



**Notice of meeting of  
East Area Planning Sub-Committee**

**To:** Councillors Hyman (Chair), Cregan (Vice-Chair),  
Douglas, Firth, Funnell, B Watson, Moore, Orrell, Taylor  
and Wiseman

**Date:** Wednesday, 7 July 2010

**Time:** 2.00 pm

**Venue:** The Guildhall, York

**AGENDA**

**Please note that this meeting was originally scheduled to take place on Thursday 8 July 2010 at 2.00 pm.**

**It will now take place on Wednesday 7 July 2010 at 2.00 pm.**

Members are advised to note that if they are planning to make their own way to the Site Visits to let Judith Cumming know by **5 pm** on **Tuesday 6 July** on **(01904) 551078**.

**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 - 12)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 10 June 2010.

**3. Exclusion of Press and Public**

To consider excluding the public and press from the meeting during consideration of Annexes 1 and 2 to agenda item 7 on the grounds that this item contains information which is classed as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

**4. Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **Tuesday 6 July at 5 pm.**

**5. Plans List**

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

**a) Starbucks Unit F1 Monks Cross Shopping (Pages 13 - 36)  
Park Monks Cross Drive Huntington**

This application is for the erection of 3no retail buildings (total floor space 1440 sq m) for Class A1 (retail), and/or Class A3 (restaurants and cafes) and/or Class A5 (hot food takeaway) with modifications to existing car park, introduction of new servicing, landscaping and highway works. [Huntington/New Earswick] **[Site Visit]**

**b) 1 Barstow Avenue York YO10 3HE** (Pages 37 - 44)

This application seeks planning permission to convert a two bedroom single occupancy dwellinghouse (Use Class C3) into a five bedroom house in multiple occupation (HMO) (Use Class C4). No external changes are proposed as part of the proposed development.

This application has been brought before East Area Planning Sub-Committee at the request of Cllr Pierce in order to consider the wider context of new C4 planning applications and the lack of car parking at the application site. [Hull Road] **[Site Visit]**

**c) 53 Thirkleby Way Osbaldwick York YO10 3QA** (Pages 45 - 82)

This application seeks planning permission to convert a three bedroom single occupancy dwellinghouse (Use Class C3) into a five bedroom house in multiple occupation (HMO)(Use Class C4). No external changes are proposed as part of the proposed development.

This application has been brought before East Area Planning Sub-Committee due to the level of objection from local residents and Osbaldwick Parish Council. [Osbaldwick] **[Site Visit]**

**d) Axcent Ltd 156B Haxby Road York YO31 8JN** (Pages 83 - 102)

This application is for a proposed residential development consisting of 8no. semi-detached dwellings and 9no. apartments on site of former Co-operative Dairy.[Clifton] **[Site Visit]**

**e) Sunnyside Farm Shop, 22 Mill Lane, (Pages 103 - 115) Wigginton, York. YO32 2PX**

This is an outline planning application for nine houses with all matters reserved except access, which is via a private drive from Mill Lane. [Haxby and Wigginton] **[Site Visit]**

**f) 31 Lea Way Huntington York YO32 9PE (Pages 116 - 129)**

The application is for the erection of 14 dwellings comprising four 2-bedroom houses, five 3-bedroom houses, four 4-bedroom houses and one 4-bedroom dormer bungalow.

The application is also to extend the life of an unimplemented planning permission (07/01126/FULM), which was approved on 10 August 2007.

[Huntington/New Earswick]

**g) Derwent Barn, Langwith Stray, (Pages 130 - 135)  
Heslington, York. YO10 5EJ**

This application is for a first floor pitched roof side extension above single storey play room projection (4.55m max. height) at the side of main two storey building to provide an additional bedroom.

The application has been called-in to Committee at to the request of Councillor Aspden in order to ensure that local residents have a public opportunity to make any representations and due to the special circumstances of the applicant's case that justify the very limited harm to the Green Belt in this particular location.[Heslington]

**h) Recreation Ground, White Rose Avenue, (Pages 136 - 140)  
New Earswick**

This application seeks planning permission to convert an existing basketball court into a multi use games area (MUGA) at the existing recreation ground located off White Rose Avenue in New Earswick. This alteration includes the installation of 3m high metal perimeter fencing.

This application has been brought to Committee as the agent for the application works within the 'York Young People's Services' Section of the Adults, Children`s and Education Department of the City of York Council.[Huntington/New Earswick]

**i) 8 Kensington Road York YO30 5XG** (Pages 141 - 144)

This application seeks planning permission for the conversion of one half of a double integral garage, to form additional living accommodation, on a detached property at 8 Kensington Road, Rawcliffe.

The application has been referred to the Committee for a decision as the applicant is an employee of the City of York Council. [Skelton, Rawcliffe and Clifton Without]

**6. Current position of open space and footpath provision at the former Clifton Hospital site** (Pages 145 - 147)

The purpose of this report is to explain to Members the current position as to the dedication of land as public open space and the provision of a public footpath at the site of the former Clifton Hospital.

**7. Enforcement Cases Update** (Pages 148 - 235)

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.

**8. Urgent Business**

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

**9.**

**Democracy Officer:**

Name- Judith Cumming

Telephone – 01904 551078

E-mail- judith.cumming@york.gov.uk

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

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

Contact details set out above.

**EAST AREA PLANNING  
SUB-COMMITTEE****SITE VISITS****Wednesday 7 July 2010**

<b>TIME</b>	<b>SITE</b>
<b>09:30</b>	<b>Coach departs Union Terrace Car Park</b>
<b>09:40</b>	<b>156B Haxby Road</b>
<b>10:10</b>	<b>22 Mill Lane, Wigginton</b>
<b>10:40</b>	<b>Starbucks, Monks Cross</b>
<b>11:05</b>	<b>53 Thirkleby Way, Osbaldwick</b>
<b>11:30</b>	<b>1 Barstow Avenue, Hull Road</b>

**Could Members please contact the Democracy Officer by Tuesday 6 July if they require transport to the Site Visits or will be making their own way to the sites.**





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If you would, you will need to:

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

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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 (EMDS) 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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City of York Council

Committee Minutes

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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	10 JUNE 2010
PRESENT	COUNCILLORS CREGAN (VICE-CHAIR IN THE CHAIR DURING THE CONSIDERATION OF ITEMS 5C, D AND E), DOUGLAS, FIRTH, B WATSON, MOORE(CHAIR DURING THE CONSIDERATION OF ITEMS 5A AND B), ORRELL, TAYLOR, WISEMAN, MORLEY (SUBSTITUTE) AND PIERCE (SUBSTITUTE)
APOLOGIES	COUNCILLORS HYMAN AND FUNNELL

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**INSPECTION OF SITES**

Site	Attended by	Reason for Visit
Hawthorn Terrace South/Ivy Place YO32 4BL/ YO32 4BS	Cllrs. Moore, B Watson, Firth, Morley, Orrell and Wiseman.	To familiarise Members with the site.
Townends Accounts, Harlington House YO10 4HJ	Cllrs Cregan, Moore, B Watson, Firth and Morley.	To familiarise Members with the site.

**1. DECLARATIONS OF INTEREST**

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

Councillor Cregan declared a personal and prejudicial interest in Agenda items 5a) Hawthorn Terrace South and 5b) Ivy Place as the Council's representative on the Joseph Rowntree Housing Trust, who were the applicants of these two items. As a result of this he resigned the position of Chair of the Committee for the consideration of these two items only. He left the room and took no part in the discussion of these items.

Councillor Morley declared a personal and non prejudicial interest in Agenda Item 5c) Townends Accountants, Harlington House, as the Executive Member for Housing and Adult Social Services.

**2. ELECTION OF CHAIR**

RESOLVED: That Councillor Moore be elected as Chair during the consideration of Agenda Items 5a and 5b (Hawthorn Terrace South and Ivy Place).

RESOLVED: That Councillor Cregan remain as Chair during the consideration of Agenda Items 5c), d) and 5e) Harlington House and 3 Westlands Grove.

**3. MINUTES**

RESOLVED: That the minutes of the meeting of the Sub-Committee held on the 13 May 2010 be approved and signed by the Chair as a correct record.

**4. PUBLIC PARTICIPATION**

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

Details of speakers on individual applications are detailed under each item.

**5. PLANS LIST**

**5a Hawthorn Terrace South, New Earswick, York, YO32 4BL**

Members considered an application for listed building consent for the installation of replacement white timber double glazed windows at properties (numbers 1-16 inclusive) situated on Hawthorn Terrace South.

Officers circulated a copy of to Members of a New Earswick Conservation Note. (This is attached to the agenda for the meeting under the item.) They explained that they had recommendation refusal because that it was felt that the proposed design of the windows was unsuitable for listed buildings.

Representations were heard from the applicant, the Joseph Rowntree Housing Trust (JRHT), who explained that the scheme to replace the current windows were part of the village's continuous development in line with the social vision of the Trust. He added that the current windows were not original, and had been inserted in the 1970s.

Further representations were heard from another representative of the JRHT who stated that the new design of the windows were proposed because;

- The existing windows were in poor condition
- That all the other properties owned by the Trust have already had work done to improve their energy performance, and that therefore it was necessary to complete this on Hawthorn Terrace South and Ivy Place.
- The new designs respected that double glazing was not preferred by residents, and included wooden frames.
- The ironmongery on the windows was modern and secure.
- It would offer a coherent style to the village, which would contribute to its overall design and not detract from it.

Members asked about the difference between the original design of the windows and the 1970s windows.

The representatives of the JRHT replied that the difference between the originals and those built in the 1970s was that the configuration of opening the sashes were maintained.

Members asked a question to the applicants about the insulation provided by the proposed windows compared with those recommended by the Conservation Officer.

The applicants replied that the heritage glazing recommended by the Conservation Officer was thinner than the proposed glazing, and that this glazing would reduce fuel costs for residents by approximately £150 annually.

Representations in favour of the application were heard from a local resident who lived in Hawthorn Terrace South.

He mentioned how although the existing windows, had a draught strip fixed to them, that they did not keep out the cold or condensation. This meant that the wooden frames were starting to deteriorate. He stated that his heating bills were rising in cost as the windows were single glazed. Further to this he informed the Committee how this had detrimentally affected his and his wife's quality of life. In response to a suggestion in the Officer's report for optional secondary glazing, he felt that this would not keep out the heat and would be difficult to operate for residents.

Further discussion ensued between Members, points raised included;

- It was felt that the proposed design of the windows made them highly noticeable.
- That the thickness of the frames was due to the nature of the hinges.
- The frames were also thick due to all new windows needing a five point locking area.
- That there was a public benefit to the windows and that they did not offer any substantial harm to the character of the buildings.

RESOLVED: That the application be deferred.

REASON: In order to allow for further discussion to take place between the applicant and Officers

**5b Ivy Place, New Earswick York , YO32 4BS**

Members considered another application for listed building consent for the installation of replacement white timber double glazed windows at numbers 1 to 20(inclusive) at Ivy Place.

The discussion of this item took place at the same time as that of Agenda Item 5a) Hawthorn Terrace South and included the same points and representations as the aforementioned item.

RESOLVED: That the application be deferred.

REASON: In order to allow for further discussion to take place between the applicant and Officers.

**5c Townends Accountants Harlington House 3 Main Street Fulford York, YO10 4HJ**

Members considered an application for the change of use from an office to a residential care home with internal and external alterations, two storey rear extension and dormers to the rear roof slope.

Members were informed by Officers that this application and the following application were called in by the Ward Member, Councillor Aspden, due to impact on the Fulford Conservation Area from possible overdevelopment of the site.

Members were informed by Officers that the main building on the site had been empty since 2009 and that the applicant was the current owner.

Officers also added that if Members, were minded to approve, that an external lighting condition be added to reduce the detrimental impact that this might have on neighbouring properties.

Representations in opposition to the proposal were heard from a group of local residents their concerns included;

- That the outside leisure area provided for users of the care home was very small and was surrounded by car parking and nearby housing without any separation between the two.
- That the access to the care home was narrow and that this would mean that vehicles would have to reverse on to the A19, in order to exit the site.
- That the parking bays were not large enough for the vehicles using the care home.
- That the layout of the application did not conform to planning guidelines on the reduction of the fear of crime.

Councillor Aspden spoke to the Committee as Ward Member and highlighted that the application would have a negative impact on the following issues;

- The Fulford Conservation Area.
- The amenity of local residents
- The level of traffic relating to the change of the building's use.

He added that, if the Committee were minded to approve the application, that a condition be requested for frosted windows on the building and that the entrance to the building be moved to reduce the noise impact from delivery vehicles to nearby properties.

Representations in support of the application were heard from the applicant's agent. He stated how he was happy to answer questions from Members on the change of use to the property and car parking.

He added that he felt that the application would create employment and secure the re use of an old building.

Members asked the applicant's agent about the extent of public consultation organised by the applicants.

The agent replied that the application had gone through pre-application discussion with Officers and that if further consultation was conducted, that similar issues would have arisen that had already been identified and addressed at the pre-application stage.

Members also asked whether the applicant would be willing to wall the boundary area between the site and neighbouring properties.

The agent replied that his clients would consider this.

Members asked Officers about the protection of the yew tree on the site. Officers replied that a condition, if the application was approved, could be added.

Members also commented that perhaps there could have been additional consultation with the police, in reference to Anti Social Behaviour and the fear of crime around the site.

Further questions from Members to Officers included;

- What potential uses of buildings also fell into Use Class C2, which the building was highlighted as being in the Officer's report?
- The issue of fire regulations due to the lack of a lift in the property.

Officers replied that buildings categorised under C2 usage included; hospitals, schools and training centres and secure institutions. They added that planning uses were often grouped together. However, they stated that if the application was approved that Members could request a condition in order for the building to be used solely as a residential care home.

In response to Members questions about fire regulations, Officers stated that these regulations do not form part of the planning process.

Further discussion amongst Members raised the following points;

- That there was a need for further public consultation to be conducted by the applicants.
- If conservation roof lights were installed that these would not be prominent in the streetscene.
- The traffic in the area was no worse than in other areas in the city.
- The location of the refuse bin for the proposed care home was not satisfactory
- The effect on the quality of life of local residents in relation to access to their properties(in one case particularly), would require them accessing their home across the care home entrance.

RESOLVED: That the application be approved subject to the conditions listed in the report and the additional conditions requested by Members during the meeting.

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

- Loss of employment premises;
- Compatibility of use
- Effect on the residential amenity
- Effect on heritage assets
- Impact on visual amenity
- Access, parking and highway safety
- Drainage issues and flood risk

As such the proposal complies with national planning advice contained within Planning Policy Statement 1: Delivering Sustainable Development(PPS1), Planning Policy Statement 3: Housing(PPS3), Planning Policy Statement 5: Planning for the Historic Environment(PPS5) and Planning Policy Statement 25: Development and Flood Risk(PPS25) and policies SP6, GP1, GP15A, HE2, HE3, T4, H12, H17 and E3b of the City of York Development Control Local Plan.

**5d Townends Accountants Harlington House 3 Main Street, Fulford, York. YO10 4HJ**

Members considered an application for a one and half storey pitched ancillary building for use as a residential care home to the rear of Harlington House. This application was associated with the previous application for the change of use of the building.

Officers updated Members and informed them that;

- The applicant had submitted a revised plan with the reduction of rooflights on the proposed building.
- That two of the rooflights needed to be lowered for the fire escape.
- That Officers were informed that the rooflights for the fire escape will be obscure glazed.
- That the Council's Archaeologist has requested that an archaeological watching brief be added to the approval conditions, if Members are minded to approve the application.

Representations in opposition to the application were heard from a group of local residents. They stated how they felt that the proposed ancillary building would cause further security problems because the application had made no provision for security lighting in the report.



Additionally, they felt that the strips of garden and open space were unsupervised and could be used as a smoking area or by people loitering unnoticed outside the building.

They also felt that the bats that were resident in the area would be detrimentally affected by the lights that were being proposed.

Members commented how they felt that the proposed additional ancillary building on the site could constitute overdevelopment. They highlighted that there would be a loss of an open space area for the residents of Harlington House and that the distance from the immediate neighbouring property to the south side of the proposed building would be too close. This would in turn, cause a detrimental effect on the Fulford Conservation Area.

RESOLVED: That the application be refused.

REASON: The proposal would constitute overdevelopment of the site due to its size, massing, scale and proximity to site boundaries. As a result it would lead to an overbearing structure close to the southern site boundary that would erode the residential amenity of the future care home to the south on St Aiden's Close, harm to the amenity of the future care home residents due to the lack of adequate usable amenity space and would adversely affect the character and appearance of the adjacent Fulford Conservation Area. It is therefore contrary to the Central Government advice in Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 5: Planning for the Historic Environment and Policies GP1 and HE2 of the City of York Draft Development Control Local Plan.

### **5e 3 Westlands Grove York YO31 1DR**

Members considered an application for the erection of a single storey orangery to the rear of the property at 3 Westlands Grove.

This application was brought to Committee due to the applicant being a Council employee.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority, the proposed single storey extension, subject to the conditions listed above, would not cause undue harm to the interests of acknowledged importance, with particular reference to the impact on the residential amenity of neighbours and the effect on the character and appearance of the streetscene. As such the draft proposal complies with Policies H7 and GP1 of the City of York Local Plan Deposit Draft.

R CREGAN and R MOORE, Chairs  
[The meeting started at 2.05 pm and finished at 4.40 pm].

**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 7 July 2010

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

**Reference:** 10/01012/FULM  
**Application at:** Starbucks Unit F1 Monks Cross Shopping Park Monks Cross Drive Huntington  
**For:** Erection of 3no retail buildings (total floor space 1440 sq m) for Class A1 (retail), and/or Class A3 (restaurants and cafes) and/or Class A5 (hot food takeaway) with modifications to existing car park, introduction of new servicing, landscaping and highway works (resubmission)  
**By:** Monks Cross Shopping Park Trust  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 6 August 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application site is located within the existing Monks Cross Shopping Park in Huntington on the northeast outskirts of York. It is situated within an existing customer car park. Monks Cross Drive lies to the west. Further to the west on the opposite side of Monks Cross Drive lies a series of retail and commercial blocks. The main roundabout leading to and from Monks Cross Shopping Park and other road networks including Jockey Lane and Monks Cross Drive are situated to the south of the application site. Further to the south along Julia Avenue lies a row of retail units. As part of the overall development a separate application has been submitted to install 598sqm mezzanine floor and to carry out external alterations to the existing building (10/01014/FUL). In accordance with the Council's scheme of delegation, this separate application has been determined (approved) at officer level

Proposal Description:

1.2 Following the withdrawal of scheme for a similar form of development early this year this is a revised planning application to erect:

- i. a 1,161sq.m building for A1 (retail), A3 (food and drink) and/or A5 (Hot Food Takeaway) purposes including a full cover mezzanine for storage purposes;
- ii. a 139sq.m A3 (food and drink) pavilion; and
- iii. a 139sq.m food and drink 'infill' unit between PC World and Starbucks for mainly A3 (food and drink) purposes.

1.3 Associated reconfiguration of car parking, servicing, highways, public realm and children's play area also form part of the proposals.

1.4 The proposed 1161sq.m retail building would be situated within the southern customer car park and would run parallel with Monks Cross Drive, leaving a gap of

10.0m in between. A service yard and a strip of landscaped area are proposed within this 10.0m gap, both of which would be situated at the back of the main retail building facing towards Monks Cross Drive.

1.5 An open piazza is proposed between the main retail building and the existing food and drink units to the north. At the heart of the piazza is a standalone oval pavilion, which would be used for food and drink purposes. Both the piazza and the pavilion would be situated within an existing children's play area.

1.6 The original scheme was withdrawn mainly due to issues concerning its adverse effects upon existing trees around the site boundary, which are now protected by a Tree Preservation Order (planning ref. no.: 09/01975/FULM). Highway Network Management did not object then to the original proposal, although some modifications were requested. The Environment Agency has also raised some technical issues regarding the Flood Risk Assessment.

1.7 The revised scheme seeks to address previous officers' and Environment Agency's concerns by:

i. repositioning the main 1,161sq.m retail building further forward towards the customer parking area to allow a strip of land facing Monks Cross Drive to be retained for the replanting of trees while maintaining sufficient width for servicing at the back of the building.

ii. retaining the majority of trees around the perimeter of the site with the exception of the strip of land facing Monks Cross Drive;

iii. incorporating a children's play area into the public realm near the pavilion;

iv. widening the piazza by reducing the scale of the towers on both ends of the main retail building; and

v. proposing mitigation measures to reduce the risk of flooding. These include a new drainage system, attenuation storage to accommodate a 1 in 30 year storm, non-infiltration Sustainable Urban Drainage System (SUDS) and detailed design of external levels to provide mitigation against residual risks.

1.8 Modifications requested by Highway Network Management team, such as the retention of existing cycle parking, removal of 2 car parking spaces to provide an internal Toucan crossing and extension to the footway in the car park, repositioning of a secure gate on the service yard and kerb alignments have also been incorporated as part of the amendments.

1.9 The original (withdrawn) scheme would have involved the removal of 41 car spaces out of a total of 1,146 spaces. By virtue of the aforementioned amendments the number of parking spaces would be now be reduced by 54 parking spaces to a total of 1,092 spaces.

1.10 Links and connectivity between the retail park and the surrounding facilities within Monks Cross have been reconsidered as part of the scheme. It is proposed to

move the Toucan Crossing connection across Monks Cross Drive by 55 metres to allow linkage between the proposed open piazza and the existing retail facilities to the west of Monks Cross Drive. Internally within the shopping park the existing pedestrian and cycle routes would be extended to the open piazza.

Relevant Planning History:

1.11 10/01014/FUL: Construction of 598sq.m mezzanine floor and external alterations to the existing 1,177sq.m retail unit at Julia Avenue (known throughout the report as "the Julia Avenue site"). Whilst the application site relating to this proposal is situated some 150.0m south of the scheme under consideration on the opposite side of Monks Cross roundabout and Jockey Lane it is considered by the applicants that both schemes are interrelated. The unfettered planning consent currently enjoyed by the retail operators at the Julia Avenue site is capable of being sub-divided without planning consent. Comparison goods (i.e. goods usually found in town centres) can also be sold with the Julia Avenue site without any planning restriction. It is proposed to 'transfer' this unfettered position from the Julia Avenue site to the application site under consideration by allowing the Local Planning Authority to impose restriction on the sales of comparison goods at the Julia Avenue site. The 'fallback' position relating to the Julia Avenue site is a material consideration for the purpose of assessing the merits of this proposal.

1.12 09/01975/FULM: Erection of 3 retail buildings (total floor space 15500 sq ft) for Class A1 (retail), and/or Class A3 (restaurants and cafes) and/or Class A5 (hot food takeaway). This application was withdrawn in January 2010 due to reasons outlined in paragraph 1.6 above.

1.13 09/01977/FUL: Construction of mezzanine floor and external alterations at Julia Avenue. This former Julia Avenue site application was also withdrawn in January 2010 following officers' concerns regarding planning application 09/1075/FULM.

1.14 3/66/650AK and 3/61/207G/OA: Outline planning permission was granted in September 1994 for a shopping centre comprising 360,000sq.ft A1 retail floorspace (Gross Leasable Area), plus management space, fast-food provision, circulation space and ancillary facilities. Out of the 13 conditions attached to this planning permission condition 3 (Floorspace and goods restriction) is considered to be most applicable to the proposal. In addition a Deed of Unilateral Undertaking was signed requiring an amount not exceeding £20,000 towards a public art feature and the implementation of a planting scheme.

## 2.0 POLICY CONTEXT

### 2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

Floodzone 2 GMS Constraints: Flood zone 2

2.2 Policies:

CYSP7A

The sequential approach to development

CYSP7B

York City Centre and Central Shopping Area

CYSP8

Reducing dependence on the car

CYGP1

Design

CYGP3

Planning against crime

CYGP4A

Sustainability

CYGP9

Landscaping

CYGP11

Accessibility

CYGP15

Protection from flooding

CYGP16

Shopfronts

CYNE1

Trees, woodlands, hedgerows

CYT4

Cycle parking standards

CYS2

Out of centre retail warehouse criteria

CYS6

Control of food and drink (A3) uses

CYL1C

Provision of New Open Space in Development

CYV1

Criteria for visitor related devt

### 3.0 CONSULTATIONS

#### EXTERNAL

3.1 Neighbours notified, site notice posted and press advertised. Consultation expired on 23 June 2010 - no response received.

3.2 Huntington Parish Council consulted - response received on 3 June 2010:

- The Parish Council objects to this application on the grounds that such a development would have a detrimental impact on the already inadequate parking facilities at Monks Cross Shopping Park.

3.3 Environment Agency consulted - latest response received on 11 June 2010:

- The flooding and drainage appraisal shows that in principle it will be feasible to attenuate surface water run off from the site. It does not however provide enough detail about how this will be done therefore the proposed development will only be acceptable if a planning condition is imposed requiring further drainage details.

3.4 Yorkshire Water consulted - consultation expired on 8 June 2010 - no response received.

3.5 North Yorkshire Police - response received on 19 May 2010:

- comments made in relation to the previous planning application 09/01975/FULM regarding crime prevention measures, covered cycle bay area, Safer Parking Award for car parking facilities and the positioning of bollards alongside the frontage of the A1/A3 unit still apply.

3.6 Foss Internal Drainage Board consulted - response received on 24 May 2010:

- The site is for the development of existing site. The site is an existing "hard" area and as such there will be no significant increase in the discharge of surface water.
- Surface water is discharged to an existing controlled system, which is managed by Yorkshire Water.
- As such the Board have no objections subject to recommended conditions.

#### INTERNAL

3.7 Highway Network Management - response received on 2 June 2010:

- The creation of the units will result in a net loss in car parking of 54 spaces.
- The application was therefore supported with parking accumulation surveys undertaken on a Saturday.
- A further 20% sensitivity loading was then added to these figures to represent a worst-case scenario and to take into account busier periods of operation such as Christmas.
- These surveys identified that sufficient car parking would remain following completion of the development.
- Traffic generation associated with the scheme is negligible and will not be noticeable over normal daily traffic fluctuations.

- The level of traffic associated with the proposals will also be reduced further due to the high number of linked trips between the new and existing units on the park, which could be reasonably expected to occur.
- The new units will be serviced from a new gated yard with access from Monks Cross Drive.
- Access for servicing traffic will be restricted to left turn in and left turn out only in order to avoid conflict between servicing HGV's and through traffic.
- This will be achieved through kerb alignment and the creation of new kerbed splitter islands on Monks Cross Drive to physically prevent vehicles attempting the manoeuvre.
- Vehicle swept paths have been provided which demonstrate that vehicles can satisfactorily undertake this manoeuvre.
- The sites location is considered to be very sustainable; with the site served by good quality pedestrian and cycle facilities together with frequent public transport including a park and ride service.
- As part of the proposed works officers have secured improvements to the existing northbound bus stop on Monks Cross Drive consisting of kerb realignment to improve access for buses and the installation of Kassel kerbs.

3.8 City Development team - response received on 9 June 2010:

- comments made on previous application 09/01975/FUL remain the same as no significant changes have been made to the proposal in terms of the subdivision of the main retail unit.
- The applicant's offer to restrict the subdivision to 5 units would not alleviate the potential impact on the city centre as units ranging from 200sqm - 254sqm would be in direct competition with city centre units.

3.9 Urban Design and Conservation (Landscape) - response received on 18 June 2010:

- Since the last submission the scheme has been improved in that:
  - i. it retains the existing trees along the main access road;
  - ii. the perimeter parking bays shall be of porous construction to aid the trees' growth;
  - iii. the main gateway building will have a green roof;
  - iv. the service yard wall has strings of coloured brickwork and includes some mesh panels to break up its solid mass and provide a degree of transparency;
  - v. trees to be removed along Monks Cross Drive alongside service yard would be replaced.

Existing play area:

- contrary to previous site meeting the playground is back open and in use.
- The existing play area is of value but is somewhat isolated/tucked away behind the blank elevation of the end unit.
- The introduction of the pavilion and new 'piazza' space with seating and sculptural play elements would thus help to marry the play facilities with the retail activities at a clearly defined point.
- Play equipment would be installed at the edge of the piazza where it could be overlooked by the seating - both outside and indoors due to the high level of glazing.
- Variations in the hard surfacing could also contribute to the play potential.



- it should be noted that the equipment is a bit regimentally placed against the existing food hall; it could relate better to the overall curved layout.

Existing trees along Monks Cross Drive:

- the proposed piazza and play area would result in the removal of all but one of the trees in this group adjacent to Monks Cross Drive.
- Replacement trees would be planted but the result would be a much narrower belt with a reduced visual benefit.
- The trees to be removed include the mature Oaks, which are subject to a TPO.
- The Oaks appear to be remnant hedgerow trees, which continue across the road into the boundary of the Sainsbury petrol filling station.
- These Oaks are in decline, probably due to the initial retail development and a change in water table levels due to the introduction of mass hard surfacing in the immediate area and beyond.
- Whilst the crowns contain some deadwood that needs removing, the trees do not need to be felled at this time but their condition does reduce their natural long-term viability.
- The existing tree planting (including new Oaks) is establishing well and requires some thinning.
- A very small portion of this will be retained where it coincides with the proposed layout.
- The existing young trees along Monks Cross Drive (to the rear of the proposed unit) would be removed.
- Whilst all attempts have been made to retain these trees, they are not compatible with the proposed development, which consequently seeks to remove and replace them with semi-mature stock within a slightly narrower margin (just over 2m).
- This is deemed acceptable due to the young age and relatively small size of the trees within a limited stretch.

Existing trees along the main access road:

- The value of the trees around this site is recognised.
- Extensive removal of trees is not agreeable; hence the scheme was revised to enable retention of the trees along the main access road.
- It is the council's intention to protect all the perimeter trees/groups with a permanent TPO.

Loss of view/openness:

- The revised crossing point and presence of the pavilion would make a better connection with the retail development on the opposite side of the road (Sainsbury/TK Maxx/Argos);
- Currently this area of parking offers a welcome openness to Jockey Lane and Monks Cross Drive.
- The existing 19 units at Monks Cross Shopping Park are arranged around three sides of a central car park, which leaves the entire southern length open. ASDA superstore forms an additional leg on the eastern 'wing'.
- This arrangement allows visibility into the site from the main approaches from Jockey Lane and the roundabout.

- The introduction of the new unit closes off this view.
- It also blocks out views to the layers of other trees, thereby effectively reducing the impression of a treed development.
- Nevertheless the length of the building has been kept tight to the outside boundary and oriented to maintain the quality of the space experienced within the car park created by the existing perimeter buildings.
- Green Roof: Further details of the green roof proposed on the 1161sq.m A1/A3 unit are required.

Piazza area:

- A cycle way is proposed to pass through the new piazza.
- This renders the zone of paving beyond it less practical for locating seating and play equipment.
- In order to bring this significant area of paving into the piazza it would be suitable to plant several specimen trees (with high crowns to avoid screening at eye level) within this eastern edge to complete the space. This must be suitably detailed for trees to succeed in this hard environment.
- The north elevation of the new unit should have climbing plants up in either side of the tower as previously suggested. The blank cladding is not appealing from the close proximity of the piazza. Climbers would help to reinforce a more pleasant greened environment for outdoor seating and as a setting to the pavilion, which is fairly minimal given the scale of the surrounding units.
- Although the planting approach has been to create a Holly hedge along the service yard wall, it would benefit from some climbers.
- The replacement trees between the pavilion and Monks Cross Drive should include at least three specimens of larger species, i.e. Oak.

3.10 Drainage consultancy - response received on 10 June 2010:

- The team objects to the proposal as insufficient information has been provided by the applicants to determine the potential impact the proposals may have on the existing drainage systems.

3.11 Environmental Protection team - response received on 18 June 2010:

- no objections subject to the imposition of a planning condition relating to construction environmental management to ensure local business amenity is not affected by the development.

## **4.0 APPRAISAL**

4.1 The main issues to be considered are as follows:

- i. Principle of the development
- ii. Design, appearance and visual amenity
- iii. Protected trees and Landscape
- iii. Parking and Highway Safety
- iv. Sustainability
- v. Environmental Protection Considerations
- vi. Flood Risk

NATIONAL, REGIONAL AND LOCAL PLANNING POLICY CONTEXT:

4.2 The following national and local planning policies are considered of most relevance to this application:

i. Planning Policy Statement 1 (PPS1) (2005) "Delivering Sustainable Development"- sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. It offers guidance on sustainable and inclusive pattern of development, the quality of natural and historic environment, the prudent use of natural resources, and the promotion of strong, stable and productive economy. The policy statement promotes high quality inclusive design; it advises that high level of protection should be given to most valued townscapes, landscapes and natural resources (paragraph 17).

ii. PPS Supplement (2007) "Planning and Climate Change" - sets out how planning should contribute to reducing emission and stabilising climate change, taking into account the unavoidable consequences.

iii. PPS4 (2009) "Planning for Sustainable Economic Growth" - sets out planning policies for economic development. It supersedes the previous national planning advices on industrial, commercial development and small firms (PPG4, 1992), PPG5 "Simplified Planning Zones" (1992), PPS6 "Planning for town centres" (2005), and parts of PPS7 "Sustainable development in rural areas" and PPG13 "Transport). Policy EC19 of the PPS4 requires Local Planning Authorities to make effective use of planning conditions to prevent developments from being sub-divided into smaller shops or units, ensure that ancillary elements remain ancillary to the main development, limit any internal alterations to increase the amount of gross floorspace by specifying the maximum floorspace permitted, limit the range of goods sold, and resolve issues relating to the impact of the development on traffic. The overall aim is to ensure effective implementation of policies and proactive management of the impacts of development.

iv. PPS9 (2005) "Biodiversity and Geological Conservation" - promotes sustainable development by ensuring that biological and geological diversity are conserved and enhanced. It seeks to conserve, enhance, and restore the diversity of wildlife and geology and to support urban renaissance through enhancing biodiversity amongst developments. High quality development should also be achieved by taking into account the role and value of biodiversity.

v. PPG13 (2001) "Transport" - seeks to promote more sustainable transport choices for people, and to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and seeks to reduce the need to travel, especially by car in new developments.

vi. PPG17 (2002) "Sport and Recreation" - includes advice to adopt a strategic approach to the provision of sport and recreation facilities, to protect open space for the community, to resist the loss of such provision, unless an equivalent provision or better is proposed. In delivering broader Government's objectives, the Guidance stresses the vital role of open spaces, sports and recreational facilities in promoting

the "social development of children of all ages through play, sporting activities and interaction with others" (page 4).

vii. PPS25 (2006) "Development and Flood Risk" - sets out the importance the Government attaches to management and reduction of flood risk in the planning process. Paragraph E3, Annex E of the Statement sets out a list of requirements a properly prepared flood risk assessment should include, as minimum.

viii. Regional Spatial Strategy (RSS) for Yorkshire and the Humber (2008): It is the intention of the new coalition government to "rapidly abolish the Regional Strategies and return decision powers on housing and planning to local councils". A letter from the new Secretary of State for Communities and Local Government Rt Hon Eric Pickles MP dated 27 May 2010 has confirmed the above intention. The letter also states, inter alia, that Local Planning Authorities and the Planning Inspectorate are expected to have regard to the above as a "a material planning consideration in any decisions they are currently taking".

ix. Relevant City of York Local Plan Deposit Draft (May 2005) Local plan policies are listed in section 2.2 of the report and are made reference to in the paragraphs below.

#### PRINCIPLE OF THE DEVELOPMENT

4.3 The proposal is to erect 3 retail buildings with a total sales floor area of 1439sq.m for Class A1, A3 and/or A5 purposes within an existing out-of-town shopping park in Monks Cross. In accordance with Policies EC14.3 and EC15 of Planning Policy Statement no.4 (2009) "Planning for Sustainable Economic Growth" and policy SP7a of the City of York Draft Local Plan 2005 a sequential assessment and a retail impact assessment have been submitted in support of the proposal.

Sequential assessment:

4.4 The submitted sequential test assessed alternative sites around York including Castle Piccadilly, Hungate, York Northwest, Foss Island Retail Park, the vacant Homebase Unit at Foss Bank Retail Park and Stonebow House in Hungate.

i. Castle Piccadilly - It has been accepted by the Policy team that the long timescales associated with Castle Piccadilly mean that it would not be an appropriate location for the proposed development.

ii. Hungate - The recent planning permissions at Hungate are small scale, local retail making this location unsuitable for the proposed development.

iii. York Northwest - This is recognised as being a site that will be available in the long term and therefore not available in the short term.

iv. Foss Island Retail Park - this is defined as out of centre (same as MCSP) and the currently vacant units do not appear to meet the needs of the proposed development.

v. The Hungate Planning Brief considers both Stonebow House and the BT Telephone Exchange appropriate for the potential extension of the Hungate development site for retail development following 2011 but not at the present time. As such it is accepted that there are no other sequentially preferable site, which could accommodate the development.

Impact assessment:

4.5 According to the applicant (under paragraph 5.32 of the Planning report) the turnover of the proposed development, circa £5.7 million is not significant given the turnover for comparison goods in York city centre i.e. £402 million. The turnover for comparison goods will be even less if any of the units are occupied by food and drink retailers.

Fallback Position

4.6 Permission has been sought for an unfettered open A1 use in respect of the main 1,161sq.m retail building, although the applicants are agreeable to restricting the sub-division to no more than five units. Their justification relates to a separate retail unit some 150m south of the application site on the opposite side of Monks Cross roundabout and Jockey Lane (i.e. a site known as Julia Avenue as explained in paragraph 1.11 above).

4.7 At present this 1,161sq.m unit at Julia Avenue has unfettered retail consent with no sales restriction and can be subdivided into any number of smaller units. Through the incremental addition of mezzanines, 200sq.m at a time (which in the opinion of the applicant would not require planning permission), it is in theory possible that the unit could achieve a full cover retail mezzanine making the total floorspace of the building 2,322sq.m.

4.8 In retail terms, on the basis that a full cover retail mezzanine is inserted at the Julia Avenue site, its likely sales turnover would be materially greater than the estimated turnover likely to be generated by the proposed 1,161sq.m retail building (£8.4 million in 2014 at the Julia Avenue site compared to a turnover of £5.7 million in the same year likely to be generated by the proposed 1,161sq.m retail building).

4.9 The applicant contends that on this basis the existing retail unit at Julia Avenue could potentially have a greater impact than that proposed development. Thus by 'transferring' the unfettered retail consent 150m to the north and restricting the Julia Avenue site to the sale of bulky goods only would, according to the applicants, result in less of a potential impact upon York City centre.

4.10 However, the 'fallback position' put forward by the applicants to justify an open unfettered retail consent as summarised above is not considered to be acceptable for a number of reasons. First and foremost, the applicants case is based entirely on the potential (or at least a possibility) that mezzanine floors could be inserted incrementally, 200sq.m at a time, to create a full mezzanine equivalent to the existing retail unit without the need for planning permission.

4.11 The Julia Avenue site was given outline planning consent in September 1997 with the reserved matters being approved in January 1998 (97/01610/OUT and 97/02277/REM). It has been open for business for approximately 9/10 years since. To date, notwithstanding the opportunity to insert mezzanine floors within the 200sq.m allowance without planning permission, a recent site visit has confirmed that none of the past and present retail operators have taken advantage of this position in order to increase turnovers (i.e. mezzanine floors have not been inserted to make use of the roof space above despite of the ceiling heights). Based on the existing trend, it is not anticipated that in the foreseeable future the hypothesis put forward by the applicants would materialise, generating the level of turnover (as estimated by the applicants) that could have an adverse impact upon the vitality and viability of York City Centre.

4.12 The characteristics of the Julia Avenue site to which the 'fallback position' relates are also considered to be materially different. The Julia Avenue site is some 150m away from the main Monks Cross Shopping Park and segregated by a large roundabout and an approximately 15m wide road (Jockey Lane). The Monks Cross Shopping Park clearly functions as the main shopping park with a total floor area of 33,444sq.m (the floorspace approved originally in 1994 ref. no.: 3/66/650AK/OA) compared to the existing Julia Avenue site with just 1,177sq.m.

4.13 Due to site constraints as described above it is not unreasonable to expect that most users of the Monks Cross Shopping Park would gain access to and from the Julia Avenue site by private vehicles. By virtue of the size and appearance of Monks Cross Shopping Park in relation to the Julia Avenue site it is also not considered unreasonable to regard the retail units at Julia Avenue as secondary and thus less attractive for both the retailers and customers compared to the main Monks Cross Shopping Park. Given that both sites are so intrinsically different, with one likely to create greater turnover than the other it is likely that the proposed transferral of unfettered retail floorspace from the Julia Avenue site to Monks Cross Shopping Park would have far greater impact upon the City Centre, in real terms, than if both sites are of similar size and easily reached from one to another on foot.

4.14 For these reasons it is not considered that the 'fallback position' carries sufficient weight to justify an unfettered open A1 retail consent in an out-of-town location. As such, and having taken into account the level of trade likely to be drawn from the city centre (an equivalent of 1.4%) and the advice contained within Policy EC19 of PPS4, conditions have been recommended to limit the range of goods sold (condition 3), to ensure that ancillary element remain ancillary to the main development (condition 4), to limit any internal alterations to increase the amount of gross floorspace (condition 6), and to ensure that the mezzanine floors will be used for storage purposes only (condition 5).

4.15 Given the proposed size of the retail floor space (1,161sq.m) it is considered to be unreasonable, and thus would fail to pass one of the tests set out in Circular 11/95 to impose a condition preventing the development from being sub-divided into units no less than the minimum floorspace as set out in Policy S2 of the City of York Draft Local Plan (i.e. no less 1000sq.m). This is because the implication of such a condition could result in the other half of the unit having a gross floor area of just 161sq.m.

A3 (Food and Drinks) and/or A5 (Hot Food Takeaway) uses:

4.16 The two smaller units proposed, namely the 139sq.m pavilion and the 139sq.m infill unit between Starbucks and PC World would be acceptable for A3 and/or A5 uses in line with policy S6. It would also be acceptable for the sale of non-food goods ancillary to the main A3 and/or A5 uses. A condition has been recommended to ensure that these smaller units would remain in use for food and drink sales only (condition 7). This is agreed by the applicant as confirmed in paragraph 5.4 of the submitted Planning Statement.

## DESIGN, APPEARANCE, VISUAL AMENITY

4.17 The existing retail buildings are orientated around a central car park. They are simple modern structures, which are designed to serve the primary function of retailing in an out-of-town location. The open customer car park and access areas facing the front facades and entrances provide an open aspect, which allows the frontage signs and the architectural elements of the retail park visible from the main roundabout serving the retail park.

4.18 The bulk of the development proposals are oriented parallel to Monks Cross Drive to retain, as much as possible, the open aspect of the entrance to the retail park. Whilst the architectural rhythm of the proposed terrace building along Monks Cross Drive is to be set apart from the established buildings as a stand-alone structure, the front façade would relate harmoniously with the modern design and simplicity of the existing park. The tower feature at both ends of the building would provide a visual focal point, which would enhance the visual quality of the scheme. Whilst the overall scale and massing of the terrace is considered to be large it is also considered to be subservient to existing retail buildings and in proportion with the surrounding settings.

4.19 The proposed single storey oval pavilion between the proposed terrace and the existing cafes/restaurants is designed to draw activity to that part of the site and provide a link between the existing and the new development. Its unusual design, roof details and choice of materials would create a landmark would enhance the visual quality of the existing park.

4.20 As part of the scheme a Class A3 (restaurant/cafe) infill unit is proposed between the existing retail building to the north and existing café/restaurants to the south. Externally this would be a glazed link between the two buildings, which in design term is considered to be acceptable.

4.21 The proposed development would involve the removal of an existing play area. Whilst this is of value to the users of the site it is situated in an isolated location and tucked away behind the blank elevation of the end unit. It is considered that the introduction of the pavilion and piazza space with seating and play facilities would provide a more secure and attractive play area as well as helping to integrate the play facilities with the wider Shopping Park.

## PROTECTED TREES AND LANDSCAPE

4.22 The proposed piazza and pavilion would result in the removal of all but one of the trees in the group adjacent to Monks Cross Drive. The trees to be removed include the mature Oaks, which are the subject of a TPO. Replacement trees would be planted, although the result would be a narrower belt with a reduced visual benefit. Whilst the removal of trees around the existing play area is a concern it is also unavoidable if the benefits of the pavilion and piazza are to be achieved. Notwithstanding the information contained within the submitted planting scheme, revisions to the tree species and additional planting are required to provide adequate compensation. In addition more trees to the eastern edge of the pavilion and climbing plants to building façade are required to compensate the loss of greenery and the impression of a treed development. Other than the proposed Holly hedge along Monks Cross Drive climbing plants to the proposed service yard wall are recommended. These would be secured by landscaping conditions (conditions 26-28).

4.23 Following the concerns raised in the previous application the scheme has now been revised to enable the trees along the main access road to be retained. It is the Council's intention to protect the perimeter trees with a Tree preservation Order. To protect the perimeter trees the outer edge of the car park is also required to be constructed of porous paving materials. Again this would be secured by condition (condition 28).

#### PARKING AND HIGHWAY SAFETY

4.24 The proposal would result in a net loss of 54 car parking spaces. Nevertheless the parking accumulation surveys undertaken on a Saturday found that even with the reduced capacity the proposed car park can still comfortably accommodate the existing demand with its peak accumulation of 898, which is 78.2% of the total proposed car park capacity of 1147, leaving 249 spaces spare (paragraph 4.1.9 of the submitted WSP Transport Assessment).

4.25 The second part of the parking assessment examines whether the reduced parking capacity can accommodate additional parking demand created by the proposed 1,161sq.m retail scheme. Based on the survey previously taken at the Julia Avenue site, which also has a similar gross retail floorspace (paragraph 4.1.11 of the submitted transport assessment) the survey found that the proposed capacity can still comfortably accommodate the demand generated by the proposal, with a peak predicted demand of 920, which is 80.2% of the total capacity (paragraph 4.1.16). A further 20% sensitivity loading was then added to these figures to represent a worst case scenario and to take into account busier periods of operation such as Christmas, and found that the peak accumulation is 1102 which is 96.1% of the total proposed capacity leaving 45 spare spaces in the busiest 15 min period (paragraph 4.1.20 of the submitted transport assessment).

4.26 On the basis of this empirical evidence the Highway Network Management team is satisfied that there would be sufficient car parking to accommodate the demands generated by both the existing and the proposed retail operation.



4.27 Due to the high number of linked trips between the proposed and existing units within the park, which could be reasonably expected to occur, the level of traffic associated with the proposals is likely to reduce further. Overall it is considered by the highways team that the traffic associated with the scheme is negligible and will not be noticeable over normal daily traffic fluctuations.

4.28 The proposed retail units would be serviced from the gated yard with access from Monks Cross Drive. Access for service vehicles will be restricted to left turn in and left turn out only in order to avoid conflict between the servicing HGVs and through traffic. This would be achieved through kerb alignment and the creation of new kerbed splitter islands on Monks Cross Drive to physically prevent vehicles attempting the manoeuvre. Vehicle swept paths have been provided which demonstrate that vehicles can satisfactorily undertake this manoeuvre. As such the proposal is unlikely to create conditions prejudicial to highway safety.

## SUSTAINABILITY

4.29 The site is considered to be situated in a very sustainable location, being served by good quality pedestrian and cycle facilities together with frequent public transport including a park and ride service. As part of the scheme the existing northbound bus stop on Monks Cross Drive would also be upgraded. The proposed kerb realignment and the installation of Kassel kerbs would allow access for buses to be improved.

4.30 Furthermore, the revised crossing point and presence of the pavilion and piazza would make a better connection with the retail development on the opposite side of the road (Sainsbury/TK Maxx/Argos). It would also improve pedestrian safety and thus encourage linked pedestrian trips and minimise car use.

4.31 In accordance with Policy GP4a "Sustainability" of the City of York Draft Local Plan 2005 a Sustainable Statement has been submitted setting out the principle of sustainability. In compliance with the requirements set out in the City of York Interim Planning Statement on Sustainable Design and Construction the applicants have confirmed that it would be practical to achieve a 'very good' BREEAM rating for the proposed development (paragraph 6.6 of the submitted planning statement). This would be secured by a suitable BREEAM condition (condition 21).

4.32 According to the applicants the end users of the retail and restaurants units are unknown and as such yearly energy consumption cannot be calculated or provided. Notwithstanding this position put forward by the applicants the City of York Interim Planning Statement (IPS) requires at least 10% of the 'expected' energy demand to be provided by on-site renewable generation. Given that the requirement relates to 'expected' energy demand for, in this instance general A1, A3 and/or A5 uses it is not considered that an end-user is required before energy consumption can be effectively calculated. As such, and in accordance with the IPS requirements a condition relating to 10% of the expected energy demand to be provided by on-site renewable generation is recommended.

## OTHER MATERIAL CONSIDERATIONS

4.33 ENVIRONMENTAL PROTECTION - Whilst no objections have been raised by the Environmental Protection team, a condition requiring a Construction Environmental Management Plan to be submitted and approved prior to the commencement of development has the recommended (condition 24). The plan would identify the steps and procedures to be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the construction process. The purpose of the condition is to protect the amenities of local business units. In addition a condition restricting the hours of construction and demolition has also been recommended (condition 25).

4.34 FLOOD RISK - The development is situated in low risk Flood Zone 1 and should not suffer from river flooding. Nevertheless a Flood Risk Assessment has been submitted as the development area is greater than a hectare (1.6ha). Both the Environment Agency and Foss Internal Drainage Board have been consulted and have raised no objections as the flooding and drainage appraisal shows that in principle it would be feasible to attenuate surface runoff from the site. Furthermore, it is considered by the Internal Drainage Board that the development is situated within an existing 'hard' area and as such there will be no significant increase in the discharge of surface water. Nevertheless a condition requiring further details to show how this will be achieved has been recommended. The information requested by the Council's drainage team can be dealt with by the imposition of planning condition (condition 9).

4.35 PLANNING AGAINST CRIME: The recommendations put forward by the Architectural Liaison Officer are required to be implemented and secured via a Secured-by-Design condition (condition 8).

4.36 Having taken the above into account, subject to conditions, it is considered that the proposed development accords with national planning advice contained within Planning Policy Statements and Planning Policy Guidance and the policies set out in the City of York Draft Local Plan. Hence, this application is recommended for approval.

## 5.0 CONCLUSION

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

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

0825-P-02/F SITE PLAN

0825-P-07/D ROOF PLAN  
0825-P-09-B STORAGE MEZZANINE  
0825-P-04/D CLASS A1/A3 UNIT ELEVATIONS AND SECTION  
0825-P-03/D CLASS A1/A3 UNIT ELEVATIONS  
0825-P-05/C INFILL UNIT ELEVATIONS AND SECTION  
0825-P-06/D POD PLAN AND ELEVATIONS  
0825-P-01/C LOCATION PLAN

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

3 Note: Conditions 3 to 6 relate to the building shown as Class A1/A3 Unit (1,161sq.m) on drawing ref. no.: 0825-P-02/F SITE PLAN:

The following range of goods shall not be sold unless ancillary to the main range of goods:

- a) Clothing, footwear and fashion accessories (including jewellery and watches);
- b) Music/Video/DVD recordings and computer games;
- c) Cameras (including camcorders) and other photographic equipment;
- f) Electronic goods (including TV, Video, DVD, PC and hi-fi equipment);
- g) Toys;
- h) Pharmaceutical goods;
- i) Books, magazines and stationery;
- j) Household textiles; and
- k) Sports goods.

Reason: In the interest of the vitality and viability of York City Centre in accordance with Planning Policy Statement no.4 "Planning for Sustainable Economic Growth" and policies SP7a and S2 of the City of York Draft Local Plan 2005.

4 The amount of sales floorspace used for the sale and display of those goods restricted in condition 3 in any unit shall not exceed 15% of the total net sales floorspace within that unit.

Reason: To minimise the impact of comparison goods sold at these stores competing with York City Centre retail outlets selling the same goods.

5 The mezzanine as shown on plan ref. no.: 0825-P-09-B hereby approved shall at all times be used only for storage relating to Use Classes A1, A3 and/or A5 of the Town and Country Planning (Use Classes) Order 1987 as amended.

Reason: In the interest of the vitality and viability of York City Centre in accordance with Planning Policy Statement no.4 "Planning for Sustainable Economic Growth" and policies SP7a and S2 of the City of York Draft Local Plan 2005.

6 Additional mezzanine floors beyond the 1,161sq.m hereby approved shall not be permitted at any time unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid the proposed development having an adverse impact on York City Centre.

7 Note: Condition 7 relate to the buildings shown as Pavilion (139sq.m) and Infill Unit (139sq.m) on drawing ref. no.: 0825-P-02/F SITE PLAN:

The premises shall be used for Class A3 (Restaurants and Cafes), and/or Class A5 (Hot Food Take-aways) and for no other purpose in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: In the interest of the vitality and viability of York City Centre in accordance with Planning Policy Statement no.4 "Planning for Sustainable Economic Growth" and policies SP7a and S2 of the City of York Draft Local Plan 2005.

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

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

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

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

#### INFORMATIVE

To satisfy this condition the applicants are expected to comply with the following requirements:

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

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

iii. Existing and proposed surfacing should be specified.

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

suitable surface water sewer is available.

v. In accordance with PPS25 and in agreement with the Environment Agency / Foss IDB, 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.

vi. The Flooding and Drainage Appraisal by WSP states that existing impermeable areas are 0.7ha. Connection of this should be proven by CCTV survey prior to a permissible surface water discharge rate being agreed.

10 HWAY18 Cycle parking details to be agreed

11 HWAY19 Car and cycle parking laid out

12 No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

13 HWAY35 Servicing within the site

14 HWAY37 Control of glare etc from lighting

15 The development hereby permitted shall not come into use until the highway works as indicatively shown in drawing 0735/GA/04 Rev D (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Reason: In the interests of the safe and free passage of highway users.

16 HWAY40 Dilapidation survey

17 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the LPA. Such a statement shall include at least the following information:

- i. the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- ii. where contractors will park
- iii. where materials will be stored within the site

- iv. details of how the car parking area will be managed during the construction period to ensure adequate car parking remains
- v. measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

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

18 VISQ8 Samples of exterior materials to be app

19 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

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

#### INFORMATIVE

To comply with this condition the service yard wall facing Monks Cross Drive is expected to be constructed with contrasting brick bands and include mesh panels to break up its solid mass and provide a degree of transparency.

20 Prior to the commencement of development details of the lighting columns to the car park shall be submitted to and agreed in writing by the local planning authority. Thereafter the lighting columns shall be installed in accordance with the approved details.

Reason: To protect the amenity of adjacent occupiers.

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

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

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

Planning Authority.

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

23 Prior to the commencement of development details of the children's play area shall be submitted to and agreed in writing by the local planning authority. Thereafter the children's play area shall be installed in accordance with the approved details.

Reason: To ensure that the users of the site have access to safe, attractive and useable public open space.

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

REASON: To protect the amenities of local business units.

25 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 amenities of local business units.

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

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

27 Before the commencement of development, including excavations, installation or modification of utilities, demolition, building operations, the importing of materials and any other associated works, a tree protection method statement for the existing trees shown to be retained on the approved drawings shall be submitted to and

approved in writing by the Local Planning Authority. An arboriculture consultant or other suitably qualified person shall compile this. The statement shall include details and locations of protective fencing, phasing of works, site access, type of construction machinery/vehicles to be used, locations for parking of site vehicles, locations for storage of materials and location of site cabins/compound. The statement shall also include the methodology and construction details for changes in surface materials within the root protection area and/or canopy spread of existing trees. Thereafter the approved details shall be fully implemented prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area and/or development.

28 The development hereby approved shall not commence until the following landscape details have been submitted to and approved in writing by the Local Planning Authority:

- i. Planting details of green roof on the 1,161sq.m Class A1/A3 unit;
- ii. Details of play equipment and associated hard surfacing;
- iii. Porous paving details for outer edge of car park; and
- iv. Tree pit details.

Thereafter the approved details shall be fully implemented prior to the first occupation of the site unless otherwise agreed in writing by the Local Planning Authority.

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

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

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

- Principle of the development
- Design, appearance and visual amenity
- Protected trees and Landscape
- Parking and Highway Safety
- Sustainability
- Environmental Protection Considerations
- Flood Risk

As such the proposal complies with Policies SP7a, SP7b, SP8, GP1, GP3, GP4a, GP9, GP11, GP15, GP16, NE1, T4, S2, S6, L1c and V1 of the City of York



Development Control Local Plan.

2. INFORMATIVE:

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

3. INFORMATIVE:

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

Alterations to the highway - Section 278 - Michael Kitchen (01904) 551336

4. The applicant is advised that Advertisement Consent is likely to be required for signage associated with the development hereby approved including the totem sign.

5. If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

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

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

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

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

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

v. There shall be no bonfires on the site.

**Contact details:**

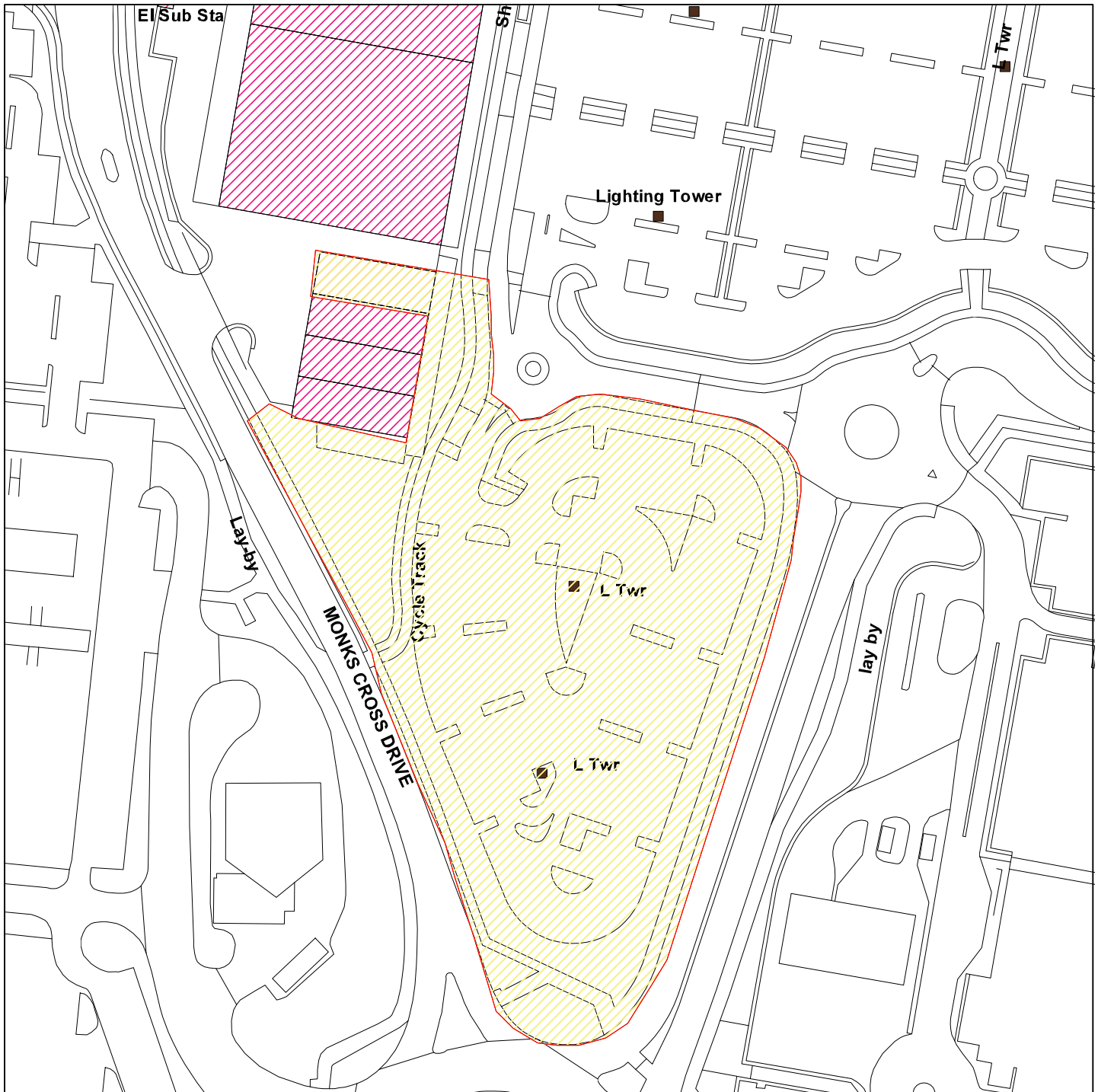
**Author:** Billy Wong Development Control Officer  
**Tel No:** 01904 551326

# Starbucks, unit F1, Monks Cross

10/01012/FULM



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	28 June 2010
<b>SLA Number</b>	Not Set

**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 7 July 2010

**Ward:** Hull Road  
**Parish:** Hull Road Planning Panel

**Reference:** 10/00839/FUL  
**Application at:** 1 Barstow Avenue York YO10 3HE  
**For:** Change of use from dwelling (use class C3) to house in multiple occupation (use class C4)  
**By:** Mr Mark Smith  
**Application Type:** Full Application  
**Target Date:** 21 June 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 Members will no doubt be aware that new legislation was introduced by the former Government on 6 April this year, whereby the occupation of a dwelling by three or more unrelated people is now classed as a house in multiple occupation (HMO) and would require planning permission. Effectively, the legislation created a new "use class" (Class C4), in addition to the existing use class for a dwelling (Class C3), and planning permission is now required to change between use class C3 and the new C4 use class. It should be noted that the new legislation is not being applied retrospectively, and that properties that were already occupied as HMO's under this definition prior to 6 April are not required to apply for planning permission.

1.2 This application seeks planning permission to convert a two bedroom single occupancy dwellinghouse (Use Class C3) into a five bedroom house in multiple occupation (HMO) (Use Class C4). The application site is 1 Barstow Avenue in the Hull Road area of York. No external changes are proposed as part of the proposed development. This application has been brought before East Area Planning Sub-Committee at the request of Cllr Pierce in order to consider the wider context of new C4 planning applications and the lack of car parking at the application site. A site visit will allow members to understand the nature of the objections raised and put them into context.

1.3 Members need to be aware that the situation surrounding the new HMO use class has changed as a result of a recent ministerial announcement that it is the intention of the new coalition Government to amend the legislation in the near future. Briefly, the new C4 use class would remain, but planning permission would no longer be required to change from Class C3 (dwelling) to Class C4 (HMO). If considered necessary, it would then be open to individual local planning authorities to retain control by designating "Article 4 Directions" in particular areas, which could effectively be used to remove the right to change between the use class C3 and C4 without planning permission being obtained. It is anticipated that this change will come into force in October 2010.

1.4 Such ministerial statements are a material planning consideration, although in the meantime the original legislation remains and the Council still has a number of

"live" applications that are yet to be determined. However, it is likely that even if planning permission is refused, or enforcement action taken in respect of unauthorised HMO's, by October the controls may have been removed altogether. The new Government has indicated a clear change in direction and this clearly cannot be ignored in the making of decisions on individual applications.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYH8

Conversion to flats/HMO/student accom

## **3.0 CONSULTATIONS**

Internal

3.1 Highway Network Management - No objections to the principle of development, however it is noted that Barstow Avenue is heavy with on street parking and the change of use would result in an increase in occupants of the property. It is therefore recommended that the area to the front of the dwelling be surfaced to accommodate a parked vehicle.

External

3.2 Hull Road Planning Panel - No objections however concerns are raised regarding the potential increase in vehicles and possible parking issues.

3.3 Third Parties - Two letters of objection have been received from local residents, one from the adjoining semi at 3 Barstow Avenue and one through a planning agent representing the residents of 5 Green Dykes Lane which backs onto the application site. The following comments were made:

3 Barstow Avenue:

- the proposal involves altering the chimney breast which cannot be good for the structure of the next door house;
- the proposal would reduce the value of 3 Barstow Avenue;
- the noise and chaos from the proposed change would be difficult to cope with;
- car parking is already a problem in the area;

5 Green Dykes Lane:

- three of the five bedrooms provide less than 6 sq m of space which is insufficient for a desk as well as a bed let alone any wardrobe or storage space;
- CYC's publication '2009/10 Code of Best Practice for Student Accommodation' sets a recommended minimum spaces standard of 6.5 sq m for study rooms and 10 sq m where there is no separate living room, the proposal is below this standard;
- the same document states that kitchens must be an appropriate size for the number of occupants, a different authority requires kitchens to have a minimum space of 3sq m per user, the combined kitchen and living room amounts to just 2.6 sq m per user in this application;
- properties on both Green Dykes Lane and Barstow Avenue enjoy a pleasant spacious feel and benefit from well maintained green gardens, however two student houses at 1 and 3 Green Dykes Lane have been let to students and the front gardens are not maintained, refuse and recycling bins are left in front gardens and hedges have been removed for ease of maintenance;
- the cumulative effect of HMO's is already affecting the character of the area as well as the amenity of existing residents, landlords are not always present to monitor the behaviour of their tenants and may not have the inclination to keep the property well maintained, lack of maintenance leads to a deterioration in the fabric of the property and affects the visual amenity of an area;
- should the application be approved suitable conditions should be applied to ensure the garden is kept in a clean and tidy state with regular hedge cutting and weeding and convenient bin storage to ensure bins are put tidily away between collections.

#### **4.0 APPRAISAL**

4.1 It is considered that the key issues are:

- Principle of development;
- Impact on the character and appearance of the area;
- Impact on the amenities of local residents;
- Car parking; and
- Cycle and bin storage.

4.2 Policy H8 sets out the current criteria by which conversions of houses to HMO's should be assessed. Policy H8 states that planning permission will only be granted for the conversion of a house to a HMO where:

- the dwelling is of sufficient size and the internal layout is shown to be suitable for the proposed number of households or occupants and will protect residential amenity for future residents;
- external alterations would not harm the appearance of the area;
- adequate on and off road parking and cycle parking is incorporated;
- it would not create an adverse impact on neighbouring amenity through noise disturbance or residential character by virtue of the conversion alone or cumulatively with a concentration of such uses;
- adequate provision is made for the storage and collection of refuse and recycling.

4.3 The applicant has submitted a layout plan showing that the intention is to convert the existing two bedroom house into a five bedroom HMO. Upstairs

'bedroom 1' would be split into two bedrooms and 'bedroom 2' would remain, as would the upstairs bathroom. The downstairs living room would be split into two bedrooms with the kitchen/dining area remaining. The property has a reasonably sized rear garden which can be used as outdoor amenity space. A letter of objection has been received stating that the bedrooms and living accommodation do not comply with best practice guides in terms of size, however these are not adopted planning policies and thus carry little weight. It is considered that the proposals could provide a reasonable level of amenity for future occupiers and it would be for potential tenants to determine if the rooms and communal space are suitable for their needs.

4.4 No external alterations are under consideration as part of this application and therefore the proposal satisfies the second criteria of Policy H8.

4.5 There is no off road car parking available at 1 Barstow Avenue. Local Plan Policy H8 states that there should be 'adequate' off road parking. Planning Policy Guidance 13 'Transport' aims to reduce dependency on the car and sets maximum car parking standards, Paragraph 51 of PPG13 states that Local Planning Authorities should 'not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances'. It is not considered that a small scale development in a sustainable location close to the University, bus stops, cycle routes, and shops and services would represent exceptional circumstances. On street car parking is available and at the time of the officer's site visit there were spaces available. Even if the property continued to be occupied as a traditional family house, it could generate at least one and possibly a greater number of vehicles, which would need to be parked on the road.

4.6 However, as stated within the two letters of objection from and on behalf of local residents a significant increase in demand for on street car parking could result in difficulties for local residents. It is therefore proposed that a management plan be conditioned as part of any approval to ensure that the number of vehicles owned by occupants of the dwelling are controlled by the landlord. The applicant's agent has confirmed that this would be acceptable. Highway Network Management raised no objections on highway safety grounds but suggested that the front garden be paved over to allow a car to park off road, however it is considered that this would harm the visual amenity of the area.

4.6 Information from Council Tax records indicate that there are six registered student houses on Barstow Avenue and seven on the adjacent Green Dykes Lane. There are approximately 80 houses on these two streets. At the present time there is no guidance on what constitutes an excessively high concentration of HMO's within an area or on a street. Without such guidance it is difficult to conclude that creating an additional HMO in the street would create an excessively high concentration which would be detrimental to the area. The area still retains a strong residential character which is consistent with its suburban location, and there are no obvious indications that the number of HMO's is harmful to the visual character of the area or the way it functions.

4.7 The potential occupation level of the property is increasing, as the number of bedrooms is increasing from two at present to five. However, the proposed

additional bedroom upstairs does not adjoin the shared party wall with 3 Barstow Avenue. Therefore potential noise disturbance to bedrooms in the neighbouring house is minimised. The two proposed bedrooms to be created on the ground floor would be adjacent to neighbouring reception rooms which are less sensitive to noise nuisance. It is considered that general comings and goings associated with a HMO of the size proposed would not be harmful to the level of amenity which neighbouring residents could reasonably expect to enjoy. Other non-planning legislation is available to control issues such as noise or anti-social behaviour.

4.7 There is an alleyway to the side of the house which allows access to the rear garden. The applicant has indicated on the plans a possible location for a covered and secure cycle storage shed. It is recommended that a condition is attached to any approval to ensure a suitable cycle storage facility is provided for use by future residents of the house. In addition, the side access to the garden allows refuse and recycling bins to be stored out of the front garden and away from the public realm. It is suggested that these details are agreed within a management plan for the property which is a suggested condition should the application be approved.

4.8 The nature of HMO's is that they tend to be occupied for relatively short periods of time, occupants move on and other tenants move in. This can sometimes create a lack of ownership of the property and its garden areas. One letter of objection raises concern and includes photographs of two houses in the area which are let and the front gardens are not attractively maintained. The majority of houses on Thirkleby Way have maintained a "green" front garden area which adds to the visual character of the area. It is therefore considered reasonable and necessary to impose a condition relating to the maintenance of the front garden area.

4.9 Current guidance published by Communities and Local Government indicates that C4 houses have permitted development rights. It is recommended that a condition is attached to any approval to remove permitted development rights for this property. Permitted development rights for dwellings would allow significant extensions to the rear of the house and in the roofspace without the need for planning permission. Given that these extensions could create a significant increase in occupancy levels if they were converted to bedrooms it is considered important that the Local Planning Authority retains the ability to control this.

4.10 Letters of objection also raised concerns about the structural integrity of the house if the chimney breast is removed, the value of neighbouring houses, and disruption during building works. However, none of these issues are planning considerations and therefore should not be given weight in considering this application.

## **5.0 CONCLUSION**

5.1 Subject to suitable conditions the proposal is considered to comply with Policy H8 of the Local Plan and is therefore recommended for approval.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 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 (extensions), B (extension of the roof), C (alterations to the roof), E (erection of outbuildings), and F (hard surfacing) 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.

3 Prior to the commencement of the development hereby approved, a management plan shall be submitted to and approved in writing by the Local Planning Authority, to include arrangements for the regular maintenance of the front garden, the storage of bins and recycling boxes within the site, and controls over the maximum number of residents vehicles. The approved management plan shall be implemented prior to occupation and shall subsequently be adhered to at all times.

Reason: In the interests of visual amenity, the amenity of adjacent occupiers and in order to ensure that there are adequate measures in place to control the number of residents vehicles at the site.

4 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads.

**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 principle of development;
- Impact on the character and appearance of the area;
- Impact on the amenities of local residents;
- Car parking; and
- Cycle and bin storage.

As such the proposal complies with Policy H8 of the City of York Development Control Local Plan.

**Contact details:**

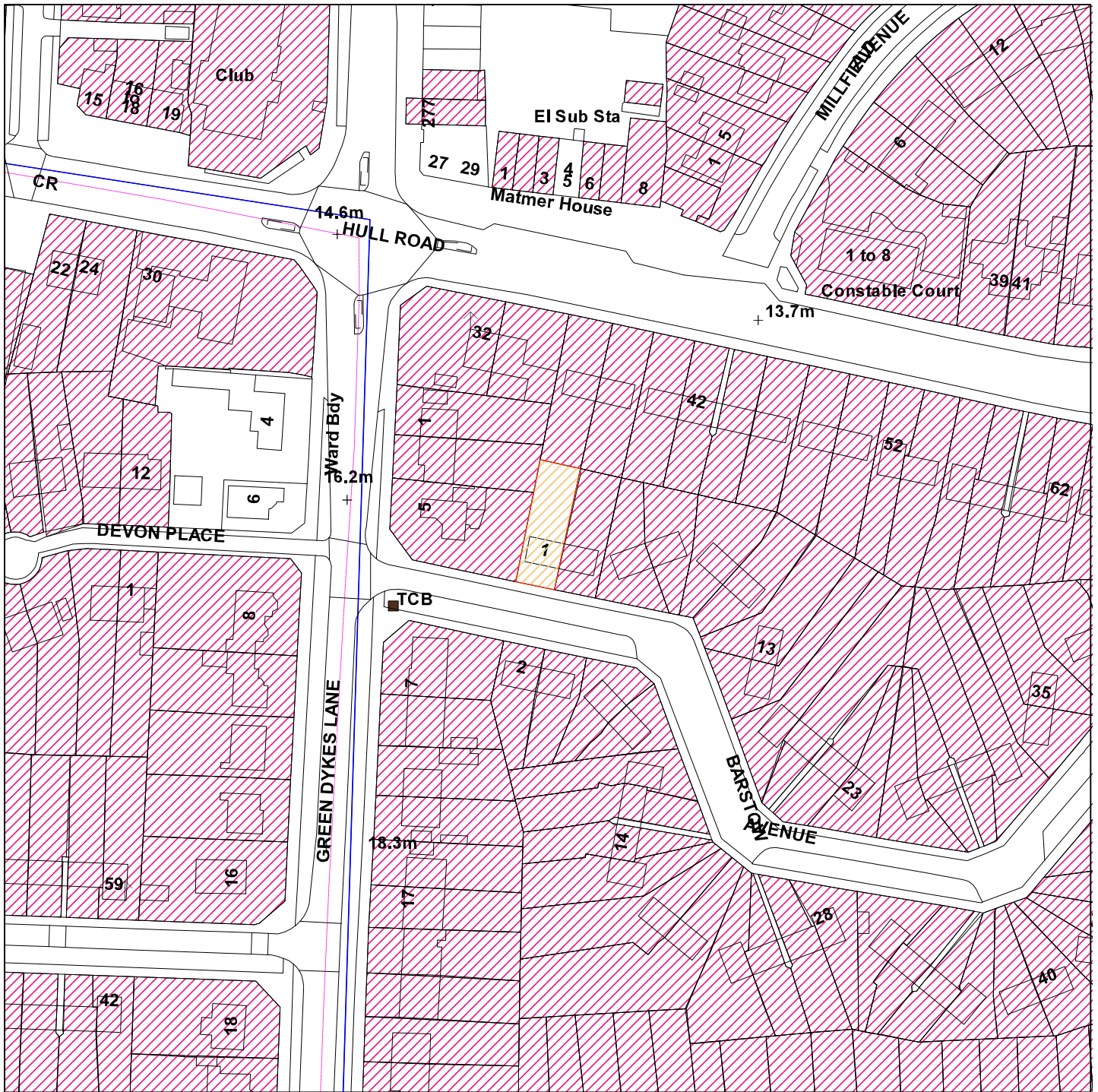
**Author:** Michael Jones Development Control Officer  
**Tel No:** 01904 551325

# 1 Barstow Avenue

10/00839/FUL



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Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	28 June 2010
<b>SLA Number</b>	Not Set

**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 7 July 2010

**Ward:** Osbaldwick  
**Parish:** Osbaldwick Parish Council

**Reference:** 10/00645/FUL  
**Application at:** 53 Thirkleby Way Osbaldwick York YO10 3QA  
**For:** Change of use from dwelling (use class C3) to house in multiple occupation (use class C4)  
**By:** Mrs Heather Richardson  
**Application Type:** Full Application  
**Target Date:** 3 June 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 Members will no doubt be aware that new legislation was introduced by the former Government on 6 April this year, whereby the occupation of a dwelling by three or more unrelated people is now classed as a house in multiple occupation (HMO) and would require planning permission. Effectively, the legislation created a new "use class" (Class C4), in addition to the existing use class for a dwelling (Class C3), and planning permission is now required to change between use class C3 and the new C4 use class. It should be noted that the new legislation is not being applied retrospectively, and that properties that were already occupied as HMO's under this definition prior to 6 April are not required to apply for planning permission.

1.2 This application seeks planning permission to convert a three bedroom single occupancy dwellinghouse (Use Class C3) into a five bedroom house in multiple occupation (HMO)(Use Class C4). The application site is 53 Thirkleby Way in Osbaldwick. No external changes are proposed as part of the proposed development. This application has been brought before East Area Planning Sub-Committee due to the level of objection from local residents and Osbaldwick Parish Council. A site visit will allow members to understand the nature of the objections raised and put them into context.

1.3 Members need to be aware that the situation surrounding the new HMO use class has changed as a result of a recent ministerial announcement that it is the intention of the new coalition Government to amend the legislation in the near future. Briefly, the new C4 use class would remain, but planning permission would no longer be required to change from Class C3 (dwelling) to Class C4 (HMO). If considered necessary, it would then be open to individual local planning authorities to retain control by designating "Article 4 Directions" in particular areas, which could effectively be used to remove the right to change between the use class C3 and C4 without planning permission being obtained. It is anticipated that this change will come into force in October 2010.

1.4 Such ministerial statements are a material planning consideration, although in the meantime the original legislation remains and the Council still has a number of

"live" applications that are yet to be determined. However, it is likely that even if planning permission is refused, or enforcement action taken in respect of unauthorised HMO's, by October the controls may have been removed altogether. The new Government has indicated a clear change in direction and this clearly cannot be ignored in the making of decisions on individual applications.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

### 2.2 Policies:

CYH8

Conversion to flats/HMO/student accommodation

## **3.0 CONSULTATIONS**

### Internal

3.1 Highway Network Management - It is recommended that details be submitted of car and cycle parking in line with current standards.

3.2 City Development - A policy approach to address and reflect issues around the new C4 use class will take place through the Local Development Framework process. However in considering this planning application consideration should be given to the protection of the character of the area and the amenity of local residents, and the provision of adequate storage for waste recycling and litter collection. The relevant local policies are GP1 (Design) and H8 (Conversions). There are no policy objections to the principle of development.

### External

3.3 Osbaldwick Parish Council - Object to the application and support the concerns raised by local residents. As this is one of the first applications of this type to be dealt with by the Council it is recommended that this Planning Committee deal with it. Objections are raised on the following grounds:

- 1) There is inadequate parking provision which would lead to parking problems for neighbouring properties and verge parking leading to a general deterioration of the street environment;
- 2) Potential for noise and disturbance, HMO's in residential and family neighbourhoods are totally inappropriate and there should be a presumption

against granting planning permission. The lifestyle of student residents is incompatible with that of working families and the many elderly residents and the potential for late night disturbance is unacceptable;

- 3) The change to the character of the neighbourhood is of concern, there are a number of student rental properties in the immediate vicinity and any further increase would bring the street closer to a 'tipping point' whereby the residential amenity for existing long term residents is compromised to such an extent that they simply give up and sell up leaving further properties for student landlords to exploit;
- 4) The potential loss of garden space for parking, rubbish storage etc which would change the character of the area and result in a loss of bio-diversity;
- 5) Change to the character of the area in terms of local amenities such as schools and shops. A local supermarket on Hull Road secured a 24 hour alcohol license to serve the growing student market and the problems of falling school enrolment numbers in students areas is a known problem.
- 6) Allowing family houses to be turned into student houses will add more development pressure to the York Green Belt. There is a strong need for housing for young people, therefore no more houses should be lost to the student let market. The University of York should ensure adequate provision of student accommodation on campus with rent capping to ensure such accommodation is financially attractive.

3.4 Third Parties -Ten letters of objection were received from local residents, the following points were raised:

- four of the eighteen houses on this part of Thirkleby Way are rented properties, this is too high a percentage for a residential area;
- houses in the area have small drives and the road is narrow so there will be parking problems if HMO's are allowed;
- the road is already busy and more traffic would harm the quality of life for residents;
- allowing more student houses will create noise and disturbance for residents;
- the proposed extensions are an overdevelopment of the house;
- loss of ecology and amenity by over-extending the property into the back garden plus the inevitable provision of some parking in the front garden;
- there will be a loss of visual amenity by the likely lack of maintenance of the property and grounds and the extra refuse, which would be generated by transient occupiers;
- gardens in the surrounding area would not be able to be enjoyed;
- overfilled bins could attract vermin;
- more student houses would lower the value of surrounding properties;
- can the drains cope with the extra demand;
- the property would be overcrowded;
- it is not clear on the application form how many bedrooms there would be;

- some of the details on the submitted plans are inaccurate, an internal door has been missed off as has a window;
- there is no designated area for wheelie bins or recycling boxes;
- cars parking across the front garden would be an eyesore, grass verges could be spoilt by visiting cars, which could also hinder visibility from neighbouring driveways;
- 'To Let' signs associated with student houses give streets the appearance of a dormitory suburb;
- the increase in the student population has had a detrimental effect on the community spirit of Osbaldwick as students don't put anything back into the area;
- the property is needed for families.

#### **4.0 APPRAISAL**

4.1 It is considered that the key issues are:

- Principle of development;
- Impact on the character and appearance of the area;
- Impact on the amenities of local residents;
- Car parking; and
- Cycle and bin storage.

4.2 An amendment to the Use Classes Order came into force on 6th April this year whereby a new use class (C4) was introduced. This amendment separates dwellinghouses from houses in multiple occupation, whereby planning permission is required if a single household dwelling is being converted into a property occupied by more than one household and more than two people, including shared houses. There is no new local policy framework, which specifically deals with the recent changes in legislation, however Policy H8 sets out the current criteria by which conversions of houses to HMO's should be assessed.

4.3 Policy H8 states that planning permission will only be granted for the conversion of a house to a HMO where:

- the dwelling is of sufficient size and the internal layout is shown to be suitable for the proposed number of households or occupants and will protect residential amenity for future residents;
- external alterations would not harm the appearance of the area;
- adequate on and off road parking and cycle parking is incorporated;
- it would not create an adverse impact on neighbouring amenity through noise disturbance or residential character by virtue of the conversion alone or cumulatively with a concentration of such uses;
- adequate provision is made for the storage and collection of refuse and recycling.

4.4 The applicant has submitted a revised plan showing that the intention is to convert the three bedroom house into a five bedroom HMO. The three existing upstairs bedrooms would remain as bedrooms, with the two ground floor reception rooms converted to provide two additional bedrooms. The original plan to convert the garage into a sixth bedroom has been removed from the plans. This would leave a garage, kitchen, and downstairs and upstairs bathroom for use by future residents. It is considered that this internal layout is suitable for five occupants in terms of providing a reasonable level of residential amenity. There is an intention to build a

small rear extension in place of the existing workshop to create a larger kitchen/living area, however this is not under consideration as part of this change of use application. The property has a reasonable sized rear garden, which can be used, as outdoor amenity space and there is a garage for storage.

4.5 No external alterations are under consideration as part of this application and therefore the proposal satisfies the second criteria of Policy H8.

4.6 No. 53 Thirkleby Way currently has a driveway, which could accommodate one parked car. This is in line with maximum car parking standards set out in the Local Plan. The existing garage is proposed to be reduced in size to make space for a downstairs shower room; this limits the available off street parking capacity to one car. There are no car parking restrictions on Thirkleby Way and the width of the highway allows cars to be parked on the road side whilst also allowing cars to pass. However, a number of local residents have raised concerns about the visual and highway safety impacts of cars being displaced onto the roadside. Highway Network Management raised no objections on highway safety grounds to the proposed conversion.

4.7 The applicant suggested that the front garden be paved over to allow two vehicles to park off road, however this is considered undesirable from a visual amenity point of view. The house is in a sustainable urban location and occupants would not necessarily require a private car. On balance, it is considered that the provision of just one car parking space would not warrant a reason for refusal based on the fact that any additional residents cars or visitors cars would be required to park on the highway. It is proposed that details of how resident car ownership levels would be controlled be submitted by the applicant for approval by the Local Planning Authority as part of an overall management plan of the property. Such an arrangement could be used to ensure that vehicle numbers generated by the use do not become excessive.

4.7 Information from Council Tax records indicate that there are two registered student houses on Thirkleby Way, although local residents have indicated there are four. There are around 50 houses on Thirkleby Way. At the present time there is no guidance on what would constitute an excessively high concentration of HMO's within an area or on a street. Without such guidance it is difficult to conclude that creating an additional HMO in the street would create an excessively high concentration, which would be detrimental to the area. The area still retains a strong residential character, which is consistent with its suburban location, and there are no obvious indications that the number of HMO's is harmful to the visual character of the area or the way it functions.

4.8 As the potential occupation level of 53 Thirkleby Way is not increasing significantly as a result of the proposed conversion, it is considered that there would not be an increase in noise and disturbance through general comings and goings or through the reasonable occupation of the house. A number of local residents stated that occupiers of HMO's, often assumed to be students, create more noise and disturbance through activities, which are perceived to be less common within family housing. However, it is not the purpose of the planning system to distinguish or make assumptions in relation to different groups of people and it should not be

assumed that future residents would create more noise and disturbance than is likely if the property was owner occupied. Other (non planning) legislation is in place to control issues such as noise or anti-social behaviour.

4.8 No 53 Thirkleby Way has an attached garage built up to the curtilage boundary with number 51. This results in there being no access around the side of the house to the back garden. Therefore it is considered reasonable and necessary that the garage is retained for the purpose of storing bicycles and bins. This will allow bicycles to be stored securely and encourage future residents to choose a sustainable transport mode. Retaining the garage would also allow bins to be stored out of sight from the public realm, which would help to maintain the visual amenity of the street.

4.9 The nature of HMO's is that they tend to be occupied for relatively short periods of time, occupants move on and other tenants move in. This can sometimes create a lack of ownership of the property and its garden areas. It is therefore considered reasonable and necessary to impose a condition relating to the maintenance of the front garden area and the storage of bins away from the front garden. The majority of houses on Thirkleby Way have maintained a "green" front garden area, which adds to the visual character of the area.

4.10 Current guidance published by the Communities and Local Government indicates that C4 houses have permitted development rights. It is recommended that a condition is attached to any approval to remove permitted development rights for this property. Permitted development rights for dwellings would allow significant extensions to the rear of the house and in the roofspace without the need for planning permission. Given that these extensions could create a significant increase in occupancy levels if they were converted to bedrooms it is considered important that the Local Planning Authority retains the ability to control this.

4.11 The applicant has shown on the submitted plans an intention to build an extension at the rear to create a larger communal area. This is not considered as part of this change of use application and the removal of permitted development rights would ensure the Council has control over the design and use of this extension, in the event that the change of use is approved and implemented.

## **5.0 CONCLUSION**

5.1 Subject to suitable conditions the proposal is considered to comply with Policy H8 of the Local Plan and is therefore recommended for approval.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years



2 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 (extensions), B (extension of the roof), C (alterations to the roof), E (erection of outbuildings), and F (hard surfacing) 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.

3 The garage shown on the approved plans shall be retained at all times as a garage for the purposes of bicycle and bin storage, and shall be used for no other purpose without the prior written consent of the Local Planning Authority.

Reason: To enable bicycles to be stored securely and to enable refuse bins to be stored away from the public realm, in the interests of visual amenity.

4 Prior to the commencement of the development hereby approved, a management plan shall be submitted to and approved in writing by the Local Planning Authority, to include arrangements for the regular maintenance of the front garden, the storage of bins and recycling boxes within the site, and controls over the maximum number of residents vehicles. The approved management plan shall be implemented prior to occupation and shall subsequently be adhered to at all times.

Reason: In the interests of visual amenity, the amenity of adjacent occupiers and in order to ensure that there are adequate measures in place to control the number of residents vehicles at the site.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

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

- The principle of development;
- Impact on the character and appearance of the area;
- Impact on the amenities of local residents;
- Car parking; and
- Cycle and bin storage.

As such the proposal complies with Policy H8 of the City of York Development Control Local Plan.

## 2. INFORMATIVE

The submitted plans indicate an intention to erect an extension at the rear of the house for the purpose of creating a larger kitchen/living room. This was not considered as part of the change of use application and therefore this decision notice does not grant permission for its erection.

**Contact details:**

**Author:** Michael Jones Development Control Officer

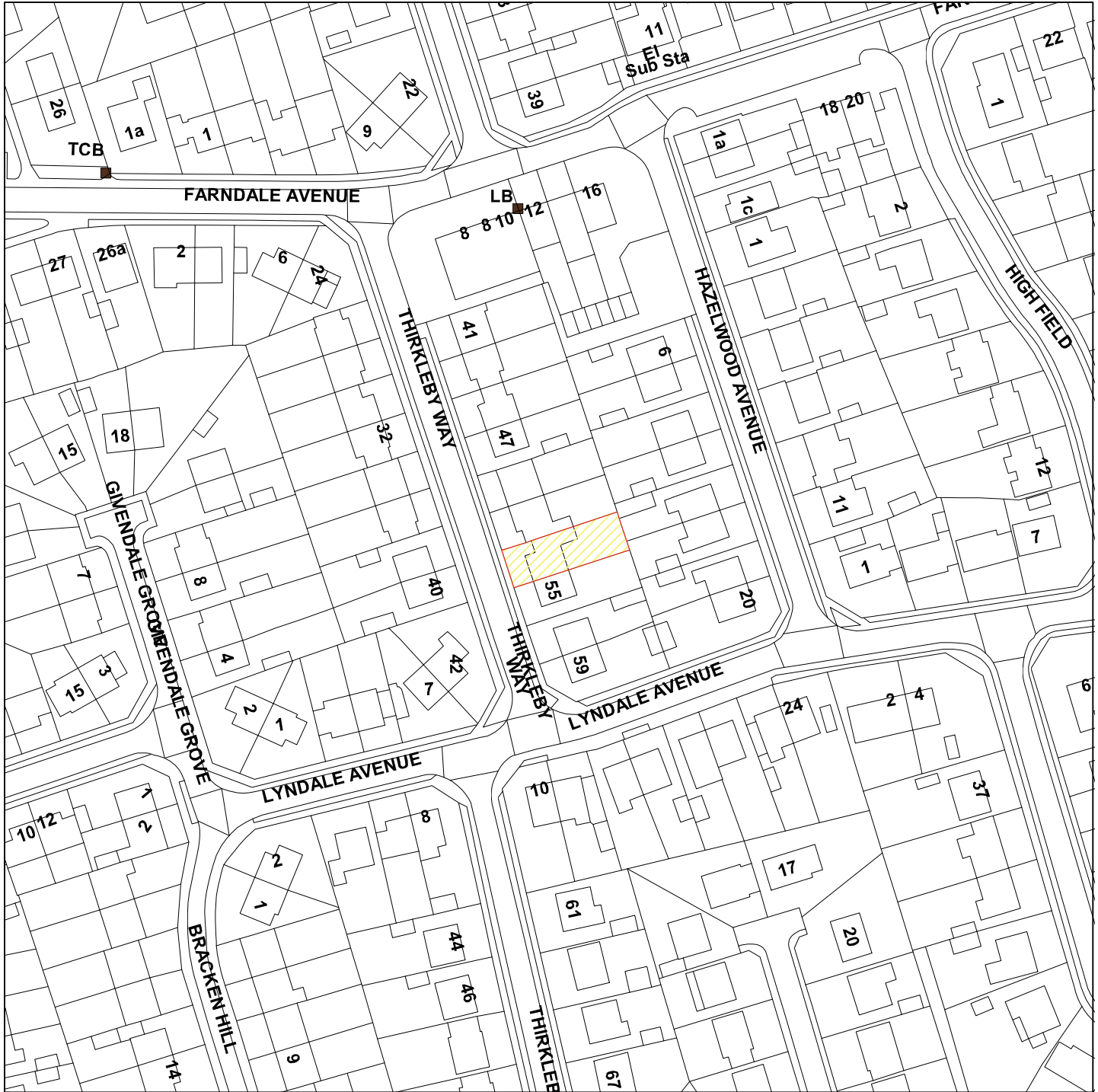
**Tel No:** 01904 551325

# 53 Thirkleby Way

10/00645/FUL



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	28 June 2010
<b>SLA Number</b>	Not Set

05.07.10

**For the attention of:**

Mr J Carr  
Head of Development Control

Dear Mr Carr

**Re: 10/00645/FUL-53, Thirkleby Way, Osbaldwick, York – Application to convert 3 bedroom semi-detached house into a house in multiple occupation (HMO)**

Would you please accept this email/letter as conveying my complete and utter opposition to the establishment of yet another house of multiple occupancy (HMO) in our street, namely number 53.

I have had the opportunity to study the report prepared for the East Area planning committee by Mr Michael Jones in readiness for their meeting on July 7<sup>th</sup> 2010, when the application in regard to No.53, Thirkleby way will be considered. Arising from this, I think it very important to initially set the scene out accurately (as it actually is) before going any further.

Mr Jones makes reference in his report to there being 50 houses in Thirkleby Way. This is however both unhelpful and misleading to the committee when they come to deliberate on the issue. In all but name, Thirkleby Way constitutes three completely separate entities both physically and as independently identifiable communities. Their common title appears to be a simple quirk of their building history. It is much simpler to refer to them (A) / (B) & (C) sectors of Thirkleby Way with the middle section (B) being the relevant sector this case.

It is also most important to clarify the facts regarding existing HMO,s in our street (B) section. There are multiple occupancies at numbers 26 / 45 / 49 with occupancy levels of 4 - 5 & 6 respectively. The conversion of No. 53 would mean that there would be four HMO's (in a short street of just 9 semi-detached family houses. Add to this the fact that No.55 could well follow suite (the occupants, Mr & Mrs Helme feel they are being driven out) and you can see the scale of the problem for our small community.

My initial reaction to the report by Mr Jones is to marvel at its breathtaking complacency! It just seems that at a time when local residents are sick to their stomachs with worry regarding the future of their homes and the community they have lived in for many years, your department comes up with this anodyne, ill researched & cliché ridden document. Tiptoeing around and even avoiding issues that are very serious and real to us, issues which, if wrongly handled, some of us will have to live with for the rest of our natural lives and yet, despite all this, it has the affrontary recommend approval.

One particular aspect of this document in the appraisal section I found quite staggering! Namely the suggestion that parking was not a problem in our street (B) section of Thirkleby Way; nothing could be further from the truth!!

If the application for No.53 were to be approved, it would mean that 3 of the HMO's would be on the same side of the street. The very side which incorporates the limited car park and loading bay for Sainsbury's Local, one of the busiest stores on the east side of York. The store opens from 6am and remains open for 17hours, every day, seven days a week 364 days a year, selling grocery's, alcohol, tobacco, lottery tickets and even providing cash facilities from an ATM machine.

At any one time, there is an overflow of customer and staff vehicles into our street, constantly outside my own home but at certain peak periods this can stretch half way up the street making it difficult at times to get our own cars in and out of our drives.

The loading bay is another issue and the result of another classic planning debacle. Just 8 feet from a domestic dwelling house and sighted so far forward that these very large lorries block off the entire pavement and at least half the roadway for lengthy periods forcing mothers with prams, invalidity vehicles and young children into the roadway with all the dangers that involves. At these times, even other vehicles have to re-route and combined with constant and dangerous parking practices all around the end of our street and the junction with Farndale Ave, you can see this is no ordinary quiet suburban street but constantly busy shopping traffic. We have raised the problems time and time again, even through our Parish Council but all to no avail and the idea that some body, namely the Highway Network Management, has our best interests at heart is nonsense! We have never seen or heard of them and to place any credence in anything they may or may not have objected to, as Mr Jones appears to-do in pursuit of a justification for his "recommendation to approve" is a double nonsense.

What is more startling is the fact that none of the fore-going vital information is even hinted at in the 'report'. How on earth can right thinking person take the report seriously and how can the planning committee come to a fair and informed decision on the basis of its contents. A potential of a number of extra vehicles just seven doors up from this car park and loading bay is the very last thing we need. One of the main difficulties in all this is the fact that no face to face personal consultations have taken place, not at any stage, just an exchange of emails/letters and the rest appears to have been an academic exercise in pursuit of the all important "recommend acceptance". From what we can gather, any fact finding visits have been limited to periods involving daytime hours during the working week. This is of course pointless as communities only come into their own during the evenings and at weekends, not when most of the residents are either at work, at university or at school.

We do not, under any circumstances, want another HMO in (B) sector of Thirkleby Way. It's true to say we have more than our fair share already and any addition would constitute an excessively high concentration for small street like ours. But, however, there lies the problem! On the reports own admission, the Council and or the planning committee have no policy/strategy for deciding what constitutes an excessive concentration HMO's in any given situation. Mr Jones concludes that in the absence of any such policy or in his words guidance, "it is difficult to conclude that creating an additional HMO in the street would create an excessively high concentration, which would be detrimental to the area" but by the same logic it is just as difficult to conclude that it would not. It all depends on just how you view the issue, and certainly the latter logic would be less than helpful if you were looking to produce an argument in favour approval. Surely, in such a dilemma the status quo should prevail.

It seems to me that the entire report has been approached from the point of view of finding a final conclusion that approval should be sought and from therein, the appraisal developed around that theme. A kind of mindset that believes it is bound to be approved, they always are!

I suppose the simple and yet brutal truth is simply that the residents as council tax paying citizens of York are basically cynical. They are pre-conditioned by the harsh experience of what they see all over the east side of York and I give just 3 examples:-

- (1) Badger Hill in general and Yarborough Way, specifically No's 41/43/45 (simply a residential slum)
- (2) Birstow Ave: - 16 HMO's out of 62 houses and now only six children left in the entire avenue
- (3) The house on the corner of Hull Rd. and Green Dykes Lane, No 32 I believe. A complete disgrace to the City of York

All three of these eyesores must have had, at some point, recommendations for approval attached to them in the beginning. It beggars belief. All the local residents see these disasters on a regular basis and it is little wonder they are cynical. They simply have no confidence in the planning procedures in this City.

Evidence all about them shows clearly that neither the planning committee nor its planning officers have any record what so ever of ever having had any kind of control over the steady and constant growth of HMO's in the community and the foregoing examples are testament to that fact.

We can't go on for ever hiding behind central governments policies, ministerial announcements or possible amendments to present legislation and take responsibility for and control of our own problems. As a planning authority, we should take control by designating " Article 4 Directions " for the eastern area of York as would ,I believe, be open to us to use to remove the automatic right to change between family houses to HMO's without planning permission. I understand these changes should be coming about late this year.

In the meantime imminent case should be put on hold whilst a public meeting is held with the residents of the area along with perhaps our MP's and representation from York University. In this way any subsequent policies adopted to manage and control the constant spread of HMO's can be based on factual information and grass root concerns.

In the meantime, I implore you to take note of the sector (B) of Thirkleby Way's communities plea's not to impose yet another HMO on us by approving this application for No.53.

One other point needs making with regard to the bigger picture, and that is that what ever the final outcome in this matter, it will not be the last word! As sure as night follows day, the issue of the inexorable uncontrolled spread these HMO's will not just go away and is bound to figure hugely in future local elections, certainly so in the eastern wards.

Yours sincerely

Laurence Pye

41 Thirkleby Way  
Osbaldwick  
York  
YO10 3QA

Item 5c 53 Thirkleby Way

As the date of your meeting has been brought forward, I am unable to attend as I will still be on my way back from being on holiday when you meet. Obviously I will also be unable to attend the site visit but hope that members will be able to visit and see for themselves that Thirkleby Way is in sections, and that the proposed development is situated on a section of Thirkleby Way which consists of 19 or so houses.

There is a discrepancy between the registered numbers of student houses (for council tax) purposes and residents' perceptions of the concentration of student houses. I am obviously unable to use the electoral register data to assist, but I have recently conducted a house to house survey of Thirkleby Avenue and must say that my impression is that the residents' remarks are closer to the mark than the official data.

Clearly we all have an interest in achieving a balanced community and that it is not desirable for a residential community consisting of "family houses" to be over populated by houses in multiple occupation, whoever their occupants are. It seems to me that this danger is exacerbated by the nature of this particular property which is joined up to its neighbouring properties on either side thus increasing the impact of the proposed use upon its neighbours. The impact on the street scene would certainly be affected by the possibility of using the garden area for parking and I would be concerned, if the application were granted, that this possibility is avoided, even if, as is likely, this has a knock-on effect upon the parking arrangements in the street.

Residents' opposition to this proposal and proposals of this type are more widely and passionately held than that demonstrated by the letters of objection and the Parish Council are concerned that this application, if granted, could become a precedent for future applications. This has been somewhat overtaken by policy changes set out in the report but I have commented to the Parish Council as I have argued to you that each case should be looked at on its merits and, for the reasons I have given, I believe this is not a suitable location for another house in multiple occupation.

I appreciate that the officer has done what he can by way of condition to mitigate against potential effects of the application being granted. You may decide that the safer course is to refuse the application.

Student Households as at 09/03/2010

Parish Name ( if Outside Original CYC boundary )	Street	Nos. of Exemptions
Acaster Malbis	Intake Lane	1
Acaster Malbis		1
Askham Bryan	Askham Bryan	3
Askham Bryan		3
Bishopthorpe	Appleton Road	1
Bishopthorpe	Chantry Lane	1
Bishopthorpe		2
Clifton Without	Beaverdyke	1
Clifton Without	Brailsford Crescent	1
Clifton Without	Longwood Road	2
Clifton Without	Rainsborough Way	1
Clifton Without	Rawcliffe Drive	1
Clifton Without		6
Copmanthorpe	Learmans Way	1
Copmanthorpe	Malbys Grove	1
Copmanthorpe	Moor Lane	1
Copmanthorpe		3
Dunnington	Kendal Close	1
Dunnington		1
Elvington	Main Street	1
Elvington		1
Fulford	Cherrywood Crescent	1
Fulford	Heslington Croft	1
Fulford	Heslington Lane	6
Fulford	Low Moor Avenue	2
Fulford	Main Street	7
Fulford	Pasture Farm Close	1
Fulford	Prospect Terrace	5
Fulford	School Lane	1
Fulford	St Oswalds Court	1
Fulford	Tilmire Close	2
Fulford		27
Haxby Town Council	Mancroft	1
Haxby Town Council	Greenshaw Drive	1
Haxby Town Council	Parkland Way	1
Haxby Town Council		3
Heslington	Field Lane	1
Heslington	Garrowby Way	65
Heslington	Hall Park	1
Heslington	Heslington Lane	2
Heslington	Main Street	5
Heslington	Mchugh Court	22
Heslington	Peel Close	6



Heslington	Spring Lane	5
Heslington	The Crescent	4
Heslington	Turners Croft	5
Heslington	University Of York	9
Heslington	Westmoor Lane	14
Heslington		139
Heworth Without	Bramley Garth	1
	Hazel Garth	1
Heworth Without		2
Huntington	Abbots Gait	1
Huntington	Alexander Avenue	1
Huntington	Broome Close	1
Huntington	Darwin Close	1
Huntington	Huntington Road	4
Huntington	Waterdale Park	1
Huntington		9
Murton	Cavendish Grove	1
Murton	Hull Road	4
Murton	Tranby Avenue	3
Murton		8
Naburn	St Matthews Close	1
Naburn		1
Nether Poppleton	Hillcrest Avenue	1
Nether Poppleton		1
New Earswick	Alder Way	1
New Earswick	Ivy Place	1
New Earswick	Poplar Grove	1
New Earswick	Rowan Avenue	1
New Earswick	White Rose Avenue	2
New Earswick	Willow Bank	2
New Earswick		8
Osballdwick	Alvis Grove	1
Osballdwick	Beckett Drive	6
Osballdwick	Bransdale Crescent	1
Osballdwick	Church Road	1
Osballdwick	Farndale Avenue	1
Osballdwick	Heather Bank	1
Osballdwick	Hull Road	1
Osballdwick	Kirkdale Road	1
Osballdwick	Meadowbeck Close	1
Osballdwick	Meam Close	1
Osballdwick	Moatfield	3
Osballdwick	Moins Court	2
Osballdwick	Osballdwick Lane	2
Osballdwick	Osballdwick Village	1
Osballdwick	Redbarn Drive	8
Osballdwick	The Leyes	2
Osballdwick	Thirkleby Way	2
Osballdwick	Tranby Avenue	3
Osballdwick	Vicarage Gardens	2
Osballdwick	Wensleydale Drive	1

Osbaldwick	Wydale Road	1
Osbaldwick	Yew Tree Mews	1
Osbaldwick		43
Rawcliffe	Gillingwood Road	1
Rawcliffe	Shipton Road	2
Rawcliffe		3
Skelton	Brecksfield	1
Skelton		1
Stockton on the Forest	Stone Riggs	1
Stockton on the Forest		1
Strensall	Middlecroft Drive	1
Strensall	Northfields	1
Strensall	Royston Close	1
Strensall		3
Towthorpe	Kirklands	1
Towthorpe		1
Wigginton	Helmsley Grove	1
Wigginton		1
York City Council (Unparished)	Abbotsford Road	10
York City Council (Unparished)	Agar Street	2
York City Council (Unparished)	Albemarle Road	5
York City Council (Unparished)	Alcuin Avenue	15
York City Council (Unparished)	Aldreth Grove	2
York City Council (Unparished)	Aldwark	3
York City Council (Unparished)	Alma Grove	1
York City Council (Unparished)	Alma Terrace	7
York City Council (Unparished)	Alne Terrace	3
York City Council (Unparished)	Amber Street	3
York City Council (Unparished)	Ambleside Avenue	1
York City Council (Unparished)	Ambrose Street	22
York City Council (Unparished)	Anson Drive	4
York City Council (Unparished)	Apollo Court	1
York City Council (Unparished)	Argyle Street	1
York City Council (Unparished)	Arthur Street	7
York City Council (Unparished)	Arundel Grove	1
York City Council (Unparished)	Ascot Way	2
York City Council (Unparished)	Ashford Place	2
York City Council (Unparished)	Ashton Avenue	1
York City Council (Unparished)	Ashville Street	3
York City Council (Unparished)	Asquith Avenue	3
York City Council (Unparished)	Avenue Terrace	2
York City Council (Unparished)	Bad Bargain Lane	7
York City Council (Unparished)	Baildon Close	1
York City Council (Unparished)	Baile Hill Terrace	2
York City Council (Unparished)	Baker Street	7
York City Council (Unparished)	Balmoral Terrace	3
York City Council (Unparished)	Barbican Gate	4
York City Council (Unparished)	Barbican Mews	5
York City Council (Unparished)	Barbican Road	16
York City Council (Unparished)	Barkston Close	1
York City Council (Unparished)	Barmby Avenue	1

York City Council (Unparished)	Barstow Avenue	6
York City Council (Unparished)	Beaconsfield Street	1
York City Council (Unparished)	Beaufort Close	1
York City Council (Unparished)	Beckside Gardens	6
York City Council (Unparished)	Beech Avenue	1
York City Council (Unparished)	Beech Avenue	1
York City Council (Unparished)	Belgrave Street	1
York City Council (Unparished)	Belle Vue Street	7
York City Council (Unparished)	Beverley Gardens	1
York City Council (Unparished)	Bewlay Street	1
York City Council (Unparished)	Bishopfields Drive	4
York City Council (Unparished)	Bishopfields Drive	4
York City Council (Unparished)	Bishophill Senior	2
York City Council (Unparished)	Bishops Court	1
York City Council (Unparished)	Bishopthorpe Road	13
York City Council (Unparished)	Bismarck Street	2
York City Council (Unparished)	Black Horse Lane	5
York City Council (Unparished)	Blakeney Place	8
York City Council (Unparished)	Blue Bridge Lane	1
York City Council (Unparished)	Bootham	2
York City Council (Unparished)	Bootham Row	3
York City Council (Unparished)	Bootham Terrace	2
York City Council (Unparished)	Bowling Green Court	1
York City Council (Unparished)	Brentwood Crescent	2
York City Council (Unparished)	Briggs Street	1
York City Council (Unparished)	Brinkworth Terrace	6
York City Council (Unparished)	Broadway	16
York City Council (Unparished)	Broadway West	2
York City Council (Unparished)	Broughton Way	2
York City Council (Unparished)	Browney Croft	1
York City Council (Unparished)	Brownlow Street	11
York City Council (Unparished)	Brunswick Street	4
York City Council (Unparished)	Buckingham Court	1
York City Council (Unparished)	Buckingham Street	1
York City Council (Unparished)	Burlington Avenue	3
York City Council (Unparished)	Burnholme Drive	1
York City Council (Unparished)	Burnholme Grove	4
York City Council (Unparished)	Burniston Grove	3
York City Council (Unparished)	Burton Stone Lane	12
York City Council (Unparished)	Butcher Terrace	2
York City Council (Unparished)	Byland Avenue	1
York City Council (Unparished)	Cameron Grove	2
York City Council (Unparished)	Carey Street	2
York City Council (Unparished)	Carlton Avenue	11
York City Council (Unparished)	Carr Lane	3
York City Council (Unparished)	Carter Avenue	2
York City Council (Unparished)	Cemetery Road	10
York City Council (Unparished)	Chaloners Road	5
York City Council (Unparished)	Chapelfields Road	3
York City Council (Unparished)	Charlton Street	2
York City Council (Unparished)	Chaucer Street	2
York City Council (Unparished)	Cherry Hill Lane	1
York City Council (Unparished)	Cherry Lane	1
York City Council (Unparished)	Claremont Terrace	6
York City Council (Unparished)	Clarence Street	8
York City Council (Unparished)	Clementhorpe	1
York City Council (Unparished)	Cleveland Street	1
York City Council (Unparished)	Clifton	4

York City Council (Unparished)	Clive Grove	2
York City Council (Unparished)	Cole Street	1
York City Council (Unparished)	Colenso Street	1
York City Council (Unparished)	College Mews	2
York City Council (Unparished)	Constantine Avenue	9
York City Council (Unparished)	Cornborough Avenue	2
York City Council (Unparished)	Cornlands Road	2
York City Council (Unparished)	Cosmo Avenue	3
York City Council (Unparished)	Crichton Avenue	1
York City Council (Unparished)	Crombie Avenue	6
York City Council (Unparished)	Cromer Street	10
York City Council (Unparished)	Cromwell Road	1
York City Council (Unparished)	Crossways	14
York City Council (Unparished)	Curzon Terrace	3
York City Council (Unparished)	Cycle Street	5
York City Council (Unparished)	Dale Street	2
York City Council (Unparished)	Dales Lane	1
York City Council (Unparished)	Dalton Terrace	1
York City Council (Unparished)	Danum Drive	10
York City Council (Unparished)	Daysfoot Court	1
York City Council (Unparished)	Del Pyke	5
York City Council (Unparished)	Deramore Drive	5
York City Council (Unparished)	Deramore Drive West	1
York City Council (Unparished)	Derwent Road	1
York City Council (Unparished)	Diamond Street	9
York City Council (Unparished)	Dixon Lane	2
York City Council (Unparished)	Dixons Yard	2
York City Council (Unparished)	Dodsworth Avenue	7
York City Council (Unparished)	Dudley Mews	1
York City Council (Unparished)	Dudley Street	3
York City Council (Unparished)	Earle Street	2
York City Council (Unparished)	East Mount Road	3
York City Council (Unparished)	East Parade	12
York City Council (Unparished)	Eastfield Court	2
York City Council (Unparished)	Eastfield Crescent	11
York City Council (Unparished)	Eboracum Way	3
York City Council (Unparished)	Eden Close	1
York City Council (Unparished)	Eighth Avenue	1
York City Council (Unparished)	Eldon Street	20
York City Council (Unparished)	Eldon Terrace	7
York City Council (Unparished)	Elvington Terrace	4
York City Council (Unparished)	Emerald Street	4
York City Council (Unparished)	Emmerson Street	2
York City Council (Unparished)	Endfields Road	1
York City Council (Unparished)	Escrick Street	2
York City Council (Unparished)	Ety Avenue	5
York City Council (Unparished)	Evelyn Crescent	1
York City Council (Unparished)	Faber Street	1
York City Council (Unparished)	Fairfax Street	3
York City Council (Unparished)	Falconer Street	1
York City Council (Unparished)	Falsgrave Crescent	1
York City Council (Unparished)	Farndale Street	5
York City Council (Unparished)	Farrar Street	13
York City Council (Unparished)	Fawcett Street	4
York City Council (Unparished)	Fenwick Street	1
York City Council (Unparished)	Fetter Lane	1
York City Council (Unparished)	Feversham Crescent	7
York City Council (Unparished)	Fewster Way	2

York City Council (Unparished)	Field Lane	1
York City Council (Unparished)	Fifth Avenue	19
York City Council (Unparished)	Filey Terrace	1
York City Council (Unparished)	Finsbury Street	1
York City Council (Unparished)	Fishergate	3
York City Council (Unparished)	Fitzroy Terrace	1
York City Council (Unparished)	Flaxman Avenue	4
York City Council (Unparished)	Fleming Avenue	1
York City Council (Unparished)	Forest Way	1
York City Council (Unparished)	Forth Street	1
York City Council (Unparished)	Foss Islands Road	3
York City Council (Unparished)	Fossgate	1
York City Council (Unparished)	Fossway	3
York City Council (Unparished)	Fountayne Street	6
York City Council (Unparished)	Fourth Avenue	16
York City Council (Unparished)	Foxthorn Paddock	4
York City Council (Unparished)	Frances Street	15
York City Council (Unparished)	Front Street	2
York City Council (Unparished)	Fulford Place	9
York City Council (Unparished)	Fulford Road	13
York City Council (Unparished)	Garden Way	1
York City Council (Unparished)	Garnet Terrace	1
York City Council (Unparished)	Garrow Hill Avenue	3
York City Council (Unparished)	Garth Terrace	7
York City Council (Unparished)	George Court	1
York City Council (Unparished)	George Street	2
York City Council (Unparished)	Gerard Avenue	1
York City Council (Unparished)	Giles Avenue	4
York City Council (Unparished)	Gillygate	4
York City Council (Unparished)	Gladstone Street	1
York City Council (Unparished)	Glen Avenue	1
York City Council (Unparished)	Glen Road	3
York City Council (Unparished)	Goodramgate	1
York City Council (Unparished)	Gordon Street	11
York City Council (Unparished)	Grange Garth	1
York City Council (Unparished)	Grange Street	1
York City Council (Unparished)	Grantham Drive	1
York City Council (Unparished)	Grants Avenue	2
York City Council (Unparished)	Granville Terrace	8
York City Council (Unparished)	Grape Lane	1
York City Council (Unparished)	Gray Street	1
York City Council (Unparished)	Green Dykes Lane	7
York City Council (Unparished)	Greycliffe Drive	1
York City Council (Unparished)	Grosvenor Terrace	1
York City Council (Unparished)	Grove Terrace Lane	1
York City Council (Unparished)	Hadrian Avenue	6
York City Council (Unparished)	Haleys Terrace	1
York City Council (Unparished)	Hallfield Road	6
York City Council (Unparished)	Hambleton Terrace	2
York City Council (Unparished)	Hammerton Close	1
York City Council (Unparished)	Hanover Street West	1
York City Council (Unparished)	Harcourt Street	6
York City Council (Unparished)	Harington Avenue	2
York City Council (Unparished)	Hartoft Street	8
York City Council (Unparished)	Hawthorn Grove	1
York City Council (Unparished)	Haxby Road	17
York City Council (Unparished)	Heathfield Road	2
York City Council (Unparished)	Hempland Lane	1

York City Council (Unparished)	Herbert Street	3
York City Council (Unparished)	Heslington Lane	9
York City Council (Unparished)	Heslington Road	45
York City Council (Unparished)	Hewley Avenue	1
York City Council (Unparished)	Heworth Croft	2
York City Council (Unparished)	Heworth Green	6
York City Council (Unparished)	Heworth Place	3
York City Council (Unparished)	Heworth Road	2
York City Council (Unparished)	Heworth Village	3
York City Council (Unparished)	High Newbiggin Street	1
York City Council (Unparished)	Hillcrest Gardens	1
York City Council (Unparished)	Hillsborough Terrace	1
York City Council (Unparished)	Holgate Road	7
York City Council (Unparished)	Holly Bank Grove	1
York City Council (Unparished)	Holly Terrace	1
York City Council (Unparished)	Hornby Court	5
York City Council (Unparished)	Horner Street	5
York City Council (Unparished)	Horsman Avenue	3
York City Council (Unparished)	Hospital Field Road	10
York City Council (Unparished)	Hothams Court	1
York City Council (Unparished)	Howard Street	2
York City Council (Unparished)	Howe Hill Road	1
York City Council (Unparished)	Howe Street	1
York City Council (Unparished)	Hull Road	57
York City Council (Unparished)	Huntington Mews	2
York City Council (Unparished)	Huntington Road	15
York City Council (Unparished)	Hyrst Grove	1
York City Council (Unparished)	Ingleborough Avenue	3
York City Council (Unparished)	Irwin Avenue	3
York City Council (Unparished)	Jackson Street	1
York City Council (Unparished)	Jewbury	1
York City Council (Unparished)	Kempton Close	1
York City Council (Unparished)	Kensal Rise	1
York City Council (Unparished)	Kexby Avenue	6
York City Council (Unparished)	Kilburn Road	1
York City Council (Unparished)	Kimberlow Woods Hill	1
York City Council (Unparished)	Kinbrace Drive	1
York City Council (Unparished)	Kingsway North	4
York City Council (Unparished)	Kingsway West	1
York City Council (Unparished)	Kitchener Street	3
York City Council (Unparished)	Knavesmire Crescent	2
York City Council (Unparished)	Lady Anne Court	4
York City Council (Unparished)	Lamel Street	12
York City Council (Unparished)	Lang Avenue	3
York City Council (Unparished)	Lansdowne Terrace	5
York City Council (Unparished)	Lastingham Terrace	1
York City Council (Unparished)	Lawrence Square	16
York City Council (Unparished)	Lawrence Street	49
York City Council (Unparished)	Layrthorpe	2
York City Council (Unparished)	Leeman Road	2
York City Council (Unparished)	Leeside	1
York City Council (Unparished)	Lendal	5
York City Council (Unparished)	Lesley Avenue	3
York City Council (Unparished)	Leyland Road	1
York City Council (Unparished)	Lilac Avenue	8
York City Council (Unparished)	Lilbourne Drive	1
York City Council (Unparished)	Limes Court	2
York City Council (Unparished)	Lindley Street	1

York City Council (Unparished)	Lockwood Street	5
York City Council (Unparished)	Longfield Terrace	1
York City Council (Unparished)	Lord Mayors Walk	1
York City Council (Unparished)	Low Ousegate	3
York City Council (Unparished)	Low Petergate	2
York City Council (Unparished)	Lower Darnborough Street	1
York City Council (Unparished)	Lower Ebor Street	2
York City Council (Unparished)	Lowther Mews	1
York City Council (Unparished)	Lowther Street	15
York City Council (Unparished)	Lowther Terrace	1
York City Council (Unparished)	Lumley Road	1
York City Council (Unparished)	Maida Grove	1
York City Council (Unparished)	Main Avenue	6
York City Council (Unparished)	Malham Grove	1
York City Council (Unparished)	Malton Avenue	1
York City Council (Unparished)	Malton Road	2
York City Council (Unparished)	Maple Grove	1
York City Council (Unparished)	Maplehurst Avenue	2
York City Council (Unparished)	Market Street	1
York City Council (Unparished)	Markham Crescent	5
York City Council (Unparished)	Markham Street	4
York City Council (Unparished)	Marlborough Grove	7
York City Council (Unparished)	Marygate Lane	1
York City Council (Unparished)	Melbourne Court	5
York City Council (Unparished)	Melbourne Street	6
York City Council (Unparished)	Melrosegate	15
York City Council (Unparished)	Merchants Gate	1
York City Council (Unparished)	Micklegate	7
York City Council (Unparished)	Middleham Avenue	1
York City Council (Unparished)	Middlethorpe	1
York City Council (Unparished)	Middleton Road	1
York City Council (Unparished)	Mill Lane	3
York City Council (Unparished)	Millfield Lane	18
York City Council (Unparished)	Milson Grove	2
York City Council (Unparished)	Milton Street	13
York City Council (Unparished)	Monk Bar Court	2
York City Council (Unparished)	Monkgate	6
York City Council (Unparished)	Monkgate Cloisters	2
York City Council (Unparished)	Monkton Road	1
York City Council (Unparished)	Montague Street	1
York City Council (Unparished)	Monument Close	1
York City Council (Unparished)	Moorcroft Road	1
York City Council (Unparished)	Moorland Road	3
York City Council (Unparished)	Moss Street	2
York City Council (Unparished)	Mount Vale	1
York City Council (Unparished)	Nelson Street	3
York City Council (Unparished)	Neville Street	9
York City Council (Unparished)	Neville Terrace	8
York City Council (Unparished)	Nevinson Grove	2
York City Council (Unparished)	Newborough Street	12
York City Council (Unparished)	Newby Terrace	2
York City Council (Unparished)	Newland Park Drive	19
York City Council (Unparished)	Nicholas Gardens	11
York City Council (Unparished)	Nicholas Street	16
York City Council (Unparished)	Ninth Avenue	4
York City Council (Unparished)	Norman Street	14
York City Council (Unparished)	Nunmill Street	1
York City Council (Unparished)	Nunnery Lane	6

York City Council (Unparished)	Nunthorpe Gardens	1
York City Council (Unparished)	Nunthorpe Road	2
York City Council (Unparished)	Oakland Avenue	1
York City Council (Unparished)	Oakville Street	1
York City Council (Unparished)	Ogleforth	1
York City Council (Unparished)	Olympian Court	43
York City Council (Unparished)	Osaldwick Lane	13
York City Council (Unparished)	Ouseacres	1
York City Council (Unparished)	Ouseburn Avenue	1
York City Council (Unparished)	Ovington Terrace	1
York City Council (Unparished)	Owston Avenue	3
York City Council (Unparished)	Parade Court	3
York City Council (Unparished)	Paragon Street	3
York City Council (Unparished)	Park Crescent	2
York City Council (Unparished)	Park Grove	7
York City Council (Unparished)	Park Street	3
York City Council (Unparished)	Pear Tree Court	1
York City Council (Unparished)	Pembroke Street	1
York City Council (Unparished)	Penleys Grove Street	6
York City Council (Unparished)	Percys Lane	3
York City Council (Unparished)	Peter Lane	4
York City Council (Unparished)	Pheasant Drive	1
York City Council (Unparished)	Philadelphia Terrace	1
York City Council (Unparished)	Phoenix Boulevard	2
York City Council (Unparished)	Piccadilly	3
York City Council (Unparished)	Pinsent Court	4
York City Council (Unparished)	Plantation Drive	1
York City Council (Unparished)	Pond Garth	3
York City Council (Unparished)	Poplar Street	1
York City Council (Unparished)	Postern Close	1
York City Council (Unparished)	Pottery Lane	1
York City Council (Unparished)	Princess Drive	3
York City Council (Unparished)	Priory Street	4
York City Council (Unparished)	Queen Annes Road	1
York City Council (Unparished)	Queen Victoria Street	7
York City Council (Unparished)	Railway Terrace	1
York City Council (Unparished)	Ramsay Close	88
York City Council (Unparished)	Ratcliffe Street	7
York City Council (Unparished)	Rawcliffe Lane	1
York City Council (Unparished)	Rawdon Avenue	4
York City Council (Unparished)	Redgrave Close	3
York City Council (Unparished)	Regent Street	2
York City Council (Unparished)	Rockingham Avenue	4
York City Council (Unparished)	Rogers Court	1
York City Council (Unparished)	Rose Street	7
York City Council (Unparished)	Rosemary Court	1
York City Council (Unparished)	Rosemary Place	1
York City Council (Unparished)	Rougier Terrace	1
York City Council (Unparished)	Rowntree Avenue	1
York City Council (Unparished)	Ruby Street	2
York City Council (Unparished)	Sails Drive	4
York City Council (Unparished)	Sandringham Street	2
York City Council (Unparished)	Saxon Place	4
York City Council (Unparished)	Scaife Gardens	2
York City Council (Unparished)	Scaife Street	1
York City Council (Unparished)	Scarborough Terrace	3
York City Council (Unparished)	Scarcroft Hill	2
York City Council (Unparished)	Scarcroft Road	7



York City Council (Unparished)	Scott Street	2
York City Council (Unparished)	Scrope Avenue	1
York City Council (Unparished)	Second Avenue	3
York City Council (Unparished)	Seventh Avenue	5
York City Council (Unparished)	Shipton Street	2
York City Council (Unparished)	Siward Street	29
York City Council (Unparished)	Sixth Avenue	4
York City Council (Unparished)	Skeldergate	17
York City Council (Unparished)	South Bank Avenue	3
York City Council (Unparished)	South Bank Avenue	1
York City Council (Unparished)	Southlands Road	2
York City Council (Unparished)	Spalding Avenue	1
York City Council (Unparished)	Speculation Street	4
York City Council (Unparished)	St Andrewgate	1
York City Council (Unparished)	St Benedict Road	1
York City Council (Unparished)	St Clements Grove	1
York City Council (Unparished)	St Gregory'S Mews	1
York City Council (Unparished)	St Hildas Mews	1
York City Council (Unparished)	St Hildas Terrace	3
York City Council (Unparished)	St James Croft	1
York City Council (Unparished)	St John Street	14
York City Council (Unparished)	St Johns Crescent	1
York City Council (Unparished)	St Martins Lane	2
York City Council (Unparished)	St Marys	4
York City Council (Unparished)	St Maurices Road	2
York City Council (Unparished)	St Olaves Road	1
York City Council (Unparished)	St Pauls Terrace	1
York City Council (Unparished)	St Peters Court	1
York City Council (Unparished)	St Stephens Road	1
York City Council (Unparished)	Stanley Street	9
York City Council (Unparished)	Starkey Crescent	9
York City Council (Unparished)	Stephenson Way	1
York City Council (Unparished)	Sterne Avenue	5
York City Council (Unparished)	Stonegate Court	2
York City Council (Unparished)	Surtees Street	2
York City Council (Unparished)	Sussex Close	1
York City Council (Unparished)	Sussex Road	2
York City Council (Unparished)	Sutherland Street	4
York City Council (Unparished)	Sutton Way	1
York City Council (Unparished)	Swale Avenue	1
York City Council (Unparished)	Sycamore Terrace	1
York City Council (Unparished)	Tadcaster Road	1
York City Council (Unparished)	Tang Hall Lane	40
York City Council (Unparished)	Tanner Row	2
York City Council (Unparished)	Tarbert Crescent	1
York City Council (Unparished)	Tedder Road	1
York City Council (Unparished)	Telford Terrace	2
York City Council (Unparished)	Temple Avenue	17
York City Council (Unparished)	Temple Villas	3
York City Council (Unparished)	The Crescent	1
York City Council (Unparished)	The Crossway	1
York City Council (Unparished)	The Green	1
York City Council (Unparished)	The Link	2
York City Council (Unparished)	The Mount	1
York City Council (Unparished)	Thief Lane	32
York City Council (Unparished)	Third Avenue	5
York City Council (Unparished)	Thomas Street	2
York City Council (Unparished)	Thorpe Street	2

York City Council (Unparished)	Toft Green	2
York City Council (Unparished)	Townend Street	2
York City Council (Unparished)	Trafalgar Street	4
York City Council (Unparished)	Trent Way	1
York City Council (Unparished)	Trinity Lane	2
York City Council (Unparished)	Tuke Avenue	3
York City Council (Unparished)	Upper Newborough Street	6
York City Council (Unparished)	Upper Price Street	1
York City Council (Unparished)	Vanbrugh Drive	4
York City Council (Unparished)	Vincent Way	1
York City Council (Unparished)	Vine Street	8
York City Council (Unparished)	Vyner Street	2
York City Council (Unparished)	Wains Road	9
York City Council (Unparished)	Walmgate	9
York City Council (Unparished)	Walpole Street	2
York City Council (Unparished)	Warwick Street	1
York City Council (Unparished)	Water End	1
York City Council (Unparished)	Waynefleet Grove	22
York City Council (Unparished)	Wellington Street	13
York City Council (Unparished)	Wenlock Terrace	1
York City Council (Unparished)	Westfield Drive	2
York City Council (Unparished)	Westwood Terrace	1
York City Council (Unparished)	Wetherby Road	2
York City Council (Unparished)	Whernside Avenue	1
York City Council (Unparished)	Whitby Avenue	4
York City Council (Unparished)	White Cross Gardens	9
York City Council (Unparished)	White Cross Road	1
York City Council (Unparished)	Wigginton Road	4
York City Council (Unparished)	Wigginton Terrace	3
York City Council (Unparished)	Wilberforce Avenue	18
York City Council (Unparished)	Willis Street	4
York City Council (Unparished)	Wilsthorpe Grove	2
York City Council (Unparished)	Wilton Rise	6
York City Council (Unparished)	Windmill Lane	3
York City Council (Unparished)	Windsor Garth	2
York City Council (Unparished)	Wolfe Avenue	12
York City Council (Unparished)	Wolsley Street	7
York City Council (Unparished)	Wolviston Avenue	1
York City Council (Unparished)	Woodhouse Grove	1
York City Council (Unparished)	Woodside Avenue	7
York City Council (Unparished)	Woolnough Avenue	1
York City Council (Unparished)	Wycliffe Avenue	7
York City Council (Unparished)	Yarburgh Way	4
York City Council (Unparished)	Yearsley Crescent	2,158
York City Council (Unparished)		
	totals :	2,426

# Rogue landlords facing purge over fire safety for students

Mark Branagan

MORE THAN 1,600 students are to benefit from a purge on rogue landlords by housing chiefs concerned about fire safety in a North Yorkshire university town. Scarborough Council leaders are being urged to enforce a new code to ensure that members of Hull University's Scarborough campus enjoy good standards. Scarborough Council is responsible for ensuring the students sleep safe. But so far its approach has been to respond to complaints, rather than checking the accommodation out in advance.

Andy Skelton, head of environmental services, said: "The University of Hull has expanded its student intake in recent years.

"There are currently around 1,600 students at the University. Many of these students are not permanent residents of the borough and require accommodation during their period of stay. Many of these students live in accommodation that is accredited/approved by the university."

Now the town hall is to team up with the college to introduce a certificate scheme involving an inspection programme to ensure landlords measure up.

Scarborough Council is responding to 2004 legislation which introduced extra responsibilities for local authorities regarding housing need.

The Fire Service is responsible for enforcing safety standards in commercial premises, sheltered housing, hotels, B&Bs and hostels.

All other residential dwellings, including student accommodation, are policed by the council.

Hull University currently uses about 75 blocks of flats or shared houses to accommodate its students, including 25 properties leased directly by the university from private landlords.

The stock also includes 50 shared houses/blocks of flats owned by private landlords who are approved/accredited by the university under their "student

pad" scheme, and halls of residence.

Mr Skelton added: "Generally student accommodation, like other forms of shared housing is considered to be 'high risk' with regard to the potential for fires to occur. "It is essential, therefore, that all student accommodation within the borough, used by the university complies with minimum fire safety standards."

Historically, joint working with the university in respect of fire safety in student accommodation has been in response to concern raised by the university or a student.

Officers have therefore been in

## University and council to join forces for inspections

discussions with the university to explore options about working closer to improve standards in student accommodation and thus reduce the risk of fire related incidents.

A routine programme of fire safety inspections is to be launched for all accommodation accredited by the university and that providers of that accommodation are provided with fire safety certificates.

Mr Skelton continued: "All proposed student accommodation is inspected by the council before it is approved by the university to ensure that the property complies with relevant fire safety standards including fire

alarms, extinguishers, and door closers."

Annual inspections will also be made by trained university staff to check on-going compliance against required standards. Any breach will result in the withdrawal of the fire safety certificate and accreditation with the university.

Officials have underlined that if the council's stick to the bolting the "stable door" approach to fire safety in student property, the undergraduates will continue to remain at high risk.

At the very worst this could lead to young people being killed or injured in blazes. "Adoption of these proposals will ensure that minimum fire safety provisions are in place for all accommodation," he added.

# New Goodricke buildings 'unbearable'

JUSTYN HARDCASTLE

**Hannah Ellis-Petersen**  
DEPUTY NEWS EDITOR

STUDENTS LIVING in the New Goodricke College accommodation on Heslington East have expressed concern about the quality of the new buildings.

Complaints have been made regarding large cracks in both the ceilings and walls of the accommodation, with pieces of plaster also falling off the walls. The issue of overheating in the kitchens and bedrooms was described as "unbearable" by students questioned.

One resident, who asked to remain anonymous, stated: "The kitchens are like saunas, and when the weather is hot they are almost suffocating. The University has brought in fans to try and help the problem but to be honest they haven't really been very effective and are only a temporary solution." She continued: "One of the main issues is that we can't open our windows much so none of the rooms can get any ventilation."

Tim Ellis, Goodricke College Chair, confirmed that this problem had been brought to his attention, and that he had contacted the College Facilities Manager in an

attempt to resolve the matter.

A University spokesman acknowledged that the "over heating in kitchens has had a big impact." He continued: "Corrective measures have been implemented and we are in the process of fitting new restrictors that will allow the windows to be opened wider allowing more natural ventilation. There is always a balance to be drawn between the amount windows can be opened and maintaining a safe environment."

Shepherd Construction, the company in charge of building the new Goodricke accommodation, confirmed that remedial works would "include changing the window fittings in some areas; however the bedroom windows will not be altered, due to safety regulations."

The statement continued: "Twelve months after project completion it is our policy to do a full 'defect check', to attend to issues such as cracks in plaster. These problems are common across all new construction works, as buildings settle."

Other issues raised by Goodricke residents include the major security risk of doors not shutting properly in some of the accommodation blocks. Charlotte

Evans, a first-year Goodricke student, also highlighted the issue of electricity cut offs, stating: "The electricity always cuts out which is pretty annoying. The University is always quick to respond but the problem keeps happening."

She continued: "Lots of the plugs in the kitchen keep breaking as well, so we had to move the microwaves to the corridor... these problems are such a nuisance."

Shepherd Construction said: "Since we completed the Goodricke College project we have been working very closely with the University to resolve all defects which have occurred and we are currently actively working to resolve many of the issues raised, as promptly as possible."

The University commented: "As with all new buildings there are items that need some form of remedial work to enable the building to function as planned and this has been the case for Goodricke."

"We will continue to keep the kitchens under review. We will carry out an inspection with Shepherds before the start of next term and any significant defects will be repaired. Shepherds have been very responsive to the matters we have raised and we are sure this will continue."



Cracked walls and hot kitchens have left residents in discomfort

# OSBALDWICK PARISH COUNCIL

24 The Village  
Osbaldwick  
YORK  
YO10 3NS  
01904 421654  
e-mail osbaldwickparishcouncil@o2.co.uk

MEMBERS OF THE EAST AREA PLANNING COMMITTEE.

7<sup>TH</sup> JULY 2010

APP 10/00645/FUL

CORRECTION TO COMMITTEE REPORT

PAGE 47 PARA3.3 (6)

OSBALDWICK PARISH COUNCIL'S OBJECTION LETTER OF 19<sup>TH</sup> MAY 2010. HAS BEEN MISQUOTED AND IN THE INTEREST OF CLARITY WISH THE PHRASE "**THERE IS A STRONG NEED FOR HOUSING FOR YOUNG PEOPLE**" BE REMOVED FROM THE AGENDA AND REPLACED WITH THE WORDING IN THE SUBMITTED OBJECTIONS LETTER.

**ON THE STRATEGIC LEVEL THE PARISH COUNCIL OBJECT TO THE LOSS OF ANY FURTHER FAMILY HOUSING TO THE STUDENT LET MARKET, WHICH CAN ONLY ADD TO THE DEVELOPMENT PRESURES ON THE AREA'S GREENBELT LAND.**

**THE CITY OF YORK COUNCIL CONTINUE TO ADVANCE THE CASE FOR HOUSING DEVELOPMENT ON ITS OWN LAND WEST OF METCALFE LANE OSBALDWICK, AS WELL AS A 250 ACRE SITE IMMEDIATELY ADJACENT.**

**THE RATIONALE BEHIND SUCH PROPOSALS IS THE SUPPOSED "DESPERATE NEED FOR AFFORDABLE HOUSING FOR YORK PEOPLE". IF THIS NEED IS SO "DESPERATE" THEN NO MORE PRIVATE FAMILY HOUSING SHOULD BE LOST TO THE STUDENT LET MARKET.**

AS MEMBERS WILL REALISE THE OFFICER'S REPORT PARA 33 (6) MISREPRESENTS THE CONTEXT IN WHICH THESE COMMENTS WERE SUBMITTED.

PAGE 41 PARA 4.8 IS OBVIOUSLY WRONG REFERRING TO THIRKLEBY WAY WHEN CONSIDERING THE BARSTOW AVENUE APPLICATION AND NEEDS CORRECTION.

Yours sincerely

**Brian E Lakeman (Clerk)**

**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 7 July 2010

**Ward:** Clifton  
**Parish:** Clifton Planning Panel

**Reference:** 10/00580/FULM  
**Application at:** Axcent Ltd 156B Haxby Road York YO31 8JN  
**For:** Residential development consisting of 8no. semi-detached dwellings and 9no. apartments on site of former Co-operative Dairy  
**By:** Yorkshire Housing Limited  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 8 July 2010  
**Recommendation:** Refuse

**1.0 PROPOSAL****1.1 SITE**

The site relates to an area of land (0.26 hectares) situated within the built up area of the City, located behind Haxby Road Primary School, Haxby Road, and accessed via White Cross Road. It is bounded by the grade II listed school to its west, an employment site to its north, cycle track with houses beyond to its north and east, and NHS outpatients building and sports/social club to the south. White Cross Road comprises terraced properties on either side, with the club building and access to the car park serving the NHS buildings at the end of the road.

The access to the site is between the end of terrace property on the northern side of the street and the sports/social club. A large brick built warehouse, formerly a dairy, currently occupies over half the site, abutting the site's eastern boundary with the cycle path. A hard-surfaced yard/parking area exists on the remainder of the site and is abutted by the wall enclosing the playground of the listed school to the west of the building.

**1.2 PROPOSAL**

The proposal involves residential redevelopment of the site following the demolition of the existing warehouse. The replacement buildings would comprise four semi-detached pairs of two-storey dwelling houses (8 no. in total) and one L-shaped three-storey block of 9 flats. The apartment block would be located in the south-eastern corner of the site with frontages to the cycle track and the NHS building. The houses would be positioned along the access road and turning head, three in a row to the north and one to the south of the access road. A gate is shown adjacent to the north elevation of the apartment block giving access to the cycle track.

Access would remain via the existing driveway from White Cross Road, which would lead to a turning head with car parking spaces along it for the houses and in a car park on the southern arm of the turning head.

The application has been submitted by Yorkshire Housing Limited and is proposed to be 100% affordable units, with a mixture of rented and discount for sale properties. It has been confirmed that 10 of the units will be offered for social rent and 7 of the units would be offered as affordable housing for sale at a discount.

## 1.3 APPLICANT'S CASE

A Design and Access Statement, a Combined Planning and Sustainability Statement and Site Investigation documents support the application.

Design and Access Statement - gives information about the site context, policy background and comment on the use, amount, layout, scale, landscaping, appearance and access of the proposal. It confirms the density of 65 units per hectare. Units would have one parking space each. The dwelling houses have been provided with a private rear garden. The access gate to the cycle track is to be controlled by residents of the scheme through the management arm of the Housing Association. The buildings are to be of traditional design and construction with red brick walls and timber cladding with grey concrete roof tiles proposed. The proposal has been designed to meet Lifetime Homes standards and Building Regulations 2004: Approved Document M: Access to and use of the building.

Combined Planning and Sustainability Statement - This states that the proposed development provides for a sustainable, high quality residential development, providing affordable housing on a brown field site located in a sustainable location and that meets as a minimum Code for Sustainable Homes Level 3. The Sustainability Statement confirms that the scheme proposes the use of Gas Multisave Heat Exchanger along with high efficiency gas boilers. The scheme achieves a code 5 rating in respect of water management. The statement claims that the provision of private amenity space for the apartments is not achievable, but is for the houses.

## 1.4 HISTORY

The application site has a long-standing use as a dairy site, but has been vacant for many years. There have been four pre-application enquiries for the site all for housing developments of one form or another - three of which were from the proposed developer, Niche Construction. These involved the submission of draft layouts for the erection of ten houses, provision of 2 bed flats for over 55s and the current proposal. During pre-application, relevant issues were highlighted - highway safety and access, proximity to listed building, drainage, sustainable construction and more detailed design considerations along with potential financial contributions if approval were forthcoming.

## 2.0 POLICY CONTEXT

### 2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

Schools GMS Constraints: Haxby Road Primary 0198

2.2 Policies:

CYSP6

Location strategy

CYGP1

Design

CYGP3

Planning against crime

CYGP4A

Sustainability

CYGP6

Contaminated land

CYGP9

Landscaping

CGP15A

Development and Flood Risk

CYHE2

Development in historic locations

CYHE4

Listed Buildings

CYH1

Housing Allocations

CYH2A

Affordable Housing

CYH3C

Mix of Dwellings on Housing Site

CYH4A

Housing Windfalls

CYH5A

Residential Density



CYNE6  
Species protected by law

CYNE7  
Habitat protection and creation

CYT4  
Cycle parking standards

CYL1C  
Provision of New Open Space in Development

### **3.0 CONSULTATIONS**

#### **3.1 PUBLICITY**

The application has been advertised by way of letters to internal and external consultees and local residents and by site and press notices. The consultation period expired on the 2nd June.

#### **3.2 INTERNAL**

##### **3.2.1 Design, Conservation and Sustainable Development**

###### **(i) Countryside Officer**

The former dairy site currently consists of a large main industrial building and long flat roofed extensions to the north west. These flat roof sections will be retained and are outside of the development boundary of this application. The main vacant dairy building that is to be demolished as part of the scheme is brick built from c. 1950/60s and has a thin asbestos sheet roof with roof lights. Although it was not possible to fully inspect the inside of this building during the time of the site visit, some parts were visible through gaps for example between the door shutters and it was noticed that this asbestos roofing is thin, constructed of single sheets with no roof void. This therefore results in a very open, light and draughty area, which provides unsuitable roosting habitat for bats, and there were also a lot of pigeons occupying the building.

There may however be some summer roosting opportunities here for example, between some of the bricks of the bricked up windows, behind wooden boarding, under the asbestos sheets where they overhang the eaves slightly, or between wooden joists. However, does not think that a full bat survey is required for this site, although care should be taken during the demolition phase to ensure that, should any bats take up residence they are fully taken into account and that any impact is minimised. If bats are discovered during the course of the work, then work should cease and Natural England consulted before continuing.

The site is also located within an area which provides good foraging and roosting opportunities for bats, particularly with the Foss to the west of the site, and the old railway line/cycle track immediately adjacent also acts as a good wildlife corridor providing good foraging and commuting habitat. A new community park or 'pocket'

park has also recently being created alongside the cycle track to the rear of the old dairy and at the end of Ashville Street which includes new tree planting and wildflower grassland.

The redevelopment of this site does therefore also present a good opportunity to carry out further habitat enhancement work within this area to benefit bats and other species that use the surrounding area. Such enhancement work should for example include the incorporation of suitable habitat features such as bat tiles, bricks or boxes within the designs of the proposed new dwellings and apartment blocks. This would help to further increase the wildlife value of the area and would also ensure that any bat habitat features potentially lost due to the demolition of the existing industrial building are made available within the new dwellings. This issue can be covered by a suitable condition attached to any consent given.

(ii) Sustainability Projects Officer

City of York Council's Interim Planning Statement (IPS) on Sustainable Design and Construction sets out minimum standards for residential developments of 1 dwelling unit and above. Achieving a Code for Sustainable Homes (CSH) Level 3 rating or better is required for a development of this size. Satisfied from the submitted information, that a CSH Level 3 rating will be achieved. However, to ensure at least a CSH Level 3 rating is achieved would expect to see the Post Construction Assessment and Certificate prior to occupation documenting a Level 3 rating or better. Suggests a condition.

Notes from the CSH assessment matrices submitted for both the proposed houses and apartments, that no credits are to be achieved through the delivery of Low or Zero Carbon Technology. The IPS requires 10 per cent of the energy demand of the development to be provided for through on site renewable generation for heat and/or electricity. A gas multislave heat exchanger does not satisfy this requirement. Would expect to see information submitted setting out the proposed renewable energy technology for the development and calculations documenting how the technology will deliver 10 per cent of the developments energy demand. An additional minimum standard of the IPS is for the Sustainability Statement to contain an evaluation of rainwater harvesting and grey water systems. Currently this information is missing from the submitted information.

It is commendable that the developer is proposing to provide facilities for recycling of waste both internal/external to the dwellings. Please note that for the houses external space must be provided to allow for the accommodation of 2 180 litre wheeled bins, 2 recycling boxes and 2 recycling bags. For the apartments external space should be provided per dwelling for 1 180 litre bin, 1 55 litre recycling box and 2 recycling bags.

(iii) Landscape Architect

None of the trees that are within the White Cross Court site but either line the entrance drive or are adjacent to the rear gardens of units E and F should be affected by the development provided there are no excavations for a boundary wall.

The large cherry adjacent to the north east corner of the apartment block should not be damaged by construction.

The main public elevation is that facing the disused railway line, now a cycle track (route 66 Foss islands Route). This green corridor has been identified as an important part of the city's green infrastructure. The stretch adjacent to the site is relatively broad and has been recently managed to form a community garden and wildlife area. The space is overlooked by the end properties on Ashville and Oakville Streets and these terraced houses have a beneficial visual relationship that reinforces the quality of the space. The existing warehouse steps down in height, such that it is of a complimentary scale on the opposite side. Its mass contributes to the space forming quality of the surrounding buildings by way of its location directly adjacent to the footpath, with windows set within the elevation. It is important that the development reflects this intimate scale.

It is important that the proposed apartment block directly address this space and that the quality of architecture and external/perimeter treatment should contribute to the character of it (with security measures designed in), including a landscape margin presented to the public arena or by way of setting the apartment a lot further back from the boundary to enable the creation of semi-private garden space. 1.8m high solid timber fence is inappropriate.

The site forms part of the important sequence of views along the cycle track of the listed old Nestle factory.

The apartment block has no private or communal amenity space within the site and extremely limited opportunities for planting to soften the architecture and courtyard. The apartments overlook a parking courtyard and the other properties and the aspect is particularly poor for all of the ground floor flats, which on one side are located directly adjacent to the car park and pavement and on the other the windows are only 1m from the face of 1.8m high timber fencing. Some amenity space ought to be provided for the apartments, within the site, whilst creating a better relationship with the open space associated with the cycle track.

The proposed hard and soft landscaping plan suggests a number of suitable tree locations. Due to the limited areas of planting and the standard architectural approach, it is important to achieve as much attractive planting as possible to the front of properties; to this end there should be more planting and less grass.

In summary, both the relationship with the cycle path and outdoor amenity space for apartments should be improved.

#### (iv) Conservation Officer

The development site lies within the Haxby Road Primary School, a grade II listed building, designed by Brierley and constructed in 1903-4. The development site lies outwith the Nestle/Rowntree Factory Conservation Area boundary to the north.

The development site is located to the east of Haxby Road Primary School. The school playground, situated to the rear of the school building, is enclosed by a brick

boundary wall that incorporates a series of single storey outbuildings along the boundary. The dairy building is visible from the playground over the 1.9 m high section of boundary wall. The single storey outbuildings present frame views over this section of boundary wall. The existing dairy building terminates the view from the playground to the east.

It is proposed to demolish the existing dairy building and develop the site for 9 no. apartments and 8 no. semi-detached dwelling houses. Two semi-detached dwelling houses are proposed adjacent to the 1.9m high section of brick boundary wall that encloses the playground, ref. 3/D and 4/C.

The proposed L-shaped building has a ridge height of 7.4 m and is orientated with a section of the two storey building located within close proximity of the boundary wall of the playground. The building is likely to dominate views to the east from the playground and Listed Building over the 1.9 m high section of boundary wall. The location, scale and mass of the proposed building ref. 3/D and 4/C is likely to have a negative visual impact on the setting of the Listed Building or designated heritage asset.

The semi detached dwelling houses ref. 3/D and 4/C should be relocated within the development site so that the building is not within such close proximity of the boundary wall and does not detract from the Listed Building and playground adjacent.

### 3.2.2 City Development

The principle of housing development at this site is established through the allocation of the site under Policy H1. Issues to consider: acceptability of mix, impact of layout and design on listed Haxby Road Primary School, implications for education and public open space facilities. Subject to colleagues being satisfied with design, layout and sustainability there is no policy objection. Negotiations regarding contributions towards community facilities and open space through a Section 106 agreement. It is noted that the application proposes 100% affordable housing, which is strongly supported in planning policy terms.

### 3.2.3 Housing Services

Discussions have taken place with the applicant during the preparation of the application and it is very welcome and strongly supported. The proposal will provide much needed housing for social rent for families and households that are in need of housing and are registered with the Council. The site would fall into the 50% target as the application proposes more dwellings than the threshold of 15.

The site is allocated for housing in the Local Plan and in the LDF proposals. The homes will be designed and built to modern and exacting standards of the Homes and Communities Agency and will be at Eco Homes Level 4. They will be designed and built to Lifetime Homes standard and with Secure by Design requirements taken onboard.

Housing services fully and strongly supports this application.

#### 3.2.4 Environmental Protection Unit

No objections. A desk based contaminated land survey has been carried out along with a partial site investigation. These have identified several potentially contaminating sources, including an underground fuel tank on the other side of the site boundary, an above ground fuel tank within the site, asbestos roofing materials and materials in the railway embankment to the northern boundary.

The site investigation concludes that further sampling will be necessary. In addition the gas sampling regime is incomplete. request conditions to cover this aspect.

The site is adjacent to some small business/industrial units. However, the noise environment is very quiet. Standard double-glazing units will therefore be adequate.

Much of the roofing on the current buildings is of a corrugated cement/asbestos type, which must be disposed of to a licensed disposal site. However it is also important that any further site investigation, samples for asbestos fibres after demolition of the buildings.

Suggests that if piling is to be used for the foundations, that a condition be attached to deal with noise and vibration that could affect occupiers of the nearby elderly residents accommodation, other local residents, and users of the primary school.

#### 3.2.5 York Consultancy (Drainage)

The development is in low risk Flood Zone 1 and should not suffer from river flooding. Unfortunately, Engineering Consultancy objects to the proposed development, on the grounds that insufficient information has been provided by the Developer to determine the potential impact the proposals may have on the existing drainage systems.

In response to further details from the agent, the document does not provide evidence that the site can be adequately drained and therefore drainage cannot be conditioned.

#### 3.2.6 Lifelong, Learning and Culture

As there is no on site open space, commuted sums should be paid to the Council for amenity open space, play space and sports pitches.

#### 3.2.7 Adults, Children and Education (Education)

No education contribution will be required for this development.

### 3.3 EXTERNAL

#### 3.3.1 Yorkshire Water

A water supply can be provided. Request conditions in order to protect the local aquatic environment and Yorkshire Water infrastructure.

### 3.3.2 North Yorkshire Police - Architectural Liaison Officer

Analysis shows that the proposed development is in a high risk area in respect of crime and disorder.

Recommends that perimeter fencing alongside the cycle track and the northern perimeter, should be 2.4m not 1.8m due to location in vulnerable area alongside cycle track. Use of paladin plastic coated weld mesh security fencing would be less intrusive measure and provide better surveillance of cycle track and reduce fear of crime.

The gated access to and from the cycle track needs to be lockable; otherwise this new development will suffer from high levels of crime, particularly vehicle crime and anti-social behaviour. Any gate should be self-closing, have no footholds, the same height as the recommended perimeter fencing and ideally a digital access control lock or electric magnetic lock fitted.

Secured by Design advises against the creation of windowless elevations and blank walls adjacent to publicly accessible space - the apartment block has two blank gables and one of these is directly alongside the cycle path. There should be a buffer zone created between this gable and the path to avoid inappropriate behaviour and windows at first floor level.

Raises concern about the 3 purpose made security cycle storage box units on the other blank gable of the block, which will not be directly overlooked, will not encourage cycle use and could be open to theft and damage. Passageway by apartment block should be fitted with lockable gates 1.8m high. Access control system should be provided to the apartment block main entrance. Parking bay P9 would not be visible by the resident user, which Secured by Design advises against.

Side and rear gardens should have robust defensive barriers to a minimum height of 1.8m, not 1.2m as shown. This creates a security risk and lack of privacy. Side gates should also be 1.8m high and should be located on or as near the front building line as possible. They are shown to be at rear building line and 1.2m high.

Appropriate lighting around the site to BS 5489 should be carefully designed to cover potential high risk areas. No trees or shrubs should be planted which would obstruct car park and street lighting.

The design and layout of this development would not achieve or meet the required standards of security for the Secured by Design award scheme. It does not comply with PPS1. Crime and disorder implications need to be addressed by the developer.

In response to revisions to address his concerns, comments that there are still 'designing out crime' problems with the design and layout of this development. These relate to fencing on boundary with cycle track, type of cycle storage, natural

surveillance of parking bay P9, intermediate fencing between dwellings and windowless gables.

### 3.3.3 Clifton Ward Planning Panel

Does not wish to object to the construction of housing on the former cooperative dairy site. However, it is aware of the strong reservations expressed by members of the public about the implications for traffic and parking in the White Cross Road area. It also notes the security points raised by the police architectural liaison officer. It hopes that all these issues will be addressed fully during the consideration of this planning application.

After listening to the concerns of local residents. There is no doubt of the strength of their feeling about the inappropriate nature of the design of the scheme with respect to the type and layout of the proposed housing units. In addition there are grave concerns about the increase in traffic and the safety of children going to the local school, access to the site, safety and security, and the poor integration with the existing housing stock in the immediate vicinity. Whilst we reaffirm support for a housing development on this site, the present proposal needs to be withdrawn and reconsidered in light of these concerns of local residents.

### 3.3.4 Responses from local residents

There have been 40 submissions to the application from residents of the local community, raising the following points:

- Impact on those adjacent to the site due to overlooking, loss of privacy, reduction in sunlight and a visually overbearing effect;
- Loss of car parking spaces on White Cross Road forming part of Respark scheme R28 that is already inadequate to serve street given number of multi-occupancy properties;
- Increase in traffic flow along White Cross Road and traffic congestion around junction with Haxby Road, making the area highly unsafe;
- The needed adopted access road must comply with minimum standards for carriageway widths with safe access for pedestrians;
- No consideration has been given to access for emergency vehicles;
- Low cost social housing introduces a diverse element to the area to the detriment of neighbours' amenity and erode property value;
- Concentration of exclusively low cost social housing in an area of owner-occupied properties will create an enclave that will not promote social cohesion within the community;
- New access to Sustrans Cycle track would act as catalyst for crime and would be a further weak link in security of the area as who would manage;
- Site is in an area of high risk of crime and disorder and scheme does not meet with required standards of Secured by Design or requirements of NY Police;
- The location, design and access to the development pose a risk of increase in crime;
- Lack of community involvement in development of site;

- Sufficient consideration has not been given to drainage and sewerage and the potential impact on surrounding properties;
- The design is inappropriate in its context and will not improve the quality and character of the area and the way it functions;
- Highlights contradictions between requirements of Landscape Architect and NY Police;
- Highlights errors and inconsistencies in documentation;
- Three-storey development will overlook the adjacent school creating security risk for children and an old people's hospital;
- Impact on Huntington Mews area, which is not permit parking, and as such a major issue;
- No provision in development for households with more than one car;
- The provision of 2.4m high perimeter fencing as requested by Police, will add to enclave-like nature of the site;
- Scheme is ill conceived and poorly researched;
- Three-storey building is inappropriate and totally out of keeping;
- Support more affordable housing, but object to Whitecross Road being the access;

#### **4.0 APPRAISAL**

##### **4.1 KEY ISSUES:**

The main considerations as part of this proposal are:

- principle of residential redevelopment;
- affordable provision;
- design and visual amenity;
- crime;
- sustainability;
- impact on heritage asset;
- affect on residential amenity;
- access, parking and highway safety;
- flood risk and drainage;
- contamination;
- ecology and trees;
- affect on local facilities.

##### **4.2 POLICY CONTEXT**

Relevant Central Government guidance is contained in the following documents:

Planning Policy Statement 1: Delivering Sustainable Development (PPS1) places sustainable development as the core principle underpinning planning. It seeks a spatial planning approach with high quality development through good and inclusive design and the efficient use of resources. It considers that design, which is inappropriate in its context and fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. The PPS is supported by various good practice guides, including safer places - the Planning System and Crime Prevention and By Design - better places to live.



Planning Policy Statement 3: Housing (PPS3) was re-issued in June 2010 to accommodate two main changes. The change relevant to this application is the deletion of a national indicative density of 30 dwellings per hectare. The objectives of the document remain the same. That is, to make effective and efficient use of land and achieve high quality mixed housing that is suitably located. With regards affordable housing it confirms the commitment to the provision of high quality housing for people who are unable to access or afford market housing as well as helping people make the step from social-rented housing to home ownership.

Planning Policy Statement 5: Planning for the Historic Environment (PPS5) aims to conserve the historic environment and its heritage assets.

Planning Policy Statement 25: Development and Flood Risk (PPS25) aims to avoid inappropriate development in areas at risk of flooding and direct development away from areas at highest risk. It sets out a risk-based approach with the submission of flood risk assessments and a sequential approach for determining site suitability.

Local planning policies contained in City of York Draft Local Plan (incorporating 4th set of changes), which has been adopted for Development Control purposes, are outlined in section 2.2 and are material to the consideration of this application.

#### 4.3 PRINCIPLE OF RESIDENTIAL REDEVELOPMENT

The application relates to the redevelopment of a former dairy site that constitutes previously developed land and is located in a mixed use area within the urban boundaries of the City. It is in a sustainable location, close to public transport routes, the City's cycle network and local facilities, including schools, shops and hospitals.

The site has been allocated in the City of York Draft Local Plan and identified on the accompanying proposals map as a potential housing site. Table 7.2 of Policy H1 of the Plan lists the site as H1.49 and gives an estimated site capacity of 10 dwellings, representing a density of 33 dwellings per hectare. No affordable housing target is specified due to the estimated site capacity being below the relevant threshold of 15 dwellings.

In light of the above, the redevelopment of this site for residential use is considered to be acceptable in principle.

#### 4.4 AFFORDABLE PROVISION

The application has been submitted by Yorkshire Housing Limited and proposes 100% affordable provision, with a mix of 8 no. two and three bedroomed houses (in four semi-detached pairs) and 9 no. two bedroomed apartments (in one block). It is intended that ten of the units be for social rent and seven be made available for discounted sale. The provision of a development that helps to meet the needs of the City's housing demand is welcomed, though this needs to be balanced against the other planning considerations.

#### 4.5 DESIGN AND VISUAL AMENITY

The density of development on the site would be 60 dwellings per hectare. Recent changes to PPS3 have removed the blanket minimum density requirement of 30 dwellings per hectare. Instead, it is for individual to determine appropriate densities for particular sites and to set out a range of densities for the plan area. The Draft Local Plan sets out three such levels for its plan area, with development aiming to achieve a density greater than 60 dwellings per hectare in the city centre, 40 dwellings per hectare in urban areas and 30 dwellings per hectare elsewhere in York (Policy H5a). The requirement for this site would be a density greater than 40 dwellings per hectare, which it exceeds.

Policy H5a also requires the scale and design of development to be compatible with the surrounding area. The area is mixed, but the housing within it is largely characterised by high density traditional terrace rows of properties, with townhouses and apartments of 2.5 to 3 storeys in the more recent development to the south on the former hospital site. Therefore, the higher density of the development itself is not considered to constitute a reason for refusal.

The mix of properties within the scheme, in terms of type and tenure, is considered to be acceptable.

The simple design philosophy of the buildings is considered to be appropriate, rather than trying to replicate the historic and traditional buildings in the area with a 'pastiche' approach. However, it results in the three storey apartment building presenting a more dominant and overbearing facade to the cycle track than the existing warehouse, which has a more intimate appearance and relationship due to the step down in its height, lower height than the proposed block and single row of windows. The set back of 1.1m of the apartment building from the site boundary with the cycle track and the reduction in length of the building to the existing building, is somewhat negated by the height and number of stories, highlighted by the windows. The proximity to the cycle track requires a high security fence to be erected, which further impacts on the environment of the cycle track and community garden beyond.

The scheme would appear crammed into the site, with large areas of hard surfacing and little opportunity for any meaningful soft landscaping in public areas. As a result of the extent of roadway and car parking to serve the number of units proposed, there remains no useful amenity space for use by the residents of the apartment block. The houses do at least have some private amenity space at the rear of the properties, though these are small, particularly that of dwelling 3/D. This sense of overdevelopment would be visible from outside the site from the proximity of the buildings to site boundaries with hard boundary features, lack of landscaping and extent of hard surfacing.

The Police Architectural Liaison Officer (PALO) considers that there continue to be 'designing out crime' issues with the design and layout of the scheme. This is largely in terms of the boundary enclosure to the cycle track, the adequacy of cycle parking provision, windowless gables that do not allow natural surveillance of vehicle parking space P9 and intermediate fencing. The boundary enclosures cycle parking and intermediate fencing could be addressed through condition. The lack of natural surveillance from the apartment block to parking bay P9, is countered by that

permitted from the semi-detached dwelling house. Although not an ideal situation, it is not considered that the remaining concerns for the PALO are sufficient to justify refusal.

#### 4.6 SUSTAINABILITY

As stated above, the redevelopment of the site represents the efficient use of previously development land that is in a sustainable location, close to existing facilities and within easy access of public transport and cycle routes.

The application would achieve as a minimum Code for Sustainable Homes Level 3, as required by the City of York Council's Interim Planning Statement on Sustainable Design and Construction (IPS). It proposes a gas multislave heat exchanger with high efficiency gas boilers, which does not satisfy the requirements for 10% energy demand through on site renewable generation for heat and/or electricity required by the IPS. There is no information about sustainable urban drainage systems. These latter two elements could be addressed by the imposition of conditions.

Recycling facilities are shown for each property, with an enclosed area to serve the apartments.

#### 4.7 IMPACT ON HERITAGE ASSET

The site does not fall within or immediately adjacent to a designated conservation area. The adjacent Brierly designed primary school, however, is grade II listed. The brick wall around the school's playground and outbuildings built within it, contribute to the setting and special interest of this heritage asset. One of the semi-detached pairs of houses is to be positioned just over 1.1 metres from the boundary wall and would have a ridge height of 7.4m. It would be likely to dominate views to the east from the playground and listed building over the 1.9m high section of boundary wall. As such, it is considered that the location, scale and mass of the proposed semi-pair would have a negative visual impact on the setting of the designated heritage asset.

The Council's Conservation Officer advises that this building be relocated further into the site so that it is not in such close proximity to the boundary wall. However, given the tight nature of the site and the proposed extent of development, there is little room to be able to satisfactorily achieve this.

#### 4.8 AFFECT ON RESIDENTIAL AMENITY

The main residential properties outside the site affected by the development would be the houses to the east on Ashville and Oakville Street, in terms of potential overdominance, overlooking and overshadowing, and White Cross Road, in terms of disturbance from additional traffic movements.

Those on Ashville and Oakville Street are located at a distance of approximately 20 metres from the three storey apartment block. The cycle track and community garden would separate them. Furthermore, the houses do not directly face the site, being angled to face the south and the rooms in the apartment block would largely be bedrooms and bathrooms. Whilst the apartment block would be visible from the

properties and their residents may experience a feeling of being overlooked, it is considered that any potential harm would not significantly erode the amenity that the residents could reasonably expect to enjoy in a high density urban area. The apartment block may result in additional casting of shadows in comparison to the industrial building, though this is unlikely to affect these houses, due to the intervening separation distance.

Whilst the properties on White Cross Road would not themselves be affected directly from the proposed buildings, there would be an indirect impact from traffic movements along the street associated with the development. White Cross Road is a busy road with vehicles able to park on both sides and using it to access the NHS staff car park as well as those accessing the 37 properties themselves. The end-terrace adjacent to the site entrance, no.37, is in commercial use as offices, whose staff park on the access road to the site. Residents claim that vehicles with passengers utilising the local services on Haxby Road drive along it to park or turn. Whilst the concerns of local residents are acknowledged, it is unlikely that the additional traffic generated by the development would cause any further harm to their amenity than potential reuse of the site for a different employment use.

The semi-detached pair 3/D and 4/C, sited adjacent to the site boundary with the school, would introduce overlooking of the school and its playground that currently does not exist. The separation distance would only be at its least 1.5 metres from the nearest first floor window to the boundary, though the upper floors would only be bedrooms and not main living rooms. The NHS building would be at a distance of 19 metres to the south of the apartment block with car parking between. The hospital building does not provide overnight accommodation for patients. Whilst the apartment building would tower over the single storey hospital building, there would be negligible harm to its users.

In terms of the amenity for future residents of the site itself, there are two main issues. Firstly, the living conditions of the future occupants of the proposed apartment block due to the lack of any useable amenity space and the impact of the proximity of the windows to the cycle track. Secondly, the impact on the amenity of the future residents of the houses that back onto the employment site to the north of the site. Significant changes to the size and position of buildings would have to be made to allow for these matters to be addressed. On the second matter, the noise environment is relatively quiet and the amenity of future residents could be addressed through suitable double glazing units. The houses have a separation distance of 6 metres and an adequate boundary enclosure could be provided.

If approved, a condition restricting hours of construction should be attached to protect the amenity of surrounding residents.

#### 4.9 HIGHWAY CONSIDERATIONS

As stated, access to the site would be via the existing driveway from White Cross Road. It would involve changes to its junction with White Cross Road, involving the reduction in the length of the Respark bays on both sides of the street to achieve safe conditions at the access junction. It is understood that this Respark zone is already under pressure. Revisions to the scheme to address concerns of the Local

Highway Authority have been made, notably increasing visitor parking, widening of cycle link pathway to cycle track. However, no changes have been made to the basic design as regards the general road layout, which leaves the access road with restricted access and no dedicated or segregated pedestrian facilities within the site. Therefore, despite the submission of a site safety assessment to support the application, the Local Highway Authority recommends refusal on highway safety grounds. There are no objections to the gated access from the site to the cycle track. Further details of the cycle parking facilities, along with other highway conditions would need to be attached if planning permission is granted.

#### 4.10 FLOOD RISK AND DRAINAGE

The site lies in Flood Zone 1 and should not therefore suffer from river flooding. The application states that surface water from the development would be discharged either into the mains drains for highway elements of the scheme or soakaways for the houses. The redevelopment of the site would represent a reduction, albeit small, in the extent of hardsurfacing of the site. However, the Council's Drainage Engineer considers that insufficient information has been submitted to determine the potential impact the proposals may have on the existing drainage systems, and considers that this is not a matter that can be suitably addressed by condition.

#### 4.11 CONTAMINATION

The Council's Contamination Officer has considered the proposal due to the long standing employment use of the site and requests that suitable conditions be attached to any approval.

#### 4.12 ECOLOGY

Whilst there are no trees on site, there are trees in the adjacent NHS site that are close to the site boundary. The Council's Landscape Architect has confirmed that these should not be adversely affected by the proposal. As the existing building may provide some summer roosting opportunities and the site is located within an area that provides good foraging and roosting opportunities, it is considered reasonable to require the development to provide habitat enhancement measures within the proposal.

#### 4.13 AFFECT ON LOCAL FACILITIES

The site is within easy access of existing facilities in the area, including a school, shops, health services. There is no requirement for a financial contribution towards education facilities in the area. As there is no public open space provided on site, it is recommended that a condition be attached that requires alternative provision either elsewhere or a commuted sum to be paid in lieu of such provision. The applicant has agreed to the payment of the relevant amount.

### 5.0 CONCLUSION

5.1 The redevelopment of the site for residential purposes is acceptable in principle, as the site constitutes previously developed land in a sustainable location within the urban area and with 100% affordable provision that achieves Code for Sustainable Homes level 3. Weight should also be given to the allocation of the site in the City of York Draft Local Plan as a suitable housing site though with an estimated capacity of ten dwellings.

5.2 However, the proposal that has been submitted continues to raise concerns on the grounds of highway safety, impact on the setting of the grade II listed building and impact on amenity of future residents from the lack of any usable amenity space. Whilst the principle of the scheme may be acceptable and the level of affordable provision encouraged, this should not be at the expense of a suitable scheme for the site.

5.3 Therefore, on balance, the proposal is reluctantly recommended for refusal.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 The proposed development, due to the lack of dedicated pedestrian facilities within the site and restricted width along the site access road, particularly along the initial stretch adjacent to the junction with White Cross Road, is likely to create conditions that would harm highway safety.

2 The proposed development, due to the scale, mass and location of the proposed semi-detached pair of houses 3/D and 4/C in close to the site boundary with the Grade II listed Haxby Road Primary School, would have a negative visual impact on the setting of this designated heritage asset. This would be contrary to national planning advice in Planning Policy Statement 5: Planning for the Historic Environment and Policies HE2 and HE4 of the City of York Draft Local Plan.

3 The proposed development, due to the lack of any meaningful and useable amenity space to serve the apartment block or an adequate buffer distance between the block and the site boundary with the adjacent cycle track, would result in potential harm to the living conditions of future occupants of this building. As such, it would fail to provide a high quality scheme for people who are unable to access or afford market housing, contrary to the aims of Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 3: Housing.

4 The proposal, due to its density, scale and layout, would result in the impression that the site has been overdeveloped, with buildings appearing dominant due to their position close to site boundaries, large areas of hard surfacing from the access road and vehicle parking areas with little opportunity for soft landscaping. This would be to the detriment of the visual amenity of the area. The proposed development therefore fails to take the opportunities available for improving the character and quality of an area and the way it functions, contrary to advice in

Planning Policy Statement 1: Delivering Sustainable Development.

5 Insufficient information has been submitted to determine the potential impact the proposals may have on the existing drainage systems, with particular reference to surface water disposal, nor that the site can be adequately drained, contrary to the aims of Planning Policy Statement 25: Development and Flood Risk.

**Contact details:**

**Author:** Hannah Blackburn Development Control Officer

**Tel No:** 01904 551477



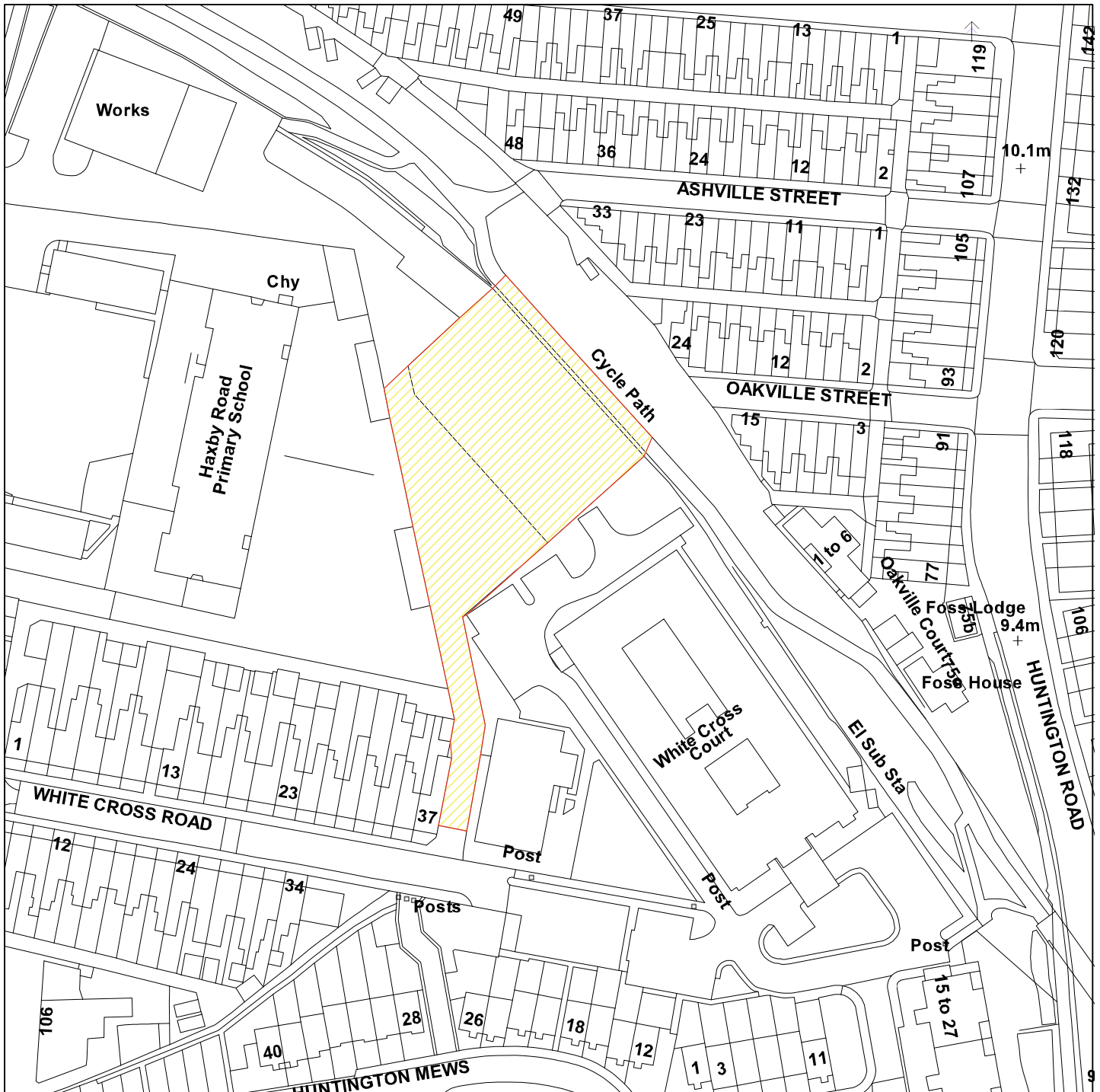


# Axcent Ltd.156B Haxby Road

10/00580/FULM



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	28 June 2010
<b>SLA Number</b>	Not Set

**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 7 July 2010

**Ward:** Haxby And Wigginton  
**Parish:** Wigginton Parish Council

**Reference:** 10/00750/OUT  
**Application at:** Sunnyside Farm Shop 22 Mill Lane Wigginton York YO32 2PX  
**For:** Erection of 9no dwellings with associated access and parking (amended scheme)  
**By:** Mr John Gates And Mrs Dawn Mills  
**Application Type:** Outline Application  
**Target Date:** 15 July 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This is an outline planning application for nine houses with all matters reserved except access, which is via a private drive from Mill Lane. An indicative layout has been submitted showing four detached houses, a pair of semi-detached houses and a terrace of three houses. Whilst scale and appearance are reserved the dwellinghouses are intended to have two storeys. The semi-detached houses would face Mill Lane (despite the plan showing these houses facing into the site). The remaining seven houses would face the private drive. All dwellings would have off-street parking, cycle storage and refuse/recycling facilities.

1.2 Outline consent for residential development on the site was granted on 3 March 1989 and renewed in 1991, 1994 and 1997. The number of units was not specified. The consent was never implemented and subsequently lapsed. The original 1989 consent was the subject of a condition limiting the height of development on the site to single-storey. This condition was deleted following a successful appeal as the Inspector considered that these matters could be properly considered at reserved matters stage. In 2004 a new outline application was granted consent (04/00548/OUT). All matters were reserved except access. Whilst the number of units was not specified the illustrative proposals showed five detached dwellings all served by a private drive through the site. The permission was not implemented and has since lapsed.

1.3 In 2009 a further outline application was submitted, for six dwellings (09/02247/OUT). All matters were reserved except access and layout. The submitted plans showed that access to five of the units would be via a private drive and the sixth unit would be accessed direct from Mill Lane. The density of the scheme was approximately 21 dwellings per hectare (dph). Officers advised the applicant that the density was well below the target density of 40dph in policy H5a. The applicant therefore withdrew the application and submitted the current scheme for nine dwellings.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1  
Design

CYGP4A  
Sustainability

CGP15A  
Development and Flood Risk

CYH4A  
Housing Windfalls

CYH5A  
Residential Density

CYNE1  
Trees, woodlands, hedgerows

CYL1C  
Provision of New Open Space in Development

### 3.0 CONSULTATIONS

#### 3.1 Internal

Environment, Conservation, Sustainable Development (Landscape) - The four mature Beech trees along the frontage Mill Lane are owned by the local authority and are subject to TPO 1970/68. If the proposal requires the driveway to be built to adoptable standards I would object. If the private highway arrangement is acceptable in this instance (in order to protect the mature trees along Mill Lane and because of the need to provide higher density housing) it would be acceptable subject to the access being as narrow as possible and the adjacent pavement being of no-dig, porous construction.

Highway Network Management - There are no objections in principle. It is council policy that a maximum of five dwellings can be served off a private drive. Access to developments of more than five dwellings should be constructed to an adoptable

standard. The layout as proposed does not meet adoptable criteria in the following respects: The entrance from Mill Lane should have a 6m radius and a carriageway width of 5.5m with at least a footpath on the left-hand side up to the position of the first drive. Achieving this standard could affect a mature tree so consideration should be given to providing a replacement, if its removal is necessary. The vehicle accesses for plots 8 and 9 do not contradict policy regarding private/adopted roads, as the dwelling would have a direct frontage to Mill Lane, but a 0.9m pedestrian access should be provided onto Mill Lane. If the road remains private the public utilities should be consulted, as it could produce a multitude of separate private connections. An agreement will also need to be made with Neighbourhood Services regarding refuse collections and recycling. Turning within the parking court for plots 5, 6 and 7 is tight. The distance between adjacent parking bays 5.3m whereas the required dimensions for reversing and turning is 6m. Details are required of cycle parking for plots 5, 6 and 7. This could be secured by condition. Details of surface water drainage and street lighting should be submitted for consideration. If planning permission is granted a condition should require details of the access, parking arrangements, turning areas and cycle storage to be submitted for approval.

Lifelong Learning and Leisure - As there is no on-site open space commuted sums should be paid to the Council for (a) amenity open space - which would be used to improve a local site within the Parish (b) play space - which would be used to improve a local site within the Parish and (c) sports pitches - which would be used to improve a facility within the North Zone of the Sport and Active Leisure Strategy.

Structures and Drainage - The applicant has demonstrated that drainage arrangements can be provided. No objections subject to details of foul and surface water drainage works (including attenuation) being submitted for approval. Ground levels should not be raised within the site and the applicant should consult with Yorkshire Water regarding their easement requirements in particular the location of plots 1 to 3.

Environment, Conservation, Sustainable Development (Countryside) - The site is in an area which provides good foraging habitat for local bats. The buildings have some potential for supporting roosting bats. Therefore a bat survey should be carried to determine the buildings' full potential for supporting a bat roost and to establish whether there is any evidence of occupancy or suitable habitat present. As bats are a protected species under the Wildlife and Countryside Act 1981 and the Habitat Regulations 1994, their presence or otherwise, as well as the extent to which they may be affected by the proposed development, needs to be established before any planning permission is granted. This is covered in PPS 9 and is referred to in the accompanying ODPM Circular 06/2005.

Education - There are enough school places in the area so a financial contribution towards education is not required.

Environmental Protection Unit - No objections, in principle, to the proposal. The site is located on a main road running through the village of Wigginton. My concern is that neighbours will experience some loss of amenity from construction noise and dust so the demolition and construction informative should be added.

### 3.2 External

Wigginton Parish Council - Objection due to: overdevelopment; inadequate access would affect highway safety; inadequate sewerage capacity; flood risk/drainage; loss of privacy if dwellings were 2-storeys high; loss of light to houses in Steeple Close to the rear; impact on protected trees; the rear-facing aspect of plots 8 and 9 would be out of keeping with the street scene of Mill Lane.

Cllr Firth - The application should be refused due to (1) gross overdevelopment, to the detriment of the site and the surrounding properties; (2) inadequate access for a development of this size and for the amount of traffic it would generate; and (3) the rear-facing aspect of plots 8 and 9 would have an impact on the street scene of Mill Lane.

Foss IDB - The site is in an area where drainage problems exist. The applicant should confirm how surface water is to be managed. A condition should be attached requiring the surface water drainage works to be agreed by the local planning authority in consultation with the IDB.

Environment Agency - No comments.

Public Consultation - The consultation period expired on 3 June 2010. 11 objections have been received raising the following planning issues:

- Overdevelopment
- Overlooking
- Overbearing; houses should be lower
- Traffic generation
- Traffic pollution
- Highway safety
- Inadequate parking
- Inadequate access
- Inadequate sewerage
- Flood risk and drainage
- Impact on bats
- Loss of historic buildings
- Impact on trees and hedges
- Design incompatible with the area
- No details of heights

12 objections were received against the previous application (09/02247/OUT) before it was withdrawn. They raised no issues that have not since been raised by the current objectors.

## 4.0 APPRAISAL

### 4.1 Planning Policy Context

Local plan policy GP1 - Development proposals should be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character; respect or enhance the local environment; provide/protect amenity space;

protect residential amenity; accord with sustainable design principles; include refuse facilities; and include, where appropriate, landscaping.

GP4a - All proposals should have regard to the principles of sustainable development.

H4a - Permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

H5a - the scale and design of proposed residential developments should be compatible with the surrounding area and must not harm local amenity. Development densities should aim to achieve, 60 dwellings per hectare in city centre, 40 in urban areas and 30 elsewhere.

NE1- Trees, woodlands and hedgerows, which are of landscape, amenity, nature conservation, or historic value will be protected by: refusing proposals which will result in their loss or damage. When trees are to be removed, appropriate replacement planting should be proposed to mitigate any loss.

GP15a - Discharges from new development should not exceed the capacity of existing and proposed receiving sewers and watercourses and long-term run-off from development sites should always be less than the level of pre-development rainfall run-off.

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

## 4.2 Key Issues

Principle of Development for Housing

Impact on Protected Trees

Access and Highway Safety

Density of Development

Design and Street Scene

Neighbour Amenity

Flood Risk and Drainage

Bio-Diversity

Sustainability

Public Open Space

## Application Site

4.3 Part of the site is occupied by a group of single-storey buildings comprising a former slaughterhouse/butchery which was abandoned in the 1980s. Some of the buildings are now occupied by an unauthorised retail shop which is being investigated by the council's enforcement officers. The remainder of the site is open grassland. It is bounded to the north, east and west by rear gardens of 2-storey

estate houses. To the south is Mill Lane, which is accessed via a private drive. The highway verge has a line of mature Beech trees that are protected by a tree preservation order (TPO).

#### Principle of Development for Housing

4.4 The site is in a sustainable location with good access to shops, public transport and local services. The principle of the use of the site for housing has been established since 1989.

#### Impact on Protected Trees

4.5 The four mature Beech trees along the Mill Lane frontage are owned by the local authority and are protected by a TPO. They are old mature specimens that would not readily recover from root damage and would be susceptible to stress and disease from a change in conditions or any damage. Essentially the whole of this frontage is a root protection area so there should be as little intervention as possible. To this end it would be inappropriate to allow the full widths and depths of construction required for an adopted road. This is why the access is not being built to adoptable standards. The proposed private drive would not have a material impact on the trees subject to the adjacent footpath into the site being built using porous materials and with a no-dig method of construction. There is no potential to create a new access anywhere else along this frontage.

4.6 The existing hedges along the boundaries are not protected. They are shown as being retained on the indicative layout. Boundary treatment would be dealt with as part of the reserved matters.

#### Access and Highway Safety

4.7 The council policy that allows no more than five dwellings to be accessed from a private drive does not include dwellings that face the public highway, even if the vehicle access to such dwellings is to the rear and is taken from the private drive. The current application is for nine dwellings, two of which face the public highway at Mill Lane. Therefore the council's standard would allow the proposed private drive to serve a total of seven dwellings (the two facing Mill Lane plus five to the rear). So the application exceeds the number of dwellings normally allowed by two. The council's highways officers are recommending refusal of the application because it is contrary to policy. The Department for Transport's Manual for Streets says:

11.7.15 'Highway authorities have .. tended to only adopt streets that serve more than a particular number of individual dwellings or more than one commercial premises. Five dwellings is often set as the lower limit, but some authorities have set figures above or below this.

11.7.16 There is no statutory basis for the lower limit on the number of dwellings justifying adoption. The use of five dwellings as a criterion may have come from the notional capacity of private service supplies (gas, water, etc.) but it is now more commonplace for utilities to lay mains in private streets.

11.7.17 It is not desirable for this number to be set too high, as this would deny residents of small infill developments the benefit of being served by an adopted street.

11.7.18 It is recommended that highway authorities set a clear local policy on this issue.'

4.8 Notwithstanding that the council does have a clear policy, each case must be judged on its merits. In this case Highways officers are not arguing that this degree of non-compliance (nine dwellings instead of seven) would affect highway safety. Therefore your officers consider that non-compliance with the council's standard is not, in itself, sufficient reason to justify refusal of the application.

4.9 Highways' officers are concerned to ensure that a private drive would be adequately maintained and repaired. In response the applicant has submitted a draft unilateral undertaking to this effect. Members will be updated at the meeting.

#### Density of Development

4.10 Until Planning Policy Statement 3 (Housing) was revised recently (June 2010) it included a national indicative minimum density for new housing of 30dph. This has now been removed. Notwithstanding that there is now no national minimum density, PPS1 (Delivering Sustainable Development) and PPS3 still expect planning authorities to set their housing policies to achieve the efficient use of land. Policy H5a accords with this guidance by requiring housing schemes in the York urban area (including Wigginton) to aim to achieve a residential density of 40dph, subject to the scheme being compatible with the surrounding area and not harming local amenity. The current proposal has a density of 31dph which, although greater than the withdrawn scheme, is still well below the density specified in policy H5a.

#### Design and Street Scene

4.11 The reserved matters include layout, scale, appearance and landscaping so they are not for consideration at this outline stage. Nevertheless the application includes an indicative layout showing house footprints, gardens, vehicular areas and plot boundaries. In terms of the built footprint and distribution of buildings the layout is very similar to the 2004 layout (also indicative). The main difference is that the building blocks have been subdivided into generally-smaller housing units to increase the density on the site. Whilst the scale, layout and appearance of the current proposal are only indicative they show that a development of nine dwellings can be created on the site whilst respecting the scale, density, pattern and grain of the surrounding area.

#### Neighbour Amenity

4.12 The indicative layout also shows that a development of nine dwellings can be created without having an unacceptable impact on local residents. The rear elevations of most of the houses would face the rear elevations of existing houses in adjacent streets. Adequate separation distances can be achieved and impact on the neighbouring occupiers can be minimised by, for example, restricting the building heights and careful arrangement of buildings, habitable rooms and windows. These matters would be dealt with at the reserved matters stage.

4.13 Some local residents object to the increase in the number of houses from the previously approved (and subsequently renewed) outline scheme, which they understood would be bungalows. This is a misinterpretation of the previous approval. The number of units was not specified and whilst the planning authority



sought to restrict, by condition, the height to only one storey, a subsequent appeal against this restriction was allowed. Moreover, the consent has lapsed so is no longer capable of being implemented.

#### Flood Risk and Drainage

4.14 The area is known for localized flooding and many residents are concerned about inadequate drainage. In response the applicant intends to attenuate surface water by providing underground storage within the site and releasing the stored water at a controlled rate by means of a hydrobrake. The council's drainage officers are satisfied with this arrangement subject to full details being submitted and approved prior to construction.

#### Bio-Diversity

4.15 The site currently has a cluster of old (but not protected) farm outbuildings, garages and storage sheds, all of which are to be demolished as part of this scheme. The site is located within an area that provides good foraging habitat for local bats, particularly with the pond opposite, and mature trees, hedgerows and grassland all within close proximity. There are many roosting opportunities close by and records of bats roosting in the surrounding area. There have also been a number of reports of a colony possibly within the site itself, although this is unconfirmed and the precise location of the roost is unknown. The buildings on site have some potential for supporting roosting bats. The garage has broken ridge tiles and the timber sheds may have gaps which may be used by bats. Therefore a bat survey should be carried out to determine the buildings' full potential for supporting a bat roost and to establish whether there is any evidence of occupancy or suitable habitat present. As bats are a protected species under the Wildlife and Countryside Act and the Habitat Regulations their presence, or otherwise, as well as the extent to which they may be affected by the proposed development, needs to be established (in accordance with PPS9 and Circular 06/2005) before planning permission is granted. A survey has been requested and officers expect it to be carried out shortly. Members will be updated at the meeting.

#### Sustainability

4.16 The application includes a sustainable statement. Nevertheless standard conditions should be attached regarding renewable energy and Code for Sustainable Homes level 3 in accordance with the Council's Interim Statement on Sustainable design and Construction.

#### Public Open Space

4.17 An open space contribution would be required for the provision of public open space in accordance with policy L1 of the local plan. This has been accepted by the applicant who has submitted a draft unilateral undertaking to this effect. Members will be updated at the meeting.

## 5.0 CONCLUSION

5.1 The site is in a sustainable location and the principle of using the site for housing is established. The proposal is acceptable in terms of the character of the area and the impact on neighbouring occupiers. The main issue is the conflict between different strands of national and local planning policy. That is, the inevitable

conflict between providing housing at an acceptably-high density (in order to contribute to housing supply and achieve the efficient use of land) while protecting high-amenity trees and providing an access that complies with Council's standards. Bearing in mind that a private drive would not, in this case, impair highway safety officers recommend that the application be approved due to the benefits of increasing the supply of housing whilst protecting the natural amenity of the area. Approval should be subject to conditions and a legal agreement to secure a financial contribution towards open space and a scheme for the maintenance and repair of the private road.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:**            Approve

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

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

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

2        Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details:

Details to be submitted: appearance, landscaping, layout and scale of the proposed development to be carried out, including a schedule of all external materials to be used.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

3        The development hereby permitted shall be carried out in accordance with the highway access - including entrance details - shown on drawing no. 09:27:11/B.

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

4        The development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, in consultation with the internal drainage board, and carried out in accordance with these approved details. In accordance with PPS25 and in agreement with the Environment Agency / City of York Council, peak run-off from

Brownfield developments shall be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, shall 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 shall 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.

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

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

Reason : In the interest of satisfactory and sustainable drainage.

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

Reason: In the interests of sustainable development.

7 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how the development will provide 10% of its predicted energy requirements from on-site renewable sources. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the local planning authority. The approved scheme shall be implemented before first occupation of the development. The site shall thereafter be maintained to the required level of generation.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

8 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 alternative arrangements agreed in writing by the local planning authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1 of the City of York Draft Local Plan.

**INFORMATIVE:**

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space in accordance with the council's advice note Commuted Sums for Open Space in New Developments - A Guide for Developers.

9 The development hereby permitted shall not commence until full details of the proposed vehicular access, parking arrangements, turning and cycle storage facilities have been submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority. These facilities shall be constructed in accordance with the specification so approved prior to the development being first brought into use and thereafter shall be maintained clear of any obstruction which would preclude their intended use.

Reason: to ensure appropriate on-site vehicle parking facilities, access and manoeuvring areas are provided in the interest of highway safety and general amenity of the development

10 HWAY1 Details roads,footpaths,open spaces req.

11 HWAY7 Const of Roads & Footways prior to occup

12 HWAY19 Car and cycle parking laid out

13 HWAY34 Completion of the highway

14 VISQ8 Samples of exterior materials to be app

15 Before the start of development, including demolition, building operations, excavations or the importing of materials a method statement of protection measures for the Beech trees on the public verge on the Mill Lane frontage to the site shall be submitted to and approved in writing by the local planning authority. The statement shall include details and locations (shown on a plan) of protective fencing, method of preparation/excavation/construction, type of machinery/vehicles to be used, extent of working areas, locations of storage of materials and location of site cabin(s).

Reason: To protect existing trees that are considered to make a significant contribution to the amenity of the area.

**7.0 INFORMATIVES:**

**Notes to Applicant**

1. It is considered that the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

The Principle of Development for Housing  
Impact on Protected Trees  
Access and Highway Safety  
Density of Development  
Design and Street Scene  
Neighbour Amenity  
Flood Risk and Drainage  
Bio-Diversity  
Sustainability  
Public Open Space

As such the proposal complies with policies GP1, GP4a, GP15a, H4a, H5a, NE1 and L1c of the City of York Local Plan Deposit Draft.

**Contact details:**

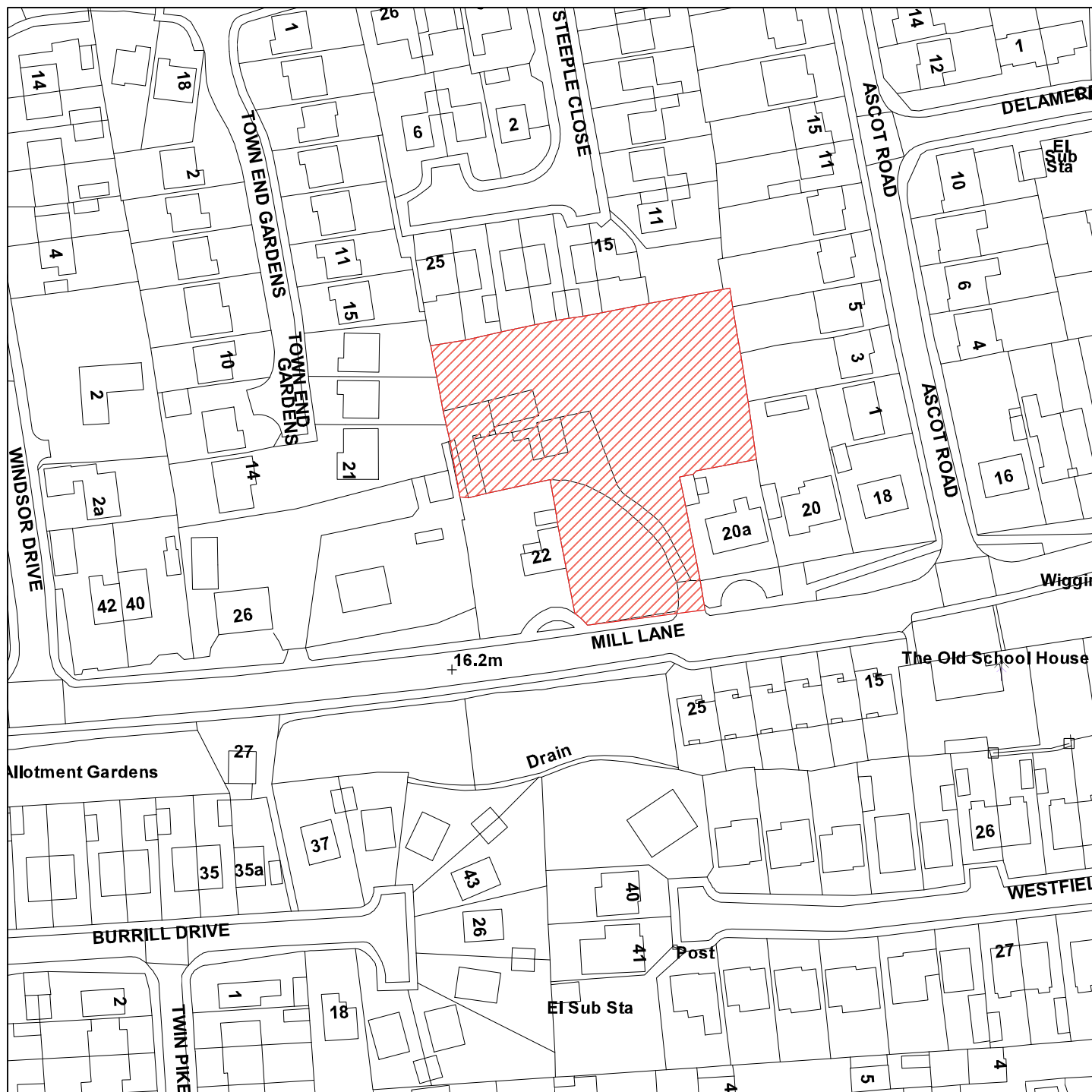
**Author:** Kevin O'Connell Development Control Officer  
**Tel No:** 01904 552830

# 22 Mill Lane, Wigginton, York

10/00750/OUT



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	28 June 2010
<b>SLA Number</b>	Not Set

**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 7 July 2010

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

**Reference:** 10/00943/FULM  
**Application at:** 31 Lea Way Huntington York YO32 9PE  
**For:** Erection of 14 no. dwellings after demolition of existing house (Application to extend time period for implementation of permission 07/01126/FULM)  
**By:** Byre Developments  
**Application Type:** Full Application  
**Target Date:** 23 June 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application is for the erection of 14 dwellings comprising four 2-bedroom houses, five 3-bedroom houses, four 4-bedroom houses and one 4-bedroom dormer bungalow. The development would be served by a new access, to adoptable standards, from Lea Way. Each of the dwellings would have a private rear garden and off-street parking. The existing bungalow on the site would be demolished to enable the access to be provided. The new dwellings would be two storeys high except plots 8-10 (2.5 storeys) and plot 14 (the dormer bungalow). Level access would be provided to all dwellings.

1.2 The application is to extend the life of an unimplemented planning permission (07/01126/FULM), which was approved on 10 August 2007.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYGP1  
Design

CYGP3  
Planning against crime

CYGP4A  
Sustainability

CYGP9  
Landscaping

CYGP10  
Subdivision of gardens and infill devt

CYED4  
Developer contributions towards Educational facilities

CGP15A  
Development and Flood Risk

CYNE1  
Trees, woodlands, hedgerows

CYNE6  
Species protected by law

CYH2A  
Affordable Housing

CYH5A  
Residential Density

CYL1C  
Provision of New Open Space in Development

CYT4  
Cycle parking standards

### **3.0 CONSULTATIONS**

#### **3.1 Internal**

City Development (Policy) - No policy objection to planning permission being extended.

Highway Network Management - The previous (2007) comments still apply. No objections. The proposed access meets the required criteria in terms of width and visibility and is designed to a standard appropriate with its expected usage. Experience of other sites and national survey data shows that the traffic generated would have a negligible impact on the surrounding highway network. Parking and turning for vehicles within the site, including refuse vehicles, are in accordance with relevant standards.

Environment, Conservation, Sustainable Development (Countryside) - The previous (2007) comments still apply. Great crested newts have been found in a pond approximately 320m away. Historical records also exist within a pond less than 200m away, although in 2007 this pond was seasonal. The site itself also provides good terrestrial habitat for foraging as well as providing suitable refuges and hibernacula, and as such an EPS (Protected Species) licence will be required along with a



suitable mitigation plan to ensure that any potential impact is minimised, and to offset the loss of habitat. The same conditions should be attached to any consent given to cover this.

The proposed dwellings would be a good opportunity to carry out habitat enhancement work for bats and other species known to use buildings. This could be covered by a standard condition.

Environment, Conservation, Sustainable Development (Landscape) - The previous (2007) comments still apply. The application respects the protected trees. Introducing windows into the side elevations of unit 14 would maximise natural light into the property without compromising privacy of neighbours. Tree planting proposals should ideally be presented at this stage but could be secured under condition LAND1. Include conditions to secure hedge planting (rather than, or as well as, fencing) and tree planting.

Education - A financial contribution of £37,935 would be needed to pay for 2 extra places required at Huntington Secondary School.

Environmental Protection Unit - No objections. As the site will be used for housing (a vulnerable use) a contamination assessment should be included with the application. But as the Environmental Protection Unit did not ask for such an assessment in 2007 they do not insist on it being submitted now. Add the standard contaminated land condition.

Housing Development - The principle of providing affordable housing was agreed by the previous applicant before the case went to committee. The agreed plan was for the provision of 50%(7) affordable dwellings specifically allocated and for specified tenure. There is no reason why such a S106 agreement cannot be concluded quickly for the current application as we have a template and the current applicant has agreed in principle to the provision of affordable housing.

### 3.2 External

Huntington Parish Council - Objection on the same grounds as previously: Overdevelopment. Houses are inappropriate in an area of bungalows. Impact on local infrastructure. Traffic congestion. Loss of trees and wildlife corridor. Unsafe access. Access road too narrow. Flooding. No confirmation of sewerage and drainage proposals.

York Natural Environment Panel (YNEP) - Regret the loss of wildlife garden habitat contrary to policy GP10. There should be a move against the loss of land, like this site, that acts as a natural soakaway as proposed by the RHS.

Public Consultation - The consultation period ended on 9 June 2010. Seven objections have been received raising the following planning issues:

Traffic and Access;  
Highway safety;  
Parking;  
Overdevelopment  
Loss of open space;  
Impact on wildlife;

Impact on trees;  
Density and scale;  
Visual appearance;  
Impact on local services/amenities;  
Privacy/overlooking;  
Overshadowing;  
Inadequate drainage and sewerage;  
Impact on character of the area;  
School waiting lists have increased since 2007.

#### **4.0 APPRAISAL**

##### **4.1 Key Issues:**

Principle of development for housing;  
Density;  
Visual appearance; including landscaping;  
Sustainability;  
Impact on trees;  
Impact on wildlife;  
Neighbour amenity;  
Access, parking and highway safety;  
Drainage;  
Affordable housing;  
Impact on local services;  
Crime prevention;  
Construction impact.

##### **The Application Site**

4.2 The site consists of an extended dormer bungalow and its unusually large, partly-overgrown, rear garden, which extends behind neighbouring dwellings. The site covers approximately 0.5ha. To the front and sides are the gardens of residential dwellings in Lea Way. To the rear is open countryside.

4.3 The site lies within the development limits of York but is otherwise unallocated in the Draft Local Plan. Certain trees within the site and along the southern boundary are protected by a Tree Preservation Order (reference CYC 242). The area is known for having poor drainage.

4.4 The strip of land immediately to the rear (east) of the site is designated open space (where Policy GP7 applies) and a recreational opportunity area (Policy L1d). Beyond this strip the land is allocated for future employment use.

##### **Appraisal**

4.5 The application is made under the provisions of the Town and Country Planning (General Development Procedure) (Amendment No.3) Order 2009. These provisions have been introduced in order to make it easier for developers and local planning authorities to keep planning permissions alive for longer during the current economic downturn so that they can more quickly be implemented when economic conditions improve. On this basis the process for renewing planning permissions

that are about to expire has been streamlined. National planning guidance states that extension of time applications are to be considered against the development plan and material considerations but should focus on policies and material considerations that have changed significantly since the original grant of planning permission. The procedure should not be used, for example, to impose more onerous requirements than were imposed previously, unless they are justified by changes in policy or national planning guidance.

4.6 In this case the most significant change in planning policy is that in June 2010 Planning Policy Statement 3 (Housing) (PPS3) was revised in two ways and reissued. The changes are:

- The definition of previously developed land now excludes private residential gardens. The purpose is to give local authorities the freedom to prevent overdevelopment of neighbourhoods and 'garden grabbing'; and
- The national indicative minimum density of 30 dwellings per hectare (dph) is deleted. The purpose is to give local authorities the flexibility to set density ranges that suit the local needs in their areas, particularly for family housing.

There has also been an increased emphasis on sustainable design and construction, following the approval of the Interim Planning Statement (IPS) on Sustainable Design and Construction on 22 November 2007.

4.7 National guidance within PPS3 that prioritises previously developed land for new development still remains, however, private residential garden have now been removed from that definition. The new guidance does not prevent development taking place on such sites, and the fundamental principles of making efficient and effective use of land in sustainable locations still remain. Whilst the application site is considered to be a private garden it is unusually large. Much of it extends behind other gardens and is overgrown. It is considered to have the character of a large infill site rather than a residential garden. Thus it is not considered that the acceptability of the site for housing has been adversely affected by the removal of residential gardens from the definition of previously developed.

4.8 The proposed density of the development is 28dph. It includes a range of house types and sizes. The amount and type of development is considered to be acceptable bearing in mind the character of the area and the constraints that exist, particularly mature trees. Officers do not consider that the proposal would constitute overdevelopment of the site. Nor is it the case that the target figure of 30dph had, in 2007, persuaded the council to accept a density that would otherwise be unacceptable. The removal of the 30dph target from PPS3 has not, therefore, affected officers' assessment of the proposal.

4.9 In the context of the legislation under which the application is being considered, there are considered to be no other material considerations. No new issues have been raised that would justify the refusal of the application. In particular, the drainage of the site was resolved to the satisfaction of the Council's Drainage Engineers (York Consultancy) prior to planning permission being granted in August 2007. The application is therefore recommended for approval subject to the same conditions as previously. The wording of some conditions has been changed to bring them up to date, e.g. regarding sustainable design and the size of financial

contributions. A condition is also recommended requiring the provision of 10% of the development's predicted energy requirements from on-site renewable energy requirements, in accordance with the Council's IPS on sustainable development. Whilst housing officers would prefer planning permission to be deferred until a s.106 agreement (for the provision of affordable housing) has been signed this is considered to be adequately covered by the previous affordable housing condition. The Council's Countryside Officer has requested that the standard bat condition be added to provide for bat roosting in the new development, but as this was not advocated in 2007, and as circumstances have not materially changed since that time, it is not recommended on this renewal application.

## 5.0 CONCLUSION

5.1 This application is to extend the life of an unimplemented planning permission. The proposal is considered to accord with relevant policies of the Draft Local Plan and with national planning advice and is recommended for approval subject to conditions.

## 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing No. 012.01.02 received 14 May 2007

Drawing No. 012.01.03 rev E received 7 August 2007

Drawing No. 012.01.04 received 14 May 2007

Drawing No. 012.01.05 received 14 May 2007

Drawing No. 012.01.06 received 14 May 2007

Drawing No. 012.01.07 received 14 May 2007

Drawing No. Y157/D/2 received 6 August 2007

Drawing No. Y157/D/1D received 6 August 2007

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

Reason: So as to achieve a visually cohesive appearance.

4 Details of all means of enclosure to the site boundaries and all boundary treatments within the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

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

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 LPA.

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 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority, to demonstrate how the development will provide 10% of the predicted energy requirements from on-site renewable resources. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development.

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

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

Reason: In the interest of satisfactory and sustainable drainage.

8 Development shall not begin until details surface water drainage works, including the storage and pumping of surface water, have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

9 The discharge rate of surface water from the site to the adopted sewer shall not exceed 4 litres per second and shall be limited to this maximum level by vortex control chamber and the pipe from the vortex control chamber to the existing adopted sewer shall be 150 mm diameter and laid at minimum falls unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the proper drainage of the site and to prevent flooding.

10 The site shall not be occupied and no piped discharge of water from the development site shall take place until works to provide surface and foul water drainage have been completed in accordance with the approved details.

Reason: To protect the environment and in the interests of the proper drainage of the site.

11 Foul water drainage of the site shall be in accordance with the approved plans.

Reason: For the proper drainage of the site.

12 Foul water drainage of the site shall be in accordance with the approved plans.

Reason: For the proper drainage of the site.

13 All drainage routes through the Site shall be maintained both during the works on site and after completion of the works.

INFORMATIVE:

Provisions shall be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as 'ridge and furrow' and 'overland flows'. The affect of raising Site levels on adjacent property must be carefully considered and appropriate measures taken to negate influences.

Reason: To protect the area from flooding

14 There shall be no raising of ground levels on the site.

Reason: To prevent flooding of adjacent properties.

15 No development shall commence on site until a scheme for the provision of affordable housing (Affordable Housing Plan) as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with Policy H2a of the Draft City of York Local Plan and the Affordable Housing Advice note adopted April 2005. The scheme shall include:-

i) The numbers, type and location on the site of the affordable housing provision to be made

ii) The timing of the provision of the affordable housing

iii) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing

iv) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and means by which such occupancy shall be enforced.

Reason: To comply with Policy H2a of the Council's Draft Local Plan ( 4th Set of Changes April 2005) and the aims of PPS1 and PPS3.

16 No development shall commence unless and until a scheme to ensure the provision of adequate additional secondary school places within the local catchment area has been submitted to and approved by the local planning authority.

Reason: The education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in the interests of the sustainable development of the city in accordance with Policy C6 of the Development Control Local Plan and the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

INFORMATIVE:

The provisions 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, The obligation should provide for a financial contribution calculated at £37,935. The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

No development can take place on this site until the condition has been has been discharged and you are reminded of the Local Planning Authority's enforcement powers in this regard.

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

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

18 Protective fencing to BS5837: 2005 shall be erected around all existing trees shown to be retained (and neighbouring trees where they may also be affected). Before the commencement of development including site clearance, demolition, building, or other operations, including the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing to be shown on a plan; phasing of works; type of construction machinery/vehicles to be used; arrangements for loading/off-loading; parking arrangements for site vehicles; locations for storage of materials; location of site cabin and marketing cabin as appropriate. The protective fencing will also include the existing grassland shown to be retained around the trees that are subject to a TPO. The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, pipe

runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscaping works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area and/or development.

19 No development shall commence on site until full details of a Great Crested Newt mitigation plan to offset the impact of the development has been submitted to and approved in writing by the local planning authority. This plan shall include the following:

- i. further survey if appropriate to determine the extent of the overall Great Crested Newt meta-population;
- ii. A Wildlife Protection Plan of how development work is to be carried out to take account of the presence of Great Crested Newt
- iii. Details of the mitigation/compensation provision is to be made to replace the habitat lost through development to ensure that there is no significant impact on the population overall
- iv. The measures to ensure that no Great Crested Newt are harmed by the development work
- v. The timing of all operations

The mitigation plan shall thereafter be implemented on site in accordance with an agreed timetable.

Reason: In the interest of protecting a protected species and its habitat.

20 A desk study should be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on site, including the potential for the migration of landfill gas. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development of the site.

b. A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on site.

c. A risk based remedial strategy shall be developed based upon the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site. The remedial strategy shall have due regard for UK adopted policy on risk assessment.

d. A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.



e. Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development on site.

Reason: To protect the health and the wider environment

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

Reason: In the interests of the amenities of the adjoining residents and the long term health of protected trees 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.

22 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

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

Reason: To protect the amenities of adjacent residents.

24 Fully detailed drawing illustrating the design and materials of roads, footpaths and other adoptable open spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the start of construction on site.

Reason: In the interests of highway safety.

25 No dwelling to which this planning permission relates shall be occupied unless or until the carriageway basecourse and kerb foundation to the new estate road and footpath to which it fronts, is adjacent to or gains access from, has been constructed. Road and footway wearing courses and street lighting shall be provided within three months of the date of commencement on the construction of the penultimate dwelling of the development.

Reason: To ensure appropriate access and egress to the properties, in the interests of highway safety and the convenience of prospective residents.

26 The development shall not come into use until the junction with the public highway has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

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

Reason: In the interests of highway safety.

28 Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the LPA.

Reason: In the interests of the safety and good management of the public highway.

29 Prior to commencement of any works on site, a management plan identifying programming and management of construction works shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the provision for unloading of delivery vehicles and measures to prevent dirt from being transferred on to the highway.

Reason: In the interests of highway safety.

30 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 £30,618.

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.

31 Unless otherwise agreed in writing by the local planning authority a management plan for the on site drainage scheme (including details of maintenance and detailing responsibility for management of the works) shall be submitted to and

approved in writing by the local planning authority before the development hereby approved is first occupied.

Reason: To ensure the future maintenance and operation of the drainage works.

32 Details of a scheme for the collection and use of rainwater for domestic purposes (including grey water recycling for internal use and rain water storage for external use) shall be submitted to and agreed in writing by the local planning authority before development commences on site. The approved scheme shall be implemented on site before the dwellings hereby approved are first occupied.

Reason: In the interests of sustainable development.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

1. 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 principle of development for housing; density; visual appearance; landscaping; sustainability; impact on trees; impact on wildlife; neighbour amenity; access, parking and highway safety; drainage; affordable housing; impact on local services; crime prevention and construction impact. As such the proposal complies with Policies GP1, GP3, GP4a, GP9, GP10, ED4, GP15a, NE1, NE6, H2a, H3c, H4a, H5a, L1c and T4 of the City of York Local Plan Deposit Draft.

### **Contact details:**

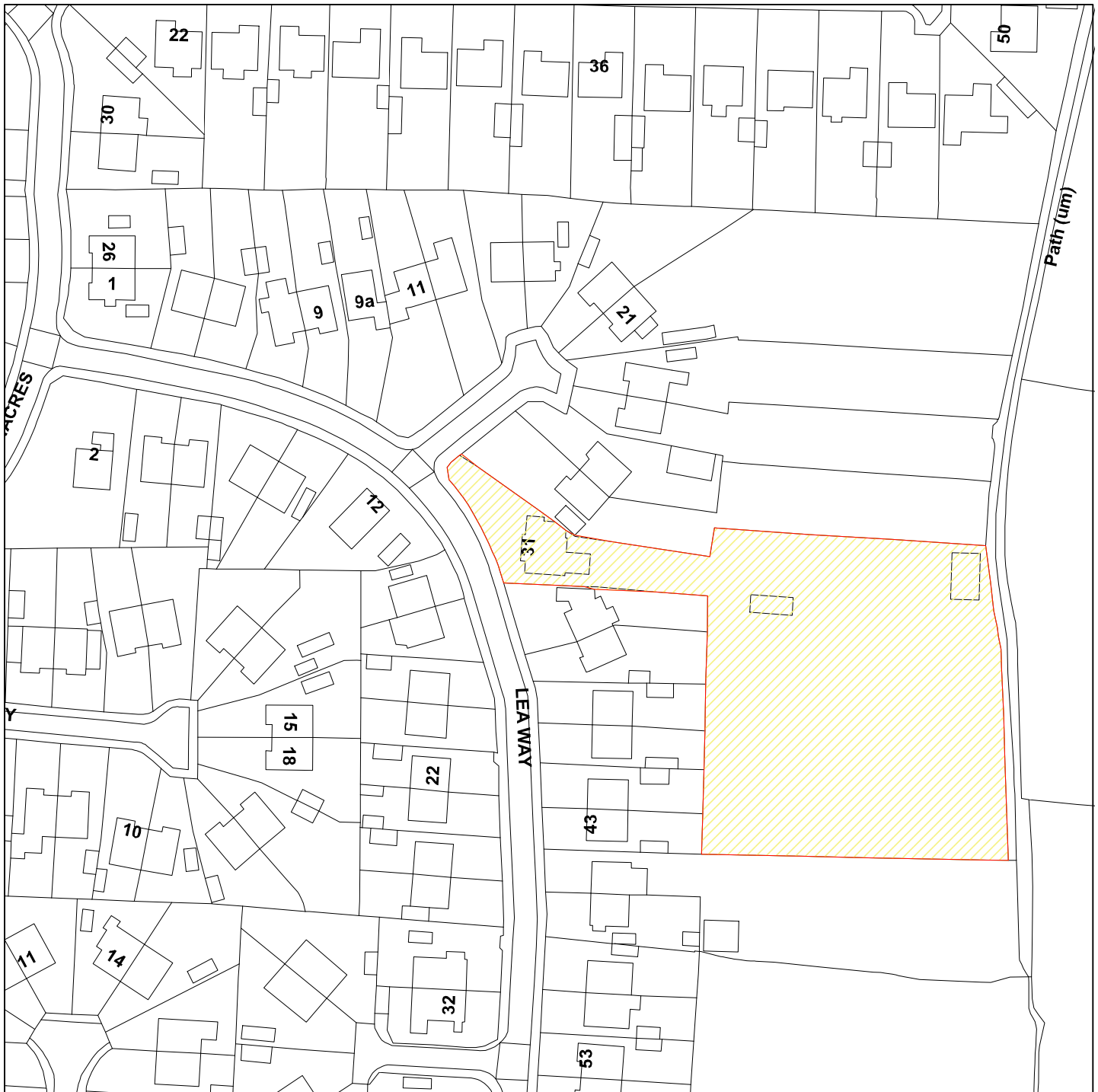
**Author:** Kevin O'Connell Development Control Officer  
**Tel No:** 01904 552830

# 31 Lea Way, Huntington, York

10/00943/FULM



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	28 June 2010
<b>SLA Number</b>	Not Set

**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 7 July 2010

**Ward:** Heslington  
**Parish:** Heslington Parish Council

**Reference:** 10/00495/FUL  
**Application at:** Derwent Barn Langwith Stray Heslington York YO10 5EJ  
**For:** First floor pitched roof side extension (resubmission)  
**By:** Matthew Clements  
**Application Type:** Full Application  
**Target Date:** 19 May 2010  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 **SITE:** The application site lies at the end of Common Lane, in a cluster of farm buildings, which make up Fir Tree Farm. Derwent Barn, a three bedroomed dwellinghouse, is sited on the west side of the former fold yard, between the original farmhouse and Sycamore Barn, also a converted barn. The site lies within the York Green Belt.

1.2 **PROPOSAL:** First floor extension above single storey play room projection (4.55m max. height) at the side of main two storey building to provide an additional bedroom. Overall height to the ridge is approximately 5.65m - measured on northern side of extension - and approximately 5.8m on southern side. Two openings are proposed in rear elevation, consisting of a combination of rooflights and vertical wall windows. To be constructed from reclaimed bricks and clay pantiles to match existing.

1.3 **APPLICANT'S CASE:** The application seeks to demonstrate that the impact to the existing properties and the effect on the Green Belt is negligible and that the application should therefore be approved. It represents a significant reduction in terms of scale and massing of the originally proposed extension and therefore minimises any potential impact. It represents a very small increase above the volume of the original dwelling therefore retaining the visual gap between the properties.

The materials would be in-keeping with the existing buildings and would be similar in height to that attached to adjacent Sycamore Barn. Photographs submitted to show that site is far more open than when it was a working farm. Limited increase in size as well as placement of Derwent Barn would not detract from the open character of the Green Belt. The extension seeks to minimise the intrusion and the applicant considers that it would not detract from the character and appearance of the barn.

The proposal would provide an additional room on the first floor to facilitate enhanced family support and assistance for the applicant, who suffered a road accident and has mobility issues and his immediate family. The additional bedroom

would normally be occupied by an extended family member typically up to four times per month providing additional support to all family members when needed.

1.4 HISTORY: Planning permission granted for the conversion of the barn in 2000 (00/00588/FUL). Proposal included single storey extension at side to replace an existing agricultural building. The approval was subject to a condition removing permitted development rights.

The building has been extended (04/00458/FUL granted in 2004) with a single storey addition to accommodate two garages and service archway to garden beyond, sited at right angles to the building. This was apparently built on the footings of an original structure that enclosed the fold yard.

Planning permission was refused in May 2009 and January 2010. The first application proposed a first floor addition above the existing extension that was 650mm below the ridge of the roof of the existing property. It was refused on the grounds of the impact on the openness of the Green Belt, visual amenity and residential amenity. The second was for the same proposal that is currently before Members. It was refused (under delegated powers) on Green Belt and visual amenity grounds.

#### 1.5 MEMBER INTEREST

The application has been called-in to Committee at to the request of Councillor Aspden in order to ensure that local residents have a public opportunity to make any representations and due to the special circumstances of the applicant's case that justify the very limited harm to the Green Belt in this particular location.

In addition, a letter of support has been submitted by Councillor Jamieson-Ball on the grounds that the applicant's quality of life and family support with his disability would be improved by this small extension without significant impact on the surrounding environment - minimal impact on the Green Belt and no loss of amenity for neighbouring properties.

## 2.0 POLICY CONTEXT

### 2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

Floodzone 2 GMS Constraints: Flood zone 2

### 2.2 Policies:

CYGP1

Design

CYGB1

Development within the Green Belt

CYGB4

Extension to existing dwellings in GB

CYH7

Residential extensions

### **3.0 CONSULTATIONS**

#### **3.1 PUBLICITY**

Letters were sent to adjacent neighbours. The consultation period expired on 27.4.2010.

#### **3.2 INTERNAL**

None

#### **3.2 EXTERNAL**

Parish Council: No response received to this application.

A letter has been received from the occupiers of the original farm house, Fir Tree Farm, reiterating the comments made to the previous applications, that is: concerned about impact on their property due to close proximity of first floor extension, in terms of outlook, overlooking and restriction of light. Consider that proposal would be out of keeping with the rural nature of the properties, with the extension considerably changing the original layout and look of this converted agricultural building.

Other issues raised by the neighbours regarding property value, boundary changes, rights of access along driveway and over garden and compliance with planning conditions placed on the original conversion, are not considered material to the determination of this application.

### **4.0 APPRAISAL**

#### **4.1 Key issues:**

- Impact on openness and visual amenity of Green Belt;
- Impact on visual amenity of local environment;
- Affect on residential amenity.

#### **4.2 POLICY CONTEXT**

Central Government planning policy is set out in Planning Policy Statement 1: Delivering Sustainable Development (PPS1) and Planning Policy Guidance Note 2: Green Belts (PPG2). PPS1 encourages good design. PPG2 outlines the presumption against inappropriate development within the Green Belt and considers limited extension of existing dwellings in the Green Belt to be appropriate, providing it does not result in disproportionate additions over and above the size of the original building and that its siting, materials or design does not injure the visual amenities of the Green Belt.

City of York Draft Development Control Local Plan policies are material to the determination of the application and reflect national guidance. Policy GP1 requires development proposals to respect or enhance the local environment, Policy H7 seeks residential extensions that respect the spaces between dwellings and have no adverse effect on the amenity which neighbouring residents can reasonably expect to enjoy; and, Policies GB1 and GB4 allow for limited extension of dwellings in the Green Belt and open countryside, where the proposal would not cause undue visual intrusion, is appropriate in its design and materials, and is small scale compared to the original dwelling.

#### 4.3 GREEN BELT AND VISUAL AMENITY

The application site forms part of a collection of former agricultural buildings, comprising the original farmhouse and two former outbuildings, that read as three larger two storey buildings with gaps between that are filled only by single storey elements. The proposed first floor extension would reduce this space between two of these buildings, the application building and the former farmhouse. The consequence of this is the erosion of the setting and relationship between the grouping of buildings, to the detriment of the openness of the site and the openness and visual amenity of the Green Belt. In addition, the design of the first floor extension, in particular its appearance as neither a single nor two storey addition, with a ridge that breaks into the roof slope of the original barn that results in an uncomfortable relationship with one of its first floor windows, further harms the character and appearance of this traditional and original farm building. As a result, the proposal is considered to be contrary to national planning advice in PPS1 and PPG2 and Local Plan Policies GP1, H7, GB1 and GB4.

#### 4.4 RESIDENTIAL AMENITY

Whilst the proposed extension would be prominent when viewed from the adjacent property, Fir Tree Farm, due to its close proximity, off-set position in relation to this neighbouring dwelling and its additional height, its height has been reduced from that previously refused application in 2009. The potential overshadowing over and above that which already occurs as a result of the existing dwelling of the external areas of the neighbouring property, is now considered not to be unduly harmful to the amenity that the neighbouring residents could reasonably expect to enjoy. As the only openings are proposed on the south-west facing elevation (overlooking the rear garden areas), there would be no loss of privacy to the adjoining dwellinghouse.



## 5.0 CONCLUSION

5.1 In light of the above, the proposal is considered to be harmful to the openness and visual amenities of the Green Belt, and would detract from the visual amenity of the area in general. It is therefore contrary to national and local planning policy and is recommended for refusal. The applicant's case has been taken into account in reaching this recommendation, but it is considered that the personal circumstances do not override the identified concerns regarding the impact of the proposal.

## 6.0 RECOMMENDATION: Refuse

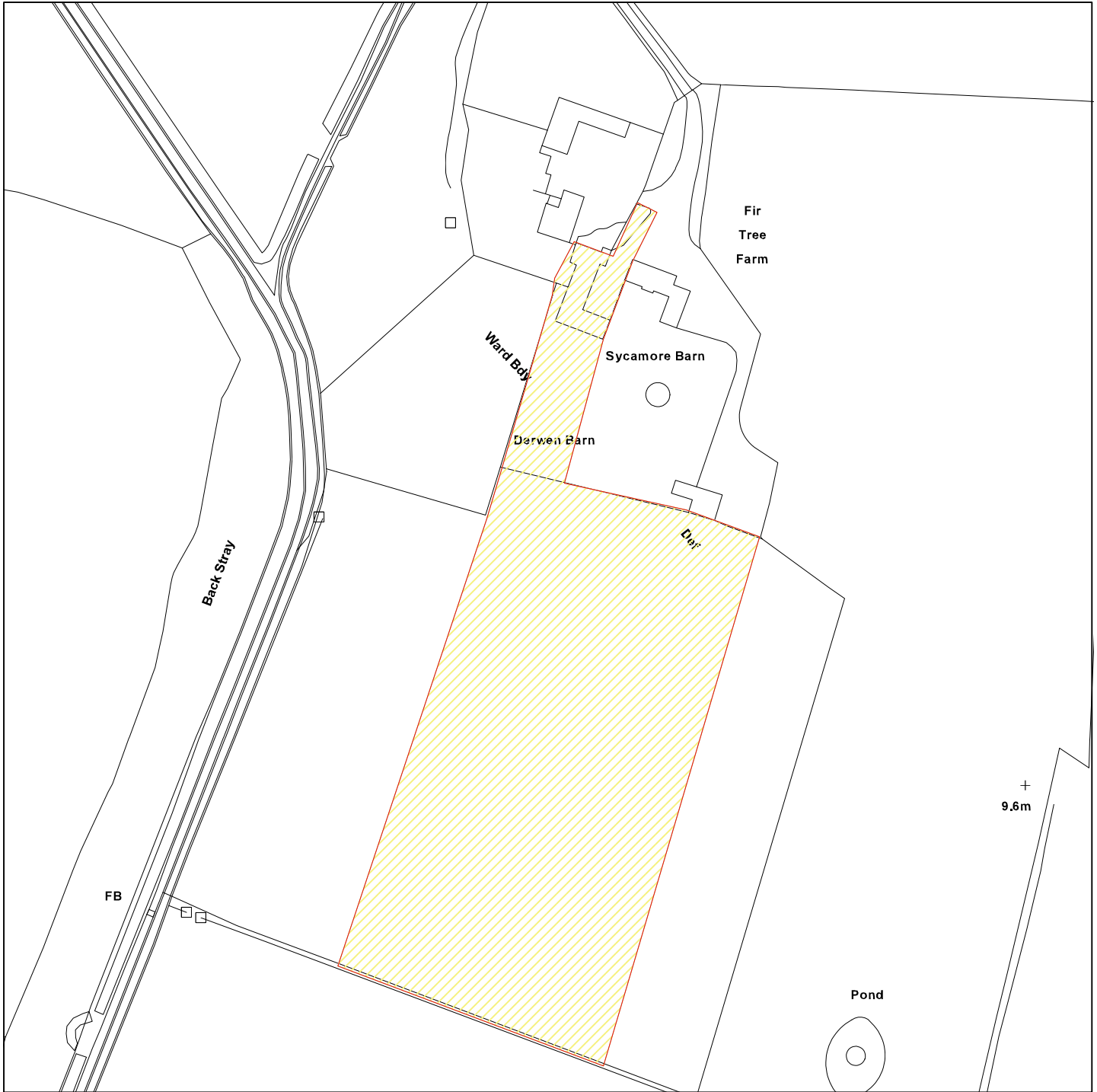
1 The proposed first floor extension, due to its height and design breaking into the roof slope of the original barn, would detract from the character and appearance of this former traditional farm building and would reduce the space between it and the adjacent former farmhouse, Fir Tree Farm. This would erode the setting and relationship between this collection of former farm buildings, which read as three two-storey buildings with single storey elements between, to the detriment of the character and appearance of the site and the openness and visual amenity of the City of York Green Belt. As a result, the proposal is contrary to national planning advice in Planning Policy Statement 1: "Delivering Sustainable Development", Planning Policy Guidance Note 2: "Green Belts" and Policies GP1, H7, GB1 and GB4 of the City of York Draft Development Control Local Plan.

### Contact details:

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

# Derwent Barn. Heslington

10/00495/FUL



Scale : 1:1667

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	28 June 2010
<b>SLA Number</b>	Not Set

**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 7 July 2010

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

**Reference:** 10/00737/FUL  
**Application at:** Recreation Ground White Rose Avenue New Earswick York  
**For:** Replace existing basketball court with multi use games area incorporating 3 metre high perimeter fence.  
**By:** Jaquie Dale  
**Application Type:** Full Application  
**Target Date:** 11 June 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This application seeks planning permission to convert an existing basketball court into a multi use games area (MUGA). This alteration includes the installation of 3m high metal perimeter fencing.

1.2 The application site is the existing recreation ground located off White Rose Avenue in New Earswick. To the east is New Earswick library and swimming pool and to the south is a childrens play area, which is enclosed by a 1m high fence. To the north are playing fields/sports pitches and tennis courts; approximately 70m to the west are dwellings on White Rose Avenue. The whole of the application site is within the New Earswick Conservation Area.

1.3 This application has been brought to Committee as the agent for the application works within the 'York Young People's Services' Section of the Adults, Children`s and Education Department of the City of York Council.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: New Earswick CONF

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1  
Design

CYHE3  
Conservation Areas

### **3.0 CONSULTATIONS**

#### Internal

3.1 Environmental Protection Unit - No objections.

3.2 Design and Conservation - The proposed MUGA is partially obscured from view and is unlikely to have a negative visual impact on the immediate setting of Listed Buildings on Haxby Road. Although the proposed 3 metre high fencing will alter the appearance of this part of the conservation area and have a visual impact due to the scale of the MUGA, the footprint is proposed as 20 metres by 27 metres, the fencing will form part of the recreational character of the area to the rear of the Folk Hall and is considered acceptable within this context. Details of the colour and finish of the galvanised stainless steel rebound fencing should be confirmed.

#### External

3.3 New Earswick Parish Council - No correspondence received.

3.4 Third Parties - No correspondence received.

### **4.0 APPRAISAL**

4.1 It is considered that the key issues to consider in the determination of this application are the visual impact on the conservation area and the impact on the amenity of local residents.

4.2 Development Control Local Plan Policy HE3 'Conservation Areas' states that development proposals in conservation areas will only be permitted where there is no adverse effect on the character and appearance of the area. Policy GP1 'Design' states that proposals shall respect the local environment and ensure that residents' livings nearby are not unduly affected by noise and disturbance.

4.3 The application site is located within a community area within New Earswick with a library, swimming pool, children's play area, tennis courts, and sports fields as well as a public car park within the immediate vicinity. On the application site at present is a basketball court consisting of a hardstanding playing area, two basketball poles and hoops, and eight floodlights mounted on four poles.

4.4 It is proposed that the existing floodlights will remain in place and the area will be fenced off to allow it to be used as a MUGA with basketball hoops and goals being installed. The proposed fence would be 3m in height and surround the playing area. It would be constructed of a galvanised mesh which would be polyester powder coated. The applicant has stated that young people of the area will be consulted before a colour is chosen for the fence. It is therefore proposed that a condition is added to any approval to agree a suitable fence colour prior to development.

4.5 It is considered that the proposed MUGA would not look out of place within its surroundings. There is an existing basketball court with hardstanding on site, the amount of hardstanding would not increase from the current size of 27m x 20m. The area contains a number of recreational facilities and the proposal would appear small scale and in keeping within this context. The area benefits from a good level of landscaping which would further minimise the visual impact of any fencing.

4.6 The MUGA would be maintained by Joseph Rowntrees Foundation and the fencing is described as being of an 'anti vandal' specification. Therefore it is considered that in both the short and long term the proposed MUGA would not harm the character and appearance of the area.

4.7 There are two Grade II Listed Buildings to the east on Haxby Road, namely Folk Hall and Hall Cottage. However, these are separated from the application site by the swimming pool and library and therefore it is not considered that there would be any significant impact on the setting of the Listed Buildings.

4.8 Whilst the proposed MUGA will allow a greater number of activities to be played on the site than at present, it is not considered that there would be a significant noise or nuisance issue associated with its use. The nearest dwellings are over 70 metres away and the basketball court is already floodlit and used as a play area. The Environmental Protection Unit raised no concerns regarding the proposed development.

## **5.0 CONCLUSION**

5.1 It is considered that the proposed development would not harm the character or appearance of the area and would not conflict with Policies HE3 and GP1 of the Draft Local Plan.

## **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:-

Site layout plan and fencing specifications received by the CoYC on 14/04/2010

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

3 Prior to the commencement of development the proposed colour of all rebound fencing shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details and shall be thus maintained.

Reason: To ensure the appearance of the development is acceptable within the Conservation Area.

**7.0 INFORMATIVES:  
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the character and appearance of the area and the amenity of local residents. As such the proposal complies with Policies HE3 and GP1 of the City of York Development Control Local Plan.

**Contact details:**

**Author:** Michael Jones Development Control Officer

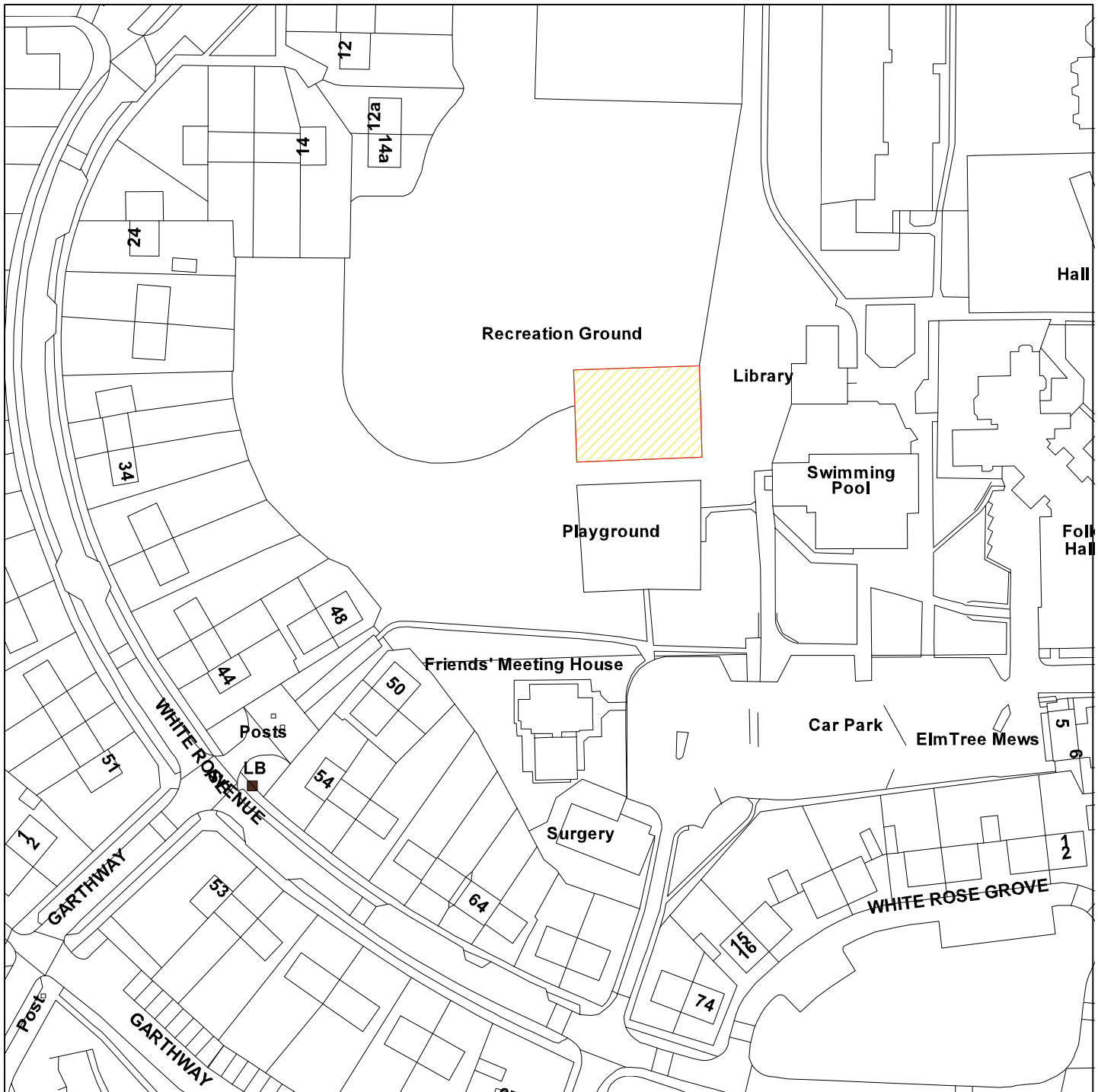
**Tel No:** 01904 551325

# MUGA at White Rose Avenue, New Earswick

10/00737/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	28 June 2010
<b>SLA Number</b>	Not Set





3.2.1 Rawcliffe Parish Council - No response at time of report.

3.2.2 Neighbour Response - No response from consulted neighbours.

## **4.0 APPRAISAL**

### 4.0 APPRAISAL

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

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

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

4.4 The Application Site. This application seeks to create additional living accommodation within the dwelling. Although the precise use of the converted garage is not specified, this is not relevant to the determination of the application. There would still be an integral garage following development, and off-road parking spaces to the front of the property. In terms of cycle storage and refuse storage, one integral garage would still be available and access to the rear would still be available. No highway objections have been raised.

4.5 Effect upon the Street Scene. The detached properties forming Kensington Road, though similar in appearance, do vary in terms of design and scale. This proposal is well designed, harmonious with the existing building, and incorporates matching materials. It will not appear detrimental to the street scene.

4.6 Effect Upon Neighbouring Property. This proposal will have no direct impact on neighbouring properties.

## 5.0 CONCLUSION

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

## 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:-

Received 4th May 2010.

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

## 7.0 INFORMATIVES:

### Notes to Applicant

#### 1. REASON FOR APPROVAL

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

### Contact details:

**Author:** Paul Edwards Development Control Assistant

**Tel No:** 01904 551352

# 8 Kensington Road

10/00999/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	28 June 2010
<b>SLA Number</b>	Not Set



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**East Area Planning Sub-Committee****7 July 2010**

Report of the Director of Customer and Business Support Services

**Current position of open space and footpath provision at the former Clifton Hospital site****Summary**

1. The purpose of this report is to explain to Members the current position as to the dedication of land as public open space and the provision of a public footpath at the site of the former Clifton Hospital.

**Background**

2. In 1994 a Planning Agreement further to the Town and Country Planning Act 1990 Section 106 was completed between the Ryedale District Council (1) North Yorkshire County Council (2) and the Secretary of State for Health (3) with regard to the development of land and known as the Clifton Hospital Estate, Clifton Without, York.
3. This agreement dealt with a number of matters but the two that are material to this report were :-
  - (i) a duty imposed on the landowner, the then Secretary of State for Health, to provide a new footpath from Shipton Road to a point within the land to be developed and
  - (ii) an obligation by the Minister to dedicate an identified parcel of land of approximately 2.45 acres to the Ryedale District Council for a nominal sum of £1 to be used as public open space.
4. The Council of the City of York became successors in law to the Ryedale District Council on 1 April 1996 as far as the site at Clifton Hospital is concerned.
5. The two outstanding issues already identified remain unresolved and Members need to be appraised as to the current position.
6. As far as the public open space land is concerned, the Head of Civic, Democratic and Legal Services has been in correspondence with solicitors who act for the current developers since January 2007. The latest letter on file from

such solicitors indicated that they were seeking to obtain instructions from their client. However, more recently, the Council's Countryside Officer has completed a landscape management plan for the whole of the former Clifton Hospital site, including the open space land, which was seen as an essential requirement for the whole of the development. The developers also agreed to press their solicitors now to deal with the necessary documentation concerning the transfer of the public open space.

7. Turning to the public footpath, the Rights of Way Officer has been pressing for the matter to be dealt with for some considerable time. Again, those efforts to date have been unsuccessful. The developer has now agreed to request their solicitors to deal with the formal dedication required, although it has to be stressed that the footpath itself has been available for public use for some time.

### **Consultation**

8. Essential discussions have taken place with the current developer.

### **Options**

9. The sub-committee has the following options:-
10. Option 1 Commence proceedings at once to enforce the outstanding requirements of the 1994 Agreement.
11. Option 2 To follow up the recently concluded agreement already mentioned and deal with both outstanding issues on the basis indicated.

### **Analysis**

12. The need to bring this matter to a conclusion is clear. It would seem at this stage that the prudent course would be to seek to follow through what has been agreed with the Countryside Officer, as this is more likely to resolve outstanding issues quickly, rather than engaging in litigation.

### **Corporate Priorities**

13. It is clearly within the public interest to ensure that outstanding obligations are duly fulfilled and that both public open space and the footpath are duly provided and made available on a proper formal basis.

### **Implications**

14. **Finance** – None  
**Human Resources (HR)** – None  
**Equalities** – None

**Legal** – Proceedings could be commenced by the Council to compel the adherers to the requirements of the 1994 agreement.

**Crime and Disorder** - None

**Information Technology (IT)** – None

**Property** – None

**Other** – None

**Risk Management**

15. Should proceedings be commenced there would be a risk that they would be unsuccessful and costs could be awarded against the Council.

**Recommendations**

16. It is recommended that the Council accepts Option 2 and requires a further report in three months' time if by then substantial progress to resolve both outstanding issues has not been made.

REASON: Such an approach is likely to resolve the matter more expeditiously.

**Contact details**

**Author:**

**Andrew Docherty**  
**Head of Civic, Democratic & Support**  
**Legal Services**  
**Tel No: 01904 551004**

**Chief Office Responsible for the report:**

**Ian Floyd**  
**Director, Customer and Business**  
**Services**

**Specialist Implications Officer:**

**Legal – Martin Blythe**  
**Tel No. 01904 551044**

\_\_\_\_\_ **Report approved**

**Ward Affected: Clifton Without**

**Background Papers;**

None

**Annexes:**

None



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## **East Area Planning Sub-Committee**

**07 July 2010**

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 Part 1 of Schedule 12A of the Local Government Act 1972, 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.
5. Section 106 Agreements are monitored by the Enforcement team. A system has been set up to enable Officers to monitor payments required under the Agreement.

#### **Current Position**

6. Members should note that 57 new cases were received for this area within the last quarter. 49 cases were closed and 305 remain outstanding. There are 84 Section 106 Agreement cases outstanding for this area after the

closure of 3 for this quarter. Two formal notices have been served during the last quarter.

### **Consultation**

7. 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 Officer 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:**

**Author's name**

Mandy Swithenbank/  
Alan Kendall  
Planning Enforcement Officer

**Chief Officer Responsible for the report:**

**Chief Officer's name**

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

**Dept Name** City Strategy  
Tel No. 551376/551324

**Report Approved**  **Date** 25/06/2010

*Chief Officer's name:* Michael Slater  
*Title:* Assistant Director (Planning and  
Sustainable development)

**Report Approved**  **Date** 25/06/2010

**Specialist Implications Officer(s)** *List information for all*

*Implication ie Financial*

*Name*

*Title*

*Tel No.*

*Implication ie Legal*

*Name*

*Title*

*Tel No.*

**Wards Affected:** *All Wards*

**All**

**For further information please contact the author of the report**

**Background Papers:**

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

Report to Area Sub-Committee in April 2010 – Enforcement Cases Update.

**Annexes**

Annex A - Enforcement Cases – Update (Confidential)

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

Document is Restricted

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