



Notice of meeting of

West & City Centre Area Planning Sub-Committee

To: Councillors Horton (Chair), Reid (Vice-Chair), Crisp, Steve Galloway, Galvin, Gillies, Sunderland, B Watson and Morley

Date: Wednesday, 27 April 2011

Time: 3.00 pm

Venue: The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00am on Tuesday 26 April at Memorial Gardens.

1. Declarations of Interest

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

2. Minutes (Pages 5 - 20)

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on Wednesday 16 February and Thursday 17 March 2011.

3. Exclusion of Press and Public

To consider excluding the public and press from the meeting during consideration of annex A to agenda item 7 on the grounds that this item contains information which is classed as exempt under Paragraphs 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

4. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the working day before the meeting, in this case **5pm on Tuesday 26 April 2011**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

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

5. Plans List

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

a) Luxury Ice Cream Company, 20 Back Swinegate, York, YO1 8AD (11/00383/FUL) (Pages 21 - 28)

Variation of condition 3 (hours of operation) and condition 5 (barriers around cafe area and umbrellas) of planning permission 10/00788/FUL for use of highway as an outside seating area.
[Guildhall Ward]

b) 2 Black Dykes Lane Upper Poppleton York YO26 6PT (11/00315/FUL) (Pages 29 - 36)

Single storey rear extension with rooms in roof with porch to rear.
[Rural West York Ward] **[Site Visit]**

c) Land Adjacent 106 Albion Avenue York (11/00481/FUL) (Pages 37 - 46)

Alterations, extension and part demolition of existing building to create a single storey dwelling *[Acomb Ward]* **[Site Visit]**

- d) **Morrisons, Front Street, Acomb, York YO24 3BZ (09/02304/FUL)** (Pages 47 - 58)

Provision of 21no. additional car parking spaces on land to the rear of 7 and 9 Green Lane with associated lighting, fence, and trolley shelter. *[Westfield]* **[Site Visit]**

- e) **The Purey Cust, Nuffield Hospital, Precentors Court, York, YO1 7EJ (11/00242/FULM)** (Pages 59 - 72)

Conversion of former Nuffield Hospital and self contained flat to form 3no. apartments and 9no. houses *[Guildhall Ward]* **[Site Visit]**

- f) **The Purey Cust Nuffield Hospital Precentors Court York YO1 7EJ (11/00342/LBC)** (Pages 73 - 82)

Conversion of former Nuffield Hospital including part demolition to form 3no. apartments and 9no. houses *[Guildhall Ward]* **[Site Visit]**

- g) **Bright Street Post Office, 37 Stamford Street East, York, YO26 4YE (11/00515/FUL)** (Pages 83 - 90)

Conversion and alterations of existing post office and dwelling to create 2no flats (revised scheme from 10/02360/FUL) *[Holgate Ward]* **[Site Visit]**

6. **Appeals Performance and Decision Summaries** (Pages 91 - 110)

This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3-month period up to 31st March 2011, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals as at 31st March 2011 is also included.

7. **Enforcement Cases Update** (Pages 111 - 214)

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

If Members have any specific queries or questions regarding enforcement cases, please e-mail or telephone Andy Blain, Hilary

Shepherd or Matthew Parkinson by **5pm on Tuesday 26 April 2011** if possible so that officers can bring any necessary information to the meeting.

If Members identify any cases on the list which they consider are not now expedient to pursue and / or could now be closed e.g. due to a change in circumstance on site or the alleged breach no longer occurring, please could they advise officers either at the meeting or in writing, as this would be very helpful in reducing the number of cases, particularly some of the older ones.

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

Democracy Officers:

Name: Catherine Clarke and Louise Cook (job share)

Contact Details:

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

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

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

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

Contact details are set out above.

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- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

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Further information about what's being discussed at this meeting

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

Access Arrangements

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Holding the Executive to Account

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

Scrutiny Committees

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

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

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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE

SITE VISITS

Tuesday 26 April 2011

**Members of the sub-committee to meet at Memorial Gardens at
11.00**

| TIME (Approx) | SITE | ITEM |
|--------------------------------|---|-----------------|
| 11:10 | 37 Stamford Street East | 5c |
| 11:30 | 2 Black Dykes Lane, Upper Poppleton | 5b |
| 11:50 | 106 Albion Avenue | 5d |
| 12:20 | Morrisons, Front Street, Acomb | 5e |
| 12:50 | The Purey Cust Nuffield Hospital, Precentors Court | 5f&g |

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City of York Council

Committee Minutes

| | |
|---------------|--|
| MEETING | WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE |
| DATE | 16 FEBRUARY 2011 |
| PRESENT | COUNCILLORS HORTON (CHAIR), REID (VICE- CHAIR), STEVE GALLOWAY, GILLIES, SUNDERLAND, B WATSON, MORLEY AND BOWGETT (AS A SUBSTITUTE FOR CLLR CRISP)) |
| APOLOGIES | COUNCILLORS CRISP AND GALVIN |
| IN ATTENDANCE | COUNCILLOR ALEXANDER |

46. INSPECTION OF SITES

The following sites were inspected before the meeting.

| Site | Attended by | Reason for Visit |
|----------------------------------|--|---|
| 15 Sherwood Grove | Councillors Gillies, Morley, Reid and B Watson | As objections had been received and the officer recommendation was for approval. |
| Volunteer Arms, Watson Street | Councillors Gillies, Horton, Morley, Reid and B Watson | As objections had been received and the officer recommendation was for approval. |

47. DECLARATIONS OF INTEREST

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

Councillor Horton declared a personal and prejudicial interest in plans item 4b (15 Sherwood Grove) as the architect, who was present at the meeting to answer questions if required, was a neighbour of his. He stood down from the Chair and left the room for this item and took no part in the debate or vote on this application.

Councillor Bowgett declared a personal and prejudicial interest in plans item 4a (Volunteer Arms, Watson Street) as in her role as Ward Member, she had leafleted residents of her ward raising objections to the application. She left the room for this item and took no part in the debate or vote on this application.

48. MINUTES

RESOLVED: That the minutes of the meeting of the West and City Centre Planning Sub-Committee held on 19 January 2011 be approved and signed by the Chair as a correct record.

49. PUBLIC PARTICIPATION

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

50. PLANS LIST

Members considered a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views and advice of consultees and officers.

50a Volunteer Arms, Watson Street, York, YO24 4BH (10/02730/FUL)

Members considered a full application by Punch Taverns plc for the conversion and two storey side extension of a public house to form two dwellings.

Representations were heard from the landlord of the Swan Pub, Bishopthorpe Road in objection to the application. He explained that he and a business partner had bought the Slip Inn, a pub in a similar position to the Volunteer Arms, a year previously and they had made a success of it, tripling trade and creating three new jobs. He expressed the opinion that the Volunteer Arms had been neglected by the pub company during the past 20 years but that it could be made a success of if taken on by somebody and stated that he would be interested in purchasing it with the hope of running it as a free house. In response to a query from Members he advised that he had approached the pub company to ask for trading figures and had put an offer in writing in respect of purchasing the premises.

Representations were also heard from a local resident, and father of four, in objection to the application. He advised the Committee that he had lived 150 yards away from the premises for 10 years. He stated that the community, although not economically deprived, was socially deprived and although the pub had never served a community purpose, the community needed a community facility. He explained that if permission was granted for housing, residents would lose the opportunity to develop the premises as a community asset which could facilitate the social wealth of the area.

Representations were received from the vicar of St Paul's Church, in objection to the application. He stated that the community of Holgate

needed a community facility and not more flats. He explained that his church was heavily involved in local initiatives, including toddler groups, teenage groups, groups for people with learning disabilities and mental health problems, who all use the church premises and that the Church was also a venue for St Paul's C of E Primary School events as well as hosting music events but that they were limited by the amount of available space. He advised Members that St Paul's Church Council had agreed to seek to buy and renovate the Volunteer Arms to provide a community facility but that as the proposed funding was coming from a charitable trust, permission had to be obtained first to use these funds.

Further representations in objection to the application were heard from the Head of St Paul's C of E Primary School. He stated that the school had close links with the Church and confirmed that they used the Church for some school events but explained that the building was not always available as it was used by other groups as well. He explained that his school has 175 children on roll and was oversubscribed year on year. He stated that when the Locomotive public house was offered for sale they had looked at the possibility of purchasing it to create extra space for the school. He expressed the opinion that further residential development would not benefit the area, which already had an extensive range of housing but that the area would benefit from further community provision.

Representations, in favour of the application, were received from the agent. He stated that they had explored the options for turning the business around and that the pub had been marketed through three different agents resulting in no acceptable offers. He advised the Committee that the Crystal Palace and Fox public houses were both close by with other public houses on the south-west fringe of the city centre within a short walking distance and therefore the application would not conflict with Policy L1b, part a of the Local Plan. He noted the objections raised by St Paul's Church, St Paul's C of E Primary School and local residents but urged the Committee to approve the application in front of them.

Councillor Alexander spoke in objection to the application. He spoke firstly on behalf of residents of his ward and explained that he and other ward councillors had carried out a consultation with residents of his ward. He advised that there was no great support for the pub to remain but that he was also opposed to high density housing. He noted the plans expressed by earlier speakers and confirmed that ward councillors would support plans for a community facility. Secondly he spoke on behalf of CAMRA (Campaign for Real Ale) who had advised that they would prefer the premises to remain open as a public house, but if this was not possible, they would like the beer pumps to remain within the new facility.

Members were reminded that the application in front of them was from the owner of the property for conversion into two dwellings and not from the Church, for a potential new community facility, or from a potential new landlord. Officers confirmed that the applicant would only be required to provide business/marketing evidence to support the argument that the building was no longer viable as a public house if there were not adequate alternative facilities, (ie another public house) within the required distance.

They reminded Members that, despite the recent closure of the Locomotive PH, there were other alternative facilities (The Crystal Palace and The Fox) in the locality, therefore the application was in accordance with Policy L1b. They stressed that if Members chose to refuse the application they would need to establish that it did not comply with this policy.

Members acknowledged that St Paul's Primary School had issues over space and noted the Church's views and aspirations for creating a community facility on the premises. However, in light of officers' advice, some members agreed there were not sufficient grounds to refuse the application and Councillor Gillies moved, and Councillor Horton seconded, a motion to approve the application. On being put to the vote, the motion fell.

Members expressed concern that if the pub was to close, this would have a negative impact on what was a unique and self contained community and would result in the loss of a publicly accessible community leisure facility. They also raised concerns that it may have not been easy for interested parties to follow up on offers on the premises and that it would be beneficial to keep options open.

RESOLVED: That the application be refused.

REASON: The proposed development would result in the loss of a publicly accessible community leisure facility in the local area.

50b 15 Sherwood Grove, York, YO26 5RD (10/02740/OUT)

Members considered an outline application by Mr G Villis for a detached dwelling and two new garages.

Representations were received from a neighbour in objection to the application. He raised objections to the siting of the property, stating that 90 percent of the proposed building would be behind the rear building line of the existing property and therefore this did not respect the spirit of policy GP10 of the Draft Local Plan (Subdivision of gardens and infill devt) and would lead to a reduction in privacy of the residential back garden. He also raised concerns regarding problems with the drainage system in Sherwood Grove and suggested that an additional property could exacerbate this problem. Furthermore, he stated that Sherwood Grove was a narrow road and therefore an extra driveway could create an additional hazard in terms of road safety .

Members noted that the application had been called into Committee on the basis of concerns over highway safety but that Highways officers had raised no objections to the application. They considered whether one extra driveway on the road would cause an increased risk to highway safety and noted that further details of the driveway would be submitted at the reserved matters stage in the application process.

Members were advised that the development could be deemed acceptable even though it was within the garden of an existing property, as long as it was within the development limits of the area and Members did not consider it to be overdevelopment. Members agreed that the site was small but the plans showed there was sufficient space for the proposed building.

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

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to residential amenity, highway safety, drainage and sustainability. As such the proposal complies with Policies GP1, GP10 and H4a of the City of York Development Control Local Plan and the aims of Planning Policy Statement 1 'Planning for Sustainable Development' and Planning Policy Statement 3 'Housing'.

**50c Decorative Plaster, 136 Boroughbridge Road, York, YO26 6AL
(10/02524/FUL)**

Members considered a full application by Mr Michael Beaufoy for the conversion of the first floor flat and roof space to create two flats with a first floor rear extension to comprise a self contained office, new pitched roof to the existing side extension, rear dormer and conservatory and external alterations including a new shop front and rear windows (resubmission)(retrospective).

Representations in support of the application were received from the applicant. He apologised to Members for the fact he had started work without the necessary permission explaining that this was due to his builders being able to commence work. He circulated a picture board showing photographs of the building. He explained that the main reason for creating an additional flat was to supplement funding for his business which supports and promotes highly qualified tradesmen who have found difficulties in finding work. He stated his intentions were to improve parking arrangements on this site if the application was granted and in the longer term he hoped to purchase further properties along the parade with the aim of improving the built environment of the area.

Members agreed that the photographs were useful in order to remind them how the building looked before work commenced and expressed appreciation at the apology received. They noted that access arrangements had been resolved with access through the adjacent property withdrawn and the introduction of a corridor link separate to the showroom so residents could access to the amenity space at the rear of the site, with the bin and cycle store being incorporated into the building.

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

REASON:

The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to availability of on-site car and cycle parking space, impact upon available amenity space for occupiers of the proposed properties and impact upon the residential amenity of nearby properties. As such the proposal complies with Policies GP1, H8 and T4 of the City of York Development Control Local Plan.

Councillor D Horton, Chair

[The meeting started at 3.00 pm and finished at 4.10 pm].

| | |
|---------------|---|
| MEETING | WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE |
| DATE | 17 MARCH 2011 |
| PRESENT | COUNCILLORS HORTON (CHAIR), REID (VICE-CHAIR), CRISP, STEVE GALLOWAY, GALVIN, GILLIES, B WATSON, MORLEY AND MOORE (AS A SUBSTITUTE FOR CLLR SUNDERLAND) |
| APOLOGIES | COUNCILLOR SUNDERLAND |
| IN ATTENDANCE | COUNCILLOR GUNNELL |

51. INSPECTION OF SITES

The following sites were inspected before the meeting.

| Site | Attended by | Reason for Visit |
|--|--|--|
| The Secret Garden, 15 Bishopthorpe Road | Councillors Crisp, Galvin, Gillies, Horton and Reid. | As objections had been received and the officer recommendation was for approval. |
| Part OS Field 1722, Sim Balk Lane, Bishopthorpe | Councillors Crisp, Galvin, Gillies, Horton and Reid. | As objections had been received and the officer recommendation was for approval. |
| Public Open Space, Grange Lane | Councillors Crisp, Galvin, Gillies, Horton and Reid. | To familiarise Members with the site |
| Harewood Whin Landfill Site, Tinker Lane, Rufforth | Councillors Crisp, Galvin, Gillies and Horton. | As objections had been received and the officer recommendation was for approval. |

52. DECLARATIONS OF INTEREST

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

Councillor Reid declared a personal and prejudicial interest in plans item 3d (Harewood Whin Landfill Site, Tinker Lane, Rufforth) as she is the Council's representative on Yorwaste. She left the room for discussion of this item and took no part in the debate or vote.

Councillor Horton declared a personal non prejudicial interest in plans item 3e (Askham Bryan College, Askham Fields Lane, Askham Bryan) as his stepson is a student at the college.

53. PUBLIC PARTICIPATION

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

54. PLANS LIST

Members considered a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views and advice of consultees and officers.

54a Part OS Field 1722, Sim Balk Lane, Bishopthorpe, York (10/02684/FUL)

Members considered a full application from Mr Kevin Linfoot for the erection of an agricultural building for the keeping of livestock.

Officers informed the Committee that the site appeared to be for an agricultural use which is appropriate development in the greenbelt and that details of the applicant's landholding and stock had been provided. It was explained that the building required planning permission because it was within 400m of a protected building and was proposed to house livestock however in a different location it could be built under agricultural permitted development rights. They also advised that draft conditions 4 and 5 in the report duplicated each other and recommended that condition 4 be deleted.

Representations were received from a representative of Bishopthorpe Parish Council in objection to the application. He questioned the proposed use of the shed and hard standing stating that insufficient information had been provided by the applicant to confirm these details. He advised Members that due to lack of details there was not sufficient justification to confirm that this is appropriate development in the greenbelt and suggested that the application should be resubmitted with further clarification on the proposals.

Officers clarified that the purpose of the building was to house livestock. They explained that the design had been amended to increase the hard standing to allow a greater turning area so that a rigid HGV could turn round on the site, and so that the building was high enough for vehicles to be able to drive through it.

Members raised concerns that they had not been given sufficient information on the proposed use of the building and questioned whether there was sufficient space to house animals, store feed stuff and drive a vehicle through the building. Members also raised concerns that the increase in size of the hard standing could impact on the soakaways.

Councillor Galvin proposed and Councillor Gilles seconded a motion to refuse the application on the basis that it was inappropriate development in this location. On being put to the vote, the motion was lost.

Members acknowledged that in its present site, the building would be well screened and that if they turned down the application, the applicant could put the building in the middle of his land and as long as this was 400m away from any building not concerned with farm, it could be built under agricultural permitted development rights.

Officers advised that if members were concerned about the building being used for agricultural purposes, a condition could be added to the permission to state that if the building ceased to be used for agricultural purposes, the building must be removed from the land. Members agreed to this condition.

RESOLVED: That the application be approved subject to the conditions listed in the report, the deletion of existing condition 4 and the addition of the condition detailed below.

Additional Condition

Should the building cease to be used for agricultural purposes it shall be removed from the land within 6 months of the date of the ending of its agricultural use unless planning permission has been granted to retain the building for non-agricultural uses.

Reason: In the interests of the openness of the green belt and the purposes of including land within the green belt given the existing limited agricultural use of the site and in accordance with policy GB1 of the Development Control Local Plan and policy contained within PPG2 "Green Belts."

REASON: The proposal, subject to the conditions listed in the report and the additional condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to the principle of the development, design and siting, residential amenity, traffic and drainage. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policy GB1 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

54b Old Ebor PH, 99 Nunnery Lane, York, YO23 1AH (10/02844/FUL)

Members considered a full application from Mr Philip Armitage for dormer windows to the front and rear and alterations to the shopfront (revised scheme)

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

REASON: The proposal, subject to the conditions listed in the report would not cause undue harm to interests of acknowledged importance, with particular reference to the appearance of the building and residential amenity. As such the proposal complies with Policies GP1 and H7 of the City of York Development Control Local Plan.

54c The Secret Garden, 15 Bishopthorpe Road, York, YO23 1NA (10/02850/FUL)

Members considered a full application from Mr H Kabir for the change of use from retail (use class A1) to restaurant (use class A3) as an extension to Lal Quila at 17 Bishopthorpe Road and the use of the first floor of no 17 as a manager's flat.

Officers advised Members that a 92 signature petition had been received from the applicant, signed by customers in support of the planning application to provide larger premises for Lal Quila stating that the restaurant had been a part of the Bishopthorpe Road community and provided a place where local people regularly meet each other. Officers drew Members attention to a revised drawing which showed changes to the internal arrangements including the take away area. Officers stated that the planning issue was the loss of the retail unit allied with the expansion of a non-daytime use adversely affecting the character and viability of the shopping area.

Representations were received from a local resident in objection to the application. She advised the committee that there was a strong feeling amongst the local population against the loss of a shop on Bishopthorpe Road. She explained that Bishopthorpe Road was a unique community of shops and in order for the shopping parade to survive, there needed to be a complete choice of shops. She pointed out that premises which change from a shop to restaurant normally remain as so and stressed the importance of premises being open during the day. She stated that when the property became vacant, more than two parties were interested in it and assured members it would not remain empty for long.

Representations were also received from the agent on behalf of the applicant. He advised Members that Lal Quila had been trading for 20 years and approximately 80 percent of the customers were local residents. He pointed out that although planning officers had recommended refusal, no other council departments had raised objections to the application. He

stated that the premises had been vacant since October 2010 and had previously been a florist. He noted that there were alternative florists businesses within walking distance and three shops within the parade offering flower sales. He explained that if approved, the proposals would enable the applicant to improve the facilities he is able to offer his customers including providing downstairs toilet facilities. He pointed out that this was a once in a life time opportunity to expand his business and the owner hoped to reopen for lunchtime trading and sell prepared Indian meals.

Members asked for clarification on the Micklegate Planning Panel's response to the consultation. Officers read out the statement received from the Micklegate Planning Panel which stated that they recognised the contribution made by the Lal Quila to the area but raised concerns over the loss of a retail unit on the street.

Councillor Gunnell explained that Bishopthorpe Road was a vibrant street where traders work well together and local community groups thrive. She pointed out that there was currently a good variety of shops and eating places on the street. With regard to the florists closing, she pointed out that two other florists had operated on the street in the past, both of which had closed. She explained that at the Residents' Association meeting the previous night, the application had been raised and there had been no objections from residents to the application and the Chair of the Micklegate Planning Panel had clearly stated that he had not submitted an objection.

Members welcomed the fact that the applicant had given thought to providing disabled toilets on the ground floor, which would also benefit elderly customers who may struggle with stairs. However they questioned whether the application should be refused in order that further marketing could take place with the hope that the premises could remain in operation as a shop.

Members acknowledged that lots of changes had taken place in the street during the years and this would continue but agreed that there was still a good cross section of shops in the street with cafes also open at lunchtime. They noted that approving this application would take the proportion on non-retail premises up to 25 percent which they commented was enough. They stated that they understood the applicant's reasons for wanting to expand and agreed it was an acceptable use of the property.

Officers advised that if Members were minded to approve the application, the following conditions were recommended:

- The premises shall not operate independently to the restaurant at no 17
- Waste shall be stored within the curtilage of the application site
- Secure cycle parking will be provided for staff
- Managers flat – contribution to open space required
- Opening hours – 9am to midnight.

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

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

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

- 2 The premises shall be operated as a restaurant in association with the restaurant at 17 Bishopthorpe Road and shall not be operated independently.

Reason: In the interests of the amenity of surrounding occupants.

- 3 Waste shall be stored within the curtilage of the application site at all times.

Reason: In the interests of the appearance of the area.

- 4 At least two secure cycle parking spaces shall be provided within the curtilage of the application site and retained for such use at all times.

Reason: To promote sustainable modes of transport in accordance with PPG13:Transport and policy T4 of the Local Plan.

- 5 The restaurant shall only be open to customers between the hours of 09:00 and midnight each day of the week.

Reason: In the interests of the amenity of surrounding occupants.

- 6 The first floor flat shall not be occupied until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1c of the Development Control Local Plan

which requires that all new housing sites make provision for the open space needs of future occupiers.

REASON: The proposal would be acceptable as there would remain a reasonable range of retail and non-retail uses within the shopping parade to satisfy the day to day needs of the local population and there would not be an undue impact on the vitality and viability of the shopping parade. As such the proposal complies with Policy S9 of the City of York Development Control Local Plan.

54d Harewood Whin Landfill Site, Tinker Lane, Rufforth, York, YO23 3RR (10/02699/FULM)

Members considered a major full application (13 weeks) from Mr Mark Hall for the extension of a material recovery building, the provision of hard standing and variation of condition 3 of Planning Permission 07/02440/FUL to allow use of building between 06.00 – 22.00, 7 days a week.

Officers circulated a written update to Members, as follows, and read through these for the benefit of those at the meeting.

- That condition 2 be amended to delete the first plan ref HAR-PLOO-YO811-OOA as it does not reflect the current situation to date.
- The application has asked that it be pointed out that should the application be approved the facility would be open for the receipt of materials between 06.00 hours and 07.00 hours in the morning and that no processing would take place at that time.
- In terms of vehicle movements, the extended hours would not lead to an increase in the total volume of vehicle movements into and out of the site but a spreading of the existing traffic volume more evenly through the day.
- For the avoidance of doubt, the existing operating hours for the Materials Recycling Building are 07.30 to 17.30 each day.

Representations were received from a gentleman who read a statement from Rufforth with Knapton Parish Council in objection to the application. He stated that this was the fourteenth application since the original permission was granted, none of which had been rejected by the Committee. He drew Members' and officers' attention to some errors within the report. He stated that the Parish Council raised strong objections to the increase in operating hours which equated to an increase of 66 percent in the time when the site would be open as this showed no regard to public amenity. He asked the Committee to consider requiring a S106 application to facilitate public access for walking and cycling across the site if the application was approved. In response to a query from Members he advised the Committee that he was not personally aware of industrial noise but the main concern was the noise created by trucks reversing on the site.

Representations were also received from the agent on behalf of Yorwaste in support of the application. He stated this was a modest extension which would not give rise to additional waste. He informed Members that there was no large anticipated rise in vehicle movements, with only an additional 3 vehicles (6 movements) expected each day, but instead a redistribution of vehicle movements over a longer time period. He explained that their intention was for waste to be received on site between 6am and 10pm and for waste to be processed on site between 7am and 5.30pm. He advised the Committee that Yorwaste had responded to concerns raised by Rufforth with Knapton Parish Council and any possible errors in the report. In response to a query from Members he advised that following tests on noise levels, Yorwaste had undertaken not to operate a piece of plant machinery between 6am and 7am, which had been identified as creating a noise impact, but advised that the receipt of materials did not give rise to noise levels.

In response to queries from Members, he stated that the type of mobile plant machinery used in the building was large scale and space inside the building was currently tight and the extension would allow for better movement of plant around the building.

He explained that his clients had applied to extend the hours of operation in order to reflect a changing waste management industry and to meet customers needs in terms of waste collection arrangements. He advised that waste processed on site was a combination of municipal and commercial waste and they wanted to be able to provide their customers with more flexibility with regard to when they could deliver waste to site.

In response to Members concerns about potential noise from reversing vehicles, he advised that the company had carried out detailed noise monitoring which considered any potential cause of noise against background noise levels. He stated that based on assumed traffic flow and background noise levels, the increase in noise level would be 1.3 decibels which was seen as not likely to have a significant effect on residential amenity.

Members agreed to deal with the application in two parts: firstly the extension of the material recovery building and provision of hard standing; and secondly the variation of condition 3 of Planning Permission 07/02440/FUL to allow use of the building between 06.00 – 22.00, seven days a week.

Members agreed that the application to extend the material recovery building, including the provision of hard standing, should be approved. However, with regard to operating hours, they raised concerns that residents who were already affected, especially at weekends, by the noise of reversing vehicles on site would be affected to a greater extent if operating hours were increased as requested. Members recognised the need to encourage recycling and ensure as much waste as possible could be recycled and to meet market demand in terms of waste collection/delivery arrangements. However they noted that residential amenity should be considered carefully and suggested that a compromise

be reached regarding operating hours and suggested 7am to 9pm daily instead of the 6am to 10pm which had been requested.

RESOLVED:

That the application be approved, following referral to the Secretary of State, subject to the conditions listed in the report and the amended condition below.

Condition 5

The materials recycling building and associated plant hereby approved shall only operate between the hours of 07.00 and 21.00 daily.

Reason: To safeguard the residential amenity of nearby properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

REASON:

The proposal, subject to the conditions listed in the report and the amended condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the open character and purposes of designation of the Green Belt, impact upon the residential amenity of neighbouring properties, impact upon the local surface water drainage network, impact upon the ability of the City to meet nationally derived targets to minimise waste production and the temporary nature of the whole operation. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GP1,GP15a), GB1, GB11,MW5 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

54e Askham Bryan College, Askham Fields Lane, Askham Bryan, York (10/02602/FULM)

Members considered a major full application (13 weeks) from Mr John Mawson for the construction of steel framed agricultural building (Beef Unit) to be rear of Westfield Cottages.

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

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to openness and visual amenity of the greenbelt. As such the proposal complies with Policies GP1 and GB1 of the City of York Council Development Control Local Plan (2005) and national planning policy contained within Planning Policy Guidance 2 'Green Belts' and Planning Policy Statement 7 'Sustainable Development in Rural Areas'.

54f Public Open Space, Grange Lane, York (11/00156/FUL)

Members considered a full application from Miss Beth Cooper for the construction of a children's play area on public open space.

RESOLVED: That delegated authority be given to officers to approve the application once the neighbour notification period has expired, subject to the conditions in the report.

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the visual amenity of the surrounding area, loss of neighbour amenity and protection of the Local Nature Reserve. As such the proposal complies with Policies GP1, GP7 and NE5a of the City of York Draft local plan (4th set of changes) approved for Development Control purposes April 2005.

Councillor D Horton, Chair

[The meeting started at 3.00 pm and finished at 5.00 pm].

COMMITTEE REPORT

Date: 27 April 2011 **Ward:** Guildhall
Team: Householder and Small **Parish:** Guildhall Planning Panel
Scale Team

Reference: 11/00383/FUL
Application at: Luxury Ice Cream Company 20 Back Swinegate York YO1 8AD
For: Variation of condition 3 (hours of operation) and condition 5 (barriers around cafe area and umbrellas) of planning permission 10/00788/FUL for use of highway as an outside seating area.
By: Mrs Dawn Argyle
Application Type: Full Application
Target Date: 27 April 2011
Recommendation: Refuse

1.0 PROPOSAL

1.1 This application seeks permission for the variation of conditions 3 (operational times) and 5 (street furniture) of planning permission 10/00788/FUL which was approved in 2010 for a change of use of part of the highway to form an outside seating area associated with the Luxury Ice Cream Company, 20 Back Swinegate which is situated in the Central Historic Core conservation area. The building is unlisted.

1.2 The seating area measures 1.8m x 6.6m and comprises 3no. tables and 10no. chairs. Proposals seek to allow the seating area to operate in line with footstreet hours, 11:00 - 16:00 Monday to Friday, 10:30 - 16:30 Saturday and 12:00 - 16:00 on a Sunday, to allow the provision of 2no. umbrellas and the permanent removal of the post and rope barriers.

1.3 This application has been called in to sub-committee by Cllr B. Watson as he feels it could result in a change of policy.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

2.2 Policies:

CYHE3

Conservation Areas

3.0 CONSULTATIONS

Internal

Design, Conversation and Sustainable Development

3.1 Removing the requirement for a barrier around the pavement cafe would reduce clutter in the street scene; consequently the proposal would be supported in terms of its effect on the character and appearance of the conservation area. Irrespective of the absence of detailed design and scale of the proposed umbrellas, they would be overly intrusive in the street scene, to the detriment of the historic character and appearance of the street scene.

Conservation Area Advisory Panel

3.2 No response to date.

Highway Network Management

3.3 Highways officers do not have any objection to the operation of the cafe during footstreet hours, however they do not support the removal of the barriers as the seating area is positioned in the highway and some vehicular activity is still permitted during footstreet hours. As such it is necessary for the pavement cafe to be enclosed for safety reasons. Failure to erect the barrier is likely to result in non-renewal of the pavement cafe licence.

City Centre Management

3.4 No response to date.

External

North Yorkshire Police

3.5 No issues with regards to designing out crime.

NYP – Traffic Management Officer

3.6 Objects to the scheme as the removal of the barriers will allow the tables and chairs to be moved, with no restriction further into the road causing further obstruction to the highway. The addition of umbrellas defeats the purpose of removing the barriers which is required to reduce time for placing equipment into the highway. No details have been submitted regarding the proposed umbrellas.

Guildhall Planning Panel

3.7 The Panel objects to the removal of the barriers as this could allow the seating to spread across the highway causing a hazard to pedestrians.

Publicity

3.8 The application was advertised by site notice and neighbour notification letter. No responses have been received.

4.0 APPRAISAL

4.1 Key Issues

- Effect on the character and appearance of the conservation area
- Highway safety

RELEVANT PLANNING POLICY

4.2 Planning Policy Statement 5: Planning and the Historic Environment states that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. Once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Loss affecting any designated heritage asset should require clear and convincing justification.

4.3 Draft Local Plan Policy HE3 states that within conservation areas, proposals will only be permitted where there is no adverse effect on the character and appearance of the area.

CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

4.4 The seating area is situated in the Central Historic Core conservation area where there are a number of other similar schemes operating throughout the city centre. In order to preserve the character and appearance of the conservation area the Council has taken the approach with regard to street furniture that no umbrellas and no advertising should be permitted, and the approved area should be delineated by posts joined by a rope or chain. There is however evidence within certain areas of the city centre of seating areas which do not abide by this approach, and in the majority of cases the street furniture being used (canvas barriers and umbrellas with advertising) has not been given permission and is subject to enforcement action.

4.5 It was noted by the conservation officer in the original application for this site that umbrellas would not be acceptable as they would give a cluttered appearance to the conservation area. Umbrellas would be overly intrusive in the street scene to the detriment of the historic character and appearance of the conservation area. Such an impact would be exacerbated by the use of umbrellas with advertising. There is only one site in the city centre where umbrellas have been approved; this is

in a much wider street, where the streetscape is better able to absorb such development. Any further permissions for umbrellas in conjunction with pavement cafes would incrementally undermine the historic character and appearance of the conservation area, contrary to the purpose of its designation. As such the proposal to include 2no. umbrellas in this location would be contrary to policy HE3 and is therefore not supported.

HIGHWAY SAFETY

4.6 There were strong objections from the Police to the principle of the outside seating area in its current location on the grounds of highway obstruction with regard to access for emergency vehicles and the possible need to evacuate premises in the case of fire or other emergency. However as there are no other seating areas in Back Swinegate to cause further obstruction and it was considered that the barriers would provide adequate restriction to the street furniture being moved further into the highway, the application was considered to be acceptable. The applicant now wishes to remove the barriers as their setting out and storing away takes up too much time given the restricted hours of operation. As the seating area operates wholly within the highway, it is a requirement of the Highway Licence to provide suitable barriers for public safety and to prevent further encroachment of the street furniture into the highway. Highways officers, (the Police and the Planning Panel) have objected to the removal of such barriers on highway safety grounds, and state that a pavement cafe licence is unlikely to be renewed without them.

4.7 Condition 5 in relation to street furniture states that 'there shall be no change or addition to the furniture used in association with the outdoor seating area from that shown in the details submitted on 7 May 2010 (tables, chairs, barrier posts and ropes) without the prior written approval of the Local Planning Authority'. This condition does not require that the barriers are used, just that their appearance should not be changed or that any other addition to the street furniture be allowed without prior written approval from the LPA. As such it is not considered necessary to vary the wording of condition 5 in respect of the barriers.

4.8 With regard to the variation of operating hours, the approved operating hours for the outside seating area were:

| | |
|---------------------------|---------------|
| Monday to Friday | 11.15 - 15.45 |
| Saturday | 10.45 - 16.00 |
| Sundays and Bank Holidays | 13.00 - 15.45 |

The applicant has however asked to vary condition 3 to allow the cafe to operate in compliance with the advertised foot street hours:

| | |
|---------------------------|---------------|
| Monday to Friday | 11:00 - 16:00 |
| Saturday | 10:30 - 16:30 |
| Sundays and Bank Holidays | 12:00 - 16:00 |

4.9 It was originally required that the cafe operate 15 minutes inside of the footstreet hours so as to not cause obstruction to vehicles entering/leaving Back Swinegate. The cafe has been in operation for approx. 9 months and in this time

there appears to have been no issues with access to vehicular traffic during footstreet hours. As such the change in operating hours to reflect the footstreet hours is deemed acceptable.

4.10 When determining the original application, the Sunday operating hours needed to coincide with the Traffic Order for Back Swinegate which stipulates that access for vehicles must be available up to 13:00 on Sunday for church goers. However it appears that the Traffic Order access times on a Sunday were related to the Elim Church. The Elim Church is no longer run as a place of worship and has been converted into a public house. Therefore there are no objections to the extended operating hours on Sundays. The variation of condition 3 is therefore felt to be acceptable.

5.0 CONCLUSION

5.1 The variation of Condition 3 (operating hours) is considered acceptable as it will not cause further obstruction to the highway, however the variation of Condition 5 (street furniture) is unacceptable as the provision of 2 no. umbrellas would be detrimental to the character and appearance of the conservation area.

6.0 RECOMMENDATION: Refuse

1 The proposed use of 2no. umbrellas within the pavement cafe area would be incongruous and intrusive in the street scene and would have a detrimental impact on the character and appearance of the Central Historic Core Conservation Area. The proposal is therefore contrary to national advice in PPS5, and to policy HE3 of the City of York Draft Local Plan, which states that alterations will only be permitted where there is no adverse effect on the character and appearance of the Conservation Area.

7.0 INFORMATIVES:

Contact details:

Author: Elizabeth Potter Development Management Assistant
Tel No: 01904 551477

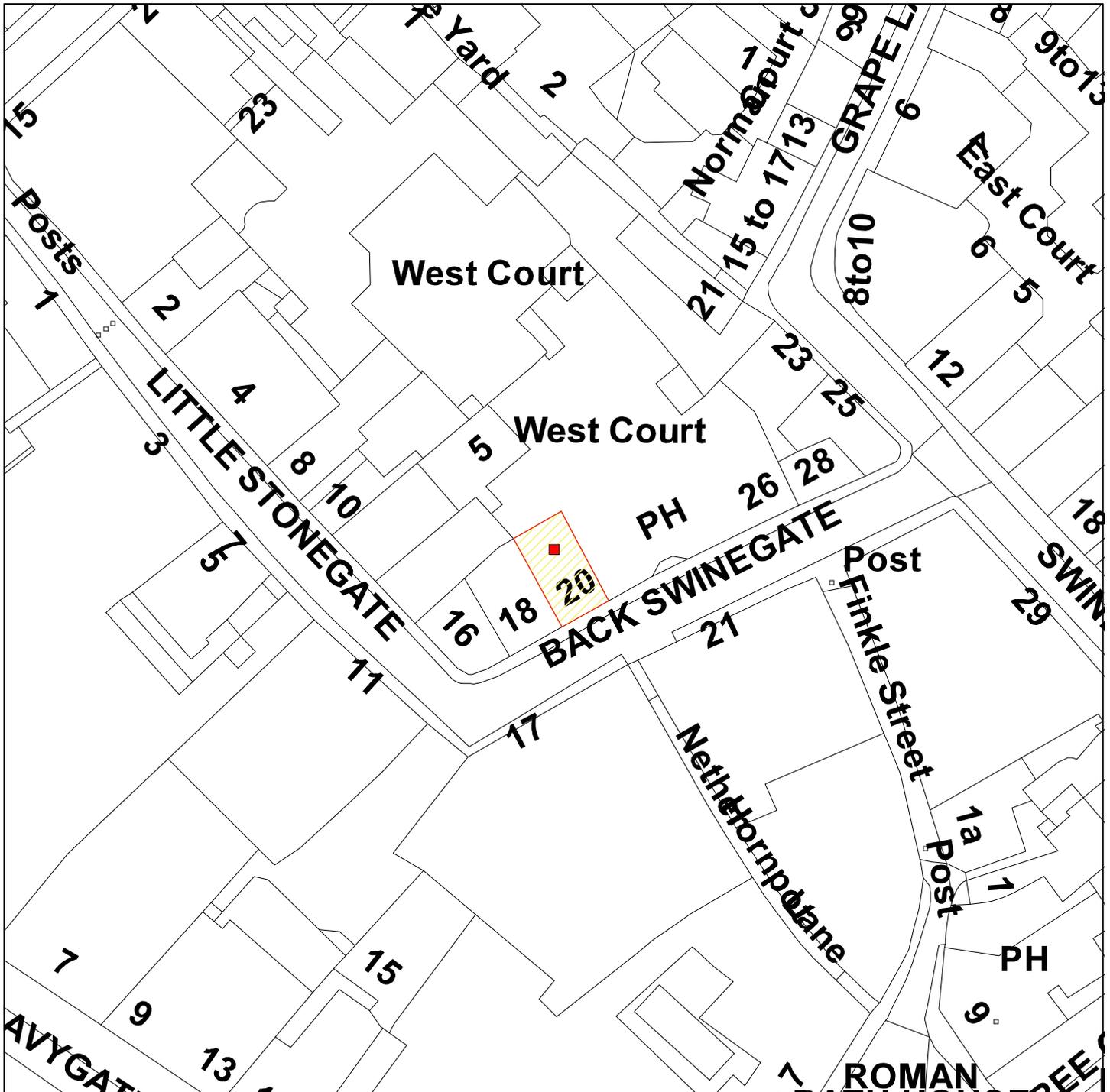
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20 Back Swinegate, YO1 8AD

11/00383/FUL



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CYHE3

Conservation Areas

3.0 CONSULTATIONS

3.1 Internal

Highway Regulation - No objection

Design, Conservation and Sustainable Development - No comment to make

3.2 External

Upper Poppleton Parish Council - No objection

Response to neighbour consultation letters which expired on 16.03.11. - 2 letters of objection received from adjacent residents, raising the following concerns:

Loss of privacy to neighbouring lounge and garden at Maypole Cottage further to insertion of larger window to side elevation serving the proposed utility room - suggest frosted glass or alternative siting of rear door to this location;

Loss of outlook and light from living room window of adjacent dwelling at No. 1 Black Dykes Lane;

Height and length of proposed extension is out of proportion with the rest of the building.

4.0 APPRAISAL

KEY ISSUES

4.1. Visual impact on the dwelling and surrounding conservation area;

4.2 Impact on neighbouring amenity

4.3 When determining planning applications within conservation areas, the Council is under a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area.

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

4.5 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.

4.6 DRAFT LOCAL PLAN POLICY CYHE3 of the Development Control Local Plan states that within Conservation Areas, proposals for external alterations will only be permitted where there is no adverse effect on the character and appearance of the area.

4.7 Planning Policy Statement 5: Planning and the Historic Environment offers advice on development proposals in historic environments and confirms the aim of conserving our heritage assets and utilising the historic environment in creating sustainable places.

4.8 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that (1.12) Good design and a scale of development that respects the original dwelling and established pattern of development are essential to making a quality extension. An extension in the style of the existing dwelling is likely to be the most acceptable.

4.9 Poppleton Village Design Statement states inter alia that proper assessment of the character of the surrounding environment should be taken into account when development is proposed and that the size and massing of extensions should harmonise with neighbouring properties and spaces; contemporary design should complement and be in sympathy with existing building character and that adequate car parking spaces should be provided within the curtilage of the property to avoid on-street parking.

ASSESSMENT

4.10 The proposed addition will appear large in relation to the rear of the existing dwelling, due to the proposed height; however a relatively modest rear projection is proposed. The extension will be set in from both side elevations of the original dwelling and will be set down from the original ridge. It will be partially visible when viewed from Station Road, though it is not considered to be overly dominant and the design is not considered to harm the appearance of the dwelling, nor the character or appearance of the Conservation Area. A small open porch is also proposed to the rear giving access to a new doorway to the existing rear elevation, and this is considered in keeping with the appearance of the dwelling.

4.11 Sufficient amenity will be available within the large garden to the rear; along with sufficient car and cycle storage available within the driveway and existing detached garage.

4.12 The attached neighbouring dwelling at No. 1 Black Dykes Lane has a single storey rear extension in place, projecting to approx. 1.9 metres to the rear, with one side window looking towards the host dwelling. The proposed rear projection at the host will be approx. 2.2 metres, thus is not considered it will be overly dominant, when viewed from this neighbouring dining room. Though some loss of light to this window

may occur, it is not considered to be overly significant, particularly taking into account that a single storey rear extension built within permitted development rights, could project further than that proposed and to a height that would cause the same impact upon this neighbouring window. Again, taking into account the good size of this neighbouring garden, the extension is not considered to cause undue loss of visual amenity. Some additional loss of privacy to this neighbouring garden area may occur, further to the proposed first floor window within the rear elevation, however, again, taking into account that a large dormer could be constructed within permitted development rights, it is not considered to be sufficiently detrimental so as to warrant refusal.

4.13 As the host dwelling is set much further back from the highway than the other neighbouring dwelling at Maypole Cottage, the extension will not be overly visible to view from the dwelling nor the garden area. The existing pantry window to the side elevation is proposed to be replaced by a larger one, though it is not considered any significant additional loss of privacy will occur to this neighbour, taking into account the proposed use of the room will be a utility room and is separated from the neighbouring property by a the application site's driveway, a shared accessway and a boundary fence. It is noted that this window could be installed within permitted development rights. The proposed side facing kitchen window is not considered to result in a loss of privacy due to its positioning parallel with the end of the neighbours garden as is subject to the separation noted above.

4.14 Sufficient separation distance of more than 35 metres will be retained between the host and the dwelling to the rear at No. 2 The Green, and the trees within both gardens will provide some screening. Again, taking into account the adequate separation distance and also the orientation between the host and the other adjacent dwelling at Courtlands, no loss of amenity will occur.

5.0 CONCLUSION

It is considered that the proposal will not seriously harm the living conditions of nearby neighbours nor the character or appearance of the dwelling or the surrounding conservation area. Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 VISQ1 Matching materials

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

D4100018/06 revA; D4100018/05 revA; D4100018/07 revA; D41000018/04 received on 15.02.11.

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 impact on the residential amenity of neighbours or the impact upon the streetscene. As such the proposal complies with Policies H7, HE3 and GP1 of the City of York Development Control Local Plan; City of York Supplementary Planning Guidance to Householders (Approved March 2001); Planning Policy Statement 5: Planning and the Historic Environment and Poppleton Village Design Statement.

Contact details:

Author: Carolyn Howarth Development Management Assistant
Tel No: 01904 552405

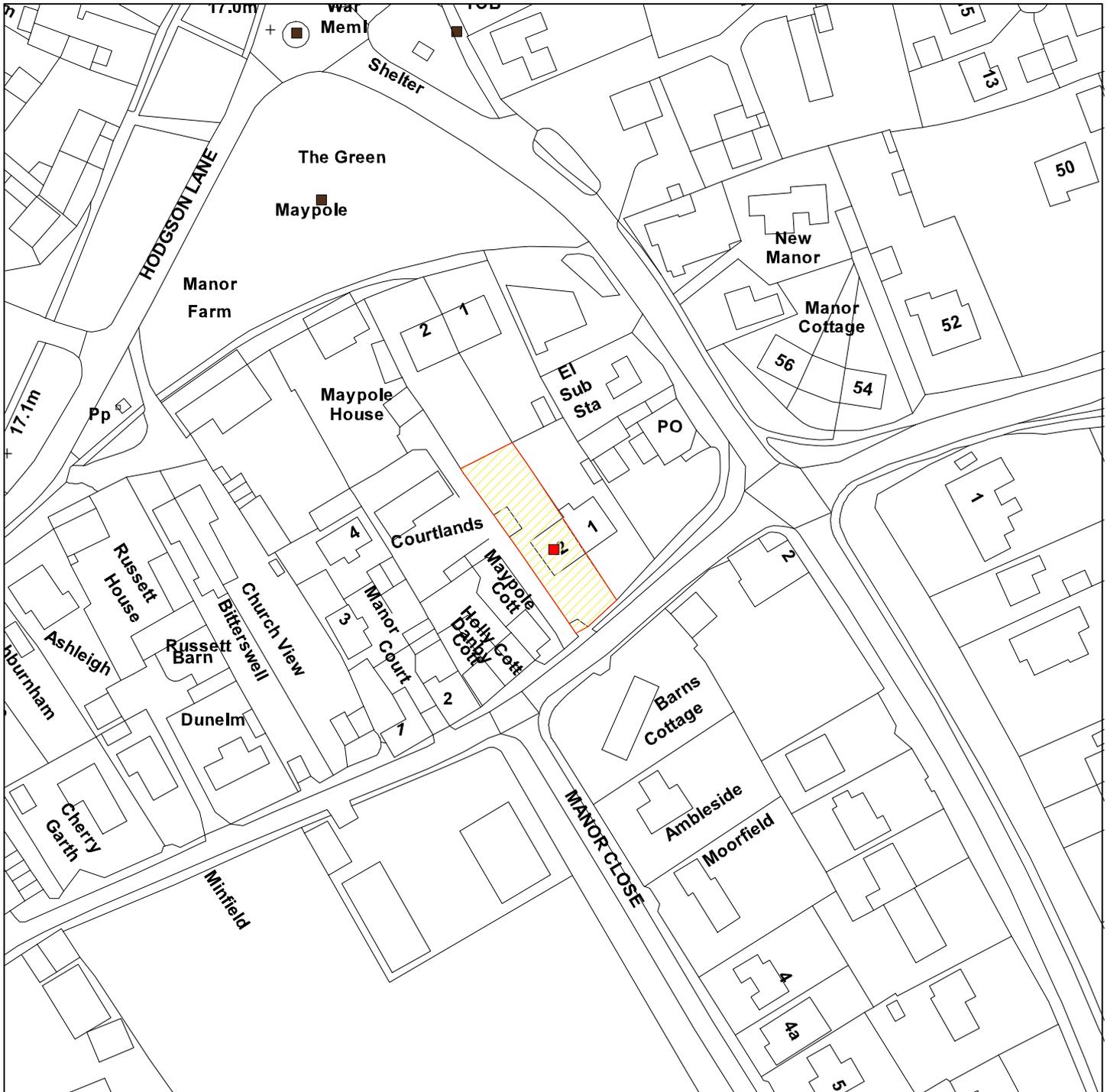
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2 Black Dykes Lane, Upper Poppleton

11/00315/FUL



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The proposal is also considered to be contrary to National planning policies contained within PPS1 "Delivering Sustainable Development" and PPS3 "Housing".'

1.2 This refusal was the subject of further appeal which was dismissed. An enforcement notice for the demolition of the bungalow was upheld. Therefore, at present the existing part erected dormer bungalow is unauthorised. However, the reserved matters consent for the erection of a bungalow further to the south than that which is partly constructed remains live and therefore in planning terms could still be constructed.

1.3 This application seeks planning permission to make alterations to the existing unauthorised building. In summary the footprint of the existing building would be maintained as is currently built on site but the height of the building would be reduced with rooms in the roofspace no longer proposed. In order to create additional internal space to compensate for the loss of accommodation on the first floor, an extension of the footprint southwards is proposed and what was originally intended to be an integral garage would be a bedroom and utility room.

1.4 This application has been brought before planning committee as all recent applications relating to a new dwelling being erected on this site have been determined by members.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYGP1 Design

CYGP10 Subdivision of gardens and infill devt

CYH4A Housing Windfalls

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - No objections subject to conditions regarding the proper drainage of the vehicular access and car and cycle parking.

EXTERNAL

3.2 Acomb Planning Panel - No correspondence received at the time of writing the report.

3.3 Third Parties -

One letter received at the time of writing the report, any further letters will be reported verbally. The following comments were received from a resident of 5 Portal Road:

- it was an ill conceived application from the beginning and it should never have been approved;
- the existing half constructed building is an eyesore and the application should be approved or refused quickly to make sure it does not stay this way;
- consideration should be given to limiting any development on the first floor in the future.

4.0 APPRAISAL

4.1 Key issues:

- Impact on the street scene; and
- Impact on the amenity of local residents.

4.2 A live planning permission for the erection of a dormer bungalow remains on the application site. Therefore, it is considered that the principle of a residential dwelling within this back garden area has been established. Whilst the details of the existing bungalow were considered unacceptable by both the Local Planning Authority and the Secretary of State, it is not considered that it is relevant to re-evaluate the principle of development on this site.

IMPACT ON THE STREET SCENE

4.3 The proposed bungalow is single storey in height, no rooms are proposed to be created within the roof-space. This means that the height of the proposed building is just 5.2m to the ridge and 2.5m to the eaves. The application site is visually prominent from both Boroughbridge Road, Albion Avenue and Beckfield Lane. However, the site is well screened by a 1.8m high timber fence and/or some green landscaping on all boundaries. Therefore, views of the proposed dwelling would be limited largely to views of the roof slopes.

4.4 The proposed bungalow is of traditional design, typical of many around the city and in the immediately surrounding area. The dwelling would be built using bricks and tiles which are consistent with those in the area. The proposed bungalow does occupy a significant proportion of the application site, however given the modest height of the bungalow and the space between the proposed dwelling and all site boundaries it is considered that the site would not appear overdeveloped.

4.5 The proposed bungalow has an increased footprint over that of the previously approved dormer bungalow. This increase in footprint is the result of a 4m by 6.2m front protruding gable ended structure to create a bedroom and en-suite. This element of the building is modest in height and is not considered to have a significant impact on the appearance of the dwelling when viewed from the public domain. The proposed dwelling represents a decrease in height of 1.8m from the approved dormer bungalow with all dormers removed from the roof. It is therefore considered that the proposed bungalow would have a lesser impact on the character and

appearance of the area than the approved dormer bungalow. It is therefore considered that the proposed bungalow is acceptable in terms of its impact on the street scene.

IMPACT ON NEIGHBOURING AMENITY

4.6 The retrospective application which was refused was considered unacceptable due to the bulk and location of the building being overbearing and dominating the outlook from neighbouring residential properties. Whilst the location of the proposed building is no different to the refused application, the significant changes in its design overcome this perceived harm.

4.7 As previously discussed the total height of the proposed bungalow has been significantly reduced from around 7m to 5.2m. Given the structures location close to the rear gardens of houses on Beckfield Lane, this 1.8m reduction in height has a significant benefit to residents within these dwellings. It is considered that a further improvement from the previous proposal is the roof structure. Previously, a gable end was proposed to face the rear gardens and the houses along Beckfield Lane. The revised plan has removed this gable and hipped the roof away from the gardens as well as reducing the ridge height. The hipping of the roof would allow a much improved outlook from properties on Beckfield Lane as well as allowing more natural light to enter the curtilages.

4.8 The other dwelling significantly affected by the proposed bungalow is the host dwelling at 106 Albion Avenue. The rear garden of 106 Albion Avenue is approximately 15m in length and it is divided from the application site by a 1.8m timber fence. The proposed dwelling is north of the 106 Albion Avenue and its rear garden, therefore it is not considered that there would be any significant impact on the amount of natural light entering the property curtilage. The proposed dwelling would sit around 2m from the rear boundary fence, thus allowing a reasonable separation between the dwellings given their respective modest heights and the extant planning permission which is in place for a taller dormer bungalow.

4.9 The position of the proposed bungalow is a little closer to a number of houses on Beckfield Lane than that previously approved. Should the bungalow be approved, under standard permitted development rights the owner would be able to make alterations to the roof in the form of dormer windows. It is considered that should dormer windows be located on the proposed bungalow, that there is significant potential for a loss of privacy for local residents. It is therefore recommended that a condition is added to any approval to take away permitted development rights associated with roof alterations in order to prevent any potential developments in the future which could be unduly harmful. Similarly as the footprint of the bungalow is larger and the site area smaller than that originally envisaged for the site it is recommended that this condition also covers extensions to the dwelling.

SUSTAINABILITY AND OPEN SPACE

4.10 The applicants have a fall-back position of erecting the approved dormer bungalow closer to 106 Albion Avenue. When planning permission was granted for the dormer bungalow no conditions were attached regarding a contribution towards

open space or achieving environmental sustainability standards. Development Control Local Plan Policy L1c regarding open space provision in new developments was in place at the time of issuing the outline and reserved matters consents. As there has been no change in policy position or change in site circumstances and given the fall back position of erecting the dormer bungalow where approved, it is considered unreasonable in this case to require a contribution towards community open space. In respect of sustainability, as a significant proportion of the proposed bungalow has already been erected, it is considered inappropriate to place a condition on any consent regarding environmental sustainability. The Planning Inspector who was responsible for assessing and approving the appeal at outline application stage did not consider that a condition regarding environmental sustainability was necessary.

CYCLE AND CAR PARKING

4.11 Within the site is a vehicular access driveway and turning area. There is sufficient space within the site for car parking which would prevent vehicles from parking on the street. The previously approved dormer bungalow contained a garage, within the current plans this space is being utilised as habitable living accommodation. Therefore, the cycle parking facility has been lost. It is therefore recommended that a condition be added to any approval which requires the applicants to install a cycle parking facility within the curtilage. It is considered that there is sufficient scope within the site for this to be provided without harming visual or neighbouring amenity.

5.0 CONCLUSION

5.1 It is considered that the proposed dwelling overcomes the reasons for refusal related to the previous retrospective planning application on this site. The reduction in height and alterations in building design have alleviated the issues of the structure appearing overbearing and dominant when viewed from neighbouring dwellings.

5.2 There remains an existing planning permission on this site for a taller bungalow than being considered here. It is officer opinion that the proposed bungalow would have a lesser impact on neighbouring amenity and the character and appearance of the area than the previously approved dwelling. For the reasons outlined above the proposed bungalow is recommended for approval subject to conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Application Site Plan and Plans and Elevations received by CYC on 7th March 2011

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 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 (addition or alteration to the roof) and C (any other alteration to the roof) of Schedule 2 Part 1 of that Order shall not be erected or constructed.

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

4 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 5.2 metres, as measured from existing ground level.

Reason: To ensure that the approved development does not have an adverse impact on the amenity of local residents.

5 The brickwork to be used externally shall match that of the existing unauthorised bungalow. A sample of the roof tile to be used within the construction of the dwelling shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the finished appearance of the bungalow compliments the character and appearance of the area.

6 All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason. To protect the amenity of local residents.

7 HWAY10 Vehicular areas surfaced, details reqd

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

Reason: In the interests of highway safety.

9 HWAY18 Cycle parking details to be agreed

**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 street scene and the amenity of local residents. As such the proposal complies with Policies GP1, GP10 and H4a of the City of York Development Control Local Plan.

Contact details:

Author: Michael Jones Development Management Officer
Tel No: 01904 551339

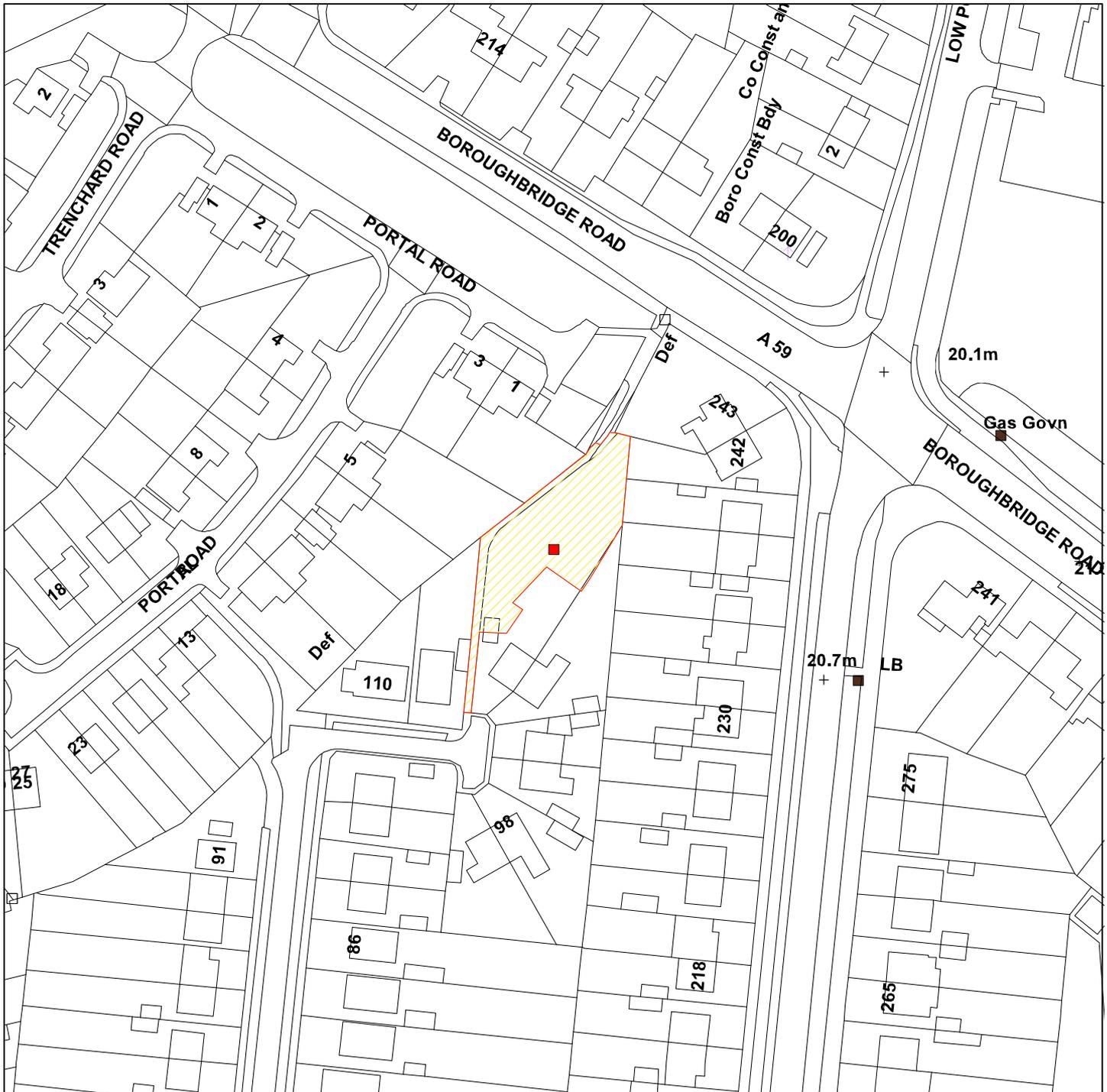
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Land adj. to 106 Albion Avenue

11/00481/FUL



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| Organisation | City of York Council |
| Department | Not Set |
| Comments | Not Set |
| Date | 14 April 2011 |
| SLA Number | Not Set |

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COMMITTEE REPORT

Date: 27 April 2011 **Ward:** Westfield
Team: West/Centre Area **Parish:** No Parish

Reference: 09/02304/FUL
Application at: Morrisons Front Street Acomb York YO24 3BZ
For: Provision of 21no. additional car parking spaces on land to the rear of 7 and 9 Green Lane with associated lighting, fence, and trolley shelter
By: Mr Gareth Wilkinson, WM Morrison Supermarkets PLC
Application Type: Full Application
Target Date: 18 February 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 The application seeks permission for the formation of 21 additional car parking spaces on the land to the rear of 7 and 9 Front Street, Acomb. In addition associated lighting, acoustic fence, trolley shelters and cycle storage facilities are proposed.

1.2 The existing car park at Morrisons has a capacity of 264, including 18 disabled spaces and 11 parent and child spaces. The car park is owned by the Council but controlled by a tripartite agreement between the Council, Morrisons and the Social Club. An additional 21 spaces are proposed on land to the south east of the store. This land was formerly the rear gardens of 7 and 9 Green Lane and is in the region of 60m by 17m. The land backs onto a number of residential properties with associated gardens fronting Green Lane and a small cul-de-sac. It would side onto the existing store.

1.3 The additional spaces would be accessed off the main car park and would involve the removal of 7 fir trees and the removal of two parent and child parking bays to create the access road. The access road would side onto the residential properties with the cars parking nose/tail towards the store. An access gate is proposed in order to lock this area off from vehicles when the store is closed. Three additional street lights are proposed and a 2.4m high close boarded fence is proposed to the boundary with the residential properties in order to act as an acoustic barrier.

1.4 As part of the scheme the existing pedestrian access to the front of the store is to be widened to 3m in order to accommodate the additional pedestrian movements generated. Existing cycle parking and trolley bays are to be relocated to provide a clear access to the store and the existing disabled bays fronting the store are to be pushed back with the bollards being repositioned. Due to the altered location of the disabled bays one is to be removed in order to provide easier access into the repositioned bays.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: Acomb Area 0007

Air safeguarding GMS Constraints: Air Field safeguarding 0175

2.2 Policies:

CYGP1 Design

CYGP4A Sustainability

3.0 CONSULTATIONS

Internal

Highway Network Management

3.1 Capacity calculations indicate that the Front Street junction can handle the predicted increase in traffic flow during the peak periods without significant delays or excessive queuing. Even with the extra 21 spaces the total capacity of the car park will be 265 spaces, which would still keep it below the maximum parking standards for a store with a gross floor area of 3660m². Alterations within the site to provide a 3m wide pedestrian access are an improvement.

Environmental Protection Unit

3.2 Satisfied with the findings of the acoustic report and agree that the proposed car park extension would not result in the loss of amenity to adjacent residential dwellings, subject to the provision of an acoustic barrier.

Structures and Drainage

3.3 The development is in low risk flood zone 1 and should not suffer from river flooding. Insufficient information has been submitted to assess surface water drainage and a condition is proposed.

External

York Access Group

3.4 Do not object to the additional parking but are concerned about pedestrians crossing the entrance at Front Street where the wall of No 8 partially obscures views of turning traffic

Police Architectural Liaison Officer

3.5 Crime levels and anti-social behaviour incidents are particularly high in an area, which includes Morrisons store. Would strongly recommend the new parking area be covered by CCTV, particularly as natural surveillance is limited. Welcome the 2.4m high fence and the gate to the access

Neighbours

3.6 Six letters of objections received on the following grounds:

- The gate would only prevent cars accessing the parking area and not youths on foot
- Additional noise of engines running, car doors opening and slamming, car boots opening and slamming, car alarms, human voices and the clanking of trolleys
- Poorer air quality
- Inappropriate to fell the trees
- Levels should be the same as neighbouring properties to prevent any flooding
- No shroud is proposed to the additional street lighting
- CCTV should be installed
- No additional car parking was required at the time of the store extension
- May damage tree roots
- Noise and disturbance would be created during the construction works
- Does not accord with the Councils strategy on climate change
- Morrisons have not helped reduce car borne journeys by providing internet shopping, improved cycle parking or cycle trailer hire
- Should provide self check out and more check outs to speed up customers
- Disabled bays are often empty and some should be converted to general parking
- May undermine the foundations of residential properties
- Small garden would be unusable due to noise and fumes

3.7 Two letters received in support of the scheme:

- All spaces are often taken
- Have to drive around a number of times before a space is found
- Often have to park on Carr Lane
- Car park busy at 8:30am and the cars stay all day
- Should not get free all day parking and should be limited to 4 hours

4.0 APPRAISAL

4.1 Key Issues

- Planning History
- Need for the additional parking
- Highway Implications
- Sustainability
- Noise Impact
- Drainage

PLANNING POLICY

4.2 The relevant City of York Council Draft Deposit Local Plan Policies are GP1 and GP4a. Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly

affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.3 Policy GP4a 'Sustainability' states that all developments should have regard to sustainable development. A sustainability statement should accompany all commercial and residential developments. The policy includes a list of criteria against which proposals should be judged which include: accessibility of the site by means other than the car; contribute towards meeting the social needs of the community; maintain or increase the economic prosperity and diversity of the City of York; be of a high quality design; minimise the use of non-renewable resources, re-use materials already on the site and use grey water systems; minimise pollution; conserve and enhance natural areas and landscape features; maximise the use of renewable resources and seek to make use of renewable energy and to make adequate provision for the storage and collection of refuse and recycling.

The Transport chapter of the local plan contains objectives are relevant and seek to reduce pollution, noise and the physical impact of traffic, by restraining growth in the use of motor vehicles.

4.4 Policy GP4a is also supported by the Councils Interim Planning Statement, which was approved on November 2007 for Development Control purposes and is a material consideration when assessing planning applications.

4.5 Planning Policy Guidance Note 13 'Transport' states that in developing and implementing policies on parking, local authorities should: ensure that levels of parking provided in association with development will promote sustainable transport choices; don't require developers to provide more spaces than they themselves wish; encourage the shared use of parking, particularly in town centres and as part of major proposals: for example offices and leisure uses (such as cinemas) might share parking because the peak levels of use do not coincide; require developers to provide designated parking spaces for disabled people in accordance with current good practice¹¹; where appropriate, introduce on-street parking controls in areas adjacent to major travel generating development to minimise the potential displacement of parking where on-site parking is being limited; require convenient safe and secure cycle parking in development at least at levels consistent with the cycle strategy in the local transport plan.

4.6 Planning Policy Guidance 24 (PPG24) provides guidance on the use of planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities, which generate noise.

4.7 PPS25 Development and Flood Risk: This PPS explains how flood risk should be considered at all stages of the planning and development process. It sets out the importance of the management and reduction of flood risk in planning, acting on a precautionary basis and taking account of climate change.

PLANNING HISTORY

4.8 Planning permission was granted in September 2008 for the erection of a part single and part two storey extensions. This considerably increased the retail portion of the store. To support the application a Parking Report was submitted which assessed the parking of vehicles within the car park in terms of numbers and length of stay. The general conclusion was that there was adequate capacity within the car park to provide the necessary parking required to accommodate the extra customers to the store who travelled by car. However, since the store has been trading with its enlarged retail area it is busier than anticipated and parking is becoming increasingly difficult on the site.

NEED FOR ADDITIONAL PARKING

4.9 As stated the car park is not only used by visitors to Morrisons but is also utilised by visitors to Acomb District Centre and the adjacent social club. There are no charges to use the car park and as such vehicles are often parked for long periods of time, often for over 7 hours. The car park is widely used and it is apparent when visiting the site that parking is getting increasingly difficult. The provision of an additional 21 spaces adjacent to the store would increase the capacity of the car park and reduce the pressure on the existing spaces.

HIGHWAY IMPLICATIONS

4.10 As part of the application a highway report was submitted addressing vehicular flows within the site and at the junction with Front Street. Concerns have been raised by neighbours that the junction with Front Street is unsafe and additional vehicular movements would increase this situation. However, the information submitted demonstrates that the additional vehicle trips can be accommodated on the local highway network, in capacity terms, and highway safety is not a concern. In addition the creation of the additional parking spaces could have a beneficial impact upon neighbouring residential streets by providing more on site parking for Morrisons and the adjacent district centre.

4.11 The additional works proposed on site create a wider pedestrian access to the store, when approaching from the car park. At present this has a restricted width due to the location of the disabled car parking bays, security bollards and the parking of trolleys. The area is also often congested with people queuing at the cash machine. This scheme would increase the pedestrian access to 3m by setting the disabled bays and bollards back and relocating existing trolley parks and cycle storage facilities. The amendments would result in the loss of a single disabled car parking bay but this is considered acceptable.

SUSTAINABILITY

4.12 Planning Guidance in the form of PPG13 encourages developments to locate in areas that are accessible by modes of transport other than the car. The store is located in close proximity to the district centre and is easily accessible by cycle, foot and bus. Secure cycle parking is provided on the site and Morrisons have agreed to

a Travel Plan as part of the approval for the extension. However, there is still a demand for additional parking on the site for use by customers to the store and the district centre. It has been suggested that car parking charges should be applied in this car park or a period of free parking being made available with charges following. However, the council are reluctant to agree to this course of action as it may push long term parking onto nearby residential streets, to their detriment.

4.13 Whilst it is considered that the increased parking provision does not discourage trips by the private car the additional spaces would be use by the community as a whole and have a dual purpose in providing parking facility for the general area and not just the store itself. As part of the scheme cycle storage facilities will be improved which may encourage more visitors by modes other than the private car.

NOISE

4.14 The nearest residential properties are those located along Green Lane and a small cul-de-sac serving number 15, 17 and 19a Green Lane. Numbers 5 and 7 Green Lane are residential properties within the ownership of Morrisons, No 9 is a Carpet shop with a first floor studio flat (No 9a), No 11 is a picture framing shop which appears to be a purely commercial unit, whilst No 13 is a commercial premises at ground floor with residential use to the rear and possibly first floor (No 13a). The properties of 15, 17 and 19a Green Lane are detached residential bungalows located along the South Eastern boundary of the proposed car park extension. The dwellings at number 13 and 19a would be approximately 14m from the boundary with the proposed car park. However, number 15 would only be 3m from the boundary. Concerns are raised in connection with the potential noise disturbance for these residential properties, in particular car doors opening and closing and vehicular movements.

4.15 As part of the submission an Acoustic Noise Assessment was submitted and council Environmental Protection Officers visited the site. At present the background noise environment in the area is currently dominated by noise from traffic on Green Lane, Front Street and York Road, including regular bus services and delivery vehicles in the area (not all associated with Morrisons). Noise from the existing car park is barely audible at certain parts of the site over the background noise level in the area and where car park noise is audible it is not considered to be intrusive or to result in loss of amenity. It is considered that to reduce the potential for noise disturbance the spaces to the rear of the area, backing onto the properties facing Green Lane should be designated for staff parking only in order to reduce the vehicular movements within this locality. In addition an acoustic barrier is proposed to the boundary with numbers 15, 17 and 19a, which would reduce the potential for noise disturbance considerably. Furthermore, the existing access gate between the proposed car park and service yard is to be replaced with a solid gate, as opposed to the mesh gate, which is present. This would reduce existing noise disturbance currently arising by delivery vehicles visiting the store.

4.16 It is understood that at present these residential properties back onto an open garden area where noise levels being generated are low. It is not disputed that there will be an increase in noise as a result of the proposed car park. However, the survey carried out demonstrates that there would not be an increase in noise to a

level, which would result in a loss of amenity on the basis that an acoustic fence is erected.

DRAINAGE

4.17 The applicant has submitted information to identify that the car parking area would be drained by a central soakaway, which would be attached to a stormceptor. Insufficient information has been submitted to assess whether this is acceptable. Conditions can be attached to any permission granted in order to achieve the satisfactory drainage of the site.

5.0 CONCLUSION

5.1 It is considered that the proposed formation of the additional car parking is acceptable. There appears to be a need for the parking, which will serve the wider community, as well as customers to Morrisons, and reduce the potential for on street parking. There would not be any detrimental impact upon highway safety and the junction of the car park with Front Street is adequate to accept the additional vehicle movements. Inadequate information has been submitted to assess the drainage of the car parking area but conditions can be attached to any approval to overcome this issue. The main point of concern related to the potential noise disturbance created as a result of the additional vehicle movements. However, the submitted noise survey confirms that there would not be an unacceptable loss of amenity to nearby residential properties.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Drawing numbers B730-A(00)-01 received 21st December 2009
Drawing numbers B730-A(00)-02 received 21st December 2009
Drawing numbers B730-A(00)-03 Rev D received 4th April 2011
Drawing numbers B730-A(00)-04 received 21st December 2009
Drawing numbers B730-A(00)-05 received 21st December 2009
Drawing number 1906/501 Rev 2 received 21st December 2009

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

3 ARCH2 Watching brief required

4 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall

illustrate the number, species, height and position of trees and shrubs to the south eastern boundary with 15, 17 and 19a Green Lane. This scheme shall be implemented prior to the first use and shall be retained thereafter. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

5 Prior to commencement of the use hereby permitted (or within such a time as approved in writing by the local planning authority), an acoustic barrier, at least 2.4 metres high and 18mm thick, shall be constructed around the car park area adjacent to residential dwellings. The location of the acoustic barrier shall be approved in writing by the local planning authority prior to the commencement of the use hereby permitted (or within such a time as approved in writing by the local planning authority). For the avoidance of doubt, the acoustic barrier shall be imperforate in construction with no air gaps to allow the passage of noise, such as a close boarded fence. The acoustic fence shall be constructed on site in accordance with approved details prior to the car park being brought into use and shall be retained thereafter.

Reason: To protect the amenity of nearby residents.

6 Prior to development commencing on site, details of the location, levels of illumination and shrouding for all of the proposed lights should be submitted to the Local Planning Authority for written approval. The details shall then be implemented in their entirety to the satisfaction of the Local Planning Authority and in accordance with the written approved details. The approved lights shall be switched off during store closing hours.

Reason: To protect the amenities of nearby residential properties

7 Prior to commencement on site details of the proposed replacement gate between the service yard and car park shall be submitted to and approved in writing by the local planning authority. The gate shall be fitted prior to the first use of the car park.

Reason: In order to achieve a visually acceptable development and to protect the amenity of nearby residential properties.

8 The security gate located between the hereby approved car park and the existing car park shall be closed and locked 30 minutes after the store closes and 30 minutes before the store opens

Reason: To prevent access to the area by vehicles when the store is closed

9 HWAY18 Cycle parking details to be agreed

10 Notwithstanding the information contained within the approved plans details of

allocated staff car parking within the hereby approved car parking area shall be submitted to and approved in writing by the Local Planning Authority prior to commencement.

Reason: To provide adequate levels of staff parking

11 Details to include calculations and invert levels to Ordnance Datum of the existing surface water system should be provided together with details to include calculations and invert levels to Ordnance Datum of the proposals for the new development.

The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

As the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself. City of York Council's Drainage Section should witness the BRE Digest 365 test.

If the above soakaway proves to be unsuitable then In accordance with PPS25 and in agreement with the Environment Agency / IDB / City of York Council, peak run-off from developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

Reason: In the interests of the satisfactory drainage of the site

12 Details of CCTV cameras to be fitted to cover the area shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the area covered by the cameras and their location. The cameras shall be installed prior to the first use of the car park and retained thereafter.

Reason: In order to provide security to an area which is not subject to natural surveillance.

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 site drainage, highway safety and the free flow of traffic, noise disturbance, sustainability and the local environment. As such the proposal complies with Policies GP1 and GP4a of the City of York Development Control Local Plan and Planning Policy Guidance Notes 13, 24 and 25.

Contact details:

Author: Heather Fairy (Mon - Wed) Development Management Officer

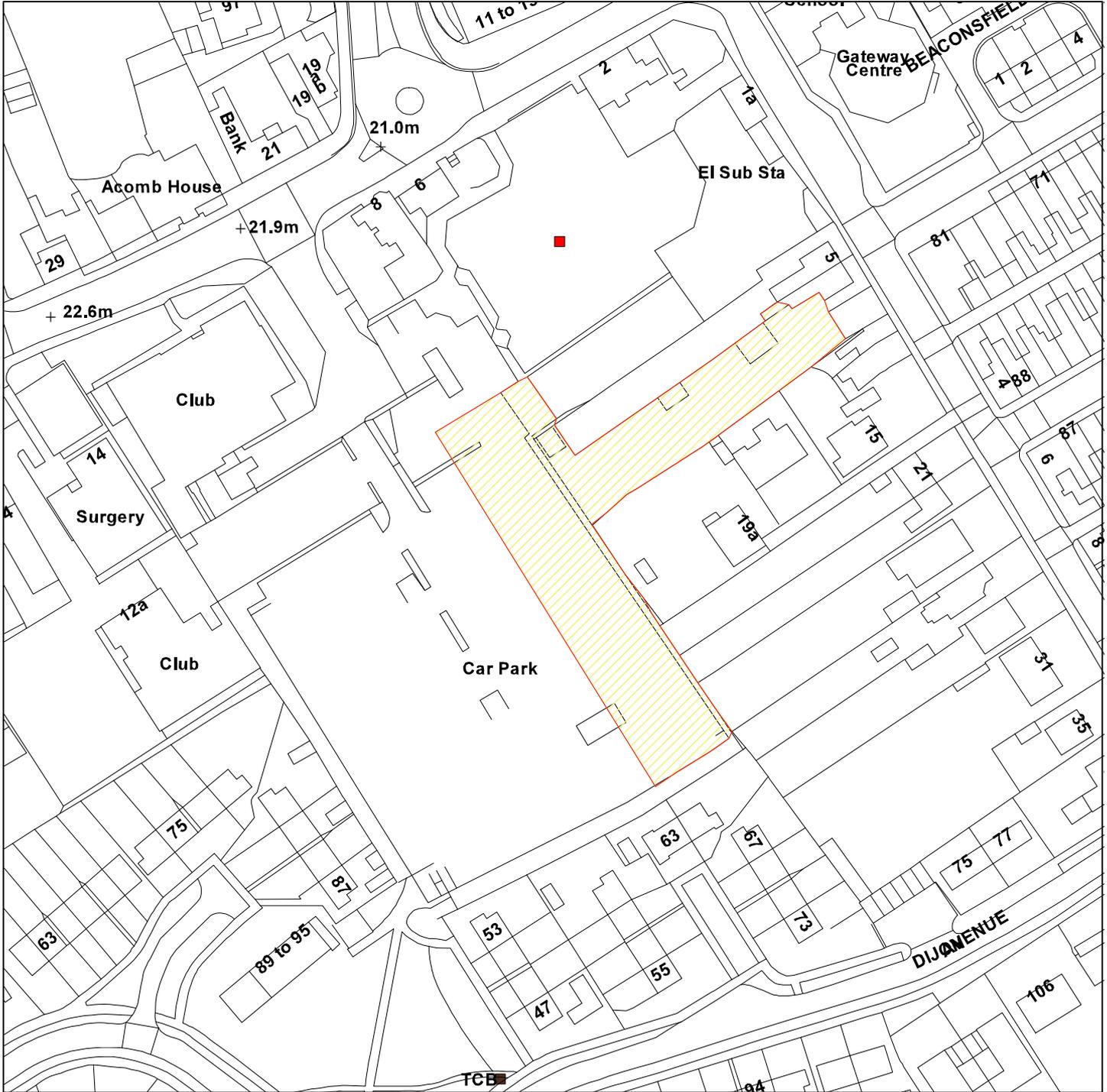
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Morrisons, Front Street, Acomb

09/02304/FUL



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| Organisation | City of York Council |
| Department | Not Set |
| Comments | Not Set |
| Date | 14 April 2011 |
| SLA Number | Not Set |

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COMMITTEE REPORT

Date: 27 April 2011 **Ward:** Guildhall
Team: Major and Commercial **Parish:** Guildhall Planning Panel
Team

Reference: 11/00242/FULM
Application at: The Purey Cust Nuffield Hospital Precentors Court York YO1 7EJ
For: Conversion of former Nuffield Hospital and self contained flat to form 3no. apartments and 9no. houses
By: York YO1 Property LLP
Application Type: Major Full Application (13 weeks)
Target Date: 11 May 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to the former Nuffield Hospital site which is to the north of Precentor's Court and northwest of the Minster. The site is within the Central Historic Core conservation area close to the west front of the Minster within an area which formed part of the Minster precinct adjacent to Dean's Park. In spite of being contained within high walls the buildings are highly visible from the city walls and within Dean's Park. The site is scheduled as part of the York Minster Precinct, which protects the high masonry boundary walls as well as below-ground archaeology.

1.2 The two buildings affected by the application are the early C19th (1824-25) purpose-built residence for Minster Canons, Purey Cust Chambers (stone building in Tudor "Gothick" style at the north end of the site), and the attached former nursing home designed by Walter Brierley and constructed between 1914-16. The buildings were partially vacated when the hospital moved to its new site on Haxby Road around 2004. Some administrative functions initially remained in the building, although they have now relocated also and the buildings are unoccupied.

1.3 It is proposed to convert the buildings into residential use. The link between the two buildings would be closed and the Purey Cust Chambers would again become independent. It would become a single house, with a basement level garage at the northwest side in replacement of a C20 extension which would be removed. The former nursing home would be converted into 8 no houses, with the southwest wing off Precentor's Court divided as 3 single flats on each of its three floors, with their own access from Precentor's Court. Access for the houses would remain through the archway opposite the West Front. C20 additions at the rear of the Brierley building would be removed to allow rear gardens. The car-parking and green landscape would be rearranged to serve the individual dwellings. There would be minor modification to the stone walls within the site to give access and improve outlook for house 8.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area

Conservation Area GMS Constraints: Central Historic Core

Listed Buildings GMS Constraints:

Grade 2; Purey Cust Chambers Dean's Park

Grade 1; Arcade Of Former Archbishops Palace & Gates & Railings

Grade 2*; 10 Precentors Court York

Grade 2; Dean's Lodge Walls And Gateways Dean's Park

Scheduled Ancient Monuments GMS Constraints: SMR 13280 York Minster Precinct
Inc. Section of City Walls

2.2 Policies:

| | |
|-------|--|
| CYGP1 | Design |
| CYHE3 | Conservation Areas |
| CYHE4 | Listed Buildings |
| CYH4 | Housing dev. in existing settlements |
| CYL1C | Provision of New Open Space in Development |
| CYED4 | Developer contributions towards Educational facilities |
| CYHE2 | Development in historic locations |
| CYC3 | Change of use of community facilities |
| CYNE6 | Species protected by law |

3.0 CONSULTATIONS

Communities and Culture

3.1 As there is no on site open space commuted sums should be paid to the Council for amenity open space, play space and sports facilities. Contributions would be used to improve local sites such Museum Gardens or Clarence Gardens and sports facilities within the East or North Zones of the Sport and Active Leisure Strategy.

Design Conservation and Sustainable Development

3.2 In general the scheme appears to fit well within the existing parameters of the site and there is little disturbance to significant elements of the buildings and structures. The heritage values of both buildings would be improved in different ways: the original interior of Purey Cust Chambers would be better revealed and its setting would be enhanced, views onto the Brierley building from the city walls would be enhanced. Officers welcome the scheme as helping to conserve important historic buildings at the heart of the conservation area. Although front gardens will improve the immediate setting of the new houses officers raised concern that the extent of car-parking would undermine the appearance of the site from the entrance drive and views into the site through the gateway outside the West Front.

Countryside officer

3.3 No objections. There is evidence bats were present at the host building in the 1980's. However there have been no more recent sightings. The buildings to be demolished have little or no potential for bats and no evidence of bats was found by either the applicant's survey or during a site visit made by officers.

3.4 Officers have asked for a method statement and mitigation strategy to ensure that bats are taken into account with all aspects of the work, in particular during any demolition work, internal alterations or any maintenance work to the roof.

3.5 The proposed works to the roof to be retained provides a good opportunity for habitat enhancement work to benefit bats and bird species which use buildings and it is asked that this occurs. This would be especially beneficial within this overall location, which provides excellent foraging habitat and roosting opportunities.

Environmental Protection Unit

3.6 No objection.

Highway Network Management

3.7 Do not object, however note that emergency vehicles will be unable to access the site due to the boundary wall and ask that North Yorkshire Fire and Rescue are consulted. Also refuse collection vehicles will not be able to enter the site and arrangements for bin storage and collection are requested. Officers would prefer a turning space close to the new garage and for private, rather than shared cycle stores.

Conservation Areas Advisory Panel

3.8 Suggest permitted development rights are removed for the houses to retain the conformity of the overall building.

English Heritage

3.9 The works will affect the York Minster Cathedral Precinct, a Scheduled Ancient Monument. Works will be limited to landscaping, changes in levels and works to the stone wall within the site. English Heritage do not object to these works and advise that an agreed scheme of archaeological mitigation, for the groundworks to accommodate the garage, will be covered as part of the required Scheduled Ancient Monument Consent.

Policy Architectural Liaison Officer

3.10 Support the scheme.

Guildhall Planning Panel

3.11 Support the application; welcome the scheme which brings the building back into use.

Publicity

3.12 Occupier of The Lodge adjacent the site - support in general but against relocation of the car parking closer to The Lodge. Although overall there would be less parking noise from cars coming and going could cause disturbance. Asks whether access can be restricted as the open access (while the site has been vacant) has encouraged anti-social behaviour on-site.

3.13 No.10 Precentor's Court - the boundary wall is connected to some of the buildings to be removed. For security and to prevent overlooking it is asked that the existing level of the wall be retained. Unhappy with the creation of the access alley at the rear; the area could become untidy and lead to noise disturbance as a consequence of people coming and going. Ask about waste collection strategy, as would not want waste placed outside no.10. Ask for obscure windows on the upper levels of the rear elevations to some of the houses which would overlook the rear garden of 10 Precentor's Court.

3.14 Objection to demolition of buildings which would have an adverse impact on the setting.

4.0 APPRAISAL

4.1 Key issues

- Principle of development
- Design and impact on the conservation area
- Historic and architectural interest of the listed building and archaeology
- Residential amenity
- Sustainability
- Species protected by law
- Highway network management
- Open space and Education provision
- Drainage

Principle of development

4.2 Policy C3 of the Local Plan states permission will only be granted for the change of use of community facilities (including health facilities) where the proposal is of a scale and design appropriate to the character and appearance of the locality; and it can be demonstrated that the existing facility is no longer needed or alternative sites can be provided.

4.2 The proposals do not conflict with policy C3. The proposed development is a change of use of existing buildings, removing later extensions, and as such the scale

and design of the scheme is appropriate. The facility is no longer needed for the former medical use which relocated from the site to alternative facilities in 2006; the site has been vacant since.

Design and impact on the conservation area

4.3 Policy GP1 of the Local Plan relates to design principles to be applied to all types of development. It states that development proposals must, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with the surrounding area; avoid the loss of open spaces which contribute to the quality of the local environment; retain, enhance, or create urban spaces; provide and protect amenity space; provide space for waste storage.

4.4 Policy HE2 states that within conservation areas, or locations which affect the setting of listed buildings development proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character or appearance of the area. HE3 requires that developments at least maintain the appearance of conservation areas.

4.5 The proposed development will enhance the appearance of the host buildings and their setting. Presently from the city walls views of the buildings as originally intended are screened by prominent unsympathetic later additions. These would be demolished and original fabric revealed. The appearance and setting of the Purey Cust Chambers will be enhanced through the removal of the ramped access and an area of car parking which would be replaced with a garden area. The new garage would be at basement level, it would be subordinate in scale to the Chambers and views of the site from the city wall would be enhanced as the garage would be lower than the structure it would replace and the sedum roof would appear as part of the landscaping around the building.

Historic and architectural interest of the listed building and archaeology

4.6 The Town and Country Planning Act regulations advise that in determining planning applications the Local Planning Authority should have special regard to the desirability of preserving any listed building and its setting, and any features of special architectural or historic interest. This is re-iterated in policy HE4 of the Local Plan. Policy HE10 of the Local Plan relates to archaeology and requires that at least 95% of archaeological remains are preserved during development.

4.7 The proposals are deemed to be sympathetic to the grade 2 listed buildings and walls onsite. This issue is fully considered in the companion application for listed building consent: 11/00342/LBC. Archaeology will be dealt with accordingly through the required Scheduled Ancient Monument Consent.

Residential amenity

4.8 Policy GP1 requires development proposals have no undue adverse impact from noise disturbance, overlooking, overshadowing or overdominance. Nearby houses are 10 Precentor's Court to the northwest and nos. 6 and 7 to the southwest which

are on the opposite side of the street to the proposed apartments. The unauthorised use of the site will be restricted through re-occupation.

4.9 The extensions that would be removed did not have any windows facing the rear of no.10 Precentor's Court. From the rear garden of no.10 the rear elevation of the proposed houses would be some 9m away. The upper floor windows would serve bedrooms and bathrooms. The windows would be a reasonable distance away and the rear garden can already be overlooked by the public from the elevated City Walls on the opposite side. There would not be undue overlooking introduced. In addition the removal of the extensions that abut the boundary would improve levels of natural light gain to the rear garden and reduce any present levels of overshadowing.

4.10 Precentor's Court is only around 6m wide and accordingly there will be a limited separation distance between the windows in the proposed apartments and no.7 opposite. This is an established arrangement, and would apply when the building comes back into occupation. On this basis, the level of overlooking is not grounds to refuse the scheme, or to require obscure glazing to the kitchen/dining room windows in each of the apartments. It is also noted that the glass to the windows on the upper floors is historic and to add film or similar to the glass would have an adverse impact on the character and appearance of the building.

Sustainable development

4.11 It is a requirement of policy GP4a of the Local Plan that a sustainability statement is submitted with development proposals. The development should meet the requirements of the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction. The document asks that all new housing conversions of 5 or more units achieve a code for sustainable homes rating of 3 stars or more, and that minimum requirements are met with regards site management during construction, waste prevention, and renewable energy.

4.12 The sustainability statement submitted with the application advises it is expected the scheme will achieve at least a code for sustainable home rating of 3 stars. The development will be energy efficient but no on-site renewable energy measures are proposed. The building is listed and in a sensitive location, being viewed from the city walls and within the City Centre Area of Archaeological Importance. As such retrofitting additions to the building such as panels on the roof and air or ground sourced heat pumps would detract from the historic environment. It is accepted the development can occur without generating its own energy, in particular as the buildings will be upgraded in terms of insulation, and other sustainable measures will be included in the development such as reductions in surface water run-off and habitat creation on-site (for birds and bats).

Species protected by law

4.13 Policy NE6 relates to species protected by law. It states that where a proposal may have a significant effect on protected species or habitats, applicants will be expected to undertake an appropriate assessment demonstrating proposed mitigation measures. Planning permission will not be granted where developments will cause demonstrable harm to species protected by law or their habitats. Policy

NE7 asks that where possible, developments include measures to enhance or supplement existing habitats and habitat creation is encouraged.

4.14 The application site provides a good foraging location for birds and bats due to the amount of tree cover in the area. The host building has been inspected and a desk based assessment undertaken which confirms there is no evidence of bats within the host building, and the buildings to be demolished have a low potential for accommodating bat and bird habitat. The information submitted with the application advises suitable habitats for bats and birds can be accommodated within the proposed scheme, this is welcome and consistent with policy NE7. It can be secured through a suitably worded condition.

Highway considerations

4.15 Policy T4 seeks to promote cycling and states that all new development should provide storage for cycles in accordance with the standards the Local Plan.

4.16 A communal store is proposed for cycles. Whilst private storage is preferred, the proposed scheme fits comfortably with the buildings onsite. Furthermore there would be space in each private garden if required for storage. It can be secured through condition that means of securing cycles within the building are provided and in this case the arrangement is logical and acceptable. In respect of a turning head for the new garage to the rear of house 9; while long reversing manoeuvre may be necessary this would not impact on the public highway nor on the adjacent dwelling's parking area. House 9 has additional parking to the front and as such it is not necessary at this stage to provide a turning space by the garage. A turning space could be added in future if necessary.

4.17 The entrance arch precludes access by fire and waste collection vehicles. These are constraints of the site which applied also to the previous use. The site will be managed and a condition will require an acceptable strategy to be agreed with regards waste collection. The fire service has been consulted and their comments are awaited. An update on this matter will be provided at committee.

Open space and education provision

4.18 Policy L1c of the Local Plan states developments for all housing sites will be required to make provision for the open space needs of future occupiers. Policy ED4 states that in considering proposals for new residential development, any consequences for existing educational facilities will be assessed in accordance with the approved supplementary planning guidance. Where additional provision is necessary as a direct result of the proposal, developers shall be required to make a financial contribution toward the provision of such facilities. There is a legal agreement associated with the application which requires the developer to make an adequate contribution toward open space and £35,117 toward secondary school places as there is presently no capacity at such schools within the catchment area.

Drainage

4.19 Of the Local Plan Policy GP15a: Development and Flood Risk advises sustainable drainage schemes are encouraged. Otherwise discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced.

4.20 The site is not in an indentified flood risk area. It is proposed to reduce the amount of hardstanding on-site and there will be no change in levels. As such surface water run-off rates would be reduced and there will be no increased flood risk elsewhere. Overall the scheme complies with policy GP15a.

5.0 CONCLUSION

5.1 The scheme is supported as it secures the long term future of listed building(s), enhance their environmental performance and will significantly improve their appearance and setting. There will not be an undue impact on the amenity of surrounding occupants and highway safety.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Proposed site plan 202B

Existing plans and elevations: 223, 220A, 221A, 222, 228, 210, 211.

Proposed floor plans: 227A, 224A, 225A, 226A, 229A.

Proposed elevations: 212A, 213.

Proposed garage: 281.

Proposed doors to Brierley Building: 250.

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

3 PD1A Removal of specific Perm Dev rights - A, B, C, D, E, F, H

4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Development Order 1995), (or any Order revoking or re-enacting that Order), no fences, gates, walls or other means of enclosure shall be erected other than those on the approved plans, or as agreed as part of the overall landscaping scheme for the site.

Reason: In the interests of visual amenity on this site which is sensitive because of its conservation area location and due to the setting of the listed building.

5 The development hereby approved shall be constructed to at least Level 3* of Code for Sustainable Homes (CSH) standard. A formal Post Construction stage assessment, by a licensed CSH assessor, shall be carried out and a formal Post Construction stage certificate shall be submitted to the Local Planning Authority (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 LPA 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 Authority.

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'

6 The development shall accord with the LHL Sustainability Statement submitted with the application. In addition the developer shall adhere to site management principles equivalent to those identified in the considerate constructor's scheme and the following water efficiency measures shall be incorporated into the approved residential units:

- Dual flush toilets
- Showers with nominal flow rates of less than 9 litres/minute
- Flow restricted spray taps

Reason: In the interests of sustainable development, in accordance with the requirements of policy GP4a of the Draft Local Plan and the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction.

7 Samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any such development. The development shall be carried out using the approved materials. Rainwater disposal goods shall be cast iron to match the existing and decorative fittings shall be retained.

Reason: In the interests of the appearance of the listed building.

8 Prior to first occupation of the development hereby approved, a detailed hard and soft landscaping scheme, including the number, species, height and position of trees and shrubs to be planted and the type and height of all boundary treatment shall be submitted and approved in writing by the Local Planning Authority.

The approved scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In the interests of the setting of listed buildings and the character and

appearance of the conservation area.

9 Details of any additional external lighting, to include the design and location of light fittings and amount of lightspill, shall be submitted and approved in writing by the local planning authority prior to installation. Lighting shall be installed accordingly thereafter.

Reason: In the interest of the setting of listed buildings and the appearance of the conservation area.

10 The area shown as cycle and bin storage on the approved ground floor plan, drawing 224, shall be retained for such use at all times, unless otherwise agreed in writing by the Local Planning Authority. Details of the means for securing cycles within the store ("Sheffield" type stands; also sub-division to provide semi-private stores is preferred) shall be submitted to and approved by the Local Planning Authority and the development carried out accordingly prior to occupation.

Reason: To ensure adequate space for such storage, and to promote recycling and sustainable modes of transport in accordance with policies GP4a and T4 of the City of York Draft Local Plan and PPG13: Transport.

11 Prior to first occupation of the development hereby approved, a management plan for waste collection shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details for the lifetime of the development.

Reason: In the interests of the appearance of the conservation area and residential amenity.

12 The development shall take accord with section 11 of the submitted Bat Scoping Survey by MAB dated January 2011. (The survey requires an additional emergence survey to occur and subsequent mitigation strategy).

Reason - To take account of protected species, in accordance with PPS9: Biodiversity and Geological Conservation and policies NE6 and NE7 of the Draft Local Plan.

7.0 INFORMATIVES: Notes to Applicant

1 REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact on heritage assets, amenity, provision of open space and education facilities, species protected by law and highway safety. As

such the proposal complies with Policies GP1, HE2, HE3, HE4, H4, L1c, ED4, C3, NE6 and NE7 of the City of York Development Control Local Plan.

2. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

3 CONTROL OF POLLUTION ACT 1974

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

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

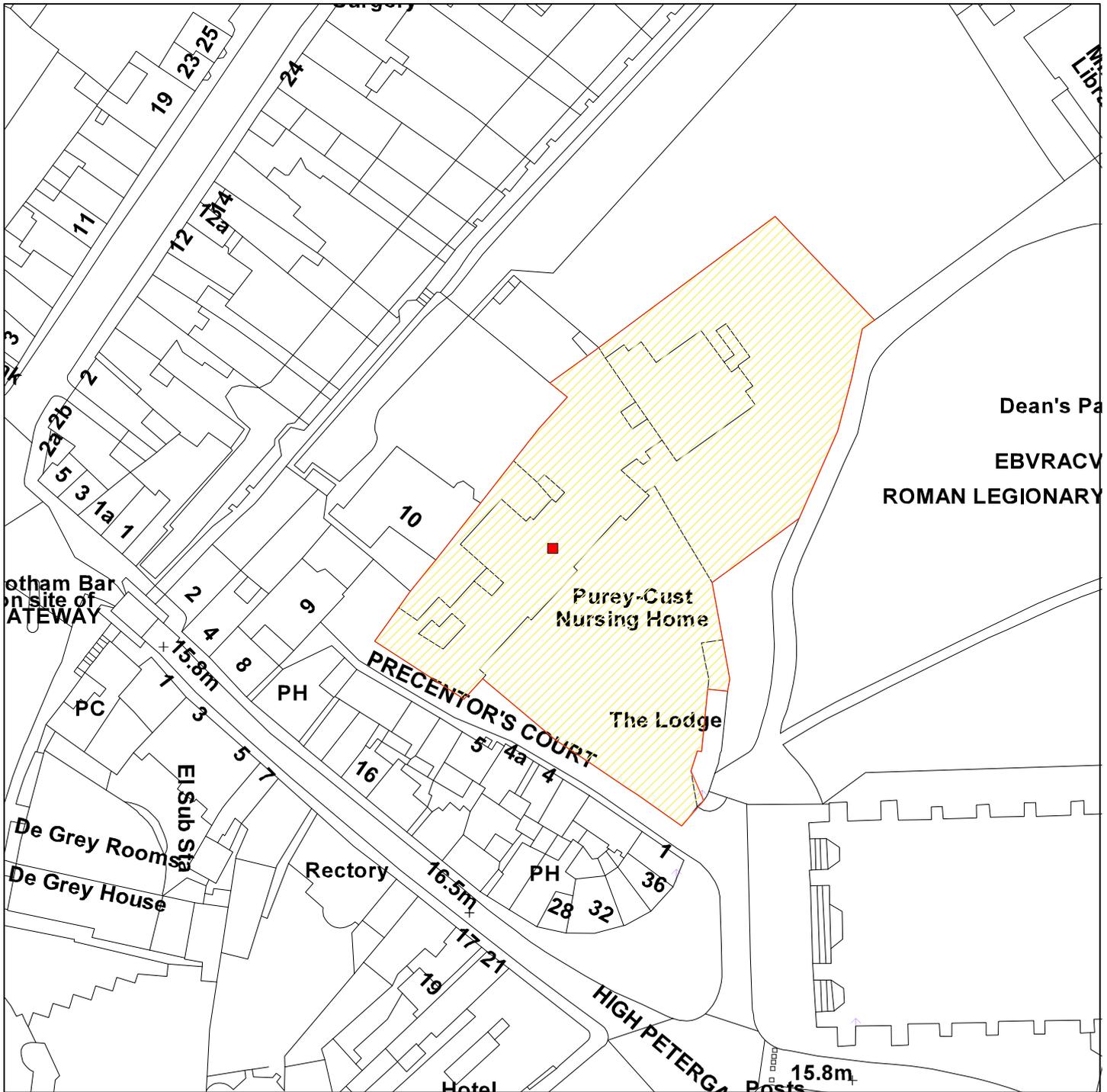
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The Purey Cust Nuffield Hospital, YO1 7EJ

11/00242/FULM



GIS by ESRI (UK)



Scale : 1:1000

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| Organisation | City of York Council |
| Department | Not Set |
| Comments | Not Set |
| Date | 14 April 2011 |
| SLA Number | Not Set |

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2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area

Conservation Area GMS Constraints: Central Historic Core

Listed Buildings GMS Constraints:

Grade 2; Purey Cust Chambers Dean's Park

Grade 1; Arcade Of Former Archbishops Palace _ Gates _ Railings

Grade 2*; 10 Precentors Court York YO1 2EJ

Grade 2; Dean's Lodge Walls And Gateways Dean's Park

Scheduled Ancient Monuments GMS Constraints: SMR 13280 York Minster Precinct Inc. Section of City Walls

2.2 Policies:

CYHE4 Listed Buildings

3.0 CONSULTATIONS

Design Conservation and Sustainable Development

3.1 In general the scheme fits well within the existing parameters of the site and there is little disturbance to significant elements of the buildings and structures. The heritage value of both buildings would be improved in different ways: the original interior of Purey Cust Chambers would be better revealed and its setting enhanced, views onto the Brierley building from the city walls would be enhanced due to removal of later additions. Officers welcome the scheme as helping to conserve important historic buildings at the heart of the conservation area. The following issues have been raised:

Purey Cust Chambers (proposed house 9)

3.2 Most of the original internal layout would be reinstated by removing inserted partitions and false ceilings and by blocking newly created openings. The entrance lobby would be re-created, blocking to windows would be removed and former windows reinstated where the two storey wrap-around late C20th extension would be taken away. Outside the attached concrete ramp to the northwest would be removed in favour of stone steps and the amount of hardstanding would be reduced. Officers have asked for details electrical and plumbing routes as those existing are within false ceilings which are to be removed.

Former nursing home

3.2 A series of extensions of varied character were added to the elevation facing city walls in the late C20th and these have removed most of the open space to the northwest. The rear elevations would be re-created by removing these additions and non-original chimneys. Windows would matching existing, though a string course would be introduced to assist with the change between new and existing brickwork.

Small conservatory extensions have been proposed to the two units which have smaller ground floor footprints. These extensions are not objected to although officers consider permitted development rights should be controlled to avoid piecemeal future additions.

3.3 Front entrance doors would be inserted within every other window opening and their detailed design would be based on a simpler form of the stone framed surround of the existing main entrance. The entrances would cover the characteristic brick keystone detail of the windows and it is asked the stone be cut so the detail can be retained in place (if possible).

3.4 Internally most of the rooms have been opened up and suspended ceilings have been inserted. Fire-places have been blocked and modern finishes dominate. Proposals would necessarily cut across the spine corridor to create new party walls, though this area would be reused for stairwells (requiring rooflights) and the cellular nature of the front rooms would be revealed.

External landscaping

3.5 Although front gardens will improve the immediate setting of the new houses officers were concerned that the extent of car-parking, in the original configuration, would undermine the appearance of the site from the entrance drive and views into the site through the gateway outside the West Front.

Guildhall Planning Panel

3.6 Support the application.

English Heritage

3.7 Support the application. Advise that the archaeological impact, caused by the introduction of the basement garage, can be mitigated through the required Scheduled Ancient Monument Consent.

National Amenity Societies

3.8 No responses have been received to date.

Publicity

3.9 No representations have been made.

4.0 APPRAISAL

Key issues

4.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant listed building consent, the local planning authority

shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Policy

4.2 PPS5: Planning for the Historic Environment makes a presumption in favour of conservation. Alterations must be justified. However it also recognises that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term. In determining applications local planning authorities should weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and recognize that the greater the harm to the significance of the heritage asset, the greater the justification will be needed for any loss.

Assessment

Demolition

4.3 The buildings are vacant and unsympathetic extensions at the rear of both have been added. The scheme is welcomed as it will allow occupation of the buildings and there will be a significant improvement to the appearance and setting of each, by the removal of the late C20 additions, restoring the original rear elevation and space around the buildings.

4.4 The proposed garage to the Purey Cust Chambers would replace, and predominantly be on the footprint of, a 1980's extension of red-ish brick with pantile roof. The existing extension covers a predominant part of the Purey Cust Chambers elevation which faces the city walls. The garage would be around 4m lower. It would have a flat, sedum roof, which would step down so where it met the building it would avoid the window detailing. In relationship to the structure it would replace, the proposed garage would be less prominent, and when viewed from the elevated city walls the green roof would appear appropriate in its context. Overall there would be an improvement to the appearance of the listed building.

Internal Alterations to Purey Cust Chambers

4.5 Throughout the building partitions were inserted to accommodate the consultancy rooms associated with the former hospital use. Whilst new partitions would be installed for en-suites, generally the proposed development restores internal spaces to their original size and configuration. Also the original entrance arrangement would be re-instated. A condition is proposed to cover the electrical and servicing requirements to the building; otherwise overall the proposed use is sympathetic to the listed building's original layout.

Changes to the C20 area (Brierley Building)

4.6 The interior of the Brierley building where the other 8 houses and 3 apartments are proposed is predominantly modern. Splitting the building into a series of houses necessitates the addition of stairwells, which would be added within the central

corridor area. The changes to the building's interior can occur without any loss of fabric of historic or architectural importance.

4.7 The considerable gain from the proposals is the restoration to the exterior of the building to its original appearance, through the demolition of later additions at the rear of the building. The front elevation would also be altered to create entrance doors to each house, two single storey extensions at the rear would be added and additional rooflights.

4.8 The approach to the entrance doors is to adapt existing windows and retain the lintels to the windows behind the doorcase. The detailing to the doors and surrounds is based on the inner frame to the (original) main door. Doors could not simply be inserted into the existing window frames in this case due to the width of the openings. The creation of access doors is necessary to accommodate the proposed use, which is adequate justification, given that it will secure the long term future occupation of the building. The justification outweighs the harm caused by the alteration to the original main elevation of the building.

4.9 The rear extensions will be subordinate in footprint and height. A condition would secure their detailing and materials. There would be 1 new rooflight to the front elevation and 7 to the rear, to provide natural light to the central stairwell areas (thus improving environmental performance). The rooflights would be around 700mm by 700mm. Their appearance (conservation type that would not stand proud of the roofslope) can be secured through a condition. Given that overall the scheme significantly enhances the rear elevation, the addition of a number of rooflights, which are reasonably justified, can be accepted.

Setting

4.10 The stone wall that presently divides the site will be altered to gain a pedestrian access to one of the houses and also to improve outlook from that house. The wall has been altered over time. The location of the proposed opening, and extent the wall would be cut back have been identified taking into account the age and condition of the wall. The areas to be lost have been subject to repairs (in the case of the pedestrian access) and rebuilt (where the wall would be cut back). The changes are justified and will not have an undue impact on the historic importance of the wall.

4.11 Within the grounds of the Purey Cust Chambers the existing car parking area will be replaced with landscaping which will improve the setting of the listed building. The existing car park at the site is secluded by landscaping and directly outside the existing C20 building. The proposed layout makes the car parking more prominent on entering the site. The configuration has however been amended to introduce an area of planting to screen the spaces from the main entrance. The existing configuration would not be suitable; the arrangement proposed improves the setting for the houses, giving each a front garden to overlook rather than a parking spaces. Overall the amount of hardstanding on-site is reduced and the planting scheme can, to an extent, break up the appearance car parking. On balance the external layout improves the setting of the buildings onsite.

5.0 CONCLUSION

5.1 The proposed development is welcomed in principle as it secures the long term future of the listed buildings. The scheme improves the existing appearance and setting through the removal of unsympathetic additions and considerably restores the Purey Cust Chambers to their former appearance. The scheme complies with PPS5 and policy HE4 of the Local Plan.

6.0 RECOMMENDATION: Approve

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

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

Proposed site plan 202B

Existing plans and elevations: 223, 220A, 221A, 222, 228, 210, 211.

Floor plans showing layout of Brierley building: 227A, 224A, 225A, 226A, 229A.

Floor plans specific to Purey Cusp Chambers: 260, 261A, 262, 263.

Proposed elevations: 212A, 213.

Proposed garage: 281.

Proposed doors to Brierley Building: 250.

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

3 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- a) All boundary walls, gates, fences and other boundary treatments. Where amendments to existing boundaries are proposed large scale details, accompanied by a method statement and specifications shall be provided. Walls shall be recorded to an agreed specification prior to works commencing.
- b) Amendments to the main staircase in the Purey Cust Chambers including the gallery, under-soffit partition, alterations to the high level window, and balustrade.
- c) New windows and window reveals (to match existing). Samples of film to be supplied for where obscure glazing is required.
- d) Rooflights (to be conservation type and not stand proud of roofslope)
- e) Details of typical alterations to one of the houses (1-8 on plans) to be provided, showing before and after conditions with plans and wall elevations, and staircase details at each level. To include interior and exterior elevations.

- f) Rear extensions to houses 3 and 7. To be shown in context and specify external materials and finishes.

Reason: In the interests of the appearance of the listed building.

4 A schedule of doors within the Purey Cust Chambers building showing details of new doors and where doors are being removed, reused or remade. The schedule shall be cross-referenced to plans and submitted to and approved in writing by the Local Planning Authority prior to the commencement of works in said building and the works shall be carried out in accordance with the approved details.

Reason: In the interests of the appearance and understanding of the listed building.

5 A door and window schedule shall be provided giving details of joinery, window cills and heads, reveals, and thresholds at the Brierley building. Details shall be based on existing within the building. The stone surrounds for the new entrance doors shall be built over existing key-stones.

The schedule shall be cross-referenced to plans and submitted to and approved in writing by the Local Planning Authority prior to the commencement of works in said building and the works shall be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the listed building.

6 A schedule of fireplaces shall be provided showing alterations to chimney-pieces. The schedule shall be cross-referenced to plans and submitted to and approved in writing by the Local Planning Authority prior to the commencement of works and the works shall be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the listed building.

7 Samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any such development. The development shall be carried out using the approved materials. Rainwater disposal goods shall be cast iron to match the existing and decorative fittings shall be retained.

Reason: In the interests of the appearance of the listed building.

8 A method statement shall be submitted explaining how plumbing services and wiring will be integrated. The statement shall be accompanied with A3 sized plans showing service runs and ducts and locations and details of any external gills and flue outlets shall be provided. Pipework and ductwork shall not damage existing skirtings, cornices and other details.

The schedule shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of such works and the works shall be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the listed building.

9 All making good shall be carried out to a high standard and to match existing surfaces materials and details. Existing details such as skirtings and covings shall be scribed around when new partitions or fixtures are being introduced.

10 A schedule of repairs shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Reason: In the interests of the historic interest and appearance of the listed building.

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 historic and architectural interest of the listed buildings. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan.

Contact details:

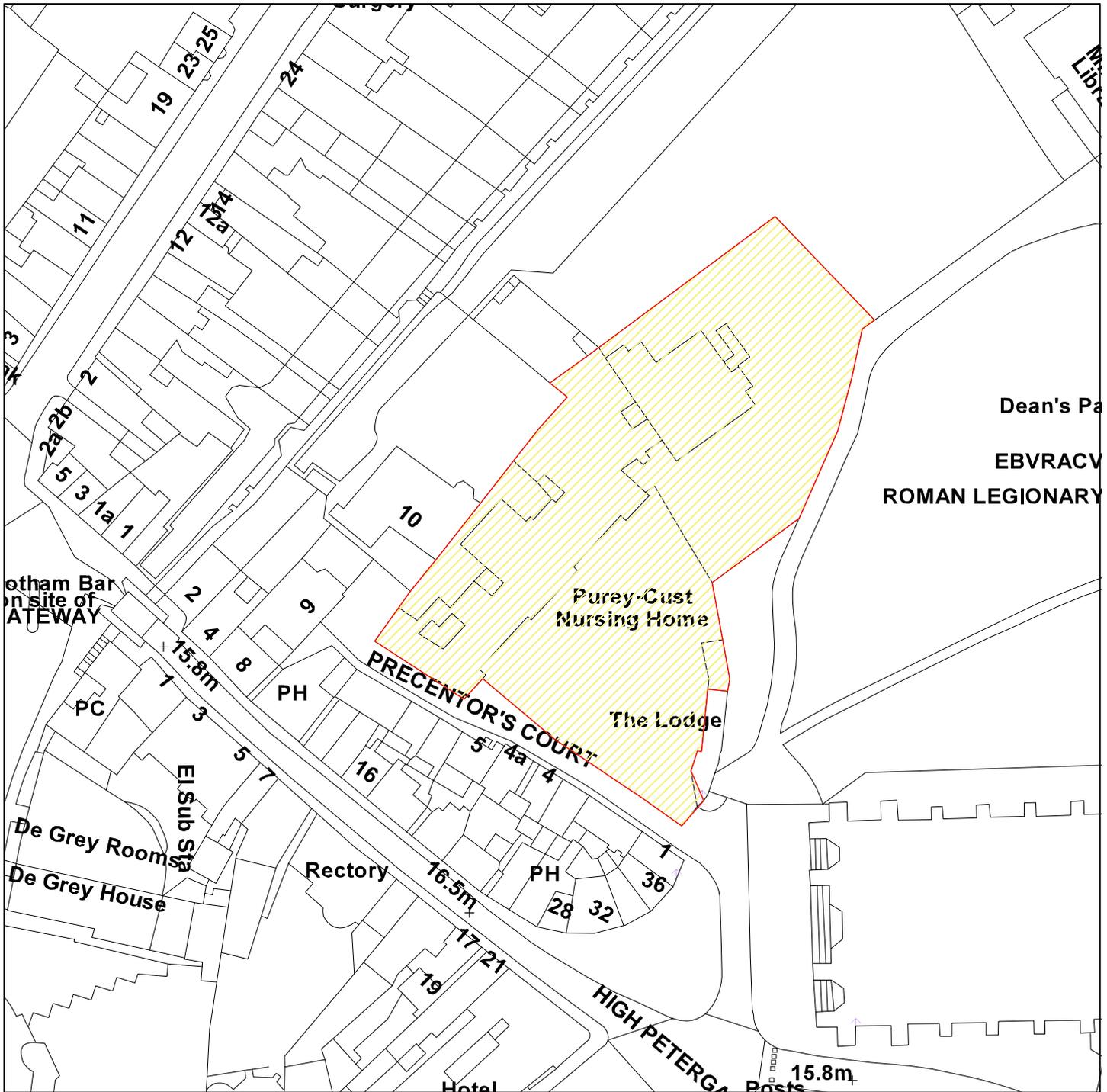
Author: Jonathan Kenyon Development Management Officer
Tel No: 01904 551323

The Purey Cust Nuffield Hospital, YO1 7EJ

11/00342/LBC



GIS by ESRI (UK)



Scale : 1:1000

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| Organisation | City of York Council |
| Department | Not Set |
| Comments | Not Set |
| Date | 14 April 2011 |
| SLA Number | Not Set |

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Schools GMS Constraints: St. Barnabas' CE Primary 0224

York North West Boundary GMS Constraints: York North West Boundary CONF

2.2 Policies:

CYGP1 Design

CYGP15 Protection from flooding

CYL1C Provision of New Open Space in Development

CYS9 No loss of local or village shops

CYH8 Conversion to flats/HMO/student accom

CYGP4A Sustainability

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - No objections subject to a condition requiring the cycle parking to be laid out prior to the first occupation of the dwelling.

3.2 Leisure - No on site open space is provided, therefore a commuted sum should be sought.

EXTERNAL

3.3 Third parties - No correspondence received at the time of writing the report.

4.0 APPRAISAL

4.1 Key Issues:

- Principle of Development
- Design
- Residential Amenity
- Sustainability
- Flood Risk

PRINCIPLE OF DEVELOPMENT

4.2 Policy S9 relates to the loss of local shops. It states that permission will only be granted for a change of use where it can be demonstrated that a need for the local shopping facility no longer exists or where appropriate facilities exist within the local area. The ground floor of the application site is thought to have been last used as a

Post Office, the applicants advise that it has been vacant since June 2009, it was marketed from 2008 but there was no strong interest in taking on the premises as an A1 retail unit. There are a number of premises in the surrounding area which provide goods and services to the local community. It is not considered that the proposed development would result in a lack of local facilities in the area.

4.3 The application site is within the urban settlement and is considered to be in a sustainable location. The land is previously developed and the proposal makes efficient use of land.

4.4 The application was called in to Committee due to concerns about overdevelopment of the site. At present the site is a vacant shop unit with three bedroom living accommodation to the rear and upstairs. The proposal would provide an additional unit of living accommodation by making use of a redundant retail area. It is officer opinion that the conversion of this to 2 two-bedroom flats does not constitute overdevelopment and the proposal makes efficient use of this site. The previously approved application for two houses containing two bedrooms was considered acceptable. It is Officer opinion that splitting the unit up horizontally rather than vertically makes better use of available space. The area predominantly consists of houses and it is considered that the two flats proposed would add a greater mix of accommodation. Overall it is considered that the principle of development is acceptable.

DESIGN

4.5 The main frontage of the premises has the character and appearance of a local retail unit. The premises has a shop window on both the Livingstone Street and Stamford Street East elevations, there is a door between these, on the junction between the roads. The windows are traditional in design and scale and it is considered that their removal would alter the character and appearance of the building. However, there is a precedent for alterations and the loss of shop windows in other premises in the area. This change was also considered acceptable as part of application 10/02360/FUL. The proposed window openings on the ground floor are generally in keeping with the character of this residential area in terms of location, proportion and design.

4.6 The existing single storey rear extension is not in keeping with the property or character of the area. It is proposed to remove the roof of the extension and to reduce the extensions height, creating the appearance of a 2m high boundary wall. Part of the rear wall of the extension would be removed so that its height is only 2.9m above ground level as opposed to 3.8m at present. It is considered that the proposed changes to the rear of the property improve its appearance within the street scene. Overall it is considered that the physical alterations proposed are generally in keeping with the existing property and the character of the area.

RESIDENTIAL AMENITY

4.7 The proposed development does not include a significant amount of outdoor amenity space. The downstairs flat has a small area close to the front door, whereas the upstairs flat has no usable amenity space. However, this is not uncommon

within high density residential areas. Many residents in this area have built over their rear yard and the proposal does not significantly change the current arrangement in terms of the amount of private outdoor amenity space. The site is close to a number of formal and informal outdoor amenity areas and it is not considered unduly harmful to residential amenity that little private space is provided within the proposal. A contribution is to be made towards improving and upgrading existing public open space in the area which future occupiers could take advantage of. The revised plan received gives each household access to a private bin and cycle store. Each dwelling has an enclosed and secure area for two bicycles to be stored as well as space to store refuse and recycling boxes. It is considered that each flat provides adequate internal space and outlook for future occupiers.

4.8 The proposed development would not have a significant impact on neighbouring amenity. No new windows are proposed which could harm privacy and the level of built development on site is being reduced a little by the part demolition and alteration to the single storey rear extension. The premises last operated with a shop on the ground floor with living accommodation consisting of three bedrooms on the first floor. It is not considered that the activity one would associate with 2 two-bedroom flats would cause any level of noise or disturbance over and above that of its existing lawful use.

SUSTAINABILITY

4.9 A sustainability statement was submitted with the application in line with Development Control Local Plan Policy GP4a. The statement highlights the sustainable location of the site and that cycle storage is to be provided. Renewable materials will be used where possible, such as sheep's wool insulation. Insulation and air tightness is to be of high standard and energy efficient lighting and heating systems are to be utilised. Recycling bins are to be provided. The site is within walking and cycling distance of a number of local services and facilities including the city centre.

FLOOD RISK

4.11 The application site is within Flood Zone 2, PPS 25 'Development and Flood Risk' states that residential development is appropriate in Flood Zone 2. A Flood Risk Assessment was submitted with the application stating that electrical fixtures are to be raised 450mm above finished floor level and all materials used at ground floor level are to be water resistant where possible and used in a way which makes them easily replaceable.

5.0 CONCLUSION

5.1 As discussed above, it is considered that the proposed development is acceptable in line with local planning policy.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Proposed plans and elevations drawing number 10:49:10 revision A received by CYC 8th April 2011

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

3 VISQ1 Matching materials

4 The building shall not be occupied until the areas shown on the approved plans for cycle storage have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: To promote sustainable transport choice.

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

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

INFORMATIVE:

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

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;
- Design;
- Residential Amenity;
- Sustainability; and
- Flood Risk.

As such the proposal complies with Policies GP1, GP4a, GP15a, H8, L1c and S9 of the City of York Development Control Local Plan.

Contact details:

Author: Michael Jones Development Management Officer

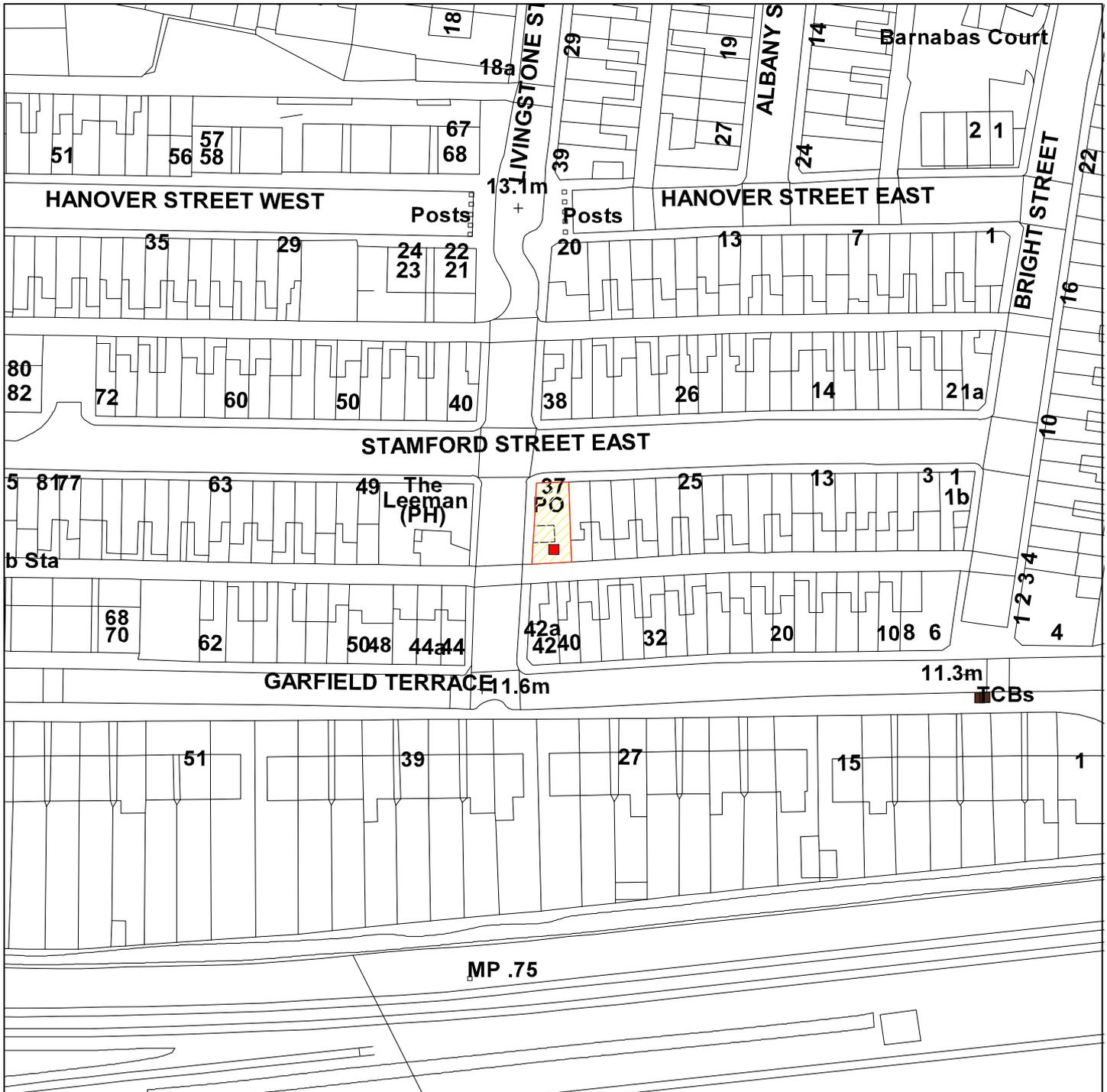
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11/00515/FUL



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| East Area Planning Sub Committee | 21 st April 2011 |
| West and City Centre Area Planning Sub Committee | 27 th April 2011 |
| Planning Committee | 28 th April 2011 |

Appeals Performance and Decision Summaries

Summary

- 1 This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3-month period up to 31st March 2011, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals as at 31st March 2011 is also included.

Background

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. Whilst the percentage of appeals allowed against the Council's decision is no longer a National Performance Indicator, it has in the past been used to abate the amount of Housing and Planning Delivery Grant (HPDG) received by an Authority performing badly against the average appeals performance. Appeals performance has been close to the national average for a number of years.
- 3 Whilst the Inspectorate breaks down the appeals by type in reporting performance, the table below includes all types of appeals such as those against refusal of planning permission, against conditions of approval, enforcement notices, listed building applications and lawful development certificates. Figure 1 shows performance on appeals decided by the Inspectorate, in each CYC Sub Committee area and in total for the 3 and 12 month periods to 31st March.

**Fig 1 : Appeals Decided by the Planning Inspectorate
For 3 months and Year to 31st March 2011**

| | 3 Months | | | 12 Months | | |
|------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| | East | West/Centre | Total | East | West/Centre | Total |
| Allowed | 3 | 1 | 4 | 8 | 6 | 14 |
| Part Allowed | 1 | 0 | 1 | 1 | 3 | 4 |
| Dismissed | 6 | 8 | 14 | 23 | 19 | 42 |
| Total Decided | 10 | 9 | 19 | 32 | 28 | 60 |
| % Allowed | 30.00 | 11.11 | 21.05 | 25.00 | 21.43 | 23.33 |
| % Part Allowed | 10 | 22.22 | 5.45 | 3.12 | 10.71 | 6.67 |
| Withdrawn | 0 | 0 | 0 | 1 | 0 | 1 |

Analysis

- 4 The table shows that for the 3 months to 31st March 2011, a total of 19 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 4 were allowed. At 21.05%, the rate of appeals allowed is still well below the national average of around 33%, and lower than the 23.53% for the previously reported period.
- 5 For the 12 months up to 31st March 2011, CYC performance was 23.33% allowed, again lower than the previously reported 12 month period of 25.92% , and still below national average.
- 6 The summaries of appeals determined in the 3 months to 31st March 2011 are included at Annex A. Details as to whether the application was dealt with under delegated powers or Committee (and in those cases the original officer recommendation) are included with each summary. In the period covered, 2 of the appeals determined related to applications refused by Committee:-
 - 10/00258/FUL 34 Eastward Avenue. Extension and front wall. Appeal Allowed. Officer Recommendation: Approve
 - 10/01305/FUL Old Moor Lane/Tadcaster Rd. Single storey dwelling Appeal Allowed. Officer Recommendation: Refuse
- 7 The list of current appeals is attached at Annex B. There are 15 appeals lodged with the Planning Inspectorate, 8 in the East Sub Committee area and 7 in West and City Centre Sub Committee area. 10 are proposed to be dealt with by written representation process (W), 2 by Informal Hearing (I) and 2 by the Householder procedure (H).

Consultation

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

Corporate Objectives

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

Implications

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

Risk Management

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

Recommendation

- 15 That Members note the content of this report.

Contact Details

Author:

Jonathan Carr,
Head of Development
Management,
Directorate of City Strategy

01904 551303

Chief Officer Responsible for the report:

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

Report Approved Date 8th April 2011

Specialist Implications Officer(s) None.

Wards Affected:

All Y

For further information please contact the author of the report

Annexes

Annex A – Summaries of Appeals Determined between 1st January and 31st March 2011

Annex B – Outstanding Appeals to 8th April 2011

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Appeal Summaries for Cases Determined 01/01/2011 to 31/03/2011

Application No: 09/01712/CLU
Appeal by: Mr John Gates
Proposal: Lawful Development Certificate for the existing use of an outbuilding to the rear of 22 Mill Lane as a retail shop (Class A1)
Site: 22 Mill Lane □ Wigginton □ York □ YO32 2PX □
Decision Level: DEL
Outcome: DISMIS

The main issues were (1) whether the retail sales constituted an independent retail shop or were merely incidental to the butchery business on the site and (2) if the premises did include an independent retail shop whether the use abandoned when or since the business ceased in 1986. □ □ As regards Q1 the inspector concluded that, on the balance of probability, the use as a shop and meat preparation business had subsisted continuously for at least 10 years prior to the business ceasing in 1986. □ □ As regards Q2 the inspector assessed the case against the four tests established by the courts: (1) physical condition of the building (2) the period of non-use (3) whether there had been any other intervening use and (4) evidence of the owner's intentions. The inspector considered that the fourth test was the most critical in this instance. He said that in his judgement very strong evidence of intention not to abandon the use of the premises was required given the extended period during which they were not used. He found that "The evidence before me is insufficient to demonstrate anything beyond aspirations over the longer term. Accordingly, on the basis of the period of vacancy and the lack of persuasive evidence of a real intention to resume the use within a particular or identifiable period, I agree with the council that the use which I have found was lawful was abandoned". The appeal was dismissed.

Application No: 10/00044/FUL
Appeal by: Mr S Hargreaves
Proposal: Two storey pitched roof detached dwelling on land between North Moor and Foxglove Cottage
Site: Nursery □ Moor Lane □ Bishopthorpe □ York □ YO23 2UF □
Decision Level: DEL
Outcome: DISMIS

PINS accepted that Wright Assoc had made an error in submitting the planning application in their own name and that Mr S Hargreaves was the applicant and is now, therefore, the appellant. □ AC 22 10 10

Application No: 10/00258/FUL
Appeal by: Mr Ahmed Karbani
Proposal: Two storey rear extension with balcony, two storey extension to front incorporating porch, alterations to roof, with gates, brick piers, wall and railings to front (resubmission)
Site: 34 Eastward Avenue □ York □ YO10 4LZ
Decision Level: COMM
Outcome: ALLOW

The application was for extensions to what is a modest semi-detached property and the erection of a front boundary enclosure comprising a wall/railings/gates. The extensions involved a part single/part two storey front extension and part single/part two storey rear extension. □□The proposal had generated local opposition and as a result had been called to Committee. It was recommended for approval by officers and was overturned by the Committee on the grounds of: visual impact of the wall, railings and brick pillars on streetscene; and, adverse impact of the extension at the rear on the attached property, 36 Eastward Avenue, in terms of loss of light and overshadowing. □□The Inspector in allowing the appeal and granting planning permission for the alterations, concluded that: whilst the front boundary enclosure, at 1.5m high, was at the limit of acceptability, its appearance of undue enclosure was mitigated by visibility through the railings and gates; and that impact of the rear extension on light and outlook was limited by being set in from the boundary and the presence of the neighbour's conservatory.

Application No: 10/00507/LBC
Appeal by: Mr Andrew Ratcliffe
Proposal: Retention of a suspended ceiling on the ground floor
Site: 35 Micklegate □ York □ YO1 6JH
Decision Level: DEL
Outcome: DISMIS

The appeal related to a refusal of retrospective Listed Building Consent in respect of the insertion of a gridded suspended ceiling based on an aluminium frame to the lower floor sales area and ancillary facilities. The property is Grade 11* Listed 2 1/2 storeys dating in part from the 17th Century but with late 18th Century additions including the main street frontage. □ The Listed Building Consent application was previously refused on the grounds that the ceiling by virtue of its design, materials and impact upon the proportions of the internal space would give rise to a jarring and discordant impact upon the character and appearance of the Listed Building. The applicant whilst acknowledging that the work had been undertaken without Consent contended that it had in all probability been done by the previous occupier. He also contended that a ceiling of the type inserted was necessary for the efficient operation of the business at the site and that this counter balanced any harm to the character and appearance of the building and that furthermore any works could easily be reversed. The inspector challenged each of these arguments in turn, pointing out that the decision to insert the ceiling had not been undertaken on the basis of a proper evaluation of the historic merit of the interior. The needs of the business were acknowledged as a material consideration of some weight however it was pointed out that the works went beyond what was necessary for that reason and by the applicant's own admission they were not undertaken with that purpose in mind. It was acknowledged that the works were reversible but that the degree of harm caused and the fact that they were clearly intended to be permanent in nature afforded this consideration only very limited weight. The appeal was then dismissed.

Application No: 10/00520/FUL
Appeal by: Mr Steve Wilkinson
Proposal: Change of use from restaurant (class A3) to mixed use comprising delicatessen and hot food takeaway
Site: 71 Micklegate □ York □ YO1 6LJ □
Decision Level: DEL
Outcome: DISMIS

The application was refused because of the impact on the amenity of living conditions of nearby residents and the effect on the vitality and character of Micklegate. The previous use of the property and 69 Micklegate as a restaurant /cafe led the inspector to conclude there would be no significant impact on the vitality of the area given there would be no loss of retail premises as such. □ □ However he maintained the Council position in relation to the impact on local amenity, referring to the 30 residential properties within 50 m of the site. The impact on the character of the conservation that a takeaway use would have was also cited as a concern in dismissing the appeal.

Application No: 10/01203/FUL
Appeal by: Mr Stuart Arnott
Proposal: Single storey rear extension to existing detached granny annexe
Site: 3 School Lane □ Copmanthorpe □ York □ YO23 3SQ □
Decision Level: DEL
Outcome: ALLOW

The proposal was to extend an existing approved granny annexe, which already had a bed-sitting room/kitchen and bathroom. It was proposed to further extend this to provide 2 bedrooms, with separating sitting room/kitchen, to house an elderly relative and carer, though no justification was provided in this respect. The site lies within the Conservation area, though the building is not highly visible to public view. The resulting footprint was larger than the original footprint of the dwelling, thus was not considered to be ancillary. However the Inspector considered that it would not harm the character of the Conservation Area, and as it would not be possible to use as a separate dwelling due to the layout of the garden, then it was considered acceptable and allowed the appeal.

Application No: 10/01212/FUL
Appeal by: Ms Lorraine Avery
Proposal: Two storey pitched roof side extension
Site: 11 East Way □Huntington □York □YO31 9ET □
Decision Level: DEL
Outcome: DISMIS

The appeal relates to a two-storey side extension to a detached suburban property. The extension was proposed to abut the rear garden of the adjacent corner property (9 East Way). Although 9 East Way has no habitable room windows facing the site of the proposed extension, its rear garden is very small (around 8.5m long). It was considered that because of its scale and proximity the extension would be overbearing when occupiers used the garden. □□The Inspector agreed that despite the lack of objections from neighbours the proposed extension would appear oppressive when viewed from the garden. Although not stated as a reason for refusal she also felt it would be detrimental to the outlook of the dwelling.

Application No: 10/01260/FUL
Appeal by: Mr And Mrs Keith Dronfield
Proposal: Single storey pitched roof rear extensions
Site: 13 Grange Street □York □YO10 4BH □
Decision Level: DEL
Outcome: DISMIS

Summary □□The application comprised of a monopitched roof extension adjacent with the shared (eastern) boundary of the dwelling at 11 Grange Street together with a further single storey extension on the shared (western) boundary with 15 Grange Street. The application site an end - terrace property with rear access via a lane running along the back of the dwellings. □□The reason for refusal was the height and proximity the extension on the eastern boundary closest to the dwelling at (no.11), resulting in an unduly oppressive and overbearing impact on the occupiers of the adjacent property with loss of light, amenity and outlook when viewed from ground floor windows. □□The Inspector concluded that height of the proposed extension above the boundary wall would remove the sense of openness and the additional enclosure would have an over bearing impact on the outlook from the neighbours window. However, the inspector disagreed that the extension would incur a loss of light. Appeal dismissed.

Application No: 10/01305/FUL
Appeal by: Mr R Gorwood
Proposal: Detached single storey dwelling with access from Old Moor Lane (revised scheme)
Site: Land On Corner Of Tadcaster Road And Old Moor Lane York
Decision Level: COMM
Outcome: DISMIS

Proposed single storey house on a landscaped, grassed area between flats and the road, to the se of grade 2 listed aldersyde house. The existing building layout was aligned with the listed building, setback from the road and the buildings of similar massing. The location of the proposed house and its height (single storey) meant it would appear out of place and contrary to the urban grain. As such there would be visual harm. There would also be a harm to residential amenity, as the building would be 10m from living room windows on the nearby flats.

Application No: 10/01515/ADV
Appeal by: Mr Aidan Lewis
Proposal: Display of non-illuminated lettering signs to south-east (front) and south-west (side) elevations
Site: 28 - 40 Blossom Street York YO24 1AJ
Decision Level: DEL
Outcome: DISMIS

It was proposed to add applied lettering on the front and side of the premises (Premier Inn Hotel). The inspector ruled that the signage itself was of appropriate scale, materials and location. However there are already a large number of advertisements at the building, both internal and external. The decision was that cumulatively there would be a harmful impact on the conservation area setting. The appeal was dismissed.

Application No: 10/01548/FUL
Appeal by: Mr Tim Calam
Proposal: Raise eaves and ridge height of existing dormer bungalow to create additional first floor accommodation. Conservatory to rear and detached pitched roof garage to front (resubmission)
Site: Chapel Bungalow□10 Common Road□Dunnington□York□YO19 5NG□
Decision Level: DEL
Outcome: PAD

The application was refused because :-□□The increase in the height of the building at ridge and eaves level would, due to the enlarged size and massing of the structure and its proximity to the boundary, have an unacceptably overbearing impact on the occupiers of the adjacent residential dwelling at No.5 Greencroft Court and would dominate their rear outlook. This would be to the detriment of their amenity, contrary to policies GP1(i) and H7 (d) of the Draft City of York Local Plan.□□The Inspector agreed that raising the height of the ridge would adversely affect the amenity at No 5 Greecroft Court and dismissed this part of the appeal. However (unusually) the construction of the garage was allowed under this appeal rather than this element having to form part of a resubmission□

Application No: 10/01571/FUL
Appeal by: Mrs Mary-Ann Dearlove
Proposal: Conservatory to side after demolition of existing garage
Site: 26 East Mount Road□York□YO24 1BD
Decision Level: DEL
Outcome: DISMIS

This application sought permission for a small conservatory in timber construction with pyramidal shaped roof to be located off an original attached outshot to the rear; the host dwelling being sited at the end of the terrace adjacent to an area of public open space. East Mount Road has an article 4 direction on all properties for any extensions and is also located within the Conservation Area. The design of the conservatory was considered to be totally at odds with the existing well-ordered facade of the building, by introducing this modern addition. Though partially screened from public view, it was still considered it would cause harm to the appearance of the dwelling and surrounding Conservation Area.

Application No: 10/01798/FUL
Appeal by: Martyn Ellerker
Proposal: Replace and enlarge driveway
Site: 2 Walnut Close □ Haxby □ York □ YO32 3ZP □
Decision Level: DEL
Outcome: DISMIS

The application was refused on the basis of the potential for the new impermeable drive to contribute to surface water run flood risk in the local area. The Inspector noted that the area was susceptible to surface water flooding due to the underlying clay soil type. Although there are already adjacent areas of impermeable surface she concluded this proposal would exacerbate run off problems and so would conflict with national guidance regarding flood risk in PPS 25 and draft local plan policy GP15a which encourages sustainable drainage systems. The appeal was therefore dismissed

Application No: 10/01802/FUL
Appeal by: Peter Cole
Proposal: Detached garage to side with link wall to main house
Site: Beech Cottage □ Wheldrake Lane □ Crockey Hill □ York □ YO19 4SH □
Decision Level: DEL
Outcome: ALLOW

Summary □ □ The application related to a detached garage measuring 5.0 m long x 3.5m wide x 3.9m high, reducing to 2.4 at eaves height. The design included a link wall between the detached garage and the main house. The dwelling is located on Wheldrake Lane washed over by the City Of York Green Belt situated in a small cluster of residential dwellings. □ □ The dwelling as originally built had a footprint of approximately 46.8 square metres. The extensions that were approved in 1983 and 2002 added a further foot print of 44.6 square metres. In addition the property has an existing detached garage/workshop and attached store covering an area of approximately 23.9 square metres. □ □ The application was refused on the basis that the proposal would clearly represent a disproportionate increase in the size of the original dwelling, contrary to national planning advice in PPG2, and significantly greater than the guide figure of 25% referred to in Policy GB4 of the Draft Local Plan resulting in inappropriate development in the Green Belt. □ □ The Inspector agreed that the proposal along with the previous additions would result in a cumulative amount in excess of policy guidance, despite the fact that the Development Control Local Plan is not adopted. However, the opinion was taken that Policy GB4 reflected the approach of the policy guidance contained within PPG2. □ □ The Inspector considered that in view of the appellants fall back position of building a flat roof garage under permitted development, it was necessary to justify the visual appearance of the p.d garage and the increased size of the appeal garage as very special circumstances. □ □ The Inspector concluded that the visual harm to the Green Belt by building a less attractive building would out weigh the disproportionate increase in the size. Appeal allowed. □ □ No other conditions other than standard ones relating to the implementation materials are required. □ □ Sharon Jackson □ Development Management Assistant.

Application No: 10/01887/FUL
Appeal by: Mr Aasif Rabbani
Proposal: Timber fencing enclosure around single storey flat roof at rear of property (revised scheme)
Site: 20 Eastholme Drive □ York □ YO30 5SW □
Decision Level: DEL
Outcome: DISMIS

The application property is a 3 bed flat above a post office/shop in Rawcliffe. The application related to the erection of a 1.8m high timber fence around the roof of a flat roofed single-storey rear extension to create a large roof garden (approx 9m x 6m) for the adjacent first floor flat. Previously planning permission had been granted for an enclosure around an area approximately 3m x 6m. The application was refused for the following reason: □ □ "The proposal to erect 1.8 metre high, solid wooden fencing around the edge of the roof of the flat roofed extension would create an unduly dominant, incongruous and unsightly structure that would detract from the attractive open residential character formed by the landscaped gardens to the rear of Eastholme Drive. It is considered therefore that the proposed extension conflicts with policy GP1 (criterion a, b and i) and H7 (criterion a, b and d) of the City of York Draft Local Plan (fourth set of changes) approved April 2005." □ □ The Inspector agreed with the reason for refusal and did not feel that the benefit to the flat's occupants from the larger roof garden outweighed the harm that would be caused to the appearance of the area.

Application No: 10/01999/FUL
Appeal by: Mr Stuart Chisholm
Proposal: Two storey rear and side extension
Site: 3 Beech Grove □ Upper Poppleton □ York □ YO26 6DS □
Decision Level: DEL
Outcome: DISMIS

This application sought permission for a large two-storey side, two storey rear and single storey extension to this two-storey semi-detached dwelling to provide additional living space. The dwelling is sited within a cul-de-sac of largely unaltered dwellings, within generous plots, that as a whole make an important contribution to the surrounding Conservation Area. The submission was refused, by virtue of the scale, massing and siting, which would erode the setting of the house and unbalance the symmetry of the pair of dwellings. The inspector agreed, adding that the design of the two gabled roofs to the rear would create an awkward unbalanced appearance, causing harm to the appearance of the Conservation Area.

Application No: 10/02080/FUL
Appeal by: Mr Peter Wilson
Proposal: Conversion of garage into habitable space including replacement of garage door with windows
Site: 93 Princess Drive □ York □ YO26 5SX □
Decision Level: DEL
Outcome: DISMIS

This appeal was refused delegated powers due to highway issues relating to the parking and manouvering of vehicles. The application sought to convert the integral garage of this three storey town house into habitable accommodation thereby reducing the overall potential parking provision at the property to a single space, whilst increasing the number of bedrooms from three to four. (The existing property has 2 off street car parking spaces - one in the garage and one on the drive). The original consent for the development (Sovereign Park) contained a condition which prevented areas laid out for parking and manoeuvring of vehicles to be removed without consent due to the narrow frontages to individual units and limited scope for on-street parking. □□ It was felt that the proposal would result in vehicles being parked outside the site on the public highway within the turning head of a cul-de-sac to the detriment of highway safety and free flow of traffic. It was also considered that approval of this development would be likely to set a as a precedent for other such conversions resulting in further pressure on the immediate highway network. □□ The point was raised that the garage was never used for parking as the applicants only have one car, however the inspector agreed with the officer decision that such a reduction in off street parking would limit available visitor parking and also provide no flexibility should the circumstances of the occupier change. The inspector concluded that the combination of the narrowness of the turning head at the end of Princess Drive and any increase in on-street parking could significantly restrict vehicle turning and manoeuvring, as well as access to the parking spaces for the other town houses and flats served from this turning head. The appeal was therefore dismissed. □

Application No: 10/02142/FUL
Appeal by: C/o Agent
Proposal: Two storey side extension
Site: 1 Algarth Terrace □ Elvington Lane □ Elvington □ York □ YO41 4AS □
Decision Level: DEL
Outcome: DISMIS

The application was refused because almost the entire depth of the extension (approximately 6.5 metres) would be set forward of the front elevation of the adjacent dwelling named Gladstone. It was considered that this would create an awkward visual relationship and juxtaposition between the two properties, which would appear incongruous and detrimental to the streetscene. Additionally the proposed extension would significantly curtail the outlook from windows at Gladstone and would have an unduly dominant and overbearing impact on the property, and would detract from the amenity that the occupiers of the property could reasonably expect to enjoy. □ □ □ The inspector concluded that the impact of the development close to the boundary and Gladstone would not create a suitable transition between the properties and the extension would not be subservient to the host property, and so would be visually harmful within the locality. He therefore dismissed the appeal. However he was less convinced that the harm to residential amenity would have been sufficient to dismiss the appeal alone. □

Application No: 10/02331/FUL
Appeal by: Mrs Sue Barnes Wilson
Proposal: Erection of boundary wall to front
Site: 23 Greengales Lane □ Wheldrake □ York □ YO19 6BW □
Decision Level: DEL
Outcome: ALLOW

The application was refused the proposed wall as a result of its length, height, design and materials, would appear as an unduly imposing and incongruous feature that would be out of character with the local pattern of front garden boundaries within Wheldrake, which generally consist of low walling and vegetation. □ □ The Inspector agreed that the wall would have a significant visual effect but argued that the site, and the adjacent property at 25 Greengales Lane, had a separate character to the rest of the nearest properties in the village. He concluded that the proposal would be more closely associated with the similar wall and railings at No 25 and so would not be unduly incongruous or imposing in the locality. Nor would this set a precedent for similar boundary treatment which would need to be judged on their merits. □

Decision Level:

DEL = Delegated Decision

COMM = Sub-Committee Decision

COMP = Main Committee Decision

Outcome:

ALLOW = Appeal Allowed

DISMIS = Appeal Dismissed

PAD = Appeal part dismissed/part allowed

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Outstanding appeals

| | | | | | | | |
|---------------------|----------------|----------------------------|-----------------|--|--|---------------------------------|----------|
| Ward: | Clifton | | | | | Total number of appeals: | 1 |
| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: | Officer: | |
| 31/01/2011 | 11/00004/REF | APP/C2741/A/11/2145113 | W | Axcent Ltd 156B Haxby Road York YO31 8JN | Residential development consisting of 7no. two storey dwellings and 6no. apartments in a three storey building on site of former Co-operative Dairy (resubmission) | Gareth Arnold | |
| Ward: | Derwent | | | | | Total number of appeals: | 1 |
| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: | Officer: | |
| 20/07/2010 | 10/00032/FUL | APP/C2741/A/10/2131700/NWF | W | OS Field 0553 Elvington Lane Dunnington York | Erection of stable block (retrospective) | Hannah Blackburn | |
| Ward: | Fishergate | | | | | Total number of appeals: | 1 |
| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: | Officer: | |
| 01/03/2011 | 11/00008/REF | APP/C2741/A/11/2148148/NWF | W | 24 Hull Road York YO10 3JG | Change of use from dwelling (use class C3) to offices (use class A2), alterations to access | Victoria Bell | |
| Ward: | Fulford | | | | | Total number of appeals: | 1 |
| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: | Officer: | |
| 30/03/2011 | 11/00012/REF | APP/C2741/D/11/2149428 | H | 124 Heslington Lane York YO10 4ND | Hipped gable to both sides with dormers to front and rear | Paul Edwards | |
| Ward: | Guildhall | | | | | Total number of appeals: | 6 |
| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: | Officer: | |
| 07/01/2011 | 11/00001/REFL | APP/C2741/E/11/2144026/WF | W | Bailey And Gildeners Solicitors 1 Peckitt Street | Display of 1no. lettering sign | Elizabeth Potter | |
| 20/12/2010 | 10/00066/REF | APP/C2741/E/11/2144026/NWF | W | Bailey And Gildeners Solicitors 1 Peckitt Street | Display of 1no. lettering sign | Elizabeth Potter | |
| 18/03/2011 | 11/00011/REF | APP/C2741/H/11/2149016 | W | 22 Gillygate York YO31 7EQ | Retention of non illuminated fascia sign and illuminated projecting sign | Erik Matthews | |
| 11/03/2011 | 11/00010/CON | APP/C2741/E/11/2148015 | W | Royal Oak Inn 18 Goodramgate York YO1 | Display of non-illuminated fascia and externally-illuminated hanging signs (resubmission) | Fiona Mackay | |

| | | | | | | | |
|---------------------------------|--------------------------------|----------------------------|-----------------|--|--|---------------------------------|----------|
| 10/03/2011 | 11/00009/CON | APP/C2741/H/11/2148006 | W | Royal Oak Inn 18 Goodramgate York YO1 | Display of non-illuminated fascia sign and externally illuminated hanging sign (resubmission) | Fiona Mackay | |
| 21/03/2011 | 11/00013/REF | APP/C2741/D/11/2149860 | H | 81 Union Terrace York YO31 7ES | Enlargement of front lightwell, new steps and entrance door (resubmission) | Heather Fairy (Mon - Wed) | |
| Ward: | Huntington/New Earswick | | | | | Total number of appeals: | 1 |
| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: | Officer: | |
| 17/12/2010 | 10/00065/REF | APP/C2741/A/10/2143035/NWF | W | 62 Brockfield Park Drive Huntington York YO31 9ER | Change of use from retail (use class A1) to hot food takeaway (use class A5) and provision of external extract flue | Diane Cragg | |
| Ward: | Rural West York | | | | | Total number of appeals: | 1 |
| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: | Officer: | |
| 04/02/2011 | 11/00007/REF | APP/C2741/A/11/2146590/WF | W | 16 Midway Avenue Nether Poppleton York YO26 6NT | New dwelling with garage to rear with access from Millfield Lane. (Ridge line amendment and rooflights added from approval 10/01072/FUL) | Jonathan Kenyon | |
| Ward: | Wheldrake | | | | | Total number of appeals: | 3 |
| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: | Officer: | |
| 01/12/2010 | 10/00060/REF | APP/C2741/A/10/2142092/NWF | I | The Stables Elvington Lane Elvington York | Change of use of buildings/land to travelling showperson's site for one family (resubmission) | Kevin O'Connell | |
| 27/10/2010 | 10/00051/REF | APP/C2741/A/10/2139477/NWF | I | The Stables Elvington Lane Elvington York | Change of use of buildings/land for travelling showpeople's site for one family | Kevin O'Connell | |
| 03/02/2011 | 11/00005/REF | APP/C2741/A/11/2145221/NWF | W | Home Lea Elvington Lane Elvington York YO41 4AX | Change of use of land for siting of 23 No. static caravans | Erik Matthews | |
| Total number of appeals: | | | | | | 15 | |



West & City Centre Area Planning Sub-Committee

11th April 2011

Report of the Director of City Strategy

Enforcement Cases - Update

Summary

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

Background

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

Current Position

5. Members should note that 76 new cases were received for this area within the last 3 months . 71 cases were closed and 196 remain outstanding. There are 69 Section 106 Agreement cases outstanding for this area after the closure of 12 for the last 3 months.

Consultation

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

Options

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

Corporate Priorities

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

10. **Implications**

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

Risk Management

11. There are no known risks.

Recommendations

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

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

Contact Details

Author:

Hilary Shepherd/
Andy Blain
Planning Enforcement Officers

Chief Officer Responsible for the report:

Chief Officer's name

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

Dept Name City Strategy
Tel No. 551647/551314

Report Approved

Date 11.04.2011

Specialist Implications Officer(s)

None

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

All

For further information please contact the authors of this report

Background Papers:

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

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

Annexes

Annex A - Enforcement Cases – Update (Confidential)

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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