horizontal emphasis in High Petergate created by "the visual banding" along the front elevation of the terrace, interrupts the rhythm of the terrace and the unity of the group of three buildings that form a distinctive group of early Georgian buildings, and creates a precedent that would detract from the character of the many similar historic buildings in the city centre that are re-used for commercial purposes. The number and position of the carriage lamps are excessive and unacceptably increase illumination in High Petergate close to the Minster, and the quasi-decorative lamps fail to reflect the historic period of the Grade II* Listed Building. Together the changes to the front facade of the Listed Building create an appearance that would be detrimental to the historic and architectural character and visual amenity of the Listed Building, contrary to Policies HE4, HE8, and GP1 and related national planning guidance contained in Planning Policy Guidance Note 15, " Planning and the Historic Environment" and Planning Policy Guidance Note No.19 " Outdoor Advertisement Control. "

Action Required

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

10b Pavement Cafe Bar, 10 New Street, York, YO1 8RA (08/00969/FUL)

Members considered a full application from Jamie Doughty for change of use of the second floor from an office to a drinking establishment (Class A4) and internet lounge.

Representations were received from the agent, on behalf of the applicant, in support of the application. He explained how Blue Fly had extended into 10 New Street after permission was granted in August 2006 to use the ground floor and that a further application was granted later the same year to use the first floor also as a bar area with a limited occupancy of 60 persons. He explained that this application would change the use of the top floor, currently used for customer toilets and an ancillary office/managers accommodation, to a bar area (class A4) retaining the customer toilet but using the larger area as a function room for up to 60 persons and the small room as an internet lounge. He stated that this

would increase the profitability of the second floor which at present accounted for a large percentage of the rent paid for the premises but did not contribute to the income from the business.

Members raised concerns over the profitability of an internet lounge when a nearby internet café was due to close down.

Members asked if there was any further information available on the work which had already been undertaken to remove internal walls and a suspended ceiling. Officers confirmed that these works were the subject of a current listed building consent application but that they did not alter the fabrication of the unit.

Members raised the point that there are very few buildings which take people up to a height where they have a good view over the city and that this was a good example of this.

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

REASON: That 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 special historic interest of the listed building, the vitality and viability of the area, amenity, the character and appearance of the conservation area and highway safety. As such the proposal complies with Policies HE3, HE4, S6 and S7 of the City of York Local Plan Deposit Draft.

Action Required

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

10c 25 George Hudson Street York YO1 6JL (07/01726/FUL)

Members considered an application from Oakgate (Newcastle) Ltd for the variation of condition 6 of planning permission 04/02949/FUL to allow 10 ground floor car parking spaces to be used as secure contract parking (existing conditions requires short term parking only) (re-submission)

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

REASON: That 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 conservation area and national and local initiatives to reduce private car travel and promote other means of more sustainable transport. As such the proposal complies with Policy T14 of the City of York Local Plan Deposit Draft.

Action Required

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

10d Ali G Pizza, 11 Tower Street, York, YO1 9SA (08/00936/FUL)

Members considered a full application from Mr Ali Aligugur for a single storey pitched roof extension to the rear to accommodate a chiller unit, the erection of a replacement boundary fence to the south east boundary and a wooden shed in the yard.

The case officer reported that the Environmental Protection Unit had no objection to the application. He stated that one letter of objection which had been received from the occupant of 4 Tower Place due to concerns over noise from the chiller had been withdrawn after the objector has discussed the proposal with the applicant. He reported that a further letter had been received from 2 Tower Place and they had no objections to the extension and advised that over the last three years they had had no problems regarding cleanliness or noise from the application site.

He advised Members that an application for listed building consent had been sent with the full planning application but this had been invalid as a block plan was missing. The agent had sent a block plan as requested but insufficient copies which was to be rectified.

Members agreed that these proposed changes would improve the condition to the rear of the building.

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

REASON: That the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the special historic interest of the listed building, the character and appearance of the conservation area and residential amenity. As such the proposal complies with Policies HE3, HE4 and S6 of the City of York Local Plan Deposit Draft.

Action Required

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

**10e 2 The Park, Westwood Lane, Askham Bryan, York, YO23 3FW
(07/02908/FUL)**

Members considered a full application, submitted by Mr James O'Toole, for a single storey pitched roof glazed rear extension which would enclose the rear yard.

The case officer stated that an objection had been received by e-mail from a neighbour at 3 The Park. A copy of this e-mail was circulated to Members at the meeting. The neighbour's objections were as follows:

- It would increase the size of the property disproportionately compared to the other properties.
- Anticipated problems with drainage and cleaning
- Impact on light to the front of his property

Representations were received from the agent, on behalf of the applicant, in support of the application. She explained how the farm buildings had been converted into residential dwellings in 1998. She confirmed that the proposed extension would be located within the walled yard area and that the only visible part of the extension would be the glazed roof and therefore it would not be out of character or keeping with neighbouring properties and should not impact on the neighbours.

Members discussed what impact the proposed extension might have on neighbours and whether it would enable the character of the current buildings to be retained. Members expressed the view that the buildings were now residential properties and not agricultural buildings and that, although it was important to retain the character of the buildings, this was a fairly modest and unobtrusive extension which would have minimal impact on neighbours.

RESOLVED: That the application be approved subject to the following conditions listed below:

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

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

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

O01/766/02 dated April 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 The frame for the glazing of the extension shall be constructed from painted timber.

Reason: So that the extension respects the character of the existing buildings in accordance with policy GP1 and H7 of the Development Control Local Plan and the guidelines of the Askham Richard Village Design Statement.

REASON: That the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and openness of the Green Belt, the living conditions of adjacent occupiers and the appearance of the building. As such the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan and the guidelines contained within the Askham Bryan Village Design Statement.

Action Required

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

10f 6 Marston Crescent York YO26 5DQ (07/02945/FUL)

Members considered a full application from Tony Rogers for a part two storey, part single storey pitched roof rear extension.

The case officer stated that a letter had been received from the applicants in support of the application and this was circulated to Members of the Committee. The applicants' main concern was the length of time the application process had taken and the number of times they had needed to amend the plans.

Representations were received from a neighbour in objection to the application. He voiced his concerns that the proposed application would not comply with Policy GP1 of the City of York Development Control Draft Local Plan as stated in the officer's report as it would cause overshadowing of neighbouring properties and would consist of overbearing structures. Similarly his opinion was that it would not comply with Policy H7 "Residential Extensions" as it would affect the natural lighting and heating amenities currently enjoyed in his conservatory. A

copy of the objector's statement and photographs were circulated to Members of the Committee. The photographs showed the level of light currently received by his property and that the part of the garden mainly used was to the right of the conservatory which would be overshadowed if the application was granted.

Members discussed issues relating to the size of the proposed extension and agreed that it would have a direct impact on the neighbour and would be overbearing. They noted that it would also negatively affect the level of sunlight in the neighbour's conservatory.

RESOLVED: That the application be refused.

REASON: Because of its height and excessive rear projection the proposed extension is considered to be overbearing when viewed from neighbouring properties and would result in a loss of sunlight to the rear of no.4 Marston Crescent. The extension would therefore harm existing living conditions and as such would be contrary to policies GP1 and H7 of the City of York Development Control Local Plan and the City Council's Supplementary Planning Guidance "Guide to extensions and alterations to private dwellinghouses."

Action Required

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

Councillor D Horton, Chair

[The meeting started at 3.00 pm and finished at 4.20 pm].

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	1 JULY 2008
PRESENT	COUNCILLORS SUE GALLOWAY (VICE-CHAIR, IN THE CHAIR), STEVE GALLOWAY, GALVIN, GILLIES, LOOKER, REID, MOORE (SUBSTITUTE), SIMPSON-LAING (SUBSTITUTE) AND BOWGETT (SUBSTITUTE)
APOLOGIES	COUNCILLORS HORTON, CRISP AND SUNDERLAND

1. INSPECTION OF SITES

The following site was inspected before the meeting.

Site	Attended by	Reason for visit
Algarth, Wetherby Road Rufforth, York	Councillors Gillies, Galvin and Horton	At the request of Councillor Horton

2. DECLARATIONS OF INTEREST

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

3. PUBLIC PARTICIPATION

It was reported that nobody had registered to speak at the meeting under the Council's Public Participation Scheme on general issues with 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 Algarth, Wetherby Road, Rufforth, York, YO23 3QF (08/00841/FULM)

Members considered a full application submitted by Cala Management Ltd, for the demolition of Algarth and Hambleton View and erection of eighteen no. 2, 3, 4 and 5 bed houses, one no. 2 bed flat with associated access, detached garages and parking.

The case officer updated members on the application and stated that planning permission was sought for the erection of 19 dwellings after the demolition of 2 existing bungalows (Algarth and Hambleton View) adjacent to Wetherby Road, Rufforth. The proposed scheme involved a mixture of 2 and 2½ storey dwellings.

Representations were received in objection to the application from a representative of Rufforth and Knapton Parish Council. The main concerns raised were:

- The impact it would have on the site which was classed as 'washed over' Green Belt
- The density of the development which they felt was too high in a rural area.
- Access to the proposed site which was on a bend and opposite the village shop.

Members expressed concerns regarding the density of the development, access to the development and the drainage and flooding problems in the area. Concern was also raised at the Parish Council comments regarding the high provision of affordable housing on this site.

RESOLVED: That the application be refused

REASON: 1. The proposed development would constitute inappropriate development that would have a harmful impact upon the character and openness of the Green Belt and 'washed over' Green Belt, due to its scale, design and siting. The proposal would also contribute to the loss of open space within this rural village, which would be a detriment to the area and the surrounding Green Belt. The scheme would also undermine the rural nature of this approach into the village. Furthermore, the scheme would set a precedent for future inappropriate development, which would cumulatively undermine the character of Rufforth and the Green Belt. As a consequence the proposal is contrary to parts (a), (b), (c) of policy GB1 and also the essential criteria listed as part of this policy. Also parts (a), (b) and (c) of policy GB2 and policy GP10 of the City of York Local Plan Deposit Draft.

2. The density of the development is too high in relation to the existing character and form of Rufforth. The 2-storey and 2½ storey proposed

dwelling would look out of character within Rufforth when viewed in this context. As a consequence the proposed scheme fails to satisfy draft Local Policy GP10, parts (a), (b), (c), (d), (e), (g) and (i) of policy GP1 and also PPS1, PPG2 and PPS3 and also design guidelines 10, 11, 15, 17, 18 and 25 of Rufforth's Village Design Statement

3. The Scheme if approved would have a detrimental impact upon the amenity of adjacent neighbouring dwellings. In particular there would be significant detrimental impact upon 'Pinecroft' due to overlooking of neighbours private rear gardens and overshadowing. The scheme would also create intrusion due to being overbearing and un-neighbourly. As a consequence the proposal fails to satisfy policy part (i) of draft policy GP1 of City of York Local Plan and PPS1 and PPS3.

4. The development makes no provision for open space provision, to meet the needs of future residents and the local community. The development is thus considered to conflict with policy L1c 'Provision Of New Open Space in Development' of the City Of York Draft Local Plan Incorporating the 4th set of changes - Development Control Local Plan (Approved April 2005) that would require a commuted payment towards off site provision.

5. Inadequate drainage details have been submitted. It has not been proven by the applicants, that the development would not cause flooding to nearby residents or the local drainage system. Draft policy GP15a of the City York Local Plan and PPG25 require applicants to provide adequate information and implement measures to prevent flooding. The applicants have not proven that the scheme would not affect neighbours in terms of water run-off or overload the adjacent public drains.

6. No sustainability statement has been submitted, furthermore no details have been submitted regarding how the proposal satisfies points (a) to (i) of the policy GP4a. Policy GP4a requires the submission of a sustainability statement with every planning application. Without this document the Council cannot judge the sustainability of the scheme against this

policy or the requirements of policy GP1 (j) which requires applications to accord with sustainable design principles.

7. Due to the layout and siting of the dwellings within the site, such a high density scheme does not allow for adequate soft landscaping which would add to the amenity of the scheme and create a sense of place. As a consequence the proposal does not create a definable character or distinctive quality of place for the scheme as sought by 'Better Places to Live by Design: A companion Guide to PPG3'. As such the proposal would not be compatible with the well established rural character of the area is therefore contrary to national planning guidance PPS1 and PPS3 and also policies GP1, GP9, NE1 and H5a of the City of York Draft Local Plan (incorporating 4th set of changes) – 2005 and also design guideline 6 of Rufforth's Village Design Statement.

Councillor Sue Galloway, Chair

[The meeting started at 12.00 pm and finished at 12.08 pm].

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Rural West York
Date: 14 August 2008 **Parish:** Hessay Parish Council

Reference: 08/01220/FULM
Application at: Tancred House Main Street Hessay York YO26 8JR
For: 30m x 50m ménage including 6 no. floodlights and access road,
and change of use of agricultural land to paddock
By: Mr Chris Digby
Application Type: Major Full Application (13 weeks)
Target Date: 15 September 2008

1.0 PROPOSAL

1.1 The application is for a 30 metre by 50 metre ménage set in the north west corner of Garth Ends Field. 6 floodlights on 5.48 metre high columns would light the ménage. The ménage would be separated from the rest of the field by a 1.5 metre high post and rail fence, and a new tarmac road would connect the ménage to the existing hardstanding.

1.2 The proposed ménage would be sited outside the Hessay settlement limit within the greenbelt. Hessay has despite recent housing developments in the village retained much of its rural and village character.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYSP2
The York Green Belt

CYGP1
Design

CYGP4A
Sustainability

CYGP14
Agricultural land

CYGP15
Protection from flooding

CYGB1
Development within the Green Belt

3.0 CONSULTATIONS

3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 14/07/2008
Site Notice - Expires 16/07/2008
Press Advert - Expires 23/07/2008
Internal/External Consultations - Expires 13/08/2008

13 WEEK TARGET DATE 15/09/2008

3.2 INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - No objections

- There are no details of the construction of the proposed new access. The new access would not start until 60m into the site; it is considered therefore that, although there would be very little likelihood of carry over of surfacing materials onto the highway from this distance, its construction should be controlled by condition
- The ménage is intended to be floodlit. Noted that the street lighting engineer has been consulted as regards the floodlighting and he is satisfied that the lighting is appropriate for the use but should be shielded if subsequently spill was a problem. Hessay has a very low level of street lightning therefore there may be a problem of contrast between the two area therefore it is recommended that a standard glare condition be attached
- The Design and Access Statement includes "The ménage... is solely for personal use, this is in no way a commercial use" and "...the ménage will not affect existing pedestrian and vehicular access and no increase in traffic is expected..." The existing access arrangements are therefore considered adequate, however could this development be controlled by a personal permission to limit the possibility of commercial uses being introduced later?

STREET LIGHTING ENGINEER - The height and type of lantern seems perfectly acceptable as they are both low and of a "dark skies compliant" type. The total lighting on the site complies with the middle levels of the CIBSE guide and therefore does not seem over lit and light spill should be minimal in the surrounds. As the lighting is an arena and therefore will not be lit constantly in the hours of darkness do not feel there will be any undue nascence. Should any subsequent spill be found to be a problem then shields would be provided on the lanterns.

STRUCTURES AND DRAINAGE - No comments received at the time of the report being written

ENVIRONMENTAL PROTECTION UNIT - The Environmental Protection Unit has concerns with this application in respect to light spillage from the development onto neighbouring properties. Request further details of the vertical illuminance from the floodlights at a height of 1.8-2m at neighbouring properties is provided. The information is required to ensure that the residents of neighbouring properties are adequately protected from light pollution and loss of amenity.

LANDSCAPE ARCHITECT

- The rear fields are open and largely grazed, with cultivated fields beyond; many are bound by native hedgerows; some are simply delineated with timber post and rail/wire fencing. There are very few hedgerow trees. The open field pattern provides a pleasant aspect for all the properties on the south side of Hessay Main Street, a linear village. Noted that Garth Ends Field is currently used for grazing horses, as are the two neighbouring fields. There are four stables within the grounds of Tancred House and it is noted there are a few more to the rear of Fawcett House, accessible from Tancred House, i.e. the equestrian use of these rear fields is fairly intense. Noted however that the degree of existing hard standing and visual intrusion of the equestrian activities is currently fairly minimal.

- A greenbelt and open countryside objective relevant to this application is 'to safeguard the surrounding countryside from further encroachment'; with the aim 'to retain attractive landscapes, and enhance landscapes, near to where people live'; and 'to retain land in agricultural, forestry related uses.' The ménage does not appear to fall within any of the acceptable uses of development in the greenbelt under GB1 unless it is considered an essential facility for outdoor recreation. It is recognised that this would be a good facility given the existing stables and grazing use. Would the introduction of a ménage constitute a change of use from agricultural to equestrian?

- The proposed flood lighting causes some concern, especially given the proposed lighting column height of 10m. (We also need to have a drawing of the lamp and column). Furthermore, the lighting will be in greatest demand in the winter months when the deciduous vegetation that provides screening during the summer months will be bare, (with the exception of the conifers along the western boundary - in neighbours ownership). Understand the logic in placing the ménage in the north west corner of the field, because it minimises interruption of the field; retains the very attractive openness of the rear garden of Tancred House; and utilises the screening effect of the conifers. But subsequently it impinges on the rear aspect of Doon Court House. And is pushed tight against the garden boundary of Wheatsheaf House. The majority of the length of the border with Wheatsheaf House consists of a line of conifers, which would provide year-round screening of the ménage activity, but not necessarily the floodlights. Similarly there is a coniferous hedge along the boundary with the public right of way to the west within the rear of Croft Farm. Nonetheless some of the lighting columns will be visible all year round, over the deciduous hedgerows from the public right of way further south. Further planting within the field to screen the ménage would be inappropriate, as it would reduce the open character of the fields. Certainly additional conifers would be unwelcome.

3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

HESSAY PARISH COUNCIL - No objection

- Concerns regarding the lighting. Recommend that the lights should be governed by a timer and be turned off no later than 21:00
- The lights should be of a design that does not allow light to shine up to the sky
- The Ménage should be for the private use of the owner and not be used for commercial purposes

YORKSHIRE WATER - No comments

YORKSHIRE NATURAL ENVIRONMENT PANEL

- Visually intrusive, inappropriate development into greenbelt totally unsuited to the village setting. A facility of this kind seems unlikely to always be used for domestic use and will often lead to a commercial use.
- The floodlighting is the main objection, given its likely detriment to the character of the area plus that it will likely alter the natural behaviour of wildlife. If minded to approve the paddock there should be no flood lighting, failing which for low-level, low-intensity lighting only, with ample screen planting to reduce light pollution.

3 LETTERS OF OBJECTION (2 from same objector)

- Sited too close to dwellings and gardens
- Less intrusive if sited further to the south of Garth Ends Fields
- Floodlights will cause light pollution in a quiet and dark rural situation
- Would not be personal use. The equestrian facilities at Tancred House are used by other people living in Hessay, the ménage would be an expansion of this commercial activity

4.0 APPRAISAL

RELEVANT SITE HISTORY

01/00447/FUL - Erection of pitched roof detached garage/workroom block with storage and play room in roof space - Approved

01/00355/FUL - Erection of part pitched part pitched part flat roofed rear extension - Approved

ADDITIONAL PLANNING POLICY

Planning Policy Guidance 2 - Green Belts

Planning Policy Statement 7 - Sustainable Development in Rural Areas

KEY ISSUES

1. Impact on the greenbelt
2. Impact on neighbouring property

ASSESSMENT

PLANNING POLICY

4.1 Policy SP2 'The York Green Belt' in the City of York Council Development Control Local Plan (2005) states that the primary purpose of the York Green Belt is to safeguard the setting and historic character of the City of York.

4.2 Policy GP1 'Design' of the City of York Council Development Control Local Plan includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, 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; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.3 Policy GP14 'Agricultural Land' of the City of York Council Development Control Local Plan states that planning permission will only be granted for development that would result in the loss of the best and most versatile agricultural land (defined as grades 1, 2, and 3a) if an applicant can clearly demonstrate that very special circumstances exist which determine that the proposal can not be located elsewhere.

4.4 Planning Policy Guidance note 2 'Green Belts' sets out the purposes of including land within Green Belts and establishes specific categories of development that are appropriate within Green Belts. All other development is deemed inappropriate and therefore harmful to the Green Belt. For such development to be acceptable in Green Belts very special circumstances must be demonstrated to show that the harm is outweighed by other considerations. The boundaries of the Green Belt are detailed on the Proposals Map of the City of York Council Development Control Local Plan (CYCDCLP) and this site clearly falls within the Green Belt. Policy GB1'Development in the Green Belt' of the CYCDCLP follows the advice contained in PPG2 in stating that permission for development will only be granted where: the scale, location and design would not detract from the open character of the Green Belt; it would not conflict with the purposes of including land within the Green Belt; and it would not prejudice the setting and special character of the City, and is for a type of development listed as appropriate development. All other forms of development are considered to be inappropriate and very special circumstances would be required to justify where the presumption against development should not apply.

4.5 PPS7 states that planning authorities should aim to secure environmental improvements and maximise a range of beneficial uses of this land, whilst reducing potential conflicts between neighbouring land uses.

4.6 Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development. Development should: provide details setting out the accessibility of the site by means other than the car and, where the type and size of development requires, be within 400 metres walk of a frequent

public transport route and easily accessible for pedestrians and cyclists; contribute towards meeting the social needs of communities within the City of York and to safe and socially inclusive environments; maintain and increase the economic prosperity and diversity of the City of York and maximize employment opportunities; be of a high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City; minimize the use of non-renewable resources, re-use materials already on the development site, and seek to make use of grey water systems both during construction and throughout the use of development. Any waste generated through the development should be managed safely, recycled and/or reused. The 'whole life' costs of the materials should be considered; minimize pollution, including that relating to air, water, land, light and noise; conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife area and room for trees to reach full growth; maximize the use of renewable resources on development sites and seek to make use of renewable energy sources; and make adequate provision for the storage and collection of refuse and recycling.

IMPACT ON GREENBELT AND NEIGHBOURING DWELLINGS

4.7 Hessay is one of the remoter villages within the York Green Belt. The proposed ménage would be sited outside the Hessay settlement envelope within the greenbelt.

4.8 The land is defined as grade 2 agricultural land. No special circumstances have been submitted for development on agricultural land graded 1, 2, and 3a, and no information has been submitted showing that the development could not be located elsewhere and therefore is contrary to Policy GP14.

- Ménage

4.9 The ménage would measure 30 metres by 50 metres. Although it is shown smaller on the submitted plans - The site plan and block plan show it as 19 metres by 38 metres. The proposal would protrude further into the greenbelt than any of the dwelling or gardens on the south side of Main Street.

4.10 The application form states that the ménage would require 0.153 metres of equestrian prop silica sand as a base, a synthetic stabiliser containing a rubber crum will be sown through the sand to act as a jump stabiliser and all weather fibres will be laid on the top to prevent freezing in the winter. The plans specify a base of 0.15 metres of clean stone followed by a non-woven membrane with a 0.025 metres of all weather surface and 0.125 metres of riding surface.

4.11 The fencing would be 1.5 metres in height above ground with large concrete bases for each fence post. The proposed fence would be higher than the average agricultural post and rail fence. The materials of the fence have not been specified.

4.12 The ménage does not fit into any of the purposes stated in Policy GB1 and PPG2. Whilst the keeping of horses is considered to be an acceptable use within the greenbelt a ménage is not considered to be an essential facility for outdoor sport and outdoor recreation. No special circumstances have been submitted by the applicant/agent as to why the presumption against development in the green belt

should not apply. The scale and location of the ménage together with the associated works such as access road, floodlighting, fencing, the materials of the ménage surface within the greenbelt, and the proximity to neighbouring dwellings would detract from the character of the greenbelt and conflicts with the purposes of including land within the green belt. As set out in PPG2 the greenbelt should be protected from further encroachment.

- Access Road

4.13 The access road within the field would have a tarmac finish creating an urban appearance that would jar with the rural surroundings and the visual amenity of the greenbelt, and therefore would be an unduly harmful feature. Together with the other issues already mentioned above and the floodlighting the proposal would have a rather commercial appearance.

- Lighting

4.14 The flood lighting proposed for the ménage would be attached to 6 x 5.48 metre high columns. No details/elevations of the appearance of the lighting have been submitted.

4.15 There is very little street lighting in Hessay, the two new developments within Hessay - The Fold (74 metres away at nearest point) and Roecliffe Court off New Lane have a small element of street lighting which has created a slight urban appearance at odds with the surrounding. There is only one streetlight on Main Street, 280 metres away from the proposal. The lack of external lighting is one of the elements that helps to retain its rural character of the village.

4.16 By virtue of the height of lighting columns (5.48 metres) and the light created by the floodlights, the proposed development would be prominent from a significant distance including the neighbouring dwellings and gardens, surrounding greenbelt, and the public right of way to the west. The lighting would not be directly seen from Main Street. Despite the lighting being aimed at the ménage the height of the lighting would create an element of disturbance as external lighting is not a typical feature of Hessay.

4.17 The perimeter of the field is marked by deciduous hedges and post and rail fencing. There is a line of conifers to the west of the proposed ménage. However it is considered that the trees and hedging would provide little in the way of screening of the proposal to the nearby dwellings and the wider greenbelt and would be unlikely to protect the dwellings from lighting especially during the winter months, when the floodlighting would presumably be used more. Whilst the lighting could be conditioned for certain times of the day, it is likely that there would be more light disturbance during winter by virtue of the shorter days. The conditioning of times of lighting does not overcome the issue that floodlights are not a typical feature within the greenbelt or rural areas.

OTHER ISSUES

4.18 There is no planning history for the stable block, which appears to be a recent development.

4.19 No sustainability statement has been submitted.

4.20 The agent has stated that the ménage is for personal use only and if approval was granted this could be conditioned. Highways Network Management has requested a personal condition for a ménage on this site. An objector has stated that the present equestrian use is not for the personal use only of the occupants of Tancard House, this has not been verified.

5.0 CONCLUSION

5.1 The proposed ménage and associated works do not fulfil any of the allowed purposes set out in Policy GB1 and PPG2 and as such is considered to be an inappropriate form of development within the greenbelt and would impact on the open character of the greenbelt.

5.2 The negative impact on the openness of the greenbelt is further compounded by the floodlighting and the visual impact and disturbance this would create. The light disturbance would result in harm to the residential amenity to the occupants of the neighbouring dwellings. The floodlights and the light created would also be visible from the public right of way to the west of the site. External lighting is not a usual feature of Hessay, or this part of the greenbelt.

5.3 The proposed tarmac access road would have an urban appearance and would be detrimental to the setting of the greenbelt and would jar with the rural appearance of the greenbelt and Hessay. This is also compounded by the height of the proposed fencing, which is considered to be excessive and would further impact on the openness of the greenbelt

5.4 The submitted plans have portrayed the ménage smaller than proposed.

5.5 No sustainability statement was submitted.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed ménage, floodlighting and access road by virtue of its scale, lighting, siting, and urban appearance of the proposed access road would constitute inappropriate development that would have a harmful impact on and detract from the open character of the Green Belt and 'washed over' Green Belt. Furthermore, the scheme would set a precedent for future inappropriate development which would cumulatively undermine the character of the Green Belt. As a consequence the proposal is contrary to parts Policy GP1, GP14 and GB1 of the City or York

Development Control Local Plan (2005); and national planning guidance Planning Policy Guidance 2 'Green Belts'.

2 The proposed floodlighting for the ménage would be contrary to the character of the rural village character of Hessay where external lighting is not a common feature. Furthermore the proposed floodlighting would cause an element light disturbance to the occupants of the nearby dwellings and gardens, the public right of way to the west of the site, and the greenbelt and therefore is contrary to Policies GP1 and GB1 of the City of York Development Control Local Plan (2005); and national planning guidance Planning Policy Guidance 2 'Green Belts'.

3 No sustainability statement has been submitted, furthermore no details have been submitted regarding how the proposal satisfies points (a) to (i) of the policy GP4a. Policy GP4a requires the submission of a sustainability statement with every planning application. Without this document the Council cannot judge the sustainability of the scheme against this policy or the requirements of policy GP1 (j) which requires applications to accord with sustainable design principles.

7.0 INFORMATIVES:

Contact details:

Author: Victoria Bell Development Control Officer
Tel No: 01904 551347

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Tancred House, Main Street, Hessay

08/01220/FULM



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	04 August 2008
SLA Number	Not set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Rural West York
Date: 14 August 2008 **Parish:** Parish Of Rufforth With Knapton

Reference: 08/00836/FUL
Application at: Woodlands Wetherby Road Rufforth York YO23 3QF
For: Erection of dormer bungalow revised access and creation of parking and turning area
By: Professor J Jones
Application Type: Full Application
Target Date: 30 May 2008

1.0 PROPOSAL

1.1 The site relates to the front driveway of Woodlands. Woodlands is a substantial detached residential dwelling, which lies at the north eastern edge of the village of Rufforth. The driveway is accessed via Wetherby Road.

1.2 The site is irregular in shape and has a frontage to Wetherby Road measuring approximately 18 metres and is bounded by an evergreen hedge. The site narrows to the rear to a width of 10 metres, where it is bounded by a high red brick wall and mature trees.

1.3 The proposal seeks full planning permission to erect a dormer bungalow to the front of the site. The foot print of the proposed property would be approximately 11 metres in length by 6.5 metres in width. The bungalow would have a pitched roof with ridge height at approximately 6.3 metres and 3 metres to eaves height. Two dormer windows would be located in the front elevation and one dormer window in the rear elevation. A cycle and refuse store would be located to the rear of the property and a proposed parking area is identified to the rear. The plan indicates that a new wall/fence would divide the rear of the site from the garden of Woodlands.

1.4 Documentation contained within the application states that a the secondary access track to Woodlands, located at the other side of Lowfield Cottage, would then be utilised as the main access for Woodlands. This would require the creation of a new access link in across their garden which is designated Green Belt outside of the Defined Settlement Limits. The applicants state that the proposed link through the garden area would constitute Permitted Development.

1.5 A street scene has been forwarded by the applicant at request of the Planning Case Officer to assist in determination of the scheme.

COUNCILLOR B HUDSON:

1.6 Requests that the application is brought to Planning Committee as the applicant has stated that due consideration has not been given. A site visit is requested.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Schools Rufforth Primary 0219

2.2 Policies:

CYGP1
Design

CYGB2
Development in settlements "Washed Over" by the Green Belt

CYGP10
Subdivision of gardens and infill devt

CYH4A
Housing Windfalls

CYL1C
Provision of New Open Space in Development

CYT4
Cycle parking standards

CGP15A
Development and Flood Risk

CYH2A
Affordable Housing

3.0 CONSULTATIONS

EXTERNAL

PARISH OF RUFFORTH WITH KNAPTON:

3.1 Object to the proposal. Rufforth is 'washed over' by Green Belt and the proposed bungalow may not be within the village envelope. This is inappropriate infill and would block off aspects and the amenity of Highfield House. This is another attempt to build a house on a small driveway and the second access to the house is in the chicane area which is not desirable. There has been no consultation with the

Rufforth Village Design Statement, it is not mentioned in the Design and Access Statement. Should the application be approved we ask that Permitted Development rights are removed to protect the Green Belt.

MARSTON MOOR INTERNAL DRAINAGE BOARD:

3.2 Raise no objections.

3.3 3 Letters of objection have been received. Two from the same resident. They are summarised as follows: The proposed property is located in a ridiculous position. It has no consideration of neighbouring properties. It would block views and is on a busy road with traffic calming measures already in place. The property should be erected to the rear of the applicant's own dwelling.

3.4 Objections are raised to the proposed second access to Woodlands which would run adjacent to a neighbouring property, causing noise and disturbance. A 6 ft wall should be erected around the property. The Hawthorne hedge which has been planted around their property at significant cost, would be damaged.

INTERNAL

LANDSCAPE ARCHITECT:

3.5 The property Woodlands is largely obscured from public view. There have been a number of front/back garden developments in recent years in Rufforth, the closest being Linden Lea which has had two properties added to the front courtyard that is now shared by all three properties. The two new properties do not obscure the original property. A separate dwelling has also been created to the rear of Low Field Cottage, which is obscured by the original property, but it is read as a barn conversion, i.e. subsidiary to the main cottage. Highfields House is a newer property which sits relatively comfortably between Low Field Cottage and Maple House etc. The point being, that the buildings do not significantly 'overlap' as viewed from the street, and each has a reasonable, logical, garden area and its own legible space. The proposed new property would 'elbow' its way to the front of Highfields House and sit forward of Maple House. Furthermore, the resulting rear garden would relate poorly to the new dwelling by way of the narrowing of the 'plot' past the turning head. The whole arrangement looks uncomfortable. It is not compatible with the space between existing buildings and is therefore against policy GP1 b). The arrangement would be detrimental to the amenity and character of the village and is therefore against policy GP10. Furthermore, Rufforth village and hence the application site for the new dwelling is washed over by greenbelt. I think the introduction of a property on this tight site and its relationship with surrounding properties would be contrary to policy GB2 because the location is inappropriate to the form of the settlement. Please also refer to the Rufforth VDS.3

HIGHWAYS NETWORK MANAGEMENT:

3.6 Raise no highways objections subject to standard Highways conditions being imposed. HWAY 24 'visibility Splays; HWAY 18 'details of cycle parking'; HWAY 21 'Turning head to be kept clear'; HAWY 31 'No mud on Highway'; HWAY 17 Removal of redundant crossing'; HWAY 13 Access to be improved'; HWAY10 Vehicular access surfaced'. A minimum 3.5 metres clear driveway to be maintained to

Woodlands to facilitate access for emergency vehicles (reason: in the interest of public safety).

HOUSING STRATEGY AND ENABLING TEAM:

3.7 The site area falls over the Rural Threshold at 0.05ha as entered on the application. A commuted sum in lieu of provision of affordable housing is required.

LIFE LONG LEARNING AND CULTURE:

3.8 As there is no on site open space commuted sums should be paid to the Council for a) amenity open space - which would be used to improve a local site within the Parish. b) play space - which would be used to improve a local site within the Parish c) sports pitches - would be used to improve a facility within the West Zone of the Sport and Active Leisure Strategy. The contribution to off site provision is to be based on the latest York formula through a Section 106 Agreement.

4.0 APPRAISAL

RELEVANT PLANNING HISTORY

4.1 The applicant was granted a certificate of lawfulness at appeal to allow existing land falling outside the Defined Settlement Limit and within the Green Belt proper, to be used a garden area (Planning Application Reference: 06/01243/CLU). Other applications relate to the extension and improvement of Woodland.

POLICY

4.2 PPG2 Planning Policy Guidance 2 - 'Green Belts' sets out the purposes of including land within Green Belts and establishes specific categories of development that are appropriate within Green Belts, including limited infill in existing settlements in 'washed over' Green Belt. All other development is deemed inappropriate and therefore harmful to the Green Belt. For such development to be acceptable in Green Belts very special circumstances must be demonstrated to show that the harm is outweighed by other considerations. At para 2.11 the guidance states that Local Plans should include policies to ensure that any infill does not have an adverse effect on the character of the village concerned.

4.3 PPS1: Planning for Sustainable Development aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.4 Planning Policy Statement 3: 'Housing' (PPS3) sets out Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, reducing dependency on the private car and provision of affordable housing.

4.5 Policy GB2 'Development in Settlements "Washed Over" by the Green Belt' states that proposals for new buildings within Green Belt villages will be permitted providing they are located within the built up area of the settlement; the location, scale and design is appropriate to the form and character of the village and

surrounding property; and, the proposal would constitute limited infilling and not prejudice the openness or purposes of the Green Belt.

4.6 Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, 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; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.7 H4a - Housing Windfalls: which suggests that a proposals for residential development on land within the urban area would be a acceptable, where "the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings." However, any development must be of an appropriate design and must be sustainable e.g. good links to jobs, shops and services.

4.8 GP10 -Subdivision of Gardens and Infill Development: Planning permission will only be granted for the subdivision of garden areas (or plots) or infilling, to provide new development, where this would not be detrimental to the character of the and amenity of the local environment.

4.9 Policy L1c requires proposals for less than 10 dwellings to contribute towards the provision of open space (including sport, amenity and children's play provision) by way of a commuted sum.

4.10 Policy H2A- Affordable Housing Outlines the requirement to provide affordable housing.

4.11 The Rufforth Village Design Statement (VDS) : States at 15 that, 'Gardens and open spaces between buildings contribute to the rural charm of the village and should be retained. There should be a presumption against sub-division of these spaces when future planning applications are considered.' The VDS has been adopted as supplementary planning guidance.

KEY ISSUES

4.11 The Key Issues relate to policy principles with respect to Green Belt and visual impact , residential amenity, highways issues and requirements for Section 106 contributions.

POLICY IMPLICATIONS, GREEN BELT AND VISUAL AMENITY

4.12 In terms of national guidance, there are facilities within the village and it benefits from a public transport and link and therefore the proposal would be acceptable in respect of the locational requirements of PPS 3 'Housing'.

4.13 The Development Control Local Plan shows that Rufforth is 'washed over' by the Green Belt and as such Policy GB2 applies. The Policy allows for limited infill within the existing settlements providing they would not prejudice the openness or purpose of the Green Belt. Infilling is defined by the Local Plan at Para 5.26 as the filling in of a small gap in an otherwise built up frontage. However, the policy goes on to state that infilling is not always appropriate as the character of many settlements is made up of gardens, paddocks and other breaks between buildings. This is supported by PPS 2 'Green Belts' which states that the Local Plan should include policies which ensure that any infill does not have an adverse effect upon the character of the village concerned. Other Local Plan Policies GP1 and GP10 seek to protect the character of an area.

4.14 The proposed site of the dwelling would be located on a small plot of land that serves as the driveway to Woodlands. As such it is considered that it would constitute infill as defined by Para 5.26 of the Development Control Local Plan. However, in line with Policy GB2 and PPG 2 'Green Belts' an assessment of whether the infill would be appropriate, or if it would adversely affect the character of area is required.

4.15 The site lies towards the outer edge of Rufforth which is characterised by a semi rural pattern of development, which is distinct from properties near by on Middlewood Close which represent a more urban pattern of development. The existing property Woodlands is a detached family dwelling set within substantial grounds, located off Wetherby Road. Woodlands is surrounded by mature trees and as a result is not visible from Wetherby Road. Surrounding properties include Linden Lea, Low Field Cottage, Apple Tree Cottage and Highfield House. Linden Lea is itself set back some distance from Wetherby Road. Two properties Maple House and Lime Wood have been built within the front curtilage of Linden Lea (application reference: 03/02302/FUL) . That application was considered to be acceptable because of the wide frontage maintained between the new properties and Wetherby Road and substantial landscape buffer retained to the road frontage (6 metres). Apple Tree Cottage was approved at Committee in 2004 (application reference: 03/03465/FUL) and reads from Wetherby Road as an ancillary barn conversion.

4.16 The proposal would result in an additional dwelling being built within the small driveway plot. It would project closer to Wetherby Road than Lowfield (although Lowfield is set at an angle) and Linden Lea, would interrupt and reduce the wide frontage characteristic of the area . There would be a distance of less than 21 metres from the front elevation of Highfield House, to the rear elevation of the proposed dwelling. Therefore to accommodate the property would require the loss of a significant amount of separation gap. Moreover due to the constrained nature and location of the site, the property would 'elbow' its way in front of Highfield house. It is noted that the street scene supplied does not accurately represent this. As a consequence the proposed dwelling would create an awkward juxtaposition between the existing adjacent dwellings and would result in the loss of a separation gap and create a more dense pattern of development to the detriment of the character and

appearance of the area. This would be contrary to Policies GP1, GP, GB2 and the Rufforth Village Design Statement.

4.17 It is also noted that the approval of this property would require the creation of a new access link in across the applicants' garden which falls within the designated Green Belt outside of the Defined Settlement Limits. Although the applicants state that the proposed link through the garden area would constitute Permitted Development, the provision of a domestic access in Green Belt would be contrary to Policy GB1.

IMPACT UPON RESIDENTIAL AMENITY

4.18 The nearest neighbours to the proposed property would be Linden Lea, Lowfield Cottage and Highfield House. Due to the small scale of the proposed property it is not considered that it would be over bearing to neighbouring occupiers or cause overshadowing. There would be a separation gap of only 19 metres between the rear of the new property and Highfield House and there would be some overlooking afforded to the front of Highfield House its front courtyard from the rear dormer, however, it is not considered that residential amenity would be significantly affected by this. No windows are proposed to the side elevations. Taking the above into account it is not considered that the proposal would adversely affect residential amenity of neighbouring occupiers.

HIGHWAY ISSUES

4.19 Raise no concerns subject to the imposition of conditions.

CONTRIBUTIONS TO OPEN SPACE AND AFFORDABLE HOUSING.

4.20 Should the application be recommended for approval, a contribution would be required for the provision of open space under Policy L1c. The Housing Enabling Strategy Team have requested a financial contribution for affordable housing, as the site is over the size threshold for affordable housing and there is no scope to provide more than one dwelling on the site. This would be difficult to justify in terms of Plan Policy and has not been applied to previous sites.

5.0 CONCLUSION

5.1 Whilst the proposed new dwelling would meet part of the criteria outlined in Policy GB2, as the site an existing driveway to Woodlands is considered to constitute a small gap in an otherwise built up frontage (Para 5.26 of the Development Control Local Plan). The Policy goes on to state that infill is not always appropriate. This is supported by national guidance contained within PPS 2 'Green Belts' and Local Plan Policies GP10 and GP 1 which seek to protect the character of an area. The proposal would result in a residential dwelling being built within a constrained driveway plot. This would not be compatible with spaces between existing buildings. The proposed property would visually 'elbow' its way in front of Highfield House, creating an awkward juxtaposition, it would result in the loss of a separation gap and create a more dense pattern of development which would be inappropriate in this semi-rural setting. This would be contrary to Plan Policies GP1, GP10 and GB2 and

the Rufforth VDS. Moreover approval of the property would involve the creation of a new access link within the designated Green Belt outside of the Defined Settlement Limits which would be contrary to Policy GB1.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The introduction of this property to this constrained driveway site would be out of character with the existing spaces around surrounding properties towards the edge of Rufforth village and would create an awkward relationship with Highfield House. It would result in the loss of separation gaps and create a more dense pattern of development which would be out of character with the semi rural pattern of development . The proposal would therefore be contrary to Policies GB2, GP10 and GP1 of the City of York Development Control Local Plan 2005 and guidance issued in the Rufforth Village Design Statement. The proposal would also be contrary to national guidance issued in PPG 2 'Green Belts' and PPS 1 'Delivering Sustainable Development'.

2 Approval of the property would involve the creation of a new residential access link within the designated Green Belt , outside the Defined Settlement Limit which would be contrary to Policy GB1 of the City of York Development Control Local Plan 2005 and guidance contained within PPG2 'Green Belts'.

7.0 INFORMATIVES:

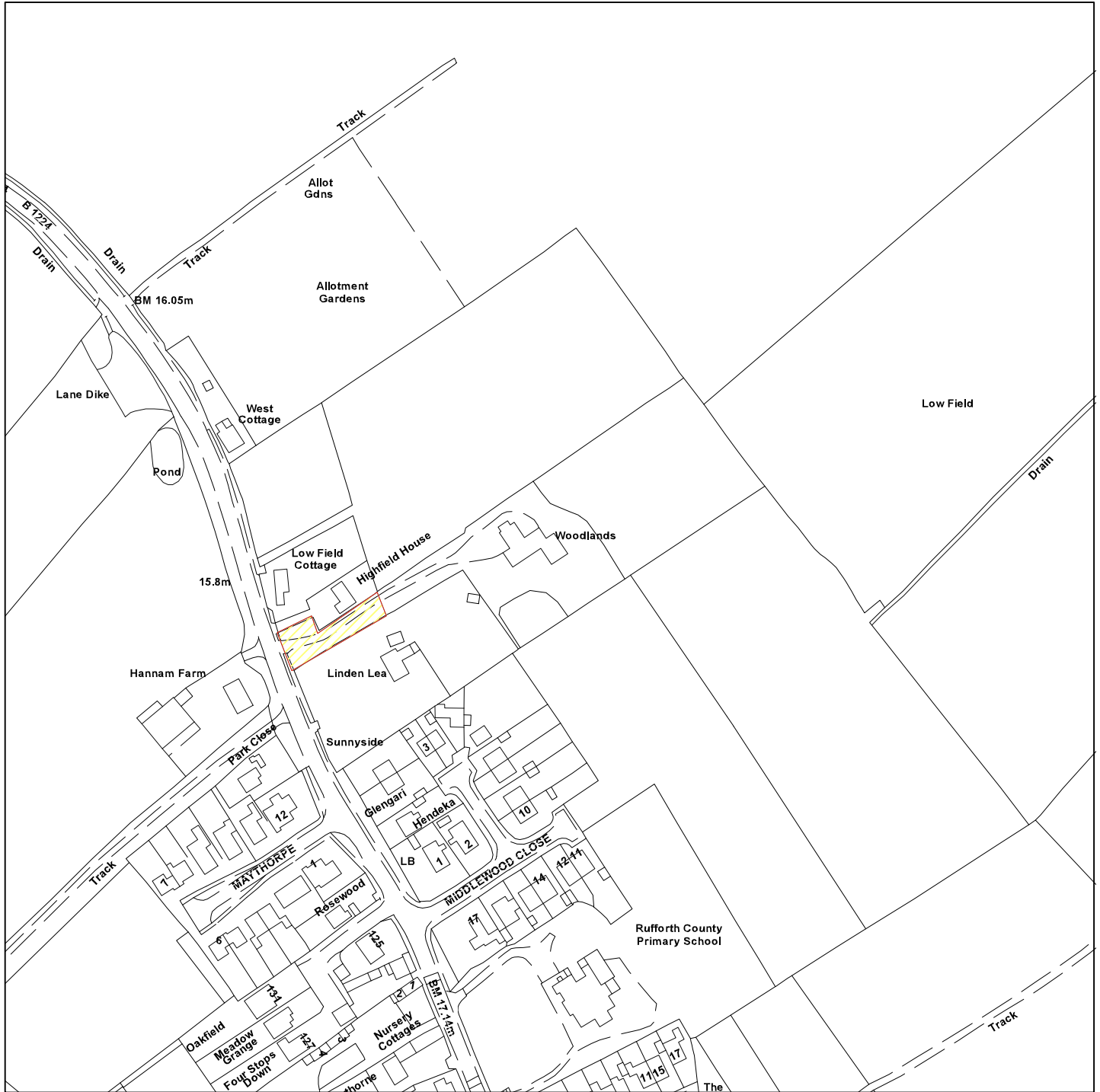
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Woodlands, Wetherby Road, Rufforth

08/00836/FUL



Scale : 1:2500

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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	04 August 2008
SLA Number	Not set

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COMMITTEE REPORT

Committee:	West/Centre Area	Ward:	Rural West York
Date:	14 August 2008	Parish:	Copmanthorpe Parish Council

Reference: 08/01311/GRG3
Application at: Junior School Bungalow 16 Low Green Copmanthorpe York YO23 3SB
For: Change of use from caretaker's dwelling to out of school club
By: City Of York Council
Application Type: General Regulations (Reg3)
Target Date: 25 July 2008

1.0 PROPOSAL

1.1 The application relates to the former caretaker's bungalow located adjacent to the entrance road within the curtilage of the school. The bungalow is modest in size, brick built with a concrete tile pitched roof. To the side of the bungalow is a small flat roofed extension. To the rear of the property is an overgrown garden area. The bungalow is located adjacent to the school playground. The building has been vacant for some 2 years.

1.2 Out with the school site, to the south of the bungalow, is a public footpath. Residential properties surround the majority of the school site and the main railway line runs to the east of the site. The site lies outside the Copmanthorpe Conservation Area no. 13 which covers part of the entrance to Low Green.

1.3 The proposal seeks to establish a school club. During the day it would operate for a maximum of 25 children, ages from 3 to 11. Times of operation being Monday to Friday 7:30 to 18:00. During school hours the facility would operate for pre-school children, with school age children attending outside school hours. Staff numbers would be 3-4 maximum. After these hours alternative uses such evening classes, including an Art Club, are proposed and would take place until 21:00. Other community uses have also been proposed, but with no associated detail. The applicants have stated that the unit would operate during some school holiday periods, but not all.

1.4 The building would be renovated internally and externally. External works would include renewal of windows , provision of a new footpath, disabled access and external lighting. Internal works would include the provision of a new kitchen and WC facilities for children and dedicated disabled toilet.

1.5 The school has approximately 40 car parking spaces and dedicated cycle parking. 2 no. car parking spaces would be dedicated to the facility and a drop off point created by the bungalow (within the school grounds). Access would be taken from the main school entrance off Low Green.

1.6 Works have commenced on site. Although the works undertaken were those which would not require planning permission, the school has advised the contractor to cease work prior to the determination of this application.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Schools Copmanthorpe Primary 0190

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYT4
Cycle parking standards

CYED1
Primary and Secondary Education

CYGP11
Accessibility

CYHE2
Development in historic locations

3.0 CONSULTATIONS

EXTERNAL

3.1 6 letters of objection have been received from residents on Low Green (two from the same residents). They raise concerns regarding the provision of information relating to the nature of proposal and operation of the unit; that the Justification Statement is incomprehensible; that the Statement has been hidden in a document entitled 'Proposed External Works', that the proposal should be withdrawn and resubmitted with additional information. Concern has been raised regarding the proximity of residential properties to the bungalow; additional noise; traffic and air pollution. Highway safety issues are raised including: turning in the cul-de-sac; problems with existing delivery lorries and caravans; existing problems with school parking/drop off blocking driveways; that the provision of 2 parking spaces is inadequate; that existing parking by those attending out of hours functions is for

longer periods and has caused hazards for residents. Photographs have been forwarded of a vehicle parking across a resident's driveway. That no information has been submitted with regard to noise restrictions, or rubbish generation. Conditions should be placed upon the operation to control noise and stopping restrictions placed on part of Low Green to prevent parking.

COPMANTHORPE PARISH COUNCIL:

3.2 Do not object to the application.

POLICE CRIME PREVENTION DESIGN ADVISOR:

3.3 Most incidents of anti social behaviour and crime in the vicinity (100m radius) are acts of criminal damage. The type of use for the building (school club) and the age of children using the building should have no impact on crime or anti-social behaviour.

INTERNAL:

HIGHWAYS NETWORK MANAGEMENT:

3.4 Raise no objections to the proposal. Further discussions with Highways Network Management took place regarding residents concerns raised with respect to parking and highways safety. Highways Network Management are satisfied that there is sufficient car/cycle parking within the site and that as pick up drop off would mainly take place outside core school pick up/drop off, the use could be accommodated without prejudice to highway safety.

ENVIRONMENTAL HEALTH:

3.5 No objections. However, raise concerns about the possible implications to surrounding residential properties in respect of noise associated with children in play. They state that although the residential properties within the vicinity will accept they live next to a school and expect some noise, the building is nearer to some properties (some would be no more than 15 metres away) and as the unit is proposed to be open from 07:30 conditions should be placed to restrict hours of outside play and operation. They should be, for the school club Monday to Friday 07:30 to 18:00; with use of external areas for the school club restricted to Monday to Friday 08:30 to 18:00. The evening classes should be restricted to 21:00. A demolition and construction informative should be applied to protect amenity.

4.0 APPRAISAL

RELEVANT HISTORY

4.1 An identical application was submitted in April 2008, reference (07/02984) this was withdrawn because further information was required.

POLICY

4.2 The Development Control Local Plan 2005, states its aim is to support and encourage the continued presence of educational facilities within the City, to foster a culture of education, lifelong learning and to widen the access to education.

4.3 Policy ED1 of the Development Control Local Plan relates to Primary and Secondary Education Facilities and states that extended facilities will be granted permission provided that they meet a recognised need; are of a scale and design appropriate to the character and appearance of the locality; an area of open space is sufficient to meet the need for pupils; where a development is capable, that joint or dual use for community benefit is provided.

4.4 Policy GP1 'Design' includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, 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; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.5 Policy GP4a 'Sustainability' requires all proposals for commercial or residential development to be accompanied by a 'sustainability statement'. The policy includes a list of criteria against which proposals should be judged which include: accessibility by means other than the car, whether the proposal would contribute to the social needs of the community, the contribution to the economy of the city, design quality, minimising the use of non-renewable resources, minimising pollution, conserving and enhancing natural areas and landscape features, maximising the use of renewable resources and making adequate provision for cycle storage and recycling.

4.6 National planning policy contained within PPS1 'Delivering Sustainable Development', states that good design is indivisible from planning. Design which is inappropriate within its context, or which fails to take opportunities for improving the character and quality of an area or the way it functions should not be accepted.

KEY ISSUES

4.7 The key issues relate to planning policy principles, highways, residential amenity and potential crime generation.

POLICY PRINCIPLE

4.8 In policy terms the thrust of the Development Control Local Plan including Policy ED1, seeks to support lifelong learning opportunities and to widen access to education. The school has stated that the use would provide a quality learning environment for early years (pre school children), would also ensure provision for disabled access and out of hours provision for school age children. The proposed uses of a school club and evening classes (including an art club) would be consistent with the provision of non residential educational facilities, under Use Class D1, as provided by the school itself. The proposal is therefore supported in principle subject to an assessment of the associated impacts upon highways, residential amenity, visual amenity and crime, as outlined below.

HIGHWAYS ISSUES

4.9 The school has some 40 car parking spaces and dedicated cycle parking facilities on site. 2no. existing car parking spaces would be dedicated for the unit and a drop off area would be provided within the school site, adjacent to the bungalow. Access would be taken from the main school entrance, via Low Green which is a residential cul-de-sac.

4.10 A number of local residents from Low Green have raised concerns regarding traffic generation, existing problems with parking by parents on pavements outside the school gates, blocking access to properties and problems with traffic and delivery vehicles on the Low Green Cul-de-Sac. It is noted that the parking provision required by the City Council within the Development Control Local Plan are maximums. Because it is considered that the school has sufficient parking provision within the site and because the majority of car borne users would access the facility out of school hours, it is considered that the use could be accommodated without detriment to highway safety. Parking and drop off are identified as taking place within the school grounds and it is noted that the building is in an accessible location and can be accessed on foot or bicycle. Provision of after school/evening uses for an art club could be accommodated as main car park would be less busy at these times.

RESIDENTIAL AMENITY

4.11 The bungalow is situated within the school grounds, adjacent to the playground, but is located nearer to the surrounding residential properties than the main school building. The nearest properties to the proposed site are situated on Low Green, at the end of Reygate Grove and on Malbys Grove.

4.12 A number of residents from Low Green have commented that the proposal would prejudice the quiet enjoyment of their properties and have raised the issue that information regarding the nature and operation of the facility has not been provided/ or was difficult to find. It is noted that the statement of use was included on file and scanned to the web site.

4.13 The proposed use would be consistent with a non residential educational (D1) use. Although the proposal would generate additional comings and goings, movements would generally be outside of main school hours, the facility would be related to the main educational function of the school and it is not unusual for schools to operate outside these core times. It is however, considered that a condition should be imposed to ensure that opening hours of the school club be restricted to 07:30 to 18:00 Monday to Friday to protect residential amenity and that a condition be imposed to ensure that there would be no outside play until 08:30 Monday to Friday to protect the amenity of nearby occupiers. The hours of operation of evening classes should be restricted to 21:00 to protect amenity. No additional information has been provided with respect to other proposed community uses and it is considered that proposals for other non educational community uses should require permission, to ensure that they could be accommodated without detriment to residential amenity.

4.14 A condition would be imposed with regard to proposed lighting to ensure that the design and location is satisfactory in order to protect the amenity of neighbouring occupiers.

CRIME

4.15 A resident has raised concern that the proposed use would increase crime in the area. The Police Crime Prevention Design Advisor has stated that the proposal would have no impact upon crime or anti-social behaviour.

VISUAL APPEARANCE

4.16 Minor renovations are proposed to the building including new windows and it is considered that they would improve the appearance of the property which has become run down. Details of the proposed disabled access and lighting would be conditioned to ensure that visual and residential amenity is protected.

5.0 CONCLUSION

5.1 The proposed use would be consistent with the City Council's aims of providing lifelong learning opportunities and educational facilities. It would provide extended learning opportunities at the site in line with the main educational function of the school. The school is in an accessible location and has sufficient on site car and cycle parking. The additional uses would take place outside of main school hours when the main car park is less busy. Highways Network Management are satisfied that the proposal could be accommodated without detriment to highways safety. A number of conditions are proposed in order to restrict hours of operation in order to protect the amenity of neighbouring occupiers. Taking the above into account and with the imposition of conditions, the application is recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 PLANS1 Approved plans

3 The use hereby permitted shall operate within Class D1 (non residential institutions) of the Use Classes Order 2005.

Reason: To be consistent with the provision of non residential institutional activities associated with the main school building and in the interests of the amenity neighbouring occupiers.

4 The hours of operation of the school club shall be confined to 07:30 - 18:00 Mondays to Fridays, with no operation of the school club on Saturdays, Sundays and

Bank Holidays.

Reason: To safeguard the amenities of nearby neighbours.

5 The hours of operation of the evening classes shall be confined to 18:00 to 21:00 Mondays to Fridays with no use on Saturdays, Sundays and Bank Holidays.

Reason: To safeguard the amenities of nearby neighbours.

6 The use permitted of external areas for educational or play purposes associated with the school club shall be confined to the following hours: Monday to Friday 08:30 to 18:00 with no use on Saturdays, Sundays and Bank Holidays.

Reason: To safeguard the amenities of nearby neighbours.

7 Prior to commencement of the approved use, details of the proposed lighting to the building shall be submitted to and approved by the Local Planning Authority. The lighting shall then be installed in accordance with the approved details.

Reason: To protect the visual amenity of the area and the residential amenity of neighbouring occupiers.

8 Prior to the commencement of the use hereby permitted, detailed drawings of the disabled access ramp shall be submitted to and approved in writing by the Local Planning Authority and the ramp shall be constructed in line with the approved details.

Reason: To ensure that the ramp is constructed to the appropriate standards and that visual appearance of the building is maintained.

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 residential amenity, highways issues, visual amenity and impact upon crime. As such the proposal complies with Policies ED1, HE2, GP1, GP11, of the City of York Development Control Local Plan 2005 and national guidance contained within PPS 1 'Planning and Sustainable Development' and PPG 13 'Transport'.

2. Demolition and Construction - Informative

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the

satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

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

i). 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.	

ii). 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".

iii). 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.

iv). 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.

v). 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.

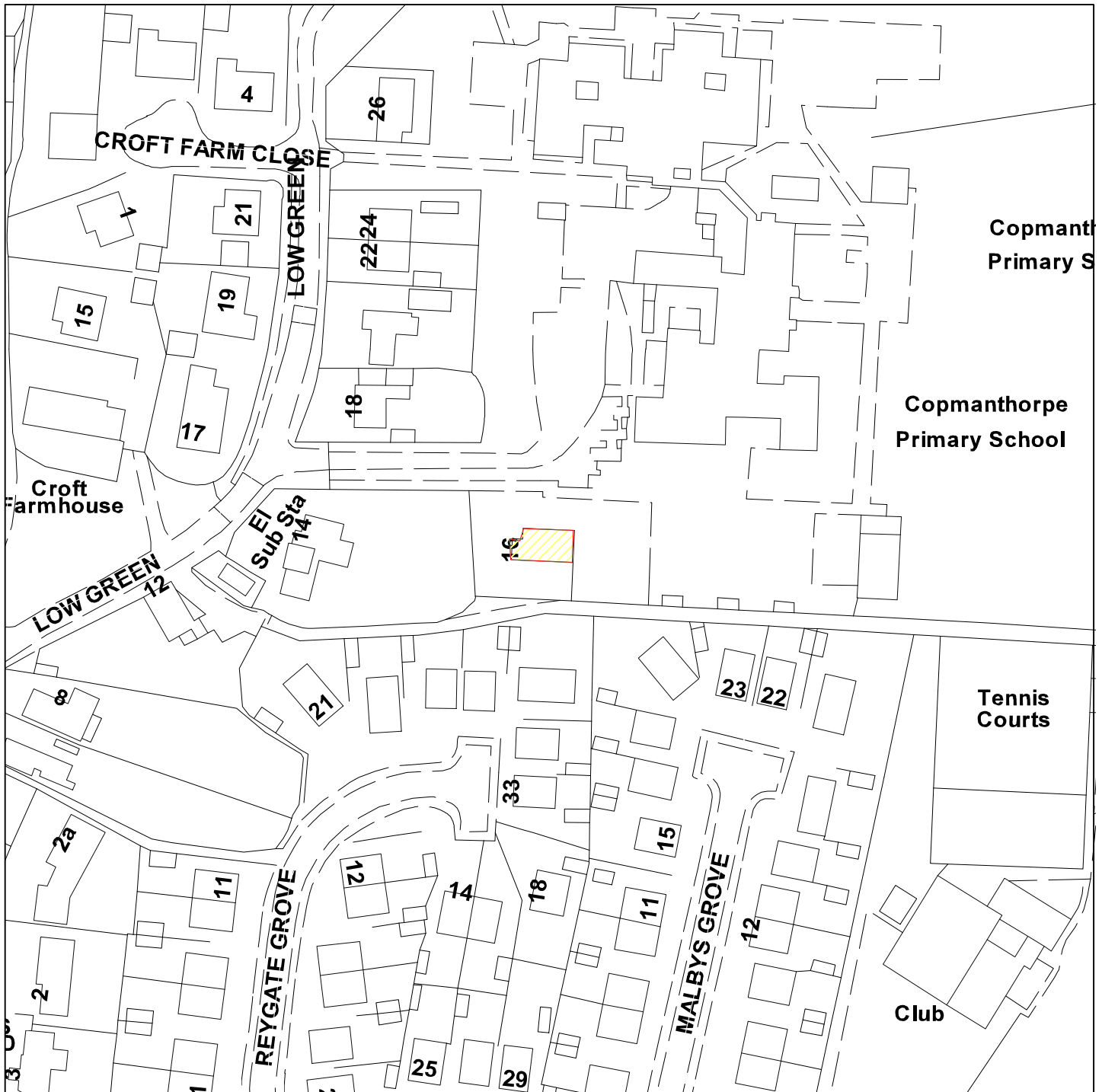
vi). There shall be no bonfires on the site.

Contact details:

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16 Low Green, Copmanthorpe

08/01311/GRG3



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