



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, 12 November 2009

Time: 2.00 pm

Venue: The Guildhall, York

Members are requested to note that as there is only one site visit, there will be no minibus. It is suggested that Members make their own way to the site or contact Simon Glazier if transport is required.

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 4 - 15)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 15 October 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 11 November 2009 at 5.00pm

4. Plans List

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

- a) **77 Penyghent Avenue, York, YO31 0QH - (Pages 16 - 09/01638/OUT 26)**

This is an outline application for the erection of one dwelling within the side garden area of 77 Penyghent Avenue. All detailed matters of access, appearance, landscaping, layout and scale have been reserved to detailed stage [Heworth Ward].
[Site Visit]

- b) **LED Lights on shared use path at Bootham Stray between Wigginton Road and Alder Way - 09/01474/FUL (Pages 27 - 31)**

This application relates to the off-road foot path and cycle track between Wigginton Road, adjacent to the northern entrance to the Nestle factory site, and running across Bootham Stray in a northerly direction to Alder Way, at the southern point of New Earswick village. [Huntington/New Earswick Ward].

- c) **17 Scriven Grove, York, YO32 3NW - (Pages 32 - 09/01709/FUL 35)**

This application seeks planning permission for a conservatory to the rear of a semi detached property at 17 Scriven Grove, Haxby [Haxby and Wigginton Ward].

- d) **Pear Tree Cottage, North Lane, Wheldrake, York YO19 6AY - 09/01445/FUL (Pages 36 - 41)**

This application seeks planning permission to erect a part two-storey and part one-storey extension to the side elevation of Pear Tree Cottage that faces North Lane. [Wheldrake Ward].

- e) **Wheldrake Primary School – 09/01751/GRG3 (Pages 42 - 48)**

This application seeks planning permission to provide a single storey extension to the north elevation of the school to create a nursery facility. [Wheldrake Ward].

APPLICATION WITHDRAWN AT THE REQUEST OF THE APPLICANT'S AGENT

5. Clifton Hospital: Outstanding Section 106 in (Pages 49 - relation to Management of the Landscape 67)

This report details the current action with regard to the outstanding Section 106 issues in relation to Clifton Hospital and provides details of the proposed Management Plan for the site.

6. Urgent Business

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

Democracy Officer:

Name: Laura Bootland

Contact Details:

Telephone - 01904 552062

E-mail - laura.bootland@york.gov.uk

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

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

Contact details set out above.

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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 VISIT****Wednesday 11 November 2009**

PLEASE NOTE: AS THERE IS ONLY ONE SITE VISIT THERE WILL BE NO MINIBUS. IT IS SUGGESTED THAT MEMBERS MAKE THEIR OWN WAY TO THE SITE OR CONTACT SIMON GLAZIER BY EMAIL OR ON 01904 551642 IF TRANSPORT IS REQUIRED

TIME	SITE	ITEM
10.10	77 Penyghent Avenue	4a

City of York Council

Committee Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	15 OCTOBER 2009
PRESENT	COUNCILLORS HYMAN (CHAIR), CREGAN (VICE-CHAIR), FIRTH, KING, MOORE, ORRELL, TAYLOR AND WISEMAN
APOLOGIES	COUNCILLORS DOUGLAS AND FUNNELL

26. INSPECTION OF SITES

Site	Attended by	Reason for Visit
57 York Road, Haxby, York. YO32 3EE	Cllrs Firth, Hyman, Moore and Wiseman	To familiarise Members with the site.
The Homestead, Murton Lane, York	Cllrs Firth, Hyman, Moore and Wiseman	To familiarise Members with the site.
Westholme, 29 Church Street, Dunnington, York. YO19 5PP	Cllrs Firth, Hyman, Moore and Wiseman	To familiarise Members with the site.
Marina House, Naburn Lane, Naburn, York. YO19 4RW	Cllrs Firth, Hyman, Moore and Wiseman	To familiarise Members with the site.
4 Derwent Road, Fulford, York. YO10 4HQ	Cllrs Firth, Hyman, Moore and Wiseman	To familiarise Members with the site.

27. DECLARATIONS OF INTEREST

Councillor Hyman expressed a personal non prejudicial interest in agenda item 4g, Hollycroft, as the Council's representative on the York England.com board as they had made comments on the development.

28. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: To exclude the press and public during the consideration of agenda item 5 on the grounds that it contains information which is classed as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

29. PUBLIC PARTICIPATION

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

29a 57 York Road, Haxby, York. YO32 3EE

Members considered an application for the erection of a four bedroomed detached house to the rear of 57 York Road.

Officers updated Members that paragraph 4.1.6 on page 10 of the officer's report should have read "If planning permission were to be granted conditions should be attached requiring landscaping details to be submitted for approval. These would include the reinstatement of the fence." It was confirmed that the applicant had submitted a sustainability report which confirmed the application would achieve Code for Sustainable Homes level 3.

Representations in opposition were heard from an adjacent neighbour, representing other neighbours who were also in very close proximity to the application site. His reasons for opposing the application were as follows; that the shared access driveway would give a poor level of amenity to existing residents, that there would be a loss of privacy for neighbouring properties and that the land on which the property would be built is subject to flooding.

Representations in support of the application were also heard from the applicant's agent, who stated that the proposed access driveway would only have approximately four traffic movements a day. He added that the proposal was for a gravel driveway, but this could be altered to be made from tarmac in order to reduce noise nuisance.

Members enquired whether there would be any vegetation lost through the erection of the new property and asked how many trees would be lost due to the construction of the driveway. They also asked the agent whether the area would flood.

The agent replied that there would be no trees or vegetation lost as a result of the driveway and that the proposed garage could be relocated away from any vegetation to conserve the existing environment. He added that a drainage report had been submitted which did not suggest a significant threat of flooding, but had incorporated a system of on site storage and controlled discharge of surface water in order to control surface water drainage from the site.

Members felt that they could not support the application on the grounds that the proposed building would have a detrimental effect on occupiers of adjacent properties due to noise disturbance and loss of privacy.

Councillor Moore suggested that an additional reason for refusal be added relating to the negative impact that the proposed building would have on the conservation area.

Officers pointed out that the site was some distance away from the conservation area boundary and advised Members that if such a reason was to be added that it should not refer to the conservation area, but to the negative effect that the new property would have on the character and appearance of the surrounding area.

RESOLVED: That the application be refused.¹

REASON: (i) That the proposed development would result in a poor level of amenity for the occupiers of the existing dwelling at 57 York Road due to noise, disturbance and loss of privacy caused by the shared use of the access and driveway to the side of the existing dwelling. The application is therefore contrary to policies GP1 (Design) and GP10 (Sub-division of Gardens and Infill Development) of the City of York Deposit Draft Local Plan and Central Government advice at paragraph 29 of 'The Planning System: General Principles' (2005) and paragraphs 34 & 35 of Planning Policy Statement 1: "Delivering Sustainable Development" (2005).

(ii) The proposal would, by reason of its size, scale, and backland location result in an over prominent and incongruous form of development that would be out of keeping with the character and appearance of the area. The application is therefore contrary to policies GP1 (Design) and GP10 (Sub-division of Gardens and Infill Development) of the City of York Deposit Draft Local Plan and Central Government advice at paragraph 29 of 'The Planning System: General Principles' (2005) and paragraphs 34 & 35 of Planning Policy Statement 1: "Delivering Sustainable Development" (2005).

Action Required

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

29b The Homestead, Murton Lane, York.

Members considered a retrospective application for the change of use of land to a private gypsy site for a single gypsy family and the retention of a concrete hardstanding for a residential caravan.

Officers updated that there had been two further letters of objection to the application received from York Auction Centre and from Murton Park. Both representations stated that they wished for the committee to defer or refuse the application for several reasons such as; a lack of consultation with local residents and businesses, issues of crime in the area, a lack of enforcement of planning breaches and the officer's report not being sufficiently thorough.

Officers advised Members that they were satisfied that sufficient consultation in the local area had been carried out. They also added that the crime figures were inconclusive as the figures covered the Osbaldwick ward as a whole and therefore could not be specifically related to the site. Officers stated that there had been six enforcement investigations on the site, and all but one, which was currently being investigated, had been addressed. Officers responded to the criticism that the report was not sufficiently thorough, pointing out that there was an identified need for gypsy accommodation in York and that stating that in their opinion the application site fulfilled the Council's own criteria for identifying appropriate sites for gypsy accommodation. The officers added that the applicant was willing to accept a condition to the effect that only his immediate family could reside at the site.

The Chair expressed his disappointment at the choice of words used with reference to officers in the letter from York Auction Centre. He stated that he believed that officers had taken a professional approach in relation to their consideration of the application.

Some Members queried whether further families could apply in the future for personal permission to use the site. Officers advised that this could happen but advised Members to determine the application on the basis of what had been submitted, i.e. as a permanent site for one family.

Representations in opposition were heard from a member of the Murton Village Design Statement Committee. He stated that his reasons for opposing the application were; that the site only appears urban in character due to a lack of enforcement of planning breaches, that the land may be contaminated as evidenced by cattle dying on the adjacent land and that the only reason given by officers for supporting the application was the lack of available gypsy sites in York.

Further representations in opposition were heard from a member of Murton Parish Council. Members were advised that they supported other objections made in relation to the proposal and also pointed out that the applicants ran a business on the site and that the Parish Council had received a letter from the Head of Development Control which stated that "mixed uses are not allowed" on the application site.

Representations in support of the proposal were heard from the agent for the applicant. He stated that the application would provide a small and positive contribution to solving the shortfall of 36 pitches for gypsies in the York area, as identified in the North Yorkshire Gypsy and Traveller Accommodation Assessment (GTAA). He also stated that the development would cause little actual harm to the Green Belt. He added that he appreciated that the Council would still have some control over the site even if planning permission were granted and that the applicant was willing to accept a personal planning permission.

Councillor Morley spoke as the Ward Member and stated that there were two issues for the Committee to consider in relation to the application. Firstly whether the proposal was detrimental to the Green Belt and

secondly, if there were special circumstances to allow planning permission within the Green Belt. He commented that, in his view, the officer's report would encourage further similar applications. He also stated that the neighbour on the south side of the site was happy with granting permission for one family only to use the land, but he believed that this could not be guaranteed with a personal condition relating to the land only being used by the applicant's immediate family. He urged the committee not to approve the application for these reasons.

Officers gave more information to the Committee on the GTAA and stated that it was being used on a daily basis as part of the evidence for the Local Development Framework (LDF). In response to a claim that the applicant's land may be contaminated, it was confirmed that the land is not contaminated and the cattle poisoning had been an isolated incident.

Some Members said that they did not believe that granting planning permission to one family would harm the Green Belt. Other Members stated that they thought the proposal was inappropriate for a change of use application due to the caravan being used as a dwelling, and therefore a permanent residence. They stated that adding a condition to secure the ownership and occupation of the site would not constitute special circumstances to grant planning permission in the Green Belt.

RESOLVED: That the application be refused.¹

REASON: The proposed development conflicts with local and national green belt planning policy which states that there is a presumption against inappropriate development unless there are very special, defined, circumstances. The local planning authority does not consider that there are substantial or compelling reasons to justify setting aside green belt policy in this case. The proposals therefore conflict with national advice in Planning Policy Guidance Note 2 (Green Belts) and ODPM Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites) and in policies GB1 (Development in the Green Belt) and H16 (Residential sites for gypsies/travellers) of the City of York Local Deposit Draft.

Action Required

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

29c Westholme, 29 Church Street, Dunnington, York. YO19 5PP

Members considered an application for a detached two-storey dwelling and detached single garage within the rear garden of 29 Church Street, Dunnington, accessed off Eastfield Lane.

Officers updated Members by stating that the agent for the applicant had submitted a Sustainability Statement in support of the application, which

covered the existing character, social context, design crime, sustainability, landscaping, and accessibility. They also added that the applicant was willing to accept conditions requiring a minimum of Code for Sustainable Houses Level 3 to be achieved and also the provision of 5% of total energy demand from on-site renewable sources.

Officers added that Paragraph 4.15 on page 27 of the officer's report should be replaced by Design Guideline 9 of the Dunnington Village Design Statement to read: "The preservation of open spaces within the village, such as allotments, common land at the end of cul-de-sacs and Manor Drive, should be encouraged, including the retention of larger garden plots. Subdivision should only be granted where it is not detrimental to the character and amenity of the local environment."

Representations in opposition were heard from an adjacent neighbour who stated that the size and scale of the development had made her oppose the application. She informed Members that her other concerns included a loss of privacy by the fact that a boundary fence was not included in the proposal and that the application would detract from the rural setting of the surrounding area.

Councillor Brooks spoke as Ward Member and expressed her concerns regarding the application. She stated that the Parish Council felt that previous objections to the proposal had not been addressed and in particular the proximity of the access road for the proposed building to 15 Garden Flats Lane. She added that there would be an increase in users of the access road and therefore noise, which would lead to a loss of privacy for adjacent neighbours, if the application was approved. Finally, she stated that the current access to the property was of historical importance and that the new access would detract from this because of the loss of the hedgerows. She urged Members to refuse the application on the grounds that it would detract from the rural setting and that if they did approve the application that they would be ignoring the Dunnington Village Design Statement.

Members queried with officers the location and ownership of the adjacent hedgerows on the proposed site. Officers informed Members that the hedgerow at the far end of the site was not owned by the applicant and that the application did include the removal of this hedge.

Members stated that they were opposed to the application for a variety of reasons. Firstly, that the proposed development was in very close proximity to the properties on Stockhill Close. Secondly, that the boundary hedge, which is the same length as the site, would have to be removed to allow for the widening and construction of the new access road. Thirdly, that the proposed building would be built on a raised platform which would mean that the footings would be at the same height as the adjacent neighbour's property. This would then allow each house to overlook one another leading to a loss of privacy. Finally, Members decided that the development did conflict with the Dunnington Village Design Statement.

RESOLVED: That the application be refused.¹

- REASON: (i) The proposed dwelling would, by reason of its size, scale and location close to boundary with numbers 3 and 4 Stockhill Close, be overbearing and over-dominant to the detriment of the outlook, amenity and privacy of the adjacent occupiers. As such, it is considered that the proposal is contrary to Planning Policy Statement 1 (“Delivering Sustainable Development”).
- (ii) The proposal would, by reason of its location, size and design result in an incongruous form of development that would be out of scale and character with the area. It is considered this proposed backland development would seriously detract from the quality and semi-rural undeveloped character which is enjoyed at this location within Dunnington Conservation Area. The proposal is considered contrary to Central Government advice contained within Planning Policy Guidance Note 15 (“Planning and the Historic Environment”) and Policies GP1, GP10 and HE2 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 MM

29d Gateway to York (Kexby Bridge) Hotel, Hull Road, Kexby, York. YO41 5LD

This application was withdrawn before the meeting and so was not considered by the Committee.

29e Marina House, Naburn Lane, Naburn, York. YO19 4RW

Members considered a full planning application for the erection of a new detached dwelling at Marina House and alterations to the existing house to convert the garage to living accommodation, and to provide replacement parking and access to the rear of the property.

Officers updated Members by advising that representations had been received from the agent stating that he did not consider that the impact of the proposal on the amenity of the existing dwelling, or on the openness of the Green Belt, was significant.

Representations in support of the application were heard from the agent and architect of the proposed development. He stated that the current application had been amended from a previous application and following comments from the Parish Council in order for it to be made more sympathetic to the area. He urged Members to carefully consider the impact of the new dwelling and stated that the view from the rear of the

existing property would not be impeded by the new building and that only one window in the existing dwelling would be adversely affected.

In response to a question from Members about the new car parking space, the agent responded that the space would be relocated to the side of the new house and that a ramp would be built on the top of the bank.

Members expressed concerns that the new proposed building would be located only 5.2 metres away from the existing dwelling having an overbearing impact, and that windows in a principal elevation of the existing dwelling would be adversely affected. They also stated that on balance the development would adversely affect the character and openness of the area.

RESOLVED: That the application be refused.¹

- REASON: (i) The application site is located beyond the defined settlement limit of the village of Naburn and is within an area of Green Belt. It is considered that the proposal would constitute inappropriate development within the Green Belt that, by definition, would be harmful to the Green Belt. It is considered that there are no very special circumstances that clearly outweigh this identified harm to the Green Belt. The proposed siting of the dwelling, projecting beyond the front elevation of Marina House, is also considered to impact on the openness of the Green Belt. As a consequence, it is considered that the proposal conflicts with Central Government advice contained within Planning Policy Guidance Note 2: "Green Belts" and Policies GB1 and GB6 of the City of York Draft Local Plan (incorporating Fourth Set of Changes, April 2005).
- (ii) The site is above the rural affordable housing threshold of 0.3ha set out in Policy H2a of the City of York Local Draft Plan, and the proposal does not demonstrate that development of the site could not accommodate two smaller dwellings, either due to on-site constraints or economic viability. The proposal therefore fails to address local and national efforts to maximise opportunities to provide affordable housing contrary to Central Government advice contained within Planning Policy Statement 3: "Housing", Policies GP1 and GP10 of the City of York Draft Local Plan, and the Council's adopted Strategic Housing Market Assessment.
- (iii) It is considered that the proposal, due to its size, height and proximity to Marina House, would have an overbearing and over dominant impact on the occupiers of that property and result in a loss of

outlook that would be harmful to residential amenity. Furthermore, the siting of the house in close proximity to a main elevation of Marina House, which incorporates an external balcony, would result in future occupiers of the proposed dwelling being unacceptably overlooked to the detriment of residential amenity and privacy, contrary to Central Government advice in Planning Policy Statement 1: “Delivering Sustainable Development”, Planning Policy Statement 3: “Housing” and Policies GP1 and GP10 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. MM

29f 4 Derwent Road, Fulford, York. YO10 4HQ

Members considered an application for the erection of a pair of semi-detached dwellings following the demolition of an existing dormer bungalow.

Officers updated Members by correcting paragraph 4.5.2 of the officer’s report which should read “The building would be higher than 1m with an eaves level approx 1.4m higher than those adjacent to it.” They also requested the addition of a standard height condition, HT1, if they were minded to approve the proposal.

Representations in support of the application were heard from the applicant. He stated that he had co-operated fully with officers in negotiations regarding the development of various proposals for the site. He also stated that the scheme was fully funded and could be commenced immediately if planning permission were to be granted.

The applicant responded to Members regarding the position of the flank wall of the proposed building in relation to the conservatory on the rear of the adjacent property. He stated that the proposed building would be positioned in line with the conservatory but further forward than the existing dwelling and that it would be approximately 1.5 metres higher than the existing single storey garage. He added that there would be an additional impact on the conservatory but that this was deemed to be acceptable.

Some Members expressed concern regarding the demolition of a fully functioning bungalow and that despite alterations that had been made to the application that the proposed development would be visually detrimental to neighbouring properties.

Members stated that they did not consider that the proposal would adversely affect the streetscene, given that there was a varied level of heights and sizes of houses in the surrounding area.

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

- (i) Condition 16: Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 7.9 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not have caused undue harm to interests of acknowledged importance, with particular reference to principle of redevelopment, design, density, sustainability, character and amenity, residential amenity, flood risk and drainage, highway safety and impact on local facilities. As such the proposal complies with national advice contained 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) and Policies SP6, H4A, H5A, GP1, GP4A, GP10, L1C and T4 of the City of York Development Control Local Plan (incorporating 4th set of changes, April 2005.)

Action Required

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

29g Hollycroft, 20 Wenlock Terrace, York. YO10 4DU

Members considered an application for the change of use of an existing building from offices, which are currently being used by City of York Council, to eight self-contained apartments.

Officers updated Members by reporting that in the letter from the agent for the applicant it stated that the conversion had attempted to retain the historic character of the building by making as few internal alterations as possible. It was also remarked that the intention of the applicants is to sell the property to a developer should planning permission be granted.

Representations were heard in support of the proposal from the agent for the applicants. He informed Members that the proposal should be permitted because the building was changing back to its original use, there was no demand for office buildings on this scale within the surrounding area, it was supported by York-England.com, it would enhance the character of the street and that the submitted drawings illustrated that the conversion could be carried out in a sensitive manner.

Members questioned the creation of one and two bedroom apartments when the Housing Needs Assessment had indicated that there was general shortage of three bedrooled family houses in York. The agent responded by stating that the building was not readily suited to the provision of family accommodation. In addition the plans submitted were an illustration and a future developer may choose to sub-divide the building differently. They also referred to the officer's report, which pointed out the impracticality of some of the parking spaces, but were advised that this situation was already in existence and the application was for a change of use of the building.

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 the interests of acknowledged importance, with particular reference to loss of employment premises, principle of conversion to residential type, tenure and density of residential units, residential amenity, character and appearance of the Fulford Road Conservation Area, trees, highway safety, flood risk and provision of local facilities. As such the proposal complies with national planning advice contained with Planning Policy Statement 1 (PPS1): Delivering Sustainable Development, Planning Policy Statement 3(PPS3): Housing, Planning Policy Guidance Note 15(PPG15): Planning and the Historic Environment, Planning Policy Statement 25(PPS25): Development and Flood Risk and Policies GP1, GP9, GP11, H3c, H4a, H5a, HE2, HE3, HE11, E3b, NE1, L1c and T4 of the City of York Development Control Local Plan (incorporating fourth set of changes) 2005.

Action Required

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

MM

29h 19 Hyrst Grove, York. YO31 7TD

Members considered an application which sought planning permission to erect a hipped roof dormer window on the side of elevation of the existing roof of a semi-detached dwelling. This proposal was referred to the Committee due to the applicant being an employee of City of York Council.

Councillor Moore queried the impact of the loss of privacy from the dormer window and suggested that the method of opening could be stipulated in more detail. Officers responded by stating that this could be adequately controlled by the recommended condition.

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 effect on the street scene and the impact on the amenity and living conditions of adjacent residents. As such the proposal complies with Policies H7 and GP1 of the City of York Draft 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. MM

30. ENFORCEMENT CASES UPDATE

Members considered a report which provided them with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

RESOLVED: That the reports be noted.

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

Cllr K Hyman, Chair

[The meeting started at 2.05 pm and finished at 4.30 pm].

COMMITTEE REPORT

Committee:	East Area	Ward:	Heworth
Date:	12 November 2009	Parish:	Heworth Planning Panel

Reference:	09/01638/OUT
Application at:	77 Penyghent Avenue York YO31 0QH
For:	Outline application for 1no. dwelling
By:	Mrs Jo Squires
Application Type:	Outline Application
Target Date:	11 November 2009

1.0 PROPOSAL

1.1 This is an outline application for the erection of one dwelling within the side garden area of 77 Penyghent Avenue. All detailed matters of access, appearance, landscaping, layout and scale have been reserved to detailed stage.

1.2 The site is located in the Tang Hall area of York. Penyghent Avenue is a suburban residential street located between Fifth Avenue and Bad Bargain Lane. The site is approximately 7 metres wide and has a side boundary on to Darnbrook Walk of 22 metres. Whilst the application is in outline the submitted plans show a detached house located to the front of the site facing Penyghent Avenue with a similar building line to that of the property and providing access from Darnbrook Walk. A sketch elevation has also been submitted which shows a two storey property with an eaves height of 4 metres and a ridge of 7 metres.

1.3 The application is accompanied by a Design and Access Statement, a Sustainability Statement and a Drainage Assessment.

1.4 The application has been referred to Committee at the request of Councillor Ruth Potter, as she is concerned about the tightness of the site and the impact of the development on the character and appearance of the area. A site visit is also recommended.

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

Schools GMS Constraints: St. Aelred's RC Primary 0223

2.2 Policies:

CYH4A
Housing Windfalls

CYGP10
Subdivision of gardens and infill devt

CYGP1
Design

CYGP4A
Sustainability

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

3.1 Highways Network Management - It is noted that the build out opposite the proposed access will impede the access and egress of vehicles for the proposed dwelling. To facilitate manoeuvres into and out of the site and to help visibility it is recommended that the proposed access and parking area be increased to a minimum of 3.5 metres. The existing access being reduced to 2.5 metres is only acceptable if separate pedestrian access to the front door is provided.

N.B. Amended plans have subsequently been submitted in accordance with these requirements.

3.2 Environmental Protection - No objections in principle although a demolition and construction informative is suggested.

3.3 Structures and Drainage - Object to the lack of information with regard to surface water drainage.

EXTERNAL

3.4 Heworth Planning Panel - No objections in principle. Cycle parking should be provided.

PUBLICITY

3.5 The application was advertised by means of neighbour notifications sent on the 18th September 2009 - no replies received

4.0 APPRAISAL

4.1 Key Issues

- Principle of residential development on the site
- Design and Landscaping
- Highways, access and parking
- Impact on surrounding properties

- Sustainability
- Open Space
- Drainage

Policy Background

4.2 This planning application, which is submitted in outline, is for the erection of 1 no. detached dwelling.

4.3 Planning Policy Statement 1 ("Delivering Sustainable Development") (PPS1) states that a number of key principles should be applied to ensure that decisions taken on planning applications contribute to the delivery of sustainable development. In particular, PPS1 promotes high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted. High quality and inclusive design should create well-mixed and integrated developments which avoid segregation and have well planned public spaces that bring people together and provide opportunities for physical activity and recreation. PPS1 also states that planning authorities should ensure the provision of sufficient, good quality new homes (including an appropriate mix of housing and adequate levels of affordable housing) in suitable locations, whether through new development or the conversion of existing buildings.

4.4 Planning Policy Statement 3 - 'Housing' (PPS3) sets out Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, reducing dependency on the private car and provision of affordable housing. PPS3 also advises that car parking standards that require more than 1.5 spaces per dwelling are unlikely to secure sustainable development. In terms of design PPS3 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 when well designed and built in the right location it can enhance the character and quality of an area. Paragraphs 12 to 19 sets out further criteria for achieving high quality design.

4.5 Policy SP6 of the Draft Local Plan, 'locational strategy', requires development to be concentrated on brownfield land within the built up urban area of the city and urban extensions

4.6 Policy H4a of the Draft Local Plan 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. The policy 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.

4.7 Policy GP10 states that the subdivision of gardens and infilling will only be granted to provide new development, where this would not be detrimental to the character and amenity of the local environment. 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 urban area (outside the city centre), new residential developments should seek to achieve a net residential density of greater than 40 dwellings per hectare.

4.8 Other Local plan policies relevant to the consideration of this application are:-

- Policy GP1 'Design' includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

- Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development and sets out those issues to consider as part of a sustainably designed development. The interim planning statement on Sustainable Design and Construction supports Policy GP4a in setting out ways to achieve sustainable development. Furthermore the document requires developments of this type to achieve a minimum Code for Sustainable Homes Level 3 and 5% of expected energy demand from on site renewable sources.

- Policy GP9 requires where appropriate developments to incorporate a suitable landscaping scheme

- Policy L1c requires that all housing sites make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted payment will be required towards off site provision.

Principle of Residential Development on the Site

4.8 The key aim of local and national policy is to locate new housing on previously developed land in sustainable locations. The site is located within the curtilage of an existing dwelling and thus falls within the definition of previously developed land. Policy H4a relates to housing developments within existing settlements and states that permission will be granted within defined settlement limits for new housing developments on land not already allocated on the proposals map, where the site is vacant, derelict or underused land where it involves infilling, redevelopment or conversion of existing buildings. The scheme must be of an appropriate scale and density to surrounding development and should not have a detrimental impact on landscape features. Policy GP10 of the Draft Local Plan states that permission will

only be granted for subdivision of existing garden areas where this would not be detrimental to the character and amenity of the local environment. In officers opinion the principle of new residential development on the site conforms with local and national policies.

Design and Landscaping

4.9 Penyghent Avenue is a relatively wide, straight road on which the majority of houses are semi-detached hipped roofed dwellings set in similar sized plots. The particular application site is distinguished from many of the others by having a relatively large side garden area which is bounded by two roads and being located opposite a detached gable ended house which breaks up the otherwise similar house designs. The proposed house will create a close relationship with the existing house but this relationship will not be dissimilar to the closeness of other properties on the street where two storey extensions have been added and it is considered that an appropriate design can be achieved without detriment to the street scene. The proposal will also allow for the introduction of a small dwelling that will add to the mix of house types within the area.

4.10 In landscape terms the retention of the hedge to the boundary of the site will do much to integrate the new dwelling into its surroundings. A condition requiring the retention and protection of the hedge during construction is proposed.

4.11 The proposal is considered to be acceptable in terms of its impact on the character and amenity of the local environment in accordance with the requirements of GP10 of the Draft Local Plan and to accord with the requirements of GP1 in terms of density, layout, mass, scale and design. It is proposed to remove permitted development rights to ensure that any future proposals for the site can be controlled and do not result in over development of the site.

Highways Access and Parking

4.12 The site is located on the corner of Penyghent Avenue and Darnbrook Walk. Access to the site is proposed from the rear of the plot on to Darnbrook Walk. Since the application was submitted an amended plan has been received showing the widening of the access point to 3.5 metres so that there is sufficient visibility for pedestrian movements along the path and to allow sufficient manoeuvring into and out of the access adjacent to a traffic calming island located opposite the access point. The amended plan also shows separate pedestrian access to the existing dwelling to compensate for the narrowing of the driveway to that property. Highways Network Management do not raise any objections to the application as amended subject to conditions ensuring the satisfactory implementation of the scheme.

Impact on Surrounding Properties

4.13 The site is bounded by the existing house to the south, the rear garden area of 315 Fifth Avenue to the east and Darnbrook Walk and Penyghent Avenue to the north and west. The dwelling is to be orientated so that its main elevations face east/west. The rear east elevation will be approximately 12 metres from the rear boundary, the same as from the existing house. Subject to the detailed design being similar to the

submitted sketch proposal it is considered that the dwelling will not detract from the amenity or living conditions of the occupiers of 315 Fifth Avenue. The existing house has a side kitchen window facing the site, however this is a secondary window with the main window and orientation of the room being towards the rear garden through the attached conservatory. The impact of the development on the existing house is considered to be acceptable. The condition removing permitted development rights (referred to above) would enable the Council to retain control over any future proposals to extend or enlarge the property.

Sustainability

4.15 The application is supported by a sustainability statement which indicates that the development will achieve Code for Sustainable Homes level 3. The submitted information is considered to meet the requirements of GP4a and the Interim Planning Statement (IPS) on Sustainable Design and Construction as far as the code is concerned. In addition a condition is proposed to require that the dwelling provides 5% on site renewables in accordance with the Interim Planning Statement.

Open Space

4.16 Under Policy L1c there is an open space provision requirement for this site. The provision of open space could be addressed by condition, unilateral undertaking or section 106 agreement. In this case a condition is proposed to require an off site contribution to open space in accordance with the councils document commuted sum payments for open space in new developments.

Drainage

4.17 The development is in low risk flood zone 1 and should not suffer river flooding. The application is supported by drainage strategy however further information is sought in relation to drainage details. It is considered that a suitable drainage scheme could be achieved for the site and, given that this is an outline planning application, an appropriate condition could secure the information required.

5.0 CONCLUSION

5.1 In officers opinion the principle of new residential development on the site conforms with local and national policies.

5.2 The proposal is considered to be acceptable in terms of its impact on the character and amenity of the local environment in accordance with the requirements of GP10 of the Draft Local Plan and to accord with the requirements of GP1 in terms of density, layout, mass, scale and design.

5.3 Highways Network Management do not raise any objections to the application, as amended, subject to conditions ensuring the satisfactory implementation of the scheme.

5.4 In all other respects, subject to appropriate conditions, it is considered that an acceptable development can be achieved on the site.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 Application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development hereby permitted shall be begun before:

the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

2 OUT2 Full details to be submitted

3 Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing hedge to the boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations shown on a plan of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials, location of marketing cabin.

Reason: To protect the existing hedge, which is considered to make a significant contribution to the amenity of the area.

4 The hedge around the boundaries of the site shown on Drawing no.CO.843.01.B shall not be removed or lowered below 1.5 metres without the prior written approval of the Local Planning Authority.

Reason: In the interests of visual amenity

5 HWAY10 Vehicular areas surfaced, details reqd

6 HWAY14 Access to be approved, details reqd

7 HWAY18 Cycle parking details to be agreed

8 HWAY25 Pedestrian visibility splays protected

9 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 L1 of the City of York Draft Local Plan.

INFORMATIVE

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £1242.

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.

10 The development hereby approved shall be constructed to at least Level 3*** of the Code for Sustainable Homes (CSH) standard. A formal Post Construction stage assessment, by a licensed CSH assessor, is to be carried out and a formal Post Construction stage certificate shall be submitted to the LPA prior to occupation of the building. Should the development fail to achieve level 3*** of the Code a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve level 3 of the code. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning'

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction'

11 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority, to demonstrate how the development will provide from on-site renewable energy sources, 5% of the developments predicted energy requirements. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development and a written letter from the installer of the technology, post build, verifying the installation has been installed should also be submitted to the Local Planning Authority. The site thereafter must be maintained to the required level of generation'.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction'

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

Reason: Due to the size of the site and the scale of the accommodation proposed, 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.

13 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site to comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk) and that provision has been made to maintain the proposed drainage system.

INFORMATIVE:

With respect to surface water drainage, the submitted details should incorporate the following:

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.

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:

- principle of residential development on the site
- design and landscaping
- highways, access and parking
- impact on surrounding properties
- sustainability
- open space
- drainage

As such, the proposal complies with Policies SP6, H4a, GP10, H5a, T4, GP4a and GP1 and L1c of the City of York Local Plan Deposit Draft; and national planning advice contained within Planning Policy Statement 1 "Delivering Sustainable Development" and Planning Policy Statement 3 "Housing"

2. 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:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington
(01904) 551361

Contact details:

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

Tel No: 01904 551657

77 Penyghent Avenue

09/01638/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	02 November 2009
SLA Number	Not Set

COMMITTEE REPORT

Committee: East Area
Date: 12 November 2009

Ward: Huntington/New Earswick
Parish: New Earswick Parish Council

Reference: 09/01474/FUL
Application at: STREET RECORD Wigginton Road Wigginton York
For: Installation of solar powered LED lights on shared use path at Bootham Stray between Wigginton Road and Alder Way
By: Andy Vose
Application Type: Full Application
Target Date: 11 November 2009

1.0 PROPOSAL

1.1 SITE: The application relates to the off-road foot path and cycle track between Wigginton Road, adjacent to the northern entrance to the Nestle factory site, and running across Bootham Stray in a northerly direction to Alder Way, at the southern point of New Earswick village. The land is designated green belt.

1.2 PROPOSAL: The proposal involves the provision of solar powered Light Emitting Diode (LED) light units that automatically illuminate from dusk to dawn along the track and at the three barriers along its length. The units extend the night-time 'view' of the track and are proposed to address concerns about the safety of path users during the hours of darkness. The units would be sunk into the track and would emit either a white or red light that would be visible when approached by a pedestrian/cyclist for a distance of approximately 900m. All lights would be in pairs either side of the path approximately 150mm in from the edge with the exception of the pair either side of the bollard at the Wigginton Road end. The lights would be arranged as follows:

- 260 double-sided white LED units (viewable from either approach direction) at 9m intervals along path and at 6m intervals where path bends;
- 26 double-sided red LED units (viewable from either approach direction) on the approaches to the three barriers along the length of the path (two either side and from each approach), with one pair at the entrance to the path at Wigginton Road;
- 4 single-sided red LED units to be located on the approach to the Alder Way barrier and either side of the central bollard at the Wigginton Road end of the path.

1.3 HISTORY: Planning permission granted for creation of surfaced cycle track across Bootham Stray in 2004 (04/2124/GRG3). Lighting columns were proposed as part of the application, but were considered to harm the openness and character of the Green Belt. A condition (condition 3) was therefore attached excluding the lighting columns from the approval and only allowing lighting to be erected after submission for Committee approval of detailed design and position.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYGB1

Development within the Green Belt

CYGP1

Design

3.0 CONSULTATIONS

3.1 PUBLICITY: The application has been advertised by way of the display of three site notices at the northern and southern entrances to the path and consultation letters to the two Parish Councils whose areas the path falls within and adjacent residents on Alder Way and Jasmine Close. Consultation period expired 28.10.09.

3.2 INTERNAL

3.2.1 Highway Network Management - No objections.

3.3 EXTERNAL

3.3.1 Clifton Without Parish Council - Support the application.

3.3.2 New Earswick Parish Council - Support the application.

3.3.3 CTC North Yorkshire

York's network of cycle routes are partly on-road which usually benefit from urban street lighting, and off-road which usually do not. Some off-road paths have been provided with column lights, where personal security is a concern and where a budget exists to extend local electrical supplies and associated control equipment to the site.

Some off-road paths cross York's Strays, where street-style lighting may not be considered appropriate. The present application seeks to follow other UK local authorities, who have already successfully trialled solar powered LED studs to demarcate the edges of cycle paths in off-road and rural situations. These give sufficient night time illumination for that purposes, but do not create significant light pollution.

Cambridge Council have installed the LED's on rural off-road routes, to immediately outlying villages. Harrogate are to do likewise on the recently created cycle paths across their Stray. Peterborough City Council has installed them on segregated urban cycle/pedestrian paths, with different coloured LED's to indicate the cyclist and pedestrian areas of the path.

Approval would allow York to follow in the wake of these local authorities and trial a technical solution that can potentially be rolled out to similar sites across the City. This

will improve cyclists night time safety, commensurate with the lack of power supplies, or likely refusal of consent to install street-style lighting in sensitive areas.

Manufacturer's information submitted about lights installed at Peterborough and Cambridge.

4.0 APPRAISAL

4.1 The key issues are:

- purpose, openness and visual amenity of Green Belt;
- residential amenity;
- highway safety.

4.2 The shared use path cuts across Bootham Stray, which is part of the designated York Green Belt. The Government's approach to development in Green Belts is contained within Planning Policy Guidance Note 2: Green Belts. Paragraph 3.12 of PPG2 states that the carrying out of engineering operations 'are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt'. In addition, the visual amenities of the Green Belt should not be injured by development proposals (para.3.15). Central Government policy is reflected in Policy GB1 of the City of York Draft Development Control Local Plan.

4.3 The LED units would be sunken into the existing surfaced path. They would not, in themselves, detract either from openness or the visual amenity of the Green Belt, nor conflict with its main purpose of preserving the setting and special character of the historic City. It is the illumination emitted from the units that could potentially detract the visual amenity of the Stray and consequently the character of the Green Belt due to the distance at which the lights can be viewed.

4.4 However, the lights have been chosen to minimise light pollution within this open area as the level of illumination emitted from the lights is low. They are designed so that they are viewed from the direction of travel and only by those using the path or in close proximity to it. In light of this, it is considered that the proposal would not constitute inappropriate development and would represent a balance between preserving the character of the Green Belt and the safe use of the path, whilst extending its use by residents of the City in the evening, particularly in the winter months.

4.5 The proposal would be unlikely to harm highway safety along Alder Way and Wigginton Road or the amenity of residents on Alder Way given the separation distance and presence of boundary vegetation and street lighting. The lights proposed would offer a sustainable solution to the lighting of the path, avoiding the need for cabling or an electrical source.

5.0 CONCLUSION

5.1 The proposed lighting units that have been chosen, seek to minimise the visual impact from illumination on the Green Belt and open area in general, whilst improving safety and extending the use of the shared path in a sustainable manner. The

proposal would not harm the character or openness of the York Green Belt nor prejudice the purposes of including the land within the Green Belt. It is unlikely that any harm would be caused to the amenity of residents neighbouring the Stray or safety on the adjoining public highways of Wigginton Road and Alder Way.

5.2 In light of the above, the proposal is recommended for approval.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Unnumbered and undated location plan received 29.7.09;
Drawing ref. BTHMSTRY.ECW, dated 14.9.09 and received 15.9.09;
Drawing, marked Annex 1, 'Indicative layout of red LEDs at barrier arrangements', dated 14.9.09 and received 15.9.09;
Drawing, marked Annex 2, 'Indicative layout of red LEDs at bollard and end of path', dated 14.9.09 and received 15.9.09;

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.

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 openness and visual amenities of the York Green Belt, sustainability, residential amenity and highway safety. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GP1 and GB1 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Statement 1 'Delivering Sustainable Development' and Planning Policy Guidance note 2 'Green Belts'.

Contact details:

Author: Hannah Blackburn Development Control Officer

Tel No: 01904 551477

Path at Bootham Stray

09/01474/FUL



GIS by ESRI (UK)



Scale : 1:5000

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	03 November 2009
SLA Number	Not Set

COMMITTEE REPORT

Committee: East Area **Ward:** Haxby And Wigginton
Date: 12 November 2009 **Parish:** Haxby Town Council

Reference: 09/01709/FUL
Application at: 17 Scriven Grove Haxby York YO32 3NW
For: Conservatory to rear
By: Mrs Susan Cottingham
Application Type: Full Application
Target Date: 19 November 2009

1.0 PROPOSAL

1.1 This application seeks planning permission for a conservatory to the rear of a semi detached property at 17 Scriven Grove, Haxby.

Size. Projects approx 3.6m. Width, approx 3.2m. Height, approx 2.4m to eaves, and approx 3.3m to ridge.

1.2 Relevant property History : None.

Note: The applicant is a current employee of City of York Council.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYH7
Residential extensions

CYGP1
Design

3.0 CONSULTATIONS

3.1 Internal - none

3.2 External

3.2.1 Haxby Town Council - No response at time of report.

3.2.2 Neighbour Response - No response from consulted neighbours.

4.0 APPRAISAL

4.1 Key issue(s): Effect upon neighbouring property and the street scene

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

4.3 Draft Local Plan Policy CYH7 states that planning permission will be granted for residential extensions where: (a) the design and materials are sympathetic to the main dwelling and the locality of the development; and (b) the design and scale are appropriate in relation to the main building; (d) there is no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy; and (e) proposals respect the spaces between dwellings; and (g) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

4.4 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 is also relevant and encourages good design that is sympathetic to the existing property.

4.5 The Application Site. There is a detached garage on the application site, and this proposal has no implications in terms of off-street parking, cycle storage, or refuse storage. There will still be sufficient amenity space in the rear garden following development.

4.6 Effect upon the Street Scene. The proposed conservatory will not be visible from Scriven Grove. It is very modest in scale, and will not appear detrimental to the surrounding area.

4.7 Effect Upon Neighbouring Property. The proposed conservatory will be set back approx 17.0m from the shared rear boundary of no 28 Swarthdale. No issues arise. It will be set back approx 5.0m from the shared boundary of no 19 Scriven Grove, and in addition screened by the detached garage on the application property. Again no issues arise. The conservatory will be set back approx 0.2m from the shared boundary of no 15 Scriven Grove. This boundary is screened by a trellised fence, and there is a window and toplites proposed on this elevation. The window is indicated as obscure, and the toplites coloured. In terms of preventing any loss of privacy, the intention will be to condition any approval so they shall remain as such. Given the modest height of the proposed conservatory; approx 2.4m to eaves, and approx 3.4m to ridge, there are no serious issues in terms of overshadowing, or over-dominance.

5.0 CONCLUSION

The proposal is unlikely to detract from the character and appearance of the area or have a detrimental impact on the neighbours within close proximity to the proposal.

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans - Drawing ref. 887 02 - received 21/09/2009
- 3 VISQ1 Matching materials

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the windows in the west elevation of the conservatory shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above.

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

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority, the proposed conservatory, subject to the conditions listed above, 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.

Contact details:

Author: Paul Edwards Development Control Assistant

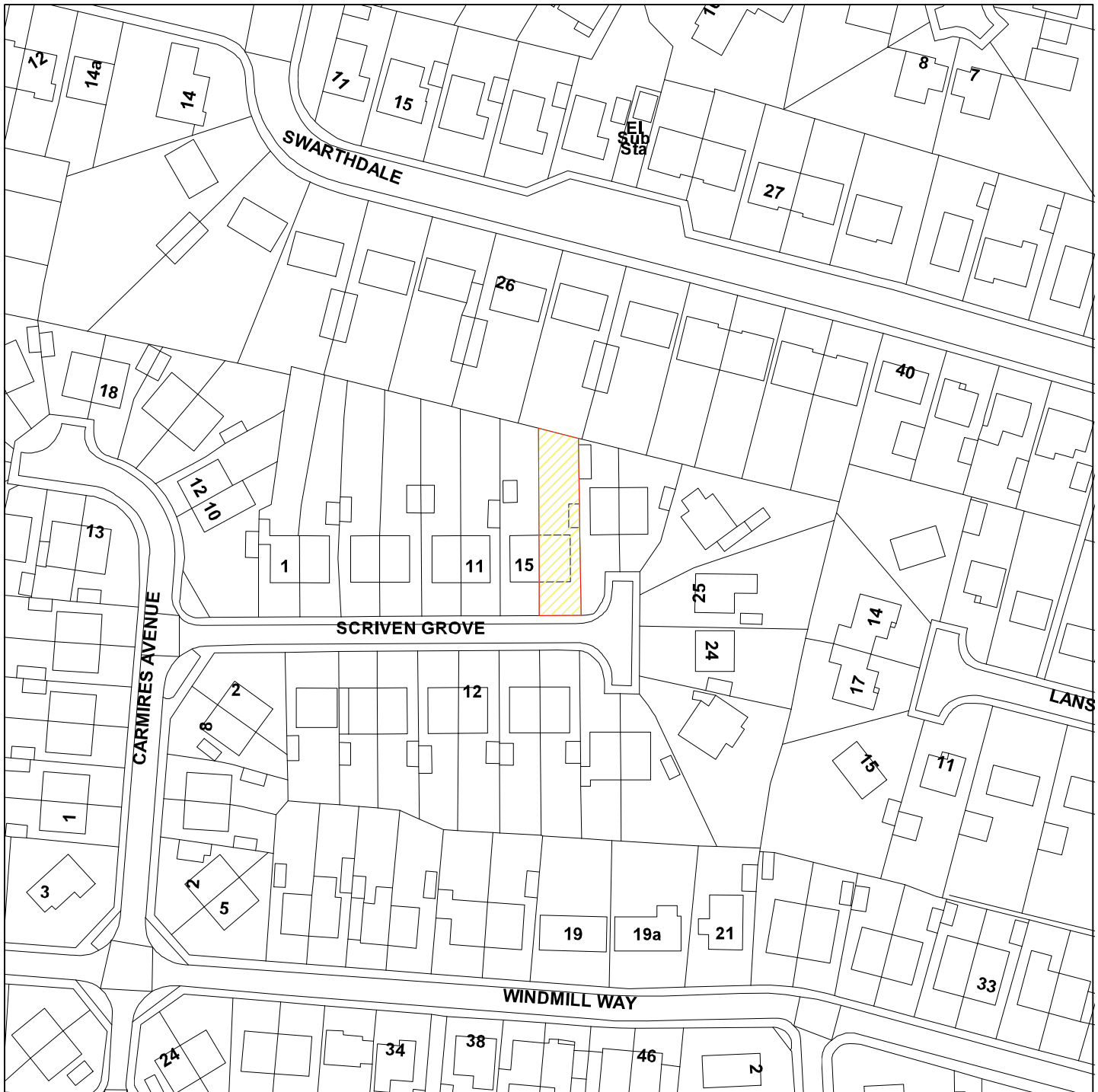
Tel No: 01904 551352

17 Scriven Grove. Haxby

09/01709/FUL



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	02 November 2009
SLA Number	Not Set

COMMITTEE REPORT

Committee:	East Area	Ward:	Wheldrake
Date:	12 November 2009	Parish:	Wheldrake Parish Council

Reference: 09/01445/FUL
Application at: Pear Tree Cottage North Lane Wheldrake York YO19 6AY
For: Single and two storey extension to include garage
By: Mr And Mrs J Johns
Application Type: Full Application
Target Date: 14 October 2009

1.0 PROPOSAL

1.1 Proposed Development

The applicant seeks planning permission to erect a part two-storey and part one-storey extension to the side elevation of Pear Tree Cottage that faces North Lane. The ground floor element would include a garage and car port. At its nearest point the extension would be located 12 metres from the boundary with North Lane.

1.2 Application Site

Pear Tree cottage is a two-storey attached house with a long single-storey off-shoot to the side. The house is set back from North lane and mainly screened from the road by a tall hedgerow. A public right of way linking North Lane with Main Street runs past the house and garden. There are views from this path towards the house and garden

1.3 Planning Background

There have been no other recent planning applications to extend the property. The site is located within Wheldrake Conservation Area.

1.4 The application is being referred to committee as the applicant is employed by the city council.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Wheldrake 0037

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYH7

Residential extensions

CYGP1

Design

CYHE3

Conservation Areas

3.0 CONSULTATIONS

3.1 Internal

Design Conservation - Consider that subject to conditions regarding the use of materials the revised plans preserve the character and appearance of the conservation area.

3.2 External

Parish Council - Do not object, but raise the following points:

- The submission does not refer to the conservation area.
- The plan does not show the trees within the site.
- The parish council is concerned in respect to the erosion of green spaces in the conservation area

Neighbours

The occupier of 9a Main Street that is attached to the application property has written to raise issues in respect to site/building maintenance. It is not considered that this has a bearing on the assessment of the planning application. It is understood that the applicant and neighbour have discussed this element of the application.

4.0 APPRAISAL

4.1 The key issues in assessing the proposal are:

- Impact on the amenity and living conditions of neighbours.
- Impact on the appearance of the conservation area.

4.2 Impact on Neighbours

Policies GP1 and H7 of the Local Plan seek to ensure that developments do not unduly affect nearby residents. The two neighbouring properties adjacent to the proposed extension are 'Wintringham' and 5 Wold Cottages.

4.3 The extension is proposed to the side of 'Wintringham'. It is considered that there is adequate separation from this property to avoid undue harm. It is not considered that the proposed first floor windows will create significant new overlooking of the rear

garden given that first floor windows within the existing house already look towards this direction.

4.4 Number 5 Wold Cottage is a modern two-storey house. The rear of the property and small enclosed garden face towards the site of the proposed extension. On the rear of the ground floor is an open plan kitchen-diner. The nearest opening on the first floor is a bedroom. There are no side openings. To the rear of the garden is a garage serving the house.

4.5 The proposed two-storey extension would be approximately 11 metres from the rear corner of 5 Wold Cottage. It is set off the garden boundary a short distance, and would be slightly oblique to the house. It is considered that the structure would largely be viewed against the original house and would not be unduly intrusive when in the house and garden of 5 Wold Cottage. It has been conditioned that no clear glazed windows are contained within the first floor of this elevation to avoid overlooking.

4.6 Revised plans were received reducing the height of the garage adjacent to the garden of 5 Wold Cottage. This will help to avoid the structure overshadowing what is already a relatively enclosed garden.

4.7 Impact on Conservation Area

When determining planning applications within conservation areas, the Council has a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area. This duty is re-iterated in national planning advice contained within Planning Policy Guidance Note 15 "Planning and the Historic Environment", and is reflected in Policy HE3 of the Draft Local Plan, which sets out the need to ensure that all developments in conservation areas preserve or enhance the character and appearance of the locality. It is considered that the form, materials and detailing of the extension is sensitive to the original house. The roofline steps down towards North Lane, this adds visual interest to the development and creates a better proportioned form relative to the original house.

4.8 The development will still be set back from North Lane and will not be prominent. The hedgerow to the front of the property is likely to remain given that it screens the only area of garden. The extension will be visible from the public right of way to the side. Given that the development is sensitive to the house and set back from the path it is not considered that it will detract from the functionality or attractiveness of the path.

4.9 It is proposed to remove a damson tree adjacent to number 5, however, the tree is very small in size and does not contribute to the appearance of the area. There are several larger trees within the garden. Although modest in size they do contribute to the village character when viewed from the adjacent footpath. There is adequate separation to the trees to avoid the development harming the trees or the trees compromising the future wellbeing of the extensions. The new development is largely on the existing parking area/driveway or on the site of existing buildings. The existing trees were not shown on the original plans, however, have been included on revisions.

5.0 CONCLUSION

5.1 It is considered that the application is acceptable in respect to the impact on neighbours and the impact on the conservation area. It is recommended that the application be approved.

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:-

Revised drawings received by the Local Planning Authority on 28 October 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the first floor window in the north elevation of the extension shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above and remain fixed shut.

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

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority no openings shall be created in the first floor external elevations of the extension other than those shown on the approved plans.

Reason: To protect neighbours' living conditions.

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

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

6 Notwithstanding any proposed materials specified on the approved drawings or

in the application form submitted with the application, samples of the roofing slate 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.

7 All new windows and doors shall be constructed of timber with a micro-porous paint or stain finish.

Reason: To protect the appearance of the conservation area.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the character and appearance of the conservation area and the effect on the amenity and living conditions of adjacent occupiers. As such the proposal complies with Policies H7, GP1 and HE3 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

Contact details:

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

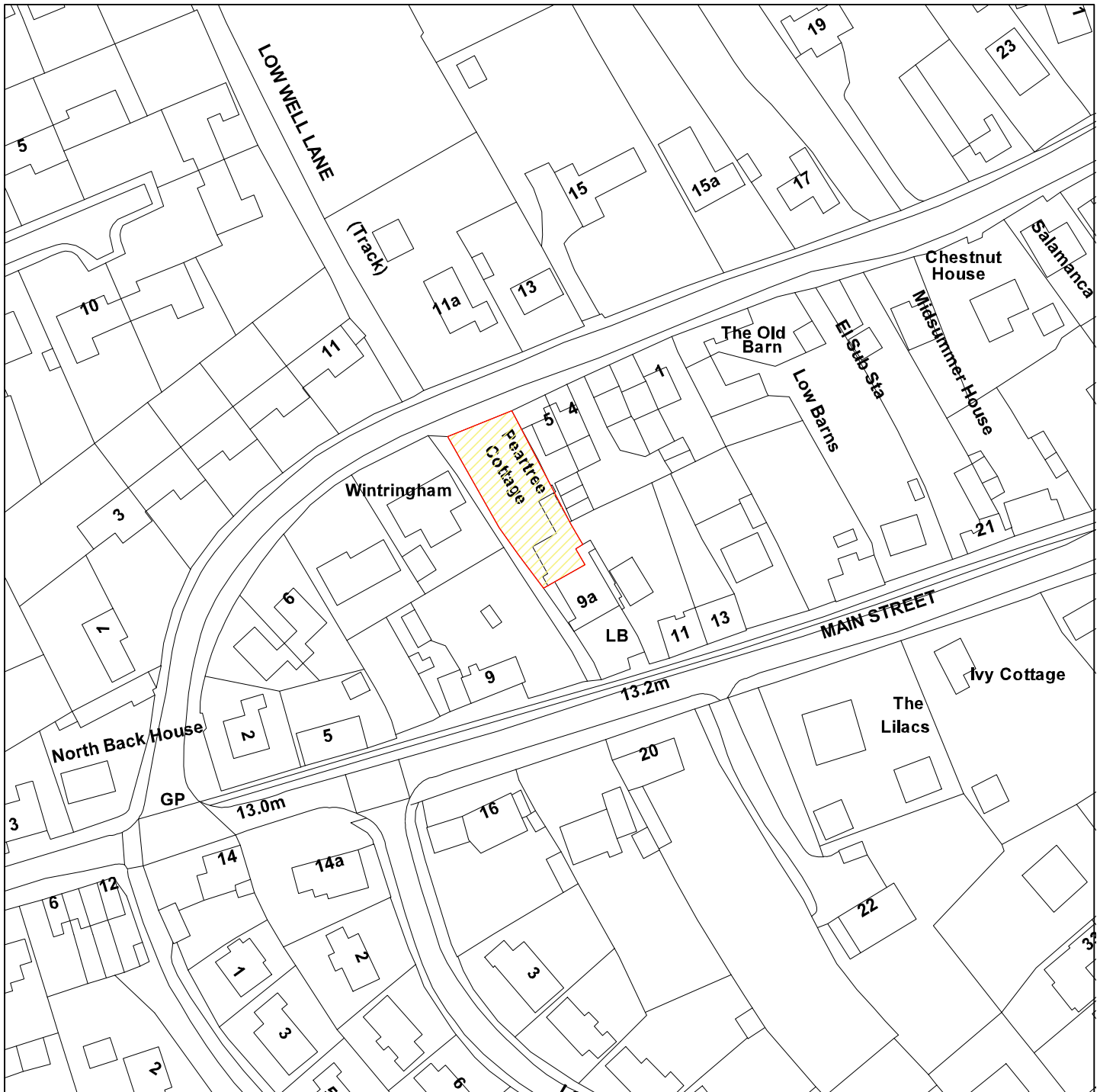
Tel No: 01904 551657

Peartree Cottage, North Lane, Wheldrake

09/01445/FUL



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	02 November 2009
SLA Number	Not Set

COMMITTEE REPORT

Committee: East Area **Ward:** Wheldrake
Date: 12 November 2009 **Parish:** Wheldrake Parish Council

Reference: 09/01751/GRG3
Application at: Wheldrake C Of E Primary School North Lane Wheldrake York YO19 6BB
For: Single storey extension to rear
By: City Of York Council
Application Type: General Regulations (Reg3)
Target Date: 30 November 2009

1.0 PROPOSAL

1.1 This application seeks planning permission to provide a single storey extension to the north elevation of the school to create a nursery facility. The extension would be independent to the existing school, although attached to an existing part of the building used as a youth club and kitchen area. Information supplied by the applicant indicates that the nursery would cater for up to 18 children from age 2 years to rising 5 years. It is estimated that there would be a requirement for additional 2-3 members of staff. The unit would accommodate a lobby, office, main hall, storeroom, toilets, and kitchen and secure out side play area. The extension would project approximately 8.7 metres in depth on the northern side of the building and 12.0 metres wide, situated adjacent to the existing car park and school playing fields. The total height would be approx 4.6 metres to the ridge, reducing to 2.7 metres measured to the eaves. The proposed development would also include internal and external alterations in order to comply with Disability Discrimination Act regulations.

1.2 The school building has its frontage on North Lane with a section of playground to the side of the main entrance; an additional entrance is situated off Broad Highway. Playing fields are situated to the side and rear of the school screened by rows of trees, residential dwellings are bounded on all sides of the building. The school is situated outside the Wheldrake Conservation Area.

1.3 The school building has been previously extended at two - storey and single storey levels (ref: 06/01553/FUL - approved 7th July 2006). An application for the retention of a prefabricated building situated to the southwest of the school building was refused by the East Area Planning sub-Committee on 7th March 2008.

1.4 The application has been referred to Committee by Councillor Christian Vassie, because of concerns from the Parish Council relating to the increased massing of the building shortly after a major extension programme. In addition, concern is expressed at the failure of the school to implement some community benefits upon which the previous scheme was approved (ref: 06/01553/FUL).

1.5 Revised plans have been submitted with additional information relating to opening times, additional staff and number of children. The new plans have clearly identified the position of the nursery and surrounding classrooms.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYED1
Primary and Secondary Education

CYC7
Criteria for children's nurseries

3.0 CONSULTATIONS

3.1 Internal

Highway Regulation - Defer application until more information has been received on the following matters:

Number of additional staff
Number of additional pupils
Nursery opening times
Revised Travel Plan

Revised plans and information submitted to highway officers 2nd November 2009 - comments awaited and will be reported direct to Committee.

3.2 External

Wheldrake Parish Council - The Parish have not commented in writing on the application as yet. Revised plans were sent to the Parish on Monday 2nd November 2009 and it is anticipated that comments will be submitted prior to the meeting.

Public Consultation letters - No objections received - expiry date 28/10/09

4.0 APPRAISAL

4.1 The key issues are:

- principle of development;
- acceptability of use;

- need for facility;
- standard of provision;
- design and affect on visual amenity;
- impact on residential amenity;
- highway safety.

POLICY CONTEXT

4.2 Planning Policy Statement 1 (PPS1): Delivering Sustainable Development encourages good design.

4.3 DRAFT LOCAL PLAN POLICY CYGP1 states that development proposals will be expected to (i) respect or enhance the local environment; (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials;

4.4 DRAFT LOCAL PLAN POLICY CYGP4A - SUSTAINABILITY - Requires that all proposals should have regard to the principals of sustainable development.

4.5 DRAFT LOCAL PLAN POLICY CYC7 - CHILDREN'S NURSERIES - States that planning permission will be granted for development of a children`s nursery providing: there is adequate internal and external play space; the amenity of neighbouring properties or the residential character of the area is not adversely affected; and, the proposed development is well served by footpaths, cycle ways and public transport routes.

4.6 DRAFT LOCAL PLAN POLICY CYED1 - States that planning permission will be granted for new/extended primary and secondary education facilities provided there is a recognised need, the extension is of an appropriate scale and design and there is sufficient open space/playing fields available. Where a development is capable of a joint or dual use for community benefit, this should be incorporated into the design.

4.7 PRINCIPLE OF DEVELOPMENT

The proposal is to extend an existing primary school on the northern elevation to incorporate an independent pre - school nursery, operating during school hours from 8.30am until 3.30pm. It is considered that the inclusion of the nursery on the school grounds would be compatible with the main use of the school and would be convenient and beneficial for local parents and children, as well as being in line with the government's External School Agenda. The proposal incorporates internal alterations not included within this application to support the need for future out of school hour's activities

4.8 DESIGN AND VISUAL AMENITY

The proposed development is of a scale and design that is appropriate to the character and appearance of the existing school building and would not detract from the surrounding area. The position is relatively well screened by other buildings, therefore it is considered the size and scale of the extension in comparison to the existing school buildings would not constitute overdevelopment of the site.

4.0 SUSATAINABILITY

Whilst the extension is BREEAM exempt, the Sustainability Statement confirms that it is intended to achieve a BREEAM very good/excellent rating. The design of the extension incorporates the use of air source heat pumps, low flush toilets, 100% recycled plasterboard and roof insulation in sheep's wool or other alternative natural insulation. Materials will be from sustainable sources where possible.

4.9 RESIDENTIAL AMENITY

The impact on residential amenity would be little different to the current situation during school opening hours. The supporting information within the application suggests that the nursery would potentially open later in the day than the school and during school holidays. This could result in some slight disturbance to residents, particularly on Broad Highway. However the proposed nursery building would be of an acceptable distance from the surrounding dwellings, separated with adequate boundary treatment around the school. Therefore, it is not considered that the proposal would result in any detrimental impact on residential amenity to an unacceptable degree.

4.11 HIGHWAY COMMENTS

Highways officers have requested further information on the proposal on the following matters: the submission of a revised Travel Plan to take account of the new proposals, the number of extra staff and pupils involved, and the hours of operation.

The information has now been supplied by the agent, who confirms that the proposed nursery would accommodate a maximum of 18 children from 8.30am - 3.30pm at present, with an additional 2- 3 extra staff. A revised Travel Plan has also been submitted. Further comments from Highways officers are awaited and will be reported direct to the Committee.

4.13 COUNCILLOR/ PARISH COMMENTS

Concerns have been regarding the increased massing of the building shortly after a major extension programme has taken place. In addition, concern is expressed at the failure of the school to implement community benefits which were offered at the time the previous scheme was approved (ref: 06/01553/FUL), specifically a community library.

4.14 In terms of additional massing, it is considered that the extension is of an acceptable scale and design in relation to the existing school and would not constitute overdevelopment of the site. The provision of community benefits was not a condition of the previous approval and any assurances made at that time are not directly relevant to the present application. So far as the potential community benefits associated with the present proposal are concerned, the Project Manager, Resource Management, Learning Culture & Children's Services has stated the following:

"The project would provide a separate access for the youth club, which would enable the school to be secured separately. The existing "bar" in the youth annex would be

removed, new storage provided, and the new kitchen area would be accessible either from the Extended School facilities or from the youth club - this would provide better kitchen facilities than they have at the moment. Both doors into the kitchen would be lockable, with lockable storage in the kitchen as well, for both groups to keep their belongings.

As far as the community using the facilities, I will include a quotation from our project brief:

The space could be used to develop a high quality environment for children, additionally it could provide a base for the locality Children's Centre outreach team, as well as offering accommodation to LA staff who could use it to look at areas of learning and to provide training for school staff and local Early Years providers. It could also be used for informal parenting groups. There would also be the potential for existing childcare to be extended, for instance, by providing a base for a Breakfast Club, or enabling holiday clubs to be run for some or part of the school holidays. All existing local groups (including private nurseries and child minders) could use the facilities, either separately or working together, and be involved in the initiatives."

It would appear, therefore, that the proposal has been designed in order to accommodate dual use/community benefits in accordance with Policy Ed1 of the Draft Local Plan.

5.0 CONCLUSION

The proposal to extend an existing school to provide nursery facilities is considered to be acceptable. The nursery use would be compatible with the existing use of the site and would improve pre-school provision in the area. The design of the extension is acceptable and would constitute a sustainable form of development. There would be no significant harm to residential amenity. Comments are awaited from Highways and the Parish Council. The application is recommended for approval, subject to conditions.

6.0 RECOMMENDATION: Approve under General Regs 3 Council Dev

- | | | |
|---|--------|--|
| 1 | TIME2 | Development start within three years |
| 2 | VISQ1 | Matching materials |
| 3 | PLANS1 | Approved plans - Revised Plans - drwg No 0835/03 _ Proposed Plan drwg No 0835/04 |
| 4 | NOISE7 | Restricted hours of construction |

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 principle of development, acceptability of use, need for facility, standard of provision, design and affect of visual amenity, impact on residential amenity and highway safety. As such, the proposal complies with Policies GP1, GP4A, ED1 and C7 of the City of York Development Control Local Plan.

Contact details:

Author: Sharon Jackson Development Control Assistant

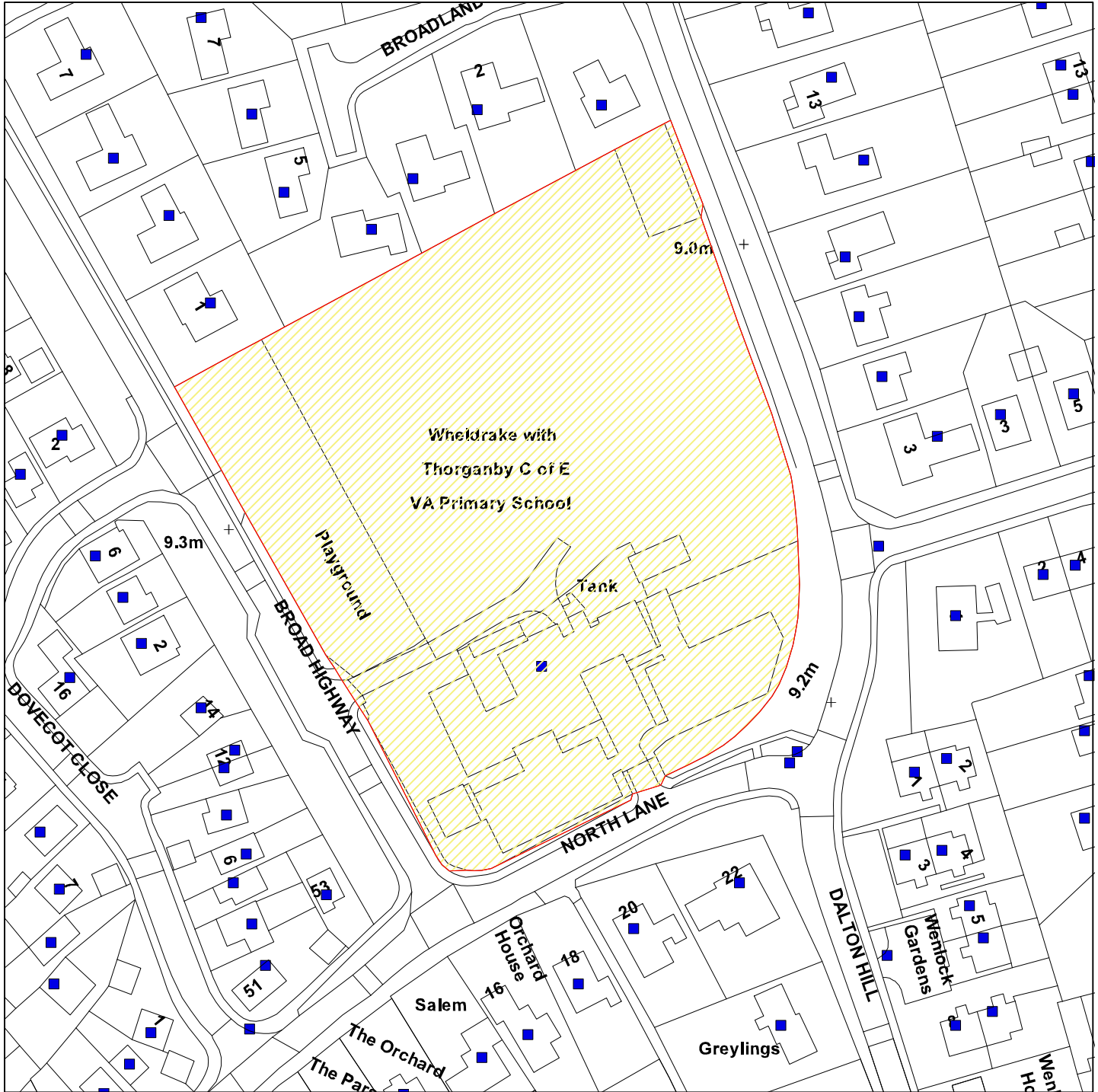
Tel No: 01904 551359

Wheldrake C of E Primary School

09/01751/GRG3



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	03 November 2009
SLA Number	Not Set



East Area Planning Committee**12 November 2009**

Report of the Director of City Strategy

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

1. This update details the current action with regard to the outstanding Section 106 issues in relation to Clifton Hospital and provides details of the proposed Management plan for the site.

2. Background

2.1 A report was prepared in Jan 2009 to update members on the progress made in resolving the issues with regard to the long standing Section 106 agreement.

2.2 This included outlining the proposals for the management plan and the completion of works to reinstate the old sewage works site, although it was anticipated that final work would not be completed until summer 2009.

3. Consultation

3.1 No further discussions with Persimmon's have taken place, although an amended management plan proposal has been submitted to them for consideration. No response has yet been received.

3.2 The Ward Member and Clifton Parish Council have been kept informed of these issues and a response is awaited from the Parish Council with regard to the proposed management plan.

4. Analysis***Update October 2009***

4.1 With regard to the footpath, the Council's dedication procedures are currently underway. However, the formal request for dedication is still awaited from Persimmon's. The route is, however, available for use.

4.2 The dedication of the land is currently with the Council's legal section and is being progressed in conjunction with Persimmon's Solicitors.

4.3 The final reinstatement of the old sewage works site has been agreed and the Council's countryside officer has been asked to initiate the work but Persimmon's will implement it other than the seeding. A plan of the proposed

work was tabled at the meeting. It was intended that this work was to have been carried out during the summer, unfortunately due to time constraints on the part of the Council's Countryside Officer, this was not done. It is therefore proposed to carry out this work in spring 2010.

- 4.4 With regard to the management plan, an outline of the proposals had been supplied to the Council's Countryside Officer and was reported to this Committee. As a result an amended plan was returned to Persimmon's for their final approval. No response has yet been received.
- 4.5 A draft copy of this plan has also been provided to Clifton Without Parish Council asking for comment. Again no response has yet been received.
- 4.6 The proposals are as set out in the report of Feb 2009.
- 4.7 A copy of this plan is appended to this report as 'Annex 1'.
- 4.8 With regard to the possible transfer of other land at Clifton Hospital to the Council, there has been no further discussions due to time constraints upon the Countryside Officer. However, this possibility will be pursued as it is of both wildlife and community benefit. A further report will be prepared in due course should discussions prove favourable.
- 4.9 The requirements to conclude the Section 106 will be continued regardless of the possible transfer of at least some of the land to the Council.
- 4.10 Some aspects of the outstanding requirements are awaiting a response from Persimmons, notably finalisation of the management plan and the footpath creation. However, other elements are awaiting action by the Council notably with regard to land transfer and the implementation of the final reinstatement of the old sewage works.
- 4.11 With regard to the latter, these are as a result of time constraints on the Council's staff.

5.0 Corporate Objectives

- 5.1 The management of this site ensures that the green separation between Clifton Without and Clifton is retained. Its management is therefore important in order to retain this separation in good condition. The site also has some Nature Conservation and Landscape value and assists in fulfilling the Council's duties with regard to the Natural Environment and Rural Communities Act (2006).

6.0 Implications

- 6.1 There are no financial implications with regard to this report.
- 6.2 There are no Equality implications.

- 6.3 Human Resources implications are limited to the time spent by the Countryside Officer in organising and supervising the management of the Clifton Hospital site.
- 6.4 There are no Legal, Crime and Disorder or IT Implications with regard to this report.
- 6.5 The property implications were dealt with within the report regarding the transfer of land to the Council in February 2006.

7.0 Risk Management

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

8.0 Recommendations

- 8.1 Members are requested to note the progress made with regard to the completion of the Section 106 agreement and the work still required in order to achieve a satisfactory conclusion to this long standing case.
- 8.2 Members are requested to consider whether any enforcement action is considered necessary with regard to the uncompleted elements of the Section 106.
- 8.3 A further report will be prepared in due course when the management plan has been finalised and any details are available with regard to possible further land transfer.

Reason: To ensure that work conditioned as part of the Section 106 agreement at the Clifton Hospital site is completed.

Contact Details

Author's name Bob Missin
Title: Countryside Officer
Dept Name: DCSD
Tel No. 1662

Chief Officer's name : David Warburton
Title: Head of Design Conservation and Sustainable Development

Report Approved **Date** 23 Oct 2009

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

Wards Affected: List wards or tick box to indicate all – Clifton Without

All tick

For further information please contact the author of the report

Annexes

Annex 1 – Management Plan

Background Papers:

East Area Planning Committee Feb. 2009 - Clifton Hospital : Outstanding Section 106 in relation to Management of the landscape.

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

Annex 1

Clifton Park Grounds - Landscape and Nature Conservation Management Proposals.

In 1994, the NHS were granted an outline planning consent with regard to the re-development of the old Clifton Hospital site and entered into a Section 106 agreement. Since then, the site has been sold on and the development taken forward by a number of developers including Henry Boot, Persimmon's and Henry Lax Ltd. The individual development areas have now been sold but the remaining land; including the area to the south that comprised the old grounds and being the subject of this plan, is owned by the latter two companies, Henry Lax Ltd and Persimmon Homes. These also hold the management responsibility for the landscaped surroundings of the buildings.

The aim of this plan is to assess the progress with regard to the original Section 106, with particular reference to the implementation of management and landscape plans related to the grounds

Location

The site is on the northern side of York in the parish of Clifton Without on the western side of the A19 Shipton Rd.

The old Clifton Hospital site covers the grounds of the former Hospital on the southern side. It is set between the Shipton Rd to the east and the flood banks of the River Ouse and Clifton Ings to the west. To the north is the old hospital site, now offices and residential properties, and to the south is the York Rugby and Cricket club grounds and clubhouse.

In all the land covers 11.54 ha (28.5 acres).

Site Description

The area is predominantly species poor grassland divided into three blocks by an access road to Pavilion Cottages and the Cricket clubhouse and by an avenue of Scots Pine leading to the old sewage works. These divisions run north south. Within this grassland are set a number of semi-mature/mature trees, some being relicts of the old orchards often associated with old hospitals. Several of these old orchard trees have blown down in recent years, as have a number of trees.

This open setting with occasional trees gives the area a parkland character. This is enhanced by the mature/overmature trees and planting adjacent to the old hospital buildings on the northern side and the mature trees on the Shipton Rd. Within the western most grassland area is a remnant of old orchard adjacent to the conifer belt. Within the central block and alongside the track to the Cricket field are also a number of other very large old fruit trees, again part of an old orchard. This track is partly hedged on its western side with a row of small ornamental Apple, Cherry and Birch on its eastern side.

To the east (Shipton Rd) and west (Ouse flood banks), the land is bounded by species poor hawthorn hedges.

The grassland itself is old ridge and furrow on a southwest, northeast alignment. On the eastern field, the ridge and furrow is pronounced but on the central area it is much less prominent or hardly visible, suggesting that it has been ploughed out in the past.

There is no sign of ridge and furrow in the smaller western field although there are a number of irregularities within it. Also within it is a large balancing pond, built as part of the surface water drainage system for the hospital site. This pond has an inflow from the hospital but no outflow as it is simply a detention basin to allow water to percolate away naturally. It has naturally vegetated quite well and is surrounded by a

fairly extensive marshy area. Some enhancement planting of native wetland wildflower species was undertaken by City of York Council in 2008.

To the south of this is the old hospital sewage pumping station, now a rough derelict mound with an avenue of Lime trees on the eastern and south sides. This continues on from the Pine Avenue. Adjacent to this is a more recent brick pumping station.

A number of ditches have been excavated alongside the roads adjacent to the site to prevent encroachment by gypsies. The spoil from these ditches has been mounded to form a ditch and bank system. Finally there is a derelict area on which the sports changing rooms (demolished in 2004) had been sited, and the old bowling green/Tennis Courts adjacent to the Clifton Park retail site.

Site History

Clifton Hospital was closed in 1991 and outline consent was granted for redevelopment to its present uses in 1994. This consent included a Section 106 agreement. At the time the outline consent was concluded, the planning authority was Ryedale District Council, however, due to Government reorganization, the area was passed to City of York Council for determination of the detailed consents in 1996. This was granted in 1996. It was subsequently sold for development to a consortium made up of, amongst others, Persimmon's and Henry Lax Ltd. The consents granted were subject to the original Section 106 agreement and are binding on successors in title. The 106 included a number of conditions related to the land within this management plan area. These are outlined later.

Subsequent to this, the residential and office redevelopment was completed by 2002.

Within the development area, some landscaping has occurred. The rest of the land has not been developed. The southern block was kept as open land to retain the distinction between Rawcliffe and Clifton. This is the area that is the subject of this report. A small area to the north of the hospital, adjacent to the Shipton Rd., remains undeveloped.

Nature Conservation Interest

There is very little recorded information from within the site, although adjacent to it are the Rawcliffe Meadows and Clifton Ings. Both are of significant wildlife value and are designated as Sites of Importance for Nature Conservation (SINC's).

Botanically the area is poor, for the most part being species poor improved grasslands. A brief species list is given in appendix 1. Likewise the hedges are species poor, being primarily Hawthorn with Ash and elder. The majority of trees within the site are relatively young although there are some exceptions to this. Overall, in 2005 there were some 131 trees within the site, excluding the perimeter trees. However, six trees have fallen or been removed since then. Of those, 47 (previously 52) are within the avenue (32 Scots Pine, 15 European Lime) leading up to the sewage pumping station and are mature, 15 are old but small orchard trees (4 Apple, 11 Plum) within the remnant orchard to the west of the avenue, 7 (previously 8) are large, old Pear trees and 3 are large apple trees. These latter are at various locations to the west of the Pavilion access road. These are again remnants of another orchard area. Of the remaining trees, 32 are mature trees set within the open grassland of the site, the rest are young or semi-mature trees. These are indicated in table 1.

Of all the mature trees present, only 5 have some dead wood present, although there are 4 dead Flowering Cherry and 1 dead Birch adjacent to the Pavilion access road.

Although largely species poor, the grasslands to the east of the Pavilion Cottages access road contain some species that are characteristic of older grasslands. These include Greater Burnet, Meadow Buttercup and Sorrel. Also, the ridge and furrow is largely intact. This suggests that they are probably derived from old grassland and have been improved through fertilizer application and management rather than from ploughing and reseeded, at least in the recent past. The grasslands to the west of the access road may also be derived in this way, although undoubtedly some ploughing has occurred at some time as the ridge and furrow is much less distinct. Here the grassland has only very limited numbers of indicative species such as Meadow Buttercup and, whilst still being of a coarser quality than the eastern sections of grassland, the extent of problem species such as False Oat Grass, Creeping thistle and Ragwort has been substantially reduced through the hay cropping and Ragwort control that has occurred over the last few years. On older maps, the northern part of this area is shown as playing field. The southern part is fenced off and fairly heavily grazed by gypsy horses.

The hedges and wooded areas also have a very limited flora, being relatively recent in origin. The hedges are well established and have been trimmed in the past but are becoming thin at the bottom and in need of thickening. At the northern end of the hedge by the old Chapel and adjacent to the flood bank, Ash has established. As for the woodlands, the ground flora is sparse and species poor. Within this hedge were several patches of Japanese Knotweed, a pernicious and persistent weed, however herbicide treatment undertaken by Persimmon's in recent years has more or less eradicated the problem.

Old orchards are often of significant wildlife interest, particularly for birds, bats etc because of the insects associated with them. Old trees are also of interest for invertebrates and the age range of trees within the site may be of some value, providing continuity of aging timber suitable for dead wood insects. There are no known records for invertebrates from this area.

There are though records for Bats. The site, with its remnant of old orchard trees, mature trees and grasslands close to the river is likely to be of some value as a feeding area and, although no bat roosts have been recorded, there are very likely to be roosts in some of the buildings or older trees around the old hospital itself.

Although fairly recent, the pond had vegetated fairly well, albeit with a relatively limited flora of Typha (Reedmace or Bullrush). The water level fluctuates to a degree so that the margins dry out in summer giving a typical inundation flora of Creeping buttercup, Creeping Bent and Juncus. Small fish, probably stickleback, are present. Some planting of aquatic species such as Phragmites, Kingcup, Marsh Woundwort, Ragged Robin, Purple Loosestrife, etc was undertaken in 2008 by City of York Council to enhance the site. No amphibian records are available although it is highly likely that at least Frog and Toad will occur. The dense Bullrush beds are important in winter for Reed Bunting, sometimes holding 50+ birds.

Archaeological Interest

A watching brief for any archaeological interest was maintained during the redevelopment of the site and little of archaeological significance was found. The Ridge and Furrow are some of the best preserved in the York area.

Recreational Interest

Although, the land is privately owned, it is crossed by a number of informal footpaths providing links to the Ouse riverside walk and cycleway and the area is generally used as an open space. No signs are present to contradict this and no section 31 order is yet extant on this area. These routes appear to be accepted and provision seems to have been made for access at one point in the western hedgerow onto the

flood bank although it is unknown who installed this. As such it is very well used by dog walkers and to provide access to the Ouse walk. One of these routes, the southernmost one adjacent to the cricket field, is the subject of a condition in the section 106 agreement and is proposed as a definitive footpath route. The work to establish this route has been undertaken although the formal creation is still awaited. Requests have also been made for this route to be upgraded to a cycle link to allow easier access to the Ouse cycleway and so to York's wider cycleway network.

Problems

When originally assessing the site in 2003, a number of problems were identified that needed to be addressed if the site was to be brought into an acceptable management condition. Some of these were considered a safety risk and required resolution as a matter of urgency.

The problems identified included: -

- i) Gypsy horse grazing.
- ii) Ragwort and thistle infestation.
- iii) The ditch and banks to prevent gypsy encampment are unsightly.
- iv) There was a large quantity of fly tipping, including tyres and asbestos etc, adjacent to the old sewage works site.
- v) Sewage was leaking from the old sewage station although this is supposed to have been decommissioned.
- vi) A number of metal tree guards have been allowed to grow into the tree stem.
- vii) Vandalism.
- viii) Hedges are in need of management.
- ix) Grassland needs management to control 'ii)' above as well as in its own right.
- x) Sticks and other debris in the grassland.
- xi) Fencing is in poor repair.
- xii) Excessive parking along Clifton Park Avenue.

The most urgent of these issues was the release of sewage from the old pumping station. This was resolved in 2007 when the old site was filled in and covered over. Since then no releases have occurred although there appears to have been a small release in July 2009 from a man hole cover in the field between the Cricket Club and Matron's Walk. This will need to be investigated but is probably due to flash flooding from thunderstorms.

Similarly, the site was cleared of flytipping, etc and is now regularly cleared to prevent build up of rubbish. In addition, the old tree guards were removed, fencing improved and the alignment of the proposed public right of way established.

Whilst not related to the management of the Clifton Hospital site itself, there has also been a recent and dramatic improvement (reduction) in parking along Clifton Park Avenue.

The majority of other issues were a matter of management and are covered below.

Present management

Previously (before 2005), no formal management had taken place for many years, although unofficially part of the land, notably the fenced field in the centre of the site between the access road and the old sewage works site, had been grazed by gypsy horses. The rest of the area had received no maintenance except the grassland was apparently cut in 2003 following concern over the ragwort and thistle problem.

Similarly, no hedgerow or tree management had been carried out for a number of years.

Since 2005, however, City of York Council has carried out management work on the site at the request of Persimmon's and such work was recharged to them.

This work has included:

- i) Ragwort control on an annual basis throughout the site by both chemical control and by pulling.
- ii) The regular cutting of the grass once per year.
- iii) Clearance of litter and flytipping from the site.

In addition, Persimmon's have undertaken some tree work and inspections to ensure trees are in a safe and reasonable condition. They have also undertaken some hedgerow management on the Cricket club access road (2007) although none has occurred on the boundary hedge adjacent to the flood bank.

This work relates to the draft management proposals produced by CYC in 2005 and is compatible with the implementation of the Section 106 agreement. Gypsy horse grazing continues but this is not incompatible with the aim of maintaining a rural parkland landscape provided numbers are not excessive and are well managed.

Appraisal

At the present time, the site provides an attractive area of open parkland contiguous with the adjacent Rawcliffe Meadows and Clifton Ings. It contains the development at the old hospital site and prevents its merger with the rest of the Clifton area to the south. It also prevents the narrowing of the Ouse corridor and provides an accessible open green space with a rural rather than formal character. As such it is akin to the Clifton Backies, Hob Moor and other Strays that are such an integral part of the character of York and its open space. These areas carry out an important and significant landscape and open space function, both in an historical and present day context and are of inestimable value when considering the enhanced quality of life they provide for local residents and for the city as a whole. They are also included in the Local Plan as 'green belt'

However, the site also suffers from a number of problems. Its location within an urban setting is both an asset in landscape terms and a problem in management terms. Past neglect had exacerbated this management problem, making its management, at least in the short term, more expensive.

Recreation

With regard to recreation, the area is well used on an informal basis, both in its own right and as a link to the wider footpath and cycleway network. At present the site is crossed by a number of informal grass paths that form a logical network to link the various local communities to the Clifton Ings path. Although used informally, there is no definitive right of access; the only official path is at present a permissive route that is awaiting formal creation as a right of way. This is the route along the southern boundary until it reaches the Pavilion access track. It then runs due west diagonally across the field to leave the site adjacent to the old sewage works. This aside, there may already be rights of way established because the area is not the subject of a section 31 order and routes have been used for many years.

It has been suggested that this route be upgraded to a cycleway and discussions have taken place with regard to this. The Ouse cycle route at the moment can be formally accessed by cycles only from the north and south and through a track to the north of the Clifton Hospital site, adjacent to the Rawcliffe Bar Park and Ride. There is also a very well used access that follows Clifton Park Rd and the access track to the sewage works. From there it takes a short cross field link to the flood bank boundary

where it leaves the site through the unofficial but well constructed access in the western boundary hedge. This route however is unofficial and there are no formal direct links either from the Shipton Rd or from the new residential development. Such a link would be of value, as evidenced by the use of the existing unofficial route. The suggestion to use the proposed footpath route is not considered to be the best one for a cycleway, particularly as the existing unofficial would require much less work to create. The main problem lies with the need to rise up onto the flood bank and restrict the number of breaches of the boundary hedge to a minimum.

At the present time, there are two main access points through western hedge, one at the southern tip of the site by the Pavilion Cottages, the other half way along the western boundary. This latter point is gated, the former one has a stile. Both have been maintained and improved although neither are formally designated. A further stile is set in the hedge adjacent to the old sewage works at the point where the permissive route leaves the site. To establish a link here would necessitate the removal of quite a wide section of hedge, the construction of two long ramps on either side of the flood bank and the construction of a very long section (nearly 500m) of surfaced cycleway through the existing grassland. This would not only be expensive but would create a third opening in the boundary, does not utilize the surfaced routes already present, is less accessible for residents of the Fylingdales Avenue development and would begin the formalisation of the area. Alternative routes would be to use Clifton Park Avenue and then either the Pavilion Cottages access road or the Pumping station access rd. Either of these would then make use of an existing access point onto the flood bank. One problem with this was the excessive parking along Clifton Park Avenue. This effectively restricted this to a single lane route, as well as causing damage to the verges. Recent improvements to the parking have resolved this issue.

Whichever route is considered appropriate, there would still be a need to construct a ramp up onto the bank and down onto the existing cycle route. No cutting into the bank would be permitted by the Environment Agency as this could affect the integrity of the structure as a flood barrier. The best location for this is the southern access point where the gradient on the Park side is much less acute and, because of the direction of the flood bank at this point, a graded route could be easily constructed down the bank on the Ings side to link straight onto the existing path. However, this would require the construction of approx. 140m of cycle track, whilst the other route utilizing the pumping station track and using the northern access point, would only require approx. 60m of surfaced path.

Either of the routes would be both feasible and acceptable but would require discussion with the landowner, as the proposal is not covered by any existing agreements. It would also require the consent of the Environment Agency as it affects a flood barrier.

There is the possibility of another route being established on the northern side of the Fylingdales Rd development. This runs through the woodland and links both to Shipton Rd and onto the flood bank at an easy gradient. This is present on the ground and is shown on old maps, although on a slightly different alignment. This has not though been further investigated as it is close to the existing cycle link and is outside the area of study. It could, however, be developed as a local link for the residential area, if this was thought appropriate and would form part of an attractive shorter circular walk if developed in conjunction with paths on the Clifton Park area. Ownership etc would though need to be investigated.

None of these proposals are, however, relevant at this time for this plan as their implementation would be as part of a wider CYC cycle strategy which has yet to be formalised.

With regard to other formal recreational uses, there is no particular obvious requirement. The need for formal play areas or additional playing fields has been mooted but its isolation from residential areas and the need to cross the Shipton Rd are not conducive for this and no formal requests have been made. There have been suggestions for the re-establishment of the bowls and tennis courts, however, there is no clear need for these and they would effectively need to be constructed as new facilities and whether this is viable is a moot point. There could be the possibility of establishing a BMX/skateboard type activity area but there does not appear to be any pressure for such a facility and it would require careful control and management if it were to be developed. As for the cycleway proposals, however, these are not relevant to the current management of the site.

With regard to informal recreation, the paths already provide an attractive and viable network and at the present time do not require any surfacing.

A small picnic area could be developed if it was considered to be necessary. This would be possible on the area proposed within the Section 106 to be handed over to the Council as Open Space. With limited landscaping this could be made into an attractive site even though it is separated from the river. Parking would though be restricted as vehicular access is limited, unless use of the parking area adjacent to the Pavilion Cottages could be negotiated. It would not though be intended for anything other than local use.

The mound of the sewage pumping station also makes an attractive focal point and could also provide a suitable location for a picnic area.

These areas are though isolated and a demand should be established before further consideration of this is made.

Nature Conservation

Although of limited wildlife value, the site is of some local interest and has considerable nature conservation potential. These open space areas can hold the key to the diversity of wildlife in an urban area. The grasslands, although species poor, are now being managed by haycropping to improve their botanical value, retaining and using the character of the ridge and furrow to increase the overall diversity of the area.

The informal grazing by gypsy ponies has, to some extent, been beneficial in helping maintain a grass sward and prevented it from becoming too rank. In places though, this has been detrimental, with some overgrazing creating a typical badly managed sward with the concomitant problems of thistle and Ragwort.

Ideally, these meadows are best managed, as now, by hay cropping, followed by some limited controlled aftermath grazing.

Because of the high number of dogs using the site, grazing is best done by cattle but could also be done by properly controlled horse grazing. This would though necessitate the division of the area by fencing. The costs involved are considerable and would need to be carefully considered and discussed with local residents as the perceived loss of access might also be considered unacceptable. The costs involved at the moment make this impractical but there may be opportunities in the future for grant aid and this will be investigated by CYC.

One of the problems with haycropping is also linked to its urban context. This is that the extensive use by people and dogs. Very often debris such as sticks thrown for dogs gets left in the grass and these can cause considerable damage to machinery. This has necessitated walking the fields several times a year to remove such debris.

With regard to the trees, these form a suitable habitat for many species and are particularly attractive for birds and for bats. Their invertebrate interest is unknown but may be of interest and they could provide suitable roost sites for bats. This element

could be enhanced through the provision of bat boxes etc and the retention of dead wood, where this is safe.

A programme of replacement would ensure that enough trees are always retained on the site despite any losses as trees age. It is important though that old trees are retained wherever possible. The avenue of Pine and Lime and the old orchard will need a similar programme if they are to be retained.

The old orchard trees are particularly interesting and potentially provide a valuable resource. Similarly the mature trees not only form a major element of the landscape but are also of considerable value for both birds and bats. However, some of the trees have suffered, notably the beech where the old metal guards had restricted the growth and grown into the stem. These were removed in 2006 but the trees have not thrived and some are deteriorating.

Likewise the pond, although well vegetated, could be enhanced to improve its value and attractiveness. Some work towards this has been carried out through planting of wildflower species and the botanical interest will be monitored. The re-establishment of some open water may also be of value and consideration will be given to some vegetation clearance, although not in the immediate future.

Landscape

The essential character of Clifton Park is its parkland setting. The maintenance of this, as for the nature conservation value, is necessary if this character is to be retained. Both of the main elements, the trees and the grassland, need to be managed on an annual basis. To date this management has not been fully addressed and as a result, the Clifton Park has suffered. This though is only a temporary setback and the robustness of the site is such that initiating a maintenance programme as occurred in 2005 has improved the site and will enable the Park to continue as a major landscape feature of the A19 corridor into York.

The majority of the trees in the Park are mature, with a reasonable age range. There do not appear to be any major defects in the trees within the Clifton Park area itself, except for the 4 constricted Beech. Whether these can be saved for the longer term will need to be assessed by a competent arboriculturalist but being central to the site are of great visual significance and replacement planting of large semi standards (these will either need to be very robust to withstand vandalism, or smaller but with secure park protectors around them) should be carried out to ensure that if these are lost in the medium term then others are present to take their place. These trees could be a mix of both ornamental and native species to provide both visual and nature conservation value.

With regard to the Pine avenue, although this no longer serves any particular function and is no longer used as a footpath to any great extent, it does have historical interest. The quality of the trees though is poor and as such there will be a need to monitor these and selectively fell if any become dangerous. A slight increase in spacing would retain the avenue aspect but open up the western area visually to the rest of the site.

The planting and hedgerow beside the Pavilion Cottages access track although relatively low does break up the continuity of the open space. The clearance of some of the dead trees and the reduction of the hedge height has however assisted with reducing this impact and no further action is at present thought necessary.

The Lime's on the other hand, adjacent to the old pumping station should be retained to maintain a copse and end to Matron's Walk. Some selective removal of dangerous trees has been carried out. This will require replacement planting carried out to create a copse.

Similarly, the mature trees on the fringe also need to be assessed and replacement planting to be put in place to ensure continuity of interest.

A particularly interesting feature of the site, both historically and visually, is the old Orchard on the western side. This is important to the local character of the site and as such should be maintained and enhanced. This would though require a programme of replacement planting and pruning and is a specialist proposal. As such it is outside the remit of the current management proposals but will be considered by the CYC Countryside Officer for further action.

With regard to the remnant orchard trees adjacent to the Pavilion access road. This is now so far gone that its reinstatement would essentially be creation and would interfere with the parkland character. Some of the suggested parkland trees though could though be fruit trees to mirror this aspect of the site history, thus enhancing both the parkland character and retaining the historical element of the orchards.

Summary

The Clifton Park is a significant rural landscape feature within Clifton Without and is of great value to the overall character of the area and to the quality of life it affords to residents.

In addition to its landscape quality, the land itself is of some interest for nature conservation. Although it does not contain any particularly uncommon flora and fauna or hold significant semi-natural habitat, it does provide an opportunity for some of the common and increasingly threatened species to remain within an urban context. There are though considerable opportunities to enhance this interest and increase its overall biodiversity value. In this instance both the landscape enhancement and nature conservation enhancement go hand in hand.

Its present open character makes it attractive to the travelling community, not only for grazing but also for pitching caravans. This has necessitated the construction of ditches and banks to prevent access.

Whilst the ditches may make it difficult for Gypsy vans to enter the site, this does not prevent the grazing of horses. Although often considered a problem, they have to some extent helped maintain the grassland character of the site. Grazing and management through normal means is likely to be difficult to achieve because of the location of the area. If it was felt necessary to remove the horses, this would best be achieved by removing all fencing making it necessary to have the animals tethered at all times. Any straying animals could then be impounded. Some grazing though is considered important in wildlife terms both to maintain the sward and provide manure, which is itself of value to many insects and thus as a food source to other animals. The absence of drugs often found in gypsy horses is of particular benefit.

In management terms, however, the essential need is for the grasscutting regime to be continued and for the development of a more formal aftermath grazing regime. In the interim, the gypsy horse grazing should be retained. With regard to the trees, they will continue to be monitored and any remedial H&S work carried out. A programme of replacement parkland trees planting will also be established. The refurbishment of the old orchard should be considered for future development in conjunction with the City of York Council.

Although the site is primarily of landscape and wildlife benefit, it is also an important local informal recreational resource. There are outstanding issues with regard to the formalisation of some of this interest through the implementation of the conditions of the Section 106 agreement. Other than this, however, no action is currently required.

Any consideration of the development of a cycle link will need considerable further discussion.

Potential of the site

In landscape terms, the character of the site as parkland is already established and does not need significant alteration. It could though be improved by additional tree planting both to increase tree density slightly and provide for future removal of unsafe trees. Some ornamental species within this planting would enhance the overall character of the parkland setting.

Within the context of the parkland, however, there are significant opportunities to enhance the nature conservation interest of the site both through sympathetic management and the active introduction of specific wildlife interest.

For the grassland, this would involve continuing the management of the majority of the area by hay cropping, followed by limited aftermath grazing. Some areas could be set aside for permanent grazing to allow stock to be present all year round. This would reduce the need for stock to be moved away. In addition some limited areas could be set aside each year to permit over wintering long grass suitable for invertebrate hibernation. Within the grassland some wildflower establishment could be added in to specific locations. This could be done either by seeding or by the planting of wildflower plugs.

For the trees, enhancement will be achieved by the additional planting and in particular through the planting primarily of native trees. However, certain species such as Oak and Willow are particularly valuable in diversity terms whilst certain other species, such as Sycamore and Lime, are particularly valuable in producing insect biomass. These are therefore, especially valuable as food source for insectivorous birds and bats. Such tree species would be favoured in the planting proposals for the Parkland.

Many of the existing trees though are not yet fully mature and have limited nesting sites, particularly for hole nesting species. Thus, bird boxes and owl boxes could be incorporated into some to provide this. Similarly the lack of extensive cavities will limit bat populations and the provision of bat boxes would probably be of value.

Whilst parkland is a valuable wildlife habitat, there are certain species, which have limited opportunities within it, notably some of the commoner bird species that prefer some low dense cover in which to nest. Here the hedgerows will be the primary interest and the management of these will be important. The management of the adjacent Lime copse would also benefit this interest. This could be thinned and underplanted with shrubs to encourage a more diverse structure.

In recreational terms there are few apparent requirements other than for informal access. These should remain along the existing line of site alignments maintained by cutting.

There are though opportunities for a number of other proposals should they be required, including a small picnic/barbecue area on the proposed open space area. This would be for local use involving only limited car parking. Should other uses be proposed, however, there are locations which may be suitable. These include the old changing room/bowls site which are suitable for more formal suggestions, the old pumping station site which may be suitable for limited parking and informal recreation and the proposed open space site, again for less formal use. Such matters will be considered on their merits as appropriate.

Draft Management Prescription

Aims

To maintain and enhance the parkland character of Clifton Park so as to optimise its value for nature conservation and informal recreation.

Objectives

- To extend and diversify the number of trees within the park.
- To enhance the quality of the parkland character.
- To diversify the wildlife interest of the Park.

Proposals

1. Manage grassland for hay. This will necessitate:
 - i) Walking the site to collect debris from the fields. - May
 - ii) Pull any Ragwort and thistle remaining in July
 - iii) Haycrop in mid/late July.
 - iv) Graze aftermath until September if practicable.
2. Establish an agreed grazing regime on specific parts of the Park in future.
3. Develop and implement a programme of replacement planting.
4. Maintain boundary fencing.
5. Create footpath along agreed line.

Responsibilities

The overall responsibility for the area lies with the owner and, as a privately owned site, any proposals and management need to be inline with their aspirations. Such aspirations though will need to be within the framework of what is permissible and acceptable with regard to both national and local guidelines. Equally, any aspirations that either the Council or the local community have must be acceptable to the landowner and anything over and above what a landowner can be expected to carry out or provide will need to be negotiated and supported.

With regard to the work indicated in the Draft Management Prescription this is the responsibility of Persimmons and will be carried out on an annual basis.

Review

The proposals will be reviewed every three years although proposals may be brought forward at any time should the need and capacity arise.

The list below indicates work identified in 2005. Where this has been highlighted the work has been implemented.

Actions – Visual/recreational enhancement

1. **Repair kissing gate and adjacent fencing**
2. **Replace stile**
3. Repair wrought iron gate and **replace adjacent fencing**
4. **Replace stile with kissing gate**
5. **Install new kissing gate**
6. **Repair post and rail fence**
7. **Install kissing gate**
8. **Investigate leaks from old sewage works and repair –Persimmons**
9. Clean old sewage work site – **In Part**
10. **Remove flytipping**
11. **Remove old tree guards**
12. **Remove old fencing**
13. Tidy up ditch and banks

Actions – Vegetation Management

1. Lay hedge on phased basis over 9yrs
2. Gap up hedge (50m)
3. **Control Japanese Knotweed**
4. **Spot treat ragwort in spring. Go back in summer and pull remnants.**

5. Walk area in early spring to remove debris

- 6. Renovate/replant old orchard
- 7. Protect all trees with parkland guards
- 8. Plant new parkland trees

9. Manage existing trees

- 10. Mow footpaths

11. Hay crop

Actions – Nature Conservation Enhancement

12. Carry out aquatic planting.

- 13. Erect Owl, bird and bat boxes.
- 14. Carry out wildflower enrichment of grassland.

Actions – Site specific proposals

- 1. Develop a Tree planting scheme – **In Part**
- 2. Develop an orchard planting scheme
- 3. **Landscape reinstatement plan for old pumping station and Lime Avenue.**

Possible Grant Sources for future work

There may be a number of grant sources available for implementing various aspects of agreed enhancement work.

DEFRA Environmental Stewardship grants

Yorventure funding

Countryside Agency Community Greens

Ward Grants

City Council Nature Conservation grants

Highways Cycle improvement grant

Environment Agency Conservation Grants

English Nature conservation grants

This list is neither exhaustive nor researched and availability will be dependent on exactly what is proposed. It simply indicates what may be available.

Appendix 1

Vegetation Survey

1. Coarse rough grassland –

Dactylis glomerata -	Cocksfoot
Agrostis stolonifera -	Creeping bent
Arrhenatherum elatium-	Couch
Festuca species	
Cirsium arevense -	Creeping thistle
Rumex obtusifolia -	Broadleaved Dock
Ranunculus repens -	Creeping Buttercup
Trifolium arvense -	Clover

2. Improved species poor grassland

Senecio jacobea -	Ragwort
Ranunculus ficaria -	Celandine
Vicia sepium -	Bush vetch
Ranunculus pratense -	Meadow buttercup
Trifolium pratensis	Red Clover
Lathyrus pratense	Meadow vetch
Ranunculus repens -	Creeping Buttercup
Senecio jacobea -	Ragwort

Sanguisorba officinalis	Great Burnett
Cerastium fontanum	Common Mouse ear
Plantago lanceolata	Ribwort plantain
Rumex obtusifolia	Dock
Cirsium vulgare	Spear thistle
Cirsium arvense	Creeping thistle
Alopecurus pratense -	Foxtail
Dactylis glomerata -	Cocksfoot
Agrostis species	
Festuca species	

3. Semi improved species poor grassland

Rumex acetosa -	Sorrell
Ranunculus pratense -	Meadow buttercup
Ranunculus repens -	Creeping Buttercup
Senecio jacobea -	Ragwort
Cerastium fontanum	Common Mouse ear
Vicia sativa	Common vetch
Plantago lanceolata	Ribwort plantain
Rumex obtusifolia	Dock
Cirsium vulgare	Spear thistle
Cirsium arvense	Creeping thistle
Alopecurus pratense -	Foxtail
Dactylis glomerata -	Cocksfoot
Agrostis species	
Festuca species	

4. Semi improved species poor grassland

Rumex acetosa -	Sorrell
Rumex obtusifolia	Dock
Senecio jacobea -	Ragwort
Ranunculus pratense -	Meadow buttercup
Ranunculus ficaria -	Celandine
Ranunculus repens -	Creeping Buttercup
Taraxacum officinalis -	Dandelion
Plantago lanceolata -	Ribwort plantain
Stellaria graminea -	Lesser stitchwort
Cirsium vulgare	Spear thistle
Cirsium arvense	Creeping thistle
Heracleum sphondylium	Hogweed
Anthriscus sylvestris	Cow Parsley
Urtica dioica	Nettle
Veronica persica	Field Speedwell
Gallium aparine	Cleavers
Alopecurus pratense -	Foxtail
Dactylis glomerata	Cocksfoot
Agrostis species	
Festuca species	

5. Semi improved species poor grassland

Bellis perrenis	Daisy
Achelia millifolia	Yarrow

Ranunculus repens -	Creeping Buttercup
Senecio jacobea -	Ragwort
Plantago lanceolata	Ribwort plantain
Plantago major	
Rumex obtusifolia	Dock
Cirsium vulgare	Spear thistle
Cirsium arvense	Creeping thistle
Alopercus pratense -	Foxtail
Dactylis glomerata -	Cocksfoot
Agrostis species	
Festuca species	

5. Pond

	Typha angustifolia -	Reedmace
	Veronica beccabunga -	Brooklime
	Filipendula ulmaria -	Meadowsweet
	Ranunculus scleratus	Celery lved buttercup
	Ranunculus repens	Creeping Buttercup
	Lemna minor	Duckweed
	Alisima plantago-aquatica	Water plantain
	Juncus effusus	Soft rush
	Rumex obtusifolia	Dock
Planted in 2008	Phragmites	Reed
	Salicaria	Purple Loosestrife
		Marsh Marigold
		MarshWoundwort

Table 1

Tree	Size	Age	Number	Location
Scots Pine	Medium	Mature	32	Avenue
European Lime	Large	Mature	15	Avenue by Old Sewage Station.
Pear	Large	Mature	7	West of Pavilion Cottages access track.
Oak	Large	Mature	3	West of Pavilion Cottages access track.
Beech	Large	Mature	6	North and east boundaries
Walnut	Large	Mature	1	West side entrance to Pavilion Access track
Sycamore	Large	Mature	1	East side entrance to Pavilion Access track
Ash	Large	Mature	4	1 East of Pavilion access track, 3 on southern boundary.
Willow	Large	Mature	2	Old Sewage works site
Oak	Medium	Semi mature	4	3 East of Pavilion access track, 1 western hedge. 1 in poor condition.
Beech	Medium	Semi mature	5	East of Pavilion access track
Horse Chestnut	Medium	Semi mature	2	East of Pavilion access track
Birch	Medium	Semi mature	8	Access track and by old sewage works

Sycamore	Small	Semi mature	3	Western hedge
Apple	Small	Mature	7	West of Pavilion Cottages access track.
Plum	Small	Mature	11	Orchard, west of Pine avenue.
Willow	Small	Young	7	Around new pumping station
Beech	Small	Young	1	Eastern boundary
Ornamental Mallus/Prunus	Small	Mature	6	Pavilion access road
		TOTAL	131	
Dead			5	4 Flowering Cherry, 1 Birch