



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, 15 January 2009

Time: 3.00 pm

Venue: The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00 am on Wednesday 14 January 2009 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. Exclusion of Press and Public

To consider excluding the public and press from the meeting during consideration of agenda item 6 on the grounds that this contains information classed as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006. This information, if disclosed to the public, would reveal that the authority proposes to give, under any enactment a notice by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment.

3. **Minutes** (Pages 5 - 14)

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on 18 December 2008.

4. **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 – in this case, **Wednesday 14 January 2009**. 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 contact details information at the foot of this agenda.

5. **Plans List**

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

a) **146 Foxwood Lane York YO24 3LT (07/00652/FUL)** (Pages 15 - 20)

Single storey flat roof rear extension, and the raising in height of the existing rear extension (Amendment to approved permission 06/00944/FUL). [*Westfield Ward*] [**Site Visit**].

b) **All Saints Church North Street York (05/00097/CAC)** (Pages 21 - 26)

Demolition of church hall in the Conservation Area. [*Micklegate Ward*] [**Site Visit**].

c) **All Saints Church North Street York (05/00048/FUL)** (Pages 27 - 38)

Erection of three dwellings to replace existing church hall, erection of extension to vestry, installation of lockable gates at two locations in All Saints Lane. [*Micklegate Ward*] [**Site Visit**].

d) Harewood Whin Tinker Lane Rufforth York YO23 3RR (08/02426/FULM) (Pages 39 - 54)

Erection of building to house biomass power plant with chimney stack with external cooling plant (resubmission). [*Rural West York*] **[Site Visit]**.

6. Enforcement Cases Update (Pages 55 - 140)

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

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

Democracy Officers:

Name: Catherine Clarke and Heather Anderson (job share)

Contact Details:

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

This page is intentionally left blank

About City of York Council Meetings

Would you like to speak at this meeting?

If you would, you will need to:

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

A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088

Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

যদি যথেষ্ট আগে থেকে জানানো হয় তাহলে অন্য কোন অর্ধাতে তথ্য জানানোর জন্য সব ধরনের চেষ্টা করা হবে, এর জন্য দরকার হলে তথ্য অনুবাদ করে দেয়া হবে অথবা একজন দোঅবী সর্ববরাহ করা হবে। টেলিফোন নম্বর (01904) 551 550।

Yeteri kadar önceden haber verilmesi koşuluyla, bilgilerin terümesini hazırlatmak ya da bir tercüman bulmak için mümkün olan herşey yapılacaktır. Tel: (01904) 551 550

我們竭力使提供的資訊備有不同語言版本，在有充足時間提前通知的情況下會安排筆譯或口譯服務。電話 (01904) 551 550。

اگر مناسب وقت سے اطلاع دی جاتی ہے تو ہم معلومات کا ترجمہ مہیا کرنے کی پوری کوشش کریں گے۔ ٹیلی فون (01904) 551 550

Informacja może być dostępna w tłumaczeniu, jeśli dostaniemy zapotrzebowanie z wystarczającym wyprzedzeniem. Tel: (01904) 551 550

Holding the Executive to Account

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

Scrutiny Committees

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

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

Who Gets Agenda and Reports for our Meetings?

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
- Public libraries get copies of **all** public agenda/reports.

WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 14 January 2009****The bus for Members will leave Memorial Gardens at 11am**

TIME (Approx)	SITE	REASON FOR VISIT
11.10	146 Foxwood lane	As an objection has been received and the recommendation was to approve.
11:30	Harewood Whin, Tinker Lane, Rufforth	As an objection has been received and the recommendation was to approve.
12.15	All Saints Church, North Street	As an objection has been received and the recommendation was to approve.

City of York Council

Committee Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	18 DECEMBER 2008
PRESENT	COUNCILLORS HORTON (CHAIR), SUE GALLOWAY (VICE-CHAIR), CRISP, STEVE GALLOWAY, GALVIN, GILLIES, LOOKER, REID AND MOORE (SUBSTITUTE)
APOLOGIES	COUNCILLOR SUNDERLAND

1. INSPECTION OF SITES

The following sites were inspected before the meeting

Site	Attended by	Reason for Visit
Greenthwaite, Main Street, Upper Poppleton	Cllrs Horton, Sue Galloway, Gillies, Galvin, Crisp and Looker.	As an objection had been received and the recommendation was to approve.
King William Public House, Barkston Avenue	Cllrs Horton, Sue Galloway, Gillies, Galvin, Crisp and Looker.	As an objection had been received and the recommendation was to approve.
55 St Stephens Road	Cllrs Horton, Sue Galloway, Gillies, Galvin, Crisp and Looker.	As an objection had been received and the recommendation was to approve.
2 Enfield Crescent	Cllrs Horton, Sue Galloway, Gillies, Galvin, Crisp and Looker.	To view the relationship between the buildings and proposed extension.
Land between 10 & 12 Toft Green (rear of 112 Micklegate)	Cllrs Sue Galloway, Gillies, Galvin, Crisp and Looker.	As an objection had been received and the recommendation was to approve.

2. DECLARATIONS OF INTEREST

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

Councillor Horton declared a personal and prejudicial interest in item 4(a) (Toft Green) as a member of York Brewery, which was were objecting to the application. He left the room and took no part in the discussion and decision thereon and had taken no part in the visit to this site. Councillor Sue Galloway took the Chair for the item.

3. MINUTES

RESOLVED: That the minutes of the meeting held on 13 November 2008 be approved and signed by the Chair.

4. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

5. 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.

5a Toft Green (Land to the rear of 112 Micklegate) (06/02687/FUL)

Members considered a full application by London Ebor Development PLC and Mr and Mrs Blades for a four-storey building and roof dormer comprising four flats.

A Sustainability Statement was tabled.

Officers stated that, in July 2000, planning permission had been granted for a four-storey building to provide four flats, with roof space accommodation also. This permission had now expired. There was no material change in the current application. The main concern had been the possibility of complaints being made regarding odour or noise from the Brewery. Conditions 11 and 12 should overcome concerns in this regard.

Members sought assurances regarding the measures that would be in place to alleviate noise levels without impacting on the business of the brewery. Officers stated that noise calculations appeared to show that the World Health Organisation internal noise levels could be achieved using the proposed glazing and insulation.

The applicant stated that approval for the original application had now lapsed. There had been no policy changes or significant changes to the area during the period except that a block of flats had been built. In response to the objection raised by the brewery, it was proposed to put in place air conditioners and an extraction unit. Most of the noise from the brewery originated from the west side and hence the main brewery building would provide a level of protection against the noise. The brewery was only speculating about possible complaints from residents, just as it was possible to speculate about changes that may occur at the brewery.

Members commented that, at present, the site was unattractive and they would welcome reasonable development.

Officers were asked to clarify the differences in the present scheme to a similar scheme that had been turned down because it was a proposed residential development near to a business operation. Officers highlighted the key differences and reiterated that the application under consideration had originally been approved although the approval had now lapsed.

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

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 setting of adjoining listed buildings, the character and appearance of the conservation area, and the amenities of the occupants of adjoining premises. As such the proposal complies with Policies GP1, GP4a, GP13, HE2, HE3, H4a, H5a, ED4 and L1c of the City of York Development Control Local Plan.

Action Required

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

5b 55 St. Stephens Road, York YO24 3EH (08/01708/FUL)

Members considered a full application by Mrs L Donley for a two-storey dwelling to the side.

Officers tabled notes and a photograph that had been presented by an objector during the site visit.

Representations were received in objection on behalf of a resident in a neighbouring property. He requested that the application in its present form be refused on the grounds that it was overbearing, was detrimental to the amenity of a neighbouring property and there was a lack of additional parking provision. He did not object to a smaller extension although this would not resolve the traffic and parking issues.

Members expressed concerns that the proposed extension was too large and dominant for the site and that it would impact on the neighbour at number 57. It was noted that the recommendation was that the proposed dwelling was conditioned as additional/annex accommodation and could not be treated or sold as a separate dwelling. In response to questions from Members, the Officers confirmed that such a condition could be enforced and action taken if there was a known breach of the condition.

Discussion took place as to whether the matter should be deferred to enable the applicant to put forward a modified design that would be less over dominant and less detrimental to the neighbouring resident.

RESOLVED: That the application be refused for the following reasons:¹

REASON: The proposal, because of its height, rear projection and proximity to the boundary with 57 St Stephens Road, would cause a loss of light and be over-dominant resulting in harm to the residential amenity of 57 St Stephens Road and therefore is contrary to Policies GP1 and H7 of the City of York Council Development Control Local Plan (2005); and the City of York Council Supplementary Planning Guidance - Extensions and alterations to private dwelling houses (2001).

Action Required

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

5c King William Hotel, Barkstone Avenue, York YO26 5DH (08/01992/FUL)

Members considered a full application by O2 UK Ltd for the installation of rooftop telecommunications base station incorporating 3G flagpole antenna, equipment cabinet and ancillary alterations to the building.

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

REASON: Subject to the conditions listed, the application would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the character and appearance of the principal building and of the wider street scene and impact upon the residential amenity of neighbouring occupiers. As such the proposal complies with Policy GP20 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. SS

5d 2 Enfield Crescent, York YO24 2BE (08/02399/FUL)

Members considered a full application by Mr M Jones for a two storey pitched roof extension to side and rear (resubmission).

The Planning Officer stated that the recommendation was that the application be refused because of the impact on the neighbour at number 3. The application was a resubmission and sought permission for a two-storey side extension and single storey rear extension. The only difference between this application and the recently approved scheme had been that this application sought to reinstate an additional 1.5 metres depth to the rear (at first floor level) of the proposed two-storey extension. The additional 1.5 metres was requested to be removed from the previous scheme in order that the impact of the proposal upon the neighbouring property number 3 Enfield Crescent be reduced.

The applicant informed Members that he had recently purchased the property on the basis that an extension could be built. He had a young family and also had relatives who lived out of the area and who came to visit. It was currently a three-bedroomed property. The proposed extension would make the property more amenable and would add to the stock of family accommodation. The property was on a corner plot on a hill and, because of its position, it would appear to be a one-storey extension to the residents of number 3. There would be no issues in respect of light.

Members commented that the site visit had been very useful in demonstrating the differences in height between the two properties, as this was not clearly evident from the plans.

RESOLVED: That the application be approved subject to the following conditions:¹

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:-
J/EC/03, J/EC/04
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 materials to be used externally shall match those of the existing buildings in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted in the side elevation of the extension.

Reason: In the interests of the amenities of occupants of adjacent residential properties in accordance with policy GP1 and H7 of the Development Control Local Plan.

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

Reason: To protect the amenities of adjacent residents.

REASON: In the opinion of the Area Planning Sub-Committee the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the living conditions of the neighbouring property by reason of loss of light, overbearing or loss of privacy and would not harm the appearance of the host dwelling or the street scene. As such the proposal complies with Policy GP1 and H7 of the City of York Development Control Local Plan.

Action Required

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

5e Greenthwaite, Main Street, Upper Poppleton, York YO26 6DL (08/02440/FUL)

Members considered a full application by Mr B Britton and Ms J Liney for the erection of a single storey dwelling with rooms in roof to rear with access from School Lane (resubmission).

A letter was read out from a resident of School Lane who was unable to attend the meeting but objected to the application because of concerns regarding access to the dwelling, its proximity to the neighbouring property and the proposed size and design.

Officers tabled a planning update following further comments received from the Council's Tree Officer and including a proposed amendment to condition 17 to protect a copper beech tree.

Members were informed that the proposed condition 10 should be deleted as it was unlawful.

Officers stated that the scheme had previously been refused on the following grounds:

- An additional dwelling taking its access from School Lane would result in conditions detrimental to vehicle and pedestrian safety.
- The overall footprint and height of the proposed dwelling would harm the rural village character and appearance of this part of the Conservation Area.
- The proposed dwelling by reason of its height and location would overshadow and appear overbearing to the dwelling to the North, "The Beehives".

The applicants subsequently appealed against the Council's decision. Although the Inspector dismissed the applicants' appeal on the grounds of detrimental impact upon the adjacent dwelling, he made it clear in his decision that he did not consider the application had a detrimental impact upon Upper Poppleton's Conservation Area, nor did he consider that the access arrangement was inadequate and would result in conditions detrimental to vehicle and pedestrian safety. Members' attention was drawn to the modifications that had been made by the applicants, including the deletion of the originally proposed garage and changes to the roof slope to prevent loss of light to the neighbouring resident.

The applicant gave details of the ways in which they had sought to address concerns expressed by residents, including siting the proposed dwelling in such a way as to avoid impacting on the neighbouring residents' light. Details were also given of the proposed measures that would be in place to make the property as environmentally friendly as possible, including the installation of solar panels. The positioning of the property had taken into account the need to obtain as much sunlight as possible as it was acknowledged that, because of the mature trees, shadow was a problem.

The applicant was asked if consideration had been given to an alternative access. It was confirmed that this had been considered but that it would have necessitated the felling of mature trees. Conservation Officers had also stated that they did not want the house to be seen from the village green.

Some concerns were expressed as to future problems that might arise if a condition was to be imposed regarding the protection of the beech tree. Other members were keen to ensure that the tree was protected as far as possible. The applicant confirmed that they were not seeking to remove the tree.

RESOLVED: That the application be approved subject to the conditions listed in the report and the following amendments¹:

Amendment to condition 17

Prior to commencement of site preparation, building or other building operations, including the importing of materials and any excavations, protective fencing to BS5837 shall be erected around the beech tree. The

fencing shall be erected below the outermost limit of the branch spread, or at a distance equal to half the height of the tree, whichever is the further from the tree. 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.

In addition none of the following activities shall take place within the protective fencing or within the canopy area of existing trees; excavation, raising of levels, storage of any materials or top soil, burning, parking or manoeuvring of vehicles, no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new service runs. The fencing shall remain secured in position throughout the construction process including the implementation of landscaping works. A notice stating, "tree protection zone – do not remove" shall be attached to the fencing.

Reason: To ensure protection of the beech tree and other adjacent trees during construction.

Additional condition

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

Reason: To ensure protection of the beech tree and other adjacent trees during construction.

Additional condition

All works should be carried out in accordance with British Standards 5837 (2005) "Trees in relation to construction".

Reason: To ensure that the trees are properly maintained in line with current standards.

Delete condition 10

REASON: That the proposed detached dwelling is acceptable in terms of design, siting, scale and appearance and would not detrimentally impact on the amenity of neighbouring residents or the character of Upper Poppleton's Conservation Area or impact upon highway safety. As a consequence the proposed works are considered acceptable in accordance with policies GP1, GP4a, GP9, GP10, H4a, L1C, HE2, HE3, T4 and L1c of the City of York Development Control Draft Local Plan and National Planning Guidance PPS1, PPS3 and PPG15 and the Poppleton Village Design Statement.

Action Required

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

Councillor D Horton, Chair

[The meeting started at 3.00 pm and finished at 4.35 pm].

This page is intentionally left blank

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Westfield
Date: 15 January 2009 **Parish:** No Parish

Reference: 07/00652/FUL
Application at: 146 Foxwood Lane York YO24 3LT
For: Single storey flat roof rear extension, and the raising in height of the existing rear extension (Amendment to approved permission 06/00944/FUL)
By: Mick Calam
Application Type: Full Application
Target Date: 6 June 2007

1.0 PROPOSAL

1.1 The proposal is for a single storey flat roof rear extension (Amendment to approved permission 06/00944/FUL). The application is retrospective. The previous application came before and was approved by West and Centre planning Committee on 20th July 2006

1.2 The application differs from the previous in that the height has been increased on the extensions either side of the kitchen (previously the garage) and the also the kitchen.

1.3 The dwelling is a terraced bungalow with another bungalow attached to the east and a two storey dwelling to the west. 146 Foxwood Lane has had a previous extension in the form of an attached flat roofed garage from the rear of the dwelling to the rear boundary effectively splitting the rear garden into two separate sections. The bungalow is set back from the rear building line of the adjoining dwellings. There are examples of flat roofed extensions in the surrounding dwellings.

1.4 This application comes before committee at the request of Cllr Stephen Galloway as the neighbours feel the application is inaccurate and does not reflect the work that has been done. A site visit has also been requested.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 03/05/2007

Site Notice - N/A

Press Advert - N/A

Internal/External Consultations - Expires 03/05/2007

8 WEEK TARGET DATE 06/06/2007

3.2 INTERNAL CONSULTATIONS

3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

1 LETTER OF OBJECTION

- Application states that roof level has risen by 150mm, it has risen in excess of this
- The finished construction height of the flat roofs on both sides of the kitchen should not go above the height of the shed, allowing space for the pitched roof guttering
- Drawings show the types and profiles of the windows and doors to be installed, they have been installed and are not as shown in the plans

4.0 APPRAISAL

RELEVANT SITE HISTORY

06/00944/FUL - Single storey flat-roofed extension to rear - Approved

7/12/5485/PA - Garage at rear - Approved

ADDITIONAL PLANNING POLICY

CYC Supplementary Design Guidance - A guide to extensions and alterations to private dwelling houses, 2001

KEY ISSUES

1. Visual impact on the dwelling and the area
2. Impact on neighbouring property

PLANNING POLICY

4.1 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.

4.2 Policy H7 'Residential Extensions' of the City of York Local Plan Deposit Draft sets out a list of design criteria against which proposals for house extensions are considered. The list includes the need to ensure that the design and scale are appropriate in relation to the main building; that proposals respect the character of area and spaces between dwellings; and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy.

VISUAL IMPACT ON THE DWELLING AND THE AREA

4.3 The principle of the extension was accepted in the previous approved application (06/00944/FUL) the reason for this application is the increase in height of the extension and the attached former garage.

4.4 The extension and alterations are retrospective. The increase in the existing extension height and the previously approved extension varies between 0.2 metres and 0.3 metres. From a site visit it would appear the height of the garage/kitchen and the extension approved in the previous application had increased in height by approx 3 brick courses. This is evident from where the flat roof of the extension meets the eaves of the neighbouring bungalow (148 Foxwood Lane). In the previous application they were proposed to be level, on site it has cut into the neighbouring roof and the eaves and roof are approx 3 brick courses higher than the eaves of the neighbouring dwelling.

4.5 The increase in height is not considered to harm the appearance of the dwelling or the wider area. It is not considered to be visually intrusive.

IMPACT ON NEIGHBOURING PROPERTY

4.6 The slight increase in height is not considered to impact on the amenity of the occupants of the neighbouring dwellings. It is not considered to result in over shadowing or have a more overbearing appearance than what was previous approved.

5.0 CONCLUSION

5.1 The proposed increase in height of the existing garage/kitchen and the extension approved in 06/00944/FUL is not considered to cause visual harm to the dwellings or the surroundings. Neither is it considered to impact on the residential amenity of the occupants in the neighbouring dwellings. Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve without Conditions

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 the residential amenity of the neighbours, the visual amenity of the dwelling and the locality. As such, the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan (2005); national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development"; and supplementary design guidance contained in the City of York's "A guide to extensions and alterations to private dwelling houses".

Contact details:

Author: Victoria Bell Development Control Officer

Tel No: 01904 551347

146 Foxwood Lane

07/000652/FUL



GIS by ESRI (UK)



Scale : 1:2500

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application Site
Date	02 January 2009
SLA Number	Not set

This page is intentionally left blank

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Micklegate
Date: 15 January 2009 **Parish:** Micklegate Planning Panel

Reference: 05/00097/CAC
Application at: All Saints Church North Street York
For: Demolition of church hall in the Conservation Area
By: PCC Of All Saints Church
Application Type: Conservation Area Consent
Target Date: 16 March 2005

1.0 PROPOSAL

1.1 All Saints Church Hall, North Street comprises a single storey brick built Victorian structure in some disrepair adjacent to All Saints Church and All Saints Cottages, which are Listed Buildings and lying in a prominent location within the Historic Core Conservation Area. Conservation Area Consent is sought for demolition of the structure to be replaced by a modest housing development planning permission for which has been sought under 05/00048/FUL.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Fluvial Flooding Areas 0234

2.2 Policies:

CYHE2
 Development in historic locations

CYHE3
 Conservation Areas

3.0 CONSULTATIONS

INTERNAL:-

3.1 Highway Regulation raise no objection to the proposal.

3.2 Design, Conservation and Sustainable Development raise no objection to the proposal providing some form of Community Use is retained on site and the successor scheme is of sufficient architectural merit.

EXTERNAL:-

3.3 Micklegate Planning Panel raise no objection to the proposal.

4.0 APPRAISAL

KEY ISSUES :-

- Impact of the loss of the existing building on the character and appearance of the Conservation Area
- The architectural merit of the replacement scheme in relation to the setting of adjacent Listed Buildings and the wider street scene.

IMPACT OF THE LOSS OF THE EXISTING BUILDING ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA;

4.2 Policy HE3 of the York Development Control Local Plan sets a firm policy presumption that proposals for the demolition of unlisted buildings within Conservation Areas would only be permitted where there would be no adverse effect on the character and appearance of the Conservation Area. The current proposal envisages the demolition of the existing parish room a low rise late 19th century brick built structure of in-different townscape quality and its replacement with 2no. two-storey residential properties together with a community room with a flat above (subject of planning application ref: 05/00048/FUL). The existing building is in severe disrepair with evidence of severe structural movement, decaying brickwork and pointing, failure of large areas of the roofing material and infestations of both dry rot and wet rot. The applicant has established that the cost of returning the building to a usable condition would substantially exceed the income it would generate making due allowances for its townscape value. The demolition of the existing building and its replacement with the proposed re-development scheme would not harm the character or appearance of the Historic Core Conservation Area and the terms of Policy HE3 would thus be complied with.

IMPACT OF THE PROPOSAL ON THE SETTING OF ADJACENT LISTED BUILDINGS;

4.3 Policy HE2 of the York Development Control Local Plan sets a firm policy presumption requiring new development proposals within Conservation Areas and the setting of Listed Buildings to respect adjacent buildings and settings and to have regard to local scale, proportion, detail and materials. The current proposal envisages the replacement of the existing sub-standard church hall with a mix of two storey dwellings and a community room with a flat over. The existing building by its alien design and massing and poor state of repair materially detracts from the setting of All Saints Church together with All Saints Cottages. The demolition of the building

and its replacement with the proposed re-development would secure compliance with the terms of Policy HE2 of the York Development Control Local Plan.

5.0 CONCLUSION

5.1 All Saints Church Hall North Street comprises a single storey low-rise brick built Victorian structure in some considerable disrepair. It is of no particular townscape merit but lies within a prominent location within the Historic Core Conservation Area and the setting of All Saints Church and All Saints Cottages Listed Buildings. The proposals envisage the demolition of the existing building and its replacement with a development of two dwellings and a community room with flat over on the cleared site. This would secure the preservation and enhancement of the character and appearance of the Conservation Area as a consequence approval of Conservation Area Consent is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIMEL2 Development start within 3 yrs (LBC/CAC)

2 DEM1 No demolition before rebuilding contract

3 No work shall commence on site until the applicant has secured the implementation of a programme of recording of the building to be demolished (including publication by an approved archaeological unit) in accordance with the specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development may affect important archaeological features which must be recorded prior to destruction.

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 impact upon the character and appearance of the Historic Core Conservation Area and the setting of All Saints North Street and All Saints Cottages Listed Buildings. As such the proposal complies with Policies HE2 and HE3 of the City of York Local Plan Deposit Draft and the policies and advice contained within PPG15 "Planning and the Historic Environment."

Contact details:

Author: Erik Matthews Development Control Officer

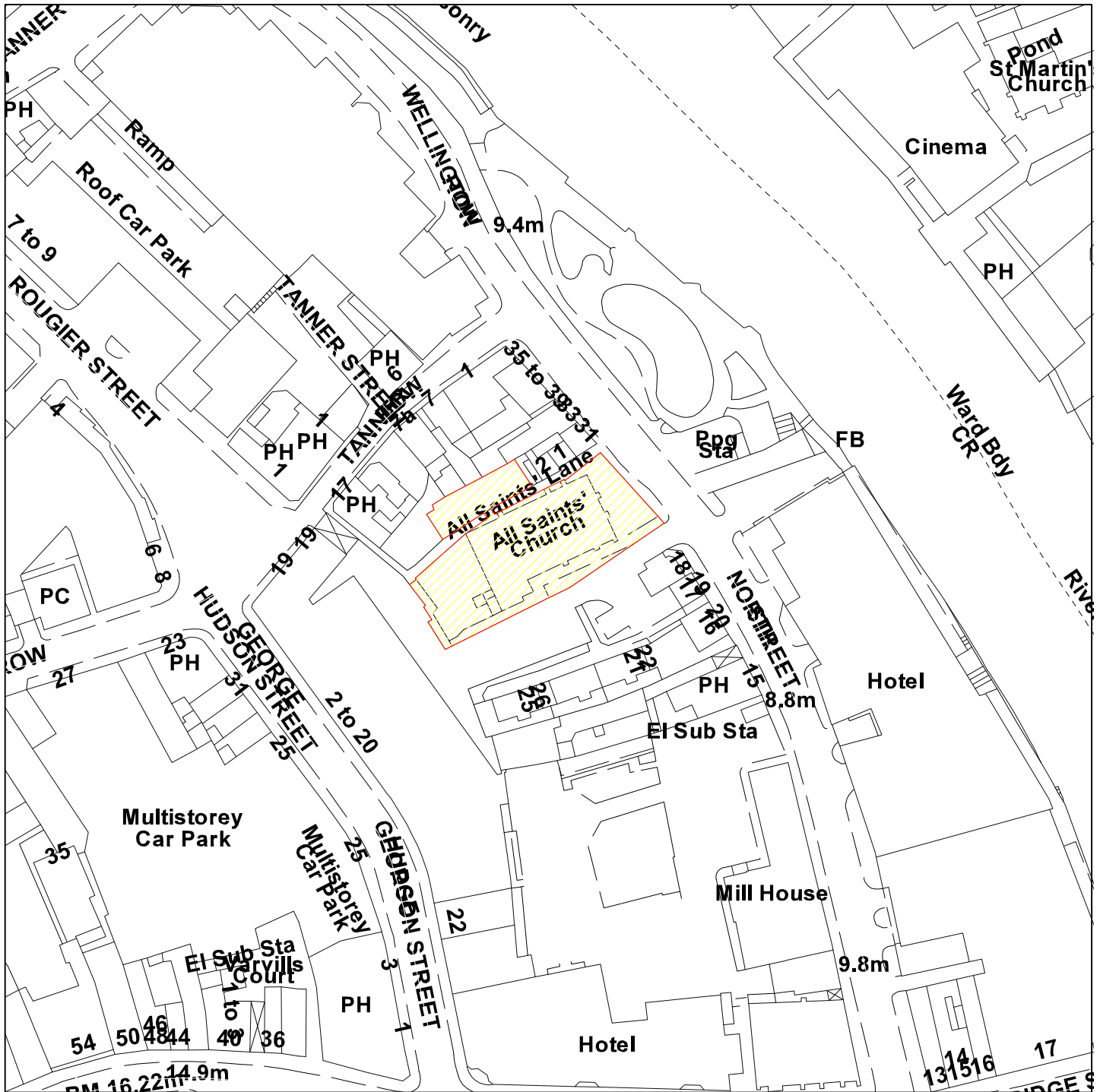
Tel No: 01904 551416

The Church Hall, All Saints Church, North Street

05/000097/CAC



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application Site
Date	02 January 2009
SLA Number	Not set

This page is intentionally left blank

COMMITTEE REPORT

Committee: West/Centre Area
Date: 15 January 2009

Ward: Micklegate
Parish: Micklegate Planning Panel

Reference: 05/00048/FUL
Application at: All Saints Church North Street York
For: Erection of three dwellings to replace existing church hall, erection of extension to vestry, installation of lockable gates at two locations in All Saints Lane
By: The PCC Of All Saints Church
Application Type: Full Application
Target Date: 16 March 2005

1.0 PROPOSAL

1.1 All Saints Church Hall North Street comprises a low-rise brick built Victorian Structure in some significant disrepair adjacent to All Saints Cottages (Grade II Starred) and All Saints Church (Grade 1) Listed Buildings and occupying a significant location within the Historic Core Conservation Area. Conservation Area Consent has been sought for demolition under 05/0097/CAC reported elsewhere on this agenda. Planning permission has been sought for erection of three dwellings; two lockable gates a vestry extension to the Church and a Community Room. The scheme has been amended to deal with concerns in respect of design and flood mitigation, in particular a glazed link previously envisaged between the proposed Community Room and the Church itself has been deleted from the proposal.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area

Conservation Area Central Historic Core

City Boundary York City Boundary

DC Area Teams Central Area

Fluvial Flooding Areas

Listed Buildings

2.2 Policies:

CYGP15

Protection from flooding

CYGP4A
Sustainability

CYC1
Criteria for community facilities

CYGP1
Design

CYGP3
Planning against crime

CYH4A
Housing Windfalls

CYHE2
Development in historic locations

CYHE3
Conservation Areas

3.0 CONSULTATIONS

INTERNAL

3.1 The City Council's Drainage Consultancy raise no objection to the proposal.

3.2 Environmental Protection Unit raise no objection to the proposal.

3.3 Highway Network Management raise no objection in principle to the scheme but express concern in respect of the proposed gating of All Saints Lane.

3.4 Urban Design, Conservation and Sustainable Development raise no objection to the proposal as amended.

EXTERNAL

3.5 North Yorkshire Police Architectural Liaison Officer raises no objection to the proposal.

3.6 British Waterways raise no objection to the proposal.

3.7 Yorkshire Water Services raise no objection to the proposal.

3.8 English Heritage raises no objection to the proposal.

3.9 York Civic Trust object to the proposal on the grounds that the proposed new dwellings would in their opinion appear sub-urban and perfunctory in terms of their design.

3.10 The Environment Agency raise no objection to the scheme as amended.

3.11 Micklegate Planning Panel raise no objection to the proposal.

3.12 Two letters of objection have been received in respect of the proposal on the grounds that gating of All Saints Lane would unfairly deny access to a section of the "Snickleways" and at the same time would materially detract from the character and appearance of the Conservation Area. Concern is also expressed in relation to the impact of the proposal on the residential amenity of 33 North Street by virtue of overshadowing from the rear elevation of the proposal together with the proximity of the proposed bin leading to a loss of privacy.

4.0 APPRAISAL

4.1 KEY CONSIDERATIONS

- _ Impact of the proposal upon the level of flood risk in the vicinity;
- _ Impact of the design of the proposal on the character and appearance of the Conservation Area and the setting of adjacent Listed Buildings;
- _ Impact of the proposed gating of All Saints Lane on the usage of the "Snickleways" and the level of crime and disorder in the vicinity;
- _ Impact of the proposal upon the residential amenity of 33 North Street;
- _ Impact of the proposal upon buried archaeology in the area.
- _ The sustainability of the proposed new development.

FLOOD RISK

4.2 Policy GP15a) of the York Development Control Local Plan sets a firm policy framework requiring the successful management of floodrisk with minimal environmental effect in relation to new development in flood prone areas. The current proposal has been subject to a flood risk assessment and flood defences designed to mitigate against a 1 in a 100-year flooding event lie adjacent to North Street. The scheme has been further amended to incorporate integral floodgates, ground floors of concrete construction and location of service points above the Environment Agency's recommended datum. The Environment Agency has recommended the raising of floor levels by 225mm above existing ground level and the creation of a designated flood escape route. The intended floor levels have already been raised by the required amount and the proposed measures would be appropriate to minimise risk to the occupiers of the proposed development and those adjoining. The terms of Policy GP15a) would thus be complied with.

CONSERVATION AREA/SETTING OF LISTED BUILDINGS

4.3 Policies HE2 and HE3 of the York Development Control Local Plan set a firm policy framework for the preservation and enhancement of the setting of Listed Buildings and the character and appearance of Conservation Areas. The current proposal lies within the Historic Core Conservation Area as well as the setting of All Saints Church and All Saints Cottages, Listed Buildings. The proposal as amended envisages the erection of a community meeting room with a one bedroom flat above, together with 2no. two storey dwellings and a partially open yard for cycle and bin

storage in between. The existing church hall is not felt to be of sufficient architectural merit within the Conservation Area to justify its retention when balanced against the economic viability of refurbishment. The massing and proposed roofscape would follow that of the adjacent All Saints Cottages, a series of two-storey timber framed properties dating from the 15th century. The palette of materials chosen, red/orange rustic mix clay facing brick, white render, clay plain tiles and softwood joinery whilst not used in the direct vicinity are characteristic of recent developments in the wider vicinity. The design has been developed as being subtle and unchallenging in view of the sensitive location of the property. The design of the western most of the proposed dwellings pays reference to All Saints Cottages in terms of its massing and roofscape but precise imitation has deliberately been avoided. The design of the proposed Vestry extension in coursed Magnesian limestone ashlar with a patent glazed and timber link to the early 20th century shuttered concrete "Anchor Hold" would preserve and enhance the Conservation Area. In terms of Listed Building Control the work would fall within the remit of Church Faculty Jurisdiction and no LBC application has been submitted as a consequence. On balance the proposal would preserve and enhance the character and appearance of the Conservation Area together with the setting of the adjacent Listed Buildings in compliance with Policies HE2 and HE3 of the York Development Control Local Plan.

IMPACT OF THE PROPOSED GATING OF ALL SAINTS LANE

4.4 Policy GP3 of the York Development Control Local Plan sets a firm policy requirement for new development proposals to incorporate a range of crime prevention measures where appropriate to do so. The proposal lies within an area identified by North Yorkshire Police as being at significant risk of drug related crime and anti-social behaviour. The churchyard is regularly cleared of drug taking paraphernalia, as a consequence the erection of two 1.8 metre high wrought iron gates across All Saints Lane has been specified as part of the proposal. The gate would be opened between the hours of 10am and dusk each day with the occupiers of the new properties having key controlled access outside of these times. This reflects the practice in respect of the "Snickleways" surrounding Little Stonegate and Grape Lane, which have also previously experienced problems of anti-social behaviour. There is some evidence in the form of well-defined gate piers and hinges of the Lane having previously been gated. The applicant has established the Lane to be substantively within the churchyard of All Saints, on that basis it would be possible for the church authorities to arrange for its gating without recourse to the usual procedures within the Highway/Planning Acts. In view of the sensitive location of the property it would be appropriate to require the further submission and approval of the details of the proposed gates and railings as a condition attached to any permission. More indirectly the introduction of a further residential use into the area would introduce an element of " passive surveillance" to further deter crime and anti-social behaviour in the vicinity.

IMPACT OF THE PROPOSAL ON THE RESIDENTIAL AMENITY OF 33 NORTH STREET

4.5 Policy GP1 of the York Development Control Local Plan sets a firm policy presumption in favour of new developments which respect or enhance the local environment; are of a scale, mass and design that is compatible with neighbouring

buildings, spaces and the character of the area using appropriate building materials, and ensure that residents living nearby are not unduly affected by overlooking, overshadowing or dominated by overbearing structures. The current proposal envisages demolition of the existing Church Hall which is in considerable disrepair and of only modest importance in relation to the character and appearance of the Conservation Area and its replacement with 2no. two storey brick and render built dwellings together with a two storey community meeting room with flat over. As initially submitted the proposal had an awkward physical and visual relationship with the rear yard and living room window of No 33 North Street, the Old Vicarage. The proposal has been amended to adjust the rear roof slope of the proposed new dwellings to maximise the level of light going into No 33 and the level of the boundary wall between the cycle storage/bin storage area and the garden of No 33 to broadly that existing. The amendments would reduce the impact of the proposal on the residential amenity of No 33 to an acceptable level.

IMPACT OF THE PROPOSAL ON BURIED ARCHAEOLOGY

4.6 Policy HE10 of the York Development Control Local Plan sets a firm policy framework supporting new built development within the City Centre Area of Archaeological Importance where a field evaluation has been undertaken and the applicant has been able to demonstrate that less than 5% of any archaeological deposits will be disturbed or destroyed. An archaeological evaluation was undertaken in 2004 at the site, which revealed the presence of medieval deposits including burials. Subject to the implementation of appropriate mitigation measures including shallow raft foundations, the archaeological excavation of necessary ground disturbances and the obtaining of a Home Office Licence to excavate any burials then the development would be acceptable in archaeological terms.

THE SUSTAINABILITY OF THE PROPOSED NEW DEVELOPMENT

4.7 Policy GP 4a) of the York Development Control Local Plan sets a firm policy framework requiring new built development to have due regard to the principles of Sustainable Development in their justification and design. These comprise the accessibility of the site by means other than the car, the contribution of the development towards meeting the wider social needs of the community, the contribution of the development to maintaining the vitality and viability of the City's economy, the maintenance of high standards of design within the City area, the recycling of materials previously used within the existing building and the provision within the development for users to themselves recycle. The proposal would be readily accessible to services and employment centres within the City Centre and surrounding on foot, by bicycle and public transport. The long standing aspiration to enhance the range of residential accommodation available within the City Centre would be further underwritten by the proposal with more consequent usage of local services and a reduction of the levels of crime and anti-social behaviour currently characteristic of the area. A palette of materials characteristic of development within the area would be utilised in the new work and the materials utilised in the existing property would be re-used in the new work where-ever possible. The terms of Policy GP4a) would thus be complied with in relation to the proposal.

5.0 CONCLUSION

5.1 All Saints Church Hall comprises a single storey brick and render built structure in poor structural repair and of only modest townscape importance in relation to the wider street scene. It lies within the Historic Core Conservation Area and the setting of All Saints North Street and All Saints Cottages, Listed Buildings. The proposal envisages its demolition and replacement with a development comprising the erection of 2no. two storey dwellings together with a two-storey community room with flat above. Wrought iron double gates would also be erected at both ends of All Saints Lane to restrict access in hours of darkness due to high levels of crime and anti-social behaviour in the area. The scheme has been extensively amended to accommodate concerns in respect of its design, impact upon residential amenity and treatment of floodrisk. Associated with the proposal are alterations to the Church vestry, which are subject to Church Faculty jurisdiction. On balance, the development would not adversely impact upon the wide range of constraints impacting upon the site and would preserve and enhance the character and appearance of the Conservation Area.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans
- 3 VISQ8 Samples of exterior materials to be app

4 The site shall be developed with separate systems of drainage for foul and surface water on site.

Reason:

In the interests of satisfactory and sustainable drainage.

5 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works have been submitted to and approved in writing by the local planning authority.

Reason:

To ensure that the development may be properly drained.

6 Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason:

To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

7 The development hereby authorised shall be erected in strict accordance with the flood proofing works outlined in the applicants letter dated 21st October 2008 and stamped as received on 24th October 2008.

Reason:

To minimise the risk of flooding and to secure compliance with Policy GP15a of the York Development Control Local Plan.

8 Notwithstanding the details approved under condition 7 a written specification identifying a safe route into and out of the site in the event of flooding shall be submitted to and approved in writing by the Local Planning Authority before work on site commences, and be kept free and available for use thenceforth.

Reason:

To minimise the risk from flooding of the site and to secure compliance with Policy GP 15a) of the York Development Control Local Plan.

9 ARCH1 Archaeological programme required

10 ARCH2 Watching brief required

11 ARCH3 Foundation design required

12 Notwithstanding the application details hereby approved 1:20 drawings of the external elevations and sections of the development showing the articulation of the building envelope at wall and window positions shall be submitted to and approved in writing by the Local Planning Authority before work on site commences.

Reason:

To safeguard the visual amenity of the street scene and to secure compliance with Policies HE2 and HE3 of the York Development Control Local Plan.

13 Notwithstanding the application details hereby approved 1:5 drawings of the following items illustrating them in context shall be submitted to and approved in writing by the Local Planning Authority before work on site commences:

i) Verges;

ii) Eaves Details;

iii) Window details (inc details of window openings i.e. lintels, cills and reveals showing any set backs).

iv) Doors (inc details of door openings i.e. lintels, thresholds).

Reason:

To Safeguard the visual amenity of the street scene and to secure compliance with York Development Control Local Plan Policies HE2 and HE3.

14 Notwithstanding the application details hereby approved full details of the proposed gates, railings and boundary walls including materials, colours and fine detailing shall be submitted to and approved in writing by the Local Planning Authority before work on site commences. Work shall thenceforth be undertaken in

strict accordance with the details thereby approved.

Reason:

To safeguard the visual amenity of the street scene and to secure compliance with Policies HE2 and HE3 of the Development Control Local Plan.

15 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs together with details of hard landscaping which shall include the re-use of existing York Stone paving flags. 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 in order to preserve and enhance the character and amenity of the conservation area in accordance with policy HE2 of the Development Control local plan.

16 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, G and H; 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, impact upon the character and appearance of the Conservation Area and the setting of All Saints Church and All Saints Cottages Listed Buildings, 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 impact upon the residential amenity of No 33 North Street, impact upon the character and appearance of the Historic Core Conservation Area, impact upon the setting of All Saints Church North Street and All Saints Cottages Listed Buildings, impact upon the level of flood risk affecting prospective

residents and others living in the area, impact upon buried archaeology at the site and impact upon the level of crime and anti-social behaviour within the locality. As such the proposal complies with Policies GP1, GP3, GP4a, GP15a) HE2, HE3 and HE10 of the City of York Local Plan Deposit Draft.

2. DEMOLITION AND CONSTRUCTION

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 site.

3. The foundations for the built development hereby authorised must consist of a shallow raft. The site must be excavated archaeologically to the formation levels for the raft, any service connections and the re-profiled All Saints Lane. Permission must be given by the Diocesan authorities and the Home Office to excavate, study and rebury any human burials from the site and to build over any burials, which will remain in-situ below the formation levels, described above.

Contact details:

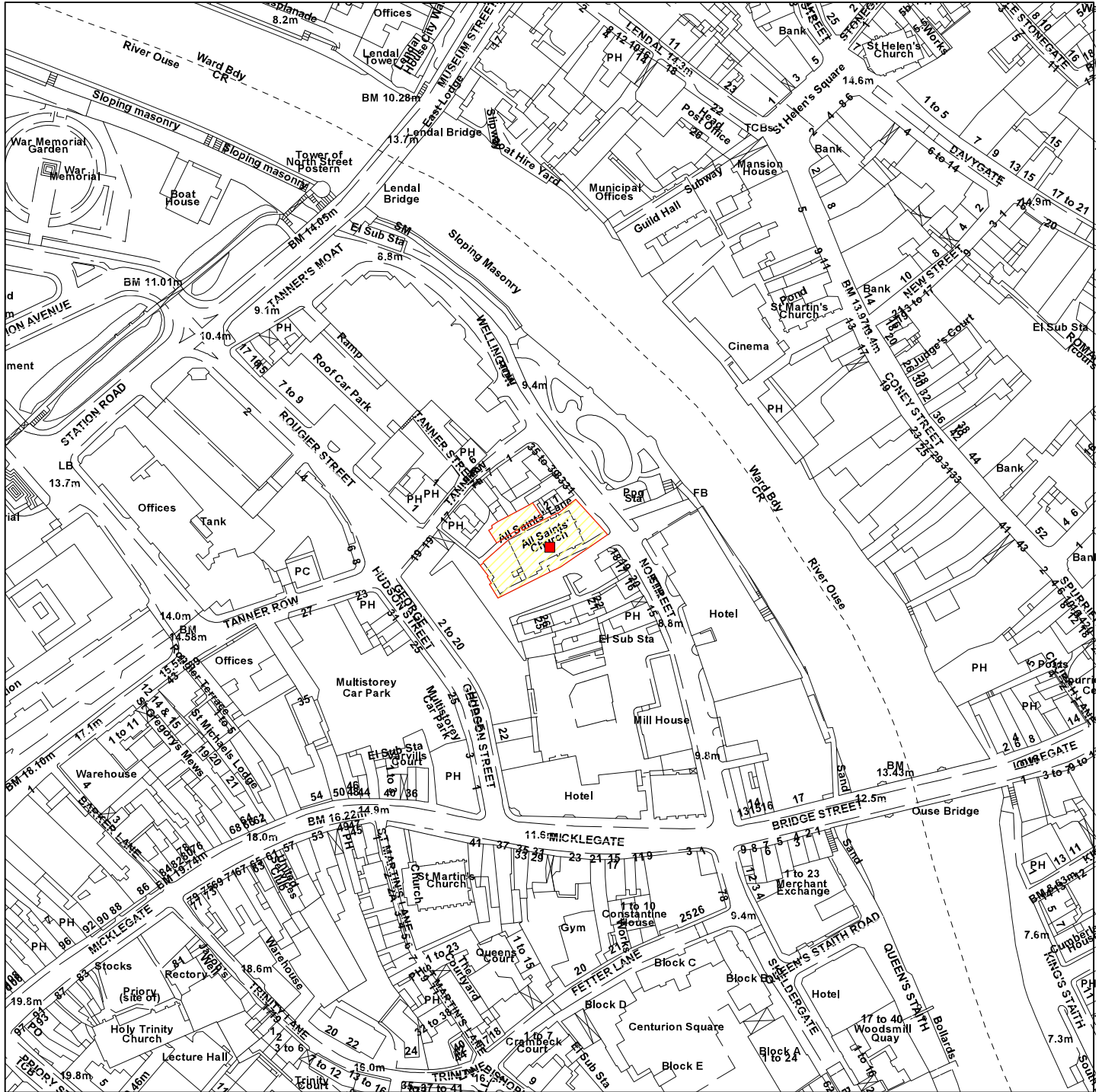
Author: Erik Matthews Development Control Officer

Tel No: 01904 551416

This page is intentionally left blank

All Saints Church, North Street

05/00048/FUL



Scale : 1:2500

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application Site
Date	02 January 2009
SLA Number	Not set

This page is intentionally left blank

COMMITTEE REPORT

Committee: West/Centre Area
Date: 15 January 2009

Ward: Rural West York
Parish: Parish Of Rufforth With Knapton

Reference: 08/02426/FULM
Application at: Harewood Whin Tinker Lane Rufforth York YO23 3RR
For: Erection of building to house biomass power plant with chimney stack with external cooling plant (resubmission)
By: Yorwaste Heat And Power Ltd.
Application Type: Major Full Application (13 weeks)
Target Date: 16 January 2009

1.0 PROPOSAL

1.1 Harewood Whin comprises a substantial waste disposal by landfill operation working via a series of planning permissions dating back to the early 1980s. It lies within the designated York Green Belt to the west of York.

1.2 The current proposal envisages the erection of a small-scale biomass power plant housed within a new steel clad building up to 30 metres wide, 84 metres long and 12.3 metres high. Associated with it would be a stack some 16.2 metres high together with a ground level cooling plant some 8.4 metres long by 3.1 metres high. The proposed power plant would use low-grade waste wood currently land- filled as a fuel, with the electricity thus generated transmitted to the National Grid by underground cable. It is anticipated that approximately 30,000 tonnes of low-grade waste wood per annum would be used to generate 2.5MW/he of electricity for export to the grid per annum.

1.3 The application site lies directly to the north of the materials recycling building within the "restored area" towards the western edge of the overall site. The application comprises a revised re-submission of an earlier proposal ref:08/01742/FULM. The earlier proposal was subject to a Screening Request in relation to the 1999 Town and Country Planning (Environmental Impact Assessment) Regulations. A decision was reached that on balance one was not required. The proposal is also subject to regulation in terms of its Environmental Impacts via the Environmental Permit system deriving from the EU Directive on Integrated Pollution, Prevention and Control issued by the Environment Agency.

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:

CYMW5

Landfill/landraising - considered on merits

CYGB1

Development within the Green Belt

CYGB11

Employment devt outside settlement limits

CYGP4A

Sustainability

CYGP4B

Air Quality

CYGP5

Renewable energy

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management raise no objection to the proposal.

3.2 The City's Drainage and Engineering Consultancy raise no objections to the proposal.

3.3 Urban Design, Conservation and Sustainable Development raise no objections to the proposal subject to any permission being conditioned to achieve BREEAM standard Very Good in terms of its construction and operation.

3.4 City Development raise no objection to the proposal subject to the authority being satisfied that appropriate technologies were being adopted to process the waste wood and that BREEAM standard Very Good can be achieved in relation to the development in its entirety.

3.5 Environmental Protection Unit raise no objection to the proposal subject to a satisfactory outcome being forthcoming to the Environmental Permit application for the proposal to the Environment Agency.

EXTERNAL

3.6 York Gliding Club were consulted in respect of the proposal on 21st October 2008. No response has been forthcoming.

3.7 York and North Yorkshire Fire Authority were consulted in respect of the proposal on 21st October 2008. No response has been forthcoming.

3.8 Marston Moor Internal Drainage Board raise no objection to the proposal providing surface water drainage is directed via a sustainable system.

3.9 The Environment Agency raise no objection to the proposal.

3.10 Rufforth Parish Council represented by the Land and Development Practise object to the proposal on the grounds of the lack of a formally submitted Environmental Impact Assessment, specifically concern is expressed in relation to the lack of information covering the impact of the proposal on air quality, the cumulative impact of locating the proposal within an active land fill waste disposal site and the lack of information in relation to the means of transmitting the electricity generated to the national grid.

3.11 York and Selby Branch of the CPRE object to the proposal on the grounds that heavy metals and other contaminants may be released into the atmosphere as a result of the proposed process.

3.12 Six letters of objection have been received in respect of the proposal. The following is a summary of their contents:

- i) Concern at the impact of the proposal on the open character and purposes of designation of the York Green Belt;
- ii) Concern that the proposal would increase existing problems of smells and wind blown litter for adjoining residents;
- iii) Concern that the proposal would exacerbate existing problems of heavy traffic associated with the site;
- iv) Concern that the proposal would extend the life of the landfill operation indefinitely;
- v) Concern that the proposal would act as a precedent for further expansion of the site;
- vi) Concern at the visual impact of the proposed plant chimney;
- vii) Concern that the development has not been subject to Environmental Impact Assessment under Schedule 2 of the Environmental Impact Assessment Regulations;
- viii) Concern at the lack of information regarding the treatment of contaminated wood at the site;
- ix) Concern at the possible cumulative impact of the proposal taken together with the composting operation previously applied for.

4.0 APPRAISAL

4.1 KEY CONSIDERATIONS:-

- Impact of the proposal on the open character and purposes of designation of the York Green Belt;
- Visual impact of the proposed chimney stack on the amenity of the surrounding open countryside;
- Impact of the proposal on air quality and emission levels in the surrounding area;
- Cumulative impact of the proposal taken together with other activities taking place at the waste disposal site;
- Impact of the proposal on volumes of heavy traffic to the site;
- Contribution of the proposal to reducing the level of waste materials being disposed of to landfill;
- Contribution of the proposal to meeting energy needs from sustainable sources;
- Environmental Impact Assessment;
- Sustainability.

GREEN BELT ISSUES

4.2 Policy GB1 of the York Development Control Local Plan sets a firm policy framework restricting new development within the designated York Green Belt to those matters which by their scale, location and design would not detract from the open character of the Green Belt, would not conflict with the purposes of including land within the Green Belt and would not prejudice the setting and special character of York and are for a number of specific purposes including limited infilling and re-development of major developed sites and highway works or other essential engineering operations including waste disposal. It should be noted that waste disposal is not listed as an appropriate Green Belt use within National Planning Policy Guidance 2 "Green Belts", as such the proposal has to be considered as inappropriate development.

4.3 The current proposal envisages the erection of a biomass boiler to process waste wood currently landfilled into electricity for export to the national grid. The boiler would be housed within a 12.3 metre high warehouse building together with a chimney stack approximately 16 metres high. This would be located directly to the north of the existing re-cycling building and to the north west of the site as a whole, sheltered in long and short distance views from outside of the site by the topography of the restored landfill areas.

4.4 PPG 2 "Green Belts" sets down a requirement to demonstrate "very special circumstances" in order to outweigh the usual presumption against inappropriate development in Green Belt areas. The supporting statement accompanying the application identifies the removal of up to 30,000 tonnes of low grade waste wood per annum from landfilling at Harewood Whin as contributing significantly to meeting the targets set down in the Regional Spatial Strategy for Yorkshire and the Humber for provision of energy by renewable means. Other renewable energy projects such as wind turbines would be more demonstrably harmful to the Green Belt in terms of their visual impact. Use of low grade waste wood as a source of energy by combustion would also result in its removal up the waste hierarchy defined in Planning Policy Guidance 10 "Planning for Sustainable Waste Management" resulting in significant net reductions in greenhouse gas emissions by substituting for

energy produced from non-renewable sources. On balance this may be taken as "very special circumstances" justifying location of the plant in the Green Belt, however this is dependent upon the operation of the plant being linked to the active operation of the waste disposal site which currently operates with the benefit of a permission expiring in 2013.

VISUAL IMPACT OF THE STACK

4.5 The proposal incorporates a stack standing proud of the ridge of the plant housing building by approximately four metres. This is to enable the stack to house the apparatus required to remove potential pollutants from the smoke plume arising from the process and is based upon the experience of the applicant company in relation to other sites. The stack height as specified would as a result of the surrounding relief and topography have a minimal impact upon the open character of the Green Belt and the visual amenity of the wider surrounding countryside. However the exact height of the stack would be determined as a result of the Environmental Permit process regulated by the Environment Agency. A stack height significantly in excess of that specified within the application details would adversely impact upon the wider visual amenity of the surrounding landscape and the open character of the Green Belt. A stack height materially different to that shown on the submitted drawings would necessitate the submission of a new planning application.

AIR QUALITY AND EMISSION LEVELS

4.6 Policy GP4b) of the York Development Control Local Plan sets a requirement for developments outside of the Air Quality Management Area to assess their air quality where there would be significant emissions to the air from sources other than traffic. The current proposal is also subject to the requirement to obtain an Environmental Permit under the Environmental Permitting Regulations 2007 regulated by the Environment Agency. This requires that subject developments through a full air quality impact assessment must demonstrate that the requirements of the Waste Incineration Directive are fully complied with and that the development would not pose a risk to local air quality objectives. Permitted Developments are then subject to regular air quality monitoring the results of which are made available to the local Environmental Health Authority.

4.7 The issue of potential heavy metal contamination would also be dealt with in this way. Both PPS10 and PPS23 " Planning and Pollution Control" strongly discourage local planning authorities from duplicating controls present in the Environmental Permitting Process. PPS 23 states that "the planning department should not concern themselves with the control of process emissions which are a matter for the pollution control authorities" and PPS 10 states that " the planning and pollution control regimes are separate but complimentary.....Waste planning authorities should work on the assumption that the relevant pollution control regime would be properly applied and enforced".

4.8 Assuming that the pollution control regime is properly and rigorously applied as outlined then a refusal of planning permission on air quality grounds would therefore not be tenable and the terms of the Draft Local Plan Policy would be complied with. The applicant has furthermore indicated that wood subject to treatment with water

resistant resins, which are a potential source of atmospheric pollution such as fence panels, railway sleepers and telegraph poles would not be treated within the proposed plant. Furthermore as the proposal is designed to treat waste already arriving at the site existing problems of smells and wind blown litter would not be exacerbated by the proposal.

CUMULATIVE IMPACT

4.9 Policy MW5 of the York Development Control Local Plan sets a firm policy framework for the development of waste management facilities indicating that they will be examined on their own individual merits and the characteristics of the site taking into account the need for the facility, its proposed location, impact upon adjoining land uses, the proximity principle (where waste is disposed of as close as possible to where it is produced) and proposed measures to minimise any environmental impacts. Harewood Whin comprises a waste disposal site to landfill with a number of ancillary activities, operating under a series of permissions dating back to the early 1980s. Other activities taking place at the site include the sorting of materials for re-cycling, controlled combustion of landfill gas to generate electricity and small scale composting of organic materials. The proposal to incinerate low grade waste wood to produce electricity to supply to the grid as an alternative to landfill would complement existing waste minimisation activities at the site. There is no evidence that the proposal would exacerbate the environmental impact of existing activities at the site to such an extent as to justify a refusal of permission for the current proposal. No precedent would either be set for the location of other similar activities at the site or the longer term extension of the whole waste disposal operation. The larger scale composting application, which came before the Committee in early 2008, is still the subject of an outstanding objection from the Environment Agency and should not be treated as a material consideration in relation to the current application.

TRAFFIC IMPACT

4.10 The proposal aims to deal with low grade waste wood brought on to the site as part of normal domestic and commercial waste collection activities. There would be no delivery of wood to Harewood Whin specifically as a fuel to the proposed plant, it would be processing wood already delivered to the site as part of mixed loads of waste. As a consequence there would not be a material impact upon the level of traffic movements arising from the proposal.

REDUCTION OF WASTE TO LANDFILL

4.11 The proposal envisages the removal of some 30,000 tonnes of low grade waste wood currently landfilled from the "waste stream". In Annex C to PPS 10 "Planning for Sustainable Waste Management" a waste hierarchy is laid out with reuse of materials at the head and final disposal at the base. The current proposal would result in low grade waste wood being brought up the waste hierarchy from disposal to recovery of value via energy generation. Policy GP5 of the York Development Control Local Plan sets a firm policy presumption in favour of the development of renewable energy facilities providing there is no significant adverse effect on the existing landscape or air quality. As submitted the proposal would not have an

adverse impact upon the local landscape and the requirement for an Environmental Permit would deal with any significant potential adverse impact upon air quality. The current proposal would also contribute significantly to the reduction in volumes of waste being sent to landfill in accordance with the Waste Strategy for England 2007 and the York and North Yorkshire Municipal Waste Strategy 2006.

CONTRIBUTION TO RENEWABLE ENERGY GENERATION

4.12 The Regional Spatial Strategy for Yorkshire and the Humber (RSS) 2008 sets out target figures for the generation of energy from renewable sources by 2010 and 2021. These are broken down on a sub-regional basis for the North Yorkshire area as a whole at 209MW by 2010 and 428MW by 2021 with the further breakdown for York being 11MW by 2010 and 31MW by 2021. Given its very special characteristics the capacity of York to deliver such levels especially in terms of wind energy is very limited. The current proposal would contribute to the delivery of approximately 25% of the target for York for 2010. The waste wood to be used in the proposed biomass plant would also be eligible for Renewable Obligations Credits under the Renewable Obligations Order.

ENVIRONMENTAL IMPACT ASSESSMENT

4.13 The proposal as an energy from non-hazardous waste plant falls short of the criteria for requiring Environmental Impact Assessment under Schedule 1 of the 1999 Town and Country Planning (Assessment of Environmental Effects) Regulations. In view of the nature and scale of the proposal and the requirement for a separate Environmental Permit authorisation a formal Environmental Impact Assessment was not requested under Schedule 2 in relation to the development. That does not however imply that Environmental Information has not been forthcoming and has not been given due weight in arriving at a recommendation.

SUSTAINABILITY

4.14 Policy GP4a) of the York Development Control Local Plan sets a firm policy requirement for new larger scale developments requiring the applicant by means of the submission of a Sustainability Statement to demonstrate how sustainable principles have been integrated into the design of the development and to aim for the achievement of a BREEAM "very good" rating in respect of the development as completed. This the applicant has undertaken to do.

5.0 CONCLUSION

5.1 Harewood Whin comprises a substantial waste disposal by land fill operation within the designated Green Belt to the west of York operating under a series of permissions dating back to the early 1980s.

5.2 The proposal envisages the erection of a biomass power plant within a 12.3 metre high warehousing building with an approximately 16 metre high stack to produce approximately of 2.5MWe of electricity per annum for export to the National

Grid using approximately 30,000 tonnes of low grade waste wood deemed unsuitable for recycling or re-use and presently sent to landfill.

5.3 The development is also subject to the requirement for an Environmental Permit under the Environmental Permitting Regulations in respect of pollution control.

5.4 The proposal is considered to be inappropriate development in the Green Belt under PPG2. The capacity for diversion of waste wood from land fill in some quantity with the associated creation of renewable energy capacity has been identified by the applicant as "very special circumstances" justifying the location of the proposal within the Green Belt. However the stack height may vary in the light of the necessary material required for the Environmental Permit process with consequent impacts upon the open character of the Green Belt, any permission should therefore be conditioned to restrict the stack height to that applied for in the application details. On balance the proposal would not have a significant adverse impact upon the amenity of the local area and approval is therefore recommended.

5.5 The proposal would result in a building with a floorspace of more than 1000 sq.m. Under the Town and Country Planning (Green Belt) Direction 2005, should Sub-Committee be minded to grant permission it is necessary to first consult the Secretary of State.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve after referral to Sec. of State

1 TIME2 Development start within three years

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

1181-01/A Sheets 1to 4 and 1181-01/A Sheet 5 Date Stamped 16th October 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 VISQ8 Samples of exterior materials to be app

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

- i) The proposed drainage layout showing foul and surface water connection to the existing sewer;
- ii) Details of the surface water attenuation system to achieve the 94.8 metres of storage volume required and position and details of flow control manhole limiting the

proposed discharge to a maximum of 47.3 litres per second.

Reason:

So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and to ensure that proper provision is made to secure the existing drainage.

5 Piling or any other foundation designs using invasive methods shall not be permitted other than with the express consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in strict accordance with the approved details.

Reason:

To protect controlled waters.

6 Prior to the first operation of the building and plant hereby authorised , the developer shall submit in writing a formal BREEAM assessment or equivalent , for the Design and Procurement stages for the building and plant hereby approved. All assessments shall be followed by a BREEAM Post Construction review to be submitted after construction at a time to be agreed in writing by the Local Planning Authority. All assessments shall confirm the minimum "Very Good" rating, or equivalent, anticipated in the preliminary BREEAM assessment submitted with the application, and be agreed to in writing by the Local Planning Authority.

Reason:

In the interests of sustainable development, in accordance with the requirements of Policy GP4a) of the York Development Control Local Plan and the Council's Planning Guidance Interim Planning Statement (IPS) on Sustainable Design and Construction.

7 The height of the stack associated with the biomass plant hereby authorised shall not exceed the 16.204 metres specified on approved application drawing 1181-01/A (Sheet 4).

Reason:

To safeguard the visual amenity of the area and to secure compliance with Policy GB1 of the York Development Control Local Plan.

8 Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent legislation revoking or re-enacting that Order , no fixed plant or machinery, buildings, structures or private ways , shall be erected , extended , installed or replaced at the site, other than those expressly authorised by this permission without the prior written approval of the Local Planning Authority.

Reason:-

To safeguard the character of the site in the interest of visual amenity and to secure compliance with Policy GB1 of the York Development Control Local Plan.

9 Notwithstanding the application details hereby approved the biomass power plant shall remain solely ancillary to the waste disposal activity currently taking place at the site under planning permission ref:00/02689/FUL and no dedicated deliveries of fuel for the plant shall take place without the prior written authorisation of the Local Planning Authority.

Reason:

To safeguard the character and amenity of the York Green Belt and to secure compliance with Policy GP1 of the York Development Control Local Plan.

10 In the event of the Biomass Plant and Associated Structures no longer being operationally required or after a period of 5 years from the date of this permission, whichever is the sooner, the plant and associated structures shall be dismantled and the site reinstated to its previous appearance.

Reason:-

To safeguard the character of the site in the interests of visual amenity and to secure compliance with York Development Control Local Plan Policy GB1.

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 impact upon the open character and purposes of designation of the Green Belt, impact of the proposed chimney stack on the visual amenity of the adjoining countryside, impact of the proposal on air quality and emission levels in the surrounding areas, cumulative impact upon amenity taken together with other activities taking place at the site, impact upon traffic volumes using the surrounding road network, impact upon the level of waste materials disposed to landfill and the contribution of the proposal to meeting energy need from sustainable sources. As such the proposal complies with Policies MW5, GB1,GB11,GP4a),GP4b) and GP5 of the City of York Local Plan Deposit Draft and the national policies contained within PPG2 "Green Belts" PPS10 "Planning for Sustainable Waste Management" and PPS23 "Planning and Pollution Control".

2. DEMOLITION AND CONSTRUCTION

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 site.

3. ENVIRONMENTAL PERMITTING REGULATIONS 2007

The development will require an Environmental Permit under the Environmental Permitting Regulations 2007. The applicant is strongly advised to contact the Environmental Management Section of the Environment Agency to discuss the necessary requirements of the Permit.

4. ABSTRACTION LICENCE

If it is intended to abstract more than 20 cubic metres of water per day from a surface water source (e.g. stream or drain) or from underground strata (via borehole or well) for any particular purpose then an abstraction licence will be required from the Environment Agency. There is no guarantee that a licence will be granted as this is dependent on available water resources and existing protected rights.

5. WATER RESOURCES ACT 1991

The Water Resources Act 1991, S85 makes it an offence to cause or knowingly permit poisonous, noxious or polluting matter to enter controlled waters unless you are in possession of a discharge consent or other relevant permit. Controlled waters include all water below the surface of the ground. This legislation is not restricted to any listed substances. Discharge consents issued under the WRA1991 constitute authorisations for the purposes of the Groundwater Regulations provided the relevant conditions have been applied.

Contact details:

Author: Erik Matthews Development Control Officer

Tel No: 01904 551416

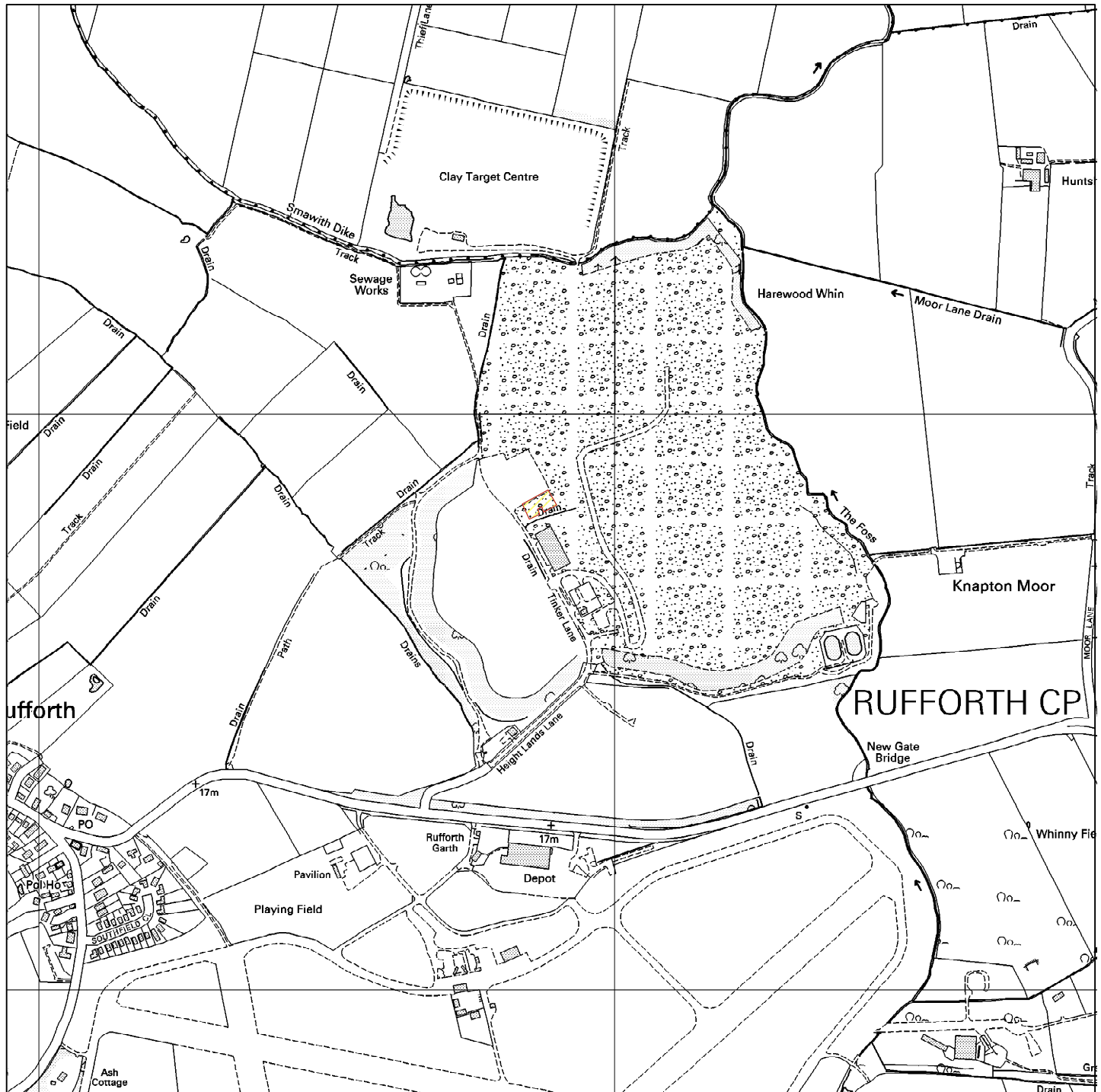
This page is intentionally left blank

Harewood Whin, Tinker Lane, Rufforth

08/02426/FULM



GIS by ESRI (UK)



Scale : 1:10000

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

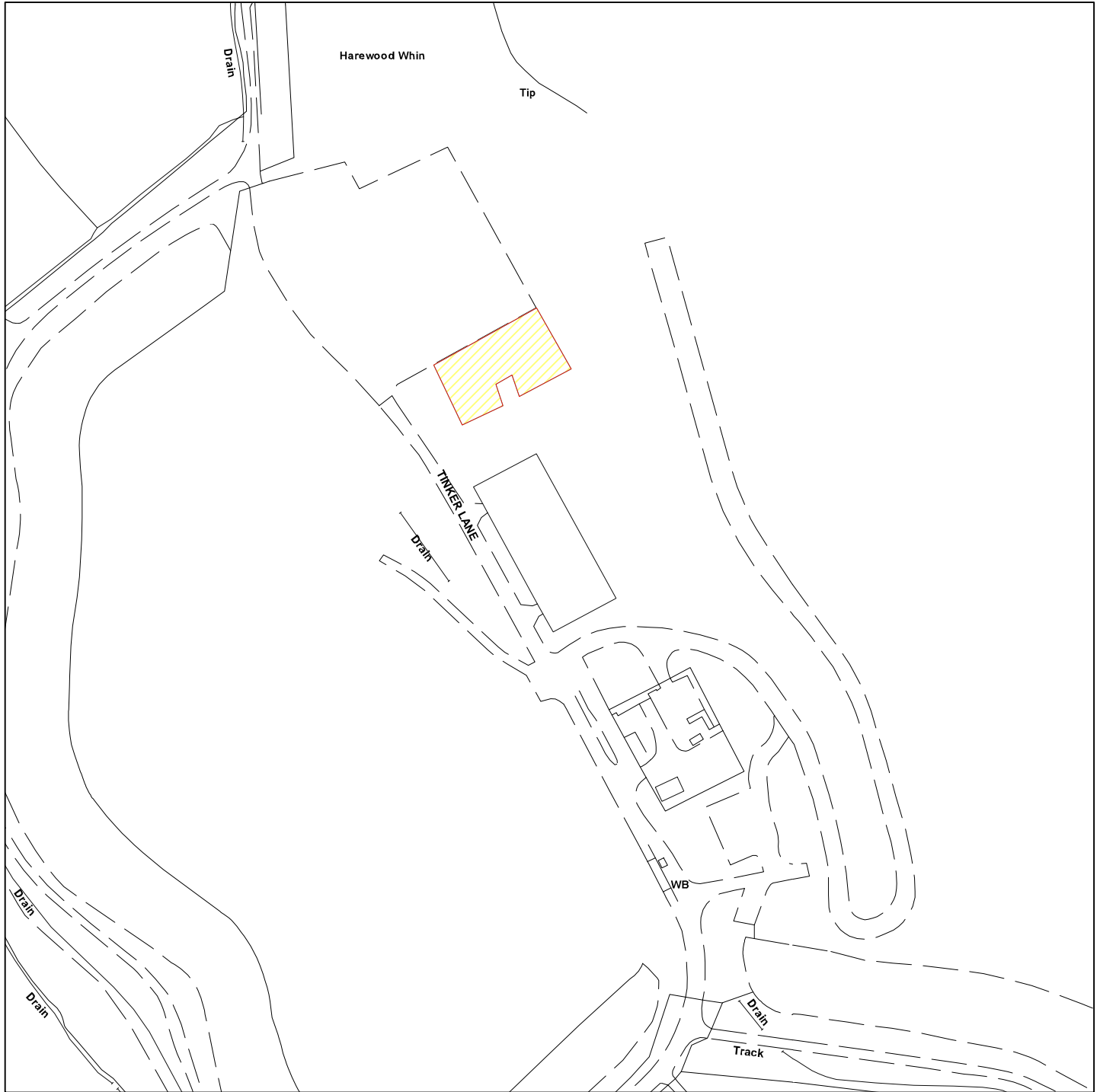
Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application Site
Date	02 January 2009
SLA Number	Not set

This page is intentionally left blank

Harewood Whin, Tinker Lane, Rufforth

08/02426/FULM



Scale : 1:2500

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application Site
Date	02 January 2009
SLA Number	Not set

This page is intentionally left blank



West & City Centre Area Planning Sub-Committee

31st December 2008

Report of the Director of City Strategy

Enforcement Cases - Update

Summary

1. The purpose of this report is to provide Members with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

Background

2. Members have received reports on the number of outstanding enforcement cases within the Sub-Committee area, on a quarterly basis, since July 1998, this report continues this process.
3. Some of these cases have been brought forward as the result of information supplied by residents and local organisations, and therefore "The annexes to this report are marked as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, as this information, if disclosed to the public, would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person, or that the Authority proposes to make an order or direction under any enactment".
4. In order to give Members an up to date report, the schedules attached have been prepared on the very latest day that they could be to be included in this report on this agenda.

Current Position

5. Members should note that 41 new cases were received for this area within the last 2 months. 48 cases were closed and 179 remain outstanding. There are 56 Section 106 Agreement cases outstanding for this area after the closure of 1 for the last 2 months.

Consultation

6. This is an information report for Members and therefore no consultation has taken place regarding the contents of the report.

Options

8. This is an information report for Members and therefore no specific options are provided to Members regarding the content of the report.

Corporate Priorities

9. Improve the actual and perceived condition and appearance of the city's streets, housing estates and publicly accessible spaces.

10. **Implications**

- **Financial** - *None*
- **Human Resources (HR)** - *None*
- **Equalities** - *None*
- **Legal** - *None*
- **Crime and Disorder** - *None*
- **Information Technology (IT)** - *None*
- **Property** - *None*
- **Other** - *None*

Risk Management

11. There are no known risks.

Recommendations

12. That Members contact the relevant Enforcement Officers to discuss any particular case detailed in the attached ongoing annex and also note the cases closed annex.

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

Contact Details

Author:

Hilary Shepherd/
Andy Blain
Planning Enforcement Officers

Chief Officer Responsible for the report:

Chief Officer's name

Michael Slater
*Assistant Director (Planning and Sustainable
Development)*

Dept Name City Strategy
Tel No. 551647/551314

Report Approved

Date 31.12.2008

Specialist Implications Officer(s)
None

Wards Affected: *All Wards in the West and City Centre area*

All

For further information please contact the authors of this report

Background Papers:

Environment and Development Services Business Plan (2000/2001).

Report to Area Sub-Committee in July 2006 – Enforcement Cases Update.

Annexes

Annex A - Enforcement Cases – Update (Confidential)

This page is intentionally left blank

By virtue of paragraph(s) 6 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 6 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank