



**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, 10 September 2009

Time: 2.00 pm

Venue: The Guildhall, York

AGENDA

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 - 10)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 13 August 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 9 September at 5 pm.**

4. Plans List

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

a) 293 Fifth Avenue, Heworth, York YO31 0PP (Pages 11 - 20)

The application seeks planning permission to erect a three-bedroom detached bungalow in what is currently part of the rear gardens of 291 and 293 Fifth Avenue. The bungalow would front Appleby Place. Two car parking spaces are proposed to serve the property.[Heworth] **[Site Visit]**

b) York Caravan Park, Stockton Lane, York (Pages 21 - 34)
YO32 9UA

Permission is sought for the use of 0.7 ha of land (1.04 ha including the access road) for the stationing of 20 touring caravans. The proposal would form an extension of an existing caravan site granted for 20 pitches in June 2005. Members may recall that this application was withdrawn from committee in January 2009. This application is essentially the same proposal but is supported by additional information.[Heworth Without] **[Site Visit]**

c) University of York, University Road, (Pages 35 - 46)
Heslington, York YO10 5DD

This application proposes the extension and formal laying out of Car Park South at the existing Heslington West campus. This will provide 340 car parking spaces and 7 disabled accessible spaces, together with access barriers and the realignment of part of Goodricke Way, the main access into the campus from Heslington Lane. The proposal also includes landscaping and the relocation of a small compound used for the storage of materials by the University Grounds Maintenance Department. [Heslington] **[Site Visit]**

d) 95-97 Heslington Lane, York, YO10 4HP (Pages 47 - 60)

This application is for the creation of 2 two storey dwellings to the rear of 95 and 97 Heslington Lane [Fishergate] **[Site Visit]**

e) **Novotel, Fewster Way, York, YO10 4AD** (Pages 61 - 84)

This proposal is for the erection of five storey side extension and three storey front extension to provide additional 42 bedrooms, replacement of existing bedroom windows and erection of single storey restaurant extension, entrance canopy, cycle shelter and associated landscaping works. [Fishergate] **[Site Visit]**

f) **Nestle Rowntree, Haxby Road, York, YO31 8XY.** (Pages 85 - 92)

This application relates to proposed car parking, security centre and ancillary development including revised internal road network. [Clifton]

5. **Appeals Performance Report from Head of Development Control** (Pages 93 - 102)

This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 12-month and 3 month periods to 31st July 2009 and provides a summary of the salient points from appeals determined in the 3 month period. It is intended that a quarterly report will be presented to regularly update Members on appeals determined in the previous 3 month period.

6. **Urgent Business**

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

7.

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

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Scrutiny Committees

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

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

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**EAST AREA PLANNING
SUB-COMMITTEE****SITE VISITS****Wednesday 9 September 2009**

TIME	SITE
10:00	Depart Union Terrace Car Park
10:15	293 Fifth Avenue, Heworth (4a)
10:45	York Caravan Park, Stockton Lane (4b)
11:20	University of York off Goodricke Way (4c)
11:45	95-97 Heslington Lane (4d)
12:15	Novotel, Fewster Way, Fishergate (4e)

Please note that there is no Site Visit for Agenda Item 4f: Nestle Rowntree

City of York Council

Committee Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	13 AUGUST 2009
PRESENT	COUNCILLORS HYMAN (CHAIR), DOUGLAS, FIRTH, FUNNELL, MOORE, ORRELL, PIERCE (SUBSTITUTE) AND B WATSON (SUBSTITUTE)
APOLOGIES	COUNCILLORS CREGAN, KING AND TAYLOR

16. DECLARATIONS OF INTEREST

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

None were declared.

17. MINUTES

RESOLVED: That the minutes of the meeting of the Sub-Committee held on the 23 July 2009 be approved and signed as a correct record by the Chair.

18. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

19. PLANS LIST

Site	Attended by	Reason for Visit
Warehouse and Premises, Malton Road	Cllrs Hyman, Firth, Moore, Orrell and Wiseman.	To familiarise Members with the site.
Jubilee Mills, Murton Lane	Cllrs Hyman, Firth, Moore and Wiseman.	To familiarise Members with the site.

19a Warehouse and Premises, Malton Road, Stockton on the Forest, York YO32 9TN (09/00845/FUL)

Members considered an application for the change of use of an existing agricultural building into a skip hire and waste sorting station at Malton Road.

Officers updated Members by making reference to a response from the Council's Environmental Protection Unit(EPU) in Paragraph 4.11 of the report. The EPU, in a written response, clarified that it was not necessary for skips on the site to be sorted near to the front of the building because the noise will not be detrimental to residents.

Councillor Moore pointed out an error in condition 3 of the recommendation, requiring a change in the reference to "a building" to "the building"(to which the application relates).

Some Members expressed concerns that the nature of recycling waste products meant that it was cyclical and that there may be the possibility of waste being sorted more slowly and stored within the site. They felt that planning permission should be conditioned to prevent this from happening. Certain Members suggested that it would be difficult to place a condition on the storage of waste materials, given the different time frames for processing for some materials. They added that the amended condition should only refer to storage in skips.

The applicant's father, who was in attendance, answered questions from Members who requested clarification on the activities taking place within the waste sorting station. He replied that the waste material brought on to the site is sorted into different skips before being despatched to the relevant processing plant.

RESOLVED: That the application be approved subject to the conditions listed in the Officers report and the following amendments to conditions 3 and 4.¹

- (i) Condition 3: No parts, containers, skips, waste materials or equipment connected with any process undertaken on the premises shall be placed or stored on any part of the site other than within the building to which this application relates.

Reason: To protect the openness of the Green Belt and appearance of the site.

- (ii) Condition 4: No more than 30 skips shall be kept within the building at any one time, and there shall be no storage of waste materials inside the building other than within the skips.

Reason: In order to restrict the scale and intensity of the use in the interests of highway safety, and in order to prevent the establishment of a general waste storage facility at the site.

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 upon openness of the Green Belt, highway

considerations, and the impact on residential amenity. The application relates to the re-use of an existing building, and no objections are raised by the Highways Agency or by the Council's Environmental Protection Unit. As such the proposal complies Policies GB3 and GB11 of the City of York Development Control Local Plan.

Action Required

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

19b Jubilee Mills, Murton Lane, York YO19 5UT (09/00856/FUL)

Members considered an application to erect a grain store at the site of Thompsons Animal Feed Contractors, Jubilee Mills, Murton Lane, York.

Officers updated Members on responses that had been received from external bodies. They said that there had been no objections to the application received from the Environment Agency. It was reported that Murton Parish Council had not objected to the application in principle, but that they wished for the height of the store to be lowered and to be painted a colour which would be more in keeping with the surrounding environment. Officers also stated that the location of the store in Paragraph 1.2 was incorrect and that it would be in the South East area of the site.

Members who had attended the site visit commented that the applicant had said that the store would be painted the same colour as the adjacent buildings on the site and that there was a requirement for the store to be a certain height in order to enable tip hire vehicles to use it.

The applicant who was in attendance answered Members questions about the ventilation of the grain store. He remarked that it was a flat store with partitions that does not require any mechanical method of ventilation.

RESOLVED: That the application be approved subject to an additional condition alongside the conditions listed in the Officer's report.¹

- (i) Condition 7- All demolition and construction works and ancillary operations related to the construction works, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday	08:00-18:00
Saturday	09:00-13:00
Not at all on Sundays or Bank Holidays	

Reason- To protect the amenity of the surrounding 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 highway safety, noise and light pollution of nearby land and buildings, flood risk to the wider area and the appearance of the building within its context as an allocated industrial site. As such the proposal complies with Policies GP1, GP4a, GP9, GP15a and E3b of the City of York Development Control Local Plan and Central Government advice contained within Planning Policy Statement 1("Delivering Sustainable Development")

Action Required

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

19c 7 Steadings Yard, Thompson Drive, Strensall, York, YO32 5WT(09/01257/FUL)

Members considered an application for the installation of seven velux roof lights within the roof of a mid-terraced property of modern construction. The application was brought to Committee as the applicant is a current employee of City of York Council.

Members received an update from the Officer on the application. The Officer stated that although the Agenda refers to seven velux roof lights there will actually only be four, as four of the rooflights would be grouped together within the rear roof slope. He commented that other adjacent properties had installed roof lights and so there would not be a great impact on neighbours. Planning permission was only required because permitted development rights had been removed when the properties were originally built. Members were informed that the Government had relaxed planning controls in relation to roof alterations and that this application was purely a loft conversion.

Members asked the Officer whether the rooflights would overlook adjacent properties. The Officer replied that the degree of overlooking would be no worse than already exists.

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

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 visual impact on the surrounding area and the impact on the amenity of adjacent occupiers. As such the proposal complies with Policies GP1 and H7 of the City of York Development Control Local Plan and the Council's 'Guide to Extensions and Alterations to Private Dwelling Houses' Supplementary Planning Guidance.

Action Required

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

20. URGENT BUSINESS

To determine the following planning application related to the East Area. This had been deemed urgent by the Chair due to the expiry date of the application, which was 14 August 2009.

20a 64 Upper Newborough Street, York, YO30 7AR

Members considered an application for a first floor mono-pitched roof rear extension on an end terraced property at 64 Upper Newborough Street, Clifton. The application was brought to Committee due to the applicant being a current employee of City of York Council.

Members received an update from the Officer who clarified that there had been no objections to the proposal received from neighbours or the Clifton Planning Panel.

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

REASON: In the opinion of the Local Planning Authority, subject to the conditions listed above, the proposed first floor mono pitched roof rear extension would not cause undue harm to occupants of neighbouring properties. Nor is it considered that the size, scale or design of the extension would have any detrimental impact on the street scene. As such the proposal complies with Policies H7 and GP1 of the City of York Draft Local Plan.

Action Required

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

SS

K HYMAN, Chair

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

feel minded to approve the application it would be requested that delegated authority be given to officers to determine the application. A site visit will also take place.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYH4A
Housing Windfalls

CYGP10
Subdivision of gardens and infill devt

CYGP15
Protection from flooding

CYGP4
Environmental sustainability

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - Confirm that the existing residents parking area over which access will be taken is a lay-by shown for residents parking and as such did not require need a traffic order to be served. It remains part of the public highway for use at the highway authority's discretion. A lay-by does not allow for vehicles to be parked for any significant length of time, it is used to allow vehicles to pass or for short waiting periods. Also note that the carriageway within Appleby Place is 5m wide and therefore two vehicles can pass simultaneously with ease. Should vehicles be parked in the highway, vehicles will still be able to pass due to the carriageway width. Therefore the Highway Authority does not have any objections to the proposed dwelling creating access to the site from Appleby Place and over the lay-by.

It should however be noted that the applicant proposes to gravel surface the parking area to the proposed dwellings, which is not recommended. The surface should be bonded to prevent carry over of loose materials onto the highway. Conditions recommended to cover this, access details and car and cycle parking details to be laid out as shown in the submitted plans.

Leisure Services - Awaited

Drainage - Awaited

Environmental Services - Awaited.

3.2 External

Local Planning Panel - Awaited

Neighbours - At the time of writing this report objection letters had been received from two neighbours. These raised the following issues:

- i) It will increase problems of flooding.
- ii) Object to the loss of the tenants parking area and concerns about increased parking pressures and blocking emergency access.
- iii) Bungalows on Appleby Place are occupied by elderly people who would like the area to remain peaceful and undeveloped.
- iv) The large footprint of the bungalow will still overdevelop the site.

4.0 APPRAISAL

4.1 Key Issues

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

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

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

4.4 Policies H4a and GP10 allow for the subdivision of gardens for new development providing it is of an appropriate scale, does not harm living conditions and otherwise accords with planning policy.

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

4.5 Impact on the streetscene

The proposed bungalow would front Appleby Place. The east side of the cul-de-sac currently has no frontage development and is bounded by the hedgerows and fences surrounding rear gardens on Ingleton Walk and Fifth Avenue. It is not considered that this creates a particularly attractive aspect in the position where the house is proposed. The addition of a new bungalow along a short section of the road would not appear out of place in the context of the bungalows opposite. The house would be set back around 6 metres from the road and has a relatively low profile. There is scope for landscaping to soften the impact of development.

4.6 Impact on neighbours

The proposed dwelling has an eaves height of 2.7 metres and a ridge height of 5.2 metres. The elevations facing adjoining gardens are hipped.

In assessing the acceptability of the proposal, regard must be given to the impact on neighbouring houses and gardens, in particular taking account of adequate separation distances and the character of the area. Because the proposed dwelling is single storey with no windows proposed in the roof space its impact would be much less than a two-storey house and there would be little or no opportunity for overlooking. Typically minimum separation distances of 12 metres are sought between existing rear elevations and proposed two-storey gables walls. Because the proposed bungalow is single storey and has a hipped roof it would be generally expected that smaller separation distances would be acceptable. In this case the separation distances to 9 Ingleton Walk would be 18m and around 16 metres to the rear of properties on Fifth Avenue. There is a gap of around 22 metres to the front of the nearest Bungalow on Appleby Place. Officers consider these distances to be acceptable.

The sub-division of the garden would leave 291 and 293 Fifth Avenue with rear gardens that are 10 metres long and 9 metres wide. This is suitable to meet the recreational and storage needs of the properties. Parking is available in the front gardens.

4.7 Quality of the accommodation

The proposed bungalow has suitably sized internal space with habitable rooms orientated to provide an acceptable outlook. The garden is appropriate to meet the needs of the property, with the main garden area south facing and 17 metres by 5.5 metres in size. There is adequate space for storage and recycling.

4.8 Flooding

The property would be located in low flood risk zone 1. The previous application was refused because issues relating to the attenuation of surface water had not been addressed. The applicant has now considered this aspect and proposes a number of measures including on site storage and permeable surfacing to avoid increasing flood risk to the immediate and wider area. The comments of the Council's drainage officers are awaited and will be reported at the Committee meeting.

4.9 Highways

The proposed scheme provides two off-street car parking spaces to serve the property. It will be conditioned that an alternative surfacing to the proposed gravel shown on the plans is used.

Immediately in front of the proposed access is a car-parking lay-by for two cars that has been created for the residents of Appleby Place. The applicant proposes to bring the access through this area and as such it would not be suitable for long-term car parking. It is not considered that the existence of the parking area should block development of the dwelling. The area is created in the adopted highway; however, the highway has not been extinguished and remains capable of use at the highway authority's discretion. There is a sign adjacent to the space stating that the area is only for residents parking, however, because the spaces are within the adopted public highway there is no legal right to restrict parking. It is the case that the owner of number 291 Fifth Avenue could reasonably seek to create a rear access on to his/her garden irrespective of the outcome of this application.

Appleby Place is an adequate width to accommodate on-street parking. At the time of officer site visits there have been very few vehicles parked in the street.

5.0 Sustainability

The proposed dwelling will make more efficient use of land. It is located within a built up area and as such has access to a range of shops and services. The applicant has submitted a sustainability report that suitably addresses key issues including re-cycling and energy efficiency.

5.0 CONCLUSION

5.1 The previous planning application for two, two-storey dwellings was considered to be overdevelopment. The existing proposal for one bungalow better relates to the scale of other buildings on Appleby Place and retains adequate external space to meet the needs of future occupiers of the new home. It is not considered that it would cause unacceptable harm to neighbours' living conditions.

5.2 The proposal will lead to the existing lay-by in front of the proposed access being unsuitable for parking, however, this bay is part of the adopted highway and it is not reasonable to block access to the existing rear garden of number 291.

5.3 If members are minded to approve the application it is requested that delegated authority be given to officers to approve the application once the consultation period has expired. This is subject to there being no further responses received during the

consultation period that raise matters that officers would deem to be of sufficient concern to justify refusing the application.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Delegated Authority to Approve

1 TIME2 Development start within three years

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

Revised drawing NM/P/02 Rev A received by the Local Planning Authority on 25 August 2008.

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

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

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

Reason: So as to achieve a visually cohesive appearance.

4 Prior to the occupation of the dwelling a suitable boundary treatment shall be erected along the boundaries of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The boundary shall be constructed as approved prior to the occupation of the dwelling and shall remain as such unless otherwise agreed in writing with the Local Planning Authority.

Reason: To enhance the streetscene and protect neighbours' living conditions.

5 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, details of the external materials to be used for the surfacing of the site (including an alternative to the gravel driveway shown on the plans) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

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

6 Prior to the development coming into use, all areas used by vehicles shall be

surfaced, sealed and positively drained within the site, in accordance with details that have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the egress of water and loose material onto the public highway and reduce flood risk.

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

Reason: In the interests of highway safety.

8 The development shall not be begun until details of the junction between the internal access road and the highway have been approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

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

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

10 The developer shall aim to achieve a Building Research Establishment Environmental Assessment Method (BREEAM) assessment standard of at least "very good" for the development. Unless otherwise agreed in writing prior to the commencement of the development, the developer shall submit in writing for the approval of the Local Planning Authority a BREEAM design assessment demonstrating the progress of the BREEAM assessment, the percentage score expected to be achieved and the standard to which this relates. Where this does not meet at least a 'very good' standard then the developer shall demonstrate the changes that will be made to the development in order to achieve this standard.

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

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

arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

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

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £2, 445.

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

12 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.	

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

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

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the appearance of the street and character of gardens, the light, outlook and privacy of adjoining properties, highway safety, the availability of parking and flood risk. As such the proposal complies with Policies CYGP1, CYH4a, CYGP10, CYGP15 and CYGP4 of the City of York Development Control Local Plan and advice contained within PPS1 and PPS3.

2. This application does not grant consent for the gravel driveway. A suitable, permeable hard surface should be installed with the decision notice.

Contact details:

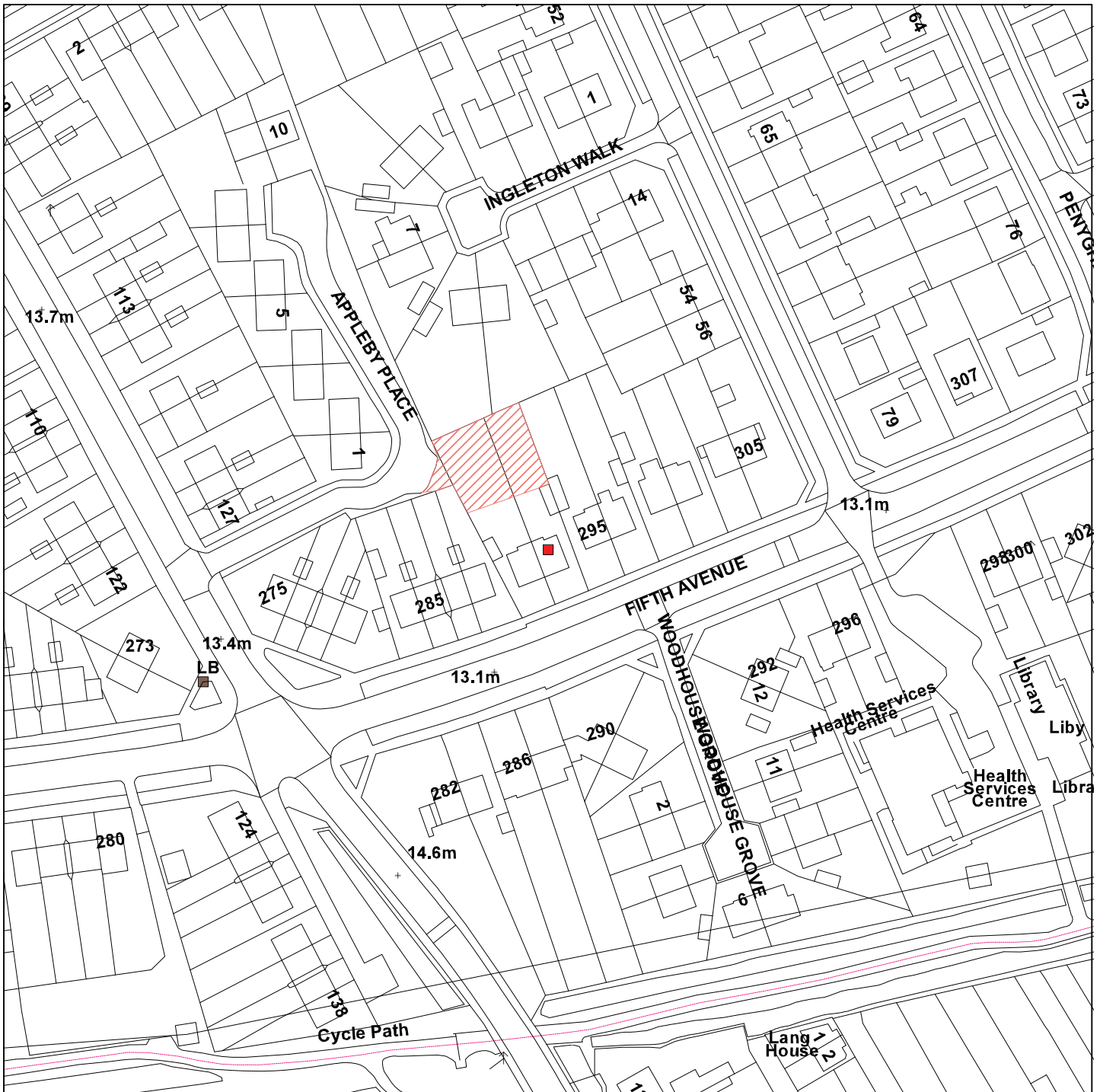
Author: Neil Massey Development Control Officer (Wed/Thurs/Fri)
Tel No: 01904 551657

293 Fifth Avenue, YO31 0PP

Ref: 09/01510/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	27 August 2009
SLA Number	Not Set

1.5 A further letter of support for the application has been submitted by the agents on the 24th August 2009, which can be summarised as follows:-

- articles are enclosed referring to the future rise in tourism demand and referring to support that they are endeavouring to get from independent sources.
 - it is reiterated that the level of demand referred to in the statement arises only from e-mails and does not include the many phone calls. Whilst it is accepted that people may have found other accommodation elsewhere this does not diminish the weight of this evidence or the obvious monetary loss.
 - The proximity of the site is only bettered by Rowntrees Caravan Park, which does not have good access for caravans.
 - New sites of 20 pitches or less further from the city centre would be less beneficial in sustainability terms than the increase in size of the current site
 - The letter refers to the Environment Agencies support for the proposals
 - Further comments are made about how the agent considers the development to be acceptable within the green belt
- An amendment to the description of the application is requested to allow for both caravans and tents at the site.

Site History

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

1.6 04/03206/OUT Touring caravan site and ancillary outbuilding & 04/012888/FUL Conversion of agricultural building to caravan storage and rebuilding a former dwelling as a security/reception building. These two were WITHDRAWN from Main Planning Committee agenda in October 2005 following concerns over the effect of the development on the Green Belt; the amount of landscaping required to screen the development, lack of information on foul drainage.

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

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

1.9 08/02729/FUL extension to existing caravan park to provide an additional 20 touring caravan pitches was withdrawn by the applicant in January 2009

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

Floodland GMS Constraints: Flood Zone 3

Floodland GMS Constraints: Flood Zone 2

Floodzone 2 GMS Constraints: Flood Zone 2 CONF

Floodzone 3 GMS Constraints: Flood Zone 3

2.2 Policies:

CYGB1

Development within the Green Belt

CYGP1

Design

CYV1

Criteria for visitor related devt

CYV5

Caravan and camping sites

3.0 CONSULTATIONS

INTERNAL

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

3.2 Environmental Protection - No objections to the proposals. An informative is recommended with regard to the development of the site.

3.3 Countryside Officer - No particular ecological issue. Considers that there may be more than 20 caravans on the site at the moment.

3.4 City Development - City development conclude that the proposed application is clearly contrary to PPG2, Policy GB1 and policy V5 of the City of York Local Plan, on the grounds that the additional pitches would be double the number of pitches allowed by Policy V5, and would therefore affect the openness of the Green Belt. This is particularly a concern as the site lies within a Green Wedge, as designated in the York

Green Belt Appraisal - and is regarded as an area of particular importance to the character and setting of the City. Consequently, it cannot be supported in policy terms.

3.5 Additionally, the site lies within the Functional Floodplain, as designated in the SFRA. Unless the argument put forward by the applicants is acceptable to the Council's Engineers Section, it cannot be supported in policy terms.

3.6 Structures and Drainage - Initially said that the Flood Risk Assessment (FRA) by Weetwood Environmental Engineering states that the proposed site lies within an area of moderate flood risk. The proposed site is actually located within Flood Zone 3a high risk, identified as such in both the Environment Agency's flood risk mapping and the Council's Strategic Flood Risk Assessment (2007). The EA requires consultation with Flood Risk Assessment and Sequential Test Evidence (and where required confirm Exception Test has been applied). Following discussions with the Environment agency there are now no objections on flood risk grounds.

3.7 Structures and drainage, however, still object on the basis that insufficient information has been submitted with regard to surface water drainage

EXTERNAL

3.8 Heworth Without Parish Council - On the previous application for the original caravan site the site was shown for cattle grazing and included an area described as 'eastern tree belt'. A loop road has been put into the application site without planning permission. The proposal constitutes inappropriate development and exceeds the maximum of 20 pitches and is contrary to policy V5.

3.9 V5 says that development should not adversely affect the openness of the green belt. The site will appear visually distinct in so much as it is almost doubling the overall size and will extend the developed area eastwards into currently undeveloped green fields. The extension would be significant.

3.10 V5 states that caravan sites should be located in well wooded areas, and that the essential screening of the site should consist of already well established tree cover, and any new planting should only be necessary to reinforce the existing cover. The existing Eastern tree belt cannot be described as well established in this context; it may take another 10 years before it has gained any degree of screening ability and only when in full leaf. Because of the colour of caravans they will stand out against the backdrop of the existing tree screen.

3.11 The existing caravan site is not visually dominant when viewed from the adjacent land and from Stockton Lane due to the present application site acting as a visual buffer. The site is visible from the A64 between Hopgrove and York across Monk Stray. Any extension to the site would be highly visible from both the Stockton Lane and the A64.

3.12 The current application if approved would make the increased or extended caravan site very dominant and will significantly reduce the openness of this land and the green belt particularly in the winter months before leaf growth on trees of the eastern tree belt and also hedges along Stockton Lane.

3.13 The additional interior service road extension and additional hedging proposed together with the gravelled hardstandings further alter the character and appearance of the countryside along Stockton Lane (Policy V1).

3.14 The total number of caravans proposed and the concentration of them would significantly reduce the openness of the land and the green belt and is therefore inappropriate development and harmful to the green belt.

3.15 The proposal would double the number of traffic movements. the existing access is not laid out such that car and caravan units can simultaneously pass at the entrance and these units cannot turn left into the site without crossing to the opposite side of the road.

3.16 Policy V5 states that sites should be readily accessible by public transport to reduce the reliance on the private car, particularly once the visitor has arrived at the site. The land does have planning permission for a caravan site on part of it from the November 2007 approval, however this is an historic permission and this new application should be considered against present existing policy, bearing in mind that this application will significantly expand the existing site which also has an approval for two holiday lets. The latest Good Practice Guide for tourism indicates that touring caravan sites are by definition car dependent, once on site it should be as sustainable as possible. It is understood that Stockton lane has a reasonable bus service every day, however the main shopping area is Monks Cross Shopping centre which is off the Stockton Lane bus route and therefore visitors will use their private cars to travel to these shops in the absence of a local accessible shopping area. Therefore notwithstanding the availability of a reasonable good bus service running along Stockton Lane, the location of the site and lack of easy accessed shops means that it is unreasonable to expect public transport to be used and this is contrary to the aims of sustainable development and contrary to policy GP4a.

Foss Internal Drainage Board

3.17 The board will require unrestricted access to the beck at all times and will under the Land Drainage Act deposit any arisings on the land adjacent to the Beck. The Boards prior consent is required for planting fencing and buildings within 9 metres of the bank top of any watercourse as will discharge or alterations to the watercourse. The board recommends conditions with regard to the effectiveness of soakaways.

Environment Agency

3.18 The proposed development will only be acceptable if the measures detailed in the flood risk assessment submitted with the application are implemented and secured by condition. The measures to be conditioned are caravan floor levels should be minimum 400 mm above ground level, flood warning and evacuation plan should be in place for occupants of the site in the event of flooding.

3.19 2 Letters of objections have been received covering the following points:-

- The existing site is clearly visible from the surrounding areas of Stockton lane because the site is not adequately screened
- There is no screening to the entrance of the site
- The site can be seen from the A64 between Hopgrove and York across Monk Stray

- Granting this site will present problems for refusing future such schemes along Stockton Lane
- As a diversification from cattle farming this site already has caravan storage, holiday cottages and caravans and now tents are regularly on the site. Could this green belt land be used for something else that would enhance the green belt land rather than detract from one of the best areas of approach to York?
- Stockton lane is a very busy road particularly for pedestrians
- The bus stop on the caravan site side of the road should be repositioned nearer to the caravan site its current position is dangerous.
- Development would adversely affect the openness of the greenbelt
- The existing site has already greatly affected the local wildlife through noise disturbance and 24 hour illumination
- Mr Wilson already seems to have developed the site as if the proposal is a for gone conclusion
- The entrance to the site is dangerous as only one caravan can enter and leave at any one time
- The existing site is more than big enough for this area

3.20 30 letters of support have been received covering the following points:-

- Site is well run and maintained
- Sensible rules are in place in order that all park residents may enjoy the amenities
- The extension and improved wash facilities will only serve to improve the park
- Will allow York to be enjoyed by more visitors
- The new site would not be visibly intrusive from the highway or neighbouring residents
- The proposals would help the financial viability of the caravan park
- Extra business would be brought to the surrounding area
- Most people to the site could use the bus service into the town
- The trees around the site make it an attractive area and keep the sites green belt looks
- Supporter works at the caravan parks and sees how many people are turned away. Many say all other sites within the area are also full
- The proposal would give employment
- Stockton Lane is a relatively quiet road thus access and egress to the park is stress free
- The money invested into the site shows the applicants commitment to making the site a success; it is the City of York that benefits most of all.
- The best sized pitches that the supporter has ever been on
- The reputation of the site has attracted people from all over the British Isles and Europe
- Occupiers of Rowes cottage farmhouse say as neighbours they do not have any problems with the caravan park
- Many writers store their caravans there and consider the site to be well run
- Revenue from the site will be put into the local community
- The site can be access without going through the city centre
- From experience of other sites 20 pitches is really small and viability must be in question
- Impact of the site is limited by existing agricultural buildings. Anyway such concerns seem odd when Monks Cross can be clearly seen from the site
- Evidence of flooding has never been seen at the site

- The Rowntrees site is far more appropriate than the Rowntrees Park site
- Policy Objections seem slight and are surely outweighed by the advantages of attracting visitors
- There is already a site and facilities there why not allow it to expand
- Negative externalities would be outweighed by economic gain to local businesses

3.21 A petition in support of the application has been received. The petition is signed by 60 people who have stayed at the caravan park. All those who have signed the petition confirm they have used local facilities and the local bus service.

PUBLICITY

3.22 The application was advertised by means of a site notice posted on the 14th July 2009 and via neighbourhood notification letters.

4.0 APPRAISAL

4.1 Key Issues:-

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

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

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

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

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

maintains openness. The wider benefits of a proposal are capable of constituting very special circumstances.

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

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

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

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

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

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

4.12 Policy V5 relates specifically to touring caravan/camping sites and sets out criteria for assessing proposals. The policy specifies that the number of pitches should not exceed 20, and that there should be no pitches for static caravans. In addition, the proposal should not involve the erection of permanently sited ancillary buildings other than toilets/washrooms and a site office, the site should be associated with an existing settlement and of a compatible scale to the settlement, and should be readily accessible by public transport. Further criteria within the policy are that the proposal has no adverse effect on the openness of greenbelt, it provides a direct benefit to the local residential workforce, the approach roads are of a suitable standard to accommodate caravans, there is no adverse effect on the provision of local services, the proposal is complementary to recreational opportunities in the vicinity and it provides a direct benefit to the local residential rural community.

4.13 City of York Local Plan: The Approach to the Green Belt (February 2003), which now forms part of the evidence base to the Local Development Framework indicates in map form where the most valuable components of the green belt lie. The appraisal identifies the site as being within a green wedge. Green wedges are described as large tracts of undeveloped land, which largely extend from the countryside into the city. They prevent the lateral coalescence of different parts of the open area and help maintain the distinctive characteristics of earlier periods of individual settlements. The green wedges bring a feeling of the countryside within a close proximity to the centre of the city.

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

Impact on the openness of Greenbelt

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

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

4.16 A further requirement of Policy V5 is that proposals of this type should not adversely affect the openness of Green Belt. The site is located in a relatively open and undeveloped area, which is agricultural in its appearance. The north-east boundary of the site has been well planted and it is apparent that they afford some visual protection for the site, although this may be less beneficial at the beginning and end of the season. Furthermore hedges adjacent to the roads surrounding the site are mature and have been allowed to grow and again in summer provide visual protection for the site. The new planting and existing hedging provide good screening to the existing site however officers are concerned that the components of the proposal will impact on the openness of green belt. The proposal will necessitate hardstandings, landscape features dividing plots, lighting, access road (the road is already in place without permission) and improvements to the entrance of the site. Some internal

signage may also be needed. In Officers opinion the introduction of these features would have an impact on the openness of the green belt.

4.17 As PPG2 states that material changes of use are inappropriate unless they preserve openness, it is considered that the proposal constitutes inappropriate development, which is, by definition, harmful to the Green belt. In these circumstances it is for the applicant to show why permission should be granted. The applicant's agent within his supporting statement concludes that the proposal is appropriate development however also sets out issues, which are considered to be very special circumstances that it is considered outweigh harm by reason of inappropriateness. The agent considers in terms of very special circumstances that the site is inconspicuous, cannot be considered to impact upon the setting or special character of any town and has no special character or setting to preserve. The agent also says that there is a need for additional touring caravan sites and that this is proven by the number of enquiries to the site. The number of enquiries representing significant demand. It is also considered that the site is sustainable.

4.18 In terms of the special character or setting the site is identified as being within the green wedge in the York Green belt appraisal (2003). Green wedges contribute to the character and setting of York providing an important interface between the urban form and the open countryside. Officers cannot agree that the site does not contribute to preserving the setting and character of historic towns, one of the purposes of including land within green belt.

4.19 Whilst it is accepted that the current site may indeed help the local economy and may be so well liked as to create a demand it is also clear from some supporting letters that sites are generally over subscribed at busy periods and some amount of advanced booking is needed at bank holidays. Policy V5 does allow for small caravan sites based on a set of criteria within the City of York the purpose of the criteria is to balance the negative effects of caravan sites with the economic benefits brought through tourism. The issues of economic benefit and demand are not considered to be very special circumstances sufficient to outweigh harm by reason of inappropriateness identified above.

4.20 For the reasons set out in paragraph 4.26 below this proposal is not considered to be so sustainable that this amounts to a very special circumstance outweighing harm by reason of inappropriateness.

4.21 In relation to Draft Policy V5, the justification text to the policy considers that small scale proposals for touring caravans 'are unlikely to compromise Green Belt objectives and may be acceptable' subject to meeting the criteria of the policy. However officers have found that the proposal does impact on the openness of the green belt which is contrary to criteria within Policy V5.

4.22 Furthermore Policy V1 of the Local Plan states that in determining applications for visitor related development account will be taken of whether the proposal adversely impacts on the countryside setting of the City. Officers consider that such adverse impacts would be likely to be caused for the reasons stated above.

Flood Risk and Drainage

4.23 PPS25 entitled 'Development and Flood Risk' (PPS25) advises a sequential risk based approach to determining the suitability of land for development in flood risk areas is central to the Policy Statement and should be applied at all levels of the planning process. Annex D of the statement says that the overall aim of decision makers should be to steer new development to flood Zone 1. Where there is no reasonably available sites in flood Zone 1 account should be taken of the flood risk vulnerability of land uses and consider reasonably available sites in flood zone 2. The application site is located, according to the Environment Agency flood risk maps, partly within flood zone 2 and partly within flood zone 3. However the application is supported by a flood risk assessment that concludes that on the basis of an appraisal of channel capacity of the adjacent Old Foss Beck that the site lies in flood zone 1 or 2. The Environment Agency are not objecting to the application subject to a condition which requires caravans to have a minimum floor level of 400mm above ground level and an evacuation procedure being put in place. Our own Structures and Drainage section originally object to the application considering the site to fall within flood zone 3 where a sequential test and exceptions test should be fulfilled in accordance with annex D of PPS25. However having discussed the matter further with the Environment Agency they have withdrawn their objection on flood risk grounds.

4.24 The Environment Agencies response requests a condition that proposes that floor levels of the caravans should be no lower than 400mm. This condition is not considered to be enforceable and therefore inappropriate to be attached to any permission. Officers have spoken to the Environment Agency who have confirmed that even without this condition the proposal is acceptable

4.25 Structures and Drainage are objecting to the lack of information with regard to drainage. Should members propose to approve this development a condition requiring further drainage details would be required

4.26 The Internal Drainage Board note that there are elements of the development, which are located within 9 metres of the bank top. An amended plan has been requested to show the development modified so that no part is within 9 metres of the bank top. The applicant has confirmed by letter that it is not proposed to amend the application given that it is possible to apply for bylaw consent to operate within the 9 metres. Further clarification is being sought on this point and will be reported direct to committee

Highways Issues

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

Sustainability

4.28 The applicant contends that the site is sustainably located given the position of a bus stop outside the site and the frequent bus service both in to York and beyond.

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

Tourism

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

5.0 CONCLUSION

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

5.2 The Environment Agency flood zone maps identify the site as being within flood zone 2 and 3, the flood risk assessment identifies the site is flood zone 1 and 2 taking in to account the channel capacity of Old Foss Beck and the Environment agency whilst not objecting to the proposals request a condition that is unenforceable. However they have since indicated their support for the proposal even without such a condition. Our own Structures and Drainage section object to the application.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

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

adverse effect on the openness of the Green Belt and GB1 of the CYDLP, which does not support development that detracts from the open character of the green belt.

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

7.0 INFORMATIVES:

Contact details:

Author: Diane Cragg Development Control Officer (Mon/Tues)

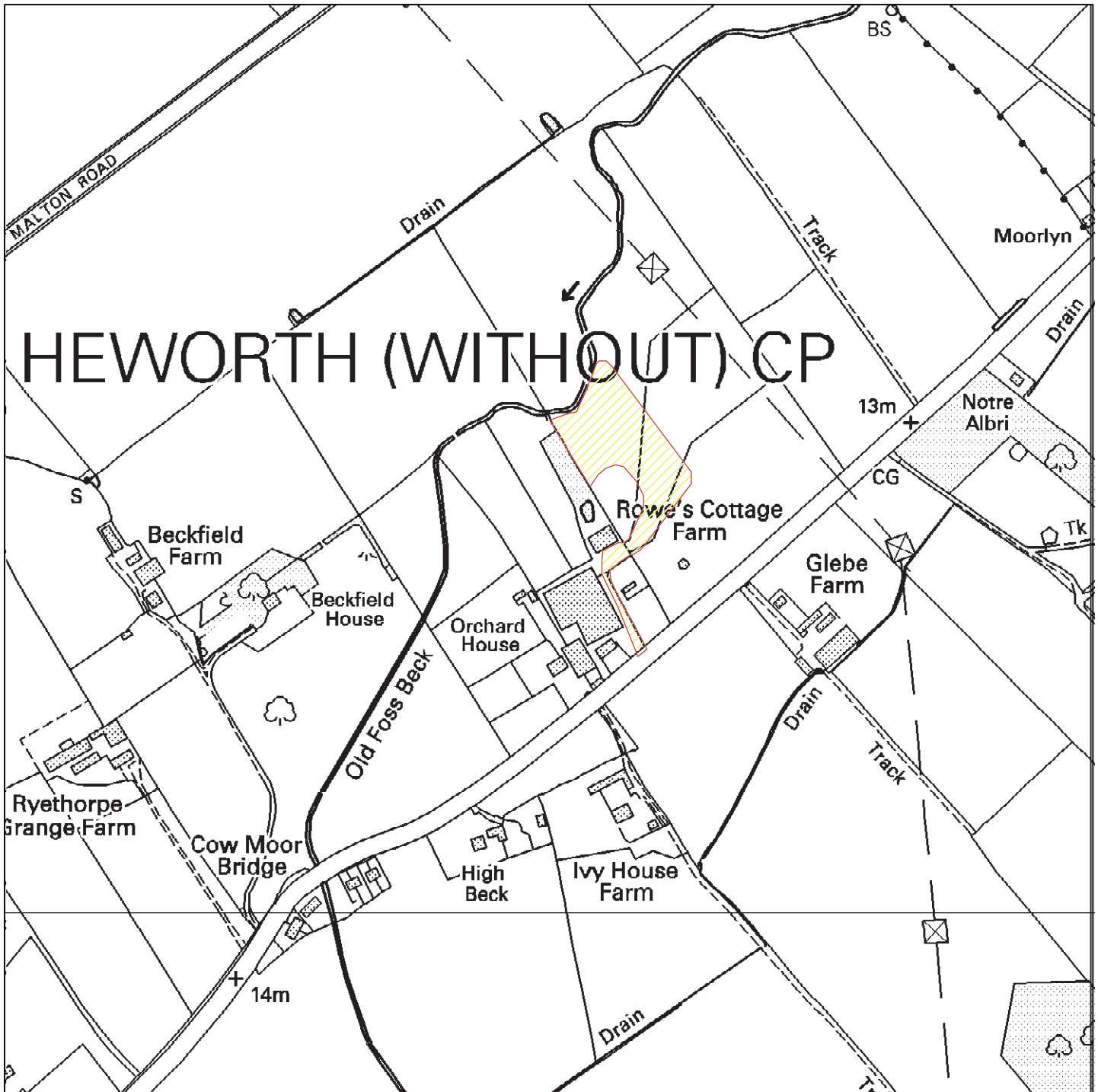
Tel No: 01904 551657

York Caravan Park, Stockton Lane

REF: 09/01271/FUL



GIS by ESRI (UK)



Scale : 1:5000

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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	27 August 2009
SLA Number	Not Set

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYED6

University of York Heslington Campus

CYNE1

Trees, woodlands, hedgerows

CYGP1

Design

CYGP4A

Sustainability

CYGP4B

Air Quality

3.0 CONSULTATIONS

3.1 INTERNAL.

3.2 Highway Network Management.

Note the proposal involves an increase of 123 parking spaces. The development of an expanded car park facility in this location is in line with the University's sustainable travel plan which seeks to locate parking in the future on the periphery of both campuses. This strategy is designed to direct permit holders to use the peripheral car park closest to their home address, so as to minimise car journeys through the heart of the University grounds.

New barrier equipment is to be erected as part of the scheme to improve management of the spaces and enable enforcement of the relevant restrictions and charges. Cyclists will be able to bypass this equipment by means of a new cycle lane to be constructed alongside.

The University has stated that parking spaces elsewhere on the Campus are to be decommissioned to compensate for the new spaces, thereby ensuring that the total does not exceed the agreed maximum of 1520 spaces for Heslington West. Recommend that this be conditioned as part of any approval.

Note that the applicant's supporting information makes reference to the fact that the UTS will run along Goodricke Way, passing the entrance to this car park before turning in front of the Physics building. Officers look forward to the early implementation of this facility.

There are no highway objections to the application subject to conditions referring to the car parking cap and details of the barrier equipment to be installed.

3.3 Environmental Protection Unit.

The increase falls within the increased parking threshold as stated in Policy GP4b and in the Council's air quality guidance and as a result there are no air quality issues that need to be considered.

In terms of the development itself the only issues of concern relate to construction of the car park itself, and the potential for noise, dust etc during the construction phase, and potential loss of amenity due to artificial lighting for the car park itself. Recommend conditions be placed to control the above.

3.4 Landscape Architect.

Objected to the original plans submitted due to the extent of the proposed new parking and its dominance on the views within the campus and general green infrastructure which has diminished across the campus over the years. Also objected to the loss of 5 mature trees which is considered will have a significant detrimental impact on the amenity and views across the car park and campus. Noted that the loss of these trees is not for arboricultural reasons and they have full, attractive crowns and are within the public domain of the campus and therefore could be worthy of protection. Considered the extent of parking in the north east corner of the site would be detrimental to key views and approaches to the core of the university and would result in the loss of valuable trees. This is a main arrival area and entrance to the university campus; therefore considered that the design should be revisited to reduce the number of additional spaces in order to respect the importance of the landscape setting of the campus.

Revised proposals were submitted in response to these concerns and the following comments were offered:

Revisions represent an improvement on the previous scheme.

The Colvin and Moggridge 'Strategic Review of the Landscape' of the university of York (Sep 1992) identifies this area as a suitable location for a car park. Nonetheless the same document identifies the landscape structure to the east of the car park as a component of the proposed framework tree canopy to be protected from all intrusion of buildings and vehicles; furthermore, the route is identified as a future main path. With the removal of four drop off spaces for the nursery, this important corridor is kept free of vehicular intrusion in keeping with the above document.

A further four spaces have been removed to allow the parking in the north east corner to be pulled away from the northern footpath; thus creating a more attractive route and reducing the visual dominance of parked cars within the eastwards view along this

path towards the structural tree canopy as one heads towards the southern end of the open space relating to the lake.

There are no arboricultural reasons to remove the three Limes that are associated with the eastern landscape corridor. Indeed they are stated as being of mostly good quality and condition. Given the availability of public access through the university campus and the size of resident population, employees and visitors, I consider these to be of significant benefit to the public amenity since they can be clearly viewed across the car park from Goodricke Way and from the surrounding footpaths. To this end they are worthy of a TPO, but have no protection upon them at the moment. However, given the generous extent of new tree planting proposed within this development (78no. new trees to replace 6no.) I think the proposals are acceptable. Some of the trees are located within the new car park, thus breaking up its mass. Others will line the path across the north of the site, and more will supplement the leafy corridor along the east. The majority of trees will be placed along Goodricke Way, which is the main route into the campus and one that has been identified as part of the framework of trees in both the Strategic review document and the Council's development brief for campus 1. Given this,

3.4 Structures and Drainage.
Comments awaited.

EXTERNAL

3.5 Parish Council.
No comments received.

3.6 Police Architectural Liaison Officer.
Have previously assessed this site and was made aware that the University intended to apply for the Parkmark safer parking award for this particular car park. The proposed design and layout will meet the criteria for the scheme. No further comments to make.

3.7 Neighbours and Third parties.
5 letters received objecting to the development making the following observations:

- i) Concerned about the new storage bays adjacent to Walnut Close. In particular have concerns about the security of the boundaries with residential properties, the visual impact of the storage bays, the condition of the land on the university side of the boundary and the effect of water runoff from the rock salt storage bays. The fence on the University side is in poor condition and does no screening job. Leylandii hedge planted by the objector has died on the University side.
- ii) Concerned about the height of the storage bays and that these will be visible from rear garden areas. These details are not provided. The ground level on the University side is higher than on the garden side of 4 The Orchard so impact is unknown.
- iii) Concerned also over how well the maintenance area is looked after and that it is basically rubbish tip.
- iv) Concerned about light spill into adjacent residential properties.

- v) Important to maintain as large a buffer as possible between the increased size of the car park and the houses on Walnut Close. Concerned that new proposed trees will overhang neighbours gardens.
- vi) Car park will give reduced security to the rear of 1 Barn Grove.
- vii) Concerned that the recent removal of a shed from the maintenance area has exposed the rear of 1 Barn Grove and some privacy has been lost. Ask whether this will be restored.
- viii) The materials storage area will compromise security to the rear of properties, in particular people being able to climb on the storage areas close to these boundaries. Also concerned about newly planted trees overhanging neighbours gardens.
- ix) Request that there be a greater area between the materials compound and 2 Barn Grove.

4.0 APPRAISAL

4.1 KEY ISSUES.

- i) Loss of trees and impact on the landscape setting of the campus.
- ii) Campus car park cap.
- iii) Impact of the materials compound on the amenity of neighbours.
- iv) Sustainability.

4.2 This proposal has been assessed against the Heslington Campus Development Brief for future expansion which was approved in August 1999. This establishes a framework within which development on the campus must comply and introduces several criteria that are relevant to this application, including the cap on car parking spaces within the campus, landscaping details and the total built footprint limit on the campus of 20%.

4.3 Policy ED6 (University of York Heslington Campus) of the draft City of York Local Plan is also considered relevant and the application has been assessed against the criteria contained within. These are assessed in detail below. Other applicable policies include NE1 (Trees, Woodlands and Hedgerows), GP1 (Design), GP4A (Sustainability) and GP4B (Air Quality). Policy NE1 requires all proposals to remove trees and hedgerows to include a survey assessing the merits of individual specimens and where trees are to be lost, appropriate replacement planting be provided. GP1 is a general policy considering design and general loss of amenity and of particular relevance to this application is the criteria that seeks to ensure that residents living nearby are not unduly affected by the development and that the proposal is compatible with established spaces and the character of the area.

4.4 Policy ED6 is the main policy pertaining to the existing campus and is the main policy against which this application should be assessed. It allows for further development on the existing Heslington West campus providing it is in accordance with one of three criteria:

- i) small scale extensions to existing buildings
- ii) redevelopment of existing buildings
- iii) development on specific sites highlighted in the development brief

This type of development falls within the 3rd category of development as listed above.

It then goes on to say that development will only be permitted providing 8 criteria are met. The criteria relevant to this application are listed and discussed below.

4.5 'i) The development will not adversely affect the campus' landscape framework or the setting of Heslington Village.'

The comments of the Council's Landscape Architect are relevant to this issue and their detailed comments at para. 3.4 above should be referred to on this issue. Following initial concerns and objections about the loss of trees and the further erosion of part of the green infrastructure of the campus, amended plans have been submitted and these objections have now been withdrawn. The development does result in the loss of 5 mature trees, all of which have quite a strong amenity value. However a total of 78 replacement new trees will be planted, a ratio of approx. 13 new trees to every one lost. Some further new planting on the northern boundary of the site has been introduced following on from officer's objections and this is welcomed. Officers consider the extent of the new tree planting to be a positive element of the proposal and over time will help offset the loss of the existing trees and ultimately preserve the important and historic landscape setting of the campus.

4.6 One key component of the site area at present is the attractive landscaped area on the eastern edge of the site, which currently separates the car park from the rear of the properties on Walnut Close. This is made up of banked shrubbery with a grass strip behind it. Some of this banking will be lost to make way for a new line of parking spaces but a significant proportion of the landscaping here will remain. The grass strip and mature hedge that forms the boundary with Walnut Close will be unaffected by the proposal and therefore from the rear of these properties, this part of the site will appear little changed. Overall therefore, whilst some of the existing green spaces will be lost and elements of this turned over to car parking, officers do not consider that, given the extent of the landscaping proposed, the development will adversely affect the campus' landscape framework. The slight widening of Goodricke Way is not expected to harm the setting of the campus at this entrance point and the proposed barriers will not materially harm the general openness which is a feature of the campus here. A condition is recommended to agree the details of these barriers. The development is contained within the main campus and will not affect the setting of Heslington village.

4.6 'ii) The proposal is not sited on any of the campus' important open spaces.'

The development brief identifies key areas of open spaces within the campus upon which no development should take place. This application site area does not fall within any of these identified important spaces.

4.7 'iii) Total developed footprint on the campus (including the proposal) will at no time exceed 20% of the campus' site area.'

Para. 6.3 of the development brief states that the total footprint of all development, (this includes all buildings and car parks) on the campus will be restricted to 20% of the campus area. The total developed area is currently slightly below this 20% cap.

4.8 'iv) The height of any new buildings will be appropriate to the location in terms of distance to, and height of, surrounding buildings and a high standard of design appropriate to the setting of the University is proposed.'

The development does not propose any new buildings. The 5no. storage bays proposed in the maintenance yard in the south eastern corner of the site are likely to be simple walled in storage bays which are very modest in size and which will be appropriate in appearance to their intended use. This will be largely unseen and therefore will have no impact on the appearance of the campus.

4.9 'vi) There will be no overall net increase in car parking spaces on the campus as a result of the proposal.'

The development brief states that the maximum no. of car parking spaces across the campus should be no more than 1520. A recent survey carried out at the university showed the total car parking provision on the Heslington West Campus as of May 2009 to be 1480 spaces. The inclusion of the additional spaces proposed here would increase the provision to 1,603 parking spaces. However the decommissioning of other spaces within the campus will result in the loss of 79 spaces which would result in 1524 space being provided on Heslington West overall. Prior to the proposed car park here becoming fully operational the University will remove 4 spaces from minor car parks in the Campus to ensure the cap of 1520 is not exceeded. A condition is recommended to ensure this happens.

4.10 The other criteria set out in ED6 are not considered relevant to this application and therefore officers consider that the proposal is in accordance with both the development brief and the requirements of Policy ED6.

IMPACT OF THE MATERIALS COMPOUND ON THE AMENITY OF NEIGHBOURS

4.11 The five letters of objection received all refer to concerns over the materials compound in the south eastern corner of the application site. This area is currently a maintenance compound and materials and other items are currently stored here in a somewhat ad hoc basis and the area is not particularly well maintained and appears to be a bit of a dumping ground. The University are taking this opportunity to improve this area and the adjacent residents, which share a boundary with this compound, have expressed some concern at this. The size and purpose of this area will remain the same as existing although 5 new purpose built storage bays are shown to be provided in the south east corner of this yard. 5 properties share a boundary with this yard although the gardens of 11 and 15 Walnut Close and 4 The Orchard are the only properties next to the proposed bays.

4.12. The boundary with Walnut Close is defined by a leylandii hedge (apparently planted by the home owner) and a wooden fence 2 metres high on the University side. The hedge is approximately 300mm higher than the fence but appears to have died on the University side. The fence is in a very poor state and should be replaced. The concerns of the neighbours are acknowledged and the lack of detail supplied as to the size and appearance of these bays has added to their concerns in terms of the visual impact. Officers have requested some further information on this and this is awaited.

However, in planning terms given that the area is already used as a materials compound the key issue here is not one of use but one of the appearance of the proposed storage bays and the impact these will have on the amenity of these neighbours. They are shown on the amended plans to be set 3 metres in from the boundary with Walnut Close and some additional tree planting is proposed within this 3m strip. This separation distance is considered acceptable and whilst the tree planting is welcomed, a thin species will be required in order to ensure there is no overhang into the neighbours' gardens. The feasibility of this is being considered by the Council's landscape architect.

4.13 The existing boundary treatment does offer a high degree of screening from Walnut Close although its relatively poor condition would need addressing. A condition is recommended to be attached requiring these details and implementation prior to the bays going in. As for the size and appearance of them, it is recommended that a condition be imposed that restricts their height and that of the stored material to no higher than the approved boundary treatment. This, together with the separation distance and possible proposed tree planting would ensure that these bays do not materially harm the visual amenity of the properties on Walnut Close or The Orchard. Any further details received of this arrangement will be referred to members at the Committee meeting. It is not considered that no's 1 and 2 The Old Barn will be materially affected by the proposals particularly if the development is controlled as suggested above.

SUSTAINABILITY

4.14 Although the application is for an extension to an existing car park, the numbers across the campus are not rising above the cap limit agreed in the development brief. Therefore there is no increase in vehicle numbers or movements. Furthermore this and the proposed traffic barriers on Goodricke Way is part of the campus wide initiative to concentrate car parking into fewer key areas and control where people park within the campus in relation to their home. Having parked their car it is expected that permit holders will undertake the remainder of their journey by either walking, using public transport or by using the proposed University transit system, the commitment to which is again mentioned in the agent's supporting statement and which is welcomed by officers. Ultimately therefore the scheme should also assist in reducing vehicle movements around local roads. In sustainability terms therefore, the proposal does present some likely local benefits.

DRAINAGE

4.15 The comments of the Council's drainage officers are awaited with regard to any implications from additional surface water runoff from the site area. Any comments will be reported to members at the meeting.

5.0 CONCLUSION

5.1 The proposal is considered to be in accordance with relevant draft local plan policies. It is not expected to harm the landscape setting of the campus or the amenity of residents in Walnut Close and The Orchard, in particular from the area of the materials storage compound. However, conditions are recommended to ensure that this will be the case. Drainage comments are awaited and any comments received will be updated at the meeting if necessary. Subject to this and the imposition of conditions, officers raise no objections.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing no's:

Figure 1 Rev. B

60095535-040-P-007

D015.P.004 Rev. F

D015.P.005 Rev.E

D015.L.003 Rev. N

D015.L.006 Rev. G

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

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

3 Prior to the installation of any lighting on any part of the application site area a full Lighting Impact Assessment for car park lighting or within the proposed materials compound shall be undertaken by an independent assessor (not the applicant or the lighting provider). The details of this assessment shall provide the following:

- Description of the proposed lighting: number of lighting columns and their height, and proposed lighting units.
- Proposed level of lighting.
- Drawings showing the illuminance levels (separate drawings for each item listed):
 - Plan showing horizontal illuminance levels (E_h), showing all buildings within 100 metres of the site boundary
 - Plan showing vertical illuminance levels (E_v), showing all buildings within 100 metres of the site boundary.
 - Vertical cross-sections across the site showing lighting columns and vertical illuminance (2 to 50 lux lines), the heights of buildings within 100 metres of the edge of the site boundary and any existing/proposed screening. Two vertical cross-sections across the length and width of the site (perpendicular to each other)

should be provided.

- Specification of the Environmental Zone of the application site, as defined in The Institution of Lighting Engineers' Guidance Notes for the Reduction of Light Pollution.
- A statement of the need for floodlighting.

E_v is the average vertical illuminance, which is a measurement of the quantity of light at height of 1.5 metres above the ground

E_h is the average horizontal illuminance, which is a measurement of the quantity of light falling on a horizontal plane

Reason: To protect the amenity of nearby residents from light intrusion and loss of amenity

4 Prior to the commencement of any works, details shall be agreed with the LPA of the barrier equipment to be installed at the entrance to the car park, together with the methods of managing and controlling access by students and staff.

Reason: in the interests of highway safety and to ensure effective management of parking demand within the University campus.

5 Prior to any works commencing on site, a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration and dust resulting from the site preparation, groundwork and construction phases of the development. Once approved, the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of occupants of adjacent and adjoining properties during the development of the site.

6 At the time of opening of this car park to students and staff, the total number of car parking spaces within the Heslington West Campus shall not exceed 1520 spaces. (excluding disabled spaces).

Reason : To accord with previously agreed parking levels on this campus.

7 Details of all means of enclosure to the site boundaries between the existing maintenance yard and the properties on Walnut Close and The Orchard shall be submitted to and approved in writing by the Local Planning Authority and subsequently provided before the development of the proposed new storage bays commences.

Reason: In the interests of the visual amenities of the area.

8 Prior to the commencement of work on the proposed storage bays in the materials compound, details of their size, design and appearance shall be submitted to and agreed in writing by the Local Planning Authority. The height of the bays or the materials stored within them shall not exceed the height of the adjacent forms of boundary enclosure with properties on Walnut Close and The Orchard.

Reason. In the interests of the visual amenities of the area and from neighbouring properties.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the principle of development within the existing campus, impact on the landscaped setting of the campus, loss of trees, design and appearance, sustainable development, drainage and impact on the amenity of neighbours. As such the proposal complies with the University Development Brief for the existing Heslington West campus and Policies GP1, ED6, GP4a, GP4b, NE1 and GP15a of the City of York Local Plan Deposit Draft.

Contact details:

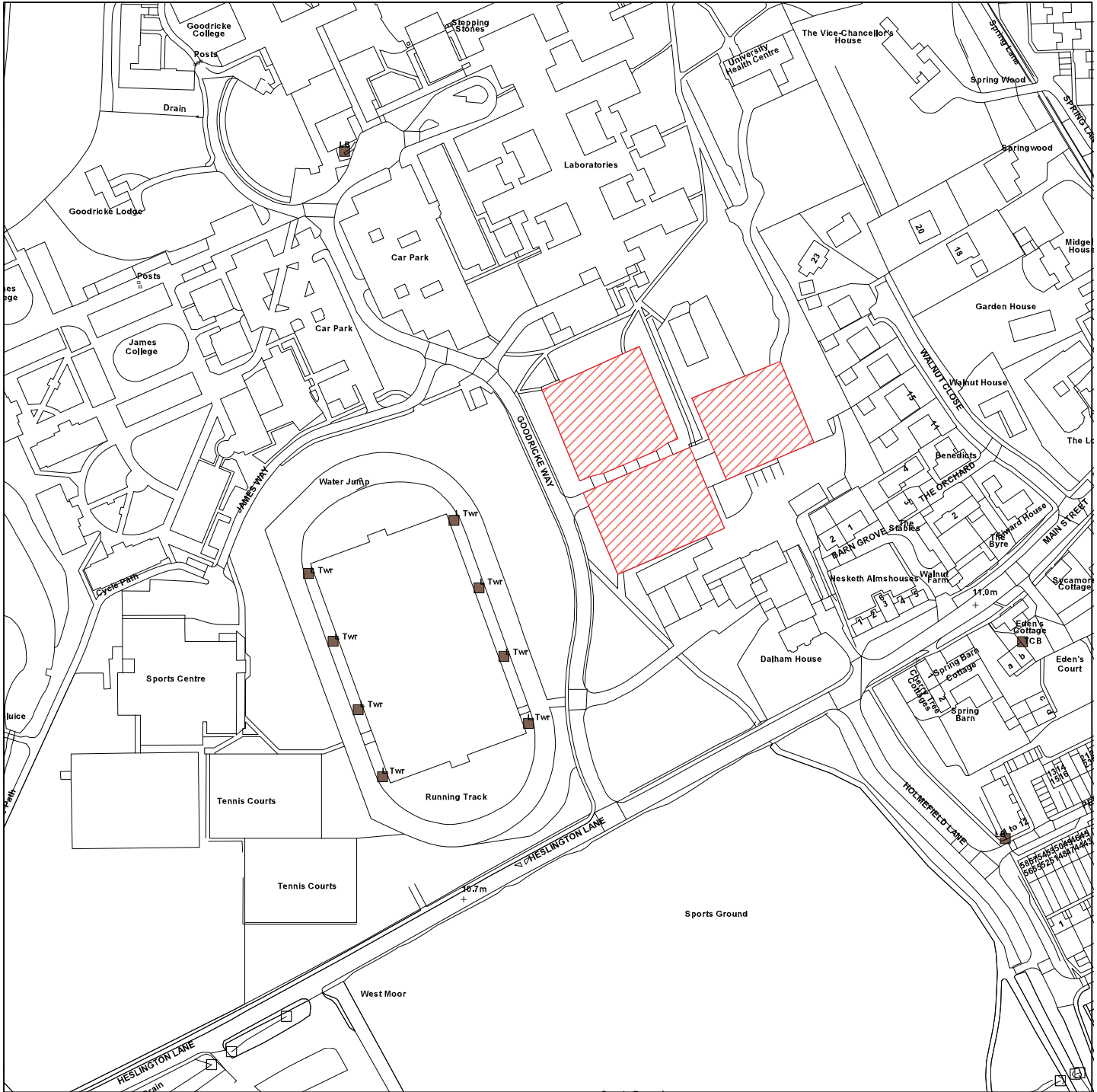
Author: Matthew Parkinson Development Control Officer
Tel No: 01904 552405

University of York, Heslington

Ref: 09/01166/FULM



GIS by ESRI (UK)



Scale : 1:2500

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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	27 August 2009
SLA Number	Not Set

internal space of the integral garage increased by 0.8m as requested by the Highway Authority to accommodate cycle parking.

1.4 HISTORY: Outline planning permission was granted in 2005 for the erection of a two bedroom bungalow in the rear garden of 97 Heslington Lane only. This permission has now lapsed.

Approval was given for a two storey side extension at 97 Heslington Lane in 2009, to increase the number of bedrooms to four. This is in the process of being constructed. A double garage was proposed with a driveway in the rear garden area - to be built under permitted development rights.

A bungalow was granted permission at the rear of 99 Heslington Lane, opposite the application site, in and has since been erected.

1.5 REFERRAL TO COMMITTEE: The application has been called-in for a Committee decision at the request of the local ward councillor, Councillor D'Agorne. This is on the grounds of the potential overdevelopment of the site and the potential for it setting a precedent for other applications in the area. There is concern that the proposal is forward of the building line of other properties along Barmby Avenue and could have an adverse effect on this street. Reference is made to the permission granted for a bungalow on the site, of which a dormer window was removed at officer's request and the presence of a bungalow on the opposite side of Barmby Avenue.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYGP10
Subdivision of gardens and infill devt

CYGP4A
Sustainability

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYL1C
Provision of New Open Space in Development

CYH3C
Mix of Dwellings on Housing Site

CYSP6
Location strategy

CYNE1
Trees, woodlands, hedgerows

CYT2
Cycle pedestrian network

3.0 CONSULTATIONS

3.1 PUBLICITY: The application has been advertised by the posting of a site notice as well as consultation with local residents and statutory consultees.

3.2 INTERNAL

3.2.1 Environmental Protection Unit - No objections. Request hours of construction condition.

3.2.2 Education - No contribution required.

3.2.3 Lifelong Learning and Culture - Council's position is that if there are going to be more people living in an area then there is going to be more pressure on existing open space. The Council has also recently published the result of the Sports Recreation and Open Space study, which was commissioned as part of the LDF process and signed off by members earlier this year. As a result, the Council seeks 106 contributions where a) there is a shortfall in provision within the defined catchment for each typology and b) where there is a shortfall in quality of existing provision. Provision - There is already a surplus in provision of open space for Fishergate and Fulford Wards of 1.03 hectares. Quality - issues for teenager facilities, capacity issues for existing allotments and sports facilities. Therefore a payment is required based on York formula.

3.2.4 Highway Network Management - No objections. Request amendments to show garages increased in length to accommodate car and cycle or access to rear made wide to allow passage of bike to rear. Revised plans increase internal length of integral garage so now suitable for both the storage of cycles and a car. Attention brought to impact on no. 97 Heslington Lane from proposal and the reduction in car parking provision for this property from 4 to 1 space. The provision of only one vehicle

space complies with recommended minimum standards, however, in this instance the highway authority would not object to a second parking place either in tandem or double width being provided. The highway authority would in fact recommend in this instance that two spaces be provided due to its location at a junction to minimise the likelihood of vehicles being parking hazardously within the public highway in close proximity to the junction. Request that conditions be attached.

3.2.5 Environment and Conservation (Archaeology) - Site lies outside AAI. Records indicate that an extensive late-prehistoric and Romano-British landscape is preserved in this area. An archaeological evaluation and subsequent excavation on site of the new St. Oswald's School have indicated the presence of archaeological deposits and features dating from the prehistoric period to present day. These deposits include possible prehistoric scoops or pits; ditches and pits dating tot he Roman period; medieval ridge and furrow; and a possible Civil War entrenchment. These deposits are preserved between 0.30m and 1.0m below the surface on that site. It is probable that a similar range of archaeological features and deposits will be preserved on this site. These must be recorded through an archaeological watching brief on all groundworks for this development. Request ARCH2 condition.

3.2.6 York Consultancy (Drainage) - Development is in low risk Flood Zone 1 and should not suffer from river flooding. Object on grounds of insufficient information to determine the potential impact the proposals may have on the existing drainage systems. Further calculations and invert levels of existing and proposed systems required. proposed rainwater harvesting system not considered an appropriate method of surface water attenuation as the volume and intensity of water created during any storm duration is far greater than that that can be used in that same period and must have a suitable outfall. Proposed disposal from harvester system is via soakaways, an assessment should be carried out to prove that the ground has sufficient capacity to except surface water discharge and to prevent flooding of the surrounding land and the site itself. If soakaway unsuitable then, in accordance with PPS25, peak run-off from the development must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

3.3 EXTERNAL

3.3.1 Fishergate Planning Panel - Not currently operating. Previously commented on application for bungalow that 'provided no more application to enlarge the building in future is made, no objection.

3.3.2 17 Letters from neighbours (3 from the neighbours at 3 Barnby Avenue) and one from the Broadway Area Good Neighbour and Residents' Association, making following comments/objections:

- over-development of small area of land leaving little 'true' garden to serve proposed properties and no.97;
- loss of large garden, size of proposed gardens, number of properties/density, design and front forecourts detrimental to existing open character of the 'avenue' and visual amenity of area;
- highway safety issues from reduction in parking for no.97, extra driveways, on-street parking and extra traffic, close to junction with Heslington Lane, in an area already congested with parking problems;
- more student accommodation to area already over-run with students and untidy gardens;
- impact on sunlight to adjacent properties due to height of properties;
- loss of privacy from overlooking windows;
- sufficient properties for sale to meet demand with need for affordable bungalow or single level accommodation to achieve greater balance in area;
- impact on birds and their habitat and bio-diversity;
- impact on growing of fruit and vegetables in the area;
- welcome local employment opportunities, but may be anti-competitive;
- drainage concerns as current sewer will not cope;
- disagree land is under-used garden or brown-field;
- loss of garden, parking space and double garage to serve the extended no.97;
- over intensive development of both 95 and 97 Heslington Lane resulting in inadequate levels of amenity for occupants;
- precedent for other developments in area;
- bungalow approved not a precedent for semi-detached pair;
- building lines on Barmby Avenue established by covenants.

4.0 APPRAISAL

4.1 Key issues:

- principle of development;
- density and type;
- character and amenity;
- residential amenity;
- archaeology;
- access and parking provision and highway safety;
- flood risk and drainage;
- public open space and education provision.

4.2 POLICY CONTEXT

4.2.1 National Planning Policy - Central Government planning policy is set out in Planning Policy Statement 1: Delivering Sustainable Development (PPS1), Planning Policy Statement 3: Housing (PPS3), Planning Policy Guidance Note 13: Transport (PPG13) and Planning Policy Statement 25: Development and Flood Risk (PPS25):

PPS1 seeks the provision of sufficient, good quality new homes in suitable locations and promotes high quality and inclusive design, which avoid segregation and provide opportunities for physical activity and recreation. It states that design, which fails to

take the opportunities to improve the character and quality of an area, should not be accepted.

PPS3 supports PPS1 with regards high quality new housing and encourages sustainable and environmentally friendly new housing development through the reuse of previously developed land, more efficient use of land through appropriate densities, reducing dependency on the private car and provision of affordable housing. It states that careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate. However, it also states that the density of an existing development should not dictate that of new housing by stifling change or requiring replication of existing styles and form. When well designed and built in the right location, new housing development can enhance the character and quality of an area.

The objectives of PPG13 are to promote sustainable transport choices, accessibility to facilities by public transport and reduce the need to travel, especially by car.

PPS25 sets out the approach to be taken in applying the Government's policy on flood risk management in planning decisions.

4.2.2 Local Planning Policy - Local planning policies contained in the City of York's Draft development Control Local Plan (incorporating 4th set of changes) are material to the consideration of the application. These are summarised in section 2.2 above. The following are of particular relevance:

Policy SP6 requires development to be concentrated on brownfield land within the built up urban area of the city and urban extensions

Policy H4a states that proposals for residential development on land not already allocated on the Proposal Map will be granted planning permission where the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings, and the site has good accessibility to jobs, shops and services by non-car modes. It requires new developments to be of an appropriate scale and density to surrounding development, and not to have a detrimental impact on existing landscape features.

Policy H3c seeks to achieve a mix of house types, sizes and tenures on all residential development sites where appropriate to the location and nature of the development.

Policy H5a requires the scale and design of proposed residential developments to be compatible with the surrounding area and not to harm local amenity. Within the city centre, new residential developments should seek to achieve a net residential density of greater than 40 dwellings per hectare.

Policy GP10 deals in particular with the subdivision of gardens and infilling, which will only be granted to provide new development, where this would not be detrimental to the character and amenity of the local environment.

Policy GP1 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.

Policy GP4a states that proposals for all development should have regard to the principles of sustainable development, in relation to accessibility of the site by means other than the car, the quality of the design, with the aim of conserving and enhancing the local character and distinctiveness of the City, minimising use of non-renewable resources, management of waste. The 'whole life' costs of the materials should be considered.

4.3 PRINCIPLE OF RESIDENTIAL DEVELOPMENT

4.3.1 The application site forms part of a domestic curtilage and therefore constitutes brownfield land in terms of the definition in PPS3. It lies in a predominantly residential area within the defined settlement limit of the City and is in a sustainable location, within reasonable walking distances of local services and facilities and accessible by public transport. The proposal would involve infill development on land that is claimed to be underused garden. The principle of residential development on the site conforms with the key objectives of national and local planning policies and is considered to be acceptable, demonstrated by the granting of permission for the erection of a bungalow in 2005.

4.4 DENSITY, SCALE AND DESIGN

4.4.1 The density of the development would be 49 dwellings per hectare and would therefore achieve the minimum net density on the site of 40 dwellings per hectare required by Local Plan Policy H5a for sites in urban areas. The proposed semi-detached pair would be two storey and of a comparable scale to other properties in the vicinity. It would have a dual pitched roof over the main two storey part of the house and hipped roofs over the single storey side garages to reduce their visual impact. Whilst the design of the dwellings would be different to those adjacent, there is a mix of size, form, siting and design of properties in the area. The development is in a sustainable location and includes the provision of more sustainable energy generation and reuse of surface water run-off on-site to serve the dwellings.

4.5 CHARACTER AND AMENITY

4.5.1 GP10 states that permission will only be granted for the subdivision of existing garden areas where this would not be detrimental to the character and amenity of the local environment. Local residents are concerned that the proposed houses would appear crammed onto the site to the detriment of the character and amenity of the local environment. Their concern for the appearance of the street in which they live is understandable.

4.5.2 The development would result in the loss of part of the gardens of nos.95 and 97, thereby reducing the space between the houses fronting onto Heslington Lane and 3 Barmby Avenue, which would change the appearance of this part of Barmby Avenue. However, the distances remaining between the two storey part of the new build and the two storey elevations of the existing properties on either side, 97 Heslington Lane and 3 Barmby Avenue, would be approximately 15m and 9m respectively. This would be comparable with the spacing of the properties on the eastern side of Barmby Avenue, with the rear garden of no.99 Heslington Lane being similar in length to that proposed at the rear of no.97. However, it should be noted that the property opposite the proposed development, at the rear of no.99, is a bungalow. Whilst the proposed new build would differ in its design to others on the street and would be set further forward than no.3, there is no uniform building line or rhythm of development on Barmby Avenue and there is a mix of type and style of property, particularly on the western side of the street.

4.5.3 The erection of a single dwelling and particularly a bungalow to reflect that on the eastern side of the avenue would be preferable to the proposal and would have less of an impact. However, that is not the proposal submitted for consideration. Reference is made by a local resident to the refusal of an application to build a house at the rear of 99 Heslington Lane, though this decision was made approximately 20 years ago and preceded PPS3. The previous application for a bungalow on the site was different in that it only related to the garden space of no.97 with the proposed property being in close proximity to the western site boundary, and therefore there were issues of loss of privacy from first floor windows to the occupants of no.95.

4.5.4 In light of the above, whilst the development would not enhance the area, in the opinion of officers, it would not cause demonstrable harm to the appearance or residential character of the street.

4.6 RESIDENTIAL AMENITY

4.6.1 The main impact of the proposal would be on the dwelling to the north, 3 Barmby Avenue. This is a two storey detached house with its primary windows overlooking its front and rear gardens. There are secondary windows in the side elevation facing south towards the application site, which serve the front dining room and rear kitchen at ground floor and a bedroom at first floor. The property is situated approximately 5m from the boundary with the application site, along which there is a high boundary hedge. It is set back from the road by approximately 8.5m.

4.6.2 The proposed semi-detached pair would be located to the south of no.3 and positioned 3.4m further forward towards the boundary with Barmby Avenue (a set back of approximately 5.7m). The ridge of the houses would be in line with the front elevation of no.3. There would be a separation distance of approximately 8.4m from the two storey side elevation of the proposed houses and the side elevation of no.3. The only window proposed in the north facing elevation would serve a staircase. The occupants would obviously be aware of the presence of the proposed houses when viewing from the outside of their property or the windows in the side elevation, but the new build would not hinder or restrict views from the main windows in the front and rear elevations of their property. There would likely be some loss of sunlight to the ground floor secondary windows in the side elevation of no.3 and the potential for the

casting of shadows at the side of this property in the late morning to early afternoon. However, as the sun would be at its highest at this time of day and taking into account the separation distance between the properties and orientation of the dual-pitched roof, the impact would be lessened. There would be no effect, in terms of privacy, overshadowing or increased disturbance, on the living room located at the rear of no.3 or on its rear garden.

4.6.3 Whilst the new build would be visible from the other surrounding properties on Barmby Avenue and Heslington Lane, its mere presence is not sufficient to warrant refusal of the application in the absence of any demonstrable harm to the residential amenity that neighbouring occupants can reasonably expect to enjoy in an urban area.

4.6.4 The garden areas proposed to serve the new build properties and nos. 95 and 97 Heslington Lane, are acceptable by current standards. There is sufficient space between the two storey element of no.97 and that of the new build to protect the amenities of future occupiers of these properties.

4.7 ARCHAEOLOGY

4.7.1 Records show that it is probable that a range of archaeological features and deposits from the late-prehistoric and Romano-British landscape, similar to those uncovered at the site of the new St.Oswald's School, may be preserved at the site. An archaeological watching brief on all groundworks is therefore required and can be dealt with by condition.

4.8 ACCESS, PARKING AND HIGHWAY SAFETY

4.8.1 The proposal includes the provision of a single garage sufficient in length to accommodate a vehicle and bicycle and space at the front of the property for one vehicle to park. This complies with current Council parking standards. A new vehicular crossing would need to be created to access the driveway/garage for the southern-most semi house. The proposal reduces the provision of car parking space serving 97 Heslington Lane from four, as shown in the application for the recently completed two storey side extension, to one. Whilst four exceeds the Council standard of two spaces for a dwelling of three or more bedrooms, this is a maximum figure. Therefore, whilst two spaces would be preferable and encouraged by the Local Highway Authority, the authority does not object to the application on the basis of the reduction of parking to serve no.97.

4.9 FLOOD RISK AND DRAINAGE

4.9.1 The site lies in Flood Zone 1 (low risk) and should not therefore suffer from river flooding. The Council's Drainage Engineer has objected to the application on the grounds of insufficient information with regards to the surface water system and proposed rainwater harvesting system and soakaways. This has been raised with the applicant who considers that it is not reasonable to demand further calculations or drawings from specialist engineers prior to determination of the application, when there is a type of surface soakaway that would be effective. As this issue has not been resolved, it is recommended that a condition be attached to any approval.

4.10 LOCAL PROVISION

4.10.1 There is no requirement for a financial contribution towards education provision in the area.

4.10.2 Policy L1c requires provision to be made for the open space needs of future occupiers of a development, and is supported by advice in PPS1. For sites of less than 10 dwellings, a commuted sum payment is required for off-site provision. In response to a request for justification by the agent, the Council's Leisure Section has provided a more detailed response, confirming that there are provision issues for teenager facilities, capacity issues for existing allotments and sports facilities in the area. This equates to a commuted sum payment of £1110 per dwelling. The agent has confirmed that his client may accept the imposition of a condition requiring the payment of the sum, though formal confirmation of this had not been gained at the time of writing.

4.11 OTHER ISSUES

4.11.1 Concern has been expressed about the precedent that the proposed development could set in the area and the provision of additional student accommodation. There are few situations in the area similar to that of 95 and 97 Heslington Lane, which have long gardens on the corner of two roads, other than nos 99 and 101 opposite, which have already been developed. In addition, each application is considered on its merits. The development proposes two three bedroom family houses. The planning system does not usually control the occupation of dwelling houses (Use Class C3) providing it falls within the definition of a dwelling house set out in the Use Classes Order, that is, by people living together as a family or by not more than six residents living together as a single household.

5.0 CONCLUSION

5.1 The proposal represents efficient use of brownfield land in a sustainable location, with a development that would provide adequate parking provision and private amenity space and would result in minimal harm to the amenity of surrounding residential properties. The new build properties would change the appearance of the street and result in a reduction in the open area between the properties fronting on to Heslington Lane and those on Barmby Avenue. However, given the mix of house types and styles on the street and the lack of a uniform building line or rhythm on the western side, it would, in the opinion of officers, be difficult to refuse the application on the basis of impact on the character and amenity of the street scene and area.

5.2 Conditions are required if approved to address archaeology, materials and landscaping, sustainability, hours of construction, highway matters, surface water drainage and public open space provision. In addition, due to the size of the gardens and relationship to neighbours, it is recommended that any approval be subject to permitted development rights for the dwellings being restricted.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing no. GB/HL/8A, GB/HL/9A, GB/HL/10A dated May 09 and received 19 August 2009;

Unnumbered site plan dated August 2009 and received 19 August 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 ARCH2 Watching brief required

4 VISQ8 Samples of exterior materials to be app

5 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 **** of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

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

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), nos door, windows or other openings additional to those shown on the approved plans shall at any time be inserted in the side elevations or rear roof slopes of the semi-detached properties.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

7 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 in the garden areas of the two properties hereby approved. The scheme shall include the provision of soft landscaping or turf within the front garden area. 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 the Local Planning Authority agrees alternatives in writing.

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

- 8 NOISE7 Restricted hours of construction
- 9 HWAY9 Vehicle areas surfaced
- 10 HWAY19 Car and cycle parking laid out
- 11 HWAY29 IN No gate etc to open in highway
- 12 HWAY30 Non-protruding garage doors

13 Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. Unless otherwise agreed in writing with the Local Planning Authority, this shall indicate that at least the minimum code level 3___ rating will be achieved. This shall be followed by the submission of a CSH Post Construction Stage assessment, and a CSH Final Certificate (issued at post construction stage). These documents shall be submitted to the Local Planning Authority after completion and before first occupation of the building. Both documents submitted shall confirm that the code rating agreed in the initial CSH Design Stage assessment has been achieved.

Reason: In the interests of sustainable development.

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

Reason: To comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk).

15 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter

be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

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

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £2220 (£1110 per property).

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

**7.0 INFORMATIVES:
Notes to Applicant**

1. INFORMATIVE:

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

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

2. INFORMATIVE:

Please note that the proposal impacts on the availability of parking provision for no. 97 Heslington Lane, shown on the approved plan GB/HL/4 dated Dec 08 and submitted as part of the planning approval granted in February 2009 for a side extension to the property (ref: 08/2813/FUL). Formal approval will need to be sought from the Local Planning Authority for the amendment to the approved plans.

Contact details:

Author: Hannah Blackburn Development Control Officer
Tel No: 01904 551477

95 - 97 Heslington Lane, YO10 4HP

Ref: 09/01179/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	27 August 2009
SLA Number	Not Set

COMMITTEE REPORT**Committee:** East Area**Ward:** Fishergate**Date:****Parish:** Fishergate Planning Panel**Reference:** 09/01175/FULM**Application at:** Novotel Fewster Way York YO10 4AD**For:** Erection of five storey side extension and three storey front extension to provide additional 42 bedrooms, replacement of existing bedroom windows and erection of single storey restaurant extension, entrance canopy, cycle shelter and associated landscaping works**By:** Mr William Holmes**Application Type:** Major Full Application (13 weeks)**Target Date:** 10 September 2009**1.0 PROPOSAL**

1.0 PROPOSAL

1.1 The application site is located within the City of York City Centre inset boundary. It is adjacent to Central Historic Core Conservation Area to the north and New Walk/Terry Avenue Conservation Area to the west. The site is within Flood Zone 2 as defined by the Environment Agency. It is also within Area of Archaeological Importance (AAI).

1.2 The River Foss lies to the west of the site. On the opposite side of River Foss further to the west lies a public footway, which extends from the City Centre southerly alongside the Ouse, crossing the via Blue Bridge. William Court lies to the south of the site, Browney Croft to the north, and Fewster Way to the east. The application site is given as 0.84 hectare.

Proposal Description:

1.3 Following the refusal of planning permission in December 2007 to create 48 additional bedrooms (07/02408/FULM), this latest submission seeks to address the previous reasons for refusal.

1.4 The previous application consisted of a 64.5m x 19.0m structure, with eaves height of 10.5m and a ridge height of 14.5m. It was a 2 storey high extension supported by 4.0m high columns, and was directly facing the rear of nos. 19-25 William Court with a distance of 22.0m in between. This was refused on the grounds that it would appear unduly intrusive and overbearing when viewed from habitable windows in the north elevation of nos. 19-25 William Court by virtue of its scale, siting, and overall massing together with its distances from these neighbouring residents.

1.5 The revised proposals consist of two separate extensions. A four storey high extension supported by columns is proposed at the southern end of the hotel above

the existing service yard, 4 bedrooms are proposed on each floor. The extension is the same height and width as the existing hotel (21m to the ridge and 17m wide). A separate extension is proposed on the eastern side of the hotel. It would contain 14 bedrooms on each floor and would be supported by columns to maintain access for refuse vehicles to the service yard from the main access of Fewster Way. It would measure 29.8m x 16.4m with an overall height of 11.5m. Together with the existing bedrooms, the proposals would result in a total of 166 bedrooms within the site.

1.6 Permission has also been sought for the following works:

- i. External staircase enclosures on the southern elevations of the proposed extensions;
- ii. Replacement of existing pitched roof above the ground floor meeting room with flat wildflower roof;
- iii. Replacement of existing bedroom windows;
- iv. Erection of 10.0m x 8.5m single storey restaurant extension;
- v. Construction of 11.0m x 2.0m entrance canopy;
- vi. Erection of 17.5m x 2.5m enclosed cycle shelter; and
- vii. Associated landscaping works

1.7 Access to the site is via Fishergate, which links Paragon Street and Fawcett Street to form a one way gyratory. The number of car parking spaces on the site will be reduced from 137 to 99 as part of the proposals, mainly to accommodate the new soft landscaping areas that will be provided. Two coach parking spaces will be retained but relocated to an area near to the front entrance. 18 cycle parking spaces will be provided in a new secure cycle shelter adjacent to the north elevation of the hotel.

1.8 The service yard to the south of the application site is currently enclosed by a 1600mm high brick wall. It contains:

- i. a temporary building,
- ii. a meter room,
- iii. 2no. steel containers,
- iv. insulated pipework above ground,
- v. 10no. refuse bins (size approx 200 litres household wheelie bin),
- vi. 1no. refuse skip, and
- vii. access to the plant room.

1.9 The new service yard, which would be situated in the same location would contain the followings:

- i. 1no. storage container,
- ii. 2no. recycling bins,
- iii. 1no. waste bin,
- iv. 1no. air handling unit for air conditioning, and
- v. access to the plant room.

Relevant Planning History:

1.10 7/05/764H/PA: Outline application for use of land for the erection of 210 bedroomed hotel with mixed residential (houses/flats) and public house all with ancillary car parking. Planning permission was granted on 22nd November 1984.

1.11 7/05/764L/PA: Erection of 120 bedroomed hotel (details as reserved for approval in the outline planning permission granted on the 22nd November 1984). Planning permission was granted on 24th July 1986.

1.12 07/02408/FULM: Alterations and extensions to existing hotel and replacement of existing bedroom windows. Permission refused on 17.12.2007.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

Floodland GMS Constraints: Flood Zone 3

Floodland GMS Constraints: Flood Zone 2

Floodzone 2 GMS Constraints: Flood Zone 2 CONF

Floodzone 3 GMS Constraints: Flood Zone 3

Schools GMS Constraints: Fishergate Primary 0197

Schools GMS Constraints: St. George's RC Primary 0225

2.2 Policies:

CYSP8
Reducing dependence on the car

CYSP3
Safeguarding the Historic Character and Setting of York

CYGP1
Design

CYGP3
Planning against crime

CYGP4A

Sustainability

CYGP4B
Air Quality

CYGP9
Landscaping

CYGP11
Accessibility

CYGP15
Protection from flooding

CYNE8
Green corridors

CYNE2
Rivers and Stream Corridors, Ponds and Wetland Habitats

CYHE2
Development in historic locations

CYHE10
Archaeology

CYT4
Cycle parking standards

CYT7C
Access to Public Transport

CYT12
Coach and Lorry parking

CYT13A
Travel Plans and Contributions

CYV1
Criteria for visitor related devt

CYV3
Criteria for hotels and guest houses

CYV4
Allocation of hotel sites

3.0 CONSULTATIONS

INTERNAL

3.1 HIGHWAY NETWORK MANAGEMENT - Response received 26 June 2009:

- The proposal is to extend the hotel by a further 42 bedrooms to a total of 166 bedrooms.
- The scheme will result in a reduction of car parking from 137 spaces to 99 spaces plus 2 coach spaces.
- The surrounding highways are protected by various waiting restrictions, which will manage any on-street parking.
- The applicants have provided information demonstrating that they currently have an excess of parking against current CYC Annex E maximum standards.
- Surveys carried out by the hotel estimate that approximately 50% of residents arrive by car.
- Details on the average occupancy rates of the hotel have also been supplied and when these are considered against the level of customers arriving by car, the amount of car parking being provided compares favourably.
- Furthermore although the level of overall car parking provided is being reduced, the remaining level still accords with CYC Annex E maximum parking standards.
- The management of car parking within the site is a private issue and should the car park become oversubscribed customers would be able to use adjacent public parking facilities at Kent Street.
- The site is within walking distance of the city centre, is served by a number of frequent bus services and is therefore considered to be in a sustainable location.
- Covered and secure cycle parking has been proposed as part of the development.
- The application has also been supported by a strong travel plan, which seeks to promote sustainable travel by both staff and guests of the hotel.
- As such it is not considered that there are sufficient grounds to successfully defend a refusal at appeal on highways grounds.
- No objections are therefore raised to the proposal subject to conditions.

3.2 ENVIRONMENTAL PROTECTION UNIT - Response received 20 July 2009:

- The team is concerned that noise from the proposed plant rooms and noise from vehicular movements could have a detrimental effect on the amenity of neighbouring residents;
- The applicant has provided details for the air conditioning unit located in the Southern extension and states that noise produced by the unit shall not exceed 74dB(A) at a distance of 1m. It is considered that if this equipment is correctly installed, operated and maintained it shall not effect amenity of neighbouring properties.
- The applicant states that equipment installed in the eastern extension will not exceed 58dB(A). Should this equipment be correctly installed, operated and maintained it shall not affect amenity of neighbouring properties.
- In order to ensure the equipment is kept in a good state of repair a condition ensuring maintenance of the plant is recommended.
- The team is concerned that deliveries to the site could have a detrimental effect on the amenity of nearby properties at night. As such a condition requiring white noise reversing sounders to be used at night has been recommended.
- The applicant states that they would be happy to implement a scheme to prevent coaches idling whilst waiting for guests. There is a potential that idling coaches could

affect amenity at night. As such a condition to ensure that a policy is put in place to protect the amenity of neighbours from noise associated with idling coaches has been recommended.

- Residents have concerns that noise from traffic passing through the eastern extension will lead to a tunnelling of the noise. The applicant has assured that raiseable barriers will be put in place across this thoroughfare, which will slow traffic. It is not considered that noise from vehicles passing under this extension would affect amenity.
- Condition requiring details of the extraction of fumes from kitchens has been recommended.

3.3 ECONOMIC DEVELOPMENT UNIT - Response received 25 June 2009. No comments

3.4 DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT:

i. Countryside - response received 22 July 2009:

- There are no objections with regard to ecology on the site and the green roof is to be welcomed.
- The term wildflower roof is considered to be misleading, it is a Sedum roof, which is a fairly mundane form of green roof of relatively limited value in wildlife terms, although it is cheap and easy to incorporate and establish and easy to maintain.
- There are several other options which could be incorporated.
- A full wildflower roof may not be practical as it would probably require a more substantial construction and is more difficult to manage, though can be great as a roof terrace.
- A form of brown roof which requires a sandy substrate to a depth of 2 to 4 inches is recommended.
- In wildlife terms it is recommended that swift boxes should be incorporated into the eaves of the main building. The inclusion of swift boxes is easy and cheap but again can provide substantial value as a wildlife resource.
- Conditions recommended.

ii. Landscaping - response received 22 July 2009:

- It is considered that the existing trees and shrubbery within the site are helpful in breaking up the mass of hard surfacing that makes up the hotel car park; and they help to provide some softening and partial screening along the boundaries with the surrounding residential properties.
- The forecourts to the properties along Fewster Way are relatively lacking in vegetation, and a number of the trees that were planted with the completion of the development have been removed. Therefore additional tree cover/vegetation would be an improvement to the area.
- The proposals aim to increase the soft areas available for tree planting with five sizeable pockets, which if correctly prepared could support establishment and continued thriving of new sizeable trees.
- Although the green roofs will not be appreciated visually from a public perspective they would provide an additional food and nectar source for insects and birds.

- In principal the replacement of areas of hard-standing with planting beds and green roofs will make a positive contribution to reducing the urban heat island effect, and surface water run-off; this is therefore supported.
- The grassed courtyard between the east extension and 23 Fewster Way will be quite a shaded, incidental space given the height of the two neighbouring buildings, but is nonetheless an improvement to the site.
- As such notwithstanding any comments on the impact of the built extension, no objection is raised regarding the general development proposals.
- Nevertheless, whilst the scheme retains the majority of the trees on site, the loss of all the silver birches within the entrance roundabout is not acceptable.
- It is expected that some significant tree planting (either existing or proposed) to be within the roundabout should be retained.
- It is not considered necessary to remove the trees to open up views to the entrance given that it is a big hotel with big signs.
- If this application is recommended for approval the proposed Landscape drawing should not form part of the approval.
- A condition is recommended to secure a more suitable landscape scheme and accompanying details.

iii. Sustainability - Response received 31 July 2009:

- This application adequately covers the minimum standards set out in the Interim Planning Statement (IPS) "Sustainable Design and Construction" 2007 in BREEAM, site waste management, pollution and waste.
- If available, officers would like to see the BREEAM design and procurement stage pre-estimator of this development.
- The following sustainability measures are welcomed: use of green roofs, grey water recovery system, use of A+ rated materials, and timber cladding from sustainable sources.
- details regarding how the development will meet the Site Management requirement of the IPS should be submitted;
- the efforts made by the developer to meet the renewable energy requirements of the IPS are welcomed. Nevertheless additional information such as the predicted energy requirements for the proposed development, predicted energy generated by the proposed air source heat pumps, and the manufacturer information on the air source heat pumps should be supplied.
- the air source heat pumps should contribute to the 10% on-site renewable energy generation target.
- grey water recovery system do not, and should not be included in any statement or figures to reach the development's 10% renewable energy target.

iv Archaeology - response received 4 August 2009:

- This site lies within the Area of Archaeological Importance. The area adjacent to the application site has been the subject of an extensive archaeological excavation.
- This indicates that the site has the potential to produce evidence for Roman, Anglian and medieval occupation.
- A desk-based assessment has been produced for this site and submitted as part of the current planning application. The desk-based assessment indicates that the site as a whole contains archaeological deposits of national importance. However, it is

unclear to what extent these deposits survive, if at all, within the footprint of the proposed extension.

- If the application is approved, it will be necessary to record any archaeological deposits, which survive within the footprint of the proposed extension and to analyse, publish and deposit the resulting archaeological archive.
- In order to determine the presence or absence of archaeological deposits two trenches must be excavated as a post-determination, phase 1 excavation.
- If these indicate that there are no surviving archaeological deposits, no further excavation will be required.
- If archaeological deposits survive, it will be necessary to extend these trenches and excavate those areas within the footprint of the proposed extension, which will be directly affected by piles, pile-caps and groundbeams. - It is anticipated that this may require the excavation of up to 50% of the footprint of the proposed extension.
- If the phase one trenches indicate that there are no archaeological deposits present within the footprint of the proposed extension, the phase 2 archaeological excavation will not be required.
- It is therefore recommended that this application can be approved subject to the imposition of archaeological conditions.

3.5 CITY DEVELOPMENT UNIT - Response received 23 July 2009:

-The scheme should satisfy criteria a - d of Policy V3 (Hotels and Guest Houses) of the City of York Draft Local Plan. Policies GP15a, GP1, HE2 and HE10 should also be satisfied. If all these supporting statements are assessed and approved there should be no policy objection.

3.6 DRAINAGE ENGINEERING CONSULTANCY - Latest response received 18 August 2009:

- The proposed drainage improvements offer a satisfactory reduction in flows from the site and are therefore acceptable.

3.7 LIFELONG LEARNING AND LEISURE - Response received 17 July 2009. No comments.

EXTERNAL

3.8 Neighbours consulted, site notice posted and press advertised. Consultation expired 15 July 2009. 5 letters of objection received raising the following concerns:

- the proposal would increase the size of the hotel while reducing the number of car parking spaces;
- the proposal would affect the view of 21 and 24 William Court;
- The proposed side extension would reduce the level of daylight entering into 20, 21 and 24 William Court;
- The proposed 5 storey extension is considered to be high. It is also in close proximity to 20 William Court. The fall in ground level at William Court would have a greater impact on 20 William Court;
- The proposal would bring windows closer to the properties along William Court. Although these windows do not face directly onto William Court they provide a panorama, which would overlook private gardens. Angled windows would prevent overlooking;

- the noise level of the new air exchange unit and air source heat pump, which form part of the proposal, are not yet known. Due to the enlarged size of the hotel and the need to run them for longer hours these machineries may cause unacceptable noise pollution;
- the noise levels associated with the heating/AC/pumping system of the proposed gym expansion are not yet known.
- the proposed restaurant extension may produce more food smells,
- the fans associated with the new plant room should not be closer towards 18 William Court;
- the proposed changes to the car park layout may change the turning patterns of the lorries. This would bring lorries and their associated noise and fumes closer to William Court;
- The movement of lorries underneath the underpass of the proposed extension would create an echo effect, thus increase the noise levels. Novotel operates 24 hours and many lorries operate during the evenings.
- It is unclear whether the height of the underpass underneath the proposed extension is sufficient to take the coaches and lorries to the rear car park.
- Access from the bottom of Blue Bridge Lane is only for emergency services to access. Therefore this cannot be used as a daily access point should the vehicles not be able to fit under the underpass.
- The extension should be sited further away from William Court next to the Bingo hall;
- The proposed landscaping scheme would not improve the outlook of local residents along William Court;
- The proposed eastern extension should not be raised by columns in order to reduce its overall height;
- The proposed Sunlight assessment is unacceptable, as it does not assess accurately daylight/sunlight orientations in the area.

3.9 NORTH YORKSHIRE POLICE - Response received 19 June 2009:

- The Design and Access statement accompanying the planning application clearly demonstrates an awareness of crime and disorder risk associated with the site.
- The document shows precisely what measures are being taken to alleviate them.
- Issues regarding vehicle crime have been clearly addressed.
- This is the first application North Yorkshire Police received which fully complies with advice and guidance contained in Local Government Circular 01/2006 and Planning Policy Statement no.1.

3.10 ENVIRONMENT AGENCY - response received 14 July 2009:

- The new hotel accommodation would be at first floor level above potential flood levels and above the existing building;
- There will be no increase in surface water run off as a result of the proposed development;
- the drainage strategy states there will be a 21% increase in permeable surfacing on site as a result of the works and provision of wildflower roots;
- As such no objections have been raised by the Environment Agency.

3.11 YORKSHIRE WATER - latest response received 14 August 2009:

- Yorkshire Water has no objection in principle to:

- i. The proposed separate systems of drainage on site and off site;
 - ii. The proposed amount of domestic foul water to be discharged to the public foul water sewer;
 - iii. The proposed amount of domestic surface water to be discharged to the public surface water sewer (at a restricted rate of 60 (sixty) litres/second in total);
 - iv. The proposed point of discharge of foul and surface water to the respective sewers.
- Planning conditions recommended.

3.12 VISIT YORK - Response received 21 July 2009:

- Visit York welcomes in principle the proposals from Accor Hospitality to enhance the facilities at the hotel through this investment.
- Visit York welcomes the intention to raise the quality of the hotel from a three to a four star standard, which is an ambition reflected in the planning application.
- This meets Visit York's desire to deliver long term and sustainable growth in the value of the visitor economy by enhancing the quality of the visitor experience and promoting York as a world-class visitor destination.
- This ambition will be achieved through a commitment in the city to raising standards, and the proposed investment will do this.
- Visit York welcomes the company's recognition of the economic value of staying visitors, the fact that Novotel York is the company's best performing business and leisure sector hotel in the UK outside London with 72,000 guests in 2008 (an 86.2% occupancy level), and the proposal to increase employment by 13 jobs.
- Visit York recognises that the current proposals acknowledge the reasons for objections to the previous application (in December 2007) and believes that there has been sufficient reconsideration on the part of the applicant to significantly improve the quality of this application and therefore enable it to be supported by the Council.

3.13 FISHERGATE PLANNING PANEL consulted - no response received 9 July 2009.

4.0 APPRAISAL

4.0 APPRAISAL

4.1 The main issues to be considered are as follows:

- i. Design, appearance and impact on the conservation area
- ii. Parking and Highway Safety
- iii. Servicing and Environmental Protection Considerations
- iv. Residential Amenity
- v. Flood Risk
- vi. Sustainability
- vii. Other Material Considerations

DESIGN, APPEARANCE AND IMPACT ON THE CONSERVATION AREA

4.2 The extension to the south side of the existing hotel (the southern extension) continues the scale and massing of the existing building. It maintains the rhythm of the existing elevation facing Browney Dyke. The view of the hotel from river Ouse and New Walk/Terry Avenue Conservation Area will therefore remain largely unchanged.

4.3 The second extension is proposed to the east of the hotel parallel to its façade above the entrance to the hotel car park. As the bulk of the extension would be detached from the main hotel it is proposed to break the 'monotony' of late 1980's elevation of the existing hotel by introducing a new contemporary extension entirely different to the main structure in terms of character, design, appearance and the use of materials. The regularity of the extension would nevertheless reflect that of the hotel façade in the background. Cedar cladding has been chosen to soften the urban landscape and to provide relief from the rest of the brick structure in the background. In the interests of further softening the urban landscape, improving the visual appearance and amenity of the area and achieving a more sustainable form of development, a wild flower roof is proposed above the eastern extension.

4.4 The new fire escape staircases to the side of the southern and eastern extensions step down and are subservient to both the main body of the hotel and the proposed extensions. The external staircases would be lit 24 hours a day. To eliminate the effect of light pollution upon the residents along William Court both staircases would be screened by external brickwork and cedar cladding on the side elevations. A condition has been recommended to ensure that no glazing would be fitted in the block windows of the external staircase at any time (condition 22). The glazed enclosures in the front and rear of the staircases would not be facing the residential properties nearby; it would also be partially screened by the main hotel and the side walls of the staircases. Thus it is unlikely that any illumination from within the staircases would have a noticeable impact on local residents nearby.

4.5 A single storey restaurant extension is proposed to the west of the hotel facing Browney Dyke. It would be a glazed timber structure; its size and appearance would respect the adjoining ground floor buildings. The proposed canopy above the main entrance of the approaching elevation would be partially glazed with the centre part undercladded with timber and supported by two columns. Its simplicity in design terms would respect the main entrance of the hotel, which is visible from the public highway. As the proposed windows replacements are like-for-like it would not materially alter the character and appearance of the existing building.

4.6 With regards to landscaping, a landscape proposals plan submitted with the planning application details the following:

- i. removal of 15 parking spaces and their replacement with a large soft landscaped area (198sq.m) adjacent to 23 Fewster Way;
- ii. planting of new trees and shrubs along the southern boundary with 18-25 William Court and along the northern boundary with Browney Croft;
- iii. planting of trees and shrubs adjacent to the hotel's refuse bin area to help soften views of this facility from properties in William Court;
- iv. introduction of a new small area of planting adjacent to the end of the cul-de-sac in William Court;

v. planting of trees and shrubs in the middle and on the end of the narrow planted strip in the centre of the car park between Fewster Way and Mecca Bingo Hall;

vi. provision of new planting within the existing strip; and

vii. planting of trees and shrubs along the southern boundary of the resident's car park to the rear of 7-11 Fewster Way and 60-66 Fishergate, continuing along the eastern boundary of the hotel car park where it abuts Fishergate.

4.7 According to the applicant the new planted areas would provide 363sq.m of new soft landscaping to the site and wildflower roofs would provide a further 913sq.m.

4.8 The Council's landscape architect supports the principal of replacing areas of hard-standing with planting beds and green roofs as it would make a positive contribution towards reducing the rise of temperature in the urban area (known as 'urban heat island effect') and surface water runoff. Whilst no objection has been raised to the general development proposals, it is not considered that the detailed planting proposal are entirely acceptable due to the loss of all Silver Birch trees within the entrance roundabout. Furthermore, the proposal to replace planting with ground cover and New Zealand Flax is regarded as mundane and that the overall plant list is considered to be too limited. As such the proposed landscape proposal plan would not form part of the approval and that a planning condition has been recommended to secure a more suitable landscape scheme and accompanying details (condition 16).

4.9 The application site is outside the adjacent conservation areas albeit the site boundary abuts the New Walk/ Terry Avenue conservation area to the west. Thus the site can be seen from New Walk, which lies within the Conservation Area. Due to the positioning of the proposal the only part of the scheme that is likely to be visible from New Walk/Terry Avenue Conservation Area is the western wall of the southern extension which continues the scale and massing of the existing building and maintains the repetitive rhythm of the existing elevation. As such the character and appearance of the conservation area is unlikely to be materially altered by virtue of this development. It is not considered that the enclosed staircase to the south of the southern extension would materially affect the conservation area by virtue of its size and low-profile appearance in relation to the existing building.

4.10 The proposals would be well screened by the surrounding buildings and would be over 70.0m away from the public highway to the east of the application site. Hence their impact on the character and appearance of York Central Historic Core Conservation Area and the general appearance of Fishergate are considered to be minimal.

PARKING AND HIGHWAY SAFETY

4.11 The proposal would result in a reduction of car parking from 137 spaces to 99 spaces plus 2 coach spaces. Notwithstanding the reduction in parking spaces despite the increase in bedrooms to 166, the remaining level would still exceed the maximum parking standards set out in Annex E of the City of York Draft Local Plan, which is 1 space per 4 bedrooms and 1 coach space per 100 bedrooms. Furthermore, the surrounding highways are protected by various waiting restrictions, which will manage

any on-site parking. Surveys carried out by the hotel estimate that approximately 50% of residents arrive by car. When the level of customers arriving by cars is assessed against the occupancy rate of the hotel (86.2% in 2008) the number of car parking being provided compares favourably.

4.12 The site is also within walking distance of the city centre, is served by a number of bus services and is therefore considered to be in sustainable location. Covered and secure cycle parking has been proposed as part of the scheme. The Travel Plan submitted by the applicant seeks to promote sustainable travel by both staff and guests of the hotel.

4.13 It is considered by highway officers that the height of the proposed underpass (4.0m) is sufficient for lorries and coaches to pass without having to gain access into the site via Blue Bridge Lane. According to the land registry this access is restricted for use in emergency only. Thus regardless of the outcome of this application the onus is on the applicant to ensure this statutory requirement is complied with at all times.

SERVICING AND ENVIRONMENTAL PROTECTION CONSIDERATIONS

4.14 Noise from the proposed plant rooms and vehicular movements has been considered. According to the details provided noise generated by the air conditioning unit in the southern extension would not exceed 74dB(A) at a distance of 1m, and the noise generated by the equipment installed in the eastern extension would not exceed 58dB(A). Provided that these equipments are correctly installed, operated and maintained it is considered by the Environmental Protection Unit that the proposals would not affect the amenity of neighbouring properties. Notwithstanding the information submitted, conditions requiring details of the equipments to be submitted, approved and maintained have been recommended (conditions 12 and 13).

4.15 Whilst the Environmental Protection Unit (EPU) is satisfied with the level of noise likely to be generated by the equipment, it is noted that paragraph 19, Annex 3 of Planning Policy Guidance no.24 (Planning and Noise) states, using the guidance set out in BS4142: 1990, that the likelihood of complaints is indicated by the difference between the noise from the new development and the existing background noise, and that "a difference of around 10dB or higher indicates that complaints are likely. A difference of around 5dB is of marginal significance". The plant and equipment in the southern and eastern extensions clearly exceed 10dB. Nevertheless, further information submitted by EPU states that according to BS8233 a Masonry wall gives a sound attenuation of between 43 to 50 dB. Assuming worst case scenario of 43 dB this would reduce the noise to 31 dB. The closest property is 20m over this distance, and therefore sound will attenuate by another 26 dB giving a noise level of 5dB at the nearest residential facade. PPG 24 assumes a reduction of 13 dB for an open window at the nearest residents' property therefore the predicted noise level from the hotel would be less than 0 at the residential property. The submitted plans denote a lobby on the southern extension. This would further reduce the noise, as any noise would have to pass through the wall into the lobby then out through a second wall.

4.16 Regarding the equipment in the eastern extension, the Eastern plant room has a door for access which will act as the area where the most sound will escape, assuming the worst case scenario that this door is left open continuously it can be predicted that

the door would act in a similar manner to an open window giving a reduction of approximately 10-15 dB. Assuming a 13 dB reduction the noise level at the facade of the applicants plant room would be 45 dB. The closest property is 14m over this distance, thus sound will attenuate by another 18.1 dB giving a noise level of 26.9 dB at the nearest residential facade. Assuming a 13 dB reduction for an open window this would give noise levels of 13.9dB. If the door is shut the noise level will be substantially reduced in the region of 23 - 33 dB. This would also reduce the predicted noise levels to below 0dB.

4.17 A condition requiring noise reversing sounders to be used by delivery vehicles visiting the site at night has been recommended (condition 11). In addition, a scheme to prevent coaches idling whilst waiting for guests is proposed (condition 10).

4.18 Concerns have been raised regarding the 'tunnelling effect' of noise by virtue of traffic passing through the underpass of the eastern extension. According to Environmental Protection Unit, provided that measures are in place to reduce the speed of the traffic it is unlikely that vehicle passing this extension would affect amenity. Details of the proposed traffic calming measures are required to be submitted prior to the commencement of development (Condition 23).

4.19 With regard to the additional fumes and odour from the proposed restaurant expansion, in order to ensure that adequate facilities for the treatment and extraction of fumes are in place details of the extraction plant or machinery and any filtration system are expected to be approved by the local planning authority prior to the commencement of development (condition 14).

RESIDENTIAL AMENITY

4.20 To break up the overall massing of the hotel expansion it is proposed to provide 42 additional bedrooms through two separate extensions. The southern extension would bring the main hotel nearer to 19-25 William Court but at a distance of 26.0m this would be more acceptably further away from these properties than the previous refused scheme (22.0m). Given the relationship, together with the separation distances between the proposals and the rear façade of William Court it is unlikely that the scheme would materially affect the level of daylight entering into the principal windows of these southern properties throughout most of the day. Whilst there may be a degree of daylight obstruction during late afternoon/early evening when the sun sets at a north-westerly direction it is unlikely that the degree of obstruction would be substantially greater than the obstruction already exist due to the size and position of the existing hotel. Furthermore, the proposed extension would not protrude beyond the front and rear walls of the existing hotel whereas the previous refused 14.5m high extension extended across the full width of 19-25 William Court, and sat in parallel to these properties.

4.21 The eastern extension including the glazed linkage would be visible from 19-25 William Court. Nevertheless with a 40.0m distance between the extension and the rear façade of these properties it is not considered that the siting of an 11.5m high extension in this location would unacceptably affect the amenity of the residents along 19-25 William Court.

4.22 There would be no window openings in the south elevation of the extensions (the elevation directly facing William Court); all bedroom windows are either facing eastward or westward. Whilst the positioning of these windows may not totally prevent the private gardens along William Court from being overlooked it is noted that there is already a degree of overlooking between gardens along William Court, which is not unusual in an urban environment.

4.23 The 14.0m distance between the proposed eastern extension and 23 Fewster Way is considered to be acceptable in this location given that the extension would be directly facing the non-habitable windows in the side elevation of this property. There is a conservatory at the rear of 23 Fewster Way. To prevent the possibility of overlooking a number of windows in the hotel extension have been angled towards the hotel car park.

4.24 The Sunlight and Daylight Assessment submitted by the applicant's agent concluded that although 23 Fewster Way will experience a minor loss of daylight, the level of daylight reaching their windows would still be well above the British Research Establishment (BRE) Guidance. Hence the properties along Fewster Way will maintain a good level of daylight and sunlight during the whole year. It is not considered that the proposal would affect the two windows in the north elevation of 18 William Court, which are both non-habitable windows.

FLOOD RISK

4.25 The application site is situated within medium and high flood zone 2 and 3, thus a Flood Risk Assessment has been submitted and Environment Agency has been consulted. No objections have been raised by the Environmental Agency, as the new hotel accommodation will be at first floor above potential flood levels and above the existing building. Furthermore, as the extensions would be erected above an already impermeable ground there would be no additional surface water runoff. The drainage strategy also states there will be a 21% increase in permeable surfacing on site as a result of the provision of wildflower roof and grass area, which means heavy runoff that causes localised flooding is likely to be minimised.

4.26 Yorkshire Water has raised no objection in principle to the proposed separate systems of drainage, the amount of foul water to be discharged to the public water sewer, the amount of surface water to be discharged to the public surface water sewer, and the proposed point of discharge of foul and surface water to the respective sewers subject to conditions and informatives. The Council's Drainage Consultancy has raised no objection as the proposed drainage improvements offer a satisfactory reduction in flows from the site.

SUSTAINABILITY

4.27 In accordance with Policy GP4a "Sustainability" of the City of York Draft Local Plan 2005 a Sustainable Statement has been submitted setting out the principle of sustainability. To meet the requirement of ensuring at least 10% of the expected energy demand will be provided by on site renewable generation a number of options have been proposed, which include the use of air source heat pump to provide heating and cooling for both the extensions. It would also function as an air conditioning supply

for the existing 124 bedrooms and will offer a more energy efficient system for the public area. A heat pump is expected to provide between 7% and 11% of the expected energy demand for the new development.

4.28 A grey water recovery system is also proposed to be installed. The grey water from showers, baths and washbasins will be collected and treated. The water is then passed back into the system to be used as toilet flush water, hence reduce water consumption considerably. The proposed wildflower roofs would improve air quality by filtering airborne particulates and reduce energy consumption of the development by increasing its thermal insulation, making it warmer in the winter and cooler in the summer. It is also beneficial from an ecological perspective, reduce the risk and likelihood of flooding, and reduce noise level as soils and plants can be used to insulate sound.

4.29 Energy consumption and carbon emission would also be reduced in both the existing building and proposed extensions. The existing single glazed windows in all bedrooms would be replaced with double glazed windows. The new extension would be fitted with windows of the same type. Heating insulation would also be installed to roof cavities to retain heat during the winter period while reducing loss of cool air in summer periods. The building materials to be used in the construction would be, where practical locally sourced, reused and recycled and from sustainable sources.

4.30 It is considered by the Sustainable Development team that the proposals would adequately cover the minimum standards set out in the Interim Planning Statement on Sustainable Design and Construction. As the sustainability measures proposed and described above require finalising prior to the commencement of development (conditions 17 and 18), the information requested by the team, such as the predicted energy requirements for the development, the predicted energy generated by the proposed air source heat pumps, and site management requirements is expected to be submitted at the discharge of conditions stage.

OTHER CONSIDERATIONS:

4.31 Planning Against Crime: Notwithstanding North Yorkshire Police's support of the scheme a Secured by Design condition is recommended to ensure that the measures proposed will be implemented (condition 24).

4.32 Archaeological issues: The site is within an area identified as Area of Archaeological Importance (AAI). Hence an Archaeological desk-based assessment has been submitted. The Council's Archaeological team have been consulted; no objections were raised subject to standard archaeological conditions.

4.33 Local wildlife: It is not considered by the Council's Countryside Officer that the proposal would affect the ecology of the locality and that the introduction of green roofs is welcomed. Nevertheless, it is considered that Sedum roof provides limited value in wildlife terms. Instead, a form of brown roof that requires a sandy substrate to a depth of 2 to 4 inches is recommended. This does not need irrigation as it is designed as a dry habitat in summer that can be seeded with a mix designed for these conditions. These mixes are primarily annual and can be very colourful, hence give a more

attractive and more ecologically valuable result. The suggestion highlighted is to be secured through the recommended landscape condition (condition 16).

4.34 Issues concerning property value, the loss of view and the intention of the applicant to erect the extension are non-material planning considerations.

5.0 CONCLUSION

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

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Y-AP-01-08-201 Proposed Site Layout

Y-AP-01-08-203 Proposed Ground Floor Plan

Y-AP-01-08-204 Proposed First Floor Plan

Y-AP-01-08-205 Proposed Second Floor Plan

Y-AP-01-08-206 Proposed Third Floor Plan

Y-AP-01-08-207 Proposed Fourth Floor Plan

Y-AP-01-08-208 Proposed Roof Layout

Y-AP-01-08-209 Proposed Elevations Sheet 1

Y-AP-01-08-210 Proposed Elevations Sheet 2

Y-AP-01-08-213 Rev B New Entrance Canopy received on 10 June 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 VISQ8 Samples of exterior materials to be app

4 HWAY18 Cycle parking details to be agreed

5 HWAY19 Car and cycle parking laid out

6 HWAY31 No mud on highway during construction

7 HWAY35 Servicing within the site

8 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site

clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority. Such a statement shall include at least the following information:

- i. the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours;
- ii. where contractors will park;
- iii. where materials will be stored within the site;
- iv. details of how the car parking area will be managed during the construction period to ensure adequate car parking remains; and
- v. measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

9 The site shall hereafter be occupied in accordance with the aims, measures and outcomes of a Travel Plan that has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development complies with advice contained in PPG13(Transport), and in policy T13a of the City of York deposit Draft Local Plan, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

10 A vehicle management scheme shall be submitted to the local planning for approval. This scheme shall be implemented prior to the first use of the development. This scheme shall consider noise associated with the coaches when picking up and dropping off guests.

Reason: To protect the amenity of neighbouring residents from noise.

11 White noise reversing sounders shall be fitted to and used by all delivery vehicles when reversing within the application site boundaries between the hours of 23:00 and 7:00 Mondays to Sundays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of neighbouring residents from noise.

12 Prior to the commencement of development details of the air conditioning plant to be installed and used as part of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the air conditioning plant shall be installed, used and maintained in accordance with the approved details.

Reason: To protect the amenities of nearby residents.

13 Prior to the commencement of development details of the grey water recycling

system plant to be installed and used as part of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the grey water recycling system plant shall be installed, used and maintained in accordance with the approved details.

Reason: To protect the amenities of nearby residents.

14 There shall be adequate facilities for the treatment and extraction of fumes so that there is no adverse impact on the amenities of local residents by reason of fumes or odour. Prior to the commencement of development details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval; once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of neighbours.

15 No development shall take place until details have been submitted to and approved by the Council as to how wildlife enhancement is to be taken into account within the new development to enhance the biodiversity of the design. The proposals are to be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To take account of and enhance the habitat for declining species.

16 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed landscape scheme that shall include the species, stock sizes, density (spacing), and position of trees, shrubs and other plants within the planting beds; substrate material, seed species mix and sowing rate for the green roofs. The planting plan shall be accompanied with details of ground preparation and tree pits. 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 the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site, since the landscape scheme is integral to the amenity of the development.

17 The developer shall aim to achieve a Building Research Establishment Environmental Assessment Method (BREEAM) assessment standard of at least "very good" for the development. Unless otherwise agreed in writing prior to the commencement of the development, the developer shall submit in writing for the approval of the Local Planning Authority a BREEAM design assessment demonstrating the progress of the BREEAM assessment, the percentage score expected to be achieved and the standard to which this relates. Where this does not meet at least a 'very good' standard then the developer shall demonstrate the changes that will be made to the development in order to achieve this standard.

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

18 Unless otherwise agreed in writing by the Local Planning Authority, a minimum of 10% of the expected energy demand for the development hereby approved shall be provided through on site renewable generation for heat and/or electricity. Prior to the commencement of development a statement outlining how this is achieved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved statement unless otherwise agreed in writing by the Local Planning Authority.

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

19 Prior to the commencement of development details of a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Site Waste Management Plan shall be fully implemented unless otherwise agreed in writing by the Local Planning Authority.

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

INFORMATIVE:

To comply with this condition the Site Waste Management Plan is expected to be prepared in accordance with the Department of Trade and Industry (DTI) guidance on Site Waste Management Plans. The plan is expected to include the following steps:

- i. Assign responsibility to producing the plan;
- ii. Identify the types and quantities of waste;
- iii. Identify waste management options;
- iv. Identify waste management sites and contractors;
- v. Carry out necessary training;
- vi. Plan for efficient materials and waste handling;
- vii. Monitor how much and what types of waste are produced;
- viii. Monitor and implement the plan; and
- ix. Review how the plan worked at the end of the project

20 ARCH2 Watching brief required

21 Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not commence until an archaeological mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The archaeological mitigation strategy shall include:

- i. the size, location and excavation methodology of two phase 1 trenches, and

ii. the methodology for a phase 2 archaeological excavation of the footprint of the proposed extensions, which will be directly affected by piles, pile-caps and groundbeams.

Reason: This development will have an effect on nationally important archaeological deposits and these deposits must be excavated prior to development taking place.

22 There shall be no glazing fitted in the south elevation of the southern extension hereby approved at any time.

Reason: In the interests of residential amenity.

23 There shall be traffic calming measures underneath the eastern extension hereby approved. Prior to the commencement of development details of the traffic calming measures shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved measures shall be fully implemented unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and pedestrian safety.

24 Prior to the development commencing, excluding site clearance, demolition and remediation, details that show how 'Secured by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the development hereby approved.

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

25 Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor prior to discharge, details of the interceptor shall be submitted to and approved in writing by the local planning authority and thereafter the approved interceptor shall be installed in accordance with the approval and shall not be removed at any time unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of satisfactory drainage.

26 Unless otherwise agreed 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 and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

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

27 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 can be properly drained.

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

Reason: In the interest of satisfactory and sustainable drainage.

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 design, appearance and impact on the conservation area, parking and highway safety, servicing and environmental protection considerations, residential amenity, flood risk, sustainability, planning against crime, archaeology and local wildlife. As such the proposal complies with Policies Y1, ENV1, ENV2, ENV5, ENV9, E1, E2, E6, T2 and T5 of the Yorkshire and Humber Regional Spatial Strategy to 2026, and Policies SP3, SP8, GP1, GP3, GP4A, GP4B, GP9, GP11, GP15, NE8, NE2, HE2, HE10, T4, T7C, T12, T13A, V1, V3 and V4 of the City of York Development Control Local Plan.

2. The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that neighbours are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval:

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

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

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

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

v. There shall be no bonfires on the site.

3. The applicant is informed that roof drainage should not be passed through any drain interceptor.

4. Foul water from kitchens and/or food preparation areas of any restaurants and/or

canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network. The developer is advised to consult with Yorkshire Water's Industrial Waste Section (telephone 0845 1242424) on any proposal to discharge a trade effluent to the public sewer network.

5. If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact Yorkshire Water's New Development Team at Sheffield (telephone 0845 124 24 24, Fax 01274 303 047) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.

6. The applicant is reminded that in order to allow sufficient access for maintenance and repair work at all times, no building or other obstruction should be located over or within 3.0m either side of the centre line of the sewer, which crosses the site.

7. The applicant is advised that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our New Development Team in Sheffield (telephone 0845 124 24 24, Fax 01274 303 047) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

8. The developer is required, under Section 115 of the Water Industry Act 1991 to enter into a formal agreement with Yorkshire Water Services to discharge non-domestic flows into the public sewer network.

Contact details:

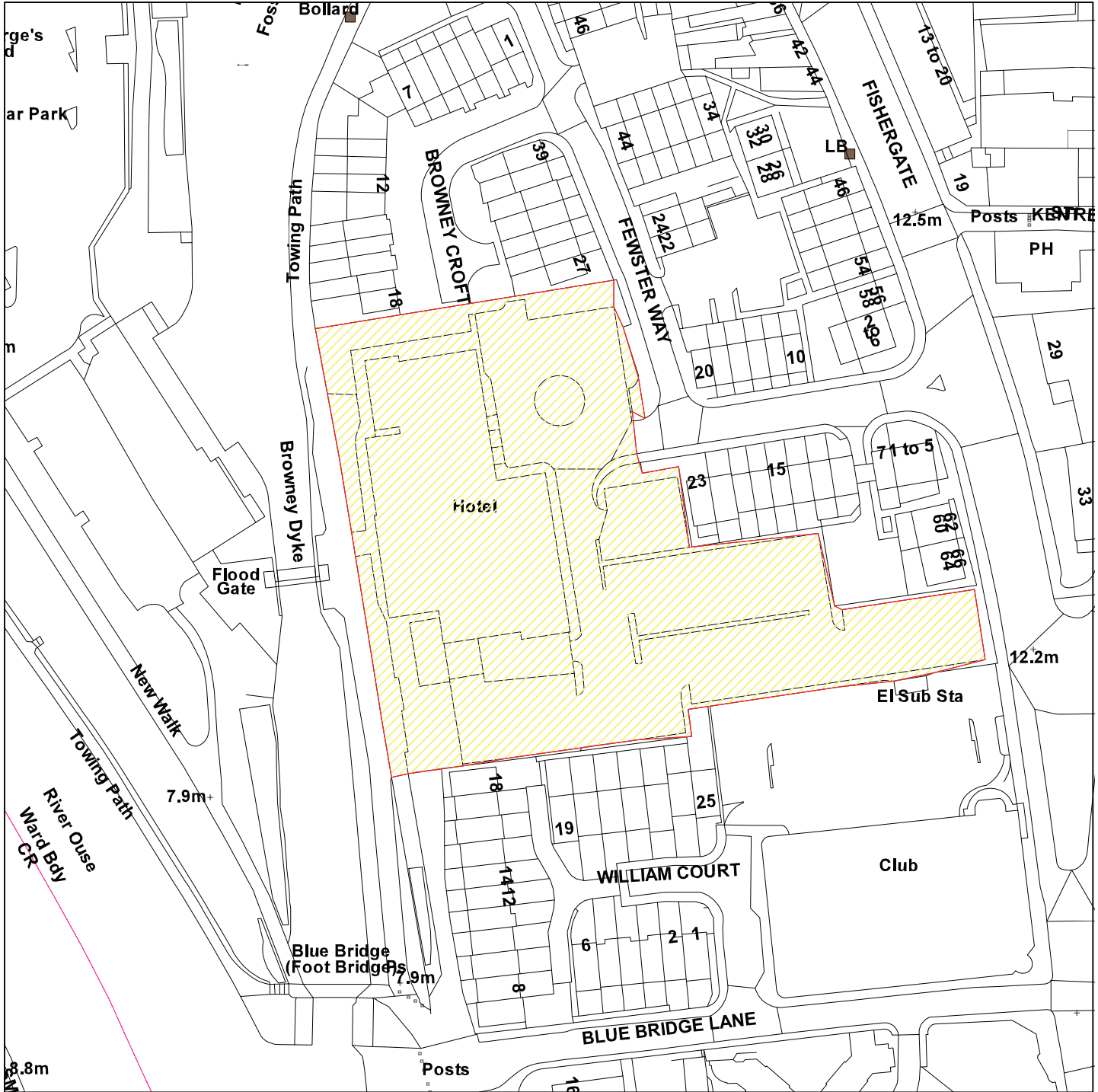
Author: Billy Wong Development Control Officer
Tel No: 01904 551326

Novotel, Fewster Way, Fishergate

Ref: 09/01175/FULM



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	27 August 2009
SLA Number	Not Set

2.2 Policies:

CYGP1
Design

CYGP15
Protection from flooding

CYGP4A
Sustainability

CYNE6
Species protected by law

3.0 CONSULTATIONS

INTERNAL.

3.1 Highway Network Management.
Comments awaited. Members to be updated verbally at the Committee meeting.

3.2 Environmental Protection Unit.
No objections but request that conditions be attached referring to Noise/vibration/dust, floodlighting and Contaminated land.

3.3 Countryside / Ecology Officer.
No objections.

EXTERNAL.

3.4 Clifton Planning Panel.
No objections provided that the information regarding traffic implications is assessed as correct by the appropriate specialist Council staff.

3.5 Foss Internal Drainage Board.
The calculations included with the application suggest that the discharge from this site will be similar to that already existing and will discharge to the River Foss. The IDB consider the application as a redevelopment of a brownfield site and would therefore look to reduce the final discharge rate to a maximum of 70% of the existing rate. Condition recommended.

3.6 Neighbours and Third parties.
Site notices were placed close to the entrances on Haxby Road and Wigginton Road. The nearest houses opposite the Haxby Road entrance were consulted by letter. No objections received.

4.0 APPRAISAL

4.1 KEY ISSUES:

- Highway movements and safety.
- Visual amenity and impact on Bootham Stray.
- Harm to protected species.
- Sustainability.
- Surface water drainage.

4.2 Relevant national guidance is contained in PPS1 (Delivering Sustainable Development), the overriding objective of which is the need to promote sustainable and inclusive patterns of development, PPS9 (Biodiversity and Geological Diversity) which states that planned development should have a minimal impact on biodiversity and PPG13 (Transport) the key objectives of which include promoting more sustainable transport choices including public transport and reducing the need to travel by private car. PPS25 (Development and Flood Risk) is also considered relevant, an overarching aim of which is to ensure that new development does not increase flood risk whether it be through river flooding or surface water drainage.

4.3 With reference to the City of York Draft Local Plan, the policies relevant to this proposed development include:-

GP1 (Design). This seeks to ensure that development proposals respect the local environment, be of a density, layout, scale and design which is compatible with neighbouring buildings, spaces and local character, respect local neighbour amenity and provide the minimum lighting levels required in connection with that development.

Policy NE6 (Species protected by law) - states that where a proposal may have a significant effect on protected species or habitats, applicants will be expected to undertake an appropriate assessment to ascertain the presence of any protected species and where they are identified what mitigation measures will be provided.

Also relevant to this application are policies GP15a (Development and Flood risk) and T4 (cycle parking standards).

HIGHWAY MOVEMENTS AND SAFETY.

4.4 At the time of writing this report, the comments of the Council's highway officers are awaited. These will be reported to members at the meeting. The main points for consideration on this issue are the likely vehicle movements as a result of this development and in particular how these compare to existing levels, particularly bearing in mind the reduced production area as a result of the future Nestle South redevelopment. The existing Haxby and Wigginton Road entrances are being utilised so no new access points are proposed. One positive element of the proposal in highway terms is the moving of the Wigginton Road site entrance (security barrier and hut) further into the site. This will result in increased queue capacity off the public highway (particularly for HGV's) whilst waiting at the security gate which, it is hoped, will increase highway safety at this point.

VISUAL AMENITY AND IMPACT ON BOOTHAM STRAY.

4.5 The Wigginton Road entrance is adjacent to Bootham Stray and a key issue is whether the proposed entrance details affect the setting and visual appearance of The Stray at this point. Despite the repositioning and realigning of the entrance road including the barrier, weighbridge and security cabin there is no alteration to the boundary with the Stray land. The new security cabin and entrance details will now be seen further into the site so slightly opening up the views into the site from public views, which represents a slight visual improvement over existing. Realigned fence positions are internal to the site and do affect Stray boundaries.

4.6 The new security building is similar to the existing equivalent. It is modest in size at less than 4 metres high and against the highly industrial backdrop of factory and office buildings officers consider that this will be barely noticeable. Furthermore, the general entrance arrangement will be similar to existing and is what would be expected to be seen at the main entrance to a large industrial site such as this. Officers raise no objections to this.

HARM TO PROTECTED SPECIES

4.7 In order to create the space for the new car park which will take its access from Haxby Road, a building (building 58) has to be demolished. This building has been subject to a detailed bat survey which concludes that no bats are present in the building. The Council's Countryside officer is happy with these conclusions and raises no objections.

SUSTAINABILITY

4.8 The comments of the highways officer are awaited and these may include some comments on levels of parking, cycle parking provision and promoting sustainable forms of transport for staff working at the site. Overall the redevelopment proposals will result in a reduction in parking on the site of approximately 11% although this is partly due to the future smaller production area. This equates to an overall loss of spaces across the site of 132. The site already has a good supply of cycle parking across the site and the provision contained within the future Nestle South redevelopment area have been re-provided across the remainder of the site so thereby maintaining the existing provision. A cycle only access gate will also be provided on Haxby Road which will provide access to the 162 cycle storage area on the eastern side of the site. The site is also very well served by public transport and this application does not alter the arrangements that staff already have with regard to using public transport.

SURFACE WATER DRAINAGE

4.9 The comments of the Foss IDB are noted and conditions recommended to address these. The comments of the Council's Structures and drainage officers are awaited however and therefore the final wording of such a condition (if required) will be reported at the committee meeting. A new surface water drainage design is included in the scheme and overall this will result in a reduction in the discharge rate from 311l/s to 298l/s, although it is hoped that this can be improved upon further. It is not envisaged that there will be any flooding issues as a direct result of this development, subject to the agreed scheme.

5.0 CONCLUSION

5.1 Subject to the comments of the highway officers, no objections are raised with regard to visual amenity, impact on Bootham Stray, drainage and loss of protected species. The proposal is considered to be in accordance with national guidance and relevant draft local plan policies on these matters. Final highway and drainage comments and any recommended conditions as a result of these will be reported to members at the committee meeting.

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:-

Drawing no's:

- 1032/01
- U1446/01
- A3 - CP001 Sheet 2
- A3 - CP001 Sheet 3
- A3 - CP001 Sheet 4
- U1446/01 Rev. A
- 78579/202 Rev. H

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 A Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork, construction and demolition phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. Once approved, the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason. In the interests of maintaining reasonable levels of amenity of nearby residents during construction.

5 In the event of the car parks being floodlit at any time, a full Lighting Impact Assessment for each of the proposed sites would be required to assess the impact of the lighting from the park and ride developments on the environment and local residential dwellings. Such assessment should be undertaken by an independent assessor (not the applicant or the lighting provider) and agreed in writing by the Local Planning Authority prior to its installation and should include the following details:

- Description of the proposed lighting: number of lighting columns and their height, and proposed lighting units.
- Proposed level of lighting and the proposed site.
- Drawings showing the illuminance levels (separate drawings for each item listed):
 - Plan showing horizontal illuminance levels (E_h), showing all buildings within 100 metres of the edge of the site.
 - Plan showing vertical illuminance levels (E_v), showing all buildings within 100 metres of the edge of the site.
 - Vertical cross-sections across the site showing lighting columns and vertical illuminance (2 to 50 lux lines), the heights of buildings within 100 metres of the edge of the site and any existing/proposed screening. Two vertical cross-sections across the length and width of the site (perpendicular to each other) should be provided.
- Specification of the Environmental Zone of the application site, as defined in The Institution of Lighting Engineers' Guidance Notes for the Reduction of Light Pollution.
- A statement of the need for floodlighting.

Reason. In the interests of preventing unnecessary light pollution in the local area and in the interests of the amenity of local residents.

6 In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken, and where remediation (clean-up) is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason. In the interests of the amenity and public health of people using this land.

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

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 Highway movements and safety resulting from the amended access and layout details, visual amenity and good design with regard to the new security centre and in particular any impact the development may have on Bootham Stray, harm to protected species with particular regard to the possible presence of bats in the building to be demolished to make way for the Haxby Road car park, sustainability, with particular regard to continued cycle and public transport use and surface water drainage rates from the new car parks which may cause flooding in the local area. As such the proposal complies with national guidance in PPS1 (Delivering Sustainable Development), PPS9 (Biodiversity and Geological Diversity), PPG 13 (Transport) and PPS25 (Development and Flood Risk) and Policies GP1, GP15A, NE6 and T4 of the City of York Development Control Local Plan.

Contact details:

Author: Matthew Parkinson Development Control Officer

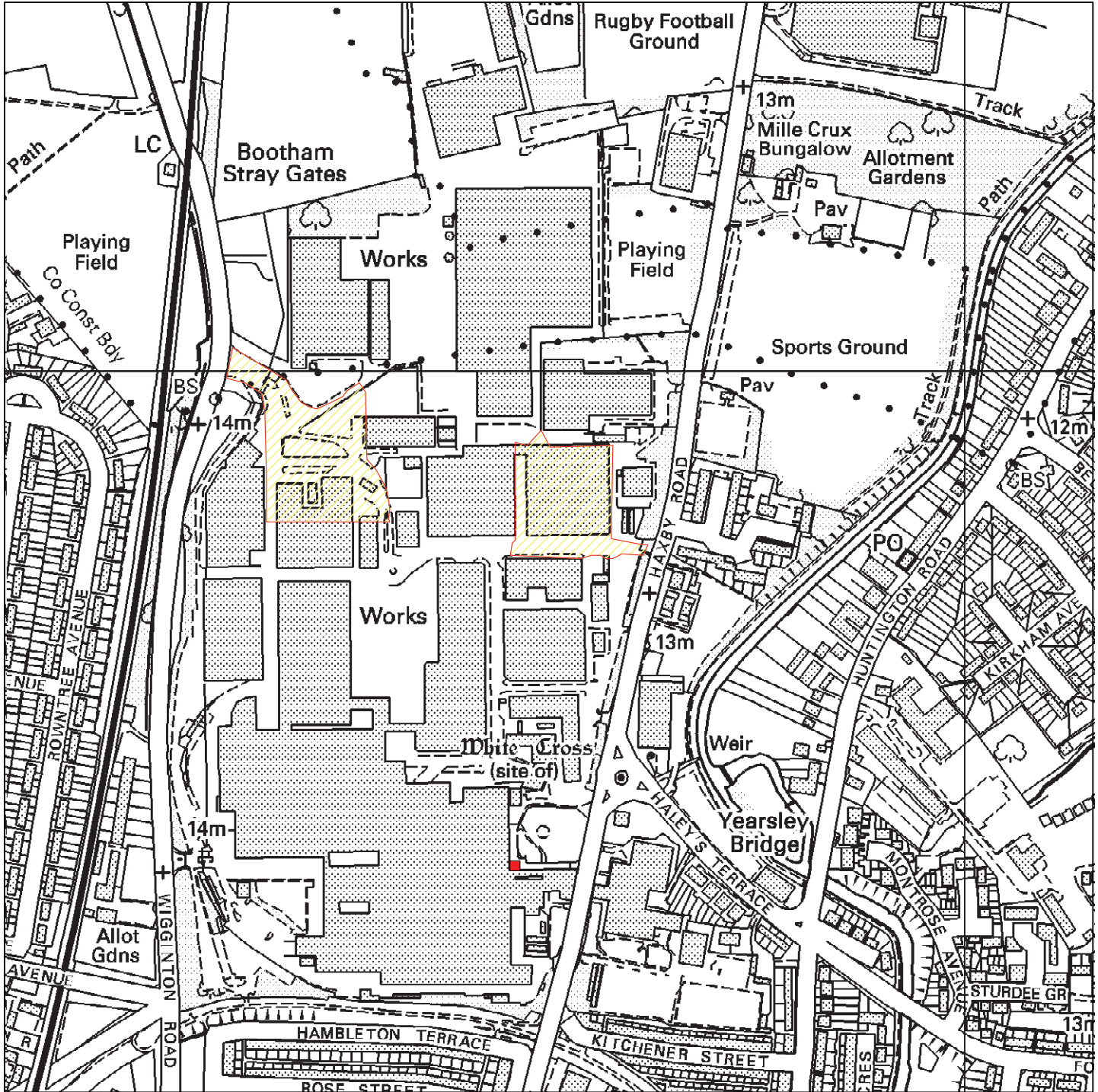
Tel No: 01904 552405

Nestle Rowntree, Haxby Road

Ref: 09/01210/FULM



GIS by ESRI (UK)



Scale : 1:5000

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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	27 August 2009
SLA Number	Not Set



East Area Planning Sub Committee	10 th September 2009
West and City Centre Area Planning Sub Committee	17 th September 2009
Planning Committee	24 th September 2009

Appeals Performance

Summary

- 1 This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 12-month and 3 month periods to 31st July 2009 and provides a summary of the salient points from appeals determined in the 3 month period. It is intended that a quarterly report will be presented to regularly update Members on appeals determined in the previous 3 month period.

Background

- 2 Appeals statistics are collated by the Planning Inspectorate on a quartley basis. Whilst the percentage of appeals allowed against the Council's decision is no longer a Best Value Performance Indicator, it has been used to abate the amount of Housing and Planning Delivery Grant (HPDG) received by an Authority performing badly against the average appeals performance. To date, there has been no abatement of the Council's level of HPDG as a result of appeals performance, as performance has been close to the national average for a number of years.
- 3 Members will be aware that appeal decisions are currently circulated directly to Members when received. However the decisions are not accompanied by an analysis of appeal performance or a case summary. The summaries of appeals determined in the last 3 months to 31st July 2009 at Annex A of the report is provided following requests from Members for a precis of the revelant points for future reference in considering applcations. Details as to whether the application was dealt with under delegated powers or Committee (and in those cases the original officer recommendation) is included with each summary.

- 4 As this is first appeals performance report , it contains statistics on appeals decided in the 12 months to 31st July, as well as the 3 month period as below. Whilst the Inspectorate breaks down the appeals by type in reporting performance, the table below includes all types of appeals such as those against refusal of planning permission, against conditions of approval, enforcement notices, listed building applications, lawful development certificates. The intention is to present updates on appeal performance with summaries on a quarterly basis.

**Fig 1 : Appeals Decided by the Planning Inspectorate
For 12 and 3 months to 31st July 2009**

	East Area		West Area		Combined	
	12 mths	3 mths	12 mths	3 mths	12 mths	3 mths
Allowed	7	0	15	3	22	3
% Allowed	21.21%	0%	45.45%	50%	33.33%	27.27%
Part Allowed	2	0	2	2	4	2
% Part Allowed	6.1%	0%	6.1%	33.33%	6.1%	18.18%
Dismissed	24	5	16	1	40	6
% Dismissed	72.27%	100%	48.48%	16.66%	60.61%	45.45%
Total Determined	33	5	33	6	66	11
Withdrawn	2	1	2	1	4	2

Analysis

- 5 The table shows that for the year up 31st July 2009, a total of 66 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 33.33% were allowed and 6.1% part-allowed (e.g in the case of an Advertisement Consent application for a shop, an Inspector may approve a fascia sign but not a hanging sign). This rate of appeals allowed is about the current national average. However for the last 3 months of the period, the proportion allowed was 27.27%, which is a notable improvement.
- 6 Whilst the number of appeals is very similar for the two teams, there is a discrepancy between the number of appeals allowed in each area. The figures were to some extent affected by the upholding of a contentious triple appeal in the West area at Stud Farm in Middlethorpe during this period.

Consultation

- 7 This is essentially an information report for Members and therefore no consultation has taken place regarding its content.

Options

- 8 This is the first information report on appeals, and so whilst in future there will be no specific options provided, views are sought here as to the content, frequency and format of future reports as follows: -

Option A - Receive quarterly reports with the annex of case summaries as presented (recommended).

Option B - Receive reports in an amended format, as may be resolved by Members, with different performance information and/or frequency e.g. 6 monthly.

Option C - Do not receive future appeals performance reports.

Corporate Objectives

- 9 The report is relevant to the furthering of the Council's objectives of making York a sustainable City, maintaining its special qualities, making it a safer city, and providing an effective organisation with high standards.

Implications

- 10 Financial – There are no financial implications directly arising from the report
- 11 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information
- 12 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 13 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

- 14 In compliance with the Council's risk management strategy, there are no known risks associated with the recommendations of this report.

Recommendation

- 15 That Members agree to Option A, to approve the format, content and frequency of this update report.

Reason: So that Members can continue to be apprised of appeal decisions within the CYC area and be informed of the planning issues surrounding each case for future reference in determining planning applications.

Contact Details

Author:

Jonathan Carr,
Head of Development Control
Directorate of City Strategy

Chief Officer Responsible for the report:

Mike Slater
Assistant Director Planning & Sustainable
Development, Directorate of City Strategy

01904 551303

Report Approved

Date

28th August 2009

Specialist Implications Officer(s) None.

Wards Affected:

All

For further information please contact the author of the report

Background Papers: None

Annexes: Annex A – Appeal cases Summaries

ANNEX A**Appeal Summaries for Cases Determined 1st May 2009 to 31st July 2009**

Application No: 08/01238/FUL
Appeal By: Mr Daniel Scott
Proposal: Two storey side extension and single storey rear extension with skylight after demolition of existing garage
Site: 2 The Covert York YO24 1JN
Decision Level: Delegated

Delegated refusal of an application for a single storey rear extension and a two-storey side extension to a two storey semi-detached house. The proposed side extension was not subservient to the existing property in terms of massing and scale and was considered to be too large and dominant when viewed in the street scene contrary to policy H7 and the Householder Design Guide SPG.

The Inspector considered that the design objectives behind the SPG were laudable but that it was difficult to achieve consistency against the background of the variety of design that he had seen within the estate. He opined that the cul-de-sac was symmetrical and the proposed design would match that of the semi on the other side of the street; the proposed design would therefore assist in creating a balanced approach to the cul-de-sac as a whole. He concluded that the extension would not have a detrimental impact on the appearance of the dwelling or wider street scene. He added that there would be other situations within the estate, where such an approach would not be appropriate and he did not consider that allowing the present proposal undermined the importance of the SPG.

Appeal Dismissed.

Application No: 08/02281/FUL
Appeal By: Ms Tracey Sinclair
Proposal: Single storey rear extension, two no. rear dormers and rooflight windows to front and rear
Site: 63 Huntington Road York YO31 8RL
Decision Level: Delegated

Delegated refusal of an application for a single storey rear extension, two no. rear dormers and front and rear roof lights at a two-storey terraced house. The refusal reason concerned the siting of the two dormers in the rear roof slope which were considered to be incongruous and harmful to the character and appearance of the conservation area.

The Inspector considered that, viewed from Diamond Street, the uniformity of the unaltered roofs was a pleasing part of the character of the conservation area and that there would have been a sound case for resisting any dormer windows in the roof slope. However, he noted that permission had been granted for a single dormer window by an earlier permission and that this introduced the principle of dormers in the terrace and undermined the Council's case. The two dormers would introduce a degree of symmetry that a single dormer would not and as such the proposal would not be harmful to the character and appearance of the conservation area. **Appeal Allowed**

ANNEX A

Application No: 08/01962/FUL
Appeal By: Mr Raymond Fresson
Proposal: First floor front extension over existing garage
Site: 18 College Road Copmanthorpe York YO23 3US
Decision Level: Delegated

The detached dwelling lies within a row of similar dwellings, with a strong building line, all of which have small single storey front extensions in place. The application sought a first floor front extension over existing garage. The reasons for refusal were: The proposal would be an unsympathetic addition to the front elevation of this detached dwelling. The massing of the proposal would not harmonise with the uniformity of surrounding buildings and would be unacceptable having a detrimental impact on the host dwelling and the visual amenity of the surrounding area and that which neighbouring residents could reasonably enjoy.

The Inspector noted that there are a variety of dwelling types in the street with no predominant house type or pattern. Several of these have been previously extended. Whilst the proposed extension would bring the first floor elevation forward by 1.8m the ground floor building line would be retained. It was not considered that the proposal would have a significantly harmful effect on the street scene. The design is considered sympathetic to main dwelling. **Appeal Allowed.**

Application No: 08/02274/FUL
Appeal By: Mr Patten
Proposal: Two storey side extension and first floor extension to part of the existing dwelling (resubmission)
Site: Knoll Cottage Cinder Lane Upper Poppleton York
Decision Level: Delegated

The appeal was determined by the method of written representations

The key issues were identified as: whether the proposal was inappropriate development in the Green Belt, the effect of the proposed development on the openness of the Green Belt, the effect on the character and appearance of the surrounding area and the Green Belt and whether harm by reason of inappropriateness would be outweighed by other considerations so as to amount to very special circumstances to justify the development.

The application for a substantial two storey extension to an essentially single storey property had previously been refused as having a detrimental impact upon the local street scene and being inappropriate development in the Green Belt by virtue of its scale and design.

The inspector having weighed up the case put forward by the appellant notably the nature and scale of recent and proposed development in the vicinity, decided to dismiss the appeal on the basis that the proposal by virtue of its scale and design represented inappropriate development within the Green Belt and additionally had a materially adverse impact upon the openness of the Green Belt and the character and appearance of the surrounding area. **Appeal Dismissed.**

Application No: 08/01478/FUL

ANNEX A

Appeal By: Mr Peter Addyman
Proposal: Three storey rear extension, including external steel staircase. Also detached double garage
Site: 15 St Marys York YO30 7DD
Decision Level: Delegated

The application related to a 4-storey (including basement) terraced house in the conservation area. A rear extension covering just over half the width of the house a 2-storey extension was proposed at ground and first floor level, which would extend outward 3.4m. A smaller element was also proposed at ground floor level. Although the extensions were described as single and two-storey, in appearance they were taller as the ground floor level immediately outside the house was at basement level.

The rear of the house had an ordered and simple form, as it had not been extended and due to the arrangement and design of windows. Also within the terrace predominantly there were no extensions at the height proposed which interrupted the building line, although there were some old extensions which were prominent and detracted from the appearance of the terrace.

The application was refused as due to the shape, detailing and scale of the extension, it would detract from the appearance of the house and the terrace. Also as the taller extension was adjacent the side boundary, it would be overbearing and overdominant over the neighbour.

The inspector ruled :-

- Due to the size of the extension it would appear 'obtrusive' & 'dominant'.
- The window design and arrangement would 'complicate and clutter' the rear elevation.
- Despite no objection from the neighbours (flats), the extension due to its height and projection from the building would be overdominant & overbearing. **Appeal Dismissed.**

Application No: 08/02546/ADV
Appeal By: Mr Tony Pinkstone
Proposal: Display 2 No. externally illuminated built up logo signs, 1 No. double sided externally illuminated projecting sign and 2No. internally illuminated poster cases (resubmission).
Site: Tru Nightclub 3 Toft Green York YO1 1UA
Decision Level: Delegated

Consent was refused for a side hung sign and 2 internally illuminated poster cases.

Signage is low key on this street and it was considered the projecting sign, due to its modern design would detract from the appearance of the area and the overall amount of signs and illumination made them over dominant. The inspector agreed that the hanging sign harmed the appearance of the building / street, and that a more traditional sign would be more appropriate.

Because there were only 2 poster cases on the premises, their size was restrained and the illumination subtle, the inspector found these were an appropriate means of advertising upcoming events and did not detract from the appearance of the building or area.

Appeal Part Allowed (poster cases) Part Dismissed (hanging sign)

ANNEX A

Application No: 07/01843/CLU
Appeal By: Barbara Wood
Proposal: Lawful Development Certificate for the existing use of the riverbed as residential boat mooring and use of riverbank as residential curtilage with uses ancillary to boat mooring
Site: M V Gringley Fulford Reach Mooring St Oswalds Road York YO10 4PF
Decision Level Delegated

CYC had issued a Certificate for the residential mooring for one houseboat but refused to certify that the adjacent riverbank could lawfully be used for purposes ancillary to the boat mooring. The site had the appearance of a yard and garden with a car, domestic storage and other domestic paraphernalia associated with the houseboat. Submitted evidence including Council tax records showed occupation of the houseboat since 1997.

The Inspector felt a distinction between the to continuous use of the mooring for domestic purposes since 1997 as opposed occasional, casual use, was required to demonstrate a lawful use. Submissions including photos suggested since 2003. Evidence from the Parish Council and a local resident convinced the Inspector that before 2000, the moored boats here were largely screened by vegetation and that a garden did not fully develop until 2003. Further photographs taken in 1999 showed the appellant's houseboat moored elsewhere along the river. The inspector concluded that the appellant did not occupy the mooring with continuously prior to 2000, and so the residential use of the land adjoining mooring cannot have been continuous. **Appeal Dismissed.**

Application No: 08/02559/FUL
Appeal By: Mr Martyn Inwood
Proposal: Erection of detached dwelling (resubmission)
Site: Stockton Lodge Sandy Lane Stockton On The Forest York YO32 9UT
Decision Level Delegated

This application proposed the erection of a detached, 1.5-storey, 5-bedroom dwelling with attached, pitch-roofed double garage. Access would be from Sandy Lane via an existing crossover, which would continue to be used for accessing the agricultural land to the rear. The proposal was refused on the grounds that, its size, scale, design and narrow, back land location result in an over-prominent and incongruous form of development that would be out of keeping with the character and appearance of the street scene, contrary to Central Government advice in Planning Policy Statement 1: "Delivering Sustainable Development" and Planning Policy Statement 3: "Housing" and policies GP1, GP10 and H5a.

The inspector agreed that the applicant had failed to demonstrate that the site could not accommodate two dwellings, and therefore should not provide for a level of affordable housing. The inspector considered that the outstanding drainage issues could be conditioned, and open space provision secured through a section 106, or unilateral undertaking. However, she did not consider that would outweigh the harm to the character and appearance of the surrounding area, and the implications for affordable housing provision. **Appeal Dismissed.**

Application No: 08/01844/FUL

ANNEX A

Appeal By: Mr Martin Cockerill
Proposal: Extension to existing farmhouse to form self contained living accommodation for employee
Site: Providence Farm Stamford Bridge Road Dunnington York YO19 5LQ
Decision Level Delegated

Application was refused on the grounds that the proposal represented inappropriate development in the Green Belt due to the disproportionate size of the extension over and above the size of the original building and that this harmed the openness of the Green belt. Appellants argued that the footprint was not increasing and that the first floor extension merely filled in a gap that was unseen anyway from public views. It was also claimed that greater weight should be attached to the need for the extension because it was required in connection with a full time stud manager who could foal the horses at short notice or in case of emergency.

Council argued that this did not represent Very Special Circumstances and that the appellant had not provided sufficient information to prove this need. With regard to the impact on the green belt the Council argued that whilst the footprint of the property was not increasing the first floor extension extended the ridge line of the house and that if filled an otherwise quite extensive gap between the appeal building and a two storey barn next door, so extending the built form of the site. The Council disagreed that this extension could not be seen from public views and showed the Inspector from where the extension would be visible. The Inspector agreed with the Council on all points and dismissed the appeal. **Appeal Dismissed.**

Application No: 09/00082/FUL
Appeal By: Mr Anthony Clarke
Proposal: Raise roof to create second floor extension (resubmission)
Site: 37 St Marks Grove York YO30 5TS
Decision Level Delegated

This application proposed the extension of 37 St. Marks Grove through the addition of a second floor and a side dormer. The dwelling had previously been extended through a two storey side extension which created two additional bedrooms bringing the total to five. It was considered that the proposed raised roof extension with dormer would, by virtue of its design and height, harm the character and appearance of the street scene. St. Marks Grove is characterised by dwellings of a consistent design and scale located within a rhythmic pattern. The proposed extensions were considered to upset the balance of the street scene through the addition of an incongruous design feature on a dwelling which follows the design principles of the surrounding area.

The inspector considered the key issue in this case was the effect of the proposed development on the character and appearance of the street scene. She considered that, as the extension would result in both the eaves and ridge height being notably higher than surrounding dwellings, it would impact adversely on the streetscene. She did not afford full weight to policies GP1 and H7, given the status of the local plan. However, she did consider the proposal would conflict with Government advice in PPS1. *Delivering Sustainable Development.* **Appeal Dismissed.**

ANNEX A

Application No: 08/00181/FUL
Appeal By: Mr Kevin Marsden
Proposal: Erection of 2 no.two storey pitched roof detached dwellings after demolition of existing dwelling and garage
Site: 8 Hall Rise Haxby York YO32 3LP
Decision Level Committee (Officer Recommendation Approve)

This application was refused on the grounds that its siting, design, external appearance and materials of construction would constitutes a form of development that would be incongruous, out of keeping and inappropriate in its context. As such, the visual appearance and amenity of the area would be compromised by the development.

The Inspector agreed with the Council's reasons for refusal. In his opinion, although this is a corner site and the degree of prominence is somewhat reduced on the Station Road frontage by the existing trees and vegetation, the plot facing Hall Rise would be clearly visible from Station Road junction and from Hall Rise. In the context of the area he considered that the proposed design and external materials conflict with those of neighbouring properties and introduce a style and design that is out of keeping with the character of the area. The scale of the development would also be visible and incongruous when viewed alongside neighbouring development. Hence the inspector concluded that the proposal would be harmful to the character and appearance of the area and contrary to the aims of policy GP1 of the draft local plan. **Appeal Dismissed.**