



**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, 14 October 2010

**Time:** 2.00 pm

**Venue:** The Guildhall, York

**AGENDA**

Members are advised to note that if they are planning to make their own way to the Site Visits to let Judith Cumming know by **5 pm** on **Tuesday 12 October** on **(01904) 551078**.

**If members have any queries or questions regarding agenda item.....(Enforcement report) then please e-mail or telephone Mandy Swithenbank, Alan Kendall or Matthew Parkinson by 5pm on Tuesday 12th October. Also, if members identify any cases which they consider are not now expediant to pursue and / or could now be closed then if they could advise officers either at the meeting or in writing, then that would be very helpful in reducing the number of cases.**

**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. Exclusion of Press and Public**

To consider excluding the public and press from the meeting during consideration of Annexes 1 and 2 to agenda item 6 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.

**3. Minutes** (Pages 4 - 27)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 12 August 2010 and 9 September 2010.

**4. Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **Wednesday 13 October 2010 at 5.00 pm.**

**5. Plans List**

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

**a) Land adjacent to 74-84 Lilbourne Drive, (Pages 28 - 43) York. (10/01538/FULM)**

This application is for the erection of 21 houses, 12 of which would contain three bedrooms and 9 would have 2 bedrooms. The application also includes associated parking, access and the erection of a single storey detached boiler house. [Clifton] **[Site Visit]**

**b) The Homestead, Murton Lane, Murton, (Pages 44 - 50) York. (10/01827/FUL)**

This application is for a retrospective variation of condition 4 of a planning consent 09/01125/FUL to allow for the siting of a gypsy caravan. [Osboldwick] **[Site Visit]**

**c) The Glen Nursery, Ousecliffe Gardens, (Pages 51 - 57)  
York. (10/01628/GRG3)**

The application relates to the erection of a single-storey, pitch-roofed rear extension measuring approximately 9m x 12m at the rear of an existing care home.

It has been brought to the Committee at the request of Councillor King, and because it is a Council application to which objections have been made.[Clifton] **[Site Visit]**

**d) York Designer Outlet, St Nicholas Avenue, (Pages 58 - 66)  
York. (10/01868/FUL)**

This application relates to land at the Designer Outlet in Fulford, in particular the coach park adjacent to the adjoining south entrance walkway. The proposal is for the use of the land for the operation of an outdoor recreational ice rink from 12/11/10 to 09/01/11 with opening times of 09.30 to 21.15 every day during this period.

This application has been brought before East Area Planning Sub Committee at the request of Cllr. Aspen so that residents, who have concerns about opening hours, lighting around the Designer Outlet premises and traffic movements, can have an opportunity to raise any points they wish to make in public.[Fulford] **[Site Visit]**

**e) 79 The Village, Haxby, York (TPO CYC 279 (Pages 67 - 78)  
Birch)**

This application is for a Tree Preservation Order(TPO) concerns a mature Birch tree situated on the rear garden boundary that separates 79 and 81 The Village, Haxby. A provisional tree preservation order (TPO) has been served on the Birch in response to a notification for the felling of the tree in Haxby conservation area. Members are asked to consider whether the public amenity afforded by the Birch outweighs the 'inconvenience' caused to the occupants of 79 and 81.[Haxby and Wigginton] **[Site Visit]**

**f) Land to the rear of 5 and 6 Northfields, (Pages 79 - 97)  
Strensall, York. YO32 5XN (10/01784/FUL)**

This is a full planning application for the erection of three terraced properties on land to the rear of 5 and 6 Northfields, Strensall. [Strensall]

**g) Townends Accountants, Harlington (Pages 98 - 110)  
House, 3 Main Street, Fulford, York.  
(10/01659/FUL)**

This application is for the erection of a one and a half storey pitched roof ancillary building for use as a residential care home at Harlington House. [Fulford]

**h) 57 York Road, Haxby, York. YO32 3EE (Pages 111 - 120)  
(10/01397/FUL)**

The application relates to the erection of a detached, 4-bedroom, pitch-roofed, single dwellinghouse with linked single garage to the rear of 57 York Road. [Haxby and Wigginton]

**i) Flat 1, 4 Wenlock Terrace, York YO10 (Pages 121 - 125)  
4DU (10/01558/FUL)**

This application is for the conversion from 1 flat and 8 bedsits, to 4 flats and the merging of existing ground floor bedsits to form 1 numbered flat. [Fishergate]

**6. Enforcement Cases Update (Pages 126  
- 222)**

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

**7. Urgent Business**

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

8.

**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 13<sup>h</sup> October 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>10:10</b>	<b>The Glen Nursery, Ousecliffe Gardens</b>	<b>5c</b>
<b>10:35</b>	<b>Land adjacent to 74-84 Lilbourne Drive</b>	<b>5a</b>
<b>11:05</b>	<b>79 The Village, Haxby</b>	<b>5e</b>
<b>11:35</b>	<b>The Homestead, Murton Lane, Murton</b>	<b>5b</b>
<b>12:05</b>	<b>York Designer Outlet</b>	<b>5d</b>

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If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- 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.

**A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088**

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

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

### Access Arrangements

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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

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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	12 AUGUST 2010
PRESENT	COUNCILLORS HYMAN(CHAIR) CREGAN(VICE CHAIR) (MINUTE ITEMS 13-15, 16A, 16B, 16C, 16G AND 16H) DOUGLAS, FIRTH, B WATSON, MOORE, ORRELL, WISEMAN AND PIERCE (SUBSTITUTE FOR COUNCILLOR FUNNELL)
APOLOGIES	COUNCILLORS FUNNELL AND TAYLOR

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**INSPECTION OF SITES**

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
18 The Village, Wigginton	Councillors Hyman, B Watson, Moore, Firth, Wiseman and Pierce.	As objections had been received and the officer recommendation was for approval.
24 Low Mill Close	Councillors Hyman, Moore Firth, Wiseman and Pierce.	For Members to fully understand the context of the site and the objections of local residents.
University Sports Centre, Heslington Lane	Councillors Hyman, B Watson, Moore Orrell, Firth, Wiseman and Pierce.	As representation had been received in support of the application and the recommendation was for refusal.
34 Thief Lane	Councillors Hyman, Moore, Firth, Wiseman and Pierce.	For Members to fully understand the context of the site.
45 Millfield Lane	Councillors Hyman, Moore, Firth, Wiseman and Pierce.	As objections had been received and the officer recommendation was for approval.
OS Field 3022, Metcalfe Lane, Osbaldwick	Councillors Hyman, B Watson, Moore Orrell, Firth, Morley, Wiseman and Pierce.	For Members to fully understand the context of the site.

**13. 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 Pierce declared a personal interest in item 4b, due to studying a course at the University and as Ward Councillor in respect of items 4e and 4g.

Councillor Orrell declared a personal interest in item 4i as the applicants were known to him.

Councillor Wiseman declared a personal interest in item 4i as a member of Earswick Parish Council.

Councillor Firth declared a personal interest in item 4c as a member of Wigginton Parish Council.

Councillor Hyman declared a personal interest in item 4c as the applicant's son lived near to his property.

**14. MINUTES**

RESOLVED: That the minutes of the meeting of the East Area Planning Sub-Committee held on 7 July 2010 be signed and approved by the Chair as a correct record.

**15. PUBLIC PARTICIPATION**

There were no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Committee.

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

**16. PLANS LIST**

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

**16a OS Field 3022, Metcalfe Lane, Osbaldwick, York (10/00529/FULM)**

Members considered an application for the erection of 90 polytunnels on agricultural land to the east of Metcalfe Lane in association with use of 3.29ha of land as allotments with associated facilities including reception/shop/toilet block, associated parking area and highway improvements to Metcalfe Lane.

The following additional written representation was tabled:

- Statement from Councillor Morley, Ward Member for Osbaldwick, in objection to the application.

- Document entitled “Potential Alternative Construction Traffic Routes, Derwenthorpe, Metcalf Lane, York – Landscape Assessment” tabled by a representative of Osbaldwick Parish Council.

In their update to Members, officers reported that the Conservation Architect had stated that the application was likely to impact on the quality of Metcalfe Lane and would harm the conservation area.

The agent for the applicant spoke in support of the application. He stated that advice had been taken in respect of drainage and highways. A biodiversity survey had also been carried out and a water harvesting system would be in operation. The document that had been tabled by the representative of Osbaldwick Parish Council was not specific to this site.

A representative of Osbaldwick Parish Council spoke in objection to the application. He read out extracts from documents that he had tabled and stated that the lane was a much used right of way.

Councillor Morley spoke in objection to the application. He stated that the lane was in fairly constant use, including for recreational purposes. The application would result in enduring damage to the environment of the area.

Members expressed concerns in respect of the proposed widening of the highway, issues in respect of drainage and at the impact on the landscape because of the scale of the application.

RESOLVED: That the application be refused.

- REASONS:
- (i) 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).
  - (ii) 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 HE2, HE3, 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).

- (iii) 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).
- (iv) 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 of the Green Belt and the character and appearance of the Osbalwick Conservation Area. As such the proposal conflicts with policy GB1, GB13, HE2 and HE3 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) and Planning Policy Statement 15 (Planning for the Historic Environment).

**16b University Sports Centre, Heslington Lane, York (10/01052/FULM)**

Members considered an application to seek to vary condition 3 of planning permission 05/00983/FULM to extend the time limit for removal of the temporary sports hall until 14 July 2020.

The following additional written representation was tabled:

- Statement from Councillor Aspden and Councillor Jamieson-Ball requesting that the Committee considered all options in respect of the application, including agreeing to the facility for a further five years whilst the university looked at any future permanent options.
- Letter from the Executive Headteacher of Fulford School detailing the school's use of the university's sports facilities.

Officers gave an update on the application. The applicant had submitted a letter from the headteacher of Fulford School supporting the application and stating that the school relied heavily on the hall for their PE needs and was concerned that if the sports hall were removed the school would have no alternative facility.

Officers also gave details of representation in support of the application that had been received from a member of the public. It argued that whilst the hall is not a thing of beauty it was not out of place in its surroundings and was of enormous benefit to both the university students and to people unconnected with the university, including local schools and sports clubs.

Formal comments had also been received from Lifelong Learning and Leisure. They had stated that the city currently had a shortage of indoor sports hall space. Whilst the council had plans to tackle this shortfall the existing tent was a welcome temporary addition to the city's facilities. But it was not a proper indoor sports hall, it did not have air conditioning or heating of any kind. Nor did it have a sprung floor. However the tent did provide covered space for 5 a side football and other team games that would otherwise be played outdoors. Much of this use could be relocated to the new "sports village" on Heslington East by 2012. Lifelong Learning and Leisure would be happy to see the tent continue to exist but granting a temporary approval for 2, 5 or 10 years would not address the long-term provision of sporting opportunities. If Members were minded to approve this application Lifelong Learning and Leisure would request that it be conditional upon the university agreeing that within the next 2 years it would develop a time-tabled scheme for the delivery of the indoor sports hall space required at Heslington East.

Members queried whether they could determine the time limit for removal. Officers clarified that the application was for a further ten years, i.e. to 14 July 2020 and should be considered as such. If, during the proceedings, the applicant indicated that a shorter time limit would be accepted, Members could take this into account.

A resident spoke in support of the application and tabled a list of 113 names of residents who had joined a Facebook campaign to keep the sports hall in operation. He stated that the local community should not be made to suffer and suggested that if approval was given for a further five-year period, this would provide the university with sufficient time to make alternative arrangements.

The applicant's agent spoke in support of the application. He stated that the sports hall was very well used by the university, local school children and the community. The university's capital programme had just been agreed. Under a partnership arrangement the university would contribute £5m towards the sports village. The university recognised the need to replace the sports hall but it was a matter of priorities. A balance had to be struck between its appearance and the need to provide facilities for the wider community. Funding was not currently available without jeopardising other schemes such as the swimming pool. He requested that the time limit for removal be extended for a further ten years. In response to a question from a Member he confirmed that a five-year period would be preferable to refusal.

Councillor Alexander spoke in support of the application. He stated that there were insufficient sports facilities and that although there was a need for a replacement facility, the local community would suffer if approval was not extended.

Councillor Pierce spoke in support of the time limit for removal being extended. He commented on the need for the facility and stated that the appearance of the sports hall was not out of context and that landscaping could be carried out.

Officers were asked if the university could be required to submit plans for alternative sports provision within a specified period. They advised that this would not be enforceable but that an alternative would be to limit the period of approval with the agreement of the applicant.

The applicant stated that the university's commitment to sport and recreation was evidenced by the £5m investment in the sports village. The university would be pleased to accept a five-year extension rather than refusal but funding commitments for the next four years had already been made. The facility was well used and the university was willing to take remedial measures, including some screening, if necessary.

Members expressed serious concerns that the university had not put plans in place to replace the sports centre with a permanent structure and had already agreed a capital programme for the next four years. These concerns had to be balanced against the fact that the facilities were well used by school children and the local community. It was suggested that a six-year period would provide the university with an opportunity to put forward plans for a permanent structure, taking into account the fact that its capital programme for the next four years was already in place. Members stated that they would expect the university to discuss with the council any proposals for a replacement sports hall before the expiry of the temporary consent. A condition in respect of landscaping should also be put in place.

Councillor Moore moved and Councillor Wiseman seconded a motion to approve the application for a six-year period and subject to a condition being included in respect of landscaping.

RESOLVED: That the application be approved subject to the following conditions:

1. The temporary indoor sports hall building shall be removed by 14 July 2016 and the land reinstated to its former condition.

Reason: The temporary nature of the building is such that it is considered inappropriate on a permanent basis.

2. The existing areas within the site for parking and manoeuvring of vehicles (and cycles) shall be retained solely for such purposes.

Reason: In the interests of highway safety.

3. All lighting shall be positioned and angled to prevent glare, reflection or distraction to highway users.

Reason: In the interests of road safety.

4. The height of the floodlights hereby approved shall not exceed 14m from approved ground levels.

Reason: In the interests of visual amenity.

5. The rate of discharge into the watercourse shall not exceed 1.4 litres per second.

Reason: To ensure the development is acceptable in drainage terms.

6. Within three months of the date of this permission detailed proposals for the landscaping/screening of the temporary sports hall shall be submitted to the local planning authority and approved in writing. The scheme, which shall show the number, species, height and position of trees and shrubs shall be implemented within 6 months of the date of this permission. Any trees or plants which, within a period of five years from the date of this planning permission die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: To minimize the visual impact of the proposals on the surrounding area.

REASON: It is considered that the temporary sports hall, by virtue of its impact on the character and visual amenity of the surrounding area, its utilitarian design and deteriorating visual appearance is unsuitable for retention at the site beyond the temporary permission granted.

**16c 18 The Village Wigginton York (10/01103/FUL)**

Members considered a full application for the erection of a 2-bedroomed dormer bungalow with integral garage.

Representations were received from a neighbour in objection to the application. He raised concerns regarding the size of the property, its proximity to neighbouring properties and the resulting loss of privacy, the size of the turning area, potential problems in respect of an overhanging wall and the absence of a clear drainage plan. He also stated that there had been a significant change since the plans were first approved in that a conservatory had now built at a neighbouring property.

Representations were also received from the applicant's agent in support of the application. He stated that the application was identical to that which had previously been approved and that the owners of the property at which the conservatory had been built had been aware that planning permission had been granted for 18 The Village. Permission had recently

been granted for a new house to be built in the garden of a neighbouring property and this was a similar application.

In response to concerns expressed by some Members regarding the removal of a monkey tree, confirmation was given that the tree officers judged that there was insufficient reason to justify its protection. A photograph of the tree was circulated.

At the request of Members, Officers clarified the situation regarding recent Government changes to the planning rules in respect of “garden grabbing”. Officers stated that the council still had to ensure the efficient use of land and commented that planning permission had been granted previously and that the site would not be classed as a garden.

Officers confirmed that the Environmental Protection Unit had no objections to the proposal. An EPU informative could be added if the application were to be approved.

Some Members raised concerns regarding the size of the property and stated that the situation had changed since the original application had been approved. Other Members agreed that it would be difficult to justify why the original application had been approved but was not now acceptable, particularly as the conservatory of the neighbouring property had been built in the knowledge of the planning approval having been granted and the land was suitable for development.

Councillor Firth moved and Councillor Pierce seconded a motion to refuse the application. On being put to the vote, the motion was lost.

Councillor Moore moved and Councillor Wiseman seconded a motion to approve the application subject to additional informatives in respect of EPU and drainage.

**RESOLVED:** That the application be approved subject to the conditions listed in the report and the addition of the following informatives:

1. The drainage details to be submitted should include a topographical survey showing the proposed finished floor level to ordnance datum and connection to the mains drainage system. In accordance with PPS25 and in agreement with the Environment Agency / City of York Council, peak surface water run-off from development must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range



of storm durations, with both summer and winter profiles, to find the worst-case volume required.

2. 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 of 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.

- a. 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 8:00 to 18:00  
Saturday 9:00 to 13:00  
Not at all on Sundays and Bank Holidays
- b. 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".
- c. 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 the manufacturers instructions.
- d. 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.

- e. 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.
- f. There shall be no bonfires on the site.

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to 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.

**16d 45 Ashton Avenue York (10/01179/FUL)**

Members considered an application to erect a detached two-storey dwelling, with associated detached garage.

A statement from the applicant was read out and revised plans were tabled.

It was explained to the applicant that it would not be possible for the revised plans to be taken into account at this stage but the option was open to her to withdraw the existing plans and resubmit the tabled plans. Members suggested that it would also be useful for a site visit to take place.

The applicant confirmed their approval of this suggestion.

RESOLVED: That consideration of the application be deferred.

REASON: To enable the application to be formally withdrawn and a new application submitted.

**16e 45 Millfield Lane, York (10/01196/FUL)**

Members considered an application for change of use from dwelling (use class C3) to house of multiple occupation (use class C4).

In their update, officers stated that three other properties in the road were exempt from council tax payments.

The applicant spoke in support of the application. He stated that he was a York resident and would not be an absent landlord. He would maintain the property to a very high standard. There was sufficient car parking available and provision for cycle storage would also be made.

Councillor Pierce indicated on a map the location of student housing. He stated that a cluster of four such properties would be a dramatic intensification of HMOs. There was the likelihood of ill-maintained gardens and under occupancy at some times.

Members expressed concerns regarding an over intensification of HMOs in this area and the impact on neighbouring properties.

Councillor Watson moved and Councillor Wiseman seconded a motion to refuse the application.

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 Millfield Lane, and would be likely to result in noise and disturbance to the occupiers of the adjacent property, to the detriment of residential amenity.

**16f The Villa, Elvington, York (10/01265/FUL)**

Members considered an application for the erection of 1no. dormer bungalow with attached single garage.

Written representation was tabled from residents of four neighbouring properties in objection to the application and requesting that the decision be deferred to enable some of them to be present at the meeting.

In the officer update, Members were informed that an objection had been received from the Environmental Planning Unit stating that a contamination survey assessment had not been submitted. A condition could be included to address this issue.

Members considered the request for deferment that had been made by neighbouring residents but agreed to proceed with consideration of this matter in view of the length of time that the application had been ongoing and the decision of the Planning Inspector.

At the request of Members, officers clarified the situation in respect of the applicant's financial contribution to open space improvements.

Councillor Moore moved and Councillor Hyman seconded a motion that the application be approved subject to the inclusion of an EPU condition.

RESOLVED: That the application be approved subject to the conditions listed in the report except for the replacement of condition 16 by the condition listed below:

Additional Condition

Any suspect contaminated materials detected during site works shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with and approved by the local planning authorities in writing and fully implemented prior to any further development of the site.

Reason: To protect human health and the wider environment.

REASON: 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.

**16g 34 Thief Lane, York (10/01306/FUL)**

Members considered an application for the change of use from dwelling house to house in multiple occupancy and the erection of two-storey side and single storey rear extension.

Officers updated that a response had now been received from the Hull Road Planning Panel. They had no objection but had raised concerns concerning a rise in vehicles. A map was shown which indicated known student houses.

The applicant stated that he was seeking to modernise the house and to make best use of the land. The application was in keeping with the neighbourhood and no one in the local neighbourhood had objected. The application exceeded HMO guidance in terms of space and it would be managed by a reputable property management company. The property would provide good accommodation and would allow students to live in a safe area near to the university.

A representative from Osbaldwick Parish Council spoke in objection to the application for reasons he had previously made the Committee aware of in respect of HMOs.

Councillor Pierce spoke in objection to the application stating that the number of HMOs detracted from the quality of the area, tabling a map which showed the concentration of HMOs.

Members expressed concern at the concentration of HMOs in the area and the overdevelopment of the site.

RESOLVED:

That the application be refused.

REASON:

- 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 site, and the cumulative impact of another HMO in an area which already has a high concentration of such uses, 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.

**16h 24 Low Mill Close York (10/01325/FUL)**

Members considered an application for the change of use from dwelling (use class C3) to house in multiple occupation (use class C4).

The following additional written representation was tabled:

- Statement from Councillor Aspden and Councillor Jamieson-Ball outlining local residents' concerns about the balance of student housing and suggesting that an Area of Housing/HMO Restraint would be a good idea for the council to consider in the future.
- Letters from two neighbouring residents in objection to the application.

Officers advised that there was some debate regarding student housing in the area. Although there were already two identified HMOs they did not believe that an additional HMO would constitute such a high level concentration as to be harmful. Each application was dealt with on a case-by-case basis.

A map was tabled that indicated HMOs in the area.

A neighbour spoke in objection to the application. She stated that it was inconceivable that the applicant was not aware that planning permission was required to operate a HMO from what was a residential dwelling, the property was designed for family accommodation, if permission were to be granted it would have a domino effect and it would be impossible to sell other houses in the street other than as buy-to-lets. Students did not pay council tax and would have an impact on other residents. They were very sociable and problems would occur when they had visitors, particularly in respect of parking and vehicle turning. There were already many student properties to let and yet family accommodation was being lost.

A second neighbour spoke in objection to the application and stated that the legislation in respect of HMOs had been put in place to prevent a high concentration of this type of dwelling. She expressed concerns about parking and the difficulties that were caused because the lifestyle and hours of students and families were very different. Family housing stock was being lost and it was important to retain the character of the area.

An agent on behalf of the applicant spoke in support of the application. He stated that the property was let to students and that the application was retrospective. He expressed doubts as to whether permission was actually required in these circumstances and drew attention to the Communities and Local Government Circular 05/2010. He stated that there was no evidence that more noise would be generated than at other properties. The Highways Department was satisfied in respect of parking provision and there would not be an over concentration of HMOs in the street.

A representative of Osbaldwick Parish Council stated that he was speaking in objection to all three of the HMO applications that were being considered at the meeting and commented that the council did not have a policy on this issue. It was important that there was clarity and consistency. He urged that the application be refused, particularly as it was retrospective.

Some Members expressed concern at the conditions for residents, parking provision, the impact on neighbouring properties and the over concentration of HMOs within the cul de sac. Other Members stated that the accommodation was of a suitable standard and that there was not a dense cluster of HMOs in the area.

Councillor Moore moved and Councillor Firth seconded a motion to refuse the application.

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 cul de sac, and would be likely to result in noise and disturbance to the occupiers of the adjacent properties, to the detriment of residential amenity. The proposal would make inadequate provision for off street parking, resulting in vehicles being parked on the highway turning area at the head of the cul de sac, to the detriment of the convenience and safety of traffic and pedestrians, and the amenity of neighbours.

**16i 26 Earswick Chase. Earswick, York (10/01356/FUL)**

Members considered an application for the erection of a conservatory to the rear of the detached garage.

This was considered by the Committee due to the applicants being current and former Councillors of City of York Council.

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

REASON: The proposed extension, subject to the conditions listed in the report, 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.

**17. APPEALS PERFORMANCE AND DECISION SUMMARIES**

Members considered a report that informed them of the Council's performance in relation to appeals determined by the Planning

Inspectorate in the three-month period up to 30 June 2010, and provided a summary of the salient points from appeals determined in that period. A list of outstanding appeals as at 31 July 2010 was also included.

Members suggested that it would be helpful if information on long-term performance were to be included with future reports.

RESOLVED: That the contents of the report be noted.

REASON: To update Members on appeals decisions within the City of York Council area and inform of the planning issues surrounding each case for future reference in determining planning applications.

Councillor K Hyman, Chair

[The meeting started at 2.00 pm and finished at 5.35 pm].



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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	9 SEPTEMBER 2010
PRESENT	COUNCILLORS HYMAN (CHAIR), CREGAN (VICE-CHAIR), DOUGLAS, FIRTH, FUNNELL, B WATSON, MOORE, TAYLOR, WISEMAN AND WAUDBY (SUBSTITUTE FOR COUNCILLOR ORRELL)
APOLOGIES	COUNCILLOR ORRELL

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**INSPECTION OF SITES**

Site	Attended by	Reason for Visit
Robert Wilkinson Primary School, Strensall, York. YO32 5UH	Cllrs Hyman, Douglas, B Watson, Wiseman and Moore.	To familiarise Members with the site.
34 Eastward Avenue, York. YO10 4LZ	Cllrs Hyman, Douglas, B Watson, Wiseman and Moore.	To familiarise Members with the site.
2 Heathfield Road, York. YO10 3AE	Cllrs Hyman, Douglas, B Watson, Wiseman and Moore.	To familiarise Members with the site.
The Lodge, Heslington Lane, Heslington, York. YO10 5DX	Cllrs Hyman, Douglas, B Watson, Wiseman and Moore.	To familiarise Members with the site.

**18. DECLARATIONS OF INTEREST**

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

No interests were declared.

**19. MINUTES**

RESOLVED: That the minutes of the meeting of the East Area Planning Sub-Committee held on 14 January 2010 be approved and signed by the Chair as a correct record.

**20. 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.

**21. PLANS LIST**

**21a Robert Wilkinson Primary School, West End, Strensall, York YO32 5UH (10/01192/GRG3)**

Members considered an application for the construction of a vehicle parking area on an area of land at the front and at the southern corner of the Robert Wilkinson Primary School site.

Officers circulated an update to Members, which was attached to the published agenda after the meeting. Officers added that a publicity consideration which should have been included in their report, should read, "The application was publicised by way of letters to internal and external consultees, local residents and a site notice was posted, which expired on 22.7.10". They informed Members that a response from the Council's Drainage Engineer had been received stating that the site was in a low flood risk area, but that a condition could be attached to ensure that surface water drainage works would be carried out on the car park, if the application were approved.

Members made several suggestions including;

- An alteration to condition 6 to allow the reseeded to take place during the next planting season following the development.
- That the double yellow lines around the car park entrance should be extended, due to the existing bottleneck with Leyfield Close.
- That if the application was approved, that a construction management condition be added to ensure the safety of children during building works.

Additionally, Members commented and questioned that;

- The application did not include a fence to separate the car park from the rest of the school grounds, to ensure safety of the children.
- Whether the school travel plan accommodated the additional parking spaces provided by the application.

Representations were heard from a representative of Strensall Parish Council. He agreed with Members that the double yellow lines needed to be extended at the entrance to the car park. He also said that he hoped that the car park would reduce the need for on street parking around the school.

Councillor Moore moved approval of the application with a construction management condition and that a recommendation should be made to the Highways Department to extend the double yellow lines to 10 metres around the entrance to the car park.

Councillor Wiseman seconded approval of the application.

Councillor Taylor added that condition 5 in the Officer's report, relating to tree planting, needed to be strengthened to protect the trees over an extended time, for example five years.

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

"Within two months of the car park hereby approved being brought into use, the surface of the existing car park at the school shall be removed and re-soiled to the satisfaction of the Local Planning Authority. The area shall be seeded in the next planting season after the area is resoiled. Protective fencing shall be provided around the seeded area until it becomes properly established."

REASON: In the interests of visual amenity

"Before the works hereby approved commence on site, a construction management scheme to ensure the safety of staff, pupils and visitors throughout the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme."

REASON: In the interests of public safety.

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

Principle of the development  
Visual impact  
Trees  
Residential amenity  
Highway Safety  
Flood Risk

As such the proposal compiles with national planning guidance contained within Planning Policy Statement 1 ("Delivering Sustainable Development"), Planning Policy Statement 25 ("Development and Flood Risk"), and Policies GP1, GP4a, NE1, ED1 and ED11 of the City of York Development Control Local Plan.

**21b 34 Eastward Avenue, York. YO10 4LZ (10/00258/FUL)**

Members considered an application for a two storey rear extension with balcony, two storey extension to front incorporating porch, alterations to roof, with gates, brick piers, wall and railings to front at 34 Eastward Avenue.

Officers circulated an update to Members, which was attached to the published agenda after the meeting. The update stated that the Council's Highways Engineer had confirmed that the minimum standard width to allow a vehicle to pass around the side of the house was 1.8 metres, and that therefore there were no objections from the Highways Department to the application.

Representations were heard from a neighbour in objection who stated that she along with other neighbours were against the application because;

- The extension would appear "fortress like" and thus significantly overshadow the neighbouring property.
- Other extensions to properties on the street had not been as dominant as the proposed application.
- If the application was approved that the decision could set a precedent for the design of future property extensions in the vicinity.

Representations were heard from a member of Fulford Parish Council. She told Members how the Parish Council did not agree with the Officer's recommendation for approval because;

- Although the impact of the extension had been reduced since previous submissions were rejected, a significant impact remained.
- They felt that the description of the extension to a room was incorrect, as it was their opinion that this could be used as a room itself.
- They felt that there were no special circumstances to warrant approval of the application because a stairlift could be installed without having to build an extension on to the property.

Members asked Officers questions regarding;

- Acceptable planning limits on the overshadowing of neighbouring properties.
- Whether there was existing development in the roof space of the property.
- Whether permitted development rights could be removed after approval of the application.

In response to Members' questions Officers stated that:

- There were no definite acceptable planning limits on buildings overshadowing neighbouring properties, but that the amount of light to the neighbouring property was regarded as being acceptable.
- The applicant had not shown development in the roof space of his property, but that internal alterations would not need planning permission.
- Permitted development rights could be removed, if Members were minded to approve the application.

Some Members stated that they considered that the application should be refused on grounds of visual amenity, neighbour impact and for parking issues.

Other Members called for refusal of the application because they felt that the sunpath would be detrimentally affected by the extension to the adjacent property. They added that they considered that the height and design of the front boundary enclosure was not in keeping with the area.

RESOLVED: That the application be refused.

REASON: (i) The proposed front boundary enclosure, due to the height and design of the piers and railings, would result in an incongruous addition to the dwellinghouse that would be out of character with other boundary features along Eastward Avenue, and would be unduly prominent in views along the street. It would consequently detract from the appearance of the property and the streetscene to the detriment of visual amenity in the area. It is considered, therefore, that the proposal would conflict with Central Government advice in relation to design contained within Planning Policy Statement 1: Delivering Sustainable Development (Paragraph 34) and policies GP1 and H7 of the City of York Development Control Local Plan (2005).

(ii) The proposed two storey rear extension, due to its height, size, scale and proximity to the site boundary, would result in an excessive degree of overshadowing and loss of light to the adjacent property at 36 Eastward Avenue, to the detriment of the residential amenity which occupiers of that dwelling could reasonably expect to enjoy. It would, therefore, conflict with policies GP1 and H7 of the City of York Development Control Local Plan (incorporating fourth set of changes 2005) and City of York supplementary planning guidance-Guide to extensions and alterations to private dwelling houses. (2001)

**21c 2 Heathfield Road York YO10 3AE (10/01101/FUL)**

Members considered an application for a two storey side extension and single storey rear extension at 2 Heathfield Road.

In their update to Members, Officers stated that an additional email had been received from a resident stating that they felt that HMOs(Houses of Multiple Occupation) were destroying the area and that ultimately no Council Tax would be collected from the property due to it being occupied by student tenants.

Representations were heard from a neighbour in objection to the application. She spoke about the proposed plans that the applicant had put forward for consideration and stated that;

- Although the proposed plans were revised, the original plans had stated that the extensions would not detrimentally affect daylight and sunlight to the back of the property. She had commissioned her own report, which concluded that this was incorrect. The revised plans would still adversely affect daylight and sunlight to this area.
- If the application were approved then there would be an increase in buy to let properties in the street.

Further representations were heard from another neighbour in objection to the application as a result of noise. The neighbour stated that due to the noise of the residents in the property that her children's bedrooms were very noisy and this had detrimentally affected their sleeping patterns.

Representations were heard from a representative of Osbaldwick Parish Council who stated that the Parish Council would support the residents in objecting to the application, and gave the following reasons:

- The properties on Heathfield Road that were built in the 1930s were never intended to have accommodated vast extensions.
- Although the application was not for a HMO(House of Multiple Occupation), Members should consider its future use when making their decision.

Representations were heard from the applicant who stated that he and his wife wanted to extend and upgrade their property and that they wished to rent it to a family or young professional couple. He had no intention of renting it to students. He also added that he would be willing to compromise on details of the application to secure its approval by Members.

Members asked Officers if revised proposals could be considered at the meeting.

Officers responded that revised proposals could not be considered at the meeting due to the need to re-consult and that if the applicant did wish for it to be determined by the Committee, that he would have to resubmit his application.

They also added, in response to a question from Members, that planning conditions could not restrict occupation of the property to certain groups of people.

Councillor Moore moved refusal of the application, because he felt that the proximity of the extension to the neighbouring property would be overbearing and overdominant.

Councillor Wiseman seconded refusal of the application on the grounds of restriction of space between the property and its neighbour.

RESOLVED: That the application be refused.

REASON: The proposed one and two storey extension would be located in close proximity to much of the rear garden of 1 Heathfield Road. It is considered that if approved the proposal would result in the small space being unduly enclosed by an overdominant and overbearing form of development, which would also result in excessive overshadowing. As such the proposal conflicts with Policies GP1 (Criterion I) and H7 (Criterion d) of the City of York Draft Local Plan (fourth set of changes) approved April 2005 and advice contained in paragraphs 1.33 of the City of York Council's Guide to Extensions and Alterations to Private Dwellings March 2001.

**21d The Lodge, Heslington Lane, Heslington, York. YO10 5DX (10/01110/FUL)**

Members considered an application for a single storey wrap around extension on the north west corner of The Lodge, Heslington Lane. This proposal sought the creation of additional residential accommodation in the form of four bedrooms and a lounge.

Officers highlighted to Members that the Conservation Officer had not raised any objections to the application. In response to a Member's questions, Officers answered that the front garden of the property was available for use by residents.

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 effect on residential amenity and the impact on the character and appearance of the conservation area. As such, the proposal complies with Policies GP1 and HE3 of the City of York Development Control Local Plan-Incorporating the 4<sup>th</sup> Set of Changes(2005); and national planning advice contained within Planning Policy Statement 5: "Planning for the Historic Environment".

**21e The Lodge, Heslington Lane, Heslington, York. YO10 5DX (10/01111/LBC)**

Members considered a listed building application for a single storey side extension to the side and rear of the north west corner of The Lodge, Heslington Lane.

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 special architectural and historic interest of the listed building. As such, the proposal complies with Policy HE4 of the City of York Development Control Local Plan-Incorporating the 4<sup>th</sup> Set of Changes(2005); and national planning advice contained within Planning Policy Statement 5: "Planning for the Historic Environment".

**21f 7 Steadings Yard, Thompson Drive, Strensall, York YO32 5WT  
(10/01581/FUL)**

Members considered an application for planning permission to replace an existing external door and window serving a kitchen/living are with wooden framed fully glazed doors and a UPVC window on the rear elevation of the dwelling.

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

Cllr K Hyman , Chair  
[The meeting started at 2.05 pm and finished at 3.20 pm].



**COMMITTEE REPORT**

**Date:** 14<sup>th</sup> October 2010      **Ward:** Clifton  
**Team:** Major and Commercial      **Parish:** Clifton Without Parish Council  
Team

**Reference:** 10/01538/FULM  
**Application at:** Land Adjacent To 76 To 84 Lilbourne Drive York  
**For:** Erection of 12no. three bed dwellings and 9no. two bed dwellings with associated parking, access and single storey detached boiler house  
**By:** Mr Andy Kerr  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 18 October 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This application seeks planning permission for the erection of 21 affordable houses, 12 of which would contain three bedrooms and 9 would have 2 bedrooms. Each house has its own private garden to the rear. 19 of the houses are proposed on a green area of land at the end of Lilbourne Drive, the site is bounded by Sutton Way to the East, Burdyke Avenue to the South and Bur Dike and Tamworth Road to the North. Lilbourne Drive is to the West. 2 of the 21 houses are proposed on land which is currently used as an electricity sub-station on Sutton Way. In addition an energy centre is proposed which would house a biomass plant to provide hot water for the houses.

1.2 The land is unallocated 'White Land' on the Local Plan Proposals Map. The site was left as informal open space as part of the residential development to the north and west of the site.

1.3 Vehicular access to 19 of the houses would be via Lilbourne Drive, the two dwellings on the site of the electricity substation would be accessed from Sutton Way. There is no direct link between the two sites. A Public Right of Way (PROW) runs through the site from Lilbourne Drive through to Sutton Way along the south side of Bur Dike. An informal footpath and cycle way runs along the north of Bur Dike.

**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

CYGP3  
Planning against crime

CYGP4A  
Sustainability

CYGP15  
Protection from flooding

CYH3C  
Mix of Dwellings on Housing Site

CYH4A  
Housing Windfalls

CYH5A  
Residential Density

CYL1C  
Provision of New Open Space in Development

**3.0 CONSULTATIONS**

INTERNAL

3.1 Leisure - No objection to the development. A commuted sum is sought for the upgrade of local open space, play space, and sports facilities.

3.2 Highway Network Management - Car parking has been provided in accordance with maximum standards and is provided on street in managed parking areas. The internal layout has been designed on Home Zone principles and carefully thought through to ensure parking is controlled. There will be no separate kerbs or footways and the road has been set out to restrain vehicle speeds through carriageway narrowing and on-street parking. A refuse vehicle can satisfactorily traverse the layout without overrun. The development will be constructed to adoptable standards. Cycle parking has been proposed in accordance with the relevant minimum standards and can be secured by suitable condition. The site has an existing Public Right of Way crossing over it on the south side of Bur Dike. To the north of Bur Dike is a stoned pedestrian/cycle route which evidence suggests is an unrecorded PROW. It is proposed to extinguish the PROW crossing the site and the route to the north would be improved in terms of its surface and width. Officers do not consider that the extinguishment is unacceptable or will represent a loss in amenity as the stoned route to the North runs parallel with the PROW crossing the site and starts/terminates at the same points on Lilbourne Drive and Sutton Way respectively.

3.3 Environmental Protection Unit - Due to the location of Clifton Day Nursery at 5 Sutton Way it is recommended that an acoustic fence be erected on the eastern boundary of the site to reduce noise spill. There is no evidence of contamination on site, a watching brief should be added as a condition of any approval. A condition controlling hours of construction and also the control of noise and dust is also recommended to be added to any approval. A full analysis of the Biomass plant is being carried out and an Officer update will be given at committee regarding the outcome of this.

3.4 Education - No commuted sum is required in relation to this application.

3.5 Drainage - Drainage details are agreeable in principle; at the time of writing this report full details were being finalised. An Officer update will be provided at Committee.

3.6 Design, Conservation and Sustainable Development (DCSD)Landscape- - The development presents a pleasant cul-de sac by way of its scale and outlook onto the beck, wildflower grassland, new tree planting, individual (though very modest) rear gardens, and a shared surface paving with street trees. The success of the development is reduced by the removal of the rear garden hedge and the small size of some of the plots, especially in relation to existing neighbouring vegetation. Much of this is due to the limited depth of the site, which also pushes the development a bit close to the dyke. The trees on the slopes of the beck will need protecting with fencing from earthworks and other development operations. Conditions are recommended regarding tree protection and a detailed landscaping scheme.

3.7 DCSD Countryside - The grassland on the site is uncut and species poor. A watervole survey was carried out in June and there was no evidence of any recent use within the site although they have been recorded in the past. The proposed development is set back from the watercourse and so would not be directly affected by the works. The scheme provides a good opportunity to create more suitable habitat for the benefit of a range of wildlife species. Some hedgerow removal is required as part of the proposal, the loss of this habitat would need to be mitigated against through additional planting towards the northern area of the site. Similar species should be used as those found on the good quality grassland of Clifton Backies as well as that which was likely to be present on the site itself in the past. It is proposed to incorporate bat and bird features across the site to further increase the wildlife value of the area. A condition should be added to any approval to ensure the works proposed are carried out.

3.8 DCSD Sustainability - There is a commitment for all 21 dwellings on the site to meet level 5 of the Code for Sustainable Homes (CfSH). Level 5 is above and beyond minimum requirements set out in the Interim Planning Statement on Sustainable Design and Construction, therefore the applicant should be commended for aspiring to such a challenging target. If permission is granted the development has the potential to act as an exemplar site within York of how to reach the more challenging levels of the CfSH.

3.9 Housing Strategy and Enabling Team - Full support. The proposal provides much needed affordable family housing. The completed homes will be owned and managed by CYC for social rent. The two and three bedroom family houses fully

comply with the HCA space and design standards, and are targeted to meet the city's priority need as evidenced by the 2007 Strategic Housing Market Assessment (SHMA). The houses accessed from Lilbourne Drive will provide homes for nineteen families in housing need and can accommodate up to eighty-six people in total. The application also allows the possibility of the development of the Sutton Way electricity sub-station site at a later date to provide a further two houses. The properties have been designed to meet Code for Sustainable Homes Level 5, they would be cheap to run whilst minimising the impact on the environment. This has influenced the scheme design, with the homes on an east/west axis with a southerly orientation. In addition a centralised Biomass boiler providing heating, and Photo Voltaic solar panels producing electricity are proposed. Many of the requirements attached to the funding, such as the space standards and orientation of the homes, has influenced the layout. However, extensive work has been undertaken with City Strategy to ensure a high quality development has been proposed which minimises the impact on neighbouring properties, integrates within the existing successful community and provides a high quality environment for the new tenants.

## EXTERNAL

3.10 Clifton Without Parish Council - Recommend approval of this eco friendly designed development, subject to the support of neighbours and to the proposed access being in conformity to the City of York Council standard conditions for shared property access.

3.11 Clifton Planning Panel - The Panel broadly supports the proposal, however, it is felt that the massing of the four storey blocks could be improved, it is felt that the scheme would look better with a block of two storey houses followed by a block of three storey houses rather than mixing heights in each block.

3.12 Police Architectural Liaison Officer - Consultation has been carried out at all stages in the design process and the design and layout of the scheme adopts Secured by Design principles where possible. However, there are concerns that the energy centre is vulnerable to crime and anti-social behaviour.

3.13 Third Parties - Two pieces of correspondence were received from residents of 51 Lilbourne Drive and 165 Bur Dyke Avenue, the following points were raised:

- Concern about the additional cars using the road junction in front of 45 Lilbourne Drive as visibility is poor due to bushes close to the junction;
- There are car parking spaces close to the junction which further adds to the danger of increasing traffic using it;
- Many young children run across the roads and footpaths in this area, more cars will make the area more dangerous;
- There are drainage problems in the area and there are concerns that the proposed development could make the situation worse for existing residents, part of the site is in Flood Zone 3 and the Dike is already at capacity;
- Existing residents enjoy the green view of the field, are there not brownfield sites where the houses could be located;
- There is not sufficient landscaping to screen the new houses from existing ones;
- There is not enough car parking on the site meaning that people will park on Lilbourne Drive restricting access for existing residents;
- Concern about traffic, noise, dirt and disruption during construction;

- Questions are raised regarding who owns the land, whether it is considered to be greenfield, and whether it is the site of a viking grave yard;
- Wouldn't it be more sensible to re-assess the maintenance costs of current Council housing stock and give thought to utilising attic space which could address overcrowding;
- Why is the Local Authority wasting so much of its public funds on administration within the housing department.

#### **4.0 APPRAISAL**

##### 4.1 Key Issues:

- Principle of development;
- Impact on neighbouring amenity;
- Impact on the character and appearance of the area;
- Traffic and car and cycle parking;
- Drainage and flooding
- Landscaping and natural habitat;
- Sustainability; and
- Open Space.

#### PRINCIPLE OF DEVELOPMENT

4.2 The site in question forms part of the open space provision when the surrounding residential development was built. The land is not maintained and is not widely used; its use appears to be limited to local dog walkers. Two formal open space/childrens play areas were created as part of the development, these are located adjacent to Brailsford Crescent and remain in use. The Leisure team raise no objections to the loss of the site as open space. The site is located close to Clifton Backies which provides informal open space and the development would allow funds to be invested in existing nearby open space facilities. The site is in a sustainable urban location and there are no objections to the principle of developing this site for housing.

#### IMPACT ON NEIGHBOURING AMENITY

4.3 The proposed development consists of two and three bedroom terraced housing. The two store, three bedroom dwellings contain a room in the roof and are a little greater in height. The two bedroom units measure approximately 5.5m in height to the eaves and 8.5m to the ridge. Each three bedroom unit is around 6m to the eaves and 9.1m to the ridge. Window heights are the same on both types of property. A rooflight is proposed on the north elevations of the three bedroom dwellings to provide light and outlook. The nearest residential dwellings to the main section of the development, namely the 16 dwellings arranged in a relatively linear pattern to the south side of the site, are those on Burdyke Avenue. The closest relationship between the proposed dwellings and a dwelling on Burdyke Avenue is approximately 21m which is considered adequate to maintain privacy and outlook for existing residents whilst also providing reasonable separation for any future residents of the proposed development. At the nearest point the proposed dwellings sit 7m beyond the rear garden boundary of dwellings on Burdyke Avenue. There are no set figures on what distance is acceptable in this respect, however given the modest height of the proposed dwellings and the fact that they sit to the north of the

existing houses, it is not considered that the proposal would harm the outlook, level of natural light, or privacy which residents could reasonably expect to enjoy within the garden of these dwellings.

4.4 The gable end of the proposed house to the south west of the site sits approximately 18m from the nearest front window of a dwelling on Lilbourne Drive. This level of separation is considered reasonable to maintain outlook. It is considered that the location and alignment of the remaining five houses, three to the north east of the site and two fronting Sutton Way, are such that there would be no significant loss of amenity for residents of Sutton Way or Tamworth Road. A letter of objection was received from a local resident stating that the proposal would spoil views out onto a piece of green land. However, views such as this do not represent material planning considerations.

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

4.5 The surrounding area is residential in character with post war Council houses being present on Burdyke Avenue to the south and a mix of more modern housing to the west and north. Housing is generally of medium density. The proposed development constitutes development of 37.5 dwellings per hectare which is in line with local standards and represents the character of the surrounding area.

4.6 The houses sit in blocks of two, three, and four houses, with 16 of the houses in blocks of four to the south of the site. This is consistent with the houses on Burdyke Avenue to the south. Sutton Way is characterised by semi-detached houses, the proposed housing fronting Sutton Way is semi-detached. The dwellings are of simple and traditional proportions and scale. They would appear contemporary in style through the use of materials and the changes in heights. The proposed street frontage is a mix of two house types differentiated by alternative cladding materials as well as heights. The 2 bed houses are faced in brick with the three bed houses being clad in a cement weatherboard which would be treated to give it a timber finish. On the two bedroom properties windows on the ground and first floor levels have been framed to give a vertical emphasis to the design. Whilst all of the materials used are not typical of the surrounding area, there is a variety of design, scale and material of built development in the area which gives scope for the development of houses of the type proposed. It is considered that subject to a condition which ensures external materials are approved, the proposal would cause no harm to the character and appearance of the area.

4.7 Much of the design has been shaped by the desire to achieve a Code for Sustainable Homes Level 5 rating. The majority of the houses have a significant southern elevation which allows for passive solar gain as well as the use of solar panels. Photovoltaic panels are proposed as part of this development, the low carbon requirement of the proposal means that a large proportion of the southerly roof slopes would contain solar panels. Whilst these are not common en masse in the area or York generally, it is not considered that they would harm the character or appearance of the area. Windows and doors are to be aluminium and timber which continues the modern and high quality appearance of the proposed dwellings.

#### TRAFFIC AND CAR AND CYCLE PARKING

4.8 Lilbourne Drive serves a large number of properties. The proposed addition of 19 houses to be served off this road is not considered by the highway team to be significant. The creation of two additional houses on Sutton Way is also not considered to be harmful to highway safety. The applicants are proposing on-street car parking, with spaces provided to create pinch points on the highway in order to reduce traffic speeds and accord with Home Zone principles. Pedestrians would have priority in all areas with vehicles excluded from protected zones around the houses. 28 car parking spaces are proposed to be created which is a little under the maximum car parking standard set out in the Development Control Local Plan. Car parking has been created close to the front entrance door for convenience. However it has been arranged in small groups alternating between the north and south side of the road to avoid the appearance of a continuous line of parked cars. There are no objections to the number or location of the proposed car parking spaces. Submitted plans show that a refuse lorry can enter and leave the site in a forward gear. Cycle parking facilities are to be provided for all houses. Gaps between the rows of houses allows access to the rear of all properties via a passageway, the access is to be secured by a lockable gate. The level of cycle parking is in line with local standards and is considered both secure and enclosed.

### DRAINAGE AND FLOODING

4.9 The application site contains elements which are within Flood Zone 1, 2, and 3. The Flood Zone 2 and 3 areas are around the Dike, no residential dwellings or gardens are within these areas. A concern has been raised by a local resident that the proposed development may create surface water drainage problems in the surrounding area and increase flood risk. Some ground works are required to flatten out part of the site, however these have been included in the drainage calculations included in the Flood Risk Assessment (FRA) and there would be no increase in flood risk in the surrounding area. The FRA states that there would be no impact downstream from Bur Dike as long as discharge rates are attenuated, this is particularly important during extreme weather events. It is suggested that a condition be attached to any permission to ensure that a suitable surface water drainage system is approved and implemented.

### LANDSCAPING AND NATURAL HABITAT

4.10 There is potential on site to include features which would be beneficial to the natural habitat. This includes planting and the inclusion of bat and bird boxes. The applicant has confirmed there are no objections to a condition being added to any approval to ensure suitable measures are taken in this regard. Bur Dike embankment area is to be retained and reinforced with further planting of native trees and suitable grassland to promote biodiversity. A hedge is proposed to be removed from the southern part of the site, in order to provide reasonable sized back gardens to some of the properties. However there is scope for some replacement planting which would both improve the visual amenity of the area and its ecological value.

### SUSTAINABILITY

4.11 The proposed development aims to achieve Code for Sustainable Homes Level 5 which is just one below the highest rating awarded. Code for Sustainable

Homes ratings cover the water use, waste, drainage, pollution, ecology, and energy aspects of sustainability. The applicants are proposing the use of solar panels to provide renewable energy on site in accordance with the Sustainable Design and Construction supplementary planning guidance. A biomass boiler is also proposed to provide a community heating system which leads to lower carbon emissions than if only individual gas boilers were used. A high level of insulation will be provided and the windows are proposed to be triple glazed which would reduce the demand for energy for heat. Each house will have individual facilities for recycling. The site is in a sustainable urban location where there is a choice of transport modes other than the car and there are a number of local shops and services within walking distance of the site.

## OPEN SPACE

4.12 As discussed in paragraph 4.2 there is no objection to the loss of the site as informal open space. The site is not well used at present and is not maintained. Clifton Backies provides open space and is very close to the existing site. Funds received as part of the proposed development can be used to improve and upgrade existing formal open space and play areas in the vicinity which would be of benefit to existing local residents and any future occupiers of the proposed dwellings.

## OTHER ISSUES

4.13 Clifton Day Nursery is located at 5 Sutton Way, north of the site proposed for the two houses and east of the main Lilbourne Drive site. The nursery play area is to the rear of the two houses proposed for Sutton Way. The nursery has planning permission to operate between 08:00 and 18:00 hours Monday to Friday. Given the controlled hours of operation it is not considered that the nursery would generate sufficient noise and disturbance to unduly harm the amenities of future occupiers of the proposed dwellings. A condition is recommended that an acoustic fence be erected in order to reduce noise entering neighbouring gardens whilst the nursery is operational.

4.14 The original plans for the application showed the public right of way running to the rear of the three houses proposed for the north of the site. After extensive discussion it was decided to try to relocate the public right of way to the north side of Bur Dike. This unadopted footpath is used by a large number of pedestrians and cyclists and would benefit from upgrading. In addition the removal of the public right of way from the site has the benefit of allowing larger gardens to the rear of these three properties and also reducing the risk of crime and anti-social behaviour in this area. The diversion of the public right of way to the north of Bur Dike is the subject of a further application which is separate from this planning application. The existing public right of way is inaccessible as the route is fenced off and the route is significantly overgrown.

## 5.0 CONCLUSION

5.1 There is no objection to the loss of the site as informal open space and the development of affordable housing. It is considered that the proposed dwellings would not harm the character and appearance of the area or the level of amenity



which local residents could reasonably expect to enjoy, and would provide much needed additional affordable accommodation within the area.

**COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

To be confirmed at Committee

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

3 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 £36,666.

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.

4 HWAY1 Details roads,footpaths,open spaces req.

5 HWAY7 Const of Roads & Footways prior to occup

6 HWAY14 Access to be approved, details reqd

7 HWAY18 Cycle parking details to be agreed

8 HWAY19 Car and cycle parking laid out

9 HWAY40 Dilapidation survey

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

- the routing for construction traffic that will be promoted;
- a scheme for signing the promoted construction traffic routing;
- where contractors will park;
- where materials will be stored within the site; and
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: In the interests of highway safety and amenity of local residents

11 Prior to commencement of the use hereby permitted (or within such a time as approved in writing by the local planning authority), an acoustic barrier, at least 2 metres high and 18mm thick, shall be constructed to the eastern boundary of the proposed development adjacent to Clifton Day Nursery and the electricity substation on Sutton Way. The location of the acoustic barrier shall be approved in writing by the local planning authority prior to the commencement of the use hereby permitted (or within such a time as approved in writing by the local planning authority). For the avoidance of doubt, the acoustic barrier shall be imperforate in construction with no air gaps to allow the passage of noise, such as a close boarded fence. The acoustic fence shall be constructed on site in accordance with approved details prior to the car park being brought into use and shall be retained thereafter.

Reason: To protect the amenity of residents in the proposed development

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

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

13 During the development of the site, all demolition and construction works and ancillary operations, including deliveries to and dispatch from the site, shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays

Reason: To protect the amenity of the local residents.

14 In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must

be undertaken, and where remediation (clean-up) is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To protect public health.

15 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 dwellings and landscaping to enhance the biodiversity of the area. The works shall be completed in accordance with the approved details. Features suitable for incorporation include measures for species that use buildings such as bats and birds and the enhancement of the ditch and hedgerows that form the boundary of the site.

Reason: This is proposed to take account of and enhance the habitat and biodiversity of the locality.

16 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 9.2 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 amenity of neighbours.

17 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.

18 Trees shown to be retained shall be protected during the development of the site by the following measures. Prior to commencement on site of clearance, site preparation, earthworks, installation of utilities, building or other development operations, including the importing of materials and any excavations, protective fencing to BS5837: 2005 shall be erected around all existing trees shown to be retained. Before commencement on site the protective fencing line shall be shown on a plan and agreed with the local authority and subsequently adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zone: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles, mechanical cultivation under the canopy spread of retained trees. Within the exclusion zone there shall be no site huts, no marketing offices, no mixing of cement, no disposing of washings, no stored fuel, no new trenches or pipe runs for services

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

Reason: To ensure trees on site are protected.

19 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscape scheme which shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; and details of soil preparation, sowing, establishment and management of grassed and wildflower areas. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme.

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

20 Full details of the security gates to be installed within the development to secure private and communal spaces shall be submitted to and approved in writing by the Local Planning Authority. The gates shall be fully installed and operational in accordance with the approved details prior to the first occupation of any dwelling which that gate serves.

Reason: For crime prevention.

## **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 neighbouring amenity;
- Impact on the character and appearance of the area;
- Traffic and car and cycle parking;
- Drainage and flooding
- Landscaping and natural habitat;
- Sustainability; and
- Open Space.

As such the proposal complies with Policies GP1, GP3, GP4a, GP15a, H3c, H4a, H5a, and L1c of the City of York Development Control Local Plan.

**2. INFORMATIVES:**

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

Highway Adoption - Section 38 - Michael Kitchen - 01904 551336

Public Rights of Way - Section 257 - Alison Newbould - 01904 551481

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

4. 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 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".

2. 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.

3. 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.

4. There shall be no bonfires on the site.

**Contact details:**

**Author:** Michael Jones Development Management Officer

**Tel No:** 01904 551339

COMMITTEE UPDATE – 14 October 2010

Plans Item 5a – Land Adjacent to 74-84 Lilbourne Drive, York  
10/01538/FULM

**Drainage** – Following submission of additional information the Drainage team are now confident that the development can be drained properly. However, full details are yet to be agreed in this regard, therefore a condition is recommended to be added to any approval to ensure a suitable drainage system is put in place.

Prior to the commencement of development details of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority, the development shall be carried out in complete accordance with the approved details.

Details to be submitted for approval include:

- Calculations and invert levels of the existing surface water system should be provided together with details to include calculations and invert levels of the proposals for the new development. This will enable the impact of the proposals on the downstream watercourse to be assessed.
- The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.
- Existing and proposed surfacing should be specified.
- Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.
- Yorkshire Water shall be consulted with regards to the diversion of their existing sewer and easement requirements. Diversion route should be in land within the applicant's control/ownership.
- In accordance with PPS25 and in agreement with the Environment Agency / IDB / City of York Council, peak run-off from developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable areas). Storage volume calculations, using computer modeling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modeling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.
- If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used.
- Details shall be provided of the future management / maintenance of the proposed drainage scheme.

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

**Risk) and that provision has been made to maintain the proposed drainage system.**

**Highways** – An additional condition has been recommended by the Highway's Department to ensure that the proposed Public Right of Way is sufficiently upgraded.

**Within three months of the successful extinguishment of the Public Right of Way crossing the application site, details of a full package of improvement works to the footpath to the north of Bur Dike (identified as 'Proposed Relocated Public Right of Way on the approved plans) shall be submitted to and approved in writing by the Local Planning Authority. The improvement works shall be carried out in complete accordance with the approved details prior to the first occupation of any dwelling on the site.**

**Reason: In the interests of the amenity of users of the Public Right of Way and to promote sustainable travel in accordance with local and national transportation policy.**

**Biomass Plant** – A screening assessment was carried out showing the worst case scenario with regards to emissions based on a stack height of 5m above the ground. The proposal is acceptable based on this information. Two conditions are recommended to be added to any approval to ensure the installed biomass plant complies with the required standards.

**Emission rates from the biomass plant shall not exceed 24.2 g/h NOx and 3.0 g/h PM10 at any time.**

**Reason: To ensure that there is no detrimental impact on air quality.**

**The top of the stack exhaust shall sit 5m above ground level unless otherwise agreed in writing with the Local Planning Authority.**

**Reason: To ensure adequate dispersion of boiler emissions to protect air quality.**

**Sustainability** – Since the Officer Planning Report was written a further assessment was submitted which shows that the scheme should achieve Code for Sustainable Homes level 5 and that at least 10% of energy demand will be met through on site renewable energy generation. A condition is recommended to be added to any approval to ensure these standards are met.

**Within six months of the completion of the development a Code Post Construction Assessment and Certificate shall be submitted showing that the development achieved Code for Sustainable Homes Level 5 rating.**

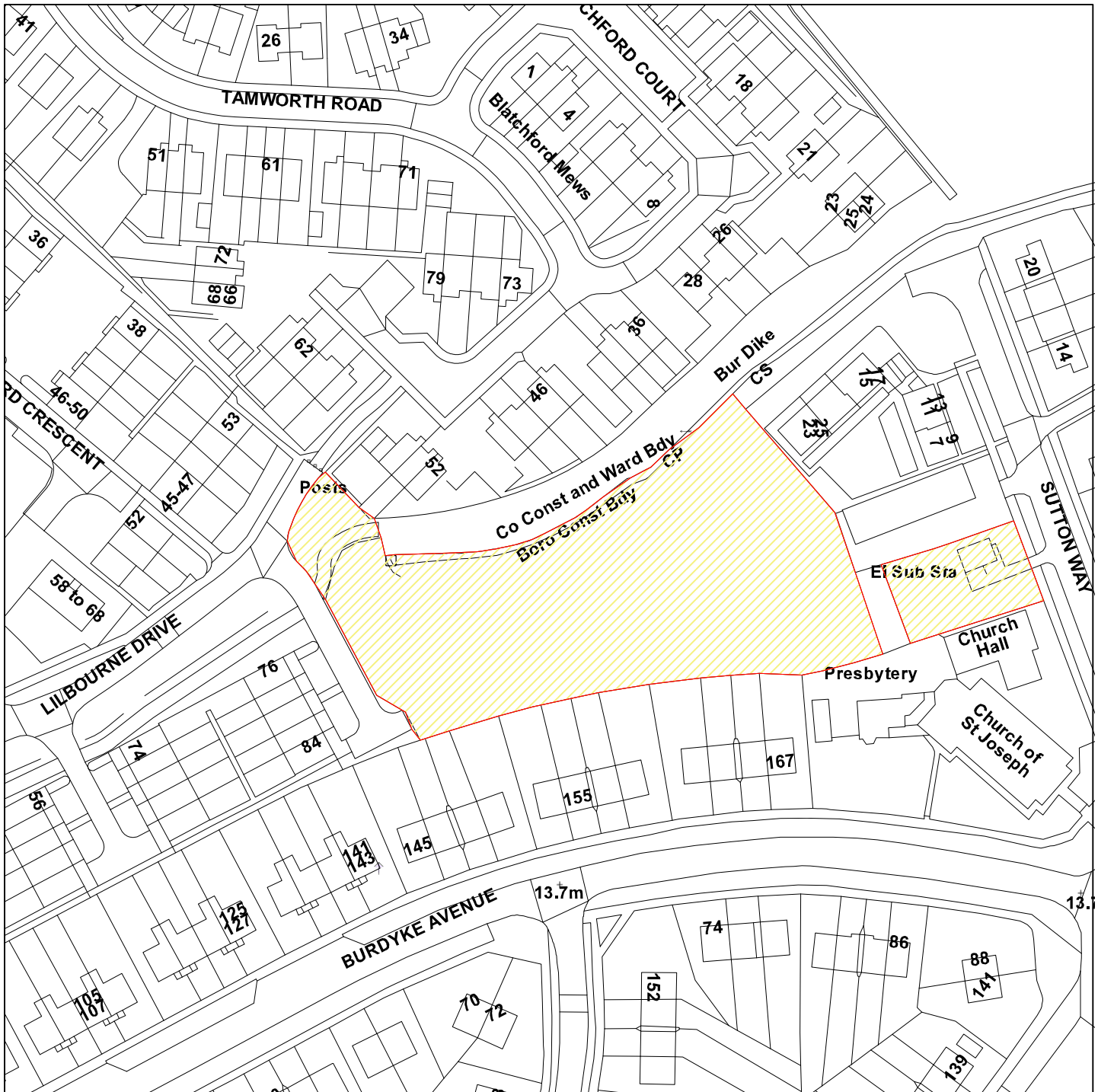
**Reason: To promote sustainable development.**

# Land Adjacent To 76 - 84 Lilbourne Drive, York

10/01538/FULM



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	05 October 2010
<b>SLA Number</b>	Not Set



**COMMITTEE REPORT**

**Date:** 14 October 2010                      **Ward:** Osbaldwick  
**Team:** East Area                                **Parish:** Murton Parish Council

**Reference:** 10/01827/FUL  
**Application at:** The Homestead Murton Lane Murton York  
**For:** Variation of condition 4 of planning approval 09/01125/FUL to allow for a replacement static caravan (resubmission)  
**By:** Mr Peter James  
**Application Type:** Full Application  
**Target Date:** 15 September 2010  
**Recommendation:** Approve subject to Section 106 Agreement

**1.0 PROPOSAL**

1.1 The proposal is to vary, retrospectively, condition 4 of a planning consent for the siting of a gypsy caravan. The condition restricts the location to the area marked 'caravan' on the approved plan. This area is at the north-east corner of the application site and has a footprint of approximately 280 sq ft. The caravan that was on the site when consent was granted had a footprint of 276 sq ft. The applicant now seeks approval for a caravan with a footprint of 920 sq ft. The concrete hardstanding on which the caravan sits has been extended to accommodate the larger footprint.

**PLANNING HISTORY**

1.2 In June 2009 retrospective planning permission was sought for the change of use of land to a private gypsy site for a single gypsy family and the retention of a concrete hardstanding (09/01125/FUL). In October 2009 the East Area Sub-committee refused planning permission citing conflict with Green Belt policy. The decision was subsequently overturned at appeal. The Inspector attached the following condition (condition 4) to the planning permission:

'The development hereby permitted shall be carried out in accordance with the plans submitted with the application as varied by the 1:200 site plan amended on 15 October 2009 (the approved site plan). The area occupied by the static caravan/mobile home shall be restricted to the area marked 'Caravan' on the approved site plan and the area used for storage and/or car parking shall be restricted to the area shown hatched on the approved site plan.'

1.3 In June 2010 planning permission was sought to allow the siting of a caravan with a footprint of 1338 sq ft, which would have conflicted with condition 4. Planning permission was refused due to impact of the proposal on the Green Belt. Hence the current application, which seeks to allow a larger caravan than the one that was approved but smaller than the one that was subsequently refused.

**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:

CYGB1

Development within the Green Belt

CYH16

Residential sites for gypsies/travellers

## 3.0 CONSULTATIONS

### 3.1 Internal

Highway Network Management - No objections.

### 3.2 External

Murton Parish Council - No objection subject to the following conditions. Screening along the northern boundary to be reinstated; the parish council to be consulted on the details of the screening; the concrete base to be no larger than the caravan; the concrete base to be removed when the applicants vacate the site; the tree screening along the southern boundary to be provided as shown on the plans approved by the Inspector.

Public Consultation - The consultation period expired on 30 September 2010. No objections have been received.

## 4.0 APPRAISAL

### KEY ISSUES

4.1 Impact on the openness and visual amenity of the Green Belt.

### POLICY CONTEXT

4.2 National planning advice contained within Planning Policy Guidance Note 2 (PPG2) states that development in the Green Belt is inappropriate unless it is for a very restricted range of purposes. They exclude use as a gypsy site. There is a general presumption against inappropriate development, which is, by definition, harmful to the Green Belt. Planning permission should not be granted unless very special circumstances exist to outweigh the harm caused by inappropriateness and any other harm.

4.3 Local plan policy GB1 - Within the Green Belt, planning permission for development will only be granted where: (a) the scale, location and design would not detract from the open character of the Green Belt; (b) it would not conflict with the

purposes of including land within the Green Belt; and (c) it would not prejudice the setting and special character of the City of York; AND it is for one of a limited number of particular purposes, including reuse of existing buildings. All other forms of development within the Green Belt are considered inappropriate. Very special circumstances will be required to justify instances where this presumption against development should not apply.

4.4 Local plan policy H16 - In determining applications for gypsy/traveller sites the following criteria will be taken into account: proximity to local services; the potential for safe access; the extent to which the site impacts on important open areas; visual integration with the surrounding area; and potential impact on the amenity of the environment, neighbouring properties, sensitive agricultural land or other land uses.

#### THE APPLICATION SITE

4.5 The site comprises an enclosed area of land occupying approximately 0.125 hectares on the east side of Murton Lane. The site, which is in the Green Belt, abuts an agricultural swathe of land between Murton Village to the north and a commercial enclave to the south. The yard is surfaced throughout in gravel apart from a concrete hardstanding at the north-east corner. Until recently a flat-roofed static caravan (the subject of the appeal) sat on the hardstanding. The applicant, his wife and their four children occupied the caravan. The caravan has recently been replaced by a larger "caravan", for which consent is now being sought.

4.6 For information, current legislation defines a caravan as, in essence, any structure designed or adapted for human habitation which is composed of no more than two separate sections and capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any other motor vehicle so designed or adapted. The dimensions should not exceed 20m long by 6.8m wide with an internal height no greater than 3.05m. It is considered that the caravan that is currently on the site complies with this definition.

4.7 Near the caravan is a domestic shed used by the applicant for storage. To the north of the site is grazing land. To the west is the public highway bounded by a 2m-high wall with a gated vehicular access. To the east of the site is a paddock (owned by the applicant) and to the south is a scrap metal business. Until a few months ago the application site was largely screened by a fence and conifer tree belt to the north, the 2m-high wall to the west and a timber fence to the south. The tree belt to the north has since been removed and replaced by a 2m-high wall, for which consent was not needed. Removal of the trees has resulted in the caravan being much more visible when viewed from across the open farmland. Within the last month the applicant has removed the flat-roofed caravan and replaced it with a larger, chalet-style caravan of the size for which planning permission is now sought.

#### IMPACT ON THE GREEN BELT AND VISUAL APPEARANCE

4.8 Under guidance in PPG2, planning permission should not be granted for use of green belt land as a gypsy site unless very special circumstances exist to outweigh the harm caused by inappropriateness and any other harm. Very special circumstances could be where there is a demonstrable need for gypsy

accommodation that is not being met in non-green belt areas. The Inspector who considered the appeal acknowledged that there were a number of weighty considerations in favour of the proposal. These were: the significant need for additional gypsy sites in the York area; that the shortage was unlikely to be addressed at least until the end of 2011; that some of the sites to be allocated as part of the LDF process are likely to be in the Green Belt; the family's need for gypsy accommodation; the absence of any identified available site to which they could move; and the hardship they could face by being made homeless. The Inspector was firmly of the view that, taken together, these factors outweighed the harm (mainly due to inappropriateness) caused by the proposal. He concluded that the circumstances of the case were very special and justified the development, subject to conditions. These factors in support of the case for a caravan on the site remain valid.

4.9 The applicant now argues that the size of caravan for which he has consent is too small for his family's needs. The approved caravan has two small bedrooms for his family of two adults and four children. By modern standards this level of provision would appear to be inadequate, particularly as two of the children are teenagers. The applicant's desire to live in a caravan that is larger than approved would appear to be justified.

4.10 In reaching his decision, the appeal Inspector balanced the needs of the family against the harm to the Green Belt caused by inappropriateness and any other harm caused by the proposal. He accepted that the site had a sense of enclosure, which was heightened by the fencing and coniferous trees along the northern boundary. He also considered that the development was limited in scale. He concluded that retention of the caravan would therefore cause only a small amount of additional harm to the openness of the Green Belt and to the purposes of including land in it.

4.11 The caravan that is now located on the site has a greater impact on the Green Belt than the application that was considered by the inspector. Firstly, the new caravan is much larger than the maximum size that was granted permission by the Inspector. Secondly, the removal of the tree belt along the northern boundary has increased the visibility of the site from the north, including from the public highway at Murton Lane. Thirdly, whilst consent is being sought for a particular size of footprint (14m x 6.8m) the applicant's chalet-style caravan is higher and more prominent than the more-usual flat-roofed type of caravan.

4.12 Nevertheless, officers consider that whilst the impact on the openness of the Green Belt is greater than for the approved scheme, the needs of the family amount to very special circumstances that would justify the granting of planning permission. However, such consent should be conditional upon the reinstatement of screening along the northern boundary. To this end the owner of the grazing land to the north of the site has no objection to the applicant planting a tree screen on this land adjacent to the shared boundary. The application boundary has therefore been amended to include the swathe of adjoining land where the trees would be planted. This would enable provision of the trees to be made a condition of approval. However, as the land is outside the applicant's ownership and control, he cannot ensure that the trees will indeed be provided and retained. Officers therefore

recommend that if Members are minded to grant planning permission, a Section 106 Agreement (or unilateral undertaking) should be entered into by the applicant and the adjoining landowner to ensure that the trees are provided and retained. A condition should also be attached specifically requiring previously approved trees along the highway boundary (but within the applicant's ownership) to be provided and retained.

## 5.0 CONCLUSION

5.1 In reaching a decision, a balancing exercise has to be undertaken weighing harm to the public interest (in this case the openness of the Green Belt) against the human rights and personal circumstances of applicants. Officers consider that the applicant's needs justify the approval of a larger caravan subject to adequate screening along the north and west boundaries.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve subject to Section 106 Agreement

1 The residential occupation of the land hereby permitted shall be carried out only by Peter James and Theresa James and their resident dependants.

Reason: To safeguard the character of the area and the openness of the green belt.

2 When the land ceases to be occupied by those persons named in Condition 1 above, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought onto, or erected on, the land, or works undertaken to it in connection with the use, shall be removed from the land and the land shall be restored to its condition before the development took place in accordance with a scheme and timetable that shall previously have been submitted to and approved in writing by the local planning authority.

To safeguard the character of the area and the openness of the green belt.

3 No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be a static caravan or mobile home), shall be stationed on the land at any one time.

Reason: To safeguard the character of the area and the openness of the green belt.

4 The development hereby permitted shall be carried out in accordance with the plans submitted with the application as varied by the 1:200 site plan amended on ..... (the approved site plan). The area occupied by the static caravan/mobile home shall be restricted to the area marked 'Caravan' on the approved site plan and the area used for storage and/or car parking shall be restricted to the area shown

hatched on the approved site plan. [Members to be updated at committee].

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

5 Within three months of the date of this permission detailed landscaping/screening proposals along the northern and western boundaries of the shall be submitted to the local planning authority and approved in writing. The scheme, which shall show the number, species, height and position of trees and shrubs shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: To minimize the visual impact of the proposals on the surrounding area.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

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

- impact on the openness and visual amenity of the Green Belt;
- landscaping;
- neighbour amenity;
- access and highway safety.

It is considered that the needs of the family in this case amount to very special circumstances that justify the granting of planning permission. As such the proposal complies with national planning advice set out within Planning policy Guidance Note 2 "Green Belts", and Policies GB1 and H16 of the City of York Draft Local Plan.

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

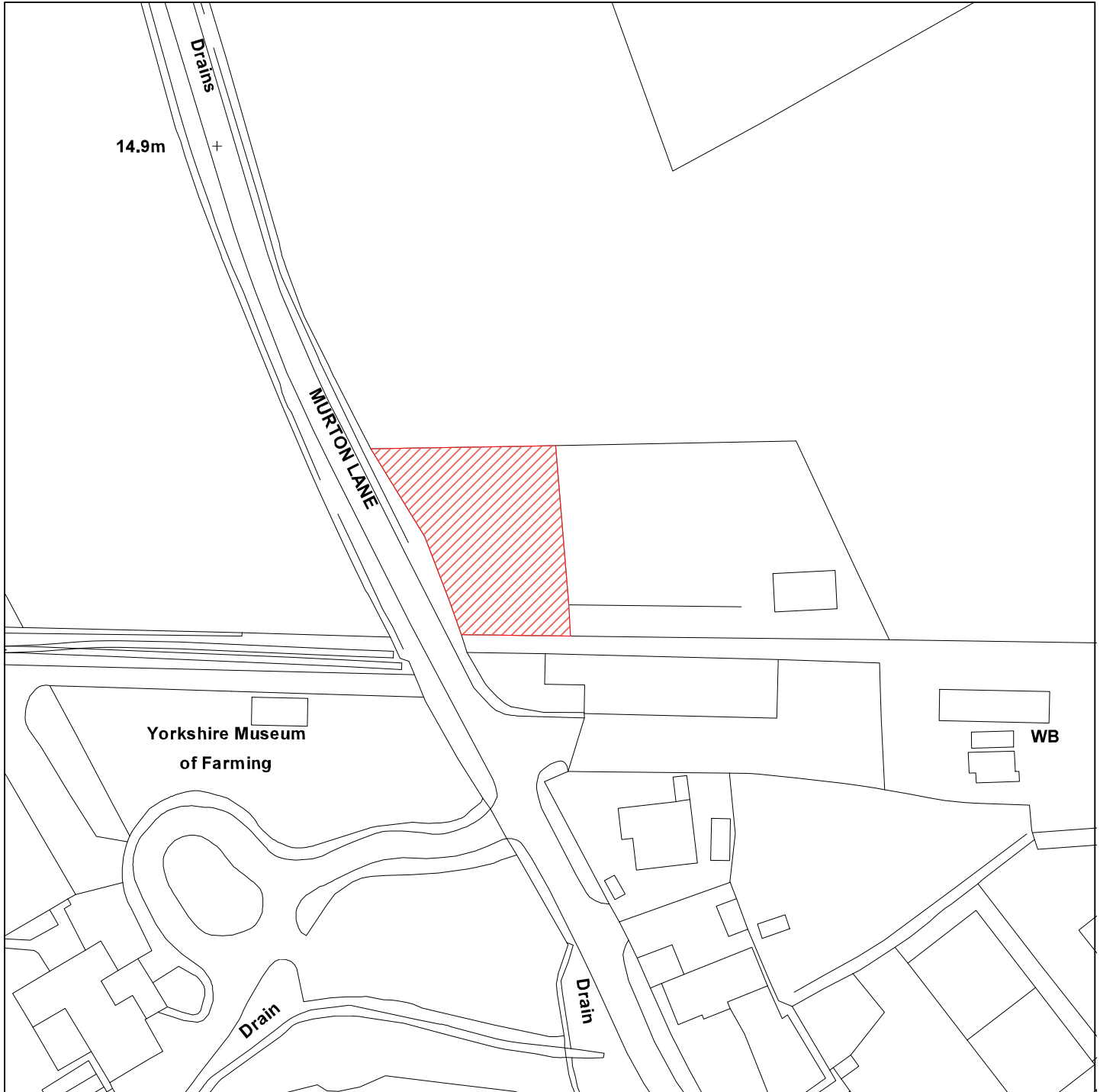
### **Contact details:**

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**Tel No:** 01904 552830

# The Homestead, Murton Lane, Murton

10/01827/FUL



Scale : 1:1250

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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>	01 October 2010
<b>SLA Number</b>	Not set

## COMMITTEE REPORT

**Date:** 14 October 2010                      **Ward:** Clifton  
**Team:** Major and Commercial      **Parish:** Clifton Planning Panel  
Team

**Reference:** 10/01628/GRG3  
**Application at:** The Glen Nursery Ousecliffe Gardens York YO30 6LX  
**For:** Single storey rear extension, 2 no. additional car parking spaces and replacement cycle shelter and storage units  
**By:** Adults, Children And Education  
**Application Type:** General Regulations (Reg3)  
**Target Date:** 21 September 2010  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application relates to the erection of a single-storey, pitch-roofed rear extension measuring approximately 9m x 12m at the rear of an existing care home. The materials mainly comprise rendered walls above a brick plinth grey membrane roof. The internal space will provide two social rooms, a small kitchen area and associated storage all linked to the main building. Two additional parking spaces would be provide with direct access from Ousecliffe Gardens. Access would remain as existing.

1.2 The application is before members at the request of Cllr King and because it is a council application to which objections have been made.

### 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

CYC1  
Criteria for community facilities

CYNE1  
Trees, woodlands, hedgerows

CYHE2



Development in historic locations

### 3.0 CONSULTATIONS

#### 3.1 Internal

Highway Network Management - No objections.

Environment, Conservation, Sustainable Development (Trees)

No objection to the loss of the broad-spreading Cherry (T7). It is not subject to a TPO, is not of high quality and is not significantly visible from anywhere other than within the site. By far the best tree within the grounds and the one with the highest public amenity value is the Sweet Chestnut (T11). This should not be affected by the development proposals. Some protected trees affected by the development are those along the northern boundary immediately adjacent to the proposed building (G2 - T6). These trees are subject to tree preservation order TPO 47 served in 1992. The value of the trees lies in their grouping, resulting in a reasonably substantial block of tree cover, but individually they are not of high value. Nonetheless the Beech (T5) is a reasonable specimen that makes the best contribution to the amenity of the site. However it cannot be readily seen either from Ousecliffe Gardens (private road) or the river Ouse walkway.

The loss of one or two trees within this group would not have a substantial affect on the general public amenity since the trees are only clearly visible at close quarters. Nonetheless, given that the trees are subject to a TPO and contribute to the general sylvan character of the vicinity, they should be protected if at all possible. All these trees are shown to be retained within the proposed site plans. Trees G2 and T3 could definitely be retained without harm thereby retaining the greenery closest to Ousecliffe gardens; but the building is located well within the root protection areas (RPA) of the Ash, Beech and Poplar (T4, T5 and T6) and therefore is likely to cause significant root damage. Personally I think the Ash and the Poplar will be problematic trees in the future so I am not concerned about these, but the Beech should be retained if at all possible.

Therefore if there is a practicable alternative to the extension location/layout that avoids the RPA of at least the Beech tree, then this should be sought. However having inspected the ground floor plans an obvious alternative does not immediately present itself. If this is the case then one must weigh up the benefit and need of the proposed facility against the value of the trees. The trees do provide screening between properties, but the proposal is only single storey and there are opportunities for replacement planting if need be. The loss of the Plum (T19) and planting at the front is regrettable but not so consequential as to warrant refusal. A new small tree could be planted within the reduced planting bed. In summary, the proposal should be revised in order to adequately protect Beech tree T5 if at all possible.

Environment, Conservation, Sustainable Development (Conservation) - The Glen lies within the setting of St. Hilda's Garth, Ousecliffe Gardens (known as Clifton Holme), a Grade II Listed Building. The proposed extension is unlikely to cause

significant harm to the setting of the Listed Building. The setting has been the subject of alteration in the past, following the erection of a number of modern buildings to the south east in Ousecliffe Gardens, including The Glen. The proposed rear extension is partially concealed from view by mature trees at the boundary of the site and is likely to read as part of the existing group of modern buildings that comprise The Glen.

### 3.2 External

Clifton Planning Panel - Does not object but wishes to raise the following issues: The access road is unsuitable for construction vehicles and any increase in traffic. The parking layout should be amended to avoid the loss of a tree.

Public Consultation - The consultation period expired on 30 August 2010. Five objections have been received raising the following issues:

- Access is inadequate
- Additional Traffic
- Design/appearance
- Noise
- Overlooking
- Overshadowing
- Drainage
- Impact on the adjacent listed building
- Construction nuisance

Some local residents are also dissatisfied with the degree of consultation carried out by the council

## 4.0 APPRAISAL

### 4.1 KEY ISSUES

- Design/Appearance
- Highway issues
- Impact on trees
- Impact on the adjacent listed building
- Neighbour amenity

### 4.2 THE APPLICATION SITE

The site comprises a part 2-storey, part single-storey respite care home (The Glen) operated by CYC. It provides short breaks for disabled/special needs children and young people. The proposal would provide much needed additional space for the occupiers. The site is in a predominantly residential area, accessed from a narrow private road. The site backs onto school playing fields.

### 4.3 DESIGN/APPEARANCE

The extension would have a simple, modern design in keeping with the character of the existing building. It would have large areas of glazing to give the building a 'lightweight' external appearance and provide a pleasant environment for the occupiers. It would be low in height (4m to the ridge) to minimise the impact on the

surrounding area and would not be easily visible from any public viewpoint. The buildings in the area have no predominant style or materials. The proposed extension would therefore not look out of place in its surroundings.

#### 4.4 NEIGHBOUR AMENITY

The adjacent occupiers are concerned that the extension would cause noise nuisance due to increased activity at the site, particularly as the building would have patio doors opening onto a terrace. The purpose of the extension is to improve the quality and quantity of the facilities at the home, not to increase the number of residents - which will remain as existing. The patio doors would face into the site not towards adjacent houses. The extension would partially enclose the patio area to the rear of the existing building, thereby helping to contain noise caused by residents using the rear garden. The low height of the proposed extension and existing trees would prevent any material overshadowing of the adjacent dwellings/gardens. The 1.8m fence along the boundary would prevent loss of privacy.

#### 4.5 HIGHWAY ISSUES

By far the main concern of local residents is the effect of construction vehicles on the road surface of Ousecliffe Gardens, a private road. This is not a planning issue. Nevertheless the applicant has confirmed that a schedule of dilapidations will be carried out on the access road prior to the works commencing. In addition to monitoring the condition during the course of the works a final inspection will be undertaken on completion. Any damage caused by the contractors' vehicles will be made good at their expense. The restricted width of the private access road will ensure only smaller construction vehicles will be utilised to minimise any damage. It is also intended to make two of the existing parking spaces available to the contractor to allow off road parking and manoeuvring/turning.

As the number of people occupying the premises would remain as existing the extension, when in operation, is unlikely to cause any additional traffic movements along Ousecliffe Gardens.

The number of parking spaces at the care home would increase from five to seven, one of which would be for disabled users. The increase is to help reduce the need to park on the private road.

#### 4.6 IMPACT ON TREES

The most important trees on the site will be retained and would not be affected by the proposals. However the works would encroach upon the root protection area of one reasonable specimen, a Beech (T5) Whilst it is not of high value it lies in a group, which, together, add to the amenity of the site. Avoiding any impact on this tree, whilst still providing the quantity and quantity of space that the care home seeks would not be feasible. However the extension would be constructed using piled foundations thereby minimising the impact on the root protection area of this tree. The tree that would be lost due to the creation of an extra parking space is small and has low amenity value.

#### 4.8 IMPACT ON THE ADJACENT LISTED BUILDING

The care home lies within the setting of a listed building at Clifton Holme. Nevertheless the extension is unlikely to cause significant harm to the setting, which

has been the subject of alteration in the past, following the erection of a number of modern buildings in Ousecliffe Gardens, including The Glen. The extension would be partially concealed from view by mature trees at the boundary of the site and is likely to read as part of the existing group of modern buildings that comprise The Glen.

## 5.0 CONCLUSION

5.1 The proposal accords with relevant policies of the City of York Local Plan Deposit Draft and is acceptable.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 VISQ8 Samples of exterior materials to be app

3 Before the commencement of development, including felling operations, the importing of materials, or any excavations, a method statement regarding protection measures for the existing trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include a schedule of tree works; details and locations of protective fencing to be shown on a plan; phasing of works; site access during development operations; arrangements for loading/off-loading; parking arrangements for site vehicles; locations for stored materials; location of site cabin. The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles et al.

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

4 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 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.

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

Drawing nos 0986/101, /102, /103, /104 and /003 received 26/07/2010

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

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

1. 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:

Provision of community facilities  
Design/Appearance  
Highway issues  
Impact on trees  
Impact on the adjacent listed building  
Neighbour amenity

As such the proposal complies with policies C1, GP1, NE1 and HE2 of the City of York Local Plan Deposit Draft.

### **Contact details:**

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

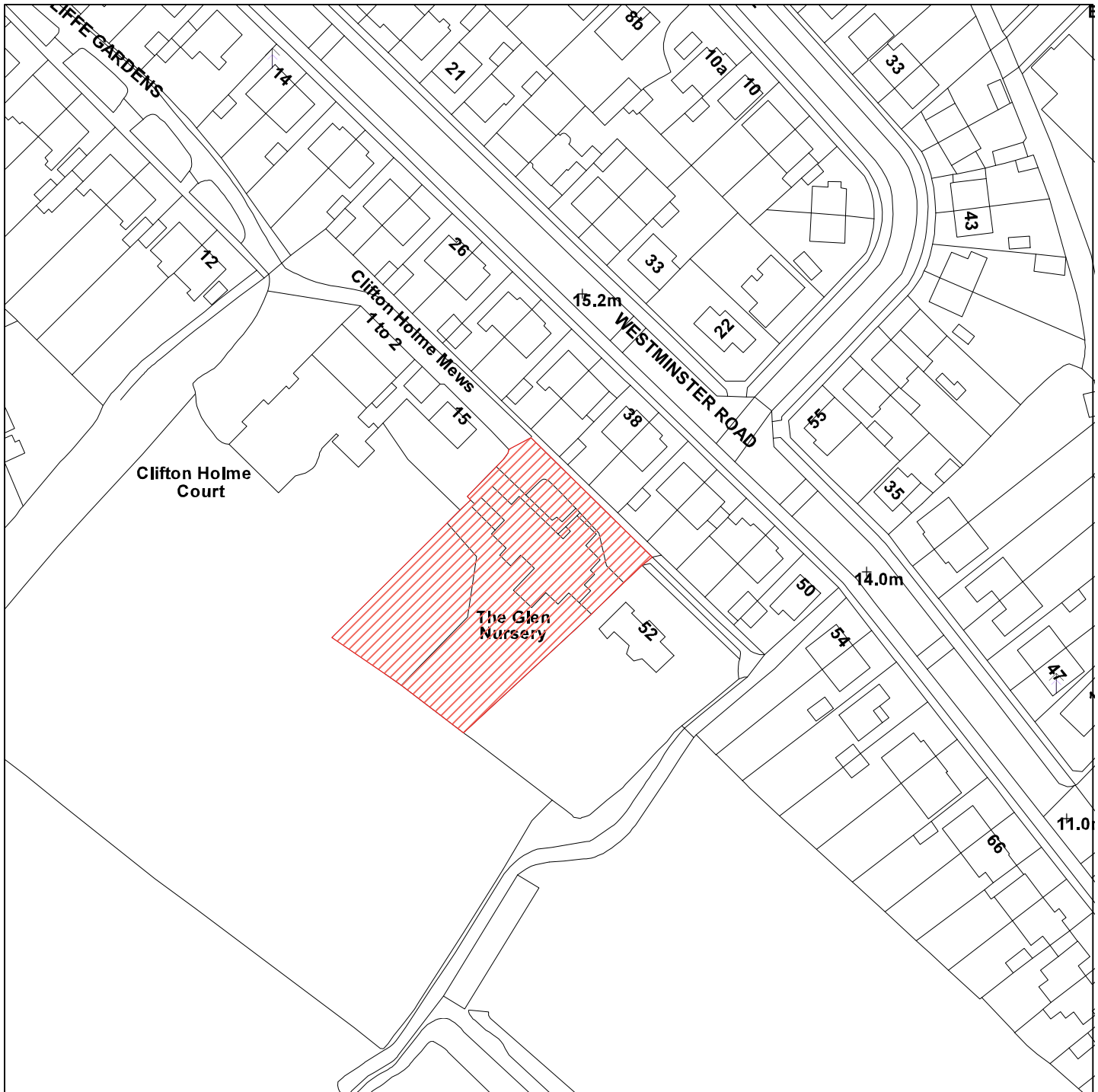
**Tel No:** 01904 552830

# The Glen Nursery, Ousecliffe Gardens, York

10/01628/GRG3



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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>	01 October 2010
<b>SLA Number</b>	Not set

**COMMITTEE REPORT**

**Date:** 14 October 2010                      **Ward:** Fulford  
**Team:** Major and Commercial      **Parish:** Fulford Parish Council  
Team

**Reference:** 10/01868/FUL  
**Application at:** York Designer Outlet St Nicholas Avenue York  
**For:** Temporary siting of public ice rink (November to January) on  
coach park  
**By:** Mrs Maria Farrugia  
**Application Type:** Full Application  
**Target Date:** 26 October 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This application relates to land at the Designer Outlet in Fulford, in particular the coach park adjacent to the adjoining south entrance walkway. The proposal is for the use of the land for the operation of an outdoor recreational ice rink from 12/11/10 to 09/01/11 with opening times of 09.30 to 21.15 every day during this period.

1.2 The rink itself would measure 35 by 30 metres, with a canvas skate hire building to the west and café opposite to the east of the ice rink. A small wooden office and separate first aid building would be just to the south west of the rink, still within the coach park. A similar sized ticket office would sit just to the south of the rink.

1.3 This application has been brought before East Area Planning Sub Committee at the request of Cllr. Aspen so that residents, who have concerns about opening hours, lighting around the Designer Outlet premises and traffic movements, can have an opportunity to raise any points they wish to make in public. A site visit is recommended so that members can fully appreciate the concerns of local residents.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1  
Design

CYGP23

Temporary planning permission

CYGB1

Development within the Green Belt

### **3.0 CONSULTATIONS**

#### **3.1 Internal**

Highway Network Management - No objections.

Environmental Protection Unit - Requested additional information, update to be provided at committee.

Transport Planning - The Designer Outlet is operating extended opening hours in the run up to Christmas with buses running up to 21:30 on Monday to Friday, the ice rink organisers may wish to speak to the relevant parties to have this extended into the new year. Lighting at the centre should remain on to provide safe walking routes for pedestrians wanting to use the bus stops. Safe pedestrian and cycle routes should be identified and clearly marked out. Cycle parking should be provided which is secure and overlooked.

#### **3.2 External**

Fulford Parish Council - No response at the time of writing the report, update to be provided at committee.

Nearby Residents - Objections have been received from the residents of 34, 38, 48 and 52 Naburn Lane, as well as 1 Lingcroft Cottages, Lingcroft Lane. The objections received are summarised below:-

- The lighting would disturb migratory birds on the Fulford Ings SSSI
- Music from the rink would add to disturbance to residents created by the Designer outlet operation particularly at night
- The site is within the green belt where expansion / extension of premises is restricted
- The car parks are already overflowing at this time of year and the attraction would add to parking on Naburn Lane (raising safety concerns particularly for young children) and the slip road to the A19
- The additional noise and disturbance created by occasional events should not be made into a regular occurrence
- Diversification of use at the Outlet was not mentioned when permission was first granted
- Noise experienced by residents of Lingcroft Lane would be of great concern
- The A19 slip road is dangerous for pedestrians and cyclist; additional traffic would compound the danger
- The rink would be only around 100 m from properties on Naburn Lane, only 40 m further away than the rink was from the Courts in York, such that the disturbance would be very similar



Safer York Partnership - No objections.

#### **4.0 APPRAISAL**

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

- Impact on neighbouring amenity;
- Traffic and car parking; and
- Impact on the Green Belt.

##### **IMPACT ON NEIGHBOURING AMENITY**

4.2 Noise and light spillage levels are considered to be the key issues to consider in respect of the potential impact on local residents. The nearest residential dwellings are on Naburn Lane, the curtilage of number 2 Naburn Lane sits around 80m from the proposed ice rink. The carriageway of Naburn Lane, an access road within the Designer Outlet and a substantial area of landscaping sit between the proposed ice rink and the dwellings. Lighting and noise information is being produced and it is anticipated that it will be assessed by the Environmental Protection Unit prior to Planning Committee.

4.3 The ice rink would be operational between 09:30 and 21:15 hours. No lighting (other than security lighting) or public audio system is proposed to be used outside of these times. It is stated by the applicants that noise would be managed and that weekly neighbourhood meetings would take place to allow local residents to voice any concerns so that action can be taken quickly to rectify this. Other than the speaker system, which would be used to play background music and make public announcements, noise would be generated by school choirs and brass bands, which are expected to perform at the site. On the day of writing this report, additional information has been received regarding noise and lighting. This is to be assessed by the Environmental Protection Unit prior to the Committee meeting and an update is to be provided on the day.

##### **TRAFFIC AND CAR PARKING**

4.4 The proposed ice rink and the associated buildings is sited within the coach park. The coach park can house 38 coaches. The proposed development would result in 31 of those spaces being used up with a desire for the remaining 7 spaces to not be used if possible to keep traffic away from the event site. While the ice rink is in place, coaches would be re-directed to the Blue Zone (site of the old park and ride site) of the Designer Outlet's car park. Information collected for the period 01/11/09 to 10/01/10 showed that on average only three coaches visited the site per day.

4.5 Previous information shows that an average days skating attracts approximately 800 skaters split over 10 sessions. It is anticipated by the applicants that the majority of users of the ice rink will be people who were attending the Designer Outlet for shopping purposes regardless. The applicants estimate that around 80 per cent of their customers will be visiting both the Outlet and the ice rink, with just 20 per cent visiting the ice rink. It is stated by the applicants that due to the number of linked trips, the sustainable transport choices available, and the age profile of the expected customers and their tendency to use non-car modes of transport, that the level of

additional traffic and demand for car parking spaces would not cause significant issues. However, this is a new use on a new site so it is difficult to accurately predict this information. Car parking information for the Designer Outlet shows that it is rare for more than 65% of the car park to be occupied, however there are some peak days when the car park almost reaches 100 per cent occupancy. Based on the information provided the Highways team raised no objections to the application. As there are a number of unknowns with regards to traffic generation and car parking, it is considered that a temporary consent only is suitable. The applicants agreed to amend the proposal from a five year temporary consent (November to January) to just one year.

#### GREEN BELT

4.6 The coach park within which the proposed ice rink is to be sited is within the Green Belt. Green Belt Policy GB1 allows for the development of essential facilities for outdoor sport or recreation where it would not detract from the open character of the Green Belt and where it would not conflict with the purposes of including land within the Green Belt. Given that the proposed ice rink is only proposed to be operational on a temporary basis and that the structures are relatively modest in scale in relation to the main shopping centre , it is considered that the proposal complies with Policy GB1.

#### OTHER CONCERNS OF LOCAL RESIDENTS

4.7 A number of local residents raised objections to the proposed development, which have not been addressed above. One of these related to the Fulford Ings SSSI and the impact of the proposal on migratory birds. Advice taken from the Countryside Assistant at the Council was that given the existing level of illumination and lighting at the Designer Outlet, the proposed development is unlikely to have an impact on migrating birds. A further concern was that the Designer Outlet was diversifying and that this was not mentioned at the time of the original application. However, it is considered that plans can adapt and change over time and the proposal should be assessed on its own merits. Concerns raised regarding traffic, amenities of local residents and impact on the green belt have been discussed above.

### 5.0 CONCLUSION

5.1 Subject to the noise and lighting information being considered to provide comfort in relation to the impact on the living conditions of local residents, the application is recommended for approval on a temporary basis.

### COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 This use shall not begin prior to 12th November 2010 and shall cease by 10th January 2011 unless prior to that date the consent of the Local Planning Authority has been obtained to extend the period of the permission.

Reason: So that the Local Planning Authority may assess the impact of this use upon the surrounding area.

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

Drawing Number 1006 Rev P1 received by the CoYC on 31/08/10

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

3 All buildings and equipment used in association with the ice rink shall be removed from the site and the land reinstated to its former condition and use as a coach park at or before 31st January 2011 unless the Local Planning Authority shall first have approved an extension of the period in writing.

Reason: To ensure the coach park is re-instated in line with the requirements of the shopping centre.

4 The hours of operation of the ice rink and associated cafe shall be confined to 09:15 and 21:15 hours Mondays to Sundays. No lights (other than security lighting) or public audio systems shall be in use outside of these hours.

Reason: To safeguard the amenities of local residents.

5 Prior to first use details of all security lighting, including location and hours of use, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with these details.

Reason: To protect the amenities of local residents and in the interests of crime prevention.

6 Prior to the first use of the ice rink, details shall be submitted to and approved in writing by the Local Planning Authority as to how sustainable transport choices will be promoted. This shall include promotion of bus services and safe and illuminated pedestrian and cycle routes. The development shall be carried out in accordance with the approved details.

Reason: For the reasons of sustainability and traffic management.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the amenities of local residents, the impact on the Green Belt, and impact on the local highway network and car parking. As such the proposal complies with Policies GB1, GP1 and GP23 of the City of York Development Control Local Plan and Government policy contained within Planning

Policy Guidance note 2 'Green Belts'.

**2. INFORMATIVE**

It is recommended that during the period of consent visitor numbers be recorded, including the number of linked trips and the mode of transport used. In addition a period of noise monitoring should be carried out. This information would be necessary as part of any future planning application.

**Contact details:**

**Author:** Michael Jones Development Management Officer

**Tel No:** 01904 551339

COMMITTEE UPDATE – 14 October 2010

Plans Item 5d – York Designer Outlet, St Nicholas Avenue, York –  
Ice Rink 10/01868/FUL

**From** Anthony Dean, Principal Environmental Protection Officer,  
Environmental Protection Unit

**Date** 12 October 2010

**Application** 10/ 01868/FUL - York Designer Outlet, St Nicholas Avenue, Fulford,  
York, Temporary siting of ice rink

Further to my original consultation response dated 1 October 2010 regarding the above application I would advise the following.

Upon receipt of the original application EPU expressed initial concern for the potential for loss of amenity to local residents as a result of noise and lighting associated with the proposed ice rink to be located at the Designer Outlet. As a result a request was made for additional information, to be provided by the applicant, to enable EPU to properly and adequately assess the planning application.

Additional information has now been received with regard to these two aspects.

**NOISE**

**a) Noise from music**

As previously stated in my 1 October 2010 response noise from the proposed development is unlikely to result in loss of amenity to neighbouring residential properties. In addition to planning permission, the site will require a premises license to operate and play amplified music. A raft of conditions on the premises license application have been proposed such that noise from music will not be audible at properties on Naburn Lane. Such conditions include regular monitoring of audibility on the footpath directly to the front of properties on Naburn Lane.

**b) Noise from plant and machinery**

Additional information submitted in relation to noise from plant and machinery (generators, chillers, pumps and ice resurfacers) has predicted that noise levels from the development at the nearest residential properties on Naburn Lane are unlikely to cause loss of amenity to residents.

Comparison of the predicted internal noise levels at the residential dwellings with the World Health Organisation (WHO) Guidelines on Community Noise levels show that the 30dB(A) threshold will not be exceeded within properties with windows open to the front elevation.

Furthermore, comparison of the predicted levels in line with British Standard BS4142 show that noise from the site will be of marginal significance to these nearest residential dwellings.

These predictions are based upon the provision of acoustic barriers around plant and equipment, and control on the hours of operation of certain items of plant through condition.

**LIGHTING**

Information submitted by the applicant in relation to lighting at the nearest residential properties from the proposed development has indicated that levels will comply with the requirements of the Institution of lighting engineers guidance note for the reduction of obtrusive light.

I am, therefore, satisfied that the operation of the ice rink will not result in loss of amenity to neighbouring residential dwellings due to light.

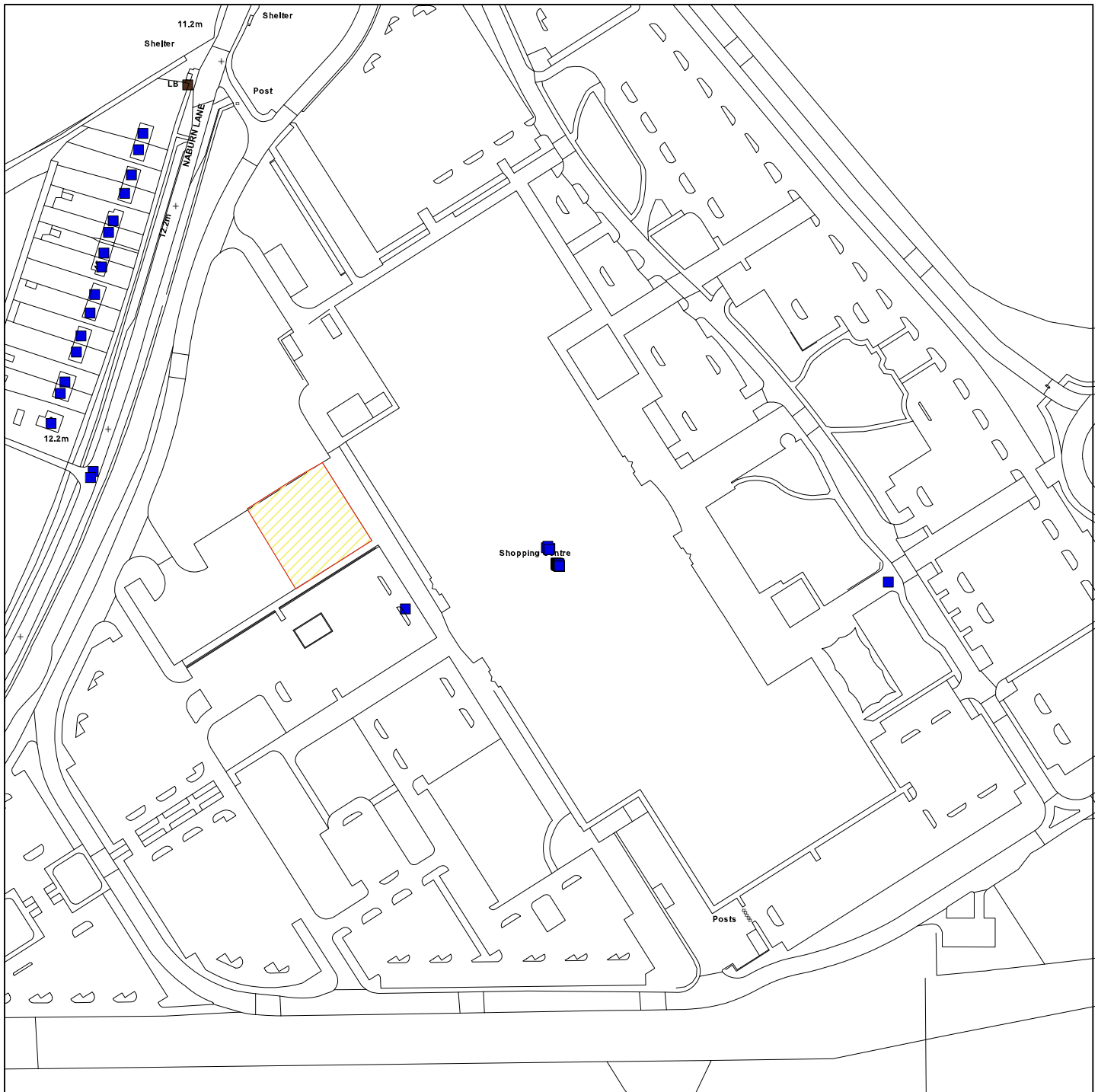
Hours of operation of the proposed lighting is also to be controlled by condition.

# York Designer Outlet - Ice Rink

10/01868/FUL



GIS by ESRI (UK)



Scale : 1:2500

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	05 October 2010
<b>SLA Number</b>	Not Set



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**East Area Planning Sub- Committee****14<sup>th</sup> October 2010**

Report of the Assistant Director, Michael Slater

**79 The Village, Haxby: TPO CYC 279 Birch****Summary**

1. The subject of this report is a mature Birch tree situated on the rear garden boundary that separates 79 and 81 The Village, Haxby. A provisional tree preservation order (TPO) has been served on the Birch in response to a notification for the felling of the tree in Haxby conservation area. Members are asked to consider whether the public amenity afforded by the Birch outweighs the 'inconvenience' caused to the occupants of 79 and 81. The Village and their neighbours, as sited in the objections to the serving of the order. Subsequently, the options are i) to decide to confirm the TPO or ii) decide not to confirm the TPO, in which case the Birch tree may be removed.

**Background**

2. The local planning authority (LPA) received a six week notice of the owner's request to preferably remove the tree, or otherwise crown reduce it (ref: 10/00255/TCA). The tree was not previously subject to a TPO. Anyone proposing to cut down or carry out work on a tree in a conservation area is required to give the LPA six weeks' prior notice (a 'section 211 notice'). The purpose of this requirement is to give the LPA an opportunity to consider whether a TPO should be made. The LPA can deal with a section 211 notice either by deciding not to make a TPO, with the result that the owner may proceed with the works (as long as it is carried out within 2 years of the notice); or serve a TPO on the tree in order to retain it in the interests of amenity.
3. The reason given in the notification to fell the tree is it is too 'close to properties 79 and 81 thus endangering life and structure'.
4. Following a site visit, it was the tree officer's opinion that the tree should be retained because it is a good specimen and adds to the amenity of the area in particular as viewed from Sandyland.
5. Consequently a tree preservation order was served to prevent removal of the tree. Reasons for serving the order are given as follows: 'This tree adds to the visual amenity of this area. It is considered appropriate to make a Tree Preservation Order to ensure the welfare, shape, form and character of the tree is retained and safeguarded, as it makes a significant contribution to the visual amenity of the locality as viewed from the road and public footpath.'
6. The owner, occupier and immediate residents were informed of the serving of the provisional order.



7. This item has been brought to the attention of the planning sub-committee because objections to the serving of the order have been received by the local planning authority and the officer is minded to confirm the TPO.

## Consultation

3. On receipt of the notification to remove the Birch (ref:10/00255/TCA) the local authority informed Haxby Town Council and both immediate neighbours, none of which raised any objections to the suggested removal of the tree.
4. Following the serving of the tree preservation order, written objections were received from the occupants at 81 The Village expressing that the tree 'severely' abuts into the garden of no.81.

The Church of England Pensions Board who are part owners of 81 The Village requested a report by arboriculturalist Mark Feather seeking his views as to whether the TPO is justified. The most pertinent points are as follows: From The Village the tree is partially obscured making its impact minimal, but the tree appears to be an attractive specimen from the south in an area devoid of any major trees, and is therefore of sufficient quality and amenity to justify a TPO. However the tree is approximately 19m high with an average crown spread of 6m radius. The gardens of the properties are small and narrow, resulting in the crown of the tree extending over three gardens. The crown covers a good proportion of 81 The Village and half the garden area of 79 The Village. It is only 6m from the rear of the property. Whilst the tree is an attractive specimen it does appear to be an unreasonable inconvenience to the adjacent properties.

The neighbour at 81 gave their own summary of the findings as follows, The inconvenience caused to 81 is: extensive shade; profuse shedding of small branches, pollen, seed, leaves and catkins; pigeons sitting in the trees and fouling the pavement and washing line.

In discussion with the occupant at 79 similar annoyances were expressed, in particular about small branches, including live wood, breaking out of the tree.

## Options

4. The options are to either i) confirm the TPO or ii) not to confirm the TPO in which case the Birch tree may be removed. Whilst the neighbour at 81 has offered to provide a smaller, slower-growing replacement tree such as an apple or plum, the LPA can not apply conditions to this decision and therefore should committee decide not to confirm the TPO a replacement tree can not be officially requested or guaranteed.

## Analysis

5. The Birch tree is mature and is very likely to have achieved its full size by now. It appears to have grown unrestricted resulting in a broad-spreading crown that can be clearly seen along the length of Sandyland, which is otherwise devoid of significant trees. Sandyland is not within the conservation area.
6. The conservation area boundary bisects the rear gardens of properties 75-83 The Village, Haxby. The Birch is just within the conservation area.
7. The top of the Birch can be viewed over the roof tops from The Village but its contribution to the amenity of the conservation area is small. There are a

- number of other good mature birches within the grass verges along The Village. Birch is a relatively fast growing tree and not an uncommon species.
8. It is a broad, sizeable Birch that overhangs the gardens of 79 and 81, and even reaches the boundaries of 83 and 77. It is located approximately half way down the garden, as opposed to the bottom, thus dominating a considerable portion of the garden area.
  9. It is only 6.5m from the single storey extension of 81 that houses a study and bathroom. In the opposite direction it is 6.5m from the garage. This should not be problematic if the tree is kept in a safe condition by regular inspections and tree surgery if required. Birch has a relatively low water demand and a fine rooting system therefore should not pose subsidence problems – indeed none are cited. However as it is positioned on the south side of the row of dwellings this proximity does result in considerable shading of a number of properties at certain times of the day and year.
  10. Seasonal fall i.e. leaves, seeds and catkins are a normal part of a trees processes and are on the whole not considered to be such an inconvenience as to warrant the felling of trees. Similarly, it is part of nature's processes for birds to perch in trees and foul. It is not unusual for small amounts of wood to drop out of a tree of this maturity. Dead wood and broken branches may be removed from a tree without requiring notification to the LPA; nonetheless there is an ongoing need for maintenance in this respect.
  11. Removal of the tree would result in the loss of a significant feature from Sandylands, but would provide relief for the owner and immediate neighbours.
  12. The Birch is in fair condition therefore does not warrant removal on arboricultural grounds at this time. Nonetheless its safe useful life is probably limited to approximately 10-15 years, during which time some remedial tree surgery may be required.
  13. Due to the age and species of the tree, a crown reduction is not recommended, however one limb could be reduced to reduce its weight and risk of failure resulting from a previous loss of limb that may weaken the junction. A crown reduction is possible though not recommended since it would significantly reduce the tree's amenity value and thus its suitability for protection, and is generally not good practice for a tree of this age and species unless required to make the tree safe.

### **Corporate Priorities**

14. One of the council's corporate strategies is to 'make York a sustainable city', with an aim to be 'green, reducing our impact on the environment while maintaining York's special qualities'. The Council has an obligation to maintain and 'improve the quality of the local environment'. Where feasible trees should be retained as they provide a habitat, and shade in the summer months, reduce pollution, and improve the amenity and hence enjoyment of a street's environment.

### **Implications**

15.
  - **Financial** No implications
  - **Human Resources (HR)** No implications
  - **Equalities** No implications

- **Legal** Following the Committee's decision, Legal will send a copy of the order, signed either confirmed or unconfirmed, to the tree owner and other representatives.
- **Crime and Disorder** No implications
- **Information Technology (IT)** No implications
- **Property** No implications
- **Other** N/A

### **Risk Management**

16. No known risks. Despite the council serving a tree preservation order, the liability of the tree still lies with the tree owner. Applications to carry out works to the tree can still be made and if refused, the normal course of appeal can be followed.

### **Recommendation**

17. Recommendation: Confirm the Tree Preservation Order

Reason: The tree is a large attractive specimen that offers a high public amenity value from Sandyland, a street that is otherwise lacking in trees, and would probably continue to do so for 10 more years or so.

### **Contact Details**

**Author:**  
*Esther Priestley*  
*Landscape architect*  
*Design & Conservation*  
*551341*

**Chief Officer Responsible for the report:**  
*David Warburton*  
*Head of Design, Conservation and*  
*Sustainable Development,*  
*City Strategy*  
*Planning & Sustainable Development*

Report Approved  Date *5 October 2010*

Report Approved  Date *Insert Date*

**Specialist Implications Officer(s)**  
*Jenny Colley*  
*Legal Services*  
*552093*

**Wards Affected:** *Haxby and Wigginton*

All

For further information please contact the author of the report

**Background Papers:**

Report by Mark Feather BSc M Arb RFS 8th May 2010

**Annex 1**

Tree preservation order CYC 279 Schedule 1 and map

**Annex 2**

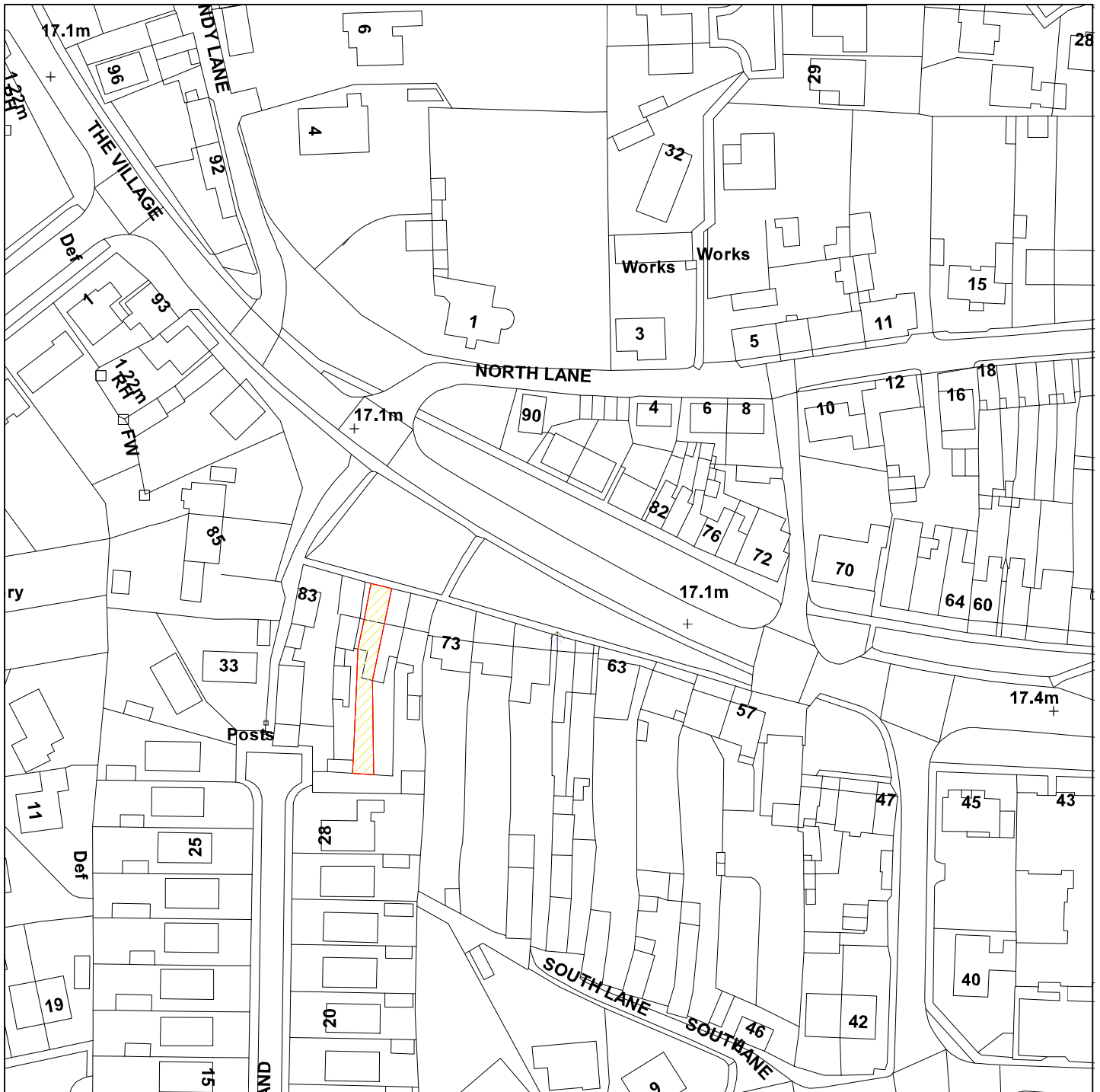
Haxby conservation area boundary

# 79 The Village, Haxby

10/00255/TCA



GIS by ESRI (UK)



Scale : 1:1250

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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>	01 October 2010
<b>SLA Number</b>	Not set

**Mark Feather** BSc M Arb RFS  
Arboricultural, Woodland and Landscape Consultant

10 Grosvenor Place  
Beverley  
East Yorkshire  
HU17 8LY  
01482 871064

Mr & Mrs J Carden  
81 The Village  
Haxby  
York  
YO32 2JE

8<sup>th</sup> May 2010

Dear Mr and Mrs Carden

**Birch Tree – 79 The Village, Haxby, York**

I refer to our site meeting on the 4<sup>th</sup> May 2010 regarding the birch tree in your neighbour's garden. I understand that your neighbour submitted an application to York City Council to remove the tree as it is situated within a conservation area. The Council in effect refused that application by making the tree the subject of a Tree Preservation Order. The order was made on the 21<sup>st</sup> April 2010 and you are now seeking my views on the tree and whether a preservation order is justified.

**The Birch Tree**

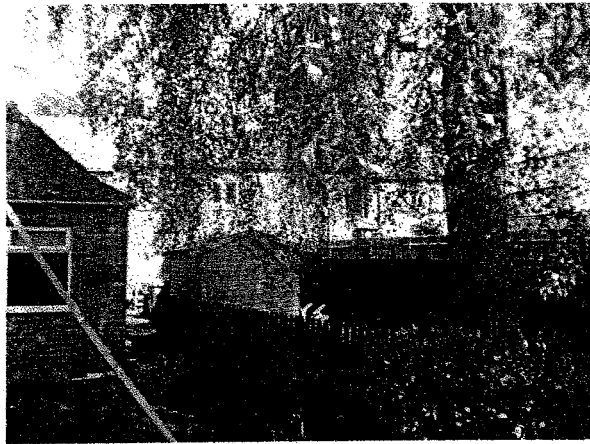


*View from Sandyland Road to the south*

From the main highway to the north the tree is partially obscured by housing so its impact from that direction is minimal. However, as the photograph above illustrates the tree does appear to be an attractive specimen when viewed from the south.

The tree does therefore appear to be of sufficient quality and amenity value to justify the protection of a Tree Preservation Order.

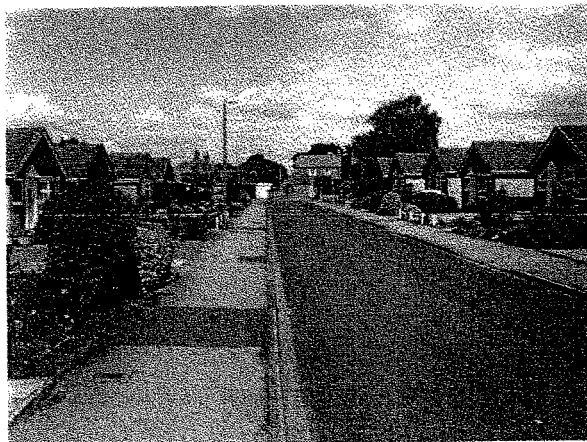
However, the tree is approximately 19m in height with an average crown spread of 6m radius. The gardens of the properties are only small and narrow which means the crown of the tree extends over 3 gardens. In respect of 79 The Village the crown of the tree covers over half the garden area and a good proportion of the garden of 81 The Village. The tree is also only 6m from the rear of the nearest property.



*View from the garden of 81 The Village*

The huge dimensions of the tree cause it to dominate the gardens and the rear aspects of the adjacent properties. Situated to the south of the properties the tree will also cause shading, especially the late afternoon and evening sun, to the properties to the east. So whilst the tree is an attractive specimen it does appear to be an unreasonable inconvenience to the adjacent properties to expect people to live with the tree in the long term.

The tree forms a relatively isolated specimen in an area devoid of any major trees. Indeed the lack of trees in the gardens to the south is noticeable as illustrated in the photograph below.



*View from Sandylands*

In conclusion the tree is without doubt an attractive specimen but it would appear too large a specimen to be comfortably accommodated within the relatively small gardens. It is also slightly ironic to protect a tree for the benefit of residents to the south when the majority of these properties have no trees.

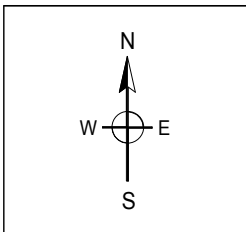
I hope these comments are useful and please do not hesitate to contact me if you wish to discuss this matter further.

Yours sincerely

A handwritten signature in black ink that reads "Mark S Feather". The signature is written in a cursive style with a long horizontal stroke at the end of the word "Feather".

Mark Feather BSc MArb(RFS) Tech Arbor A





**TPO No.: CYC279 - 79 The Village, Haxby, York**

SCALE: 1:1250      DRAWN BY: User Name      DATE 25/3/2010

Originating Group: Organisation      Drawing No.

**SCHEDULE 1  
SPECIFICATION OF TREES**

**Trees specified individually**  
(encircled in black on the map)

Reference on map	Description	Situation
T1	Silver birch	In the rear garden of 79 The Village, Haxby, York GR 460429 458234

**Trees specified by reference to an area**  
(within a dotted black line on the map)

Reference on map	Description	Situation
	None	

**Groups of trees**  
(within a broken black line on the map)

Reference on map	Description	Situation
	None	

**Woodlands**  
(within a continuous black line on the map)

Reference on map	Description	Situation
	None	



9, St. Lawrence Place, York, YO1 2ET  
Telephone: 01904 616161

**Conservation Area No. 22**  
**HAXBY**

Area is 8ha.

Drawn by D Rowntree

DATE 16/01/2001  
Drawing No. CON 22

Conservation  
Programme Code

SCALE 1:2500

Project

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York City Council LA 00003



**COMMITTEE REPORT**

**Date:** 14 October 2010                      **Ward:** Strensall  
**Team:** Major and Commercial      **Parish:** Strensall With Towthorpe  
Team    Parish Council

**Reference:** 10/01784/FUL  
**Application at:** 5 Northfields Strensall York YO32 5XN  
**For:** Erection of 3no. dwellinghouses to rear of 5 and 6 Northfields  
(resubmission)  
**By:** Moorside Developments Ltd  
**Application Type:** Full Application  
**Target Date:** 8 October 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This is a full planning application for the erection of three terraced properties on land to the rear of 5 and 6 Northfields, Strensall.

1.2 The site is an area of land that was previously part of the rear garden area of 5 and 6 Northfields. The land has a frontage to Netherwoods, a small cul-de-sac located to the south of Northfields, from which it is proposed to access the site. The site extends to an area of 0.0424 ha.

1.3 The proposal is to construct a terrace of three, two bedroomed, dwellings running east to west on the site. Although referred to as two bedroomed dwellings, two of the units include staircases to the second floor, which is referred to as a "work from home" space but could effectively function as a third bedroom. Access to the dwellings would be via three single access points serving parking spaces in front of each unit. Cycle storage is provided in the rear garden of each unit and bin/recycling storage is to be provided in two areas on the west and east sides of the site. Cycle storage is within three separate timber, vertically boarded, buildings each measuring 1.2 metres by 2.2 metres with mono pitched roofs and a maximum height of 2.7 metres.

1.4 The proposal shows a terrace of properties with a built frontage to Netherwoods of approximately 16.5 metres and the units being approximately 8.5 metres deep. The terrace is designed with a pitched roof, so that the units are two storey with a second floor in the roof space of two of the units on the east side and centre part of the terrace, standing 5 metres high to eaves and 8.2 metres to apex. The unit on the west of the site is two storeys with no room in the roof space with a height to eaves of 4.3 metres and a height to the ridge of 7.2 metres.

**Planning History**

1.5 Planning permission was refused for the erection of two semi detached houses in February 2006 (planning reference 05/02597/OUT). The reasons for refusal

related to the density of the development being out of character with the street scene, the loss of landscape features on the site, proposed access to the site and relationship with properties on Northfields.

1.6 Planning permission was granted of a single dwelling on the site in April 2007 (planning reference 06/02710/FUL).

1.7 Planning permission was refused in August 2009 and dismissed on appeal in December 2009 for the erection of a terrace of four properties. The reason for refusal on this application was the density of the development leading to an excessive area of hard surfacing to the front of the site, and the positioning of cycle and bin storage being located in a visually prominent location, would be detrimental to the visual quality of the area. The appeal supported the view that the amount of hard surfacing to the front of the site would be detrimental to visual amenity of the location.

1.8 Planning permission was refused in March 2010 for the same scheme that is now before committee. The application was refused based on the affect of the development on the character and appearance of the area. Although the subsequent appeal was dismissed, the Inspector concluded that the proposal would respect the character and appearance of the area and would accord with policies H4a and GP12 of the Draft Local Plan. The appeal was dismissed solely because the Inspector took the view that a commuted sum for open space could not be secured by way of condition but that it was reasonable that such payment was a legitimate requirement arising from the development of the site. Partial costs were awarded against the Council, as the Inspector considered that its reasoning in relation to the harmful impact of the proposal on the character and appearance of the area was, in her opinion, unsubstantiated.

## **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:

CYSP6  
Location strategy

CYGP1  
Design

CYGP4A

Sustainability

CYGP9  
Landscaping

CYGP10  
Subdivision of gardens and infill devt

CYL1C  
Provision of New Open Space in Development

### **3.0 CONSULTATIONS**

#### INTERNAL

3.1 Highways Network Management - Comments awaited

3.2 Life Long Learning and Leisure - A contribution is required for off- site amenity space

3.3 Landscape Architect - This latest application for three units, instead of four, presents greater scope for planting within front gardens, thereby enabling a better street frontage. Additional landscape areas are suggested full landscaping should be conditioned.

3.4 Structures and Drainage - No objections in principle further detailed information about water run off, levels and attenuation measures are however required

3.5 Environmental Protection - No objections to the development. An informative is requested, as dust and noise could be a nuisance during the construction phase

#### EXTERNAL

3.6 Strensall with Towthorpe Parish Council - The Parish Council objects on the same grounds as with 10/00087/FUL- A development of three terraced houses is not in keeping with the style, design and layout of other buildings in Netherwoods, the bulk and massing of the proposed development would dominate the houses opposite, the level of car parking generated by this development and visitors to these properties will obstruct the road and increase the numbers of trips arising. If approval were to be given to this application green planting as proposed should be conditioned to be retained and the hedge and edge of the road should be replanted as a permanent feature of the development. In addition the land has been reclassified to greenfield land under PPS3, the section 106 agreement information is confusing, it is requested that the application is dealt with at committee.

3.7 Yorkshire Water Authority - No objections in principle however unsatisfied with some of the information submitted and require details of drainage to be agreed through condition.

## PUBLICITY

3.8 The application was advertised via a site notice posted on the 24th August 2010 and via neighbourhood notifications.

3.9 Five letters of objection have been received covering the following points:-

- Consider that the communication of the "Chief Planner" on 15th June should take precedent over the appeal decision when which states 'These changes emphasise that it is for local authorities and communities to take decisions that are best for them, and decide for themselves the best locations and types of development in their areas'
- The amendments to PPS3 effectively redefine the Netherwoods site as greenfield land.
- The findings of the Planning Inspector and the author of the sustainability report are challenged
- The application still conflicts with Policy GP1, the Inspector states she is merely offering an opinion that the development accords with national and local plan policies on sustainability and that the scale and mass is almost identical to the previously approved dwelling. This view misses the point there would be three dwellings as opposed to one increasing the carbon footprint in a variety of ways: water and energy use would increase within the building, bus service is being cut and is inadequate to reach main areas of shopping and employment. to claim that Strensall is within cycling distance of York is a nonsense.
- Each dwelling would need 2 cars. Paragraph 52 of PPS3 states that residential parking standards should take account of the expected levels of car ownership. Highways should look at this site again.
- The Inspector considers that the proposal accords with policy H4a but the density is still too high.
- A fresh realistic sustainability statement should be drawn up
- Objections are not 'clutching at straws' but represent the guidance offered in the national and local plan policy documents
- Scheme provides 3 parking spaces for 9 bedrooms the original single house approved provided 4 spaces for 5 bedrooms
- Affordable housing should match private parking ratios as set out in affordable housing advice note
- Inspector considers that parking standards meet the national minimum standards but it does not meet the Councils own planning guidance
- Inspector's opinion is at odds with local opinion and that of the council
- Landscaping is of no importance to Moorside Developments since they destroyed a 6ft hedge. The dismissive attitude to landscaping has had a serious knock on effect for Netherwood residents
- overflow car parking and related traffic hazard within Netherwoods continues to be ignored
- Reasons for previous refusals are still valid
- Applicant has not addressed previous concerns that the proposed development is not appropriate to the character and appearance of the area by virtue of its greater density
- Light will be severely reduced into properties on Northfields

## 4.0 APPRAISAL

### 4.1 Key Issues

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

### Policy Background

4.2 This planning application is for the erection of a terrace of three no. 2 bedrooomed dwellings. Two of the dwellings have a "work from home" room within the roof space.

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

4.4 Planning Policy Statement 3 - 'Housing' (PPS3) sets out Government policy on housing development and encourages more sustainable patterns of development through (but not exclusively) the reuse of previously developed land, more efficient use of land, reducing dependency on the private car and provision of affordable housing. PPS3 also advises that car parking standards that require more than 1.5 spaces per dwelling are unlikely to secure sustainable development. In terms of design PPS3 states that careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate. However when well designed and built in the right location it can enhance the character and quality of an area. Paragraphs 12 to 19 sets out further criteria for achieving high quality design. In June 2010 the Government made two key changes to PPS3. The first relates to the definition of previously developed land in annex B of the document - the definition now excludes private residential gardens (now classed as greenfield land). The second change removed the national indicative minimum housing density of 30 dwellings per hectare from paragraph 47 of the statement. It is important to note that the recent appeal decision was dated 9 August 2010, i.e. after the amendments to PPS3 were made in June 2010.



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

4.6 Policy H4a of the Draft Local Plan states that proposals for residential development on land not already allocated on the Proposal Map will be granted planning permission where the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings, and the site has good accessibility to jobs, shops and services by non-car modes. The policy requires new developments to be of an appropriate scale and density to surrounding development, and not to have a detrimental impact on existing landscape features. Policy H3c seeks to achieve a mix of house types, sizes and tenures on all residential development sites where appropriate to the location and nature of the development. Policy H5a requires the scale and design of proposed residential developments to be compatible with the surrounding area and not to harm local amenity.

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

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

- Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development. Development should: provide details setting out the accessibility of the site by means other than the car and, where the type and size of development requires, be within 400 metres walk of a frequent public transport route and easily accessible for pedestrians and cyclists; contribute towards meeting the social needs of communities within the City of York and to safe and socially inclusive environments; maintain and increase the economic prosperity and diversity of the City of York and maximize employment opportunities; be of a high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City; minimize the use of non-renewable resources, re-use materials already on the development site, and seek to make use of grey water systems both during construction and throughout the use of development. Any waste generated through the development should be managed safely, recycled and/or reused. The 'whole life' costs of the materials should be considered; minimize pollution, including that relating to air, water, land, light and noise; conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife area and room for trees to reach full growth; maximize the use of renewable resources on development sites and seek to make use of renewable

energy sources; and make adequate provision for the storage and collection of refuse and recycling.

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

- Policy GP10 states that the subdivision of gardens and infilling will only be granted to provide new development, where this would not be detrimental to the character and amenity of the local environment.

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

#### Principle of residential development on the site

4.8 The key aim of local and national policy is to locate new housing in sustainable urban locations, with the emphasis on previously developed land. Policy H4a relates to housing developments within existing settlements and states that permission will be granted within defined settlement limits for new housing developments on land not already allocated on the proposals map, where the site is vacant, derelict or underused land where it involves infilling, redevelopment or conversion of existing buildings. The scheme must be of an appropriate scale and density to surrounding development and should not have a detrimental impact on landscape features. Policy GP10 states that permission will only be granted for subdivision of existing garden areas or infilling where this would not be detrimental to the character and amenity of the local environment.

4.9 Both of the previous appeal decisions conclude that the principle of development on this site is acceptable, the key issue being the amount of development that would be appropriate. The Inspector on the most recent appeal for the three units states, "regardless of whether the site was previously developed (brownfield) or greenfield the proposal would accord in principle with national and local plan policies, which seek to focus new residential development on sites in sustainable urban locations such as this". In considering this re-submission, significant weight should be attached to the Inspectors conclusions, which were formed after the recent changes to PPS3 in relation to the definition of previously developed land and minimum densities.

4.10 So far as the changes to Planning Policy Statement 3 are concerned, the removal of residential gardens from the definition of previously developed land does not introduce a general presumption against the development of gardens, it merely removes this as a positive factor in determining such applications. Any scheme still has to be judged against the impact on the character of an area, the impact on adjacent residents and any other material considerations. The appeal Inspector clearly considered the proposal to erect three dwellings on the site to be acceptable in these respects. As such the principle of the proposal to erect three dwellings on the site is considered to comply with local and national policies.

## Design and Landscaping

4.11 When the previous application for three dwellings on this site was considered, the officer's report stated:

"The previous application for the four dwellings consisted of a similar footprint to the original approval for one dwelling. The development was also lower in height and had a smaller volume. The scheme now submitted has a slightly bigger footprint than the original house but has a lower height and, according to the applicant's Design and Access statement, is the same volume overall. In design terms the structure proposed and that approved as a single plot are still considered to be visually similar, particularly since the submission of an amended plan which reduces the height of the eastern part of the block.

The decision on the application for the four units, which was refused and dismissed on appeal, in addressing the totality of the scheme, concluded that the hardsurfacing for parking access and storage areas for bicycles and refuse was detrimental to the character and quality of the area, which in the Council and the Inspectors view, failed to respect the existing character and appearance of Netherwoods. The character of Netherwoods is to a significant extent defined by the quality of the landscape settings of the dwellings. The current proposal, by virtue of the reduced number of dwellings to three compared with the previous scheme for four dwellings, incorporates a reduced level of hardstanding to the street frontage, which allows for the inclusion of additional landscaping. The plans show that there will be a vehicular access for each property of approximately 3 metres in width, giving a total hard surface of 9 metres along the frontage with approximately 11metres of hedged boundary, behind which will be landscaped areas. Although this would still result in the ratio of planting to hardsurfaced area being less than that of the surrounding properties, officers consider that the level of planting will be sufficient to maintain the character of the area, and as a result the scheme could no longer be said to detract from the character and amenity of the area. The Landscape Architect indicates that the amended scheme enables a better street frontage to be provided." (N.B. Prior to the determination of the application the width of the 3 metre drives were increased to 3.2 metres meaning the balance of hard surfacing to soft landscaping was slightly changed)

4.12 Notwithstanding the officer recommendation of approval, the application was refused for the following reason:-

'It is considered that the proposal would constitute an over - intensive form of development occupying almost the full frontage of the site, necessitating car parking being located to the front of the dwellings, resulting in a harsh and incongruous street frontage relative to the remainder of the street. It is considered that the quantity and quality of the landscaping interspersed with areas of hardsurfacing would fail to respect the character, appearance and visual distinctiveness of the area, which to a significant extent is defined by the quality of the landscaped setting of the dwellings. As a consequence, the proposed development is not considered to be appropriate to the character or appearance of the area and is, therefore, contrary to Central Government advice contained within Planning Policy Statement 1: "Delivering Sustainable Development", Planning Policy Statement 3 "Housing" and

policies H4a, GP1 and GP10 of the City of York Draft Local Plan (Incorporating the Fourth Set of Changes) (2005).'

4.13 The Inspector on the appeal against the decision concluded that:-

"The reduced amount of hardstanding in the scheme before me results in significantly more space being available for soft landscaping, compared to that for four dwellings. Indeed, the total amount of landscaping at the front would not be dissimilar to that shown on the plan for the approved single detached dwelling. In my opinion, the scheme before me would provide a good balance between developing the site in an efficient manner while providing adequate off-street car parking and meaningful landscaping.

While I appreciate that some dwellings nearby have larger front gardens, particularly the more traditional ones, this proposal would be comparable with some of the more modern dwellings nearby, such as those opposite. Moreover, the submitted plans show how the front garden areas would be landscaped and include strips of hedging along the frontage, which would be sufficient to give a sense of enclosure. This would also help the proposal to blend in well with the nearby dwellings, some of which have front boundary hedges. As such, I consider that the proposal would respect the character and appearance of the surrounding area and accord with Local Plan policies H4a and GP1."

4.14 Based on the conclusions of the original committee report and that of the appeal Inspector, the design and landscaping for this scheme are considered to be acceptable. The Council's Landscape Architect notes that the importance of landscaping to the character of the street is recognised in the Inspector's report therefore the effectiveness of the landscape detail must be given due attention. Landscaping areas have been included as suggested by the Landscape Architect and full landscaping is conditioned.

#### Highways, Access and Parking

4.15 The concerns raised by local residents and the Parish Council regarding this development from a highways perspective are considerable. The main concerns focus on the lack of parking within the site leading to additional hazards for on street parking on a road that is narrow and located at the entrance to a cul-de -sac. The previous application for four properties on this site, which included four parking spaces for four houses, was considered to be acceptable on highway grounds as was the last scheme for the three dwellings. Highways Network Management have raised no objections to this application subject to conditions requiring the proper implementation of the scheme.

4.16 Conditions are recommended to ensure that hardsurfacing is not extended without permission by both requiring full details to be submitted and agreed prior to the commencement of the development and by removing permitted development rights for future hardsurfacing areas.

## Impact on surrounding properties

4.17 In comparison to the original scheme for one dwelling, the depth of the building is increased on this application meaning that the overall footprint is slightly larger. The depth on the western side will increase from 6.8 metres to 8.4 metres when compared with the original scheme. One metre of the new depth is at single storey only, the remaining part of the end elevation facing the west boundary has been reduced in height to 4.3 metres at the eaves and 7.2 metres to the ridge, reflecting the original height of the permission for the single dwelling. Officers consider that the impact of the proposed development on the adjacent property to the west of the site, 12 Netherwoods, will remain similar to the approved scheme. On the eastern side of the site the building is again slightly deeper at 8 metres compared with 7.5 metres for the original dwelling, with one metre of the proposed structure at single storey only. The structure on the east side has also been moved back into the site by 1.5 metres. The end elevation on this side will be the same height to eaves as the single dwelling approved (5 metres) and about 0.5 of a metre lower at the ridge. Officers are satisfied that the changes in terms of impact of this scheme when compared with the approved dwelling are minimal and would not justify refusal of this proposal. The impact on properties to the north and south of the site would also be broadly the same as the approved single dwelling.

## Sustainability

4.18 The application is supported by a sustainability statement, which indicates that the development will achieve Code for Sustainable Homes level 3. The scheme also includes photovoltaic panels to the roof and rainwater harvesting system for the units. The submitted information is considered to meet the requirements of GP4a and the Interim Planning Statement on Sustainable Design and Construction.

## Open Space

4.19 Under Policy L1c there is an open space provision requirement for this site. The most recent appeal failed because the Inspector concluded that there was no mechanism by which the requirements of Policy L1c could be achieved. The Inspector did not consider it appropriate to impose a condition to require the money to be paid and a legal agreement was not submitted with the application. Rather unusually the applicant has chosen to pay the required open space contribution prior to the application being determined. The sum paid was £1689, with a further sum being paid to discharge the condition on the application for the single dwelling which has been commenced on site. This sum was £2037, bringing the total amount paid to £3726, i.e. the amount required for the three dwellings. The payment of the money has effectively discharged the requirements of Policy L1c for a commuted sum towards open space. Any condition imposed has therefore already been complied with. However officers propose to impose the condition so that it is clear that the monies are a necessary element of the application being approved. The condition can be discharged if the application is approved or returned if the application is refused.

## Drainage

4.20 The development is in low risk flood zone 1 and should not suffer river flooding. The application is supported by drainage strategy however further detailed information is required. It is considered that a suitable drainage scheme could be achieved for the site and appropriate conditions could secure the information required.

## 5.0 CONCLUSION

5.1 The principle of new residential development on the site conforms to local and national policies and is considered to be acceptable. This view is supported by the appeal Inspector who determined the recent appeal.

5.2 The particular design of the scheme for three dwelling units in terms of the bulk of the building and its relationship to adjacent properties is considered to reflect the approved single dwelling and is considered to be acceptable.

5.3 The Council's Landscape Architect indicates that the scheme for three dwellings enables a better street frontage to be provided (in comparison to the previous application for four dwellings). The Landscape Architect also notes that the importance of landscaping to the character of the street is recognised in the appeal decision, therefore the effectiveness of the landscape detail must be given due attention. Landscaped areas have been included as suggested by the Landscape Architect and a landscaping condition is included

5.4 Highways Network Management have raised no objections subject to conditions.

5.5 The application is recommended for approval.

## 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing no.NS/25 dated January 2010

Drawing no.NS/21A dated January 2010

Drawing no.NS/22 dated January 2010

Drawing no.NS/23 dated January 2010

Drawing no.NS/24 dated January 2010

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

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

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

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

4 VISQ8 Samples of exterior materials to be app

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

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

6 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. The approved scheme shall be implemented before first occupation of the development and a written letter from the installer of the technology, post build, verifying the installation has been installed should also be submitted to the Local Planning Authority. The site thereafter must be maintained to the required level of generation'.

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

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

Reason: The proposal provides for a substantial amount of accommodation within a small site and 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.

8 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 Class a of Schedule 2 Part 2 of that Order (erection of boundary fences) shall not be erected or constructed on the front boundary of the site without the prior written approval 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.

9 Prior to the commencement of the development details of all hard surfacing proposed as part of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the hard surfacing shall be carried out in accordance with the approved details and shall be thus maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the site and surrounding area.

Note: condition 7 removes permitted development rights for any additional hard surfacing at this site.

10 Before development commences details of existing ground levels and finished floor, eaves and ridge heights shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details to the satisfaction of the Local Planning Authority.

Reason: In the interests of visual and residential amenity

11 HWAY9 Vehicle areas surfaced

12 HWAY19 Car and cycle parking laid out

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

Reason In the interests of satisfactory drainage.

14 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. Thereafter the approved surface water and foul drainage works shall be implemented to the satisfaction of the Local Planning Authority before any dwelling



hereby approved is occupied

Reason: To ensure that no foul or surface water discharge take place until proper provision has been made for their disposal and to ensure that the site is properly drained

15 NOISE7 Restricted hours of construction

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

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

**INFORMATIVE:**

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £3726

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

**7.0 INFORMATIVES:**

**Notes to Applicant**

1. REASON FOR APPROVAL

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

- Principle of residential development
- Design and Landscaping
- Highways, access and parking
- Impact on surrounding properties
- Sustainability
- Open Space
- Drainage

As such the proposal complies with national planning advice contained within

Planning Policy Statement 1 ("Delivering Sustainable Development"), Planning policy Statement 3 ("Housing"), and Policies SP6, H4a, GP1 GP4a, GP9, GP10, and L1c of the City of York Development Control Local Plan.

2. 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.

3. 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:

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

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

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

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

v) There shall be no bonfires on the site."

**Contact details:**

**Author:** Diane Cragg Development Management Officer (Mon/Tues)

**Tel No:** 01904 551351

Agenda Item SF) Circulated at meeting Page 94  
ORIGINAL DRAINAGE ASSESSMENT  
REPRODUCED

DC



YorkshireWater

083 169110 54  
ACKNOWLEDGE

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Your Ref: 10/01784/FUL  
Our Ref: L005713

For telephone enquiries ring:  
Z Fayyaz on [REDACTED]

E-mail Zaffer.Fayyaz@yorkshirewater.co.uk

8th September 2010

Dear Sir/Madam,

**5 Northfields Strensall York - Erection of 3 dwelling houses to rear of 5 and 6 Northfields (resubmission)**

Thank you for consulting Yorkshire Water regarding the above proposed development. We have the following comments:

**Water Supply**

A water supply can be provided under the terms of the Water Industry Act, 1991.

**Waste Water**

If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and YW infrastructure:

**The site shall be developed with separate systems of drainage for foul and surface water on and off site.  
(In the interest of satisfactory and sustainable drainage)**

**No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority.  
(To ensure that the development can be properly drained)**

**Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.  
(To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal)**



**OBSERVATIONS:**

The development of the site should take place with separate systems for foul and surface water drainage.

Foul water domestic waste should discharge to the 225mm diameter public foul water sewer recorded in Northfields, at a point approximately 55 metres from the site.

**The local public sewer network does not have capacity to accept any additional discharge of surface water from the proposal site.**

Sustainable Systems (SUDS), for example the use of soakaways and/or permeable hardstanding, may be a suitable solution for surface water disposal that is appropriate in this situation. The use of SUDS should be encouraged and the LPA's attention is drawn to PPS25. The developer and LPA are advised to seek comments on the suitability of SUDS from the appropriate authorities. The developer must contact the Highway Authority with regard to acceptability of highway drainage proposals.

The developer is also advised to contact the relevant drainage authorities with a view to establishing a suitable watercourse for the disposal of surface water.

Alternatively, curtilage surface water may discharge to the 225mm diameter public surface water sewer recorded in Northfields, at a point approximately 55 metres from the site. However, to prevent overloading of the public sewer network, **surface water discharges to the network should be restricted to the level of run-off (i.e. same point[s] and rate[s] of discharge) from previous use of the site. The developer will have to demonstrate this to the satisfaction of YWS/the LPA by means of investigation and calculation.**

An off-site foul and an off-site surface water sewer may be required. These may be provided by the developer and considered for adoption by means of a sewer adoption agreement under Section 104 of the Water Industry Act 1991. Alternatively, the developer may in certain circumstances be able to requisition off-site sewers under Section 98 of the Water Industry Act 1991.

The public sewer network is for domestic sewage purposes. This generally means foul water for domestic purposes and, where a suitable surface water or combined sewer is available, surface water from the roofs of buildings together with surface water from paved areas of land appurtenant to those buildings. Land and highway drainage have no right of connection to the public sewer network. Highway drainage, however, may be accepted under certain circumstances; for instance, if SUDS are not a viable option and there is no highway drain available and if capacity is available within the public sewer network. In this event, the developer will be required to enter into a formal agreement with Yorkshire Water Services under Section 115 Water Industry Act 1991 to discharge non-domestic flows into the public sewer network.

**The submitted Surface Water Drainage Assessment & Report:**

The Surface Water Drainage Assessment & Report (prepared by Stevenson Associates - up-dated 10/08/2010) is satisfactory from Yorkshire Water's viewpoint. The report indicates that foul water from the site will discharge to a public foul water sewer in Northfields via private sewer at number 5, and surface water to public surface water sewer in Northfields via private sewer at number 5 with a restricted rate of not more than 2.6 (two point six) litres/second.

**The submitted drainage details:**

The drainage details submitted on drawing numbered NS/25 (first issue) dated 01/2010 that has been prepared by Laverack Associates Architects **are not acceptable to Yorkshire Water.** The following points should be addressed. For further information, the developer should contact our Developer Services Team (Telephone 0845 120 84 82, Fax 01274 372 834):

i) The submitted drawing should show foul and surface water drainage proposals both on and off site. Yorkshire Water request clarification on this matter.

If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team (telephone 0845 120 84 82, Fax 01274 303 047) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.

It is important that Yorkshire Water is informed of the local planning authority's decision on this application.

Please send me a copy of the decision notice.

Yours faithfully

A large black rectangular redaction mark covering the signature of Stephanie Walden.

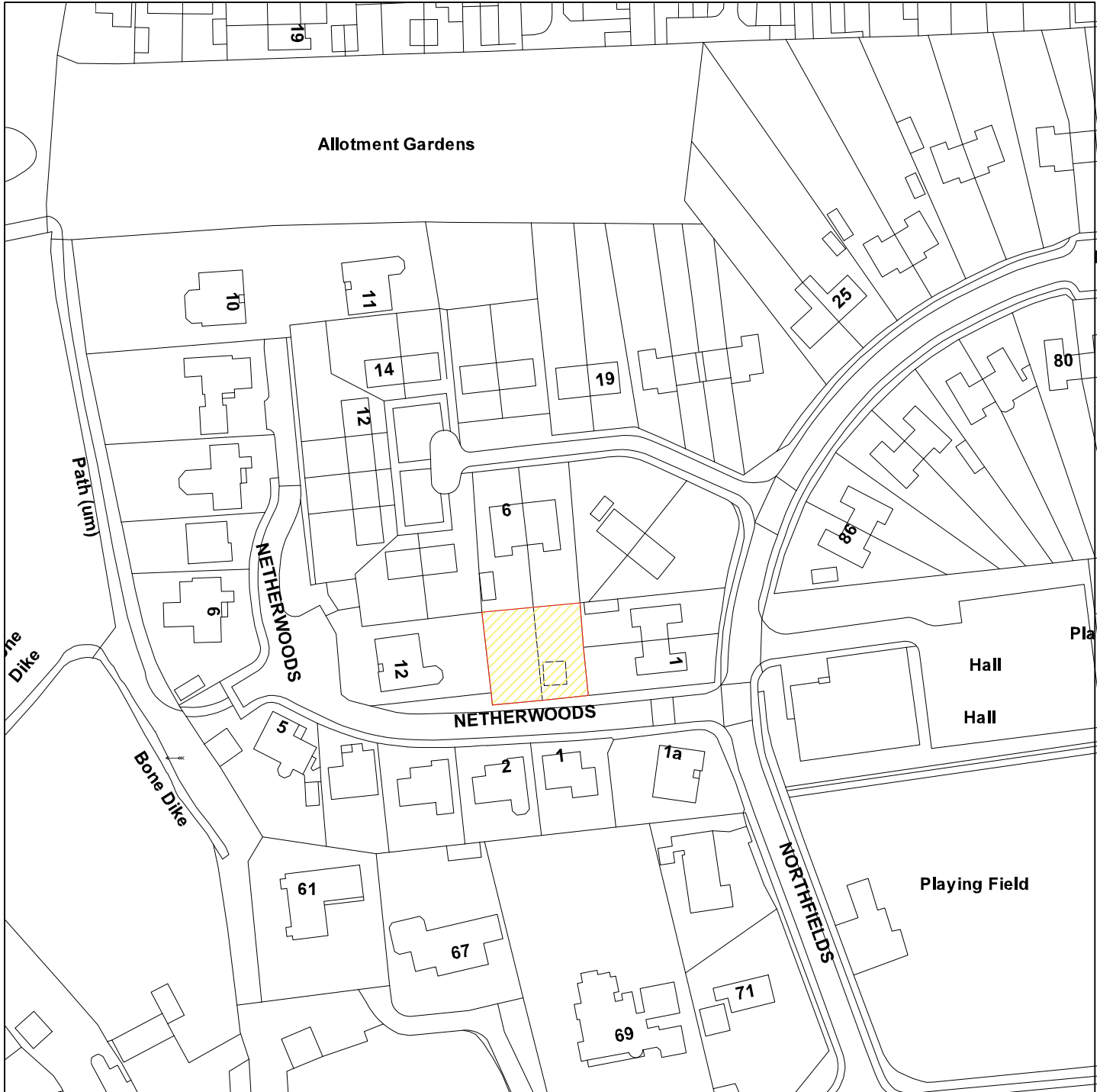
**Stephanie Walden**  
**Land Use Planning Manager**

# Rear of 5 and 6 Northfields, Strensall

10/01784/FUL



GIS by ESRI (UK)



Scale : 1:1250

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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>	01 October 2010
<b>SLA Number</b>	Not set

**COMMITTEE REPORT**

**Date:** 14 October 2010                      **Ward:** Fulford  
**Team:** Major and Commercial      **Parish:** Fulford Parish Council  
Team

**Reference:** 10/01659/FUL  
**Application at:** Townends Accountants Harlington House 3 Main Street Fulford  
York  
**For:** Erection of one and a half storey pitched roof ancillary building  
for use as a residential care home (revised application)  
**By:** Milewood Healthcare Ltd  
**Application Type:** Full Application  
**Target Date:** 4 October 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 **SITE:** The application relates to land at the rear of 3 Main Street, Fulford, also known as Harlington House. It is currently occupied by a collection of structures, now vacant, but previously used for industrial purposes and a car parking area that serves these buildings and Harlington House. The frontage building lies within the Fulford Village Conservation Area, but the rear part of the site, within which the building is proposed, falls outside the Fulford Village Conservation Area.

1.2 **PROPOSAL:** The application involves the erection of a stand alone building in the area to the rear of the frontage building following demolition of the existing single storey buildings formerly in employment uses. The building would consist of a single storey building with a second floor within the roof space, accommodating 7 en-suite bedrooms over both floors and one communal living/kitchen area on each floor. Its occupation would be ancillary to the approved use of the frontage building as a care home falling within Use Class C2 (ref. 10/00178/FUL approved by this Committee in June 2010).

1.3 At the time the conversion of Harlington House was being considered by Committee, a related application for a similar stand-alone building to that now proposed was recommended for approval by officers, but was considered and refused by Committee (ref. 10/00519/FUL). This is the subject of an appeal lodged against the Council's refusal. The current submission represents a revised scheme. The building would be in a similar position within the site, of a similar design with a hipped roof incorporating conservation roof lights and provide the same accommodation requirements albeit with one less bedroom. The main changes are the reduced footprint, height and scale. Further amendments have recently been put tabled following a meeting with local residents - namely fencing at the end of the building and on the southern site boundary, handing of the layout and an increase in the turning space following the loss of one parking space.

1.4 A Design and Access Statement accompanies the application. A letter has also been received from the applicant confirming his intention to meet with local residents (29.9.10) and seeking to give assurances about the residents that would be accommodated within the care home.

1.5 HISTORY: An application proposing an alternative use for the site as a light industrial building accommodating three units (ref. 10/01657/OUT) has been withdrawn.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Fulford CONF

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYHE10  
Archaeology

CYNE6  
Species protected by law

CYNE7  
Habitat protection and creation

CYGP1  
Design

CYGP3  
Planning against crime

CYSP6  
Location strategy

CYGP4A  
Sustainability

CYGP9  
Landscaping

CGP15A  
Development and Flood Risk

CYHE2  
Development in historic locations



CYH17  
Residential institutions

CYE3B  
Existing and Proposed Employment Sites

### **3.0 CONSULTATIONS**

3.1 PUBLICITY: The application was advertised by way of press and site notices as well as letters being sent to the parish council, adjacent residents and previous contributors as well as internal and external consultees. The consultation period has expired.

#### **3.2 INTERNAL**

##### Highway Network Management

It is noted that this application is essentially a revised version of 10/519/FUL (refused) but with one less bedroom and reduced footprint and height. Accordingly the highways authority has no objections subject to conditions [covering parking] being attached.

##### Environment and Conservation (Conservation)

The revised scheme is an improvement in that the scale has been further reduced. Whilst the rooflights have been repositioned, consideration has been given only to the effect on neighbouring properties; design considerations and the effect on the character of the conservation area do not appear to have been considered. The number and alignment on two levels will draw attention to the detriment of the setting of Harlington House and the contribution the site makes to the character and appearance and setting of the conservation area. However, the design is uninteresting, employing the idiom of a small domestic bungalow, to a building of substantial scale. This would not be an issue were it not for the haphazard arrangement of the rooflights, particularly on the northwest elevation. The number, and alignment on three different levels will draw attention, to the detriment of the setting of Harlington House, and the contribution the site makes to the character and appearance of the conservation area. The number of roof lights could be reduced without substantial loss of amenity within the building. Requests conditions, should planning permission be granted.

##### Environment and Conservation (Countryside)

Requests bat mitigation and enhancement measures given the potential for bat habitats in the existing single storey buildings on site that are to be demolished to allow for the new building.

##### Environment and Conservation (Archaeology)

Require an archaeological watching brief on all groundworks as the site lies in an area which has produced significant prehistoric, Roman and medieval features and deposits.

#### York Consultancy (Drainage)

The development is in low risk Flood Zone 1 and should not suffer from river flooding. No objections, as the proposed development represents a reduction in impermeable hard paved area and subsequent reduction in surface water run-off. Requests condition requiring proposed ground and finished floor levels.

#### Environmental Protection Unit

The site is further away from Fulford Road and will be protected from noise exposure by the presence of the main building. There is the potential that noise from this development may affect the amenity of neighbours. Therefore recommends condition re: deliveries and despatch and any installed equipment as well as an informative regarding contamination.

### 3.3 EXTERNAL

#### Conservation Areas Advisory Panel

The panel felt strongly that the rooflights should be reduced in number and only located on the inner roof pitch. The panel also felt that rooflights in a conservation area should be as inconspicuous as possible and not stand proud of the roof. The panel requests that any rooflights that are given permission should be conditioned as conservation rooflights.

#### Fulford Parish Council

Objects to the application:

- Land should be garden as approved under conversion of the frontage property and as such should be evaluated on basis of back-garden development thereby removing the presumption in favour of development;
- Security and crime at site as no clear separation of public and private space;
- Lack of amenity space for eighteen young people;
- Harm to conservation area due to over-development and relationship of new ancillary building to main house;
- Amenity of neighbours from noise disturbance and light pollution;
- Road safety to users of shared driveway with increased vehicular use of access;
- Possible that land contamination will be present;
- Lack of neighbour consultation.

#### Local residents

Eight letters have been received from residents of six residential properties and one business, raising objections on the following grounds:

- application does not differ from that refused with changes being token gesture;
- loss of garden area required through application to convert frontage building;
- loss of greenfield area as proposal constitutes garden grabbing;
- loss of neighbours' amenity, in terms of noise disturbance, light pollution and loss of light, privacy and views, from overbearing structure close to boundaries;
- lack of engagement with community;
- inadequate amenity space for future residents;
- inadequate parking and turning space;
- impact on conservation area from building that is no in keeping with its surroundings;

- building not DDA compliant;
- potential for change to type of care offered and number of residents catered for;
- security/safety for residents of no.1 from anti-social behaviour and in event of fire;
- detrimental effect on feeling of integrity and security of neighbourhood;
- sewage system could be compromised.

#### **4.0 APPRAISAL**

##### KEY ISSUES

- compatibility of use;
- residential amenity;
- visual amenity;
- heritage assets;
- nature conservation;
- access, parking and highway safety;
- drainage.

##### POLICY CONTEXT

4.1 Relevant Central Government planning policy is contained in Planning Policy Statement 1: Delivering Sustainable Development (PPS1), Planning Policy Statement 3: Housing (PPS3), Planning Policy Statement 5: Planning for the Historic Environment (PPS5), Planning Policy Statement 9: Biodiversity and Geological Conservation and Planning Policy Statement 25: Development and Flood Risk (PPS25). PPS1 encourages good design that takes the opportunity to improve the character of the local environment. PPS3 seeks to create sustainable, inclusive, mixed communities in all areas. PPS5 sets out the planning policies on the conservation of the historic environment. It requires local planning authorities to take into account the desirability of sustaining and enhancing the significance of heritage assets and ensure that new development makes a positive contribution to the character and local distinctiveness of the historic environment. It establishes the presumption in favour of the conservation of designated heritage assets. PPS9 seeks the protection of biodiversity. PPS25 outlines the approach to be taken in new developments to reduce flood risk.

4.2 The City of York Development Control Local Plan policies outlined in section 2.2 are material to the consideration of this application. Of particular relevance are policies HE2 and HE3 relating to development within conservation areas and H17 relating to the provision of residential institutions.

##### APPRAISAL

4.3 The previous application for the stand-alone building (10/00519/FUL) was refused by Committee on the grounds that it constituted overdevelopment due to its size, massing, scale and proximity to boundaries, to the detriment of neighbours and future residents and the character and appearance of the conservation area.

4.4 The building is still proposed to be an ancillary block of accommodation to the approved care home at Harlington House and could be conditioned as such. The

compatibility of the proposed use of the site involving the loss of premises for employment uses has been accepted through the previous approval. The main issues are the additional implications of developing within the grounds of the frontage building and the impact this has on the surrounding area.

4.5 As with the previous application, the design of the proposed building is unexceptional. However, it would not draw attention away from the main frontage property and would be viewed against the backdrop of other lower level more modern properties that surround the site. The Conservation Officer considers the revised scheme to be an improvement due to its reduced scale, though raises concerns about the number and alignment of roof lights. Revised plans have been received that show a reduction in the number of openings in the roof.

4.6 Likewise, whilst the building would still be closer to the surrounding residential properties than the existing employment buildings, it has been designed to minimise any impact on the amenity of adjacent occupiers. The revised proposal reduces the height of the building and pulls it slightly further back from the southern boundary (by approx. 700mm). A fence is proposed along the southern boundary for the section where there is currently a fence. There would be no overlooking from the ground floor windows due to the presence of high boundary walls and the roof lights have been positioned largely above the head height of an individual within the rooms they serve. Taking into account the distances, orientation and height of boundary enclosures, it is considered that the building would not cause any significant overshadowing of the surrounding properties.

4.7 Harlington House would be a managed facility with an area of amenity space that would serve the two buildings. This is enclosed between the buildings and by the existing boundary enclosure with Adams House to the south and a proposed new wall to the north. Although significantly smaller than that allowed under the approved application for Harlington House, this is considered by the applicant to be sufficient for the purposes of the future residents of the site. Its location away from boundaries with dwelling houses and presence of boundary enclosures would minimise the potential for erosion of their amenity.

4.8 Ten parking spaces are proposed to serve the two related buildings, which is considered to be an acceptable provision. A turning area has been provided for use by the care home, but also by the occupants of the dwelling house to the east, 1 Main Street. The Council's Highway Officer has not objected to the scheme.

4.9 Conditions are requested by the Council's Countryside Officer, Tree Officer, Archaeologist, Environmental Health Officer and Drainage Engineer to address issues relating to the potential presence of bats, an adjacent tree in the grounds of 5 Main Street, archaeological deposits, times of deliveries and noise from plant and machinery, and land levels.

## **5.0 CONCLUSION**

5.1 Given that the revised application represents a reduction on that previously recommended for approval by officers, a favourable recommendation has also been made in this case. Therefore, on balance, the proposal to provide an ancillary

building in association with the operation of the approved care home at Harlington House, is considered to be acceptable subject to conditions.

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Drawing no. MIL/221/02/003 rev.B 'Proposed Plans' and MIL/221/02/004 rev.B 'Proposed Context Elevations', dated 30.9.10 and received 30 September 2010;

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

3 The premises shall be used for a residential care home in connection with Harlington House and for no other purpose, including any other purpose in Class C2 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: So that the Local Planning Authority may re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

4 VISQ8 Samples of exterior materials to be app

5 VISQ7 Sample panel ext materials to be approv

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

Vertical section through side elevation of building indicating eaves, window head, window, sill, wall and plinth detail at scale of 1:10;

Full details of roof lights - to be flush fitting;

Reason: So that the Local Planning Authority may be satisfied with these details.

7 No development shall take place until full details of what measures for bat mitigation and conservation are proposed and have been submitted to and approved by the Local Planning Authority. The measures shall include:

- i A plan of how demolition work is to be carried out to accommodate the possibility of bats being present;
- ii Details of what provision is to be made within the new building to replace the

features lost through the demolition of the original structure. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts and should at least replace or substitute for what is existing;

iii The timing of all operations.

The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Council.

Reason: To take account of and enhance habitat for a protected species. It should be noted that under PPS9 the replacement/mitigation proposed should provide a net gain in wildlife value.

INFORMATIVE: If bats are discovered during the course of the work, then work should cease and Natural England consulted before continuing.

8 ARCH2 Watching brief required

9 HWAY19 Car and cycle parking laid out

10 HWAY21 Internal turning areas to be provided

11 NOISE7 Restricted hours of construction

12 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed metres, as measured from existing ground level. Before any works commence on the site, cross sectional drawings showing details of ground levels on the site and finished floor levels of the building shall be submitted and approved by the Local Planning Authority. 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. There shall be no raising of land levels.

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 and in the interests of reducing flood risk to neighbouring properties.

13 Details of any external lighting for the building and site shall be submitted to and approved in writing by the Local Planning Authority prior to being installed. The development shall be implemented in accordance with the approved details.

Reason: In the interests of residential amenity.

14 All deliveries to and despatch from the site shall be confined to the following hours: Monday to Friday 0800 to 1800; Saturday 0900 to 1800; and not at all on Sundays and Bank Holidays.

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

15 NOISE7 Restricted hours of construction

16 Details of all machinery, plant and equipment to be installed in or located on the site as part of the use hereby permitted, which is audible outside the site boundary when in use, shall be submitted to and approved in writing by the local planning authority. These details shall include maximum (L<sub>Amax</sub>) and average sound levels (L<sub>Aeq</sub>), octave band noise levels, the position of plant, equipment and machinery and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed first use and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the local residents and occupants of the development during operation of any noise emitting machinery, plant and equipment.

17 Before the commencement of any construction works, the importing of materials, any excavations, installation of utilities, and building operations, a method statement regarding protection measures for the existing Yew tree within the rear area of 5 Main Street and adjacent to the site boundary shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, locations for materials storage, location of site cabin.

Reason: To protect an existing tree which is protected by virtue of its location with the Fulford Conservation Area and which is considered to make a significant contribution to the amenity of the vicinity.

18 Before any building or demolition works commence on site, a construction management scheme to maintain access to 1 Main Street and to ensure public safety throughout the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

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

19 Details of a means of enclosure to the boundaries of the rear amenity area shall be submitted to and approved in writing by the Local Planning Authority before the use hereby approved commences. The details shall include the boundary treatment separating and securing the amenity space from the shared driveway and car parking area as well as the continuation of the built enclosure along the southern boundary.

Reason: In the interests of the residential amenities of the existing residents surrounding the site and the future residents of the building.

**7.0 INFORMATIVES:  
Notes to Applicant**

1. REASON FOR APPROVAL

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

- loss of employment premises;
- affect on residential amenity;
- impact on visual amenity;
- affect on heritage assets;
- nature conservation;
- access, parking and highway safety;
- drainage issues and flood risk.

As such the proposal complies with Central Government Guidance contained in Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing, Planning Policy Statement 5: Planning for the Historic Environment, Planning Policy Statement 9: Biodiversity and Planning Policy Statement 25: Development and Flood Risk and Policies SP6, GP1, GP4A, GP9, GP15A, HE2, HE10, NE1, NE6, NE7, H17 and E3B of the City of York Development Control Local Plan.

2. INFORMATIVE:

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 scheme of remediation 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.

3. 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:

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

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



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

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

v) There shall be no bonfires on the site."

**Contact details:**

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**COMMITTEE UPDATE – 14 October 2010**

**Plans Item 5g – Harlington House, 3 Main Street, Fulford, York (10/01659/FUL)**

**Agenda Item 5b Townends Accountants, Harlington House, 3 Main Street, Fulford.**

**Condition update**

The height in condition 12 should read 6.2m.

**Additional responses**

1. Police Architectural Liaison Officer:
  - Recommends that all ground floor windows and doors be security tested to Secured by Design standards;
  - Requests 1.8m high fence/wall at eastern gable to prevent access to rear – marked on revised plans.
  - Satisfied that 24hr staff cover of this site will be more than adequate for security purposes. Does not envisage any risk to the local community from experience of applicants property in Strensall.
  
2. Email from neighbour at 1 Main Street following heavy downpour on Sunday 3 October, sending photographs of localised flooding of the garden and drive at no.1.

The Council's Drainage Engineer has been consulted on this issue and reiterates that the proposed scheme represents a betterment - reduction in amount of impermeable areas and replacement with some garden area; additional storage volume within system of 12m<sup>3</sup> and limited discharge of 6 l/sec. He comments that other reasons may exist, such as maintenance, that may have been reason for localised flooding.

As a result, Officers consider that drainage matters relating to the development site have been satisfactorily resolved as part of this application.

# Harlington House, 3 Main St, Fulford

10/01659/FUL



GIS by ESRI (UK)



Scale : 1:1250

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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>	01 October 2010
<b>SLA Number</b>	Not set

**COMMITTEE REPORT**

**Date:** 14 October 2010                      **Ward:** Haxby And Wigginton  
**Team:** Major and Commercial      **Parish:** Haxby Town Council  
Team

**Reference:** 10/01397/FUL  
**Application at:** 57 York Road Haxby York YO32 3EE  
**For:** Erection of 1no. four-bedroom detached house to rear of 57 York Road (resubmission)  
**By:** Mr And Mrs Jeremy Hansbro  
**Application Type:** Full Application  
**Target Date:** 6 October 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application relates to the erection of a detached, 4-bedroom, pitch-roofed, single dwellinghouse with linked single garage. Access to the house would be via an existing access, shared with No.57, from York Road. The existing detached garage on the site would be demolished.

1.2 The application is a resubmission of a scheme that was refused by members in October 2009 (09/01215/FUL). The reason for refusal was as follows:

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

1.3 The subsequent appeal decision concluded that:

- (1) A suitable layout for the access drive could be achieved by a detailed landscaping design (subject to conditions) to preserve the privacy and living conditions of the two households adjoining the drive;
- (ii) The new house would not have an unacceptable impact on the living conditions of neighbours due to noise, disturbance or loss of privacy; but that
- (iii) The proposed dwelling would have a much smaller private garden than other properties in the vicinity (including the existing house at No.57) and be largely in shadow for much of the day. The new property would, as a result, be out of character with its surroundings and be unsatisfactory in itself.

The matters raised in paragraph (iii) were not a concern of the Council when it refused the application.

1.4 The appeal was therefore dismissed. This resubmission intends to address the shortcomings of the previous scheme as identified by the Inspector. The only material differences from the previous scheme are that:

- (i) The proposed house has been moved 3.5m nearer to the front (highway end) of the site in order to increase the size of the rear garden;
- (ii) The proposed boundary between the existing and the new house has been moved approximately 2.5m towards the public highway in order to increase the curtilage of the new dwelling, particularly in relation to the garden area to be retained by the existing dwelling; and
- (iii) The previously proposed double garage has been reduced to a single garage.

1.5 The application has been called in by Cllr Hogg on the grounds of the number of objections received to this and the earlier application.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1  
Design

CYGP4A  
Sustainability

CYGP10  
Subdivision of gardens and infill devt

CGP15A  
Development and Flood Risk

CYL1C  
Provision of New Open Space in Development

CYT4  
Cycle parking standards

CYH4A  
Housing Windfalls

### **3.0 CONSULTATIONS**

#### **3.1 Internal**

Highway Network Management - No objections. Add standard conditions regarding details of surfacing and provision of parking/manoeuvring areas.

Structures & Drainage - The development is in Flood Zone 1 and should not suffer from river flooding. Drainage details should be submitted as a condition of approval.

#### **3.2 External**

Haxby Town Council - Objection. The site is backland development. The close proximity of the driveway would disturb the neighbouring property. The development would spoil the unique character of this part of Haxby.

Public Consultation - The consultation period expired on 14 September 2010. 14 letters of objections have been received raising the following planning issues:

Out of character with the area;  
Loss of privacy;  
Loss of trees;  
Impact on wildlife;  
Loss of pleasant open outlook;  
Noise and disturbance;  
General loss of amenity;  
Sufficient local housing already exists;  
Flood risk;  
Highway safety;  
Construction damage;  
Precedent for other properties in the area;  
Garden grabbing.

### **4.0 APPRAISAL**

#### **4.1 KEY ISSUES**

Most of the issues applicable to this application (and most of the matters raised by objectors) are the same as for the previous scheme. The inspector took them into account in reaching his decision. The only issues that remain for consideration are:

- (a) Changes to the design of the building and its infrastructure;
- (b) The impacts of the revised location within the site; and
- (c) Any policy or other considerations that did not apply at the time of the appeal decision.

#### **4.2 POLICY FRAMEWORK**

Planning Policy Statement 1 (PPS1) (Delivering Sustainable Development") 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.

The Planning System: General Principles - Planning authorities should consider whether a proposal would unacceptably affect amenities and the existing use of land and buildings, which ought to be protected in the public interest.

Planning Policy Statement 3 ("Housing") states that the planning system should deliver high quality housing that is well designed and built to a high standard. Development should be distinctive, maintain character, be developed in suitable locations and make effective use of land. Priority development sites are previously developed land, in particular vacant and derelict sites and buildings. Design that is inappropriate in its context or which fails to take opportunities to improve the character and quality of an area should not be accepted.

Planning Policy Statement 25 ("Development and Flood Risk") aims to: ensure that flood risk is taken into account in the planning process; avoid inappropriate development in areas at risk of flooding; and direct development away from areas at highest risk.

Local plan policy GP1 - Development proposals should be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character; respect or enhance the local environment; provide/protect amenity space; protect residential amenity; accord with sustainable design principles; include refuse facilities; and include, where appropriate, landscaping.

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 and that discharges from new development should not exceed the capacity of existing/proposed sewers and watercourses.

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

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

T4 - Seeks to promote cycling and states that all new development should provide storage for cycles in accordance with the standards in the local plan.

L1c - All housing sites shall 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.

## THE APPLICATION SITE

4.3 The site comprises a two-storey, detached single dwellinghouse in a suburban, predominantly residential area with access onto a classified road. The house has a large rear garden. The area of the house and garden is approximately 0.08ha. The proposed house would occupy part of the rear garden. The plot is bounded on three sides by gardens of residential dwellings.

## CHANGES TO THE DESIGN OF THE DWELLING AND ITS INFRASTRUCTURE

4.4 The only material change to the new dwelling itself is the reduction in size of the garage. The amendment is in keeping with the character of the proposed house and marginally reduces the visual impact of the building on adjacent occupiers.

4.5 The previous application included revised drainage details, which were acceptable subject to details of ground levels, surfacing and run-off attenuation. These details have not been included with the resubmission. Nevertheless they have demonstrated that an acceptable drainage solution can be achieved. Therefore the submission of drainage details can be addressed as a condition of approval.

## REVISED LOCATION WITHIN THE SITE

4.6 Officers consider that moving the house 3.5m towards the front of the site would adequately address the Inspector's concerns regarding the amount of amenity space available to the proposed occupiers and the impact on the visual character of the area. It is pointed out that these matters were not a concern of the Council when it refused the application.

## POLICY AND OTHER CHANGES SINCE THE APPEAL DECISION

4.7 The only material change relates to the exclusion in Planning Policy Statement 3 of private residential gardens from the definition of previously developed (brownfield) land, introduced in June 2010. The appeal decision relating to the previous application was made in April 2010 and therefore pre-dates this change in Government guidance. The purpose of the change is to prevent Local Planning Authorities feeling obliged to grant planning permission for otherwise unwanted development on garden land ("garden grabbing"), simply to maintain targets for building on previously developed land. So far as the changes to PPS 3 are concerned, the removal of residential gardens from the definition of previously developed land does not introduce a general presumption against the development of gardens, it merely removes this as a positive factor in determining such applications. Any scheme still has to be judged against the impact on the character of an area, the impact on adjacent residents and any other material considerations. In this particular case, the change in the definition of previously developed land does not change officers' opinion that the principle of the use of the site for housing is acceptable. In making planning decisions, Local Planning Authorities are still expected to seek the efficient use of land which focus new residential development on sites in sustainable locations, and there are no specific policies in the Draft Local Plan that protect sites such as this from development.



## 5.0 CONCLUSION

5.1 It is considered that the revised application addresses the concerns raised in the previous appeal decision and is acceptable in all other respects.

## 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with drawings numbered SCHEME 1a and SCHEME 2a received 30 June 2010.

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

3 The development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Internal Drainage Board, and carried out in accordance with these approved details.

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

INFORMATIVE: In accordance with Planning Policy Statement 25 and in agreement with the Environment Agency / City of York Council, peak run-off from brownfield developments shall be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, shall accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model shall also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required

4 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.

5 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

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

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

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by varying the planning obligation submitted in respect of planning application 09/01215/FUL, 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 £3006.

- 7 HWAY10 Vehicular areas surfaced, details reqd
- 8 HWAY19 Car and cycle parking laid out
- 9 VISQ8 Samples of exterior materials to be app

10 Before the commencement of development, including felling operations, the importing of materials, or any excavations, a method statement regarding protection measures for the existing trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include a schedule of tree works; details and locations of protective fencing to be shown on a plan; phasing of works; site access during development operations; arrangements for loading/off-loading; parking arrangements for site vehicles; locations for stored materials; location of site cabin. The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles et al.

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

11 The landscaping scheme shown on the approved plans, including retained trees, replacement trees, screening (including between the existing dwelling at 57 York Road and the shared drive) and boundary treatment shall be implemented within six months of the completion of the development. Any trees or plants, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: In the interests of visual amenity of the area and to protect the amenities of the occupiers of the existing dwelling at 57 York Road.

12 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 8.7 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.

13 No development shall take place until details (including location, dimensions and materials) of refuse/recycling enclosures for the dwelling hereby approved shall have been submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details. The refuse/recycling enclosures shall thereafter be retained and used for no other purpose except with the written consent of the local planning authority.

Reason: In the interests of sustainability and visual amenity.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

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

- the principle of the development;
- visual appearance;
- impact on the character and appearance of the area;
- the amenity of adjacent occupiers;
- highway safety;
- sustainability;
- drainage;

As such the proposal complies with national planning advice contained within Planning Policy Statements 1 ("Delivering Sustainable Development") and 3 ("Housing"), and policies GP1, GP4a, GP10, GP15a, H4a, L1c and T4 of the City of York Council Draft Local Plan.

**Contact details:**

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

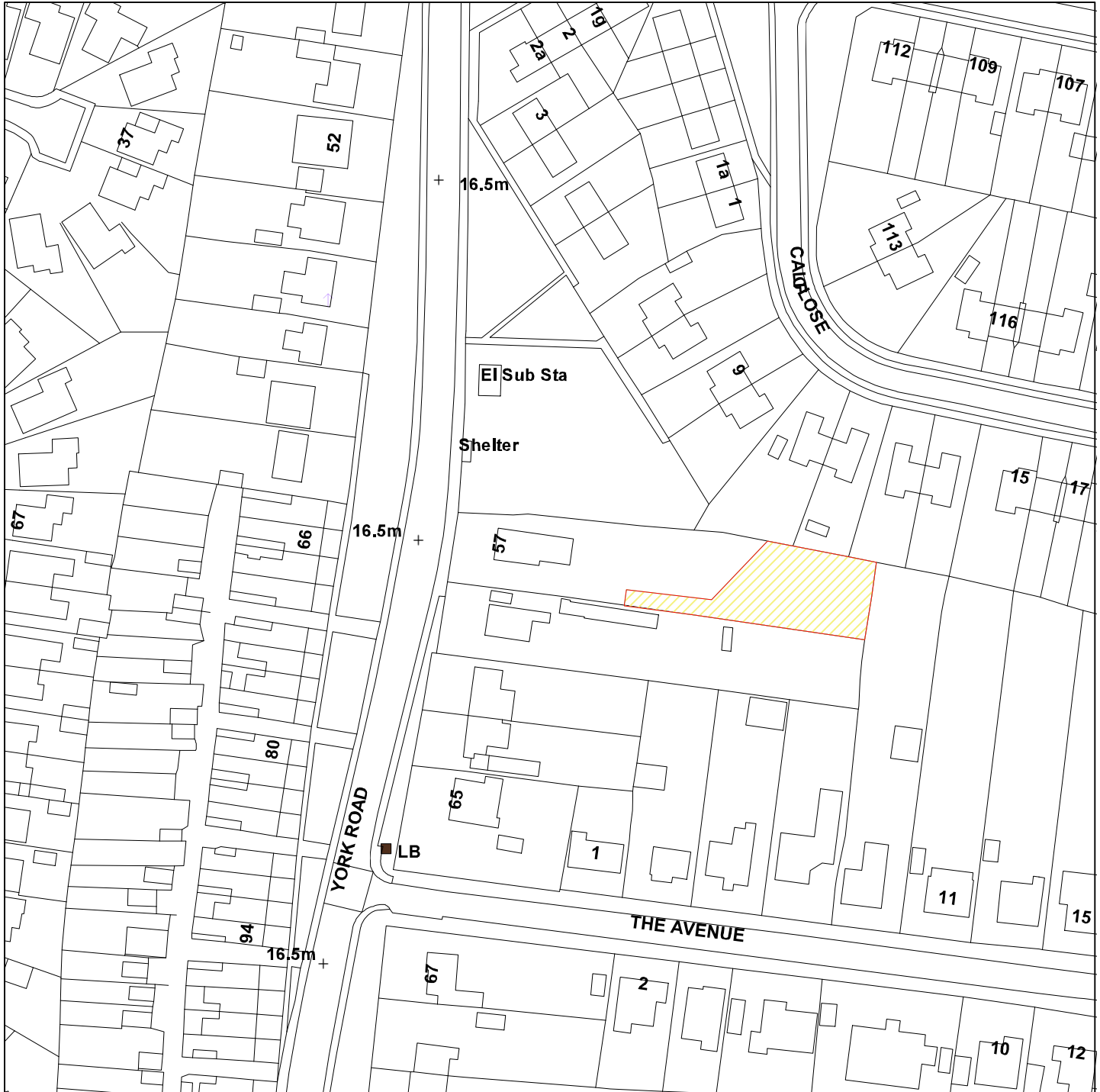
**Tel No:** 01904 552830

# 57 York Road, Haxby

10/01397/FUL



GIS by ESRI (UK)



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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>	01 October 2010
<b>SLA Number</b>	Not set

## COMMITTEE REPORT

**Date:** 14 October 2010                      **Ward:** Fishergate  
**Team:** Major and Commercial      **Parish:** Fishergate Planning Panel  
Team

**Reference:** 10/01558/FUL  
**Application at:** Flat 1 4 Wenlock Terrace York YO10 4DU  
**For:** Conversion from 1 flat and 8 bedsits to 4no. flats (retrospective)  
and merging of existing ground floor bedsits to form 1no. flat  
**By:** Mr And Mrs J Barry  
**Application Type:** Full Application  
**Target Date:** 21 September 2010  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application site (4 Wenlock Terrace) comprises a substantial four storey brick built mid-Victorian property lying in a central position within the wider terrace. The properties have, over recent years, been converted to a mix of holiday accommodation, flats and bed sits. The current proposal seeks planning permission, in part retrospectively, for the conversion of eight bed sits into four one bedroomed flats in the basement, second floor and attic and the creation of a further one bedroom flat on the ground floor by the merging of two existing bed sits. The site lies within the Fishergate Conservation Area. This application has been brought before the Committee due to one of the applicants being an employee of the City of York Council.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Fulford Road CONF

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1  
Design

CYHE3  
Conservation Areas

CYH8

Conversion to flats/HMO/student accom

CYGP4A  
Sustainability

### **3.0 CONSULTATIONS**

INTERNAL:-

3.1 Highway Network Management raise no objection to the proposal.

EXTERNAL:-

3.2 Fishergate Planning Panel were consulted with regard to the proposal on 9th August 2010. No response has been forthcoming.

3.3 Neighbours - no replies

### **4.0 APPRAISAL**

4.1 KEY ISSUES:-

- Impact upon the character of the Conservation Area;
- Impact upon the amenity of intended occupiers and of neighbouring properties;
- Sustainability of the conversion undertaken.

IMPACT UPON THE CHARACTER OF THE CONSERVATION AREA:-

4.2 Policy HE3 of the York Development Control Local Plans states that development involving changes of use will only be acceptable where there would be no adverse effect upon the character or appearance of the area. The area surrounding the site comprises a densely developed area of Mid-Victorian terraced housing initially designed for family occupation but no longer suitable under Modern conditions. Adjacent properties have been converted into a mix of flats and bedsits. The proposal seeks regularisation of the conversion of sections of the application site back from bedsits to one bedroomed flats, one to each floor with the conversion of the existing bedsits on the ground floor to a single flat. The impact upon the character of the Conservation Area over and above the existing situation would be minimal, with slightly larger properties implying a better standard of maintenance for the property in the longer term. The terms of Policy HE3 of the Draft Local Plan would thus be addressed.

IMPACT UPON THE AMENITY OF INTENDED OCCUPIERS AND OF NEIGHBOURING PROPERTIES:-

4.3 Policy H8 of the York Development Control Local Plan states that flat conversions will only be permitted where the original dwelling is of sufficient size and the internal layout is suitable for the proposed number of households without compromising their amenity, external alterations would not harm the street scene,

adequate parking and storage space for bins etc would be available and there would be no adverse impact upon the residential amenity of neighbouring properties. The current proposal seeks permission for the formation of a single flat from two existing bed-sits on the ground floor together with the regularisation of the conversion of 8 bedsits into four flats in the basement, second floor and attic. By reducing the intensity of the use the proposal would increase the available amenity space for each household. Existing arrangements in terms of car parking would remain and the applicant has indicated that adequate bin and cycle storage would be provided in the existing rear yard area. The existing character of the surrounding area comprises a mix of flat and bedsit conversions with no conventional family housing remaining in the immediate vicinity. Overall it is considered that the proposal would reduce the intensity of the existing use and that it would have a positive impact upon the amenity of neighbouring properties. The terms of Policy H8 of the Draft Local Plan would thus be addressed.

#### SUSTAINABILITY OF THE CONVERSION SCHEME:-

4.4 Policy GP4a) of the York Development Control Local Plan requires new development to be readily accessible by means other than the car, be readily accessible by public transport and by cycle, contribute towards the social needs of communities within City, maintain or increase the economic prosperity and diversity of the City and make adequate provision for the storage of refuse and recycling. The current proposal is located in close proximity to local shops at the junction of Wenlock Terrace and Fulford Road, together with principal bus services feeding into the City Centre along Fulford Road. Adequate accommodation would also be provided within the site for the storage of cycles as well as refuse and recycling. The terms of Policy GP4a) would thus be met.

#### 5.0 CONCLUSION

5.1 All of the properties within the terrace, including the application site, have been converted into a mix of flats, bed-sits and holiday accommodation. The current proposal is entirely consistent with surrounding activities and would have no impact upon the character of the Conservation Area. Standards of living and amenity space would be significantly improved relative to the existing situation and the amenity of neighbouring properties would be unaffected. The site is sustainable in terms of making ample provision for cycle users and for storage of recycling/refuse on site and in view of its proximity to local shopping facilities and main bus routes into the City Centre along Fulford Road. The proposal is therefore considered to be acceptable in planning terms and approval is therefore recommended.

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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



Drawing Refs:- JB/WT/1; JB/WT/2 ; JB/WT/3 . Date Stamped 19th July 2010

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

3      HWAY18      Cycle parking details to be agreed

**7.0 INFORMATIVES:  
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the character and appearance of the conservation area, the impact upon the amenity of future occupants and neighbouring properties, and the sustainability of the scheme. As such the proposal complies with Policies HE3, H8 and GP4a) of the City of York Development Control Local Plan.

**Contact details:**

**Author:** Erik Matthews Development Management Officer

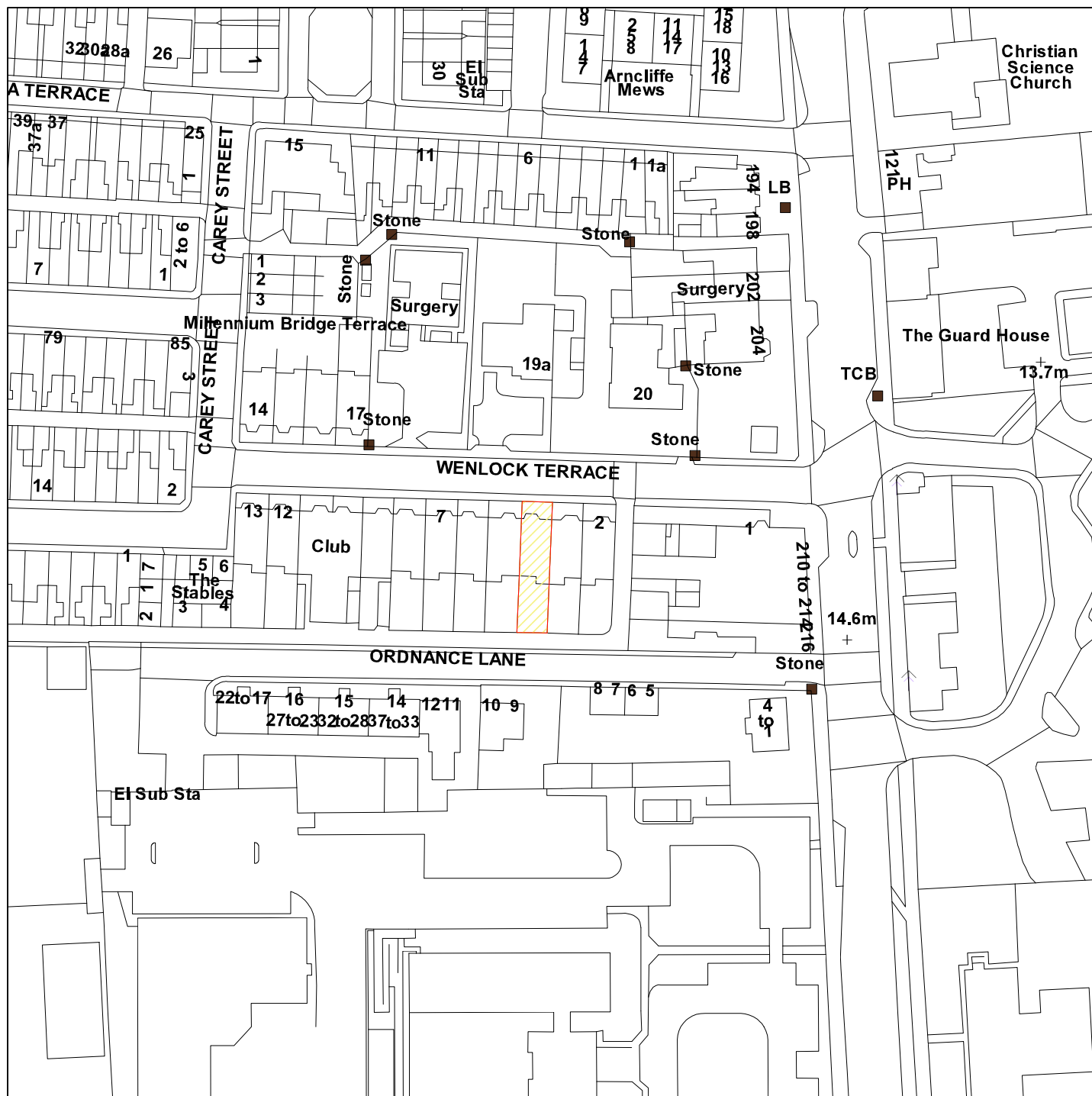
**Tel No:** 01904 551416

# 4 Wenlock Terrace, YO10 4DU

10/01558/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>	01 October 2010
<b>SLA Number</b>	Not set



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## East Area Planning Sub-Committee

14 October 2010

Report of the Director of City Strategy

### Enforcement Cases - Update

#### Summary

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

#### Background

2. Members have received reports on the number of outstanding enforcement cases within the Sub-Committee area, on a quarterly basis, since July 1998, this report continues this process.
3. Some of these cases have been brought forward as the result of information supplied by residents and local organisations, and therefore “The annexes to this report are marked as exempt under Paragraph 6 of Part 1 of Schedule 12A of the Local Government Act 1972, as this information, if disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person, or that the Authority proposes to make an order or direction under any enactment”.
4. In order to give Members an up to date report, the schedules attached have been prepared on the very latest day that they could be to be included in this report on this agenda.
5. Section 106 Agreements are monitored by the Enforcement team. A system has been set up to enable Officers to monitor payments required under the Agreement.

#### Current Position

6. Members should note that 101 new cases were received for this area within the last quarter, 86 cases were closed and 322 remain outstanding. There are 83 Section 106 Agreement cases outstanding for this area after the closure of 5 for this quarter.

### **Consultation**

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

### **Options**

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

### **Corporate Priorities**

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

### **10. Implications**

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

### **Risk Management**

11. There are no known risks.

### **Recommendations**

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

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

**Contact Details**

**Author:**

**Author's name**

Mandy Swithenbank/  
Alan Kendall  
Planning Enforcement Officer

**Chief Officer Responsible for the report:**

**Chief Officer's name**

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

**Dept Name** City Strategy  
Tel No. 551376/551324

**Report Approved**  **Date** 1/10/2010

*Chief Officer's name: Michael Slater  
Title: Assistant Director (Planning and Sustainable Development).*

**Report Approved**  **Date** 1/10/2010

**Specialist Implications Officer(s)** *List information for all*

*Implication ie Financial*

*Name*

*Title*

*Tel No.*

*Implication ie Legal*

*Name*

*Title*

*Tel No.*

**Wards Affected:** *All Wards*

**All**

**For further information please contact the author of the report**

**Background Papers:**

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

Report to Area Sub-Committee in July 2010 – Enforcement Cases Update.

**Annexes**

Annex A - Enforcement Cases – Update (Confidential)

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

Document is Restricted

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

Document is Restricted