



**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:** Thursday, 12 August 2010

**Time:** 2.00 pm

**Venue:** The Guildhall, York

**AGENDA**

**1. Declarations of Interest**

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

**2. Minutes** (Pages 4 - 16)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 7 July 2010.

**3. Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Wednesday 11 August at 5.00 pm.

**4. Plans List**

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

a) **OS Field 3022, Metcalfe Lane, Osbaldwick, (Pages 17 - 27) York.**

This application seeks planning permission for the erection of 90 polytunnels in association with use of 3.29 ha of land as allotments with associated facilities including reception/shop/toilet block, associated parking area and highway improvements to Metcalfe Lane. [Osbaldwick] **[Site Visit]**

b) **University Sports Centre, Heslington Lane, (Pages 28 - 32) York.**

This application seeks to vary condition 3 of planning permission 05/00983/FULM for the erection of a lightweight temporary indoor sports hall, permanent all-weather football pitch and single-storey extension to an equipment store within the University of York's Heslington West Campus. The consent was granted in 2005. Condition 3 requires the temporary indoor sports hall to be removed after five years, i.e. by 14 July 2010. The current application seeks to extend the time limit for removal by a further ten years, i.e. to 14 July 2020. [Heslington] **[Site Visit]**

c) **18 The Village Wigginton York YO32 2PJ (Pages 33 - 41)**

This is a full application for the erection of a 2-bedroom dormer bungalow with integral garage. Access would be via a shared private drive from Longcroft. The proposals would require the removal of a mature Monkey Puzzle tree and the demolition of a timber outbuilding. The application is in effect a renewal of a previous approval (outline and reserved matters granted in 2004 and 2007 respectively), which has expired (see 04/01780/OUT and 07/01284/REM). The proposals are unchanged.

This application has been called in by Cllr Firth because local residents are concerned that circumstances have changed since the previous proposal was approved.[Haxby and Wigginton] **[Site Visit]**

**d) 45 Ashton Avenue York YO30 6HW** (Pages 42 - 47)

This application is for the erection of a three-bedroom two-storey detached house in the rear garden of 45 Ashton Avenue. Two linked single garages are also proposed to serve the existing and new dwelling and a 2.4m high brick wall is proposed alongside a public footpath to the side.

The application has been referred to committee as the applicant is employed by the City Council. [Clifton]

**e) 45 Millfield Lane, York. YO10 3AW** (Pages 48 - 54)

This application seeks planning permission to convert a three bedroom single occupancy dwellinghouse (Use Class C3) into a four bedroom house in multiple occupation (HMO)(Use Class C4).

This application has been brought before East Area Planning Sub-Committee due to the level of objection from local residents and concerns by local councillors on the amount of (H.M.O) conversions within the vicinity. A site visit will allow members to understand the nature of the objections raised and put them into context. [Hull Road] **[Site Visit]**

**f) The Villa, Elvington, York. YO41 4AG** (Pages 55 - 64)

This is a full planning application to erect a four-bedroom dormer bungalow within what was the rear garden of a detached property.

The site is adjacent to a property occupied by a Council employee. It has been referred to Committee in order to ensure transparency in the decision making process. [Wheldrake]

**g) 34 Thief Lane, York. YO10 3HU (Pages 65 - 71)**

This application consists of two parts; the erection of a two storey side and single storey rear extension, and the conversion of the dwelling house into a seven bedroom House in Multiple Occupation (HMO).

This application is being heard before the Committee at the request of Cllr. Brian Watson due to concerns about over studentification in this area.[Hull Road] **[Site Visit]**

**h) 24 Low Mill Close York YO10 5JN (Pages 72 - 78)**

This application seeks planning permission to convert a four bedroom house into a six bedroom House in Multiple Occupation.

This application is being heard before Committee at the request of Cllr Jamieson-Ball who called it in due to concerns of local residents about the balance of student housing in their community. A site visit is proposed in order for members to fully understand the context of the site and the objections of local residents.[Heslington] **[Site Visit]**

**i) 26 Earswick Chase. Earswick, York. YO32 9FY (Pages 79 - 83)**

This application seeks planning permission to erect a conservatory to the rear of the detached garage.

This application is to be determined by the Committee as one of the applicants is a serving Councillor.[Strensall]

**5. Appeals Performance and Decision (Pages 84 - 97) Summaries**

This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3-month period up to 30<sup>th</sup> June 2010, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals as at 31<sup>st</sup> July 2010 is also included.

**6. Urgent Business**

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

**7.**

**Democracy Officer:**

Name- Judith Cumming

Telephone – 01904 551078

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

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

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

Contact details set out above.

**EAST AREA PLANNING SUB COMMITTEE****SITE VISITS****Wednesday 11<sup>th</sup> August 2010****Members of the sub-committee to meet at Union Terrace Car Park  
at 10.00**

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
<b>10:15</b>	<b>18 The Village, Wigginton</b>	<b>4c</b>
<b>10:50</b>	<b>24 Low Mill Close</b>	<b>4h</b>
<b>11:20</b>	<b>University Sports Centre, Heslington Lane</b>	<b>4b</b>
<b>11:40</b>	<b>34 Thief Lane</b>	<b>4g</b>
<b>12:00</b>	<b>45 Millfield Lane (Hull Road)</b>	<b>4e</b>
<b>12:30</b>	<b>OS Field 3022, Metcalfe Lane, Osbaldwick</b>	<b>4a</b>

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

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### Further information about what's being discussed at this meeting

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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.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

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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

MEETING EAST AREA PLANNING SUB-COMMITTEE

DATE 7 JULY 2010

PRESENT COUNCILLORS HYMAN (CHAIR), CREGAN (VICE-CHAIR), DOUGLAS, B WATSON, MOORE, ORRELL, TAYLOR, WISEMAN, WAUDBY (SUBSTITUTE FOR COUNCILLOR FIRTH) AND PIERCE (SUBSTITUTE FOR COUNCILLOR FUNNELL)

APOLOGIES COUNCILLORS FIRTH AND FUNNELL

## INSPECTION OF SITES

Site	Attended by	Reason for Visit
Starbucks, Unit F1 Monks Cross Shopping Park, Monks Cross Drive, Huntington	Cllrs B Watson, Wiseman, Waudby, Moore, Hyman, Orrell and Pierce	To familiarise Members with the site
1 Barstow Avenue, York. YO10 3HE	Withdrawn by applicant before the meeting and therefore Members did not attend this site visit.	
53 Thirkleby Way, Osbaldwick, York. YO10 3QA	Cllrs B Watson, Wiseman, Waudby, Moore and Hyman.	To familiarise Members with the site.
Axcent Ltd, 156B Haxby Road, York. YO31 8JN	Cllrs B Watson, Wiseman, Waudby, Moore, Hyman and Pierce.	To familiarise Members with the site.
Sunnyside Farm Shop, 22 Mill Lane, Wigginton, York. YO32 2PX	Cllrs B Watson, Wiseman, Waudby, Moore, Hyman, Pierce and Orrell.	To familiarise Members with the site.

## 6. DECLARATIONS OF INTEREST

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

Councillor Moore declared a personal non prejudicial interest in Agenda Item 5d) Axcent Ltd, 156 Haxby Road, as he and other Members on the committee knew one of the objectors personally who was a Council employee. He also declared a personal non prejudicial interest in Agenda Item 6) Current Provision of open space and footpath provision at the former Clifton Hospital Site, having been involved in progressing the Section 106 agreement.

Councillor Douglas declared a personal non prejudicial interest in Agenda item 5d) Axcent Ltd, 156 Haxby Road, as one of the residents in objection was known to her family.

Councillor Waudby declared a personal non prejudicial interest in Agenda Item 5c) 53 Thirkleby Way, Osbaldwick, and Agenda Item 5i) 8 Kensington Road as she knew the applicant and one of the objectors personally.

Councillor Pierce declared a personal non prejudicial interest in Agenda Item 5a) Starbucks Unit F1, Monks Cross Shopping Park as the former Corporate Policy and Planning Officer with general overview for the Monks Cross Development at Ryedale District Council.

No other declarations were made.

**7. MINUTES**

RESOLVED: That the minutes of the meeting of the East Area Planning Sub-Committee held on 10 June 2010 be signed and approved by the Chair as a correct record.

**8. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: To exclude the press and public during the consideration of agenda item 7 on the grounds that it contains information which is classed as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government(Access to Information) (Variation) Order 2006.

**9. 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.

**10. PLANS LIST**

**10a Starbucks Unit F1 Monks Cross Shopping Park Monks Cross Drive  
Huntington**

Members considered an application for the erection of three retail buildings for class A1(retail) and or Class A3(restaurants and cafes), and/or Class A5(hot food takeaway) with modifications to the existing car park and the introduction of new servicing, landscaping and highway works.

In their update to Members, Officers stated that;

- Yorkshire Water had raised no objections to the application subject to conditions.
- The applicants preference was for the new retail building to be subdivided into no more than three units to enable two existing retailers(American Golf and Jessops) to move into the development from their existing premises in Julia Avenue.
- The data on car parking detailed in the report was four years old, but that this was used as it was considered that there had been no significant change in traffic generation and car parking patterns during that time.
- There was not a written tree survey with the application, but information submitted was considered to be sufficient.

Representations were heard from the applicant's agent who stated that the applicant's preference was for the new building to be subdivided into three units as indicated above, but if this was not permissible they would be prepared to accept a condition allowing subdivision to create one unit of no less than 1000 sq metres, with the remaining smaller unit used for A3/A5 uses only, as recommended by Officers.

Members asked the applicant's agent about the provision for cyclists and pedestrians on the site. Members pointed out that there appeared to be no separation on the plans between the front of the units and the cycle lane, creating a potential danger.

The applicant's agent replied that there would be cycle hoops installed and the existing exit onto Monks Cross Drive from the site would be closed off, and relocated further down the road.

Members asked the applicant's agent why the removal of mature trees and the replanting of new trees in their place was necessary.

The applicant's agent replied that new trees would have to be planted because the units would extend into the area where the current trees are situated, and that some of the existing trees were not in good condition.

Members asked whether the design of the units could be changed to include the existing trees.

The applicant's agent responded that the original plans had been amended that the proposed new trees would accommodate the new buildings and would allow for trees to be placed along the roadside.

In relation to Members comments on traffic issues, the applicant's agent responded that it was not considered necessary for a new survey to be conducted as there was a traffic counter at the Monks Cross Shopping Park. This indicated no significant change in the number of vehicles visiting the retail park since the parking accumulation survey was conducted in 2006.

Councillor Pierce moved refusal of the application on the grounds of the detrimental effect on city centre businesses from the new retail outlets, the unresolved parking issues and the loss of the mature trees.

Councillor Watson seconded the motion for refusal and stated that he felt there was a need for a new traffic survey to be conducted on the site.

Following further discussion it was;

RESOLVED: That the application be refused.

REASON: (i) The proposal would result in a reduction of the overall number of car parking spaces within the retail park, whilst at the same time increasing demand for parking through the creation of additional retail units/floorspace.

The Transport Statement submitted with the application was supported by a parking accumulation survey, which was undertaken in July 2006. Monks Cross has seen further development in the intervening period which has further increased the attractiveness of the retail park as a destination. Observations of the car parks in operation demonstrate that demand for parking often exceeds spaces available. These observations are contrary to the conclusion of the parking accumulation survey that sufficient spare capacity remains to accommodate demand generated by the development proposals and demonstrate that the submitted survey is outdated.

The development proposed will result in an increased demand for car parking leading to an increase in both the length and duration of vehicular trips as the hunt for available spaces becomes more difficult, thus increasing car journeys, contrary to Central Government advice contained with Planning Policy Guidance Note 13 "Transport".

(ii) In order to allow for the development of the new pavilion and piazza area, the proposal would result in the loss of a significant number of established trees, including a number of mature oaks that are protected by a Tree Preservation Order. Although replacement trees are proposed for this area, the scheme would result in a much narrower belt of trees with reduced visual and landscape benefit. The replacement planting is considered to provide inadequate mitigation for the loss of an existing belt of trees that makes a significant contribution to the public amenity of the area. As such, it is considered that the proposal would conflict with the provisions of policy NE1 of the City of York Draft Local Plan, which states:

“Trees, woodlands and hedgerows, which are of landscape, amenity, nature conservation or historical value, will be protected by:

- a) refusing development proposals which will result in their loss or damage; and 10/01012/FULM Page 2 of 2.
- b) requiring trees or hedgerows which are being retained on development sites to be adequately protected during any site works; and
- c) making tree preservation orders for individual trees and groups of trees which contribute to the landscape of local amenity; and
- d) making hedgerow retention notices where appropriate to protect important hedgerows and;
- e) ensuring the continuation of green/wildlife corridors.

All proposals to remove trees or hedgerows will be required to include a site survey indicating the relative merits of individual specimens. An undertaking will also be required that appropriate replacement planting with locally indigenous species will take place to mitigate against the loss of existing trees or hedgerows. Developments should make proper provision for the planting of new trees and other vegetation including significant highway verges as part of any landscaping scheme. In addition, other proposals to bring forward such provision will be actively encouraged.”

**10b 1 Barstow Avenue York YO10 3HE**

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

**10c 53 Thirkleby Way Osbaldwick York YO10 3QA**

Members considered an application for the change of use from a dwelling house to a House of Multiple Occupation(HMO) at 53 Thirkleby Way.

In their update to Members, Officers read an email from Councillor Morley, which had been circulated before the meeting. Councillor Morley stated that Members should note that Thirkleby Way is divided into three distinct sections rather than being a single street and that therefore the small middle section was not a suitable place for an HMO. He also highlighted parking issues, and detrimental impact on the streetscene that would result from the use of the front garden for additional parking.

Information circulated by residents in opposition to the application, at the meeting was then considered by Members. This information is available online.

In response to a question from Members on the restriction of the use of tarmac, Officers responded that the construction of hard surfaces in excess of 5 sq metres did not need planning permission provided that a porous surface was used or that surface water drained into a porous area within the site such as a soakaway or garden border.

Officers advised Members that the new Housing Minister had recently announced changes which would result in a change of use from a dwelling to the new HMO use class being permitted development, meaning that Local Authorities may not have the power to restrict these developments from October 2010.

Representations in opposition to the application were heard from a local resident. He stated how he was pleased that Officers had mentioned that the street was divided into distinct sections and so should not be viewed as one single street. He added that the majority of houses along Thirkleby Way were family homes and that he felt that if this application was approved that schools and playgroups would be detrimentally affected by the reduction in family homes.

Further representations in opposition to the application were heard from a representative of Osbaldwick Parish Council. The representative circulated a list of student households in Osbaldwick amongst Members, which is available online. He stated that the Parish Council's objection to the application was not due to the presence of students in the area, but due to a lack of a coherent strategy relating to controlling applications for HMOs. He felt that there was a need for further student accommodation to be created on the new university campus. He asked for a named vote from the Chair.

Additional representations in opposition to the application were heard from a local resident who circulated personal letters of objection to the Committee at the meeting. These letters are available online. He pointed out that the Officer's report had not mentioned the detrimental affect on traffic resulting from the Sainsbury's Local shop due to the delivery vehicles.

Councillor Cregan moved refusal of the application on the grounds of the visual appearance of the street being adversely affected and increased parking levels.

Councillor Moore seconded refusal of the application because he felt that the property would not provide adequate communal space and that it would cause a detrimental impact on neighbouring properties through an increase in noise.

Some Members felt that as there were a number of HMOs already present in Thirkleby Way, the perception of the character of the street would fundamentally change.

Other Members stated that they felt that there had been an increase in applications for HMOs because there was not sufficient student accommodation in the city. They also requested that a condition be added, if the application was approved, that the garden attached to the property must be maintained.

RESOLVED: That the application be refused.

REASON: It is considered that the proposal would detract from the character of the area by virtue of creating an over concentration of Houses in Multiple Occupation within this section of Thirkleby Way. The proposal would make inadequate provision for off-street parking resulting in vehicles being parked on the highway to the detriment of the free flow of traffic and the amenity of the neighbours. The proposed internal layout would make inadequate provision for communal space within the property resulting in an unacceptable standard of amenity for future residents, and would be likely to result in noise and disturbance to the occupiers of the adjacent property(55 Thirkleby Way) to the detriment of residential amenity.

**10d Axcent Ltd 156B Haxby Road York YO31 8JN**

Members considered an application for a residential development consisting of 8 semi detached dwellings and 9 apartments on the site of a former Co-operative Dairy at 156B Haxby Road.

An update from Officers to Members, including comments from Sustrans and revised plans, was given. This update is available online.

Representations in objection to the application were heard from a local resident, who stated that she felt that the design of the proposed development infringed on the privacy of the surrounding properties. She stated that local residents were unanimously agreed that the proposed development was detrimental to the surrounding area because it would create a segmented community.

Representations in support of the application were heard from the applicant's agent who stated that the site had been difficult to develop because only one access existed, which had a fixed location and was adjacent to a listed building. He also said that the current Dairy buildings cover nearly all of the site, but that the proposed buildings would only cover half of this area.

Members stated that they supported the principle of new development on previously developed sites but commented on various points including;

- The poor design in relation to the access to the site.

- That the proposed houses appeared to have gardens, but that this was not the case for the proposed apartments.
- That the houses overlooked the playground of Haxby Road Primary School.

RESOLVED: That the application be refused.

- REASON:
- (i) 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.
  - (ii) 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.
  - (iii) 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 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.
  - (iv) The proposal, due to its density, scale and layout, would result in the impression that the site has been overdeveloped, with the 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.

- (v) 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.

**10e Sunnyside Farm Shop, 22 Mill Lane, Wigginton, York. YO32 2PX**

Members considered an outline planning application for nine houses with associated access and parking. This application was a resubmission of an application from last year. The previous application that was considered in 2009 was for six houses on this site.

In their update to Members, Officers stated that they had received two more objections to the application. One had been received from Councillor Firth and another one from some local residents. Members were also informed that additional updated comments had been received from the Council's Countryside Officer, which meant that an additional condition in relation to the incorporation of bat friendly features would be inserted if the application was approved.

Representations in support of the application were heard from the applicant's agent who stated that in his view, given the nature of the surrounding area, two storey development was acceptable on this site, and that he was aware of the restricted access to the site.

Representations in objection to the application were heard from a local resident who spoke about the restricted access to the site. She added that visitors to residents in the proposed houses would park on the main road, and that there had also been an application submitted to put a bus stop in front of the development site. She questioned whether residents had been properly consulted on the revised plans that were now being considered. She also added that she felt that the application had not taken into account drainage issues, and that overall, she felt that the application should be refused on grounds of overdevelopment.

Officers told Members that the plans submitted were an indicative layout of the site, and did not form part of the application, which was submitted in outline.

Councillor Cregan moved the Officer's recommendation for approval. Councillor Pierce seconded this motion.

Some Members stated that they felt the application could be refused on traffic grounds, and referred to new government guidelines removing domestic gardens from the definition of previously developed land which weakened the case for the development of the site.

On being put to the vote, the result for approval and refusal of the Officer's recommendation, was tied. Therefore, the Chair used his casting vote and it was;

RESOLVED: That the application be approved subject to the recommendations listed in the Officer's report with an amended condition to read thus;

No development shall take place until details have been submitted to and approved in writing by the Council of what measures are to be provided within the design of the new buildings to accommodate bats. The work shall be completed in accordance with the approved details. Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards, bat boxes etc.

REASON: 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.

**10f 31 Lea Way Huntington York YO32 9PE**

Members considered an application 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. This application was originally approved by the Committee in August 2007 and an extension of the time limit for the implementation of planning permission was now sought. There had been no material change in planning circumstances since the original approval.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to: the principal 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 proposals complies with Policies GP1, GP3, GP4a, GP9, GP10,ED4,GP15a, NE1, NE6, H2a, H3c, H4a, H5a, L1c and T4 of the City of York Draft Local Plan.

**10g Derwent Barn, Langwith Stray, Heslington, York. YO10 5EJ**

Members considered an application for a first floor pitched roof side extension to provide an additional bedroom at Derwent Barn.

Officers informed Members that comments had been received from Heslington Parish Council who supported the application "on the basis that the footprint of the property has not increased and the proposal would not be a substantial increase in volume."

Representations were heard in objection to the application from a local resident. She informed Members that she had been supportive of previous developments at the site previously, but that she wished to object to the proposed two storey extension. She felt that the extension would have a detrimental effect on her property, by the restriction of sunlight as a result of the height of the extension, and that it was out of character with the development of the site.

Representations were heard from the applicant who stated that there would be no loss of light for the occupiers of the neighbouring property. He added that the footprint of the current application is smaller than the size of the original outbuilding on the site. He also stated that the height of the proposed extension is similar to another barn in the area.

Members asked Officers if there had been any assessment of the overshadowing effect that the barn would have on neighbouring properties.

Officers replied that a sun path diagram had not been submitted, but advised Members to consider the visual impact. They also added that the current application was identical to previous applications submitted in May 2009 and January 2010, which had been refused solely on the grounds of visual impact.

RESOLVED: That the application be refused.

REASON: 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.

**10h Recreation Ground, White Rose Avenue, New Earswick**

Members considered an application to convert an existing basketball court into a multi use games area (MUGA). This alteration included the installation of 3m high metal perimeter fencing.

RESOLVED: That the application be approved.

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 acknowledge importance, with particular reference to the impact on the character and appearance of the area and the amenity of local residents. As such the proposals complies with Policies HE3 and GP1 of the City of York Development Control Local Plan.

**10i 8 Kensington Road York YO30 5XG**

Members considered an application for the conversion of one half of a double integral garage to form additional living accommodation, on a detached property.

This was considered by the Committee due to the applicant being an employee of City of York Council.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority, the proposed garage conversion, subject to the conditions in the Officer's report, 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.

**11. CURRENT POSITION OF OPEN SPACE AND FOOTPATH PROVISION AT THE FORMER CLIFTON HOSPITAL SITE**

Members considered a report on 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.

The Council's Countryside Officer updated Members by reporting that he recently had a meeting with the developers of the site and that a management plan was agreed. He informed the Committee that re-restoration of the sewage works site was being carried out. He added that wildflower planting had been halted by bad weather, but that it would be completed soon. The next steps then would include a land transfer to the Council and the creation of a Public Right of Way.

Councillor Moore suggested a slight amendment to the recommendation in the Officer's report.

**RESOLVED:** That the Council accepts Option 2 and requires a further report to be submitted in three months' time.

**REASON:** Such an approach is likely to resolve the matter more expeditiously.

**12. ENFORCEMENT CASES UPDATE**

This item was not discussed due to the absence of one of the officers and time constraints.

**RESOLVED:** That the Committee receive a Quarterly Enforcement Cases Update at the next meeting where it is scheduled to be presented, and that if Members have any queries outside of the meeting that these should be directed to Officers.

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

K HYMAN, Chair

[The meeting started at 2.05 pm and finished at 4.45 pm].

**COMMITTEE REPORT**

**Date:** 12 August 2010                      **Ward:** Osbaldwick  
**Team:** East Area                              **Parish:** Osbaldwick Parish Council

**Reference:** 10/00529/FULM  
**Application at:** OS Field 3022 Metcalfe Lane Osbaldwick York  
**For:** Erection of 90 polytunnels in association with use of 3.29 ha of land as allotments with associated facilities including reception/shop/toilet block, associated parking area and highway improvements to Metcalfe Lane  
**By:** Mr James Metcalf  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 24 August 2010  
**Recommendation:** Refuse

**1.0 PROPOSAL**

## PROPOSED DEVELOPMENT

1.1 The applicant seeks planning permission to erect 90 polytunnels on agricultural land to the east of Metcalfe Lane. The tunnels vary a little in size, though are typically around 25m x 5m. In addition to the polytunnels it is also proposed to erect an 8 x 28m single storey portable building containing a shop, toilets and storage close to the Metcalfe Lane entrance and a 14 x 19m equipment store further into the site. There are proposed to be 20 visitor car parking spaces and a mini-bus set down point adjacent to the shop and further space for 90 cars to park adjacent to the polytunnels around the site.

1.2 The access point to the site is around 160 metres from the junction with Osbaldwick Village. It is proposed to widen a long stretch of Metcalfe Lane between the entrance to the site and Osbaldwick Village. Within the site a crushed stone road is proposed to access the polytunnels.

1.3 The site is intended to be open from 'dusk to dawn'. The polytunnels would be available for charities, educational groups, businesses, commercial growers and individuals to rent.

1.4 The applicant has referred to the polytunnel as 'eco tunnels' and emphasised the desire to allow people to sell their produce from the shop on the site and purchase and store gardening equipment. They state that there is an agreement with the charity 'Mind' to make it a joint venture. Although the desire to create a fully accessible 'covered allotment type' facility with a 'social emphasis' is noted there is no agreement in place to restrict the occupation of the tunnels either in respect to the nature of occupiers or the number they can hire.

## APPLICATION SITE

1.5 The land has previously been used for grazing and haymaking. The total site area is approximately 3.3 hectares and comprises three fields divided by hedgerows. The land is around 350 metres in length measured from north to south. Approximately 50 metres of the site immediately adjoins Metcalfe Lane. There are hedges and trees running around the perimeter of much of the site. Overhead power lines run over part of the area. Eastern House and Langton House are located off Metcalfe Lane and are in close proximity to the proposed development. There is no relevant planning history for the site.

## LAND USE ALLOCATIONS

1.6 The land is within the Green Belt. A small strip of land (approximately 12 x 50m) at the south of the site is located within Osbaldwick Conservation area. Land to the west of Metcalfe Lane has outline consent for residential development. The residential scheme indicates that a park/landscaped strip approximately 50m wide is proposed to the west of Metcalfe Lane.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

2.2

Conservation Area GMS Constraints: Osbaldwick CONF

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1

Design

CYGB1

Development within the Green Belt

CYGB13

Sports facilities outside settlements

CYGP14

Agricultural land

CYGP15

Protection from flooding

CYNE1

Trees, woodlands, hedgerows

CYNE7  
Habitat protection and creation

CYT2  
Cycle pedestrian network

CYHE2  
Development in historic locations

CYHE3  
Conservation Areas

### **3.0 CONSULTATIONS**

#### **3.1 Internal**

Highway Network Management - Metcalfe Lane is a private road but carries a public footpath. The lane is apparently in the ownership of Langton House but the applicant "has the full right of way for any users of the land." The anticipated total vehicle trips stated in the application are estimated by the applicant to be approximately 30 per weekday and 50 per day at weekends. It is considered that this could be a conservative estimate.

Metcalfe Lane is a popular route linking Osbaldwick and Heworth. The increase in traffic could conflict with pedestrians and cyclists using the lane. To avoid conflict with these users it is recommended that lane be widened to 5m between the highway and Osbaldwick village. The widening would be likely to impact on the mature hedgerow and possibly trees that border the lane. Highway Network Management does not object on highway grounds providing the road is widened to 5 metres and speed control measures introduced.

Public Rights of Way Officer - Have concerns in respect to the conflict with pedestrians and cyclists from increased use of the lane. Raise reservation in respect to future maintenance. Object

Conservation Officer - No objections.

Nature Conservation Officer - No objections to the proposal. The fields are a good example of 'ridge and furrow', however, it is not considered that the loss of this through the works is sufficient to justify refusal of the application. Generally concur with the content of the applicant's biodiversity report.

The proposal may need significant drainage works and the removal of hedgerows associated with the widening of Metcalfe Lane. The hedgerows may be protected. The nature conservation impact of the drainage and highway improvements will need careful consideration and may raise objections on biodiversity and historical grounds.

Landscape Architect - The site lies within character type 10 of the 'York Landscape Appraisal'. Pastoral farming, hedgerows and traditional field patterns are identified



within this character type. It is considered that the development threatens this. The proposal will be visually intrusive and could lead to gradual degradation of the site. During the winter the site will be exposed to view through the lattice work of bare hedges. The road widening will also damage hedges. The site is close to existing housing and areas where new housing is proposed. The damage to the landscape conflicts with policy GP1 of the Local Plan.

Lifelong Learning and Culture - Support the provision of new allotments in Osbaldwick. This is in accordance with the recommendation set out in the 2007 PPG17 Open Space, Sport and Recreation Study Executive summary page xi. We would prefer that the site was developed for "traditional" allotments rather than polytunnels as more land could be brought into cultivation and more demand met.

York Consultancy - The development is in Flood Zone 1 and should not suffer from river flooding. Insufficient information has been provided by the developer to determine the potential impact the proposals may have on the existing drainage systems.

### 3.2 External

Parish Council - Object to the proposal. The following concerns are raised:

- \* The area is an attractive landscape. Metcalfe Lane is attractive in its own right and an important buffer to built development.
- \* The area should remain free from development as it is Green Belt.
- \* Development will cause conflict between vehicles and pedestrians and cyclists.
- \* The junction with Osbaldwick village is a known accident blackspot.
- \* Issues need to be addressed in respect to the applicant's right to maintain or alter Metcalfe Lane.
- \* The proposal will conflict with a paddock owners right of access across the field.
- \* The ridge and furrow should be protected.
- \* The proposal will harm wildlife and biodiversity.
- \* The polytunnels and loss of hedgerows associated with the access/road widening will detract from the conservation area.
- \* There are flooding concerns in respect to Eastern House and nearby grazing land.
- \* The increased use of the site and associated traffic will detract from the living conditions of properties adjacent to the site.
- \* Question the demand for the facilities by the 'community' and request that if it is approved it is conditioned that the buildings are removed when no longer needed.

### Neighbours

Letters of objections have been received from the occupiers of 7 properties including the chair of Meadlands Area Residents Association. The following concerns are raised:

- \* Increased traffic will be a hazard to cyclists and pedestrians (including children cycling to school).

- \* The number 6 bus has hit several vehicles at the junction of Osbaldwick Village and Metcalfe Lane.
- \* There is a history of flooding in the area including at Eastern House on Metcalfe Lane.
- \* The development is unacceptable in the Green Belt.
- \* The flapping fabric of the polytunnels will be a noise nuisance.
- \* The owner (of Metcalfe Lane (occupier of Langton House)) states that the applicant does not have a right of vehicle access or a right to widen the road - has no intention of granting access.
- \* The proposal will be an eyesore and part urbanise the area and create development on a commercial scale.
- \* Horses graze on nearby fields - they could be fed inappropriate foods.
- \* The development would add to traffic that would result from the Derwenthorpe development.
- \* Will lessen security of people's property.

#### **4.0 APPRAISAL**

##### 4.1 Key Issues:-

- Acceptability within Greenbelt and Visual Impact
- Access and Highway Safety
- Drainage
- Wildlife
- Impact on neighbours

#### KEY NATIONAL GUIDANCE

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

4.3 Planning Policy Guidance Note 2 relates to Green Belts it outlines the presumption against inappropriate development within the Green Belt. One of the key functions of the Green Belt is to retain attractive landscapes near where people live. They also fulfil a role of providing opportunities for outdoor recreation near urban areas.

4.4 Planning Policy Statement 7 relates to sustainable development in rural areas. In respect to land on the urban fringe it states (paragraph 26) that: "While the policies in PPG2 continue to apply in green belts, local planning authorities should ensure that planning policies in Local Development Document's address the particular land use issues and opportunities to be found in the countryside around all urban areas, recognising its importance to those who live or work there, and also in providing the nearest and most accessible countryside to urban residents. Planning authorities should aim to secure environmental improvements and maximise a range of beneficial uses of this land, whilst reducing potential conflicts between neighbouring land uses. This should include improvement of public access (e.g.

through support for country parks and community forests) and facilitating the provision of appropriate sport and recreation facilities."

4.5 Planning Policy Statement 25 relates to Development and Flood Risk. It seeks to ensure that local planning Authority fully consider current and future flood risk associated with new development.

#### KEY LOCAL PLAN POLICES

4.6 Local Plan Policy GP1 (Design), GB1 (Development in the Green Belt), GB13 (Sports Facilities Outside Settlement Limits), GP14 (Agricultural Land), GP15a (Development and Flood Risk), NE1 (Tress, Woodlands and Hedgerows), NE7 (habitat Protection and Creation), T2a (Existing Pedestrian/Cycle Networks), HE2 (Development in Historic Locations) and HE3 (Conservation Areas).

#### ACCEPTABILITY WITHIN THE GREENBELT AND VISUAL IMPACT

4.7 One of the key objectives of the Greenbelt is to safeguard the countryside from encroachment and prevent neighbouring settlements merging into one another. Greenbelt policy does however allow agricultural development and essential facilities for outdoor sport or recreation providing the proposal does not detract from the open character of the Green Belt, does not conflict with the purpose of keeping the land as Green Belt and does not harm the setting of the city of York.

4.8 In respect to the development's 'footprint' the proposal is undoubtedly large in scale. The structures are however relatively low. At their highest point the polytunnels would be 2.6m high. The shop and ancillary buildings would be flat roofed single storey buildings.

4.9 It is considered that the proposed polytunnels fall into the agricultural and/or outdoor recreation category. However, it is important the tunnels and other features are not unduly prominent, detract from openness or harm attractive views or landscapes.

4.10 Land to the east of Metcalfe Lane is arguably an appropriate location for the structures. This is flat land which has a reasonable screen of Hedgerows around most of the site. There would not appear to be a large number of significant public views into or across the area. Part of the development will be visible from Metcalfe Lane, however, much will be set off the lane and partly screened by the garden of Langton House and additional trees and hedgerows. It is recognised that the screening value of vegetation will be significantly less in the winter and it may be beneficial introducing some new planting, however, because of the terrain and relatively low profile of the structures they will not be unduly prominent. Polytunnels are clearly associated with agricultural/horticultural and such structures would not necessarily appear out of place in open countryside providing they are not unduly prominent. The shop and visitor car parking is more prominently located and the scale does potentially raise issues in respect to its acceptability - particularly as it is largely an additional function rather than a necessary facility associated with

agriculture/horticulture. There is also a substantial spine road proposed through the site. This is considered essential to support use of the polytunnels through the year. It is important however, that there is scope to remove the track if necessary.

4.11 The polytunnels do not have significant foundations and as such will not harm trees or hedgerows around the site. The small section of the application site that is within the Osbaldwick Conservation area is free from polytunnels. Although the development will have some impact on the setting of the conservation area most are located away from its boundary and it will in most parts be reasonably well screened.

4.12 If permission were to be granted for the proposal it is considered that the site should possibly be developed in phases given that the proposal is partly speculative in nature. It would also need to be conditioned that the structures are removed when no longer required.

4.13 Issues of visual amenity relating to the proposed road widening are considered below.

#### ACCESS AND HIGHWAY SAFETY

4.14 Metcalfe Lane is a private road, however, it is a well-used route for pedestrians and cyclists travelling between Osbaldwick and Heworth. There is a significant degree of uncertainty in respect to the envisaged level of traffic generation associated with the application. It is unclear how intensively the polytunnels will be used and whether users will do so on a commercial or recreational purpose. In addition, the site contains a shop/cafe with a floor area of around 100 sq.m. It is likely that this may prove popular to potential customers from the wider area and may on its own generate traffic movements far in excess of the 30-50 per day estimated in the traffic assessment.

4.15 To upgrade Metcalfe Lane to cope with additional traffic and safely accommodate cyclists and pedestrians, it is likely that widening works would need to take place. This would very likely have an impact on adjacent hedgerows and ditches and may affect the character and wildlife value of the route. The suitability of the junction with Osbaldwick Village would also need to be considered.

4.16 There is some uncertainty in respect to the applicant's legal rights to widen and make increased use of Metcalfe Lane. It would be beneficial if this could be agreed prior to any approval of the application. However, if this were to be confirmed a legal agreement/condition could be included requiring the upgrading of Metcalfe Lane prior to the installation of any polytunnels.

#### DRAINAGE

4.17 The applicant submitted a drainage assessment with the application. The intention is to re-cycle rainwater water and install underground water storage facilities. Engineers of York Consultancy consider that the drainage proposals are not sufficiently detailed to properly assess the implications of the scheme. The land is not at risk of river flooding, however, it does appear that surface water flooding

occurs on land in the area. It is also understood that Eastern House at the south of the site has suffered from internal flooding caused by surface water run-off.

## WILDLIFE

4.18 The applicant has submitted a biodiversity assessment of the site. This concludes that the site is of limited value for wildlife and that there is little indication that the site contains grassland of significant conservation value. The assessment states that it is highly unlikely that development would breach laws that protect, badgers, water voles and bats. There are some ditches and areas of water around the site that intermittently hold water, however, as they are dry for part of the year they are not considered suitable breeding grounds for great crested newts.

4.19 The assessment states that a buffer strip should be retained at the base of existing hedgerows and that opportunities should be taken to re-enforce areas of hedgerow. The small flood area at the north west of the site should be retained if possible. The area of hedgerow fronting Metcalfe Lane is of limited value for wildlife. If it were removed it would be preferable to replant a new hedge.

4.20 The Council's nature conservation officer has visited the site on several occasions. He does not oppose the current scheme on conservation grounds. He considers that the most significant element of the site is the ridge and furrow landform. It is the case however, that to be acceptable additional improvements to drainage and vehicular access may have to occur - the implications of these on wildlife may be significant and will need careful consideration.

## IMPACT ON NEIGHBOURS

4.21 The neighbouring properties close to the development are Eastern House to the south, Langton House to the west and properties on the north side of Osbaldwick village.

4.22 The nearest properties are Langton House and Eastern House. Both properties have very large gardens. Following negotiations the applicant has agreed that no polytunnels will be erected within 5 metres of the rear garden of Eastern House.

4.23 It is considered that the proposal will increase traffic on Metcalfe Lane and will create some additional noise through the use of the site. It is the case, however, that the shop and roads are away from the garden boundaries and that noise associated with the polytunnels (including plastic blowing in the wind and rain hitting the surface) would not be such to cause significant disturbance within the two houses. There may be a little additional noise that could be heard when occupiers use their gardens, however, it is not considered that this would be excessive, even taking account of the semi-rural location.

## 5.0 CONCLUSION

5.1 It is considered that the proposal as submitted does not satisfactorily address issues of drainage or clearly indicate that the site can be accessed without detracting

from the safety and convenience of road users - particularly cyclists and pedestrians. It is unclear whether work to address improvements in this area can be delivered without detracting from the wildlife value and visual amenity of the Metcalfe Lane area.

5.2 The proposals are quite a novel initiative and the applicant has undertaken considerable work to prepare the proposal - there would seem to be some support for the initiative from charities. It is not clear, however, what the final mix of users of the proposed polytunnels would be. In addition it is unclear how many daily users would visit the site to cultivate plants or attend the proposed shop and café.

5.3 Green Belt policy seeks to protect the countryside from development, though does allow some agricultural buildings and recreational uses. The scale of the development is very large and it could possibly be argued that though the buildings are 'agricultural' in form and scale they are almost commercial and alien in number. The location on the fringe of the urban area is beneficial in that it would allow residents in east York to easily access the countryside for growing plants and food, however, the sheer number of tunnels and the scale of the car park and shop does raise some concerns in respect to whether the proposal would accord with Green Belt policy.

5.4 It is recommended that the application be refused.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 The proposed development would be accessed off a private road. It is considered that the application fails to indicate that the proposed improvements to the road will be adequate to cater for the increase in traffic generated by the proposal, such that it would be likely to generate conflict with the safety and enjoyment of cyclists and pedestrians who use the route. As such the proposal conflicts with policy T2a of the City of York Draft Local Plan (fourth set of changes) approved April 2005 and Central Government advice relating to traffic safety in Planning Guidance Note 13 (Transport).

2 The application fails to indicate how improvements to drainage and vehicular access will be implemented without adversely affecting the biodiversity of Metcalfe Lane and its rural character. As such the proposal conflicts with policy GP1, GP9, NE1 and NE7 of the City of York Draft Local Plan (fourth set of changes) approved April 2005 and Central Government advice contained in Planning Policy Statement 9 (Biodiversity and Geological Conservation) and Planning Policy Statement 1 (Delivering Sustainable Development).

3 The application provides insufficient information to determine the potential impact the proposals will have on the existing drainage system. These concerns are particularly significant given the history of surface water flooding in the area. As such

the proposal conflicts with policy GP15a of the City of York Draft Local Plan (fourth set of changes) approved April 2005, The City of York Flood Risk Assessment (September 2007) and Central Government advice relating to flood risk contained in Planning Policy Statement 25 (Development and Flood Risk).

4 The application fails to show that the recreational benefits to residents from the use of the site will outweigh the impact the development (including alterations to Metcalfe lane and ancillary facilities) will have on the loss of openness. As such the proposal conflicts with policy GB1, GB13 of the City of York Draft Local Plan and Central Government advice relating to development in Green Belts contained in Planning Policy Guidance Note 2 (Green Belts) and Planning Policy Statement 7 (Sustainable Development in Rural Areas).

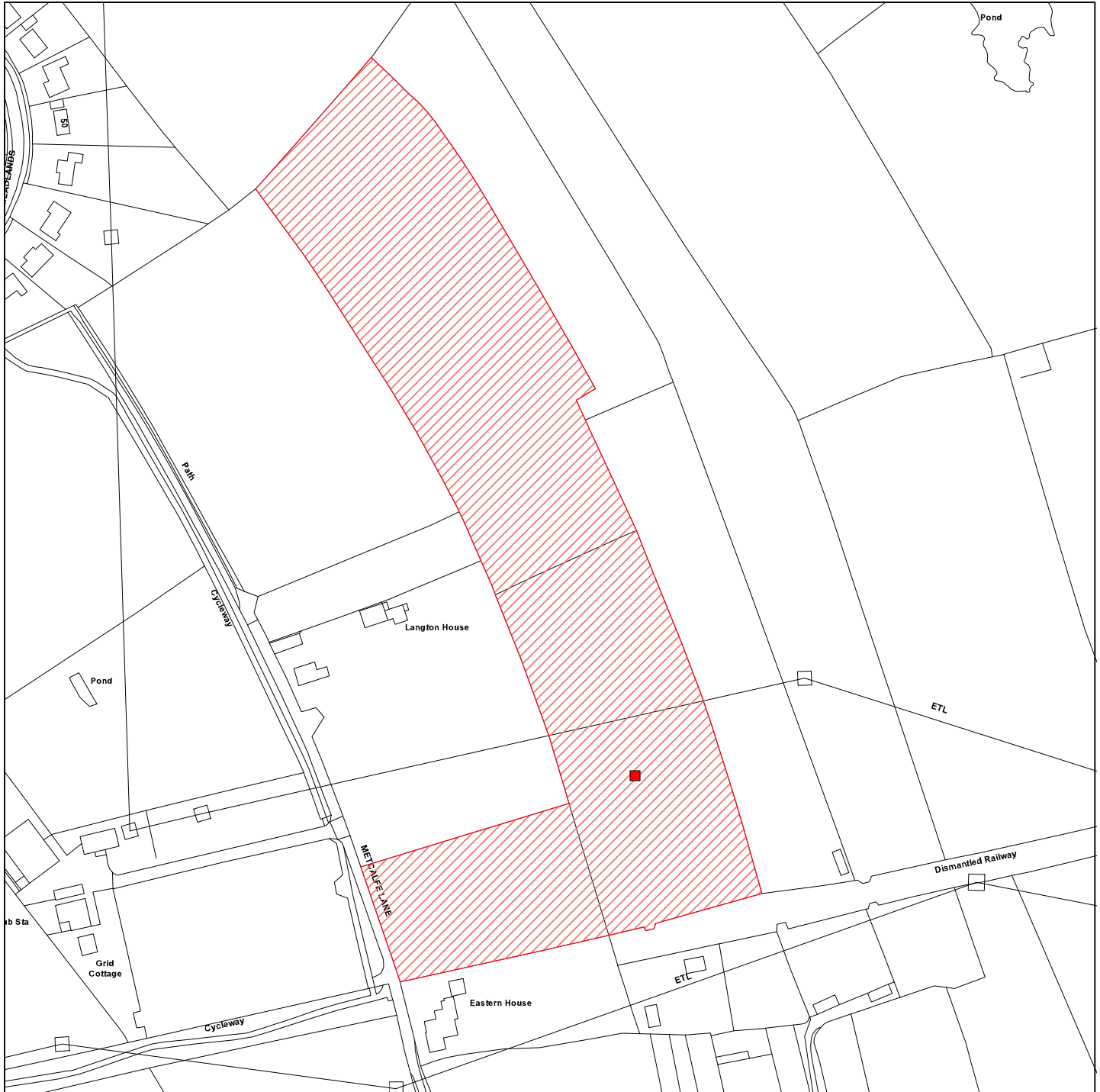
**Contact details:**

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**Tel No:** 01904 551352

# OS Fld 3022, Metcalfe Lane, Osbaldwick

10/00529/FULM



Scale : 1:2500

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	30 July 2010
<b>SLA Number</b>	Not set



## COMMITTEE REPORT

**Date:** 12 August 2010

**Team:** East Area

**Ward:** Heslington

**Parish:** Heslington Parish Council

**Reference:** 10/01052/FULM

**Application at:** Sports Centre Heslington Lane Heslington York

**For:** Variation of condition 3 of planning permission 05/00983/FULM to extend the time limit for removal of the temporary sports hall until 14 July 2020 (resubmission)

**By:** University Of York

**Application Type:** Major Full Application (13 weeks)

**Target Date:** 18 August 2010

**Recommendation:** Refuse

### 1.0 PROPOSAL

1.1 This application seeks to vary condition 3 of planning permission 05/00983/FULM for the erection of a lightweight temporary indoor sports hall, permanent all-weather football pitch and single-storey extension to an equipment store within the University of York's Heslington West Campus. The consent was granted in 2005. Condition 3 requires the temporary indoor sports hall to be removed after five years, i.e. by 14 July 2010. The current application seeks to extend the time limit for removal by a further ten years, i.e. to 14 July 2020. All other elements of the 2005 application are unchanged.

### 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:

CYGP23

Temporary planning permission

### 3.0 CONSULTATIONS

3.1 Internal

Lifelong Learning and Leisure - Support retention of the structure but would like to know the university's long term plans for the structure.

Highway Network Management - No objections.

Environmental Protection Unit - No objections.

### 3.2 External

Heslington Parish Council - No response.

Sport England - No objection. Content that the facility would remain fit for purpose during the renewal period.

Public consultation - The consultation period expired on 29 June 2010. No representations have been received.

## 4.0 APPRAISAL

### 4.1 Key Issues: -

- Need for the Sports Hall
- Character and Appearance within the area
- Permanent Replacement

### THE APPLICATION SITE

4.2 The indoor sports hall is a lightweight structure 55m long by 40m wide with a shallow-pitched roof. The ridge height is 9.5m. The building is made of light-grey waterproof fabric laid over a tubular-steel frame. Inside are three separate multi-purpose sports courts, each of which is approximately the size of a tennis court. They are used for 5-a-side football, basketball, netball, volleyball and badminton. Users include (a) York Student Union sports clubs (b) 5-a-side football leagues for students, staff and corporate firms (c) the local community (d) Fulford school for PE classes (e) one-off sports events and (f) summer sports courses for local children.

4.3 The building lies towards the south-west corner of the Heslington West campus, close to Heslington Lane. It lies among other indoor and outdoor sports facilities including tennis courts, permanent indoor sports centre, all-weather hockey pitch, basketball court and running track.

### POLICY CONTEXT

4.4 Local plan policy GP23 - Planning permission will be granted for the temporary use of land or the erection of temporary buildings for a limited period, provided: (a) there would be no loss of amenity to adjacent occupiers (b) there is no viable permanent alternative immediately available (c) plans are to be brought forward for permanent development (d) the period of consent is the minimum to allow the permanent development to be implemented and (e) a trial period is necessary to assess the development's character or effects.

## NEED FOR THE SPORTS HALL

4.5 The applicant states that the temporary sports hall was provided in 2005 to alleviate some of the current excess demands on the indoor sports facilities on campus and to cater for the recreational needs of the present and future university community. Furthermore, that there is an ongoing need for the facilities within the sports hall to serve the existing staff and students at Heslington West, particularly as the student population has grown by almost 3,400 since 2005 to over 13,000 today. The sports hall is clearly well used. According to the university, during peak periods the sports hall operates at 95% capacity in term time and 75% capacity outside term time.

## CHARACTER AND APPEARANCE

4.6 The building has a utilitarian appearance and the fabric already shows signs of wear, despite having a life expectancy of up to 25 years. Furthermore it is in a prominent location, easily visible from Heslington Lane and close to Walmgate Stray to the south and west. Whilst the appearance of the building was adequate for a limited time (hence condition 3) its prolonged use would have an unacceptable impact on the character and appearance of the area. The university has said it now intends to invest in routine cleaning of the fabric to maintain its original appearance. Officers consider that this is unlikely to significantly mitigate the visual impact of the structure on the character and appearance of the area.

## PERMANENT REPLACEMENT

4.7 The section 106 agreement for the Heslington East campus requires the University of York to provide, among other things, a 25m swimming pool and a permanent sports hall. The university intends to provide these facilities, with council support, in a new 'Sports Village' at Heslington East, close to Grimston Bar. Phase 1 is intended to include the pool plus a dance studio and gymnasium. Provision of the sports hall would be part of a later phase but there is no programme for the work and the s.106 has no end date by which the university has to provide it. Notwithstanding this uncertainty the university says that the Heslington East sports hall would not serve the ongoing need for a sports hall at Heslington West. Nevertheless, the university has to date given no indication of how and when it will replace the temporary sports hall with a permanent structure.

## 5.0 CONCLUSION

5.1 Temporary planning permission for five years was granted because the applicant specifically volunteered that intention and because it was expected that the planning circumstances would have changed at the end of the 5-year period - i.e. a replacement permanent sports hall would have been constructed. However, the university appears at this stage to have no firm plans for a replacement despite the continuing need for a sports hall at Heslington West. This uncertainty is insufficient reason to justify extending the planning permission by 10 years. Circular 11/95 states that a second temporary planning permission should not normally be granted. Furthermore the application is contrary to policy GP23 due to the absence of

redevelopment proposals and the structure's utilitarian design, deteriorating visual appearance and prominent location next to Heslington Lane and Walmgate Stray.

**6.0 RECOMMENDATION:** Refuse

1 It is considered that the temporary sports hall, by virtue of its impact on the character and visual amenity of the surrounding area created by the prominent location, utilitarian design and deteriorating visual appearance, is unsuitable for retention at the site for a further 10 years beyond the 5 year temporary permission originally granted. Further, no firm indication of the replacement of the structure has been submitted. Therefore the proposal is considered to be contrary to Circular 11/95 and Policy GP23 of the City of York Local Plan Deposit Draft which seek to ensure that temporary structures are approved only on the basis that they will be removed or retained for the minimum period necessary by more appropriate planned, permanent development.

**Contact details:**

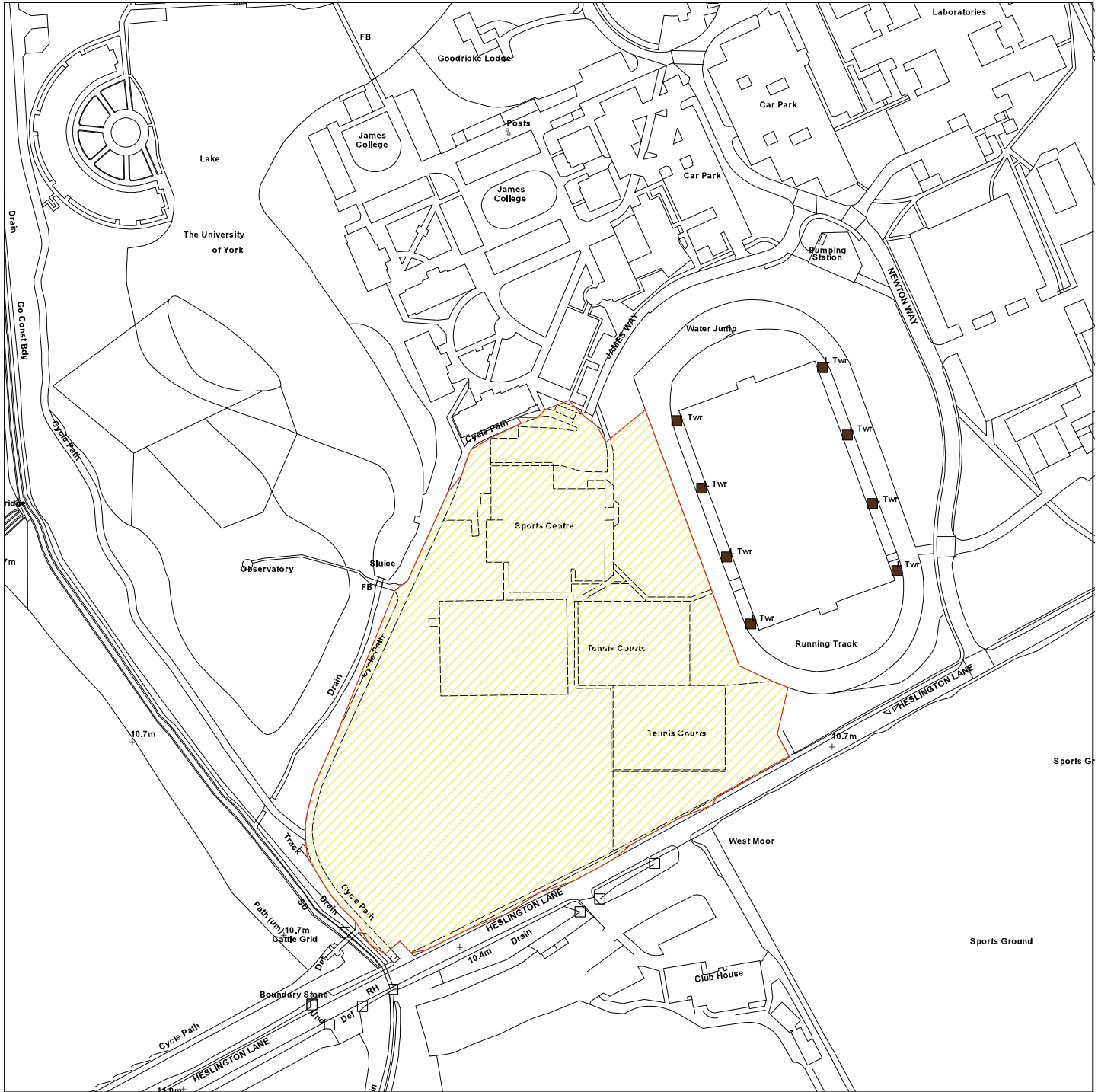
**Author:** Kevin O'Connell Development Management Officer  
**Tel No:** 01904 552830

# Sports Centre, Heslington Lane

10/01052/FULM



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Scale : 1:2500

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	30 July 2010
<b>SLA Number</b>	Not set

**COMMITTEE REPORT**

**Date:** 12 August 2010  
**Team:** East Area  
**Ward:** Haxby And Wigginton  
**Parish:** Wigginton Parish Council

**Reference:** 10/01103/FUL  
**Application at:** 18 The Village Wigginton York YO32 2PJ  
**For:** Detached dormer bungalow with integral garage  
**By:** Mr Brian Curry  
**Application Type:** Full Application  
**Target Date:** 30 July 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This is a full application for the erection of a 2-bedroom dormer bungalow with integral garage. Access would be via a shared private drive from Longcroft. The proposals would require the removal of a mature Monkey Puzzle tree and the demolition of a timber outbuilding. The application is in effect a renewal of a previous approval (outline and reserved matters granted in 2004 and 2007 respectively), which has expired (see 04/01780/OUT and 07/01284/REM). The proposals are unchanged.

1.2 The application has been called in by Cllr Firth because local residents are concerned that circumstances have changed since the previous proposal was approved.

**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

CYGP10  
Subdivision of gardens and infill devt

CGP15A  
Development and Flood Risk

CYL1C  
Provision of New Open Space in Development

CYGP4A  
Sustainability

CYH4A  
Housing Windfalls

### 3.0 CONSULTATIONS

#### 3.1 Internal

Highway Network Management - No objections. Add conditions as for the previous approval.

Environmental Protection Unit - No objections. Add demolition and construction informative.

Structures and Drainage - Objection. The site is in flood zone 1 and should not suffer from river flooding. Insufficient information has been provided by the developer to determine the potential impact the proposals may have on the existing drainage systems.

Lifelong Learning and Culture - As there is no on site open space, a commuted sum towards off-site provision should be paid to the council for amenity open space, play space and sports pitches. The contribution should be based on the latest York formula through a Section 106 agreement.

#### 3.2 External

Wigginton Parish Council - No objection but wish to make comments and seek the following safeguards; the privacy of occupiers of 16 and 18 The Village should be respected by appropriate window glazing and screening. Drainage is a problem locally so surface water should discharge to the public drainage system. The position of the house should be more central within the site so that the house can be maintained from within the curtilage. The height of the dwelling could have an overbearing impact on No.18. Highway access is restricted and will need detailed attention.

Public Consultation - The consultation period expired on 22 July 2010. Six objections have been received citing:

- Overlooking,
- Overbearing,
- Dwelling would be too close to No.18,
- Dwelling would be too high for the location,
- Additional windows/clear glazing should not be allowed,
- Eaves appear to overhang neighbouring property,
- Plans are inaccurate,
- Exiting site in forward gear is essential,
- Turning area is too small,
- Inadequate parking
- Drainage via soakaway would be unsatisfactory,
- Drains run under neighbouring property.

## 4.0 APPRAISAL

### 4.1 Key Issues:-

- Visual appearance
- Neighbour amenity
- Highway issues
- Open space
- Drainage
- Sustainability

### 4.2 The most relevant Development Control Local Plan policies are:

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, including accessibility by means other than the private car.

GP10 - Planning permission will only be granted for the sub-division of garden areas or infilling to provide new development where this would not be detrimental to the character and amenity of the local environment.

GP15a - Developers should ensure that the site can be developed, serviced and occupied safely. 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.

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.

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.

## VISUAL APPEARANCE

4.3 The proposed building is identical to the approved design. It has a simple rectangular footprint and a gable roof. A single dormer on the rear elevation would provide headroom for the landing. The front elevation would have two rooflights.



Two bedrooms and a bathroom would be located in the roof space. The scale and design of the building are in keeping with the character of the surrounding area.

#### NEIGHBOUR AMENITY

4.4 The nearest dwelling is 12 Village Garth, which is approximately 16m to the north. But no windows face the application site so there would be no loss of privacy from that dwelling. A similar distance separates the proposed building from the rear of 10 Village Garth but a garage block obscures the view. The proposed dwelling would have a gable wall approximately 19m from the rear elevations of 6 and 8 Village Garth but no upper floor windows would face these dwellings. Appropriate boundary treatment (which could be made a condition of approval) would prevent loss of privacy due to ground floor windows.

4.5 The most affected dwelling would be 18 The Village. Its rear elevation and rear garden would face the rear elevation of the new dwelling. However the only upper floor window that would face No.18 is to the landing, and this window would be over 21m from the rear conservatory of No.18. Whilst the occupier of No.18 is concerned about overlooking of his conservatory, the separation distance complies with accepted standards. Furthermore, the conservatory was built after the previous permission was granted and whilst the permission was still valid, such that the house could have been erected at any time and also the effect of the new house on the conservatory could have been considered prior to the erection of the conservatory.

4.6 Bearing in mind the proximity of adjacent dwellings permitted development rights should be removed. This would include provision of additional windows, especially in the roof elevations and gable ends.

4.7 The dwelling would be 6.4m high, as previously approved. It is therefore unlikely to have an overbearing impact on neighbouring occupiers.

#### HIGHWAY ISSUES

4.8 Parking provision and cycle storage comply with council standards. Access via the shared drive is adequate and turning space within the site would be provided. Provision of the turning space will require the loss of the Monkey Puzzle tree but it is not protected and its amenity value is low.

#### DRAINAGE

4.9 Whilst the proposals show that foul and surface water from the building would drain into public sewers, the supporting information states that paved surfaces will drain to permeable areas. No details are provided. The site is in low flood risk area zone 1 but bearing in mind the poor drainage in the surrounding area drainage details should be made a condition of approval.

#### PUBLIC OPEN SPACE

4.10 A developer contribution of £1242 would be required for the provision of public open space in accordance with policy L1 of the local plan. The applicant has been made aware of this requirement.

#### SUSTAINABILITY

4.11 The site is in a sustainable location within the village envelope and with access to shops and public transport. Whilst the application includes a sustainability statement, 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.

#### OTHER MATTERS

4.12 Inaccuracies in the plans as initially submitted have since been corrected. Any subsequent minor overhanging of adjacent boundaries is a detailed matter that would normally be resolved on site between respective property owners.

#### 5.0 CONCLUSION

5.1 It is considered that the proposal, subject to the conditions listed below, would not cause undue harm to interests of acknowledged importance, with particular reference to visual appearance, neighbour amenity, sustainability, drainage and provision of open space. As such the proposal complies with Policies H4a, GP1, GP10, GP15, GP4a and L1c of the City of York Local Plan Deposit Draft.

#### COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

- 1 TIME2 Development start within three years
- 2 VISQ8 Samples of exterior materials to be app
- 3 VISQ4 Boundary details to be supplied

4 The development shall be carried out only in accordance with the following plans and other submitted details:-

288/4B received 9 July 2010  
288/5A received 21 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.

5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting

that Order), development of the type described in Classes A-G of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

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

6 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 6.4 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

7 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles for both the proposed dwelling and 18 The Village have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for the purpose shown on the approved plans.

Reason: In the interests of highway safety.

8 No part of the site shall come into use until turning areas have been provided in accordance with details, which have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

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

Reason: To prevent flooding of adjacent properties.

10 DRAIN1 Drainage details to be agreed

11 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.

12 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 5% 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

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

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

**INFORMATIVE:**

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

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

**REASON FOR APPROVAL**

1. It is considered that the proposal, subject to the conditions listed below, would not cause undue harm to interests of acknowledged importance, with particular reference to visual appearance, neighbour amenity, sustainability, drainage and provision of open space. As such the proposal complies with Policies H4a, GP1, GP10, GP15, GP4a and L1c of the City of York Local Plan Deposit Draft.

**Contact details:**

**Author:** Kevin O'Connell Development Management Officer

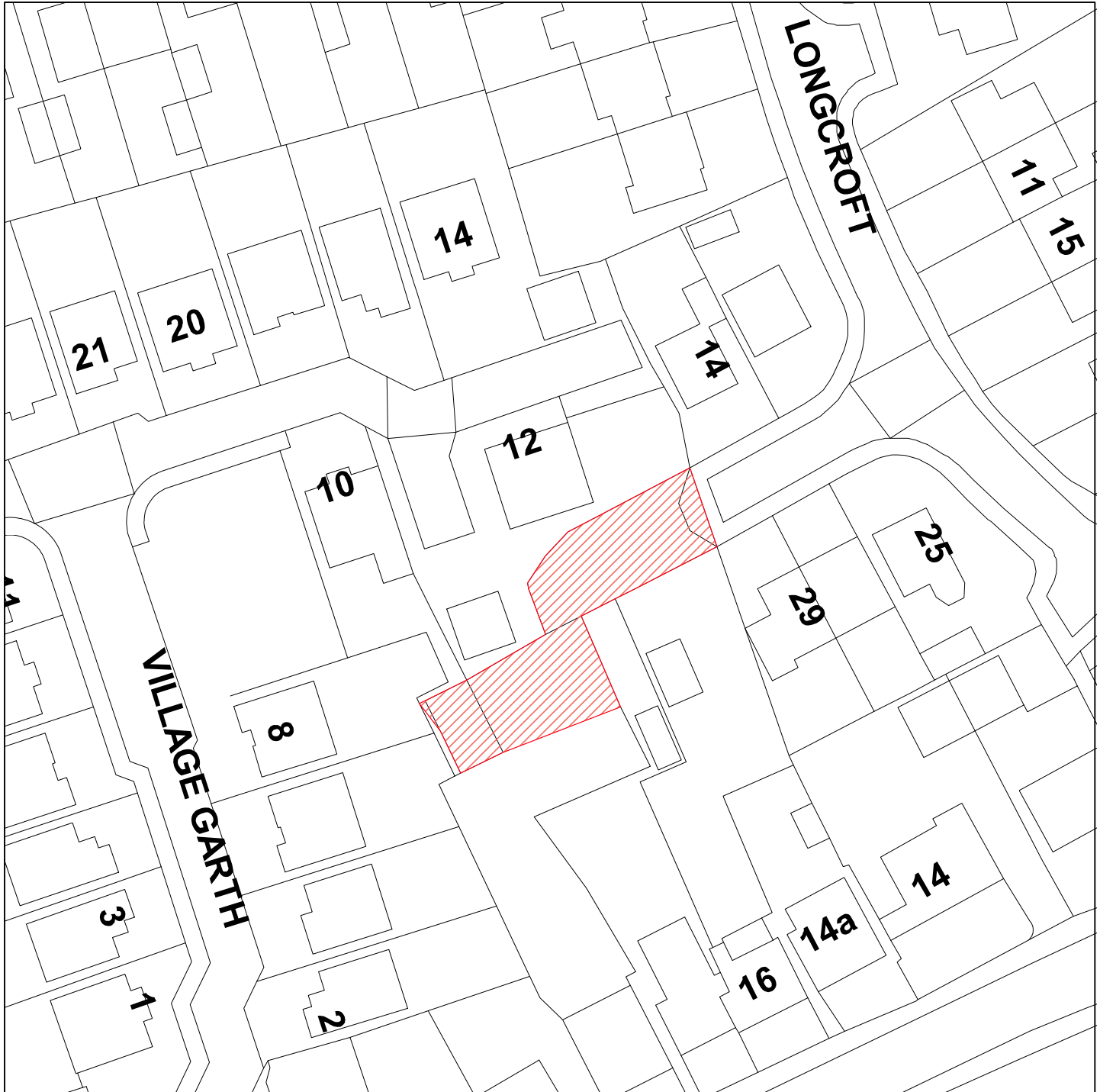
**Tel No:** 01904 552830

# Land to rear of 18 The Village, Wigginton

10/01103/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	30 July 2010
<b>SLA Number</b>	Not set

## COMMITTEE REPORT

**Date:** 12 August 2010  
**Team:** East Area

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

**Reference:** 10/01179/FUL  
**Application at:** 45 Ashton Avenue York YO30 6HW  
**For:** Detached 2 storey dwelling with associated detached garage  
**By:** Miss Kristen Mortimer  
**Application Type:** Full Application  
**Target Date:** 10 August 2010  
**Recommendation:** Refuse

### 1.0 PROPOSAL

1.1 The applicant seeks planning permission to erect a three-bedroom two-storey detached house in the rear garden of 45 Ashton Avenue. Two linked single garages are also proposed to serve the existing and new dwelling and a 2.4m high brick wall is proposed alongside a public footpath to the side.

1.2 The site is part of the large triangular shaped rear garden of 45 Ashton Avenue. 45 Ashton Avenue is a hipped roof semi-detached property at the head of a long cul-de-sac. The surrounding area is largely made up of low to mid density suburban style housing. A public footpath runs to the side of the garden linking Ashton Avenue with Burton Green.

1.3 There is no relevant planning history for the site, nor are there any site-specific policies or proposals relating to the site.

1.5 The application has been brought to committee as the applicant is employed by the City Council.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1  
Design

CYGP10  
Subdivision of gardens and infill devt

CYGP15  
Protection from flooding

CYNE1  
Trees, woodlands, hedgerows

CYH4A  
Housing Windfalls

### **3.0 CONSULTATIONS**

#### 3.1 Internal

Highway Network Management - No objections subject to conditions.

York Consultancy - The development is in a low flood risk area and should not suffer from flooding, however, insufficient information has been included to assess the impact of the proposal on existing drainage systems.

Environmental Protection Unit - No objections subject to informative.

Leisure Services - Contribution required for open space improvements.

#### 3.2 External

Local Planning Panel - No objections, though regret the loss of the hedge adjacent to the public footpath.

Neighbours

43 Ashton Avenue - Being at the turning head of the cul-de-sac there is limited available parking and access to the road is sometimes blocked.

### **4.0 APPRAISAL**

#### 4.1 Key Issues:-

- Impact on street scene
- Impact on neighbours
- Quality of accommodation
- Flood risk
- Highway considerations
- Sustainability



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

4.3 Planning Policy Statement 1 sets out the Government's overarching planning policies. Planning Policy Statement 3 relates to Housing. Both statements set out the importance of good design in making places better for people and emphasises that development that is inappropriate in context or fails to take the opportunities available for improving an area should not be accepted.

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

#### IMPACT ON THE STREETSCENE

4.5 The proposed dwelling would have a pyramidal roof and would be 7.2m high at its peak. It is considered that this scale of development would appear incongruous in the open rear garden and would not appear subservient or relate to any existing structures. The dwelling would be located immediately adjacent to a public footpath that cuts between rear gardens in the area. It is considered that the structure would be unduly dominant when viewed from the path and would detract from its current generally open setting. The proposed 2.4m high wall would also be an unacceptably dominant structure adjacent to the path.

4.6 The proposed garage would be subservient to the main house and not be unduly dominant.

#### IMPACT ON NEIGHBOURS

4.7 There is adequate space around the house and garage to avoid undue harm to most neighbours. However, the proposed dwelling is only a short distance from the rear boundary of 50 Burton Green - the first floor bedroom windows would be only around 6m from the side boundary of the rear garden. This is considered unacceptable within the local context.

#### QUALITY OF THE ACCOMMODATION

4.8 The proposed dwelling would create good quality accommodation. The host property would still retain a good outlook and have a rear garden of 15 x 9m.

#### FLOODING

4.9 The development is in a low flood risk area and should not suffer from flooding, however, insufficient information has been included to assess the impact of the proposal on existing drainage systems.

## HIGHWAY CONSIDERATIONS

4.10 Two off-street car parking spaces are proposed for the new property and two spaces for the existing property. This is considered acceptable. Space is available for cycle parking.

## SUSTAINABILITY

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

## 5.0 CONCLUSION

5.1 Although the development would create good quality accommodation the new house and high wall would appear incongruous. The house would also detract from the privacy of the property to the rear. In addition, the application fails to provide adequate information to satisfactorily address issues of flood risk.

5.2 It is recommended that the application be refused.

## 6.0 RECOMMENDATION: Refuse

1 It is considered that the scale and design of proposed dwelling, and height of the brick wall adjacent to the public footpath leading from Ashton Avenue, would appear incongruous and detract from the character of the surrounding area. The scale and form would also dominate the public footpath, creating a stark , imposing feature for pedestrians using the path. As such, the proposal conflicts with Policies GP1 (criterion a and b) and H4a (criterion c) of the City of York Draft Local Plan (Fourth Set of Changes) 2005 and Central Government advice relating to design quality and context contained within Planning Policy Statement 1 (Delivering Sustainable Development) and Planning Policy Statement 3 (Housing).

2 The proposed two-storey development would be in close proximity to the rear garden of 50 Burton Green. It is considered that it would appear unduly dominant when viewed from this direction and would introduce an unacceptable degree of overlooking of the rear garden of 50 Burton Green from the proposed first floor rear bedroom window, within 6 metres of the boundary with that property. As such, the proposal conflicts with Policy GP1 (criterion i) of the City of York Draft Local Plan (Fourth Set of Changes) 2005.

3 The application fails to indicate how surface water run-off from the site will be adequately attenuated. As such the application conflicts with national planning advice contained within Planning Policy Statement 25 (Development and Flood Risk), Policy GP15a of the City of York Draft Local Plan (Fourth Set of Changes)

approved April 2005 and advice contained within the City Of York Strategic Flood Risk Assessment (approved September 2007).

**Contact details:**

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

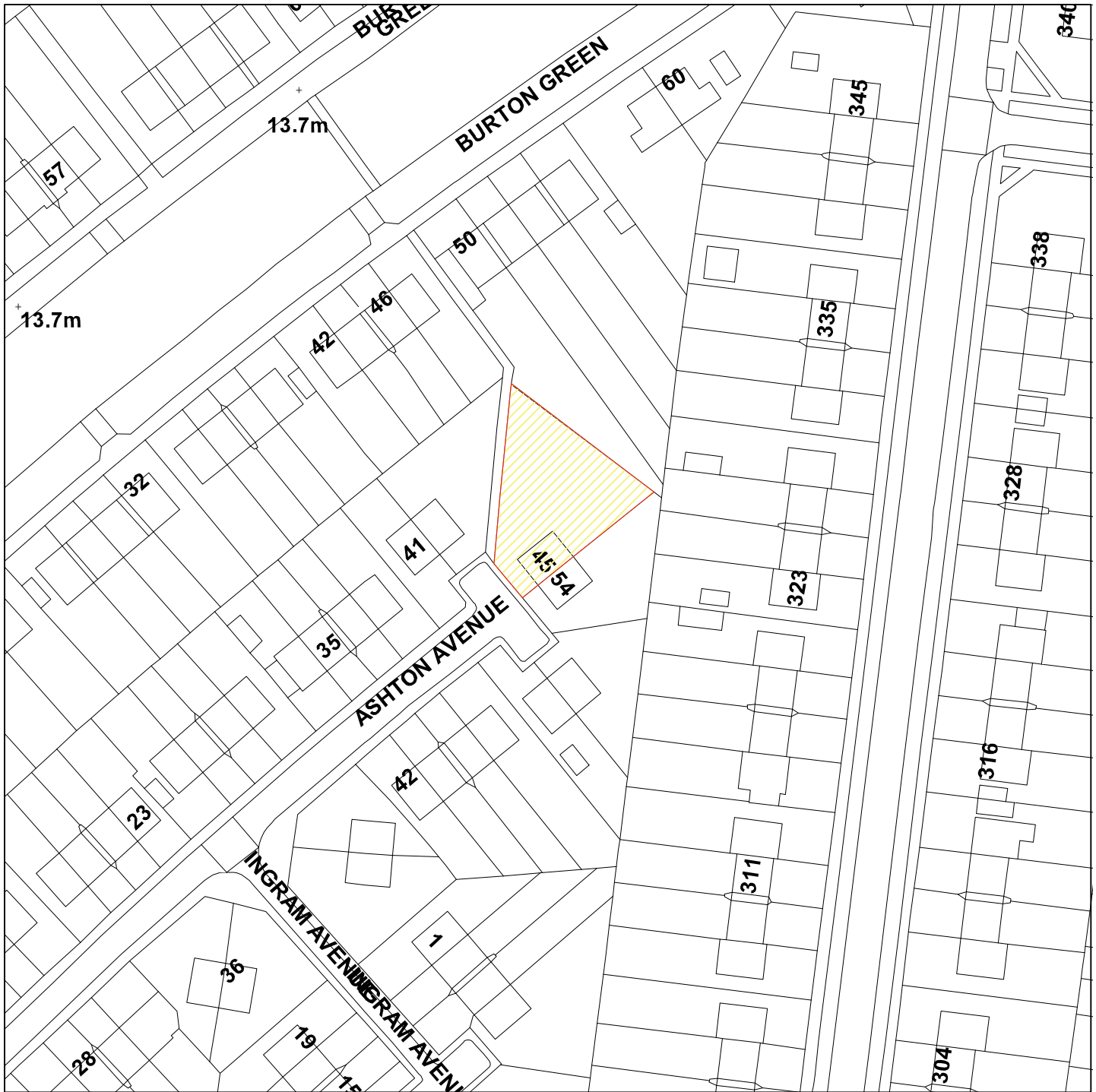
**Tel No:** 01904 551352

# 45 Ashton Avenue, YO30 6HW

10/01179/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	30 July 2010
<b>SLA Number</b>	Not set

**COMMITTEE REPORT**

**Date:** 12 August 2010                      **Ward:** Hull Road  
**Team:** East Area                              **Parish:** Hull Road Planning Panel

**Reference:** 10/01196/FUL  
**Application at:** 45 Millfield Lane York YO10 3AW  
**For:** Change of use from dwelling (use class C3) to house of multiple occupation (use class C4)  
**By:** Mr Keith Burgess  
**Application Type:** Full Application  
**Target Date:** 28 July 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

## THE SITE

1.1 The application site consists of a semi detached, two-storey, three-bedroomed dwelling with a single width shared driveway providing access on the rear of the dwelling. The dwelling has a detached garage located on the north east side elevation approximately 6.0 metres from the dwelling house. The rear garden is enclosed by extensive vegetation and adjacent trees located on the shared neighbouring boundaries. The surrounding neighbourhood consists of similar style semi - detached properties set behind a strong building line. The predominant treatment of the front boundaries consists of low walls and front lawns with infill planting.

## PROPOSAL

1.2 This application seeks planning permission to convert a three bedroom single occupancy dwellinghouse (Use Class C3) into a four bedroom house in multiple occupation (HMO)(Use Class C4). No external changes are proposed as part of the proposed development. Two car parking spaces are proposed at the front of the property and in the garage with access for enclosed cycle storage in the rear garden shed .

1.3 This application has been brought before East Area Planning Sub-Committee due to the level of objection from local residents and concerns by local councillors on the amount of (H.M.O) conversions within the vicinity. A site visit will allow members to understand the nature of the objections raised and put them into context.

## SUPPORTING INFORMATION

1.4 The applicant has produced a Management Plan detailing the continued control and maintenance of the garden area, refuse and recycling cycle and car parking.

## ADDITIONAL INFORMATION

1.5 An amendment to the Use Classes Order came into force on 6th April 2010 whereby a new use class (C4) was introduced. This amendment separates dwelling houses from houses in multiple occupation, so that 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.

## 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 accom

CYGP1  
Design

## 3.0 CONSULTATIONS

3.1 INTERNAL

Highway Regulation (Network Management) - no objections.

City Development - There are no policy objections to the principle of development. However 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).

3.2 EXTERNAL

Hull Road Planning Panel - No objections

Neighbouring properties were notified on 14.06.10  
Letters have been received from Nos. 43, 39 & 56 Millfield Lane. The letters raised concerns relating to:-

- Large number of H.M.O properties on Millfield Lane.
- Deterring families to move into the area.
- Limit the number of H.M.O properties.

- Parking on the grass verge.
- Access problems because of single drive way and additional amount of cars.
- Accidents caused by on street parking.
- Lack of external maintenance.

#### **4.0 APPRAISAL**

4.1 key issues are:

- Principle of development;
- Impact on the character and appearance of the area;
- Impact on the amenities of local residents;

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

4.3 DRAFT LOCAL PLAN POLICY CYH8 - "Conversions". In April 2010 the planning law relating to HMOs changed. A new use class was introduced for smaller HMOs occupied by between three and six people. The Town and Country Planning (Use Classes) order 1987 has been amended to provide for a specific definition of an HMO. Planning permission is now required, where a material change of use has occurred, for properties changing use from C3 (dwelling house) to the new use class C4 (H.M.O). There is no new local policy framework, which specifically deals with this the recent changes in legislation, however Policy H8 sets out the current criteria by which conversions of houses to HMO's should be assessed. On this basis planning permission will only be granted for the conversion of a house to a HMO where:

- the dwelling is of sufficient size (min 4 bedrooms) 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 DRAFT LOCAL PLAN POLICY CYGP1 - "Design" sets out a series of criteria that the design of development proposals would be expected to meet. These include requirements to (i) respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the

character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

#### 4.5 PRINCIPAL OF H.M.O

The application site lies within a sustainable location in an established residential area. The property is a convenient distance from local amenities and good transport links to the city centre. Information from Council Tax records have documented that there are at least three properties of multiple occupation in the street that are exempt from Council Tax payments. The proposed layout of the property would continue the three existing upstairs bedrooms on the first floor with the one ground floor reception room converted to provide one additional bedroom. This would leave a communal kitchen on the ground floor and bathroom on the first floor. It is considered that this internal layout is suitable for four occupants in terms of providing a reasonable level of residential amenity. The property has a large sized garden, which can be used, as outdoor amenity space.

#### IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

4.6 In introducing the new legislation, Central Government has acknowledged that high concentrations of Houses in Multiple Occupancy can create a high level of occupancy and activity, in particular if occupied by groups such as students, which can create lack of ownership of the property resulting in untidy areas and minimum maintenance. In considering this issue, there is no indication that existing concentration of student housing on Millfield Lane has had a negative effect on the residential character of the area.

#### MANAGEMENT PLAN

4.7 The applicant has submitted a management plan to protect the visual appearance of the surrounding area, the amenity of the adjacent occupiers and ensure there are adequate measures in place to control the number of resident's vehicles at the site. The plan includes arrangements for the fortnightly maintenance / grass cutting of the garden area to be undertaken by the applicant. The occupiers of the property will be issued with a copy of The City Of York Council "Waste Presentation" document to ensure the removal of refuse and recycling, along with the storage of bins and recycling boxes within the site are controlled. Also the management plan can control the maximum number of resident's vehicles. The supporting information has stated that there would be two off street parking places as well as storage for up to four cycles. Recycling would be contained within the utility area, as demonstrated by the existing occupiers. Bin storage would be located to the rear in the existing shed. The occupiers are required to adhere to the plan at all times.

#### NEIGHBOUR OBJECTIONS

4.8 Letters received from Nos. 43, 39 & 56 Millfield Lane raising the following issues:-



LARGE NUMBER OF H.M.O PROPERTIES ON MILLFIELD LANE / DETERRING FAMILIES TO MOVE INTO THE AREA/ LIMIT THE NUMBER OF H.M.O PROPERTIES

4.9 There is no guidance on how to measure the concentration of HMO's on Millfield Lane. The proposed plans demonstrate that the property would provide adequately sized accommodation suitable for four future occupants with adequate provisions for refuse and recycling. On balance, 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 remains predominantly residential in character, which is consistent with its suburban location, therefore it is unlikely intensity of use of the property would have adverse impact on the existing residential environment, or any future occupiers to the area other than what can be normally expected from a family of four members in one house.

PROPERTY MAINTENANCE AND DISPOSAL OF SEWERAGE/ ADDITIONAL NOISE

4.10 The management plan and email has demonstrated the location and control over the maintenance, rubbish and recycling. It is considered that any sewerage disposed from the mains sewer would be no greater than that of a family living at the property. In terms of additional noise any potential creation of disturbance and noise would be controlled through a separate legislation managed by the Council's Environmental Protection Unit.

PARKING ON THE GRASS VERGE/ACCIDENTS FROM ON STREET PARKING

4.11 In terms of additional on street parking, there are no car parking restrictions on Millfield Lane, as such there are cars parked on the road side and grass verges in front of the properties. Although residents have raised concerns about the visual and highway safety impacts of cars being displaced onto the roadside, highways regulation have raised no objections on highway safety grounds to the proposed conversion. On the basis that two car parking spaces are acceptable at the front of the property and in the garage, with access from a generous shared driveway, it is considered unlikely that the level of car ownership at the property would significantly increase problems for other residents from excessive levels of on-street car parking. Furthermore, the council's highway authority has no objections to the proposal.

REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

4.12 Current guidance published by the Communities and Local Government appears to conclude that C4 houses have permitted development rights. If this is indeed the case, permitted development rights for such dwellings would allow significant extensions to the rear of the house and in the roof space without the need for planning permission. This could create a significant increase in occupancy levels. On this basis it is considered important that the Local Planning Authority retains the ability to control this.

## 5.0 CONCLUSION

5.1 The proposal is considered to comply with Policy H8 and GP1 of the Draft Local Plan and subject to conditions is recommended for approval.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans - Approved Plans Dated 01.06.10

3 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C, E, and F 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.

### Contact details:

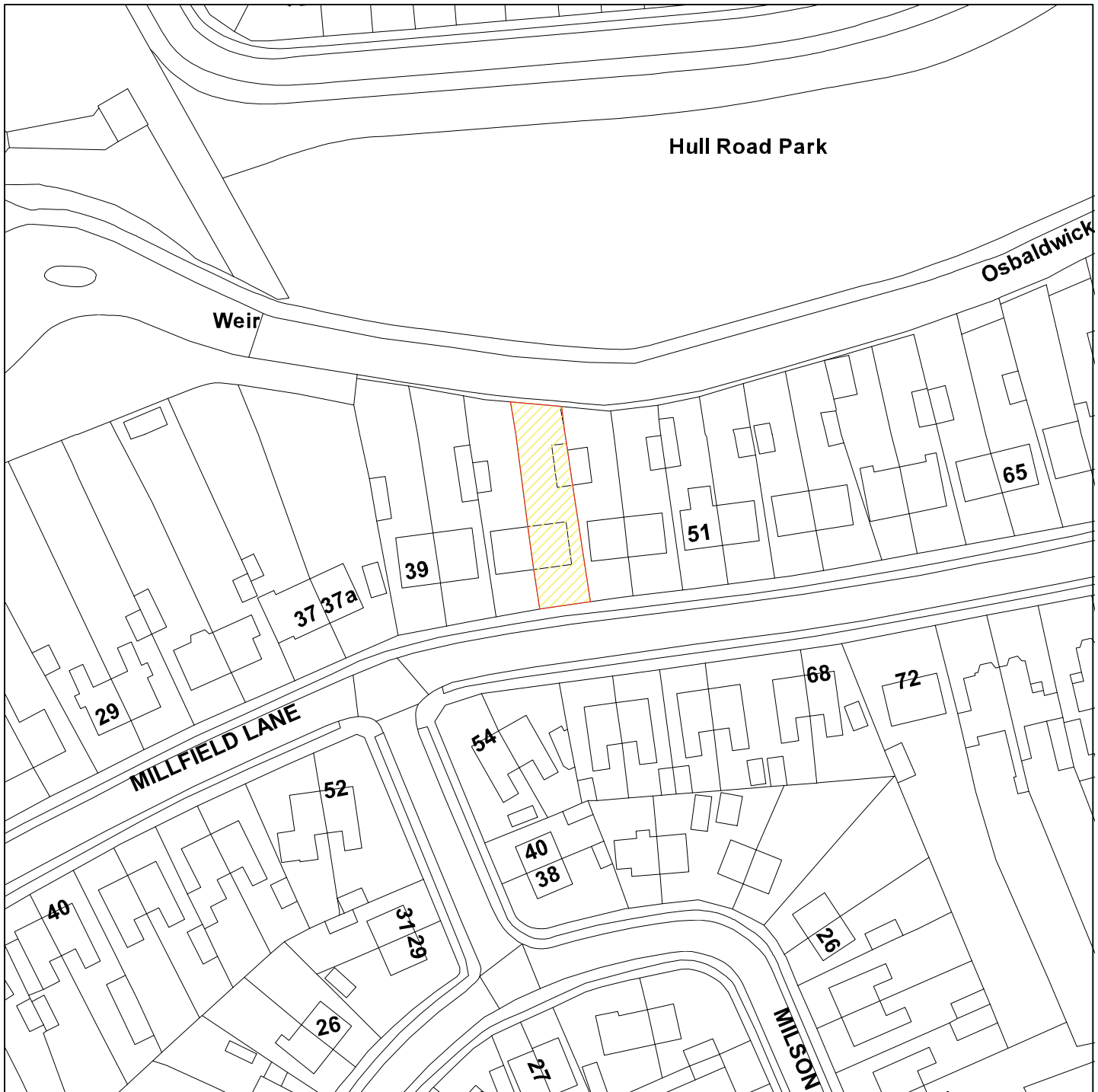
**Author:** Sharon Jackson Development Management Assistant  
**Tel No:** 01904 551359

# 45 Millfield Lane, YO10 3AW

10/01196/FUL



GIS by ESRI (UK)



Scale : 1:1000

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	30 July 2010
<b>SLA Number</b>	Not set

**COMMITTEE REPORT**

**Date:** 12 August 2010                      **Ward:** Wheldrake  
**Team:** East Area                              **Parish:** Elvington Parish Council

**Reference:** 10/01265/FUL  
**Application at:** The Villa Main Street Elvington York YO41 4AG  
**For:** Erection of 1no. dormer bungalow with attached single garage (resubmission)  
**By:** Mr Paul Lofthouse  
**Application Type:** Full Application  
**Target Date:** 9 August 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This is a full planning application to erect a four-bedroom dormer bungalow within what was the rear garden of a detached property.

1.2 The rear garden area of the Villa was approximately 45 metres long and 20 metres wide. The proposal is to use the former rear section (approximately 24 metres) of the garden as a separate plot with a vehicular access along the area of garden between 'The Villa' and 'Glen House'.

1.3 The recent planning history at the site is as follows:

20/9/07 (07/01806) Erection of three bedroom dormer bungalow with attached single garage (approved).

14/7/08 (08/0892) Erection of four bedroom dormer bungalow with attached double garage (refused).

25/9/08 (08/01868) Erection of four bedroom dormer bungalow with attached single garage (refused and dismissed at appeal).

1.4 In 2007 planning permission was granted for a three bedroom dormer bungalow and double garage on the site. Since this approval the applicant has submitted to two separate planning applications that sought to increase the internal space within the property. Members will recall that the most recent proposal for a four bedroom dormer bungalow with single garage was refused in September 2008. It was refused for the following reason:

"The proposed dwelling would be located in close proximity to the garden boundary of surrounding properties, particularly Grange House and 1 and 3 Lorraine Avenue. It is considered that the increase in eaves height in comparison to the approved scheme would increase the mass and dominance of the proposed house to a degree that would make it unduly prominent and intrusive when viewed from these properties and have a detrimental impact on the established character and amenity

of the local environment. As such the proposal fails to comply with Policy GP1 (criterion a, b and l), Policy GP10 and Policy H4a of the City of York Local Plan 4th Set of Changes 2005."

1.5 The applicant appealed against this decision. On 6 August 2009 the Inspector dismissed the appeal. In his appeal statement the Inspector stated that he did not feel that the proposal was unacceptable in respect to the impact on the living conditions of neighbours or the character and appearance of the area. He did, however state that in his opinion the appellant had not agreed to make a financial contribution to open space improvements (£3,006). The inspector felt that the requirement for this funding was reasonable and as such the appeal was dismissed.

1.6 This application is a re-submission of the scheme that was refused by committee in September 2008. The drawings are the same. The applicant has confirmed that he is willing to pay £3,006 towards off site open space provision.

1.7 The site is adjacent to a property occupied by a Council employee. It has been referred to Committee in order to ensure transparency in the decision making process. A site visit was carried out in July 2008 and as such it is not considered that a new site visit is required.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1  
Design

CYGP10  
Subdivision of gardens and infill devt

CYGP15  
Protection from flooding

CYNE1  
Trees, woodlands, hedgerows

CYH4A  
Housing Windfalls

### **3.0 CONSULTATIONS**

#### **3.1 Internal**

Highway Network Management - No objections subject to conditions including those relating to the provision of a turning area within the site and a minimum access width of 3.7m.

Landscape Architect - Repeat concerns in respect to overdevelopment and the impact on trees.

#### **3.2 External**

Parish - Object as the scheme represents overdevelopment. There is not sufficient space to create an access without damaging trees. There is in adequate turning space within the site and access on to Main Street is dangerous.

Neighbours - At the time of writing this report objections from four neighbours have been received. The following issues have been raised:

The land is no longer in the ownership of 'The Villa' and the present occupier should be notified of the application. (Case officer - the new owner has been notified).

-The application should be determined at committee.

-The design and access statement dates from 2008 and does not make reference to recent changes to PPS3.

-It should be ensured that the works do not harm the protected tree adjacent to Main Street.

Internal Drainage Board - No objections subject to provision of a sustainable drainage scheme. (Planning officer response - as the previous application was not recommended for refusal on drainage grounds and the Inspector did not raise this issue in his statement it is not considered reasonable to impose a new drainage condition on this application. It is also the case that there is little difference in the building footprint of this scheme and the scheme that has planning permission).

### **4.0 APPRAISAL**

4.1 It would not appear that the setting of the application site has materially altered since the inspector's decision. It is also the case that there has been no material change in the thrust of planning policy that relates to the overall acceptability of this specific planning application. The Inspector's decision is material to this application. Despite the planning officer's previous recommendation that the application should be refused and Members refusal of the application it is not considered that a further refusal of the application could be reasonably defended at appeal.

4.2 It is noted that on 10 June 2010 a third edition of Planning Policy Statement 3 (Housing) (PPS 3) was published. In this revised statement, advice was provided in respect to proposals for housing in gardens. It is not considered, however, that this advice should change the assessment of the application.

4.3 There are two key changes contained within PPS3. The first relates to the definition of previously developed land in annex B of the document - the definition now excludes private residential gardens. The second change removed the national indicative minimum housing density of 30 dwellings per hectare from paragraph 47 of the statement.

4.4 In assessing the previous application it was stated in the committee report that the application site was previously developed land as classified by PPS3, however, this was qualified by the statement that in assessing the proposal it was important that the proposal did not cause harm to issues of importance. The planning officer and committee considered that the proposal was unacceptable in respect to the impact on neighbours, however, the Inspector disagreed. In his statement he gave considerable weight to policies GP1 (Design), GP10 (Subdivision of Gardens and Infill Development) and H4a (Housing Windfalls) of the Local Plan. These policies make no reference to gardens being classified as brownfield land and emphasise the need to ensure that new development is not detrimental to the character and amenity of the local environment. Although the Inspector's judgement in respect to the acceptability of the scheme differed from that of the City Council, it is not considered that the judgement hung on whether in PPS3 the site was classified as brownfield land or not.

4.5 In respect to housing density, paragraph 47 of PPS3 did state that a minimum housing density figure of 30 units per hectare should be used for decision making. This figure is also contained in policy H5a (Residential Density) of the Local Plan. The June 2010 revision to PPS3 removes any reference to a prescribed minimum density figure. The application site is approximately 700 sq.m in size. Density figures are of limited value for assessing small back land schemes, however, the proposed density figure for the site (around 14 dwellings per hectare) is well below the minimum figure previously set out as a guide.

## **5.0 CONCLUSION**

5.1 The application is a re-submission of planning application 08/01868/FUL. This application was refused at committee. The applicant appealed against the decision. The Planning Inspector dismissed the application at appeal in August 2009, however, this was only because he considered that the applicant did not agree to pay the required planning obligation to improve public open space. The Inspector did not feel that the proposal harmed neighbours' living conditions or was otherwise unacceptable.

5.2 The applicant has confirmed in writing that he is willing to pay £3006.00 towards open space improvements. It is not considered that any physical changes on site or to the surroundings, or any changes to local or national planning policy and guidance since the Inspector's decision are such that they materially justify the refusal of this planning application or the introduction of substantially different planning conditions or obligations. The application is therefore recommended for approval.

**6.0 RECOMMENDATION:** Approve

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

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

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

Plans and elevations LO2/809/01 and LO2/809/04 received by the Local Planning Authority on 11 June 2010.

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

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

3 Notwithstanding the information contained on the approved plans, the height of the approved house shall not exceed 6.8 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

4 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.

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

Reason: In the interests of the amenities of the adjoining residents the Local



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

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no windows, doors or other openings shall be inserted within the external elevations, or the roof of the approved development other than those shown on the approved plans.

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

7 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.

8 Unless otherwise agreed in writing by the Local Planning Authority, a minimum of 5% of the expected energy demand for the development hereby approved shall be provided through on site renewable generation for heat and/or electricity. Prior to the commencement of development a statement outlining how this is achieved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved statement unless otherwise agreed in writing by the Local Planning Authority.

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

9 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 that exist around the site (including proposals for their retention/protection) along with new vegetation that will be planted. The plan should include the location of the proposed house and all access routes and turning areas. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which 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 otherwise 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.

10 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.

11 No part of the site shall come into use until turning areas have been provided for both the proposed new dwelling and the existing dwelling in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

12 Any gates shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall open into the site.

Reason: To allow a vehicle entering or leaving the site to stand clear of, and thereby avoid obstructing the public highway, in the interests of road safety.

13 Prior to the development coming into use, all areas used by vehicles shall be surfaced and drained, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the egress of water and loose material onto the public highway and reduce surface water run-off.

14 The driveway shall be constructed at a minimum width of 3.7m and with a minimum height clearance of 4.5m throughout its length.

Reason: To ensure that the dwelling is accessible by emergency vehicles (fire tenders).

15 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.

16 Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and

adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

17 The hours of 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 workings on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

18 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 £3,006.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been agreed and you are reminded of the local planning authority's enforcement powers in this regard. The property shall not be occupied until the sum has been paid.

**Notes to Applicant**

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.

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 attached to any planning approval, failure to do so

could result in formal action being taken under the Control of Pollution Act 1974:

1. 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.	

2. 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".

3. 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.

4. 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.

5. 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.

6. There shall be no bonfires on the site.

#### REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the street scene, neighbours' light, outlook and privacy, trees and vegetation and highway safety. As such the proposal complies with Policies GP1, GP10, GP15a, NE1, H4a of the City of York Development Control Local Plan and advice contained in Planning Policy Statement 1 and Planning Policy Statement 3.

#### Contact details:

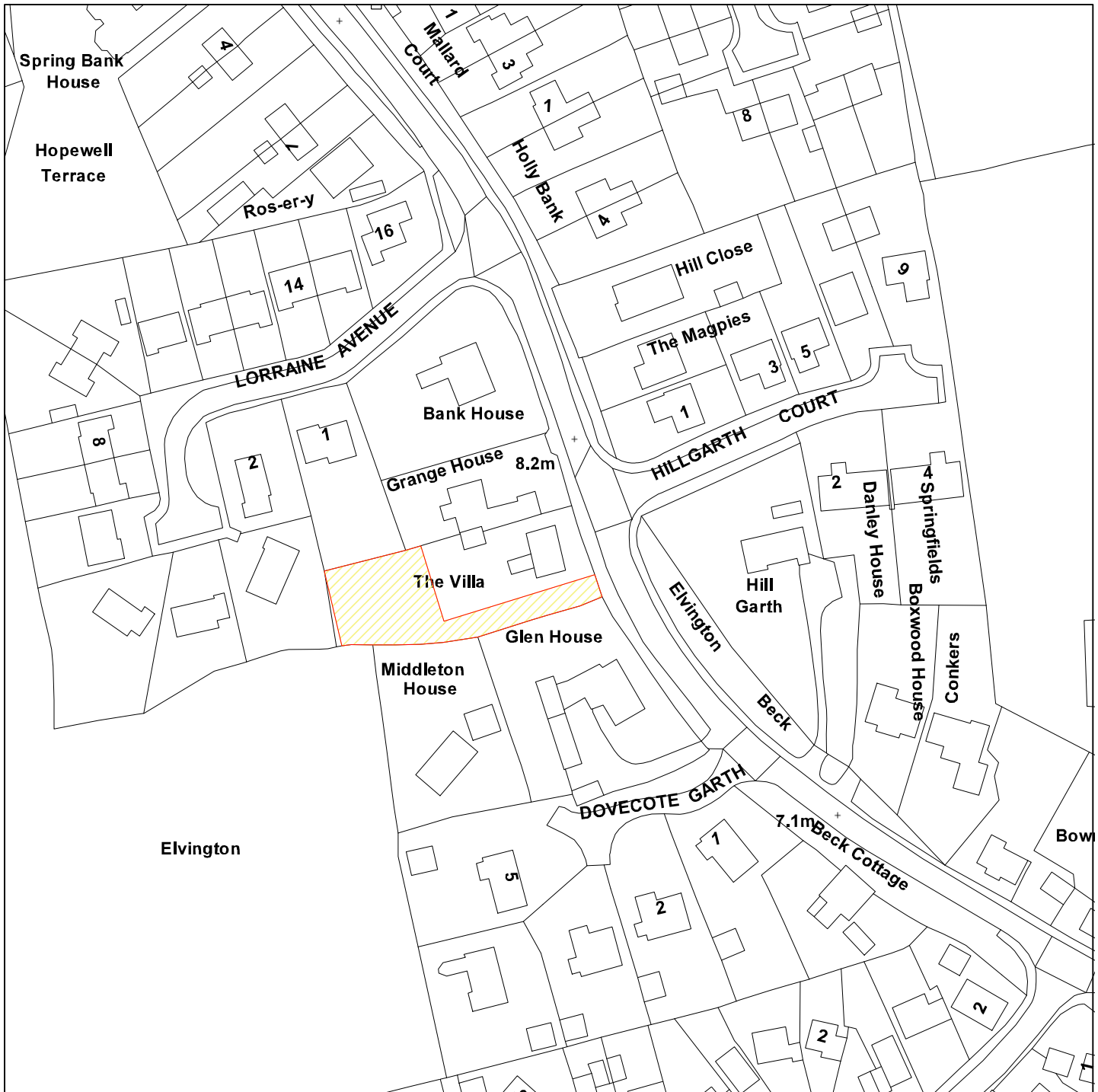
**Author:** Neil Massey Development Management Officer (Wed/Thurs/Fri)  
**Tel No:** 01904 551352

# Land to the rear of The Villa, Elvington

10/01265/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	30 July 2010
<b>SLA Number</b>	Not set

**COMMITTEE REPORT**

**Date:** 12 August 2010                      **Ward:** Hull Road  
**Team:** East Area                              **Parish:** Hull Road Planning Panel

**Reference:** 10/01306/FUL  
**Application at:** 34 Thief Lane York YO10 3HU  
**For:** Change of use from dwelling house to house in multiple occupation and erection of two storey side and single storey rear extension.  
**By:** Mr Iain Bates  
**Application Type:** Full Application  
**Target Date:** 31 August 2010  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 This application consists of two parts; the erection of a two storey side and single storey rear extension, and the conversion of the dwelling house into a seven bedroom House in Multiple Occupation (HMO). The house sits on a corner plot adjacent to Newland Park Drive and Thief Lane and currently contains three bedrooms. To the side of the house is a single storey extension containing a workshop and garage. It is proposed to demolish this make way for the two storey side extension.

1.2 As the proposal is for a seven bedroom HMO it does not fall into the new C4 use class; this only applies if there are six bedrooms or less. Therefore, the proposed change in legislation to allow a change of use without planning permission from a C3 dwelling house to a C4 HMO is not material to the determination of this application.

1.3 This application is being heard before the Committee at the request of Cllr. Brian Watson due to concerns about over studentification in this area.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1  
Design

CYH7  
Residential extensions

CYH8

Conversion to flats/HMO/student accom

### **3.0 CONSULTATIONS**

Internal

3.1 Highway Network Management - Two on-site car parking spaces are proposed, while this number complies with local standards, they are not considered to be practical as they are not independent of each other. This could discourage their use and create additional on-street car parking at the detriment to the free flow of traffic and the highway verge and footpath. The proposal only creates a cycle store large enough for around 3 bicycles, this is significantly below the local standards which is one space per bedroom. Bicycles should be individually accessible.

3.2 City Development - The provisions of Policy H8 'Conversions', particularly the last three bullet points should be taken into account when determining a planning application. Consideration should be given to the impacts of the proposal on the streetscape with regard to visual amenity, alongside the impact additional residents may have on parking provision. Adequate provision should be made for the storage and collection of refuse and recycling. This is in response to increasing concerns of the negative impacts that concentrations of HMOs are having on the surrounding environment and local amenity for existing residents.

External

3.3 Hull Road Planning Panel - No response received at the time of writing the report. (Consultation period expired 29th July 2010)

3.4 Third Parties - No correspondence received at the time of writing the report. (Consultation period expired 29th July 2010)

### **4.0 APPRAISAL**

4.1 Key issues:-

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

4.2 Both the proposed extension and change of use to a HMO were submitted as part of one application, therefore if either of these elements of the application are considered unacceptable the application should be refused. However, for simplicity of analysis this report breaks down the two elements of the application into separate parts where possible.

## PROPOSED EXTENSION

4.3 Development Control Local Plan Policies GP1 and H7 are the most relevant in assessing the proposed house extension. GP1 'Design' states that development proposals will be expected to respect the local environment and be of a layout scale and design which is compatible with neighbouring buildings and the character of the area. Policy H7 'Residential Extensions' states that applications shall: be of a design which is sympathetic to the main dwelling and the locality; be of an appropriate design and scale in relation to the main building; have no adverse effect on neighbouring amenity; respect spaces between dwellings; and maintain an acceptable level of private amenity space. The Household Guide to extensions offers more specific advice on extensions, these points are brought out in the main body of the report below.

4.4 The existing property is a traditional semi-detached house of a design and scale which is common in the area. The original house frontage is around 5.7m in width. The proposed extension angles away from the front of the house following the curtilage shape on this corner plot. The first element of the two storey side extension protrudes approximately 2.8m from the side of the house, the extension then turns and extends towards the property curtilage side boundary, this elements measures around 7.3m in length. It is considered that the proposed two storey element of the extension visually dominates the host dwelling. Paragraph 1.12 of the 'Guide to Extensions and Alterations to Private Dwelling Houses' SPG states 'The basic shape and size of the extension should be sympathetic to the design of the original house. The scale of the new extension should not dominate the original building'. Paragraph 1.26 states that side extensions should appear subservient to the main house. It is considered that the proposed two storey side extension does not conform with this guidance. Whilst there are a number of two storey side extensions in the area, it is considered that the proposal would be harmful to the character and appearance of the area given the extensions design and scale.

4.5 The proposed extension is built up to the property curtilage boundary at two storey level. Local design guidance states that this should be avoided where possible to avoid a terracing effect and to respect the spaces between dwellings. It is considered that an extension is possible on the host house which would conform with the principle of maintaining space between dwellings. The proposed extension would appear as a significant overdevelopment of the plot, the whole frontage of the site would be taken up by two storey development. It is considered that the proposal fails to take account of the house extension design guide and local plan policies GP1 and H7 and would therefore be harmful to the appearance of the house and the character of the area.

## PROPOSED CHANGE OF USE TO HMO

4.6 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.

4.7 It is considered that the proposed internal layout would provide a reasonable level of amenity for future occupiers. The extension and layout creates reasonable sized bedrooms and there is a communal kitchen/dining room, a lounge, a laundry room, and three bathroom/shower rooms. The level of external space is considered to be relatively low. The back garden area is triangular in shape and is around 20 sq m in size. However, given that the proposed internal layout includes a laundry room it is considered that the outdoor area is sufficient in size to meet the basic needs of future occupiers of the property.

4.8 A seven bedroom HMO is likely to create significantly more activity and general comings and goings than that of a three bedroom house. The occupation levels of the property would increase significantly as a result of the change of use and extension. It is considered that this level of occupation with the associated activity and vehicle movements has the potential to cause significant harm to the living conditions of neighbouring residents. The small scale of the rear garden area and the fact that it borders two neighbouring gardens also has the potential to cause nuisance.

4.9 Currently available information shows that there are 26 student lets on Thief Lane which contains around 130 dwellings in total. The Council does not have any guidance on what constitutes an over concentration of such uses. Properties which are not occupied by the owner and are let for short periods are often less likely to be regularly maintained and appropriately managed. As with other applications of this type, a management plan could be conditioned whereby an agreement is drawn up for the regular maintenance and management of the house.

4.10 The level of occupation of the dwelling is likely to result in a need for a number of large refuse and recycling bins. These are proposed to be stored at the front of the property as there is no access to the rear garden without going through the house. It is considered that the bin storage area could harm the visual amenity of the area.

4.11 The proposal incorporates two off road car parking spaces; however these are not independent of each other. One car cannot enter or leave unless the other moves. This is likely to discourage any future residents from using the second car parking space which could lead to on street car parking. There are no parking restrictions on the street. However, the application site sits adjacent to a set of traffic control bollards. This reduces available car parking areas for any future residents and it is considered that this could encourage indiscriminate car parking which would be to the detriment of the amenity of local residents and the free flow of traffic. Whilst the site is within a sustainable location, the level of occupation plus potential

visitor numbers means that there are likely to be times of significant demand for on street car parking.

4.12 A secure cycle store is proposed within the extension at the front of the house. Local standards require one space to be provided per bedroom and these should be enclosed and secure. Whilst the proposed cycle parking area is accessible and enclosed and secure it is not considered that it is large enough to accommodate seven bicycles that could be accessed independently. The layout of the proposed cycle parking area is such that it would result in bikes being leant against each other making accessing some bicycles problematic, this would discourage their usage.

## **5.0 CONCLUSION**

5.1 It is considered that the proposed side extension by virtue of its overall size, location and design would adversely affect the appearance of the existing dwelling and harm the character and appearance of the area. The proposal is therefore considered contrary to Policies GP1, H7 and H8 of the Development Control Local Plan and supplementary planning guidance on the design of house extensions, which, inter alia, seek to ensure new development including extensions are sympathetic to the locality.

5.2 The enlargement of the property together with the change of use intensification of the use of the site would lead to additional visual impact considerations such as refuse storage and unacceptable level of disturbance of the neighbours.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 It is considered that the proposed two storey extension would, by virtue of its size, scale, and design, harm the appearance of the host dwelling and the character of the area. The proposed extension would appear as an incongruous form of development which would dominate the appearance of the host dwelling. Overall, therefore, the extensions are considered to be an overdevelopment of the site, to the detriment to the space between buildings and the character of the area. As such the proposal is considered contrary to Development Control Local Plan Policies GP1, H7, and H8 and advice contained within 'Guide to Extensions and Alterations to Private Dwelling Houses'.

2 It is considered that the proposal makes inadequate provision for off-street car parking, therefore would be highly likely to result in vehicles being parked on the highway, to the detriment of the amenity of neighbours and the free flow of traffic. Additionally the level and layout of bicycle parking is considered to be inadequate and would not encourage their use. As such the proposal fails to comply with Development Control Local Plan Policies H7 and H8, which require maintenance of nearby residential amenity and adequate car and cycle parking to be provided for such development.

3 The proposed increase of a three bedroom house to a seven bedroom House in Multiple Occupation is likely to significantly increase the comings and goings associated with the property, and would have only a modest outdoor amenity space for the number of prospective occupants. It is considered that the level of comings and goings and general activity associated with the application proposal would be likely to create noise and disturbance beyond which the adjacent residents could reasonably expect to enjoy. As such the proposal fails to comply with Development Control Local Planning Policies GP1, H7, and H8 which seek to ensure the living conditions of neighbouring residents are not significantly adversely affected by new development.

4 The increased level of occupation proposed would significantly increase the demand for refuse and recycling bin storage which at the extended property would need to be housed within the front garden. The proposed location within the front garden would be harmful to the appearance of the dwelling, and would weaken the Council's case for resisting further development of this type, which cumulatively would be significantly harmful to the residential character and quality of the area. The proposal is therefore contrary to Development Control Local Plan Policy H8, which requires adequate provision for the storage and collection of refuse and recycling.

## **7.0 INFORMATIVES:**

### **Contact details:**

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

# 34 Thief Lane, YO10 3HU

10/01306/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	30 July 2010
<b>SLA Number</b>	Not set

**COMMITTEE REPORT**

**Date:** 12 August 2010                      **Ward:** Heslington  
**Team:** East Area                              **Parish:** Heslington Parish Council

**Reference:** 10/01325/FUL  
**Application at:** 24 Low Mill Close York YO10 5JN  
**For:** Change of use from dwelling (use class C3) to house in multiple occupation (use class C4)  
**By:** Mr And Mrs Harris  
**Application Type:** Full Application  
**Target Date:** 3 August 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This application seeks planning permission to convert a four bedroom house into a six bedroom House in Multiple Occupation. The site is 24 Low Mill Close which is within Heslington Parish. Vehicular access is off Field Lane with pedestrian access being available from Hull Road which the application site backs onto. Low Mill Close is a cul-de-sac of relatively modern detached houses. The application site has already been converted into and is operating as a HMO. The applicants were not aware of the recent change in legislation which meant that planning permission was required to operate a HMO from what was a residential dwelling.

1.2 Downstairs, 24 Low Mill Close consists of two bedrooms and a kitchen, lounge, utility room, shower room, and conservatory. The property has a front and back garden including a bin storage and cycle storage area. Upstairs are four bedrooms and two bathrooms. The property has a long driveway which can accommodate a number of parked cars. The detached garage on site is used by the owner for personal storage.

1.3 This application is being heard before Committee at the request of Cllr Jamieson-Ball who called it in due to concerns of local residents about the balance of student housing in their community. A site visit is proposed in order for members to fully understand the context of the site and the objections of local residents.

**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 accom

## 3.0 CONSULTATIONS

Internal

3.1 Highway Network Management - The applicant states that there are 8 or 9 car parking spaces, this figure is derived by including the whole length of driveway. However, cars would be independent of each other, therefore having this many cars would block each other in. However, there are two independent spaces in front of the double garage which would be adequate to comply with standards. There is a shed in the front garden for bicycle storage, however this is not large enough for six bicycles, therefore a condition should be added to any approval to secure additional cycle parking facilities.

3.2 City Development - Following the elections and the recent changes in Government, further changes in legislation are being made to the planning requirements relating to HMO's, whereby the need for planning permission for changes from C3 uses to C4 uses will not be required. This was outlined in a Statement by the Housing Minister on 17th June 2010 (CLG ref 1617148) and therefore should be taken as a material consideration. There is no revised policy to take these changes in to account therefore the provisions of Policy H8 'Conversions', particularly the last three bullet points should be taken into account when determining a planning application. Consideration should be given to the impacts of the proposal on the streetscape with regard to visual amenity, alongside the impact additional residents may have on parking provision. Adequate provision should be made for the storage and collection of refuse and recycling. This is in response to increasing concerns of the negative impacts that concentrations of HMOs are having on the surrounding environment and local amenity for existing residents.

External

3.3 Heslington Parish Council - Object on the following grounds:

- the property does not provide adequate provision for the number of vehicles that will be associated with this property;
- The proposal would mean an imbalance to the residential area as there are a considerable number of HMO's locally;
- the property is already being occupied by students, prior to this planning application being granted;
- the proposal is considered overdevelopment of the cul-de-sac and would change the character of the area.

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

- Low Mill Close is a small cul-de-sac with very limited on street parking, the property can only accommodate two cars, each student may have a car which when combined with visitor parking could create severe problems in the street;
- On-street car parking in large numbers can create health and safety issues;
- Councils now have the power to stop the spread of student housing into areas which were not designed for it, more student lets results in a loss of family housing and also has a disruptive effect on numerous families that have happily settled into an area, the proposal may set a precedent for more student houses in the area;
- Long term residents of the area have looked on with sadness at the gradual deterioration of Badger Hill Estate which were very neatly kept family properties and a very happy area in which to bring up children, today the area is almost devoid of children as property after property has been converted into student accommodation with unkempt gardens and overflowing rubbish bins which are left in the front garden;
- it appears that very little consideration was given to the accommodation of the large numbers of students that would come to York with the expansion of the university;
- converting the former dairy on Hull Road into student lets makes sense, converting a perfectly good family house into a student-let makes no sense;
- Low Mill Close is a quiet cul-de-sac with children playing in the street, it is thought that six students who may all have cars would pose a danger to them;
- as the applicants are a family of builders with connections to a number of HMO's in the area it is hard to believe that they were not aware that they needed planning permission;
- the snicket at the side of the house is designed as an emergency access point to the estate, a lack of car parking space in the area could result in this being blocked by on-street parking;
- all housing in Low Mill Close was built as family housing and should remain as such, once a property has been taken out of the family housing stock it is rarely returned to such use;
- HMO's degrade the natural family environment making property prices rise whilst not supporting the local community, an example of this is falling admission numbers at local schools;
- there has already been an example of students creating noise while leaving the property at 1am, this was not because the students were behaving badly but because it is a very quiet area where voices resonate;
- from an environmental perspective students generally tend to be nocturnal and this does not normally fit in with general residential lifestyles and can cause unnecessary tension in the neighbourhood.

## **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;
- Car parking;
- Cycle and bin storage; and
- Impact on the amenities of local residents.

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.

#### PRINCIPLE OF DEVELOPMENT

4.3 24 Low Mill Close was built as a four bedroom detached house. The proposed change of use creates six bedrooms. In addition to the bedrooms there is a shower room, two bathrooms, a lounge, a kitchen, a utility room, and a conservatory as well as front and back gardens. The bedrooms are of a size which can provide a reasonable level of amenity for occupiers of the property and it is considered that there are sufficient levels of shared facilities to provide a reasonable level of amenity for six residents. The number of potential occupants of the 24 Low Mill Close is not considered to increase significantly as a result of the proposed change of use as each bedroom would only be occupied full time by one person.

#### IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

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 Low Mill Close is cul-de-sac serving a little under 30 detached dwellings. The latest information indicates that there are no student lets within Low Mill Close itself at present. Some neighbour letters state that there are two student lets towards the entrance to the cul-de-sac. Dwellings on Low Mill Close are generally three and four bedroom in size with front and back gardens which means they are suitable for families. A number of local objections received stated that the cul-de-sac is not suitable for a HMO and that approving the application would detract from the character of the area. Problems can occur when a high percentage of dwellings in a street become HMO's. It is not considered justifiable in planning terms to state that creating one HMO within a street would detract from the residential character of an area or the way it functions.

4.6 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 garden areas and the storage of bins away from the public domain.



## CAR PARKING

4.7 24 Low Mill Close has a long driveway which can accommodate a number of parked cars. It is considered that at least two cars could use the driveway independently of each other as the hardstanding area widens towards the garage, there would be no need to move one car to allow another to enter or leave. There is no disincentive to park on the driveway. There is space on the drive for visitor cars if needed. A number of local residents' objection letters argue that off-street car parking could cause potential dangers for children playing in the street and may also block the emergency access to the estate which runs adjacent to the house. These concerns are understandable within a quiet cul-de-sac, however, planning is not there to mitigate against any inconsiderate parking choice of individuals. The level of potential off-road car parking space is above what one would normally expect to see for a six bedroom HMO. A further consideration is the property's close proximity to a number of local services and facilities, local bus services, and the University campus, meaning that the property is in a sustainable location where a car is not necessary for residents.

## CYCLE AND BIN STORAGE

4.8 There is a shed in the front garden which can be used for the storage of bicycles. The Highway Network Management team feel that this is not of sufficient size for the storage of six bicycles. Therefore, a condition is recommended to be added to any approval whereby further cycle storage is created to allow all residents space to be able to park a bicycle safely and securely, this would encourage their use. There is capacity within the front and back garden to create additional cycle storage.

## IMPACT ON THE AMENITIES OF LOCAL RESIDENTS

4.9 As discussed above the potential occupancy level of 24 Low Mill Close would not increase significantly as a result of the change of use as each bedroom would only be occupied by one person. The application site is detached and therefore the potential noise and disturbance for neighbours is reduced as there are no shared walls. It is considered that there is no sustainable planning justification for objecting to this application based on harm to neighbouring amenity. The current residents of the property are students and it is reasonable to assume that future occupants may also be students given the properties closeness to the university. However, this does not mean that their would necessarily be an increase in noise or disturbance for existing residents in the area. Assumptions about how certain individuals or a household may act or behave does not form a strong basis for a planning objection. Other (non-planning) legislation is in place to control issues such as noise or anti-social behaviour.

## 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 Within two months of the date of this decision, 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 garden areas and the storage of bins and recycling boxes within the site. The approved management plan shall be implemented immediately and shall subsequently be adhered to at all times.

Reason: In the interests of visual amenity and the amenity of adjacent occupiers.

3 Within two months of the date of this decision details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. Within a month of the written agreement of these details, the cycle parking areas and means of enclosure shall be provided in complete accordance with the approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote the use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

**7.0 INFORMATIVES:**

**Notes to Applicant**

1. REASON FOR APPROVAL

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

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

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

**Contact details:**

**Author:** Michael Jones Development Management Officer

**Tel No:** 01904 551339

# 24 Low Mill Close, YO10 5JN

10/01325/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	30 July 2010
<b>SLA Number</b>	Not set

**COMMITTEE REPORT**

**Date:** 12 August 2010                      **Ward:** Strensall  
**Team:** East Area                              **Parish:** Earswick Parish Council

**Reference:** 10/01356/FUL  
**Application at:** 26 Earswick Chase Earswick York YO32 9FY  
**For:** Conservatory to rear  
**By:** Mr Cuthbertson And Mrs Runciman  
**Application Type:** Full Application  
**Target Date:** 16 August 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

## THE SITE

1.1 The application site is set within a generously sized plot incorporating a double detached garage located on the northwest elevation of the rear garden to the side of the dwelling. The rear garden area is wholly enclosed by a 2.0 metre high timber fence. The rear elevation is designed with a small single storey projection positioned in the centre of the dwelling. A conservatory is situated on the northeast elevation, occupying a small recess at the rear of the property.

## THE PROPOSAL

1.2 This application seeks planning permission to erect a conservatory to the rear of the detached garage. The conservatory would project approximately 3.0 metres in depth into the rear garden and be approximately 4.0 metres in width, with a distance of approximately 0.5 metres from the shared common boundary. The total height would not exceed 3.2 metres, reducing to 2.3 metres at the eaves.

## PROPERTY HISTORY

1.3 Conservatory to the rear approved 12th June 2009 (Ref: 09/00709/FUL).

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

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1  
Design

CYH7  
Residential extensions

**3.0 CONSULTATIONS**

3.1 INTERNAL.

None.

3.2 EXTERNAL.

3.3 Earswick Parish Council - No objections.

3.4 Response to neighbour consultation letters - No objections at time of writing (consultations expired 15.07.10)

**4.0 APPRAISAL**

4.1 Key Issue(s):

- Effect upon neighbours
- Effect upon surrounding area.

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

4.3 Development Control Local Plan Policy CYGP1 states that development proposals will be expected, amongst other things, to respect or enhance the local environment, be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, and ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

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

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

#### VISUAL AMENITY

4.6 The proposed extension would be located to the rear of the existing detached double garage situated in a north west position to the main house. In terms of appearance the proposed conservatory would be constructed with a brick dwarf wall supporting glazed panels and glazed pitched roof. The design is sympathetic to the layout of the host dwelling and original detached garage and would be constructed with matching materials, therefore would be in keeping with the character, design and external modern appearance of the rear elevation and later conservatory located on the north east elevation.

#### RESIDENTIAL AMENITY

4.7 The conservatory would be sited approximately 0.5 metres from the shared common boundary situated in a juxtaposition with an existing conservatory located on the rear of elevation of No. 28 Earswick Chase. The north west position of the application site and adjacent neighbours on this shared boundary suggests that the proposal will not result in a reduction on any natural light available towards the neighbour's side conservatory or appear overbearing. The glazed windows would be predominantly enclosed by a 2.0 metre panelled fence, thus would not impact adversely on the privacy of the adjacent occupiers conservatory.

### 5.0 CONCLUSION

5.1 It is considered that the proposal is acceptable in terms of size and scale and would not cause undue harm to the living conditions of nearby neighbours.

**6.0 RECOMMENDATION:** Approve

- |   |        |                                      |
|---|--------|--------------------------------------|
| 1 | TIME2  | Development start within three years |
| 2 | PLANS1 | Approved plans - Job No: 19893       |
| 3 | VISQ1  | Matching materials                   |

### 7.0 INFORMATIVES: Notes to Applicant

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposed extension, subject to the

conditions listed above, would not harm the amenity or living conditions of the nearby neighbours or appear incongruous in the street scene. As such the proposal complies with Policies GP1 "Design" and H7 "Residential Extensions" of the City of York Local Plan Deposit Draft.

**Contact details:**

**Author:** Sharon Jackson Development Management Assistant

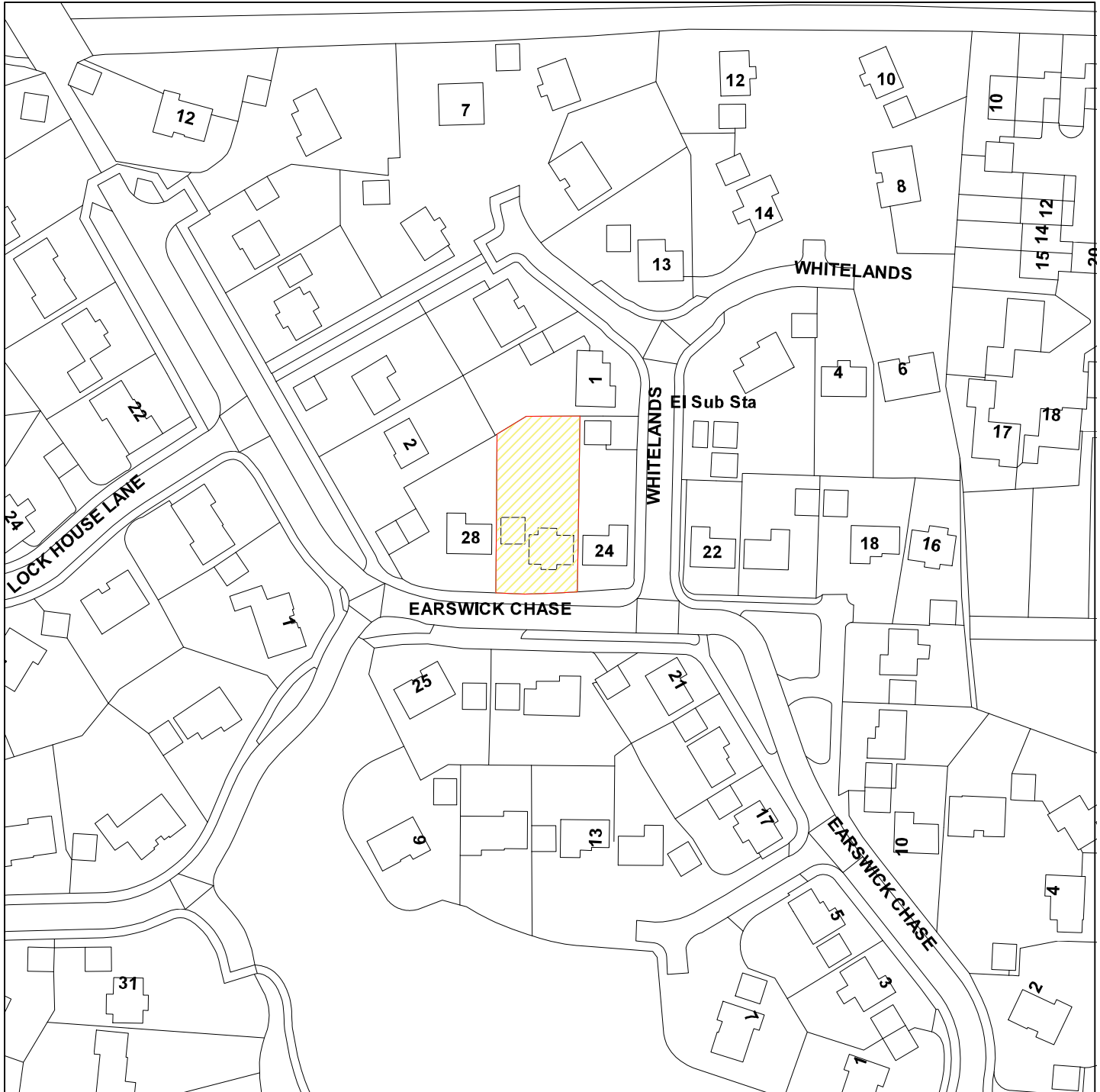
**Tel No:** 01904 551359

# 26 Earswick Chase, YO32 9FY

10/01356/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	30 July 2010
<b>SLA Number</b>	Not set





<b>East Area Planning Sub Committee</b>	12 <sup>th</sup> August 2010
<b>West and City Centre Area Planning Sub Committee</b>	19 <sup>th</sup> August 2010
<b>Planning Committee</b>	26 <sup>th</sup> August 2010

## Appeals Performance and Decision Summaries

### Summary

- 1 This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3-month period up to 30<sup>th</sup> June 2010, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals as at 31<sup>st</sup> July 2010 is also included.

### Background

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

**Fig 1 : Appeals Decided by the Planning Inspectorate For 3 months to 30<sup>th</sup> June 2010**

	East 3 months	West & CC 3 months	CYC 3 months	CYC 12 months
Allowed	1	2	3	11
Part Allowed	0	0	0	3
Dismissed	8	4	12	34
Total Decided	9	6	15	48

<b>% Allowed</b>	<b>11.11%</b>	<b>33.33%</b>	<b>20%</b>	<b>22.92 %</b>
% Part Allowed	0%	0%	0%	6.25%
Withdrawn	1	0	0	5

## Analysis

- 4 The table shows that for the 3 months to 30th June 2010, a total of 15 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 3 were allowed. At 20%, the rate of appeals allowed is well below the national average but higher than the 9% reported as allowed in the preceding period.
- 5 For the 12 months up to 30<sup>th</sup> June 2010, CYC performance was 22.92% allowed, a better performance than the previously reported 12 month period of 26.32%.
- 6 The summaries of appeals determined in the 3 months to 30<sup>th</sup> June 2010 are included at Annex A. Details as to whether the application was dealt with under delegated powers or Committee (and in those cases the original officer recommendation) are included with each summary. In the period covered, 2 of the appeals determined related to applications refused by Committee:-
  - 09/00447/FUL:29 Church Street, Dunnington - dismissed. Officer rec. approve
  - 09/01215/FUL:57 York Road, Haxby - dismissed . Officer rec. refuse
- 7 The list of current appeals is attached at Annex B. There are 16 appeals lodged with the Planning Inspectorate, 10 in the East Sub Committee area and 6 in West and City Centre Sub Committee area. 13 are proposed to be dealt with by written representation process (W), two by Public Inquiry (P) and one by Informal Hearing (I).

## Consultation

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

## Corporate Objectives

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

## Implications

- 10 Financial – There are no financial implications directly arising from the report
- 11 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information

- 12 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 13 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

### **Risk Management**

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

### **Recommendation**

- 15 That Members note the content of this report.

### **Contact Details**

**Author:**

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Head of Development  
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Directorate of City Strategy

01904 551303

**Chief Officer Responsible for the report:**

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

Report Approved  Date 31<sup>st</sup> July 2010

**Specialist Implications Officer(s)** None.

**Wards Affected:**

All  Y

For further information please contact the author of the report

### **Annexes**

**Annex A – Summaries of Appeals Determined between 1<sup>st</sup> April to 30th June 2010**

**Annex B – Outstanding Appeals to 31<sup>st</sup> July 2010**

## Appeal Summaries for Cases Determined 01/04/2010 to 30/06/2010

**Application No:** 09/00290/LBC  
**Appeal by:** Gateway Christian Centre  
**Proposal:** Retention of 1No.externally illuminated sign to Green Lane elevation  
**Site:** The Old School□Front Street□York□□  
**Decision Level:** DEL  
**Outcome:** ALLOW

The retrospective application for Listed Building Consent was refused on the grounds that the large static illuminated florescent strip light (measuring 5.2 metres in length) was considered to cause considerable harm to the visual amenity of the listed building and cause the sign to be unduly prominent within the streetscene and the conservation area. The strip light was considered to be out of scale, clumsy and discordant creating an appearance of clutter and excessive visual intrusion when seen in context of the listed building. The scale of illumination was considered in this location further to detract from the visual amenity of the area and the character and appearance of Acomb Conservation Area and listed building.□□The Inspector did not agree, despite the Local Plan policy being explicit in that trough lights would not be allowed in conservation areas and upon listed buildings. The inspector did not mention Policy HE8 in his decision and therefore no reasoning was given for why he did not consider this policy.□

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**Application No:** 09/00293/ADV  
**Appeal by:** David C Donkin, Gateway Church  
**Proposal:** Retention of 1no. externally illuminated lettering sign to Green Lane elevation (re-submission)  
**Site:** The Old School□Front Street□York□□  
**Decision Level:** DEL  
**Outcome:** ALLOW

The retrospective application was refused on the grounds that the strip light above the lettering measuring 5.2 metres in length would cause visual harm to the listed building and by virtue of the lighting unduly prominent within the streetscene. The sign was sited on an extension of a Grade II listed building within the Acomb Conservation Area. The trough light was considered to create a cluttered appearance and obscure the lettering reducing the simple modern visual impact of the lettering. The lettering together with the permanent illumination was considered to create an alien and discordant element within the overall street scene contrary to the terms of Policy GP21 and HE8.□□The Inspector did not agree, despite the Local Plan policy being explicit in that trough lights would not be allowed in conservation areas and upon listed buildings. The inspector did not mention Policy HE8 in his decision and therefore no reasoning was given for why he did not consider this policy.□

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**Application No:** 09/00447/FUL  
**Appeal by:** Mr Harry Johnson  
**Proposal:** Detached two storey dwelling and detached single garage (resubmission)  
**Site:** Westholme □ 29 Church Street □ Dunnington □ York □ YO19 5PP □  
**Decision Level:** COMM  
**Outcome:** DISMIS

This application was refused at East Area Planning Sub Committee (against officer recommendation) in October 2009. The application sought consent for a detached two storey house and single garage within the rear garden of 29 Church Street which is within the Dunnington Conservation Area. The application was refused for two reasons: 1) it was considered to be overbearing and over-dominant to the detriment of the outlook, amenity and privacy of occupiers of Stockhill Close; 2) it was considered to represent an incongruous form of development that would be out of scale and character with the semi-rural location and surrounding area. The appeal inspector dismissed the appeal as he felt that the proposal would introduce an uncharacteristic form of development into this important area, which would have a detrimental impact on its historic character and layout. He felt that the site makes a valuable contribution to the openness of the area to the rear of the Church Street frontages. The inspector concluded that the effect of the proposal on the living conditions of adjacent residents on Stockhill Close, in terms of outlook, privacy and light, would be insufficient on its own to render the proposal unacceptable. However it was considered to contribute to the overall conclusion that the appeal should fail.

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**Application No:** 09/00541/FUL  
**Appeal by:** Michael Hammill  
**Proposal:** Conversion of basement to form self contained flat (retrospective application)  
**Site:** Zero House □ Greycliffe Drive □ York □ YO30 6LL □  
**Decision Level:** DEL  
**Outcome:** APPWDN

The appeal was against the imposition of a condition of approval that restricted occupation to the appellant, his spouse, family and visitors for a maximum period of 3 years. This condition was imposed to allow for personal circumstances of appellant who was occupying the basement flat, but was considered necessary by the Council as the living conditions for occupants of the flat were considered to be unacceptable in terms of daylight and outlook. □ □ The appeal was withdrawn following an indication in writing by the Planning Inspectorate that the Inspector considered the living conditions of the flat also to be unacceptable and that dismissal of the appeal could result in the revocation of the personal planning permission granted by the Council.

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**Application No:** 09/01083/FUL  
**Appeal by:** Mr And Mrs Warner  
**Proposal:** Erection of 1no. dwelling with dormers to front and rear and associated access off Garth road (resubmission)  
**Site:** 9 Keith Avenue □Huntington □York □YO32 9QH □  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal site is a residential plot positioned between Keith Avenue and Garth Road Huntington. Permission was sought to erect a dormer bungalow within the rear garden area of 11 Keith Avenue with access off Garth Road. It was refused on the grounds that the proposal would conflict with the existing form and layout of the surrounding area to the detriment of the character, appearance and visual amenity of the area. Furthermore the proposal, if granted, would set a harmful precedent for similar developments on adjacent plots which would be difficult to resist, and which accumulatively would result in further harm to the character and appearance of the area. The Inspector agreed that the proposal would have a harmful effect on the character and appearance of Garth Road. The introduction of a dwelling with its front elevation just two metres or less from a narrow road with no footpath would be noticeably discordant and incongruous. Furthermore, technical issues such as distance from existing dwellings have only been satisfied at the expense of the quality of that living environment. The inspector also agreed that if the appeal was to be allowed there would be no reasonable basis for the council to resist further similar developments, the result would present too urban a character to this edge-of-city suburban location.

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**Application No:** 09/01084/FUL  
**Appeal by:** Mr And Mrs Knowles  
**Proposal:** Erection of 1No dwelling with dormers to front and rear and associated access off Garth Road (resubmission)  
**Site:** 11 Keith Avenue□Huntington□York□YO32 9QH□  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal site is a residential plot positioned between Keith Avenue and Garth Road Huntington. Permission was sought to erect a dormer bungalow within the rear garden area of 11 Keith Avenue with access off Garth Road. It was refused on the grounds that the proposal would conflict with the existing form and layout of the surrounding area to the detriment of the character, appearance and visual amenity of the area. Furthermore the proposal, if granted, would set a harmful precedent for similar developments on adjacent plots which would be difficult to resist, and which accumulatively would result in further harm to the character and appearance of the area. The Inspector agreed that the proposal would have a harmful effect on the character and appearance of Garth Road. The introduction of a dwelling with its front elevation just two metres or less from a narrow road with no footpath would be noticeably discordant and incongruous. Furthermore, technical issues such as distance from existing dwellings have only been satisfied at the expense of the quality of that living environment. The inspector also agreed that if the appeal was to be allowed there would be no reasonable basis for the council to resist further similar developments, the result would present too urban a character to this edge-of-city suburban location.

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**Application No:** 09/01215/FUL  
**Appeal by:** Mr And Mrs Jeremy Hansbro  
**Proposal:** Erection of 1no. four-bedroom detached house to rear of 57 York Road  
**Site:** 57 York Road□Haxby□York□YO32 3EE□  
**Decision Level:** CMV  
**Outcome:** DISMIS

Planning permission was refused by Committee (as recommended) for the erection of a house in the rear garden of a detached house due to the impact on the occupiers of the existing house due to noise, disturbance and loss of privacy caused by the shared use of the access and driveway to the side of the existing dwelling. The inspector disagreed but dismissed the appeal anyway due to impact on the character of the area - which was not a concern of the council.

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**Application No:** 09/01236/OUT  
**Appeal by:** Mr Jim Stoyles  
**Proposal:** Outline application for the erection of a dwelling  
**Site:** Viewlands □ 227 Malton Road □ Huntington □ York □ YO32 9TD □  
**Decision Level:** DEL  
**Outcome:** DISMIS

Permission was refused for this application in the green belt as it was deemed inappropriate development which is, by definition, harmful to the Green Belt. The development would also have harmed the openness of the Green Belt. The Inspector identified 4 issues: (a) whether the development was inappropriate (b) the effect on openness of the green belt (c) off site open space provision (d) whether there are any special circumstances to outweigh a and b. He concluded the development was inappropriate and so by definition harmful, and that although a dwelling sympathetic to its surroundings could be designed, it would still by its presence cause (limited) harm to the openness of the green belt. In terms of (c) the inspector supported Local Plan Policy L1 c seeking a contribution towards open space provision which the appellant argued ought not to be necessary for a single dwelling. For (d), reference by the appellant to the Huntington Action Area north of the and partly in the green belt, to a now lapsed permission for 4 dwellings at a nearby garage site and to the sustainability credentials of the development did not persuade the inspector that there were very special circumstances to outweigh the presumption against this inappropriate development in the Green Belt.

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**Application No:** 09/01351/FUL  
**Appeal by:** Mr J Barrie  
**Proposal:** Erection of 1no. two storey detached dwelling. Alterations to existing dwelling: change of use of garage to games room (resubmission)  
**Site:** Marina House □ Naburn Lane □ Naburn □ York □ YO19 4RW □  
**Decision Level:** COMM  
**Outcome:** DISMIS

Permission was refused because (i) The development was inappropriate in the Green Belt (ii) No affordable housing was proposed on this rural site over 0.03 ha where more than one house would be expected (iii) the development would have an overbearing and over dominant impact on Marina House close by as well as suffer inadequate privacy because of an overlooking balcony on that property. The Inspector found the development was not infill development and no special circumstances to outweigh the harm to the green belt were brought forward. In terms of affordable housing, the provision of at least 2 houses was considered to potentially further harm openness of the Green Belt such that any development including affordable housing would not be acceptable. The Inspector agreed that the private space of the new dwelling would suffer overlooking from the balcony at Marina House and that the new development would be overdominant from Marina House.

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**Application No:** 09/01641/FUL  
**Appeal by:** Mr Shaun Binns  
**Proposal:** External alterations and balcony to front  
**Site:** The Lowther □ 8 Cumberland Street □ York □ YO1 9SW □  
**Decision Level:** DEL  
**Outcome:** DISMIS

Proposed 1st floor steel balcony of modern materials and horizontal emphasis. Refused due to visual impact, impact on conservation area and adjacent listed buildings. The attachment would generally not sit well with a building of this age and character. Also it would cut across detailing on the building, the required access, by increasing the size of window openings, would loose the existing symmetry, the structure, associated furniture and presence of patrons would draw further attention to what would be an incongruous feature. Attachment would detract from adjacent listed building, by being obtrusive and competing for attention. Amenity - residential terrace attached and balcony would be adjacent neighbours window. A noise report submitted demonstrated noise levels would not exceed background levels and area would operate to restricted hours. As no evidence that noise levels would materially increase inspector found noise impact was not grounds for refusal.

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**Application No:** 09/01767/OUT  
**Appeal by:** Mr Ben Baldwin  
**Proposal:** Erection of 1 no. detached dwelling  
**Site:** Manor Farm □ Towthorpe Road □ Haxby □ York □ YO32 9SP □  
**Decision Level:** DEL  
**Outcome:** DISMIS

Planning permission was refused for the erection of a speculative house within a farm holding. Reasons were impact on the green belt and conservation area. Inspector dismissed the appeal on both grounds - and refused the appellant's application for costs.

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**Application No:** 09/01816/FUL  
**Appeal by:** Mr Steve Boyne  
**Proposal:** Single storey side extension, conservatory to rear and renovation works for swimming pool  
**Site:** 2 Station Cottages □ Naburn Lane □ Naburn □ York □ YO19 4RW □  
**Decision Level:** DEL  
**Outcome:** DISMIS

Application for extensions to dwelling already substantially extended refused under delegated powers on green belt grounds. Inspector concluded that the replacement swimming pool enclosure at rear of house would further increase the extended house and would therefore be disproportionate and due to the taller walls and higher roof ridge would be visually more assertive and evident in vistas from outside the site. As a result, the proposal would constitute inappropriate development that would unacceptably intrude upon the openness of the green belt and character and appearance of the area. No 'very special circumstances' existed to outweigh this harm. The appeal was dismissed.

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**Application No:** 09/02013/ADV  
**Appeal by:** Mr Nicholas Northam, Realstar Hote  
**Proposal:** Display of 7no. internally illuminated fascia signs, 1no. internally illuminated totem sign, 13no. non illuminated freestanding signs, 4no. non illuminated fascia signs, 4no. floodlights and 1no. flagpole  
**Site:** Holiday Inn□Tadcaster Road□Dringhouses□York□YO24 1HF□  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application site is within the Tadcaster Road Conservation Area. The application was for the replacement of a signage to the Holiday Inn and additional floodlights. The application was part approved/part refused. The elements refused were the floodlighting, and the replacement totem sign to front of the building.□□The inspector dismissed the appeal. He considered that the proposed totem sign would be a bulky and ungainly structure. Whilst the precise position of the sign was unclear it would be sited closer to Tadcaster Road, and was therefore considered to have a greater presence in the street scene than the existing sign. As such it would be a discordant and intrusive feature that would be at odds with the prevailing character of the street scene and the Conservation Area.□□The Inspector also considered the floodlighting to be harmful and dismissed the appeal. He took into account the existing streetlighting, and the illuminated signage on the site permitted by the Council, and floodlighting (no consent). Night time photographs submitted by the council showed lit windows in the side and end elevations of the building. The main hotel building is set back from Tadcaster Road, from where the floodlit façade would be observed at an oblique angle and with intervening foliage.□The Inspector considered that the amount of existing and permitted illumination in, on and around the building, and considered the proposed floodlighting to be excessive, reinforcing the presence of the site during the hours of darkness to an unacceptable degree.□

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**Application No:** 09/02018/FUL  
**Appeal by:** Roger Lee And Sally Hayes  
**Proposal:** First floor flat roof side extension with balcony to front. Alterations to front boundary including new gates (1.8m high).  
**Site:** 29 Albemarle Road□York□YO23 1EW□  
**Decision Level:** DEL  
**Outcome:** DISMIS

Relates to an early C20 semi-detached red brick house overlooking the knavesmire. Proposed was a 2-storey side extension with a flat roof, clad in grey render. The extension involved the loss of a chimney. □Inspector objected to the materials and roof shape, that would be out of character. The chimney loss was also objected to on the grounds this would lead to a loss of symmetry of the pair of semi-detached houses.□

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**Application No:** 09/02089/FUL  
**Appeal by:** Mr Andrew Thompson  
**Proposal:** Part first floor part two storey side extension and alteration to roof of existing single storey part. (resubmission)  
**Site:** 81 Lower Priory Street □ York □ YO1 6HD □  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application was refused as the size, location and subsequent proximity to surrounding houses of the extension would appear overbearing over 22 and 23 Hampden Street and would appear overbearing and cause a loss of light to the kitchen and rear yard of 48 Victor Street. The Inspector agreed that from the pleasant small rear yard of 48 Victor Street the extension would be imposing and overdominant and would reduce sunlight. He also agreed that the gable wall of the extension would be overbearing from the rear of 22 and 23 Hampden Street.

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**Application No:** 09/02142/FUL  
**Appeal by:** Mr And Mrs Harvey  
**Proposal:** Pitched roof dormer to rear  
**Site:** 3 Main Street □ Heslington □ York □ YO10 5EA  
**Decision Level:** DEL  
**Outcome:** ALLOW

The retrospective application was refused as the dormer was considered disproportionately large in relation to the scale of the building, and appeared as an uncharacteristic feature that was intrusive in the street scene. It was therefore harmful to the character and appearance of the conservation area. The inspector disagreed that it was harmful; concluding that being to the rear it was not prominent and could only be seen from discreet views. He also argued the materials were sympathetic and that there were other dormers to properties within the vicinity.

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<b>Decision Level:</b>	<b>Outcome:</b>
DEL = Delegated Decision	ALLOW = Appeal Allowed
COMM = Sub-Committee Decision	DISMIS = Appeal Dismissed
COMP = Main Committee Decision	PAD = Appeal part dismissed/part allowed

## Outstanding appeals

<b>Officer:</b> Billy Wong						<b>Total number of appeals:</b> 1
<b>Received on:</b> 11/05/2010	<b>Ref No:</b> 10/00024/REF	<b>Appeal Ref No:</b> APP/C2741/A/2128424/NWFF	<b>Process:</b> W	<b>Site:</b> Land To The West Of Metcalfe Lane Osbaldwick	<b>Description:</b> Change of use of agricultural land into nature conservation area with public access	
<b>Officer:</b> Erik Matthews						<b>Total number of appeals:</b> 1
<b>Received on:</b> 04/03/2010	<b>Ref No:</b> 10/00015/REF	<b>Appeal Ref No:</b> APP/C2741/A/10/2124163/NWFF	<b>Process:</b> W	<b>Site:</b> Wellgarth House Wetherby Road Rufforth York YO23	<b>Description:</b> Outline application for construction of 4no two-storey dwellings after demolition of existing dwelling	
<b>Officer:</b> Hannah Blackburn						<b>Total number of appeals:</b> 2
<b>Received on:</b> 20/07/2010	<b>Ref No:</b> 10/00032/FUL	<b>Appeal Ref No:</b> APP/C2741/A/10/2131700/NWFF	<b>Process:</b> W	<b>Site:</b> OS Field 0553 Elvington Lane Dunnington York	<b>Description:</b> Erection of stable block (retrospective)	
01/07/2010	10/00030/EN	APP/C2741/C/10/2131736	P	OS Field 0553 Elvington Lane Dunnington York	Appeal against	
<b>Officer:</b> Heather Fairy (Mon - Wed)						<b>Total number of appeals:</b> 1
<b>Received on:</b> 20/04/2010	<b>Ref No:</b> 10/00023/REF	<b>Appeal Ref No:</b> APP/C2741/A/10/2127003/NWFF	<b>Process:</b> W	<b>Site:</b> 9A Green Lane Acomb York YO24 3DA	<b>Description:</b> First floor rear extension	
<b>Officer:</b> Jonathan Kenyon						<b>Total number of appeals:</b> 1
<b>Received on:</b> 20/05/2010	<b>Ref No:</b> 10/00025/REF	<b>Appeal Ref No:</b> APP/C2741/A/10/2129020/NWFF	<b>Process:</b> W	<b>Site:</b> 4 Skeldergate York YO1 6DG	<b>Description:</b> Change of use from hairdresser (use class A1) to hot food takeaway (use class A5)	
<b>Officer:</b> Kevin O'Connell						<b>Total number of appeals:</b> 2
<b>Received on:</b> 08/07/2010	<b>Ref No:</b> 10/00033/REF	<b>Appeal Ref No:</b> APP/C/2741/X/10/2132047	<b>Process:</b> P	<b>Site:</b> 22 Mill Lane Wigginton York YO32 2PX	<b>Description:</b> Lawful Development Certificate for the existing use of an outbuilding to the rear of 22 Mill Lane as a retail shop (Class A1)	
18/03/2010	10/00017/REF	APP/C2741/A/10/2125131/NWFF	W	5 Northfields Strensall York YO32 5XN	Erection of 3no. dwellinghouses to rear of 5 and 6 Northfields (amended scheme) (resubmission)	

<b>Officer: Michael Jones</b>						<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
31/03/2010	10/00020/REF	APP/C2741/A/10/2126146/NWF	I	Bonneycroft 22 Princess Road Strensall York YO32	Outline application for erection of nursing home	
<b>Officer: Matthew Parkinson</b>						<b>Total number of appeals: 2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
30/03/2010	10/00019/REF	APP/C2741/H/10/2125667	W	Inner Space Stations 339 - 341 Hull Road Heslington	Display of 1no externally illuminated fascia sign (retrospective) (resubmission)	
17/06/2010	10/00029/EN	APP/C/2741/C/10/2130522	W	106 Albion Avenue York YO26 5QY	Appeal against	
<b>Officer: Neil Massey</b>						<b>Total number of appeals: 3</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
24/05/2010	10/00026/REF	APP/C2741/A/10/2129336/WF	W	52 School Lane Fulford York YO10 4LS	Two storey pitched roof extension to rear	
11/06/2010	10/00028/FUL	APP/C2741/D/10/2130066	W	Victoria Farm House Victoria Farm Estate York	Erection of wall, pillars, gates and railings to east and north boundaries	
13/04/2010	10/00022/REF	APP/C2741/A/10/2126679/WF	W	1 Springfield Cottages Hull Road Dunnington York	Change of use from domestic outbuilding to dwelling with additional storage building to side	
<b>Officer: Victoria Bell</b>						<b>Total number of appeals: 2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
09/04/2010	10/00021/REF	APP/C2741/A/2126475/WF	W	Acomb Chiropractic Clinic 60A York Road Acomb York	Erection of detached bungalow to rear after demolition of existing garage	
07/07/2010	10/00031/REF	APP/C2741/A/10/2131958/NWF	W	38 Leven Road York YO24 2TJ	Change of use from 1no. house to 2no. flats	
<b>Total number of appeals: 16</b>						