



Notice of meeting of

East Area Planning Sub-Committee

- To:** Councillors Hyman (Chair), Cregan (Vice-Chair), Douglas, Firth, Funnell, King, Moore, Orrell, Taylor and Wiseman
- Date:** Thursday, 11 June 2009
- Time:** 2.00 pm
- Venue:** The Guildhall, York

AGENDA

The Site Visit for this meeting will commence at 10.10am on Wednesday 10 June 2009, at the location, 16 Fairway, York.

1. Declarations of Interest

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

2. Minutes

(Pages 5 - 9)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 7 May 2009.

3. Public Participation

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

4. Plans List

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

a) 16 Fairway, York, YO30 5QA (09/00456/FUL) (Pages 10 - 15)

A full application for the erection of a first floor side extension, over an existing garage at a semi-detached property. **[Site Visit]** [Skelton, Rawcliffe, Clifton Without].

b) 26 Earswick Chase, Earswick, York, YO32 9FY. (09/00709/FUL) (Pages 16 - 20)

A full application for the erection of a conservatory on the rear elevation of a detached dwelling extending from patio doors into the garden area. [Strensall Ward]

c) Pool Bridge Farm, Wheldrake Lane, Crockey Hill, York, YO19 4SQ. (09/00480/FULM) (Pages 21 - 31)

A retrospective major full application for the creation of a new fishing pond. [Heslington].

5. Urgent Business

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

Democracy Officer:

Name: Judith Cumming

- Telephone – (01904) 551078
- E-mail – judith.cumming@york.gov.uk

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

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

Contact details set out above.

**EAST AREA PLANNING
SUB-COMMITTEE****SITE VISITS****Wednesday 10 June 2009**

TIME	SITE
10:00	Depart Union Terrace Car Park
10:10	16 Fairway (4a)

Could Members contact Simon Glazier on 551642 if they require transport to the site.

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

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- Review existing policies and assist in the development of new ones, as necessary; and
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City of York Council

Committee Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	7 MAY 2009
PRESENT	COUNCILLORS CREGAN (VICE-CHAIR), DOUGLAS, FIRTH, MOORE, TAYLOR AND WISEMAN
APOLOGIES	COUNCILLORS HYMAN, FUNNELL, KING AND ORRELL

81. DECLARATIONS OF INTEREST

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

Councillor Firth declared a personal non prejudicial interest in agenda item 4b as he had been present at a meeting of Wigginton Parish Council at which a presentation had been given regarding the scheme. No decisions had been made at that meeting.

82. MINUTES

RESOLVED: That the minutes of the meetings of the Sub-Committee held on 12 March 2009 and 9 April 2009 be approved as a correct record and be signed by the Chair.

83. PUBLIC PARTICIPATION

It was reported that there had been one registration to speak under public participation.

Mr. Tom Hughes spoke in relation to the Land to the West of Metcalfe Lane, Osbaldwick, York. He spoke in relation to an application that had been considered at the previous meeting of the Sub-Committee for a Community Facility on the land. He queried why, in his opinion, Planning Officers appeared to be ignoring Government Legislation concerning development on Green Belt land.

He also queried why the applicant could submit full applications for new proposals when the original outline application, approved by the Secretary of State, had clearly set out matters that were reserved for future approval. Officers explained, notwithstanding the approval of outline planning permission, there was no legal reason to prevent the submission of full applications for alternative proposals or variations from the original outline consent. The Council cannot refuse to determine such applications, which have to be determined on their own merits.

84. PLANS LIST

84a 2 Millford Mews, Haxby, York, YO32 3HY. (09/00387/FUL).

Members considered an application for a single storey pitched roof side extension on a detached property at 2 Millford Mews, Haxby.

Officers updated that due to the nature of the area and the property being situated in an enclave, the property had Permitted Development Rights removed under Planning Application Reference 3/57/7793/OA and that this extension would otherwise have been permitted development. Officers confirmed that the Oak Tree situated next to the property is covered by a Tree Preservation Order.

Members queried whether a condition regarding noise could be added if the proposal was approved, due to the property being situated at the bottom of a cul-de-sac. Officers confirmed this would be possible.

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

Condition 5 – The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday-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 Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance with particular reference to the impact on the residential amenity of adjacent occupiers and the impact on the streetscene. As such the proposal complies with Policies GP1 and H7 of the City of York Development and Control Local Plan and the Councils Supplementary Planning Guidance “Guide to extensions and alterations to private dwelling houses”.

Action Required

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

SS

84b Wigginton Cottage Farm, Wigginton Road, Wigginton, York, YO32 2RH. (09/00095/FUL).

Members considered a full application for the drilling of bore holes for the testing, appraisal and operation of a coal bed methane production plant and associated works.

Officers advised that there was an error in the Agenda on page 39. Condition 2 should read “.23 years from the date of commencement in accordance with a scheme approved under condition 26”, and not condition 28 as stated.

Representations in objection to the application were heard from a local resident who felt that the height of the rig would be too imposing and that there was no evidence that the applicant had searched for an alternative or better site.

Representations in support of the application were heard from the applicant who advised Members that this is the eighth proposal of its kind, the nearest to York being at Shipton by Beninbrough. He advised that the lighting for the drilling rig would be downward facing and that residents would suffer no noise nuisance. Other sites had been discounted due to the proximity to residential properties.

Members queried how the gas would be removed from the ground, if found. The applicant advised that it would be removed by suction and would be happy to submit a lighting scheme and a noise monitoring scheme if Members had concerns regarding any of the processes involved.

Members commented that the application is unique for York and that they were keen to find out more. A lengthy discussion was had in which Members queried the following issues with Officers and the Applicant:

- Whether the scheme would produce greenhouse gases. The applicant confirmed any gases produced would be less harmful to the environment than using methods such as transportation and pipelines.
- Whether gas is a mineral. Officers confirmed, in their view, it is a mineral.
- Employment opportunities on the site, to which the applicant replied 8 persons through local contractors.
- The number of car parking spaces. The applicant confirmed that 22 is an overestimate but necessary to avoid parking on the public highway.
- Highway Safety as Wigginton Road is a busy road.

Members queried whether a condition restricting the times Heavy Goods Vehicles could enter or leave the site could be added, Officers confirmed that it could.

Officers advised that Condition 12 could be amended to allow noise monitoring to take place, and Condition 14 to monitor lighting levels.

Overall, members were happy to approve the application with conditions. Councillor Moore abstained from the vote due to his concerns regarding the effect the scheme could have on nearby communities.

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

Condition 12 – The acoustic barriers and bunds, as detailed on the proposed site layout plan, Figure 4.2 dated 9.1.09, shall be fully installed in accordance with these details, prior to drilling operations commencing, and retained as such throughout the drilling phase, unless otherwise approved in writing by the Local Planning Authority. Within 14 days of the drilling Operations commencing, monitoring at the two closest noise sensitive properties shall be carried out and the results of which shall be submitted to the Local Planning Authority. Should these noise readings be considered unacceptable to the Local Planning Authority in terms of their impact on these noise sensitive properties, within a further 14 days a revised scheme to improve the effectiveness of the acoustic barriers and bunds shall be submitted for approval to the Local Planning Authority. Once the revised scheme has been approved in writing the acoustic barriers and bunds shall be altered in accordance with the approved scheme within one calendar month and shall remain in place and be fully maintained until all of the drilling works have been completed.

Reason – In the interests of residential amenity and in accordance with Policy GP1 of the City of York Draft Local Plan.

Condition 14 – No external lighting shall be installed except in accordance with a scheme, which shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of location, height, type, orientation, intensity and timing of the lighting. The Local Planning Authority shall be advised of the date on which the lighting is to be switched on, in writing, at least 14 days prior to the date. Should the Local Planning Authority be of the view that the level of light pollution is unacceptable in terms of visual amenity and nature conservation, within 14 days of being requested, a revised lighting scheme shall be submitted for approval to the Local Planning Authority. Once the revised scheme has been approved in writing, the lighting shall be altered in accordance with the approved scheme within one

calendar month and shall be operated as such throughout the drilling period.

Reason – to minimise the visual impact of the development and to limit any impact on bats in accordance with Policies GP1 and NE6 of the City of York Draft Local Plan.

Condition 28 – No heavy goods vehicles associated with the development hereby approved shall enter or leave the site after 5pm or before 9am on any day, unless otherwise previously agreed in writing with the Local Planning

Reason – In the interests of safety and amenity of local people.

REASON:

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

- Impact on the openness, character and appearance of the Green Belt.
- Residential Amenity
- Nature Conservation
- Drainage
- Archaeology

Action Required

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

SS

R. Cregan, Chair

[The meeting started at 2.00 pm and finished at 2.50 pm].

COMMITTEE REPORT

Committee: East Area
Date: 11 June 2009
Ward: Skelton, Rawcliffe, Clifton Without
Parish: Clifton Without Parish Council

Reference: 09/00456/FUL
Application at: 16 Fairway York YO30 5QA
For: Erection of first floor side extension over existing garage and single storey rear extension
By: Mr Nigel Sanderson
Application Type: Full Application
Target Date: 28 May 2009

1.0 PROPOSAL

1.1 This application seeks planning permission to erect a first floor side extension over an existing attached garage at this semi-detached property. The extension would be set back from the front wall of the property by approximately 1.8metres and set down from the ridge by approximately 1.0 metre. The proposed single storey rear extension would project a maximum of 3.3 metres into the rear garden with a maximum height of 4.0 metres.

1.2 This application is to be determined by Planning Committee due to the amount of objection letters from third parties relating to the proposal being in conflict with the character and appearance of the surrounding area. For this reason, a site visit has also been recommended.

1.3 The application site consists of a traditional semi - detached dwelling set behind a low boundary wall . The rear of the dwelling over looks a school playing field. The application is outside the Clifton Conservation Area.

1.4 No relevant Property History.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary : York City Boundary 0001

DC Area Teams : East Area (2) 0005

Schools : Clifton Without Junior 0189

Schools : Canon Lee 0245

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

3.1 Internal

None

3.2 External

3.3 Clifton Without Parish Council - no objections subject to neighbours

3.4 Response to neighbour consultation letters -

No 5 Fairway

Size of extension appears double to the foot print.

Property has a conveyance which states any garage should leave at least 4 feet to the boundary of the dwelling. Every semi should have a clear space of not less than 4 feet on one side of the boundary.

Concerns for no18 difficult to see how garage could be implemented without with out impact on the adjoining garage.

No18 Fairway

Impossible to demolish shared garage.

Design of two garages built as one with decorative brickwork continuous across the front of both garages.

Residents garage roof has been replaced due to asbestos, concerns relating to supporting wall, which supports conservatory - adding further risk.

Terracing impact.

Loss of light - front houses face north.

Privacy effected by first floor window.

Loss of character.

No 16 Fairway

Loss of original character of dwelling.

No 22 Fairway

Impact on no 18.

Loss of original character.

No 1 Fairway

Out of character.

Loss of original appearance.

Granting permission could result in a catalyst of other permissions.

No24 Fairway

1940s property proposal would unbalance appearance.
Not sympathetic to area.

4.0 APPRAISAL

4.1 Key Issue(s): Effect Upon Neighbours And The Surrounding Area.

4.2 Draft Local Plan Policy CYGP1 states that development proposals will be expected to (i) respect or enhance the local environment; (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings

4.3 Draft Local Plan Policy CYH7 states that planning permission will be granted for residential extensions where: (a) the design and materials are sympathetic to the main dwelling and the locality of the development; and (b) the design and scale are appropriate in relation to the main building; (d) there is no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy

4.4 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that (1.12) Good design and a scale of development that respects the original dwelling and established pattern of development are essential to making a quality extension.

4.5 Assessment:

The proposed development would extend approx 3.7 metres in width above the existing attached garage, set down from the original ridge by approx 1.0 metres, and incorporating a set back of approx 1.8 metres from the principal elevation. The single storey rear extension would be positioned in the south facing garden, set away from the shared boundary with the property at No.14 Fairway. This extension would be largely hidden by the adjoining garage at no.16 and is of an acceptable distance from the dwelling at no.14.

4.6 Effect upon the Street Scene:

Fairway is situated off Rawcliffe Lane and is outside the Clifton Conservation area. This street is characterised by semi - detached properties built around the same time. The spacing between the properties is dictated by attached garages and associated driveways located to the side of the semi-detached dwellings, some of which are linked, as is the case with the application property. It is noted during the site visit that there are four other dwellings within the street hosting two-storey side extensions, one being the attached neighbour at no 14, the others being nos. 50,52 and 56 located further along Fairway towards the far end of the street. Planning permission was refused in August 2007 for the erection of a two storey extension at 7 Fairway on the opposite side of the street. However, it is considered that the spacing between the dwellings on this side of the street is far more regular and unspoilt.

4.8 In terms of visual impact the proposed extension would incorporate a set down from the original roofline, extending over the garage, which is set back from the principal building line, and would therefore comply with the Councils Supplementary Planning Guidance on residential extensions. Due to the extension being set down and set back from the principal elevation, it is considered that an undesirable "terracing" situation would be avoided, and that the proposal would not alter the existing natural space between dwellings to an unacceptable degree.

4.9 Neighbour Objections:

Objections have been received from a number of residents in close proximity to the proposal: nos. 1,5,16,18,22 and 24

The objections received by local residents relate to the unsympathetic design and loss of character to the originality of the surrounding area. Other concerns relate to the size and scale of the extension and the impact the proposal would have on the dwelling at no.18 Fairway.

4.10 The occupier of no. 5 states that the dwellings are subject to a conveyance restricting the size and position of proposed extensions in relation to the shared boundary. If there are such legal restrictions on the deeds of the property, then it is possible that the development would be unable to proceed even if planning permission is granted. However, this is a civil matter that cannot be considered in the determination of this planning application.

4.11 In terms of neighbour impact, the proposal would have the greatest impact on the adjacent dwelling at no16 which is linked to the application site by the attached garages. The small window at first floor level is thought to serve a non-habitable room, and for this reason it is considered that an objection on the grounds of loss of light or outlook would be difficult to sustain. Furthermore the impact on the existing adjacent garage and conservatory during construction are not material planning considerations. In this regard, the applicant would be required to adhere to the terms of the Party Wall Act , which is separate from planning legislation. Indeed, work could not commence on the development until the applicant has complied with the provisions contained within the Act.

4.10 The single storey rear extension would be approx 4.0 metres at the highest point reducing to 2.8 metres at eaves level. The total projection would not exceed 3.2 metres and it would be located approximately 3.4 metres from the shared boundary. As such, it is not considered that there would be any significantly adverse impact on the amenity of the adjacent occupiers in terms of loss of light or overshadowing.

5.0 CONCLUSION

The design and materials are considered acceptable therefore the proposal at first floor level is unlikely to detract from the character and appearance of the residential area. The neighbouring gardens are well screened and it is not considered that the development at the rear will appear overbearing or give rise to any unreasonable loss of amenity to adjoining residents.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans - Drawing no. Y/JD/AP/832/08-201 received on 6 March 2009
- 3 VISQ1 Matching materials

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (amended 2008) (or any order revoking or re-enacting that Order), no first floor windows shall be inserted in the side elevation facing the neighbouring dwelling at 16 Fairway without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenity and privacy of the adjoining residents.

**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, the proposal would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the residential amenity of neighbours and the effect on the character and appearance of the area. As such the proposal complies with Policies H7 and GP1 of the City of York Local Plan Deposit Draft.

2. INFORMATIVE

You are advised that the development may involve building work covered by the Party Wall etc Act 1996 that is separate from planning or building regulations control. Do not commence work on the development until you comply with the provisions of this Act. An explanatory booklet may be obtained from the Department of Development and Environment Services, alternatively it is available on the communities and local government website <http://www.opsi.gov.uk/>

Contact details:

Author: Sharon Lickers Development Control Assistant

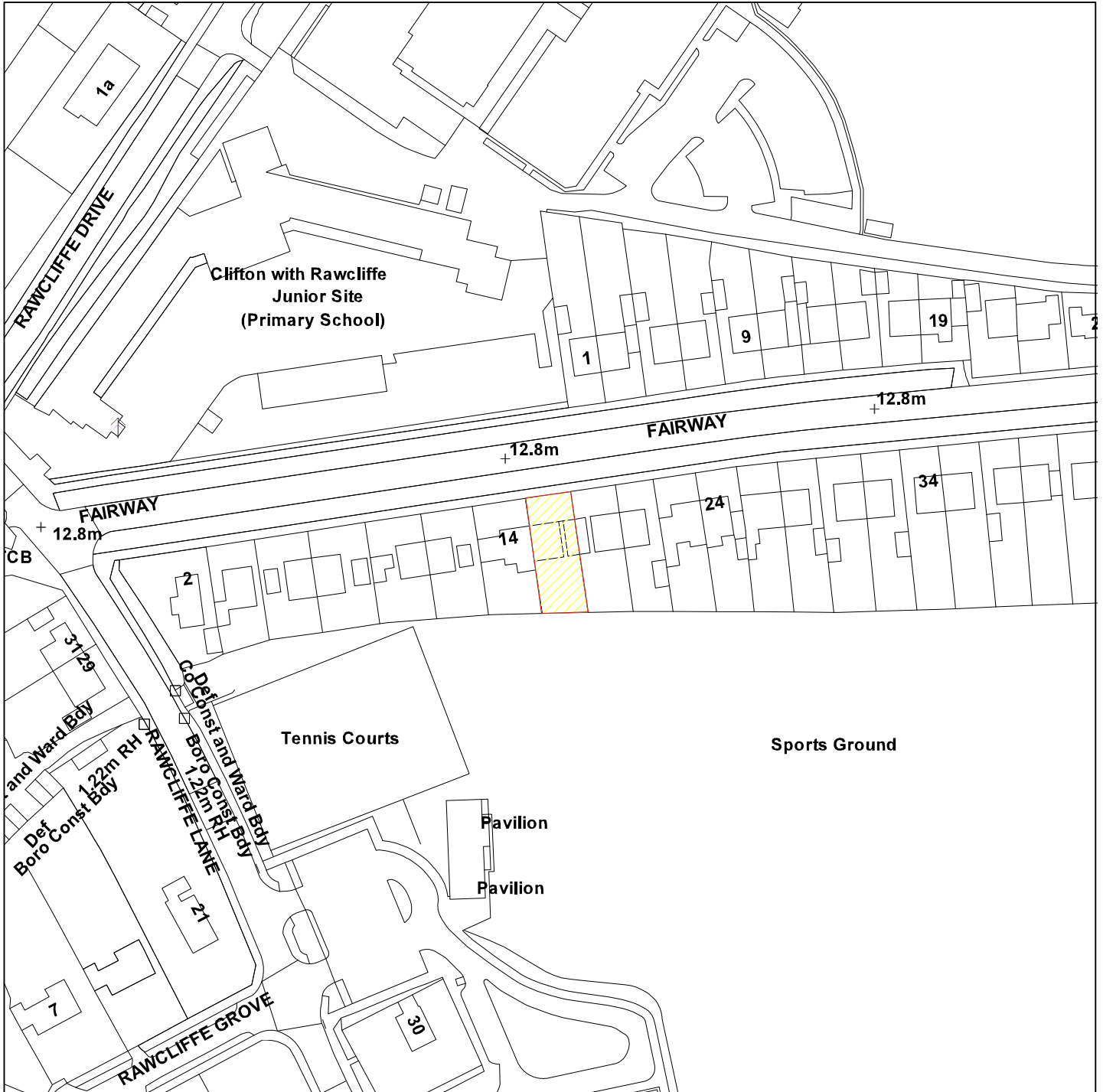
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16 Fairway

09/00456/FUL



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	01 June 2009
SLA Number	Not Set

COMMITTEE REPORT

Committee: East Area
Date: 11 June 2009

Ward: Strensall
Parish: Earswick Parish Council

Reference: 09/00709/FUL
Application at: 26 Earswick Chase Earswick York YO32 9FY
For: Conservatory to rear
By: Mr Cuthbertson And Mrs Runciman
Application Type: Full Application
Target Date: 19 June 2009

1.0 PROPOSAL

1.1 This application seeks planning permission to erect a conservatory on the rear elevation of a detached dwelling extending from patio doors into the garden area. The proposed conservatory would occupy a small recess at the rear of the property, projecting from the rear wall by a distance of approx 4.5 metres and with a width of 3.85 metres. The height would be a maximum of 3.4 metres, reducing to 2.4 metres at the eaves.

1.2 The property is set within a generously sized plot incorporating a double detached garage positioned to the side of the dwelling. The rear garden area is wholly enclosed by a 2.0 metres timber fence. The rear elevation is designed with a small single storey projection positioned in the centre of the dwelling.

1.3 Revised plans have been submitted to reduce the length from 5.0 metres to 4.5 metres, in order to reduce the long appearance on the shared boundary.

1.4 This application is to be determined by the Planning Committee as one of the applicants is a serving Councillor.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYGP1
Design

CYH7

Residential extensions

3.0 CONSULTATIONS

3.1 Internal

None

3.2 External

3.3 Earswick Parish Council - Support the application

3.4 Response to neighbour consultation letters - No objections at time of writing expires 18.05.09

4.0 APPRAISAL

4.1 Key issue(s):

- impact on neighbours
- impact on streetscene

The relevant policies and guidance:

4.2 DRAFT LOCAL PLAN POLICY CYH7 - residential extension states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

4.3 DRAFT LOCAL PLAN POLICY CYGP1 - design sets out a series of criteria that the design of development proposals would be expected to meet. These include requirements to (i) respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.4 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001

4.5 Assessment :

The proposed conservatory would be situated between an existing small rear projection and the shared boundary, In terms of appearance the proposed

conservatory would be constructed with a brick dwarf wall supporting glazed panels and glazed pitched roof. The size and scale of the proposed conservatory is considered acceptable in relation to the rear elevation of the existing dwelling, positioned on an area of existing hard standing extending from patio doors, situated within the large rear garden. It is considered the east side elevation facing the dwelling at no. 24, should be designed with obscure glazing to ensure privacy is retained for both the existing residents and the neighbours on the shared boundary.

4.6 Revised plans have been submitted in order to reduce the length and massing close to the shared boundary. The revised plans would reduce the length of the conservatory by approx 500mm which is considered to create a more subservient structure and would reduce the impact on the adjacent property.

4.7 Effect upon the Street Scene.

The proposed conservatory is large in scale but would be in keeping with the character, design and external appearance of the existing property and the surrounding area. It would not be readily visible from the surrounding streets. The building materials to be used would blend in with the existing property and will not affect the visual amenity of the surrounding area.

4.7 Effect On Neighbours:

In terms of neighbour amenity a projection of 4.5 metres from the rear elevation is considered acceptable, given the 1.0 metre distance from the eastern boundary shared with the dwelling at no24. The glazed roof would slope away from the boundary incorporating a 30% pitch with an eaves height of 2.4 metres and a height to the ridge of 3.4 metres. The dwelling at no 24 has an existing gable extension with a side facing windows situated approx 6.7 metres from the shared boundary. The reduction in length to 4.5 metres would reduce dominance and over shadowing into the garden area, given the proximity of the neighbour's extension to the proposed conservatory. Given the orientation of the dwellings, the separation distances achieved within the site together with the existing boundary treatment, it is felt that the proposal would not cause any significant detriment to the residential amenity of neighbouring property. It is considered, however, that a condition requiring the glazing facing the neighbour (no. 24) to be obscure and maintained as such would be appropriate, in order to ensure that privacy is maintained.

5.0 CONCLUSION

5.1 The design and materials are considered acceptable therefore the proposal is unlikely to detract from the character and appearance of the residential area. With a condition requiring that the side elevation facing no. 24 be obscure glazed, it is not considered that the development will appear overbearing or give rise to any unreasonable loss of amenity or privacy to adjoining residents.

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans - Drawing no. 18456 01 dated 20.04.09
- 3 VISQ1 Matching materials

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), the glass panels situated on the east elevation of the conservatory closest to the neighbour at 24 Earswick Chase shall be obscure glazed in a type of obscure glazing to be agreed in writing with the Local Planning Authority prior to occupation of the property.

Reason: In the interests of the amenity and privacy of occupants of the adjacent residential property.

INFORMATIVE: It is recommended that the glazing is obscured to a minimum of Pilkington Level 3 or an equivalent standard.

**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, the proposal would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the residential amenity of neighbours and the effect on the character and appearance of the area. As such the proposal complies with Policies H7 and GP1 of the City of York Local Plan Deposit Draft.

Contact details:

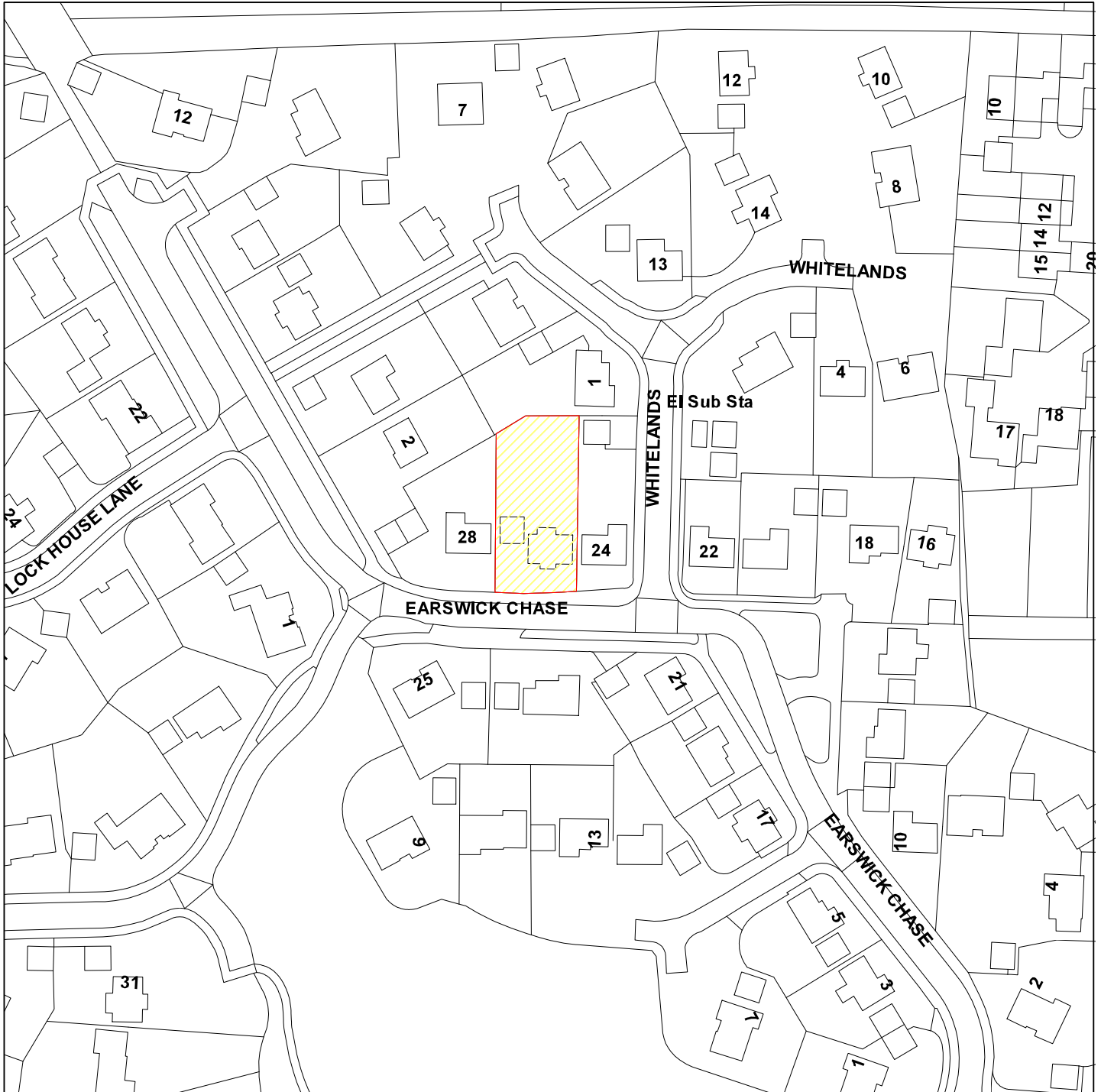
Author: Sharon Lickers Development Control Assistant
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26 Earswick Chase

09/00709/FUL



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Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	01 June 2009
SLA Number	Not Set

COMMITTEE REPORT

Committee: East Area
Date: 11 June 2009

Ward: Heslington
Parish: Heslington Parish Council

Reference: 09/00480/FULM
Application at: Pool Bridge Farm Wheldrake Lane Crockey Hill York YO19 4SQ
For: Creation of new fishing pond (retrospective)
By: Messrs M, S, A And R Fletcher
Application Type: Major Full Application (13 weeks)
Target Date: 17 June 2009

1.0 PROPOSAL

1.1 The application site lies within 138 acres of land known as Pool Bridge Farm which is located off Wheldrake Lane. It is situated within the York Green Belt adjacent to an area of land designated as SSSI (Site of Special Scientific Interest). The application site area is 2.5 hectares.

1.2 Part of Pool Bridge Farm is used to provide recreational fishing to the public on a commercial basis, part for the stationing of 7 touring caravans in addition to a 'Certificated Site' used for up to 5 caravans, and the remainder in agricultural use. Certificated caravan sites are sites which are approved by an exempted organisation for use by not more than 5 caravans. Such sites are outside planning control by virtue of Part 5, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and Section 2, Schedule 1 of the Caravan Sites and Control of Development Act 1960.

1.3 Access to the site is through a private track off Wheldrake Lane. The total parking capacity on site is for approximately 120 vehicles.

PROPOSAL DESCRIPTION

1.4 This is a retrospective planning application to create a new recreational fishing pond. Like the existing four ponds, the new pond would also be open to the public on a commercial basis. The pond has a maximum radius of 100.0m (approx), which means its overall area is approximately 31,400sq.m. The submitted plans show the depth of the pond is 2.0m. A large peninsula has also been constructed, jutting out into the centre of the lake. This would be the only area within the new development where fishing can take place. The water margin around the pond will not be used by anglers.

RELEVANT SITE HISTORY

1.5 09/00179/CLU: Certificate of Lawful Development for the stationing of touring caravans for occasional or holiday occupation. Date of issue: 30 March 2009.

1.6 09/00215/CLU: Certificate of Lawful Development for the use of four ponds and adjoining land for recreational fishing and ancillary facilities. Date of issue: 31 March 2009.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary : York City Boundary 0001

DC Area Teams : East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYGP9
Landscaping

CYGP15
Protection from flooding

CYNE3
Water protection

CYNE4A
International and National Nature Conservation Sites

CYNE7
Habitat protection and creation

CYGB1
Development within the Green Belt

CYGB13
Sports facilities outside settlements

CYL1A
Sites for Leisure development

CYV1
Criteria for visitor related devt

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management team. Latest response received 11 May 2009:

- Pool Bridge Farm was, until earlier this year, classed in basic terms as a farm with four fishing lakes, two touring caravan uses and a café, all of which have been developed over the years without being challenged. These additional uses have resulted in up to 150 anglers using the site on occasions. These uses have all been ratified recently by the successful submission of Certificate of Lawful Use Applications (ref. nos.: 09/00179/CLU and 09/00215/CLU).

- It is understood that these applications only consider whether the uses have been carried out over a minimum continuous qualifying period and what might be considered as "normal" highway considerations are not normally taken into account. Hence the highway authority was not consulted in this matter and both applications were subsequently approved.

- This current application is for yet another lake, larger than any other of the existing lakes, and would normally and logically entail a further increase in patronage of the site; subsequently the highways authority objected to the application as the access suffers from potentially dangerous sub-standard visibility at its junction with the public highway and it was considered that this application would result in the intensified use of a sub-standard access.

- The applicant, however, maintains that due to a difference in the type of angling that this fifth lake would involve, and that the applicant is prepared to have the whole site restricted to a total of 116 anglers, the number of anglers overall would be reduced. It is understood that a condition restricting anglers is both meaningful and enforceable.

- On the understanding that the restrictive condition suggested by the applicant is applied to any permission granted, the previous recommendation of refusal has now been withdrawn.

- Upon further research it is also noted that there have been no reported accidents at the access point in the past five years.

- Condition and informative recommended.

3.2 Environmental Protection Unit. Response received 16 April 2009 - no objections.

3.3 York Drainage Consultancy. Response received 23 April 2009 - no objections, although the Ouse and Derwent Internal Drainage Board and Environment Agency should be consulted.

3.4 Environment and Conservation (Countryside). Response received 27 April 2009:

- The main matters of consideration are the nature conservation interest of the proposals and their possible impact on the adjacent Tilmire SSSI.
- With regard to the adjacent Tilmire SSSI, its interest is as an example of wet, neutral to acidic grassland of benefit both for its flora and the associated birdlife. The excavation of a new pond adjacent to the site will not have any significant impact on this interest;
- the heavy clays on which the pond is situated do not provide substantial lateral water movement and so will not affect the water table which would normally be the main problem;
- it is highly likely that the interest of the Tilmire SSSI will be enhanced by the proposal through the creation of the new water body which will provide new habitat that will benefit and compliment that on the Tilmire, even if it is used for fishing.
- The proposal as it stands is for a limited increase in fishing but from controlled points, with large areas of bank being left undisturbed and therefore available for wildlife and birds. That and the proposed management of the surrounding area will benefit nature conservation and thus comply with and help sustain the Council's biodiversity policies.
- As such there is no objection in nature conservation terms to the proposal and would actually endorse them as being of considerable benefit to wildlife.
- Natural England have also confirmed that they have no objection to the scheme and do not consider that there will be any impact on the adjacent SSSI.

EXTERNAL

3.5 Heslington Parish Council consulted. Consultation expired 20 April 2009 - no response received.

3.6 Foss Internal Drainage Board. Response received 6 April 2009:

- the site of the development lies within the Drainage Board's area, Tilmire Drain, which is adjacent to the site and is a Board maintained watercourse;
- the Board's prior consent is required for any development including fences or planting within 9m of the bank top of any watercourse within or forming the boundary of the site;
- any proposal to culvert, bridge, fill in or make discharge to the watercourse will also require the Board's prior consent;
- Condition recommended.

3.7 Ouse and Derwent Internal Drainage Board - Consultation expired on 15 May 2009. No response received.

3.8 Natural England. Response received 17 April 2009:

- Natural England is pleased that the City Council is seeking specialist input to help inform the decision-making process;
- Natural England should be consulted in cases where protected species are present and are likely to be harmed by a proposed development. In any case the City of York

Council is expected to arrived at this conclusion following consultation with its own Conservation team.

- The development is outside, but near the Heslington Tilmire SSSI. As such initial advice should be obtained from the Council's Conservation officer Bob Missin on whether the proposed creation of the new fishing pond is likely to have an adverse impact on the integrity of the SSSI. If any adverse impacts are identified, this would trigger the need for a consultation with Natural England.

3.9 Environment Agency. Response received 17 April 2009 - no objections.

3.10 Neighbours notified, site notice posted and press advertised. Consultation expired 29 April 2009 - no response received.

4.0 APPRAISAL

4.1 The main issues to be considered are as follows:

- i. Leisure Development in the Green Belt
- ii. Nature conservation and the need for Environmental Impact Assessment
- iii. Design, appearance and sustainability
- iv. Parking and highway safety,
- v. Residential Amenity
- vi. Other material considerations

LEISURE DEVELOPMENT IN THE GREEN BELT

4.2 The proposed scheme is outside the settlement limits within York Green Belt. It is to provide an additional fishing pond to the four ponds already in existence for the purpose of recreational fishing. Whilst the new pond covers a site area of 2.5 hectares the highest point of the development (namely the manmade peninsula jutting out into the centre of the pond) does not exceed 3.0m above ground level. This would be covered in grass and would thus blend in with the surrounding landscape. Through utilising the existing facilities the proposed development does not require additional structures to be created within the Green Belt. As such the scheme proposed would not detract the openness of the Green Belt and would not conflict with the purposes of including land within the Green Belt. It is also considered to be an appropriate use of land within the Green Belt, as defined within Planning Policy Guidance Note 2 "Green Belts". Furthermore, the new pond would complement and support the existing leisure and recreational activities which were the subject of lawful certificates granted early this year (ref. nos.: 09/00179/CLU and 09/00215/CLU).

4.3 In term of the need for an additional pond, the Fisheries Valuation report prepared by an independent Aquatic Biological Consultant has suggested, based on the information obtained during a site visit, that the enterprise as a whole is financially viable, so much so that on several occasions during the summer months, the fisheries were full to capacity and anglers had to be turned away. In the light of the supporting evidence submitted the report concludes that the need for a new pond is financially justified. It is also considered that the new pond would strengthen the

existing business by way of farm diversification and would improve the prosperity of York's tourism industry, which in turn would strengthen the City's economy. Hence it is considered that the scheme accords with policy E7 of Regional Spatial Strategy Yorkshire and Humber 2008, paragraph 30 of the national Planning Policy Statement no.7 "Sustainable Development in Rural Areas" (2004), and policy L1a of the City of York Draft Local Plan 2005.

4.4 No floor space would be created by virtue of the development proposed. Therefore policy SP7a "The Sequential Approach to Development" of the Draft Local Plan 2005 is not considered to be applicable to this proposal.

NATURE CONSERVATION AND THE NEED FOR ENVIRONMENTAL IMPACT ASSESSMENT

4.5 The application site is adjacent to Tilmire SSSI, which is designated as a site of special scientific interest because of its wet and neutral to acidic grassland which benefits both its flora and the associated birdlife. It is considered by the Council's Countryside Officer that the excavation of a new pond adjacent to the site will not have any significant impact on this interest. Furthermore the heavy clays on which the pond is situated do not provide substantial lateral water movement and so will not affect the water table of the area. On the contrary, it is likely that the interest of the Tilmire SSSI will be enhanced by the proposal through the creation of the new water body which will provide new habitat that will benefit and compliment that on the Tilmire, even if it is used for fishing. In addition, large areas of the bank will be left undisturbed and would therefore be available for wildlife and birds.

4.6 Overall the scheme would benefit nature conservation and thus comply with and help sustain the Council's biodiversity policies. No objection have been raised by both the Conservation team and Natural England.

4.7 Having established that the scheme would not create a significant adverse effect on the environmental and the adjoining SSSI, and that it does not fall within the definition of "Schedule 1" and "Schedule 2" development as defined under Part 7, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, an Environmental Impact Assessment is not required.

DESIGN, APPEARANCE AND SUSTAINABILITY

4.8 The information submitted states that the new pond has been designed to create maximum undisturbed water's edge, which would in turn maximise the habitat for Water Voles and increase their overall numbers. Shallower areas near the bank side have also been created to provide ideal habitat for plants, insects, amphibians and many other types of aqua culture.

4.9 By restricting the fishing points to the centre of the pond, the proposal would protect the banks from disturbance. This will maximise the wildlife potential of the entire area.

4.10 Soft landscaping would be provided around the edges of the pond. In addition, the manmade peninsula, together with any other disturbed areas within the application site would be sufficiently landscaped to ensure the scheme blends in harmoniously with the wider countryside (see condition 5). Whilst this is regarded as large scale development by virtue of its site area, subject to the recommended conditions it is considered that the new pond would respect and enhance the rural environment.

4.11 In addition to the above, the sustainability statement submitted as part of this application further states that the proposal would help to strengthen an existing rural business which has been developed by way of farm diversification and so maintain employment and economic prosperity locally. Whilst the scheme is located outside a built up area, it is situated within an established recreational fishing facility, which means that subject to a recommended condition designed to control the intensification of the angling activities (condition 3), the creation of an additional pond would not necessarily increase the number of car journeys to the site. Hence in accordance with policy GP4a of the City of York Draft Local Plan 2005 it is considered that the principles of sustainable development relevant to the development proposal have been taken into account.

PARKING AND HIGHWAY SAFETY

4.12 Access to the site from Wheldrake Lane is not considered wide enough to permit the simultaneous passage of cars and caravans or agricultural vehicles at its junction with Wheldrake Lane. Furthermore, access to the site at its junction with Wheldrake Lane suffers from substandard visibility in a westerly direction. As it was thought that the creation of the new pond would intensify the use of an existing substandard access objections were initially raised by Highway Network Management on highway safety reasons.

4.13 In raising the objection, it is acknowledged by highways officers that irrespective of any shortcomings, the access currently serves all the lawful uses on site, these include the dwelling, the certificated caravan site, the caravan site subject to the recent Certificate of Lawfulness (09/00179/CLU) and the recently certified use of the four existing ponds (09/00215/CLU). Therefore the shortcomings of the access would only constitute grounds for refusal if the new pond would lead to an intensification of its current usage.

4.14 However, the applicant contends that the new pond would not intensify the use of a substandard access and the site as a whole. The supporting information submitted with the application states that the new pond will be specifically designed for specimen anglers and will accommodate a maximum of 22 anglers. Comparing this with coarse fishing where tens of thousands of fish would be needed to accommodate nearly 100 anglers, specimen angling is a lot less intensive both in terms of the number of anglers fishing the pond and the number of fish in the pond. Thus converting the existing ponds to specimen angling would reduce the overall number of anglers and visitors at the site, such that the creation of a new pond can be achieved without necessarily increasing the overall intensity of the existing lawful operation.

4.15 To ensure that this benefit is achieved a condition has been recommended to restrict both the total number of fishing points on all five ponds and the number of anglers fishing these five ponds at any one time (condition 3). It is considered that such a condition would meet the six tests set out in Circular 11/95, in that it is reasonable, necessary, precise, relevant to planning and relevant to the development to be permitted. In terms of the sixth test 'enforceability', upon further discussion with the Enforcement Officer it is considered that such a condition is enforceable. The applicant, his agent, and the Highway Network Management team are also prepared to accept such a condition.

4.16 According to the submitted information the existing four ponds have, in the past involved up to 150 pegs (fishing points). The applicant, his agent, and Highway Network Management are prepared to restrict the total number of pegs on the 5 ponds (4 existing and the new pond) to 116. Such a restriction would be incorporated as part of condition 3. Provided that such a condition is imposed the Highway Network Management team have confirmed the withdrawal of their initial objections. In arriving to this decision officers have also noted that there have been no reported accidents at the access points in the past five years.

RESIDENTIAL AMENITY

4.17 The new pond is approximately 320m away from the two residential properties nearby (South View and Lockwood House), although access into the site from Wheldrake Lane is approximately 40m away from these residential properties. In view of the fact that this application, if approved, would be likely to reduce the intensity of fishing activities and the number of anglers visiting the site, it is not considered that the amenity and living conditions would be harmed by the proposal.

OTHER MATERIAL CONSIDERATIONS

4.18 FLOOD RISK AND DRAINAGE: The development is situated within high risk Flood Zone 3. Nevertheless due to the nature of the development proposal no objections have been raised by the Environment Agency and York Drainage Consultancy. Foss Internal Drainage Board have raised no objection. Nevertheless as the site lies within the Drainage Board's area and Tilmire Drain is a Board maintained watercourse new buildings and structures to be erected within a defined area outside the application site should be restricted. An informative advising the applicant to comply with the Board's requirements has been recommended (Informative no.3).

4.19 ENVIRONMENTAL PROTECTION: No objections have been raised by Environmental Protection Unit.

4.20 Having taken the above into account, it is considered that the proposed development would not cause undue harm to the main issues identified. As such the proposal complies with national advice contained within Planning Policy Guidance Note 2 "Green Belts", Planning Policy Statement (PPS) no.7 "Sustainable Development in Rural Areas", PPS 1 "Delivering Sustainable Development", PPS 9 "Biodiversity and Geological Conservation" and the policies set out in Regional

Spatial Strategy for Yorkshire and Humber 2008 and the City of York Draft Local Plan 2005.

5.0 CONCLUSION

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

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawings received by City of York Council 17 March 2009

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 total number of fishing points on and around ponds numbers 1, 2, 3, 4 and 5 as shown on the plan attached shall not, at any time exceed 116 and the total number of anglers or any other form of visitors fishing and using the five ponds as shown on the plan attached shall not exceed a total of 116 at any one time unless otherwise agreed in writing by the Local Planning authority.

Reason: In the interest of highway safety and safeguarding the amenity of the nearby residents.

4 The development hereby approved shall not be used until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

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:

- Leisure Development in the Green Belt;
- Nature conservation and the need for Environmental Impact Assessment;
- Design and appearance;
- Parking and highway safety;
- Residential Amenity;
- Sustainability;
- Flood Risk and Drainage; and
- Environmental Protection.

As such the proposal complies with Planning Policy Guidance 2 "Green Belts", Planning Policies Statement (PPS) no.7 "Sustainable Development in Rural Areas", PPS 1 "Delivering Sustainable Development", PPS 9 "Biodiversity and Geological Conservation", Policies Y1, ENV7 and E7 of the Regional Spatial Strategy for Yorkshire and the Humber (2008) and Policies GP1, GP4A, GP9, GP15, NE3, NE4a, NE7, GB1, GB13, L1A and V1 of the City of York Local Plan Deposit Draft 2005.

2. The applicant is reminded that under Section 85 of the Water Resources Act 1991, it is an offence to cause or knowingly permit poisonous, noxious or polluting matter to enter controlled waters unless the person(s) doing so 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 Water Resources Act 1991 constitute authorisation for the purpose of the Groundwater Regulations provided the relevant conditions have been applied.

3. The applicant is reminded that a strip of land 9 metres wide adjacent to the top of the banks of all watercourses on site should be kept clear of all planting and developments including buildings, structures, gates, walls, fences and other means of enclosure unless consent from the Foss Internal Drainage Board has been obtained prior to the commencement of development. Access arrangements should also be agreed with the Internal Drainage Board.

4. The applicant is reminded that the access to the site carries a public bridleway (Heslington No 14) and it should not be obstructed nor its surface damaged as a consequence of this development. For any additional advice in this matter the applicant should contact Mrs A Newbould (PRoW officer)- 01904 55148.

Contact details:

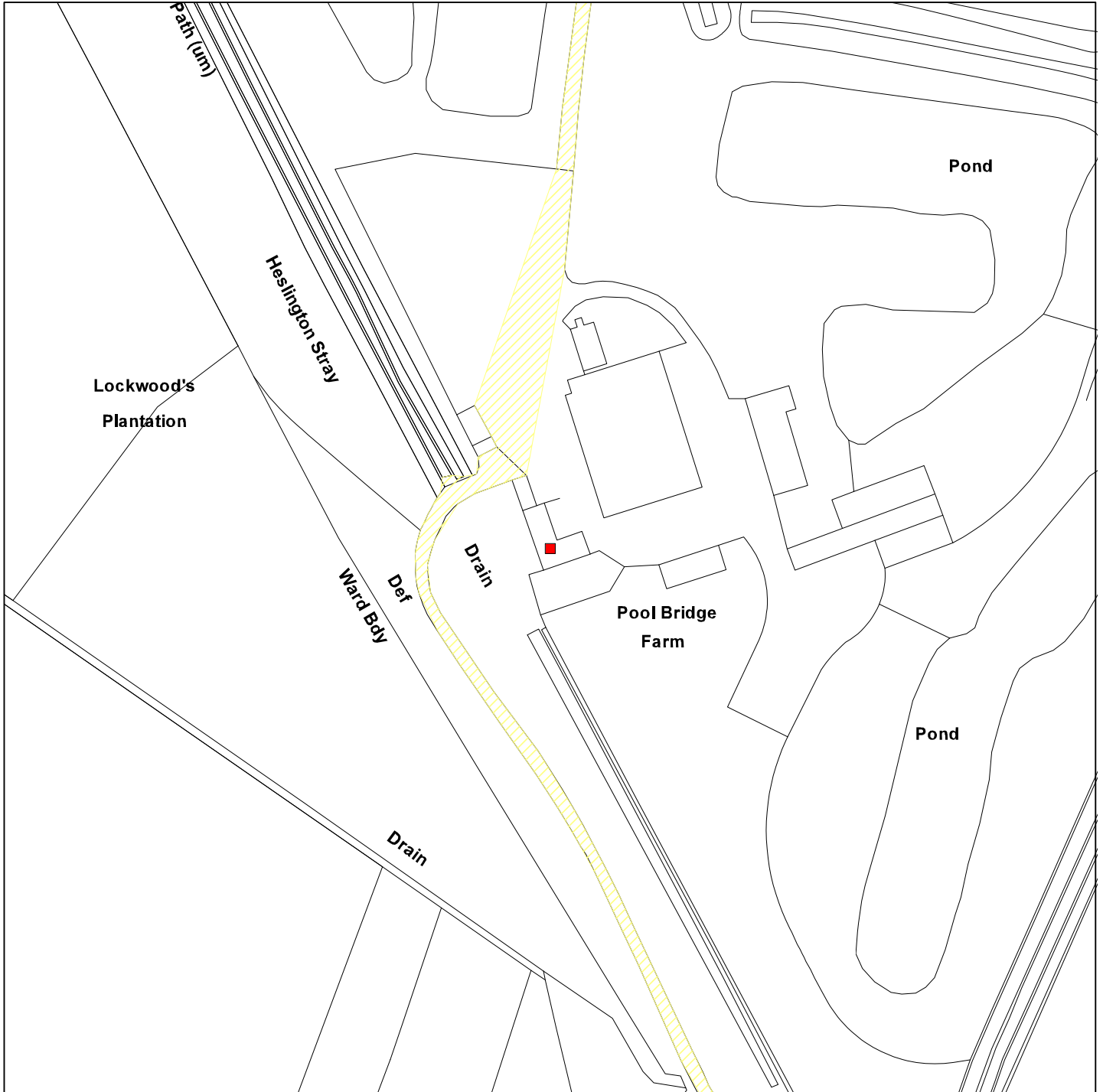
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Pool Bridge Farm

09/00480/FUL



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Comments	Application Site
Date	01 June 2009
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