



**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, 10 February 2011

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 8 February** on **(01904) 551078**.

1. Declarations of Interest

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

2. Minutes (Pages 4 - 9)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 6 January 2011.

3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **Wednesday 9 February 2011** at **5pm**.

4. Plans List

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

**a) Sainsbury's (formerly Somerfield), Haxby (Pages 10 - 26)
Shopping Centre, The Village, Haxby, York
(10/01869/FUL)**

This application is a full application for a number of external alterations including; the relocation of the store entrance, alterations to the roof plant area with timber screen, a canopy to loading bay, 2 no. trolley shelters, an ATM to front, rooflights to the front elevation, and external staircase to flat roof at the rear of the building.

This application has been brought before the Committee by Councillor Firth on the basis of the amount of public interest shown in the application. [Haxby and Wigginton] **[Site Visit]**

**b) Sainsbury's (formely Somerfield), Haxby (Pages 27 - 37)
Shopping Centre, The Village, Haxby, York
(10/01870/ADV)**

This advert application is for the display of an illuminated fascia sign to front, and non illuminated lettering sign to the rear, non illuminated signs at both store entrances, totem sign and various car park signs to rear. [Haxby and Wigginton] **[Site Visit]**

**c) Sainsbury's (formerly Somerfield), Haxby (Pages 38 - 44)
Shopping Centre, Haxby Village, York.
(10/02418/FUL)**

This is a full application for the provision of external lighting in the car park to the rear of the supermarket. [Haxby and Wigginton] **[Site Visit]**

**d) Seven Oaks, Ox Carr Lane, Strensall. (Pages 45 - 56)
YO32 5TD (10/01553/FUL)**

The application is for the demolition of an extended chalet-style detached house known as Seven Oaks and erection of three, 2-storey, 4-bedroom houses.

This application has been brought to committee at the request of Councillor Wiseman, due to the level of public interest. [Strensall] **[Site Visit]**

e) Rhodes Haulage, Grange Farm, Hazelbush Lane, York YO32 9TR (10/00612/FUL)

This application is for a change of use of agricultural land to form an extension to the operating area of an established haulage yard.

The application is part retrospective in that the area of land has already been extended to the west and partly to the south and whilst this application reflects that, it also encompasses a further additional area to the south. [Strensall] **[Site Visit]**

**f) 124 Heslington Lane, York, YO10 4ND (Pages 63 - 67)
(10/02529/FUL)**

This application seeks planning permission for a hipped gable to both sides with dormers to front and rear, on a detached bungalow at 124 Heslington Lane, Fulford.

The application has been called in to Committee by Councillor Aspden, due to the impact on the amenity of neighbours, and to enable local residents to express their views in a public forum. [Fulford] **[Site Visit]**

- g) Yeomans Yard, Ebor Industrial Estate, (Pages 68 - 72)
Little Hallfield Road, York YO31 7XQ
(10/02336/REMM)**

This reserved matters application seeks consent for the landscaping part of the proposed development of ten residential units, for which outline planning permission was granted in November 2007. [Heworth]

5. Urgent Business

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

6.

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

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

Scrutiny Committees

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

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

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EAST AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 9 February 2011****Members of the sub-committee to meet at Union Terrace Car Park
at 10.00**

TIME (Approx)	SITE	ITEM
10:15	Sainsbury's, The Village, Haxby	4a)b)c)
11:10	Seven Oaks, Ox Carr Lane, Strensall	4d)
11:40	Rhodes Haulage, Hazelbush Lane, Stockton on the Forest	4e)
12:15	124 Heslington Lane	4f)

City of York Council

Committee Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	6 JANUARY 2011
PRESENT	COUNCILLORS HYMAN (CHAIR), CREGAN (VICE-CHAIR), FIRTH, FUNNELL, B WATSON, MOORE, ORRELL, TAYLOR, WISEMAN AND KING (SUBSTITUTE FOR COUNCILLOR DOUGLAS)
IN ATTENDANCE	COUNCILLOR SCOTT (FOR MINUTE ITEM 41A)
APOLOGIES	COUNCILLOR DOUGLAS

37. 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 King declared a personal non prejudicial interest in plans item 5a) (Axcent Ltd, 156B Haxby Road) as Ward Member.

All Members of the Committee, and Councillor Scott who was in attendance, declared personal interests in plans item 5a) as one of the objectors, a Council employee who was present at the meeting, was known to them all.

38. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the press and public be excluded from the meeting during the consideration of agenda item 6 (Enforcement Cases Update), on the grounds that they contain information relating to individuals and which is likely to reveal the identity of those individuals. Such information is classified as exempt under Paragraphs 1 and 2 of Schedule 12A to Section 100A of the Local Government Act (Access to Information) (Variation) Order 2006.

39. MINUTES

RESOLVED: That the minutes of the meetings of the East Area Planning Sub-Committee held on 11 November and 2 December 2010 be approved and signed by the Chair as a correct record.

40. PUBLIC PARTICIPATION

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

41. 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.

41a Axcent Ltd, 156B Haxby Road, York. YO31 8JN (10/02096/FULM)

Members considered a resubmitted full major application from Yorkshire Housing Limited for a residential development of 7 two storey dwellings and 6 apartments in a three storey building on the site of a former Co-operative Dairy. The application was resubmitted following refusal from the Committee in July 2010.

Officers circulated an update to Members during the meeting. This was then attached to the agenda and republished after the meeting. The update included amendments to the published report relating to the number of submissions from residents and a reference made to emails received querying the site's address as correct. It also included a table outlining the differences from the previous scheme and the one proposed and suggested changes to recommended conditions, if the application was approved.

Representations were heard from a neighbour opposed to the application. She felt that the application would detrimentally affect the safety of pedestrians using the junction between White Cross Road and Haxby Road, and that the existing cycle track was a well known crime hot spot. She added that she thought that the proposed addition of a gate at the entrance to the cycle track could create a feeling of segregation from other local residents.

Further representations in opposition to the application were received from a local resident on behalf of other residents. He stated that the main access to the dairy site was from Haxby Road, not White Cross Road and that this was not of an adequate width.

Representations in support of the application were heard from the agent for the applicant. He stated how he felt that the proposed development was needed in the city and that in his opinion; it was viable to develop on the derelict site. He noted that there was a major query with drainage, and that the application would remove four Respark spaces from the vicinity but that he felt that this was an existing problem.

Councillor Scott, as Ward Member, spoke in objection to the application. He spoke about the removal of the Respark spaces, the proposed shared access route into the site and the increase in traffic on White Cross Road and Haxby Road as a result of the development. He commented on the safety of the site and the reference made to HGV vehicles using the site in the Officer's report. He added that he felt the design of the development was detrimental, and negatively affected the adjacent listed building.

Members asked Officers a number of questions relating to how many parking spaces would be lost from the site and about what drainage information had been received from the applicant.

In response to the question about car parking spaces, Officers stated that they believed that only a maximum of two spaces would be lost. It was reported following the July 2010 meeting, where the application was first considered, that extra drainage information had been received. This information included a significant reduction in surface water run off, and Officers deemed that this met requirements needed.

Members asked a local resident who was in attendance at the meeting about the number of HGVs that had used the access road into the site. The local resident responded that only milk floats had used the road. In relation to a further question from Members relating to flooding on the site and onto the surrounding properties, the resident confirmed that there had been flooding.

During their discussion, Members raised the following concerns;

- The loss of residential parking spaces from neighbouring properties.
- The impact on restricted sunlight to the terraced properties at the rear of the application site.
- Traffic and safety concerns over the entrance to the site at White Cross Road.
- That the creation of a 1.2 metre footpath along the road into the site would not allow for two cars to pass safely.
- That access to the site from Haxby Road would not be viable because this would be on private land.
- Highway safety in particular having to cross the pavement, in order to reverse into White Cross Road.
- Highway access as a valid reason for refusal, given that the access was not selected by the developer.

RESOLVED: That the application be refused.

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

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

way it functions, contrary to advice in Planning Policy Statement 1: Delivering Sustainable Development.

41b 40 Fordlands Road, York, YO19 4QG (10/02586/FUL)

Members considered a resubmitted full application from Mr and Mrs Poole for the erection of a two storey dwelling within the rear garden area of 40 Fordlands Road. This application was called in for consideration by the Committee by the Ward Member, Councillor Aspden.

Representations were received from the agent for the applicants. He stated that the dwelling proposed was not a house, as had been mentioned in the Officer's report, but a dormer bungalow. He reported that there had been no objections to the application received on the grounds of residential amenity and that the closest neighbour was in support of the application.

Representations were received from a member of Fulford Parish Council. She informed Members, that the Parish Council was opposed to the application because they felt it was not an acceptable development in the Green Belt.

Members asked the agent for the applicants about the boundary of the proposed dwelling in relation to the flood zone, and how this would affect the amenity of those wanting to use the outdoor space. The agent responded that there would be a substantial area provided outside of the flood zone for this reason, and that this area included a large garden.

Members noted the concerns from the Parish Council in relation to development in the Green Belt. They also expressed concerns about the proximity of the proposed dwelling to the flood zone and problems with access to the site.

RESOLVED: That the application be refused.

REASON: (i) It is considered that the proposal does not represent infill development and as such the development represents inappropriate development within the Green Belt, which by definition is harmful. The proposed dwelling would add to the accumulation of built development and it is considered that the dwelling would have a harmful impact on the openness of the Green Belt. Furthermore, the intensification of the use of the access road, the introduction of frontage car parking, the subdivision of the site by fencing and the introduction of built form to the rear of the site would result in the intensification of the development of the area which would be detrimental to the visual amenity of the Green Belt. The proposal is therefore, considered contrary to advice within Planning Policy Guidance Note 2 'Greenbelts', Policy YH9 and Y1 of the Yorkshire and Humber Plan-Regional Spatial Strategy to 2026 which defines the general extent of

the green belt around York with an outer boundary about 6 miles from the city centre and GB2 of the City of York Draft Local Plan Incorporating the Fourth Set of Changes-Development Control Local Plan (Approved April 2005).

- (ii) The proposed dwelling by virtue of proximity of the associated access arrangements to no. 40 Fordlands Road would be likely to detract from the amenities of the occupiers of that property, in relation to noise and disturbance and loss of privacy from a further set of associated vehicular movements and related domestic activities. This is considered contrary to advice on protecting amenity in policies GP1 and GP10 of the City of York Draft Local Plan Incorporating the Fourth Set of Changes-Development Control Local Plan (Approved April 2005).
- (iii) It is considered that insufficient evidence has been submitted to demonstrate under a sequential test that, given the application site's status as land designated as Flood Zones 2, alternative sites with a lower probability of flooding could not accommodate the proposed development. The application is considered to conflict with Annex D and Annex E of Planning Policy Statement 25 'Development and Flood Risk'.

41c Acres House Farm, Naburn Lane, Fulford, York. YO19 4RE (10/02353/GRG3)

Members considered a general regulation application from City of York Council for the construction of a vehicle access road from Naburn Lane to Acres House Farm.

Officers circulated an update, which was attached to the agenda after the meeting and republished online. The update included a question from the local police Traffic Management Officer querying why a road safety audit had not been conducted. Officers informed Members that an audit was not carried out because there had been no objections in principle on highway safety grounds and that an audit would normally only be required for schemes that involved works within the existing highway.

Members asked whether the proposed road would have a detrimental effect on wildlife that inhabited the hedge. Officers confirmed that there would not be a negative impact on wildlife from this development.

Members suggested that if the application was approved that an informative be inserted to maintain the height of the hedges alongside the access road to ensure that adequate sight lines were provided.

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 purpose and openness of the Green Belt, loss of agricultural land, protection of the hedgerow, and highway safety. As such the proposal complies with Planning Policy Guidance Note 2: Green Belts, Planning Policy Statement 9: Biodiversity and Geological Conservation and Policies GP1, GP14, NE1, GB1 of the City of York Draft Local Plan.

42. ENFORCEMENT CASES UPDATE

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

RESOLVED: That the report be noted.

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

Cllr K Hyman, Chair
[The meeting started at 2.05 pm and finished at 4.50 pm].

COMMITTEE REPORT

Date: 10 February 2011 **Ward:** Haxby And Wigginton
Team: Major and Commercial **Parish:** Haxby Town Council
Team

Reference: 10/01869/FUL
Application at: Somerfield Haxby Shopping Centre The Village Haxby York
For: External alterations including relocation of rear store entrance, roof plant area with timber screen, canopy to loading bay, 2 no. trolley shelters, ATM to front, rooflights to the front elevation, and external staircase to flat roof at the rear of the building.
By: Sainsbury's Supermarkets Limited
Application Type: Full Application
Target Date: 19 November 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for a number of alterations to the unit including:

- Relocation of the rear entrance from the car park and a new glazed lobby entrance from the car park, with a ramp incorporating a retaining wall and railings;
- A roof plant area on the flat roof above the unloading area, enclosed by a timber screen;
- A canopy above the unloading bay;
- External fire escape stairs to the flat roof at the rear of the building with timber fencing enclosing the base of the stairs;
- Two covered trolley enclosures to the rear of the site, one would be sited against the rear wall of the building adjacent to the proposed new access and the other would be centred within the car park;
- A covered cycle area sited close to the new rear access;
- To the front elevation it is proposed to site an ATM to the left of the main entrance;
- Two windows in the rear elevation of the two storey element; and
- 2 sets of four rooflights to the front roof slope.

The works are part retrospective.

1.2 A number of revised plans have been submitted by the agent either as a result of the applicant altering the proposal or at the request of officers. The differences between the original plans and the most recent revised plans include:

- Two flat roof dormers to the front have been replaced with the proposed rooflights;
- A trolley bay on the front elevation has been removed.
- A proposed steel and acrylic canopy above the ATM protruding approx 1 metre from the front elevation has been removed;

- The rear entrance was previously glazed doors to the rear elevation; it is now a glazed lobby that protrudes from the rear elevation by 2.8 metres;
- The cycle parking has been moved from being adjacent to South Lane to closer to the proposed rear entrance;
- The proposed trolley bays have altered in position;
- The ramped access to the rear entrance is more clearly defined by retaining walls and railings;
- The canopy above the unloading bay has been reduced in depth from 6.5 metres to 3 metres; and
- An external staircase and fencing has been added to the side of the unloading bay (it is unclear if there was an external staircase existing).

1.3 There was no re-consultation with the neighbouring dwellings as most of the revisions took place during the consultation period (consultation period ended 01.11.2010). The most recent revisions (plans submitted 11.01.2011 and 25.01.2011) were for the removal of the canopy above the ATM, and the removal of the trolley bay from the pavement to the front elevation. As this represented a reduction in the amount of development proposed, it was not considered that re-consultation with neighbours was necessary. Further responses from Conservation and Highways Network Management officers with regard to the revised plans are awaited.

1.4 The site is within the Haxby Conservation Area and the Haxby District Centre, as identified on the proposals map accompanying the Draft Local Plan. The site is also in close proximity and within the setting of a listed building opposite the front elevation - 48 The Village. The unit is part of a development constructed in the 1970s (planning permission granted in 1972 - 4/2/492 T). No opening hours were specified as part of this original application. This side of The Village and South Lane is predominantly retail of a modest scale and appearance. The appearance from South Lane of the rear of these properties is a mixture of designs, that do not necessarily reflect the attractive frontages onto The Village. To the south/rear of the site is a large suburban housing estate built in the 1960s - 1970s with a mixture of housing types, and the streets closest to the proposed site have an open, modest, suburban character.

1.5 The application has been called before committee by Cllr. Firth on the basis of the amount of public interest shown in this application. As there have been objections to the proposed scheme a site visit is also required. There are two other applications for this site 10/02418/FUL and 10/01870/ADV both of which are on this agenda.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Haxby CONF

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP18

External attachments to buildings

CYGP3

Planning against crime

CYGP1

Design

CYHE2

Development in historic locations

CYHE3

Conservation Areas

CYGP16

Shopfronts

CYHE6

Shopfronts in historic locations

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - raise the following concerns:

3.1 Do not share the applicant's view that the existing car park operates within capacity. There is often a high demand for parking within Haxby Shopping Centre and reducing the capacity here by 10 spaces is likely to increase on street parking levels, with consequential risk to the safety of other road users. The adjoining side streets off South Lane are particular vulnerable to a transfer of parking in this respect.

3.2 The submitted drawing shows car park bays within the supermarket car park marked out at 4.5 metres by 2.2 metres. This is substandard when compared to the authority's guidance of 4.8 metres by 2.4 metres.

3.3 Footway widths at the entrance to the site from South Lane narrow sharply on the applicant's drawing, and may force the general public into the carriageway at this point. In addition the applicant appears to want to place advertising signs adjoining the vehicle entrance point.

3.3 It is assumed the intention is for delivery vehicles to reverse into the site as far as the unloading bay. Whilst unloading, the vehicle will obstruct the movements within the car park. During what hours are service deliveries, and how are the managed to prevent disturbance to adjacent residential properties?

3.4 Would like secure cycle parking facilities provided for staff, separate to the customer cycle parking facilities. According to the newspaper reports they are employing 59 members of staff.

3.5 There is heavy pedestrian movement passing to the front of the store during the working day. The extent of what is adopted footway within this area remains somewhat restricted however. New trolley area should be introduced with the minimum impact to the available footway space and would like further details. Would require measures to be taken to control the position of parked vehicles to ensure adequate footway widths are maintained.

3.6 Where is the refuse from the supermarket to be stored and what will be the arrangements for its collection?

3.7 Is there the intention to provide lighting to the car park and what are the arrangements?

CONSERVATION OFFICER - awaiting comments regarding the revised plans submitted 11.01.2011. Original comments as follows:

3.8 It is proposed to install an ATM adjacent to the principal entrance from The Village. It is proposed to erect a stainless steel and acrylic glass canopy above the ATM and a new 'bus stop sign' adjacent. The signage is not intended to be internally illuminated. In combination, the new ATM, glazed canopy and projecting sign, situated adjacent to the large scale internally illuminated applied lettering to the fascia of the principal elevation of the building are likely to have a negative visual impact on the character and appearance of the conservation area and the setting of the listed building opposite at no. 48 The Village

3.9 The proposed two groups of rooflights and the horizontal emphasis they create do not appear appropriate within the immediate context of the conservation area and should be reconsidered. Single roof lights would be preferable.

3.10 Require further details of the canopy over the unloading bay.

3.11 The plant machinery and timber screen would be visible from South Lane. Would require details of the timber screen, the finish of the external staircase, and the fencing.

3.12 The security wire to the perimeter of the roof is likely to detract from the context of the building and the character and appearance of the conservation area.

ENVIRONMENTAL PROTECTION UNIT

3.13 Concerns relate to the replacement of roof mounted plant and the installation of an ATM at the front of the store as these two alterations may result in some loss of amenity for the local residents due to an increase in noise. In the past, complaints have been made to the EPU about noise from early morning or late night deliveries to the store. As this is an application for an extension and other alterations it would be difficult to restrict delivery times to the store by way of a condition, however would like this concern to be noted

3.14 A noise report concerning the replacement roof mounted plant was submitted with the application which assesses levels of the background noise and the noise from the plant / machinery. The report shows that the plant will meet the required design criterion of 10 dB below the lowest measured background level during the proposed period of operation as measured at the nearest residential windows. At night, this is achieved by only one item of plant operating (1No. Mitsubishi MUGA25VB condenser unit). Since then a second noise report has been submitted following a complaint about noise from a local resident. The second report shows that a noise complaint is not justified if only the I.T. Room, air conditioning and refrigeration plant are operational at night, as would be the case. This is in comparison with all associated plant operating there is the possibility that complaints

may justifiable when compared to guideline levels contained within BS4142:1997. The author of the report recommends that any plant items that do not operate during the night should be installed with timer controls to ensure they operate only during trading hours (as per the noise assessment for planning (report PR/EC11006-003, dated 17 Sept 2010). The author also recommends implementing further noise control / attenuation within the plant room to remove the tonal noise element. The lightly tonality at 250Hz was observed to be due to the refrigeration plant located in the internal plant room.

3.15 The ATM is located at the front of the store may cause an increase in late night noise as customers pull up in their cars, slam the car doors and use the machine. However, the EPU have no powers to take action against noise of this type which is generated on the highway.

3.16 Recommend conditions relating to restricting the noise from plant and machinery, and extraction.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

HAXBY TOWN COUNCIL - No objections, however:

3.17 Concerned regarding the drainage, the loss of some car parking spaces, the obstruction of the footpath to the front of the building by the proposed trolley bay.

3.18 Site within a conservation area.

POLICE ARCHITECTURAL LIAISON OFFICER

3.19 The Design and Access Statement submitted makes no reference to crime prevention or how it has been considered in respect of this development.

3.20 With regards to the ATM recommend that it is protected by anti-ram measures such as bollards or raised planters; lighting should be installed to cover the use of the ATM during the hours of darkness; CCTV should be fitted externally to specifically cover the area of the ATM.

3.21 Complaints have been received regarding anti-social behaviour in the area.

3.22 Unclear where the waste bins are to be stored. Should be kept under lock and key and secured.

3.23 The proposed trolley bays and cycle store and covered unloading bay will become a magnet for local youths to congregate. May lead to complaints of crime and anti-social behaviour.

3.24 Rear car park should be covered by a CCTV system.

3.25 Proposed car park lighting should comply with BS 5489.

3.26 Trolleys should not be left out overnight.

3.27 Anti-social behaviour has been reduced considerably in the Haxby area over the past 12 months, there has not been a problem with this site of late.

8 LETTERS OF OBJECTION (2 letters are from the same objector)

3.28 Loss of 10 parking spaces not acceptable, the original 54 spaces were regularly all used. Reduction in spaces will lead to parking in the surrounding residential streets, compounded by the fact that Sainsbury's will attract more trade.

3.29 Object to the dormer windows on the front elevation and directly facing the objectors dwelling, and may cause a loss of privacy. Additional light pollution from these windows.

3.30 Concerns that the plant on the flat roof will lead to additional noise disturbance.

3.31 The revised car parking layout will facilitate entry and departure from the site by delivery vehicles in forward gear. This should be conditioned, at present they reverse into the site. Design and Access Statement states that deliveries should be between 07.00 and 08.00 hours, there is no contingency for later deliveries.

3.32 The proposed access ramp is above the level of the South Lane footpath; the retaining wall provides a hard edge to the site but creates no barrier between the two levels. Parked cars are prevented from rolling onto the footpath by bollards.

3.33 Would like signage indicating 'no ball games'. There are no measures to prevent the car park from being used by skateboarders or cyclists. The height difference between the car park and the footpath creates a jump attraction to skateboarders and cyclists. Noise nuisance from the congregating groups.

3.34 Lighting should be appropriate to supporting CCTV.

3.35 The surface water drainage system in the car park takes the water to the 10" surface water sewer running under South Lane. The system was inefficient and required regular maintenance, this did not happen and ceased to be fit for purpose 25 years ago. Water consequently drained from the car park, the assumption is that it drains to the same sewer collected by highway gullies. However during heavy rainfall 20% of the water washes up into the grass verges on the south side of the road. The submitted plans indicate that the car park drainage system will be reconnected to Yorkshire Water's sewer on a like for like basis. Sainsbury's have twice stated that they have spoken to Yorkshire Water. Yorkshire Water's planning department state they have not been consulted by Sainsbury's, their agents, or the CYC planning department. When determining the application for 10/01666/FUL - 59 The Village (Officer note: this application is pending, there is an approved application for 4 dwellings at 42 South Lane and to the rear of 59 The Village, and the objector may have meant this application - 07/02590/FUL) the development, using the same sewer, was conditioned that that a holding tank/sump with water pumped into the sewer on a managed basis should be installed prior to development. The Sainsbury's development shall generate more surface water so should be covered by similar constraints.

3.36 Concerned that the works are retrospective.

3.37 The drawings have been altered during the consultation period causing a moving perspective for interested parties.

3.38 The plans lack details - the car park is shown in plan view and do not illustrate the details of the retaining walls, handrails, ramps, bollards, and lighting columns. No measurements of these items and as such issues warranting comment or objection can only be based on speculation or be missed. Incomplete drawings should not be submitted.

3.39 Should not be allowed to reduce the quality of life regarding the visual, noise and light pollution. Applications in the conservation area should enhance, not make them worse.

3.40 The design of the elevated ramp and entrance will create exaggerated noise from customer and trolley use.

3.41 Light sources will cause an intrusive impact and will be in directly viewed from the objectors dwelling.

3.42 No justification for the belisha beacons and will add to the light pollution.

3.43 The parking restrictions on South Lane (double yellow lines) do not work.

3.44 The proposed rear entrance to the building would be more obtrusive to the neighbouring dwellings.

3.45 Too many lights for the size for the car park, there is existing street lighting.

3.46 No justification for the trolley shelters and the cycle shelter when there is a loss of car parking spaces.

3.47 The surface of the trolley parks will add to the noise nuisance.

3.48 The plant machinery is louder than that from the previous occupier of the unit. From the plans it seems that the new plant is at the side of the new plant, why is this? The new plant may be smaller than the old but it is taller and protrudes above the screen.

3.49 Is the car park a public car park, and is it owned by the council? If it is a public car park can a time limit on parking be added by other people than the council? Understand that the car park was designated a public car park when the first supermarket was approved, but rumour has it that it is now owned by Sainsbury's and a maximum length of stay will be implemented. Concerned that the limited parking will affect some of the nearby shops and business.

3.50

The supermarket has been managed adequately with the existing rear entrance. The agent quoted health and safety issues with the existing entrance hence their plans for a new entrance which is more obtrusive. Not aware of any accidents or incidents in the history of the building.

4.0 APPRAISAL

RELEVANT SITE HISTORY

07/02006/FUL - 2 no. refrigeration plant units, rooftop plant enclosure, shopfront to be replaced with entrance doors, and covered trolley store for trolley storage area in car park - Approved

The applicant has referred to planning permissions 03/02907/FUL, 05/01067/FUL, and 07/01587/FUL in the Design and Access Statement however these relate to adjacent shopping precinct and not the site in question

KEY ISSUES

1. Visual impact on the building and the conservation area
2. Impact on neighbouring property

ASSESSMENT

PLANNING POLICY

4.1 Planning Policy Statement 1 - 'Planning for Sustainable Development' aims to protect the quality of the natural and historic environment. PPS1 states that good design is indivisible from planning. Design which is inappropriate within its context, or which fails to take opportunities for improving the character and quality of an area or the way it functions should not be accepted. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.2 The site is within the Haxby Conservation Area and as such Planning Policy 5 'Planning for the Historic Environment' is relevant. It states that local planning

authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal (including by development affecting the setting of a heritage asset). In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. This understanding should be used by the local planning authority to avoid or minimize conflict between the conservation of the heritage asset and any aspect of the proposals. The consideration of design should include scale, height, massing, alignment, materials and use.

4.3 Policy HE9.5 of PPS5 recognises that not all elements of a Conservation Area will necessarily contribute to its significance. When considering proposals, the LPA should take into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole. Where an element does not positively contribute to its significance, LPAs should take into account the desirability of enhancing or better revealing the significance of the Conservation Area, including, where appropriate, through development of that element.

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

4.5 Policy GP16 'Shopfronts' of the City of York Council Development Control Local Plan states that planning permission for new or alterations to existing will only be granted if the proposals respect the scale, proportion, materials and the architectural style of the building to which the attached an the area in which they are located.

4.6 Policy GP18 'External Attachments to Buildings' states where planning permission is required for external attachments to buildings permission will only be granted where the design, location, materials and colouring do not significantly detract from the visual appearance of the building or the visual amenity of the area, or the character and appearance of conservation areas.

4.7 Policies HE2 'Development within Historic Locations' and HE3 'Conservation Areas' of the City of York Development Control Local Plan are also relevant to this proposal. These policies expect proposals to maintain or enhance existing urban spaces, views, landmarks and other townscape elements and not to have an adverse effect on the character or appearance of the Conservation Area. Policy HE4 'Listed Buildings' is also relevant in that it states that consent will only be granted for development where there is no adverse effect on the character, appearance or setting of the building.

4.8 Policy HE6 'Shopfronts in Historic Locations' of the City of York Council Development Control Local Plan states that planning permission for new or alterations to the existing shopfronts in conservation areas or on listed buildings will only be allowed if the proposed design preserves or enhances the character of the area or the building.

ATM

4.9 The applicant proposes to install an ATM to the front elevation, to the left of the shop entrance from The Village. The intentions are that the ATM would be surrounded by a large aluminium orange advertising board and with a large bus stop sign above, both advertising the ATM. The advertisement part of the application is dealt with in application 10/01870/FUL. To the left of the unit is the HSBC bank and to the right is the Natwest Bank. On the opposite side of the street there is Barclays Bank, all of which have external ATM facilities. The proposed ATM will be sited in a brick wall set back from the main entrance of the shop. The need for another ATM in this part of the street is not a material planning consideration, however, the proposed ATM is not considered to impact negatively on the appearance of the shopfront within the conservation area. However, it is considered that the proposed advertisements will emphasise its appearance within the streetscene.

4.10 The Police Architectural Liaison Officer has requested anti-ram measures such as bollards or raised planters to protect the ATM. However it was considered that this may impact on the visual amenity of the conservation area. In addition it is noted that the other ATMs in the area do not have such protection.

ROOFLIGHTS

4.11 The 2 groups of 4 rooflights on the front elevation emphasise the horizontal emphasis of the front elevation within the street. A request was made to the agent to reduce the number of rooflights, however they declined to do so, as it would reduce light to the first floor office accommodation and store rooms. The Village has varied, and cohesive frontages with a shared sense of scale. The existing frontage of the unit is slightly out of scale with the surrounding by virtue of its horizontal emphasis, with very little break in the elevation further emphasised by the overlarge fascia spanning approximately two thirds of the width of the unit. The rooflights add further to the horizontal character of the building. Whilst it is acknowledged that the Conservation Officer has concerns regarding this aspect of the proposal, the rooflights break up the large expanse of the roof and as such it is not considered that they unduly impact on the character of the building or the conservation area as a whole. The overall impact is considered to be neutral. The proposed rooflights are not considered to result in a loss of privacy to the dwellings opposite, by virtue of the intervening separation distance (the minimum distance would be 33 metres).

4.12 Two windows are proposed in the rear elevation for the two storey element of the building. By virtue of the significant separation distance to neighbouring dwellings it is not considered that the windows would impact on the residential amenity of the nearby dwellings. The windows are not considered to impact negatively on the visual amenity of this elevation.

PLANT AND TIMBER SCREEN

4.13 The plans show the general siting of the plant machinery area on the flat roof to the rear of the building. No dimensions of the proposed plant have been submitted. However, based on the machinery specification, the height of the machinery would vary from 0.8 to 1.71 metres. The plans indicate that the proposed plant would be placed to the rear of the plant enclosure closest to the two storey element of the building, with the existing plant machinery being in front of the proposed when viewed from South Lane. As such it is unlikely the machinery would be visible from the streetscene by virtue of the angle of sight and the proposed timber screening (1.4 metres in height from the flat roof) from South Lane. It would not be visible from The Village by virtue of the two storey element towards the front of the element screening it from view. It is not considered that it would be visible from the Ashgrove apartment building by virtue of the two storey Natwest building providing screening.

4.14 The noise report submitted by the agent indicates that the plant will meet the required design criterion of 10 dB below the lowest measured background level during the proposed period of operation as measured at the nearest residential windows. At night, this is achieved by only one item of plant operating. Since the application was submitted a complaint has been received regarding noise from the plant machinery, and as a result a further noise report has been submitted. The second report showed that a noise complaint is not justified if only the I.T. Room, air conditioning and refrigeration plant are operational at night, as would be the case. This is in comparison with all associated plant operating, when there is the possibility that complaints may be justifiable when compared to guideline levels. The author of the report recommends that any plant items that do not operate during the night should be installed with timer controls to ensure they operate only during trading hours. The author also recommends that implementing further noise control / attenuation within the plant room to remove the tonal noise element. It is unreasonable to condition the existing plant, however, conditions could be attached in relation to the proposed plant and equipment. As previously mentioned no opening hours were specified on the original application for a retail unit on this site, and as such conditions relating to opening hours would not be appropriate as these may alter in the future. On this basis, it is considered that specific noise levels could be conditioned in relation to specific times instead.

CAR PARK

4.15 Works have been undertaken to the car park, which have altered the layout and reduced the number of parking spaces from 53 to 39 spaces. The car park has been resurfaced; the vehicle entrance to the car park is to remain in the same position. Resurfacing of the car park and the subsequent rearrangement of vehicle parking spaces is not considered to be development and as such does not require planning permission. There has been no increase in the amount of hardstanding and there is an existing drainage system. The agent has submitted sections of the previous car park and the existing; the plans do not show any difference in height apart from the access ramp to the rear shop entrance, which does form part of the application. Highways Network Management have confirmed that the car park is not a public car park and not owned by the Council.

4.16 Additional cycle storage for staff was requested; however the applicant has declined to provide this as they considered that it would result in a further loss of parking spaces. It is not known if the previous occupiers of the site supplied external cycle parking facilities for staff, however it is not considered to be a reasonable to refuse the application on these grounds.

TROLLEY SHELTERS AND CYCLE STORAGE

4.17 The proposed trolley shelters would be sited adjacent to the proposed rear entrance and in the centre of the car park. The shelters would be dark grey powder coated steel framed structures with clear glazed sides and a curved polycarbonate roof. The shelters would be open at one end with a raised strip to prevent trolleys from rolling out of the shelter. The bays would be 4.75 metres in length, 2.24 metres in width and 2.66 metres to its maximum height. There would be a fascia panel at each end of the narrow elevations which would be plum colour with an orange circle with a depiction of a trolley. The proposed shelters are simple in design, their appearance within the car park and when viewed in context of the host building is modest and they are in keeping with the scale of the development, in addition they are not considered to be unduly prominent from South Lane. Neither are they considered to impact negatively on the character of the conservation area in this location.

4.18 The cycle shelter would be sited in front of the glazed lobby at a lower land level. The shelter would be approx 4 metres in length, 2.24 metres in width, with a maximum height of 2.66 metres. The shelter would be a dark grey powder coated steel framed structures with clear glazed sides and a curved polycarbonate roof; the shelter would be open on one side of the longest elevations. The plan does not show any cycle stands (e.g. Sheffield stands) within the shelter and this could be secured by condition. As with the trolley shelter it is simple in design and when viewed against the backdrop of the host building is considered to be in scale and keeping. The shelter is sited close to the eastern boundary partially screening the glazed lobby from the streetscene. To the other side of this boundary is access to a fire escape for the adjacent building; the adjacent building is not residential.

GLAZED LOBBY

4.19 The flat roofed glazed lobby would protrude from the rear elevation by 2.8 metres, would be 4 metres in width and 3 metres in height. There are two ramps sloping up towards the entrance. The glazed lobby is set slightly above the surrounding height of the car park. The lobby would incorporate an aluminium frame and be white in colour. The plans note that the glazing would have frosted vinyl applied internally and as such could not be reasonably used for advertisements. Opaque panels have been proposed above the glazing but no colour has been proposed, this could be conditioned in addition to the colour of the soffits, as an inappropriate colour scheme could increase the impact of the proposed lobby.

4.20 The proposed glazed lobby is considered to be in keeping with the host building and is not considered to be unduly prominent from the streetscene, by virtue of its scale, the significant set back from the street and partial screening provided by the

proposed cycle shelter. The lobby is simple and relatively modest in design and as such is considered to be in keeping with its surroundings. The materials are considered to be acceptable in this location notwithstanding being in a conservation area. The existing building would be bricked up, the materials could be conditioned.

4.21 Two ramps sloping upwards towards the glazed lobby are proposed, the ramps are bounded by a retaining wall and railings. Objections have been raised by neighbours regarding the potential for the use of the car park for anti-social behaviour, however, the area has been used as a car park since the construction of the main building. At the time of the site visit the works to the car park were in progress and as such officers are unable to comment on whether the additional wall and railings would further exacerbate the problems. The Police Architectural Liaison Officer considers that the trolley and cycle bays may act as a shelter for congregating groups potentially leading to complaints, and as such he recommended that the area be covered by a CCTV system. The agent has confirmed they intend to install CCTV to cover both the shop and the car park, the provision of which could be conditioned. In addition the car park is relatively open and allows natural surveillance of the area. A separate application for external illumination of the area (10/02418/FUL) is considered elsewhere on this agenda. committee. As such it is not considered that the alterations covered by this planning application would be likely to increase the anti-social behaviour in the area, subject to the recommended conditions.

FIRE ESCAPE STAIRS AND FENCING

4.22 The proposed fire escape and fenced surround is not considered to be unduly prominent within the streetscene. The works have been undertaken and the fenced surround screens much of the staircase and creates a tidy appearance. It is not clear if the intention is to paint the fence and such it is considered prudent to request more details of the finish of the fence and the staircase through a condition.

UNLOADING AREA CANOPY

4.23 The canopy over the unloading area has been reduced in size. The posts would be galvanised steel and the canopy would be rigid sheeting. The canopy would be supported by 4 posts and would be 4.7 metres in height and 3 metres in depth. As the site is within a conservation area it is considered prudent to request the details of the materials, colour, and finish through a condition. By virtue of being significantly set back from the streetscene and viewed in context of the scale and appearance of the building it is considered to be in scale with the building and not unduly prominent. By virtue of the distance from domestic properties it is not considered to impact on the residential amenity of the neighbouring dwellings

4.24 The cumulative impact of all the additions to the rear elevation and rear car park by virtue of their simple designs are not considered to be unduly prominent and are in scale with the building and surroundings and as such are not considered to unduly impact on the character of this part of the conservation area.

5.0 CONCLUSION

5.1 For the above reasons the proposal is not considered to have a negative impact on the visual amenity of the site, the streetscene when viewed from The Village and South Lane, or the Haxby Conservation Area. The proposals are not considered to cause harm to the residential amenity of the occupants of the nearby dwellings. Subject to the following conditions approval is recommended.

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:-

Drawing Number PL03 Revision F received 25 January 2011
Drawing Number PL10 Revision D received 25 January 2011
Drawing Number PL11 Revision B received 25 January 2011
Drawing Number 5220 Revision D received 11 January 2011
Drawing Number 5340 Revision C received 17 December 2010
Drawing Number [G]-6055-D-01 / received 11 January 2011;

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

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

Reason: So as to achieve a visually cohesive appearance.

4 Details of the positions and numbers of CCTV cameras to be installed within the car park, together with details of monitoring/recording points, shall be submitted to and agreed in writing by the local planning authority prior to the construction of trolley and cycle shelters, and prior to the unloading bay canopy and the glazed lobby being brought into use. Once installed, the CCTV cameras and monitoring/recording points shall be maintained in perpetuity and shall be operational at all times, unless any variations are first agreed in writing by the local planning authority.

Reason: To comply with Policy GP3 of the City of York Development Control Local Plan and in the interests of reducing and controlling incidents of crime and disorder that may occur at the premises.

5 Prior to the construction of the cycle shelter hereby approved, details of the cycle parking areas, including the number and type of cycle stands, shall be submitted to and approved in writing by the Local Planning Authority. The shelter shall not be brought into use until the cycle parking areas have been provided in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

6 Full details of the rooflights and the extent of leadwork, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

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

Informative: The rooflights and flashings shall be of a conservation specification. The details shall show the rooflights recessed within the roof slope.

7 Any plant items that only operate during the day time and do not operate during the night (11pm - 7am) should be installed with timer controls to ensure the plant only operates during the day (as per the noise assessment for planning (report PR/EC11006-003, dated 17 Sept 2010). All plant and equipment installed on the roof shall operate in accordance with Noise Report submitted by Environmental Equipment Corporation Limited (ref PR/EC11006-003, version 1 dated 17 September 2010) to achieve the design criteria levels given below, as measured at 1m from the nearest residential noise sensitive window.

Period	L _{Aeq} - dB
Daytime/ Evening (07.00 - 23.00hrs)	26
Night time (23.00 - 07.00 hours)	24

Reason : To protect the amenity of local residents.

8 The infill brickwork to block up the existing shop access from the car park shall match the existing brickwork in all respects i.e., bonding, size, colour and texture of bricks and the colour and finished treatment of mortar joints, to the satisfaction of the Local Planning Authority.

Reason: To ensure that the finished appearance is to the satisfaction of the Local Planning Authority.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the amenity of the occupants of nearby dwellings; the visual amenity, character and appearance of the conservation area, streetscene and host building. As such the proposal complies with Policies GP1, GP3, GP16, GP18, HE2, HE3, and HE6 of the City of York Development Control Local Plan (2005) and national planning guidance contained in Planning Policy Statement 5 'Planning for the Historic Environment'.

2. DEMOLITION AND CONSTRUCTION - 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 remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

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

(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	08.00 to 18.00
Saturday	09.00 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 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.

Contact details:

Author: Victoria Bell Development Management Officer

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COMMITTEE REPORT

Date: 10 February 2011 **Ward:** Haxby And Wigginton
Team: Major and Commercial **Parish:** Haxby Town Council
Team

Reference: 10/01870/ADV
Application at: Somerfield Haxby Shopping Centre The Village Haxby York
For: Display of illuminated fascia sign to front, and non illuminated lettering sign to the rear, non illuminated signs at both store entrances, totem sign and various car park signs to rear
By: Sainsbury's Supermarkets Limited
Application Type: Advert Application
Target Date: 17 November 2010
Recommendation: Refuse

1.0 PROPOSAL

1.1 The application relates to the display of a number of signs to the front and rear elevations of the building. There are also signs proposed within the car park to the rear of the site. The following signs have been applied for:

Front Elevation/ The Village

1.2 Sign B1 - 1 no. fascia to the front elevation. The fascia would measure 0.886 metres in height and 4.716 metres in length as specified in the submitted plans. The acrylic sign would be matt orange lettering on a white background. The lettering would be maximum 0.69 metres in height. It is not clear from the plans but as the sign is smaller than the total size of the fascia, the fascia may be sited to the front of the existing. The agent has confirmed that the proposed sign would protrude 95mm from this front of the building. The sign would be internally illuminated and together with the larger background fascia would be illuminated by strip lighting that is existing. According to the agent the sign in situ is temporary.

1.3 Sign W1 - 2 no. aluminium signs that are to either side of the front entrance. The signs are orange in colour with white lettering. The signs would be 2.181 metres in height from the ground and 1.43 metres in width and fixed in front of the existing windows. The signs are non-illuminated.

1.4 Sign W3 - This aluminium sign would surround the proposed ATM. The orange sign would have white lettering indicating the ATM. The sign would measure 2.4 metres in height (0.15 metres above the ground) and 1.59 metres in width. The sign would not be illuminated.

1.5 Sign W4 - The bus stop sign would be sited above Sign W3. The dark orange sign would contain an orange circle advertising the ATM below. The sign would protrude 1.08 metres from the front elevation and be 0.42 metres in height; the depth

of the sign has not been shown. The plans submitted are not to scale and as such the height above the ground is unclear.

1.6 Sign W5 - The bus stop sign would be sited on the front elevation on the protruding fascia. The predominantly orange sign would protrude from the fascia by 0.925 metres and be 0.625 metres in height, the depth has not been specified. The top of the sign would be 3.8 metres above the ground level.

Rear Elevation/South Lane

1.7 Sign B2 - Non-illuminated lettering sited on a frame above the proposed glazed lobby. The stated measurement of the lettering is 4.716 metres in length and 0.886 metres in height and is shown to span just under the full width of the lobby. However the roof of the proposed lobby is only 4.55 metres in width and as such there is discrepancy in the measurements shown. There is another measurement indicating that the maximum size of the lettering is 0.69 metres, which does not correspond with the 0.886 metres specified. The plans have not been drawn to scale but it could be that the lettering and the distance above the roof are including in this measurement. The agent has confirmed that the depth of the sign is 95mm. The lettering would be 3.431 metres above the adjacent ground level.

1.8 Sign W2 - The Welcome Wall sign is sited adjacent to the entrance of the glazed lobby. The sign is 2.565 metres in height and 2.7 metres in width. The sign is orange with a darker orange box with the opening times of the store specified. The size of the lettering is unknown as it has not been specified.

Signs within the car park

1.9 Sign 1 - Is a double sided blue disabled non-illuminated sign on an aluminium pole sited against the retaining wall adjacent to the disabled parking spaces. There are two measurements have been given for the total height - 2.85 metres and 3.15 metres. The sign itself would measure 0.75 metres by 0.75 metres.

1.10 Sign 2 - The 'Parent and child' sign would be wall mounted to the rear of the parent and child parking spaces. Again the specified total height varies between 2.85 metres and 3.15 metres. The circular sign measures 0.75 metres in diameter.

1.11 Sign 4 - The 2 no. triangle pedestrian crossing signs would be affixed to each of the belisha beacons, the sign is 0.6 metres in height and the maximum height when affixed would be 2.7 metres. This sign has deemed consent under Class 2a of The Town and Country Planning (Control of Advertisement) (England) Regulations 2007.

1.12 Sign 5 - The 'No Entry' and 'Deliveries Only' sign would be sited in front of the unloading bay, the total height of the sign including the pole would be 3.15 metres. This sign has deemed consent under Class 2a of The Town and Country Planning (Control of Advertisement) (England) Regulations 2007.

1.13 Sign 7 - The 3 no yellow background maximum stay parking signage measures 0.75 metres in height and 0.625 metres in width. The signs would be affixed to 3 of

the external lighting columns. The sign would be at its top edge 2.85 metres above ground level

1.14 Sign 8 - The 2 no blue badge and parent and child bay signage would measure 0.7 metres in height and 0.625 metres in width. One of the signs would be sited on the external lighting column adjacent to the disabled parking sign. The other sign would be wall mounted adjacent to Sign 2.

1.15 Sign T01 - The non-illuminated totem sign would be sited adjacent to the vehicle access. The sign would have a maximum height of 3 metres and be 1.4 metres in width. The depth of the sign has not been indicated. The orange sign indicates the stores name, opening hours etc.

1.16 There is ambiguity between the signs applied for in the application form and the signs submitted in the elevations. As such the measurements and sitings have been taken from the plans and elevations (drawing numbers 5220 Revision D received 11 Jan 2011, Drawing Number PL100 Revision B received 8 October 2010, Drawing Number 6201 received 19 October 2010, and Drawing Number 6200 Revision A received 19 October 2010)

1.17 The site is within the Haxby Conservation Area and the Haxby District Centre as identified in the proposals map that accompanies the Draft Local Plan. The site is also in close proximity and lies within the setting of a listed building opposite the front elevation - 48 The Village. The unit is part of a development constructed in the 1970s (planning permission was granted in 1972 - 4/2/492 T). No opening hours were specified as part of this original application. This side of the The Village and South Lane is predominantly retail of a modest scale and appearance. The appearance from South Lane of the rear of these properties is a mixture of designs, that do not necessary reflect the attractive frontages onto The Village. To the south/rear of the site is a large suburban housing estate built in the 1960s - 1970s with a mixture of housing types, and the streets closest to the proposed site have an open, modest, and pleasant character.

1.18 The application has been brought before committee at the request of Cllr. Firth on the basis of the amount of public interest shown in this application. As there have been objections to the proposed scheme a site visit is also required. There are two other applications for this site 10/02418/FUL and 10/01869/FUL both of which are also considered on this agenda.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Haxby CONF

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP21
Advertisements

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYHE4
Listed Buildings

CYHE8
Advertisements in historic locations

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 Defer until the layout of the car parking to the rear has been agreed with the applicant

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT – Object

3.2 The large scale of the fascia sign to the principal elevation of the supermarket appears visually dominant and is of a much greater scale than the slim horizontal emphasis fascia signage present to adjacent shopfronts within the immediate context. The large scale of the individual acrylic letters applied to the shopfront is emphasised by the white coloured background to the fascia sign. The method of attachment and profile of the lettering requires to be confirmed in support of this application. The proposed internal illumination of the large scale three dimensional orange coloured acrylic letters reading ‘Sainsbury’s’ attached to the deep white fascia to the principal elevation will have a negative visual impact on the character and appearance of the conservation area and harm the setting of the Listed Building situated opposite at no. 48 The Village. The proposed internally illuminated acrylic letters applied to the fascia will appear visually intrusive at night within the context of The Village.

3.3 It is proposed to erect non-illuminated acrylic letters reading ‘Sainsbury’s’ above the rear entrance to the store that will be visible from South Lane. The large scale of the orange coloured acrylic letters is likely to appear visually intrusive within this context. Further details of the method of attachment and profile of the lettering should be submitted in support of this application. The scale of the lettering should be reconsidered to address concerns regarding the negative visual impact of the proposed signage on the character and appearance of the conservation area.

3.4 A variety of signs are proposed to the rear car park to denote different elements of the parking facilities, safe pedestrian routes to cross the car park and the delivery area. A large scale totem sign is proposed at the entrance to the car park that in combination with the design, scale and range of the signs proposed, is likely to have a negative visual impact on the existing character and appearance of South Lane within the context of the conservation area. The large scale of the totem sign at the entrance to the rear car park should be reconsidered.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

HAXBY TOWN COUNCIL - Object

3.5 Support objections raised by the CYC Conservation Officer

3.6 Strongly object to the internally illuminated sign to the front and the number, type, and height of the signs to the rear car park

3 LETTERS OF OBJECTION (2 by the same objectors)

3.7 Contrary to designation of The Village as a conservation area.

3.8 Concerned regarding the additional light pollution caused by the signage to the front.

3.9 Why are the LPA accepting drawings that are not up to date when compared to the latest revision of the store development drawings for 10/01869/FUL. The drawings showing the location of the signs within the car park is wrong and as such unable to make comments and objections to the application. Unable to consider the impact of the signs on their property

3.10 The sign above the proposed glazed lobby is too large and must not be allowed to extend upwards past the flat roof skyline. The sign (nearly 5 metres in length) would be very intrusive to local residents. It is unlikely to attract any additional potential customers because South Lane is predominately used by local residents and persons who have already planned to park and shop at the supermarket.

3.11 The orange and red welcome sign to the side of the glazed lobby is gaudy and too large (nearly 3 metres by 3 metres). It is larger than the ones to the front of the store and will cause a major visual impact to local residents.

3.12 The signage within the car park will provide an urban activity playground for children and youths especially outside opening hours. In addition to the car park furniture such as bollards, walls, ramps, the trolley and cycle shelters etc. There is already an existing problem.

3.13 The number of signs within the car park mainly on 3 metre poles are too numerous, will add to the playground setting and cause a noise nuisance. A reduced quantity and more discrete signage is recommended and would reduce the visual impact.

3.14 The large totem sign at the car park entrance will cause further unacceptable visual intrusion on South Lane and to local residents.

WARD COUNCILLOR

3.15 Representations have been received from one of the ward councillors for the area - Cllr Richard Watson. His comments are as follows:

3.16 Within the conservation area there is a strict policy of no internally illuminated signage. Please ensure that this policy is adhered to.

4.0 APPRAISAL

4.1 SITE HISTORY

10/00169/ADV - Display of 1no. externally illuminated fascia sign and 2no. non-illuminated rear and side fascia signs following the removal of former Somerfield signs (retrospective) - Partial Approve/Partial Refuse

- The two signs to the rear elevation were approved
- 17100mm x 1450mm EXTERNALLY ILLUMINATED FRONT FASCIA SIGN REFUSED Due to a combination of its scale, appearance, extent of illumination and proportion in relation to the adjoining signage and settings it is considered that the front fascia sign, being displayed in a prominent location in the heart of a Conservation Area appears incongruous, out of character and out of proportion and fails to respect the special architectural and historic merits of Haxby Conservation Area to the detriment of visual appearance and amenity. The front fascia sign is therefore contrary to the guidance set out in Planning Policy Guidance Note 19 "Outdoor Advertisement Control" and Policies GP21 and HE8 of the City of York Draft Local Plan 2005.

KEY ISSUES

1. Impact on amenity, specifically the visual impact on the building and the conservation area
2. Impact on public safety

ASSESSMENT

PLANNING POLICY

4.2 The Town and Country Planning (Control of Advertisements) Regulations 2007 state that the display of outdoor advertisements can only be controlled in the interests of "amenity" and "public safety". Central Government advice is contained within Planning Policy Guidance 19 "Outdoor Advertisement Control" (PPG19).

4.3 Para.4 of PPG19 states that a building can contribute positively to a sense of pride and place, however it warns that the appearance of a building can be spoilt by a poorly designed or insensitively placed signs, or by choice of the sign/adverts materials, colour, proportion or illumination which are out of keeping with the building's design or fabric. Such signs can appear over-dominant and out of place.

4.4 As stated in paragraphs 11 and 12 of PPG 19, consideration should be given to the amenity of the area and the effect on the appearance of the building or on visual amenity in the immediate neighbourhood where it is to be displayed. Consideration is given to the local characteristics of the neighbourhood, including scenic, historic, architectural and cultural features, which contribute to the distinctive character of the locality.

4.5 The site is within the Haxby Conservation Area. PPG19 states that it is reasonable to expect that more exacting standards of control will prevail in conservation areas. However, it cautions that many conservation areas are thriving

commercial centres where the normal range of advertisements on commercial premises is to be expected, provided they do not detract from visual amenity. Local Planning Authority's (LPA's) should use advertisement controls flexibly in such areas, so as to conserve or enhance particular features of architectural or historic interest. The statutory duty of LPA's to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas includes the control of outdoor advertisements.

4.6 Further Central Government advice is contained within Planning Policy Statement 5 "Planning for the Historic Environment" (PPS5). Policy HE10 of PPS5 states that when considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, local planning authorities should weigh any such harm against the wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval.

4.7 The relevant development plan is The City of York Council Draft Deposit Local Plan, which was placed on Deposit in 1998. Reflecting points made, two later sets of pre inquiry changes (PICs) were published in 1999. The Public Local Inquiry started in 1999 but was suspended by the Inspector for further work to be done on the Green Belt. A Third Set of Changes addressing this further work was placed on deposit in 2003. Subsequently a fourth set of changes have been drafted and approved by Full Council on 12th April 2005 for the purpose of making Development Control Decisions, on the advice of Government Office for Yorkshire and the Humber.

4.8 Policy GP21 "Advertisements" in the City of York Council Development Control Local Plan (2005) states that permission will only be granted if the size, design, materials colouring of signs, hoardings and large panels and any form of illumination does not detract from the visual amenity of the area in which they are displayed particularly with regard to the character of listed buildings and conservation areas. Additionally any proposal should not have an adverse effect on public safety. In residential areas and on sites clearly visible from the road the advertisement should be in keeping with the scale of the surrounding buildings and public areas.

4.9 Policy HE8 "Advertisements in Historic Locations" states that within conservation areas, or on listed buildings advertisements should be of a design and scale that respects the character and appearance of the area and be of sympathetic materials. Within conservation areas externally illuminated advertisements that require large light fittings are not permitted.

IMPACT ON THE BUILDING AND THE CONSERVATION AREA

- Front Elevation

4.10 The existing large fascia on the front elevation is unduly prominent within the streetscene and the conservation area, and the introduction of large orange lettering against a white background which would protrude forward of the existing fascia by

95mm would appear clumsy, bulky and awkward. The existing fascia is already set forward of the building. In addition the internally illuminated acrylic lettering and the external illumination proposed would be very prominent within the streetscene causing significant harm to the appearance of the host building within its context and the conservation area, but also affecting the setting of the listed building opposite the retail unit - 48 The Village. The trough lights set along the top of the large fascia would be clumsy and discordant, creating an appearance of clutter and excessive visual intrusion when seen in context of the other proposed signage. This type of illumination in this location further detracts from the visual amenity of the area and the character and appearance of conservation area and listed building and is contrary to Policy HE8.

4.11 The design of the bus stop signs are awkward and have a bulky appearance, in addition their siting and design is considered to add to the visual clutter of this elevation. This is further emphasised by the three wall mounted signs adjacent to the entrance and surrounding the proposed ATM. The ATM would have two signs advertising its presence: the ATM surround (Sign W3); and the projecting bus stop sign protruding 1.08 metres (although this part of the elevation is set back slightly from the doors, windows, and fascia). When viewed in the context of the overall number and size of the signs, the ATM surround is considered to be excessive and visually harmful. The surround also reduces the amount of brickwork in the elevation, which otherwise helps to break up the elevation. The large expanse of orange signage (Signs W1x2 and W3) when viewing the shopfront has a discordant and incongruous appearance and is not considered to reflect the domestic scale of the conservation area or the buildings within it.

4.12 The cumulative impact of the proposed signs to the front elevation including scale, number of the signs, design, location do not appear to take into account the context of the site within a conservation area and the potential impact on its setting and fails to respect the special architectural and historic merits of Haxby Conservation Area. The resulting impact is an over advertised, cluttered appearance that would cause significant visual harm to the visual amenity and character of the conservation area, street scene and the host building. A reduced number and size of non-illuminated advertisements in this location might be considered more favourably.

- Rear Elevation

4.13 As discussed in paragraph 1.7 there is some discrepancy in the measurement of Sign B2. However by virtue of its large scale, appearance (set on a frame above the roof of the proposed glazed lobby), depth of the sign, and its proportion in relation to the host building and the modest surroundings it is considered to be unduly prominent in a location which is very modest in scale both in terms of its commercial and residential uses and appearance. As a result it is considered to cause harm to the visual amenity and character of the area and as such is contrary to Policy GP21 and advice within PPG19. The proposed sign would be visible from a considerable distance by virtue of the position of the building in relation to the road. The prominence is further compounded by the overlarge Welcome Board adjacent to the lobby (sign W2).

4.14 By virtue of its bulky and awkward appearance, together with its location, the proposed totem sign (Sign T01) would be very prominent and intrusive, resulting in harm to the modest streetscene and the character of the conservation area. It is accepted that some signage may be required in this location but it should be of a scale compatible with the surroundings.

4.15 The number and scale of the signs within the car park (albeit Signs 4 and 5 have deemed consent) on their own merit and when viewed in context with Signs B2, W2, T01, and the alterations proposed in the pending applications 10/01869/FUL and 10/02418/FUL would cause a cluttered over-advertised appearance when viewed from the streetscene. Smaller and fewer signs would be recommended with possible sharing of posts.

IMPACT ON PUBLIC SAFETY

4.16 It is not considered that the proposed signs would cause harm to public safety.

5.0 CONCLUSION

5.1 The proposed internally and externally illuminated fascia to the front elevation by virtue of a combination of its scale, appearance, protruding forward of the existing fascia, extent of illumination, proportion in relation to the adjoining signage and setting, being displayed in a prominent location in the heart of a Conservation Area appears incongruous, and is considered to be out of character and out of proportion and fails to respect the special architectural and historic merits of the Haxby Conservation Area.

5.2 All the proposed signs are of a considerable size. The number and scale of the adverts would cumulatively impact on the character and setting on the conservation area, but also the host building. By virtue of the scale and number of the signs in relation to the relatively small scale of the site, the resulting impact both to the front and rear elevations is undue prominence and a cluttered and ultimately over-advertised appearance causing significant harm to the visual amenity and character of the area. The harm they would cause to the building, the conservation area, and the setting of a listed building would be contrary to Policies GP21, HE3, HE4, and HE8 as the design and scale does not respect the character and appearance of the area or the host building. The proposed signage is considered to be contrary to Policy HE10 of PPS5 and PPG19 as it does not make a positive contribution to the historical asset or its setting.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed internal and externally illuminated fascia to the front elevation, by virtue of a combination of its scale, appearance, protruding forward of the existing fascia, the extent of illumination, its proportion in relation to the adjoining signage and setting, and being displayed in a prominent location in the heart of Haxby

Conservation Area, would be visually intrusive and result in harm to the visual amenity and character of the host building, the streetscene, and the historic merits of the Haxby Conservation Area, and the setting of the listed building immediately opposite (48 The Village). For these reasons the display of the fascia sign is considered to conflict with Policies GP21, HE2, HE3, and HE8 of the City of York Development Control Local Plan 2005 and national planning advice set out in Planning Policy Guidance Note 19 "Outdoor Advertisement Control" and Planning Policy Statement 5 'Planning for the Historic Environment'.

2 The proposal, by virtue of the number of signs and their excessive scale, the method of illumination of the fascia to the front elevation, their location and consequent cumulative impact would be unduly prominent and create a cluttered appearance that would be harmful to the visual amenity of the host building, the street scene, and the character and appearance of the conservation area, and the setting of the listed building immediately opposite (48 The Village), and therefore conflicts with Policies HE8, HE2, HE3, and GP21 of the City of York Development Control Local Plan and national planning advice contained within Planning Policy Guidance Note. 19 "Outdoor Advertisement Control" and Planning Policy Statement 5 'Planning for the Historic Environment'.

Contact details:

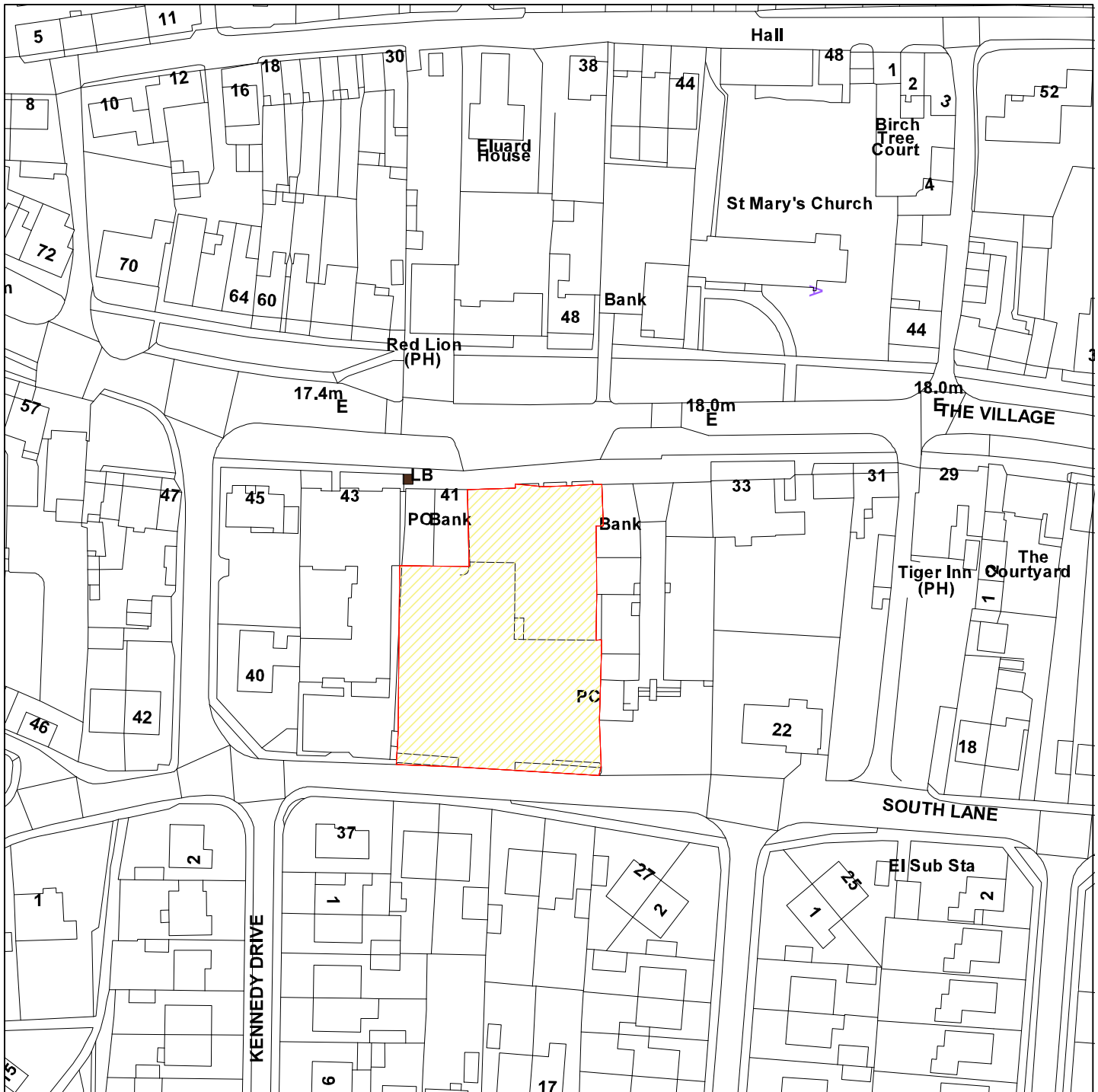
Author: Victoria Bell Development Management Officer
Tel No: 01904 551347

(Sainsburys Supermarkets) Somerfield, Haxby

10/01870/ADV



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Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	31 January 2011
SLA Number	Not Set

1.3 The application has been brought before committee at the request of Cllr. Firth on the basis of the amount of public interest shown in this application. As there have been objections to the proposed scheme a site visit is also required. There are two other applications for this site 10/01869/FUL and 10/01870/ADV both of which are also considered elsewhere on this agenda..

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Haxby CONF

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1

Design

CYHE2

Development in historic locations

CYHE3

Conservation Areas

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

- No objections to the external lighting
- Have concerns regarding the belisha beacons
- The current store entrance has been formed at the south-west corner of the building, and not in accordance with the applicant's submitted drawing (Hadfield Cawkwell Davidson 6415). The proposed siting of the zebra crossing does not sit comfortably with a store entrance in its current location.
- Flashing belisha beacons are likely to cause annoyance to nearby residents during evening and night time periods especially if their use cannot be justified.
- It is questionable whether the level of potential conflict within the car park between motorists and pedestrians would justify the introduction of such a measure. Prefer to see more attention given to the marking and signing of pedestrian routes between South Lane and the store entrance, wherever that is finally located.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

- It is essential that the design of the external lighting columns respects the existing character and appearance of the conservation area. The proposed lighting columns

with 'signature lanterns' appear to have a simple contemporary design and appearance that is unlikely to detract from the context of the car park. The levels of illumination and times when the lights are in operation may alter the existing character of the conservation area and should be carefully considered.

- The proposed installation of two belisha beacons to the zebra crossing within the car park does not appear to be justified. The intermittent lighting of the beacons is likely to detract from the existing character and appearance of the conservation area within this context. It is recommended that the belisha beacons should be resisted in this sensitive location.

ENVIRONMENTAL PROTECTION UNIT - No objections

EXTERNAL CONSULTATIONS/REPRESENTATIONS

HAXBY TOWN COUNCIL

- No objections to the lighting columns subject to the condition that they would be switched off during the close of business to protect the amenity of nearby residents.
- Object to the belisha beacons in the interest of the amenity of the nearby residents.

2 LETTERS OF OBJECTION

- Unclear whether the belisha beacons or the external lighting will be operating 24 hours per day, 7 days a week. Will have series impact on the near by residents facing the car park.

- From the dwellings opposite the car park the lighting columns appear too high, the lights dominate the skyline. A more proportionate height such as 4 metres would be recommended. This would also eliminate the sideward glare. The lights are extinguished usually before 22.30 hours. Would like this conditioned.

- The Belisha beacons are too high. In addition when viewed in the context of the other car park furniture will create and unacceptable visual impact to the nearby dwellings. The safety improvement is questionable in the context of the size and layout of the car park

There are a number of objections to the lighting submitted in relation to application 10/01869/FUL, which was submitted some time before this application. Four of the letters received commented on the proposed lighting (2 of these letters are from the same objectors as above). The comments stated in this correspondence are as follows:

- Concerned that there would be additional light pollution, there is already existing street lighting

- Proposed layout calls for the installation of lighting appropriate to supporting CCTV, but may be a conflict between the required luminance levels and the potential light pollution to 27 - 37 South Lane

- No justification for the Belisha Beacons, these are unnecessary and cause visual annoyance

4.0 APPRAISAL

RELEVANT SITE HISTORY

No relevant applications

KEY ISSUES

1. Visual impact on the building and the conservation area
2. Impact on neighbouring property

ASSESSMENT

PLANNING POLICY

4.1 Planning Policy Statement 1 - 'Planning for Sustainable Development' aims to protect the quality of the natural and historic environment. PPS1 states that good design is indivisible from planning. Design which is inappropriate within its context, or which fails to take opportunities for improving the character and quality of an area or the way it functions should not be accepted. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.2 The site is within the Haxby Conservation Area and as such Planning Policy 5 'Planning for the Historic Environment' states that local planning authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal (including by development affecting the setting of a heritage asset). In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. This understanding should be used by the local planning authority to avoid or minimize conflict between the heritage asset's conservation and any aspect of the proposals. The consideration of design should include scale, height, massing, alignment, materials and use.

4.3 Policy HE9.5 of PPS5 recognises that not all elements of a Conservation Area will necessarily contribute to its significance. When considering proposals, the LPA should take into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole. Where an element does not positively contribute to its significance, LPAs should take into account the desirability of enhancing or better revealing the significance of the Conservation Area, including, where appropriate, through development of that element.

4.4 Local planning policies contained in City of York Development Control Local Plan, are outlined in section 2.2 and are material to the consideration of this application.

VISUAL IMPACT ON THE BUILDING AND THE CONSERVATION AREA

4.5 The proposed lighting would be viewed against the background of the building. The external lighting is simple and contemporary in design and is not considered to be prominent within the streetscene. The height of the lighting columns is considered to be in scale with the height of the building and would not be visible from the front of

the site. The lanterns are downward facing and as such it is not considered there would be excessive light spillage outside the application site. There is street lighting along South Lane however the external lighting will provide greater illumination of the car park and as such enable greater surveillance within the car park. Some concerns have been raised regarding potential anti-social behaviour within the car park.

4.6 The lighting, whilst being within the conservation area is not considered to unduly impact on the character or setting of the historical asset, neither is it considered to compound the scale and appearance of development of the site. Neither is it considered to compound the commercial appearance of the site when viewed in the context of the dwellings on South Lane.

IMPACT ON NEIGHBOURING PROPERTY

4.7 The lantern adjacent to the west boundary and the Ashgrove apartment building is not considered to cause a light disturbance to the occupants of this building. The lantern is adjacent to the side elevation of the apartment block; the closest window in this side elevation would be approximately 8 metres from the lantern. The lanterns are angled downwards; however they would cause ambient light levels to increase during the evening hours. The agent has confirmed that Sainsbury's has imposed a limit on the illumination hours on site of 06.00 hours to 23.00 hours. The original application for the unit did not specify opening hours and as such there is the potential for the shop to open 24 hours in the future. If the committee were minded decided to approve the application, by virtue of the proximity to dwellings, it is considered reasonable to condition the illumination hours to the evening only rather than opening hours to mitigate the impact of the lighting on the adjacent dwellings and the character of the conservation area. The distance to the dwellings opposite on South Lane is a minimum of 34 metres.

BELISHA BEACONS

4.8 The agent has submitted the justification for the belisha beacons as being on health and safety grounds for the pedestrian crossing within the car park. This justification is considered to have little weight when viewed in context of the modest scale of the car park and the number of vehicles and pedestrians within the car park at any one time. The height of the belisha beacons has not been specified. There are belisha beacons to the pedestrian crossing in front of Haxby Shopping Centre. This lighting is modest and viewed against the background of the building frontages and the elements of the streetscene including the interesting variations in the grass verges, white post and rail fencing and the slight change in levels of the street with the road threading through on a curving line that varies from that of the street frontages, in addition there is justification of these beacons. The proposed beacons are considered to be intrusive and in addition to the trolley and cycle shelters proposed in application 10/01869/FUL and the large number of signs proposed within the car park as part of application 10/01870/ADV and the bollards, railings etc it is considered to add to the cumulative clutter within the car park. This part of the conservation area has a different appearance to The Village, the prevailing character of this part of the street and conservation area is subdued and understated set against the background of residential properties. The beacons and the flashing of the lights would be visually intrusive and uncharacteristic of this part of the conservation

area. The hours of operation of the beacons could be conditioned but this is not considered to remove the visual annoyance the flashing of the beacons would be likely to create.

5.0 CONCLUSION

5.1 For the above stated reasons the proposed external illumination is considered to be acceptable, however the belisha beacons are considered to be visual intrusive and cause harm to the character and appearance of the streetscene and this part of the conservation area, and negatively impact on the residential amenity of the occupants of the nearby dwellings. As such the application is recommended for refusal.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed belisha beacons would be unsympathetic and would be visually intrusive causing harm to the visual amenity of the site, the street scene, and this part of the conservation area. In addition the intermittent nature of the lighting would negatively impact on the residential amenity of the occupants of the nearby dwellings. Sufficient justification for the beacons has not been submitted that would overcome the cluttered appearance the beacons would create in this modest and subdued area. For these reasons the belisha beacons would conflict with Policy GP1, HE2, and HE3 of the City of York Council Development Control Local Plan (2005) and national planning guidance contained in Planning Policy Statement 1 - 'Planning for Sustainable Development' and Planning Policy Statement 5 'Planning for the Historic Environment'.

Contact details:

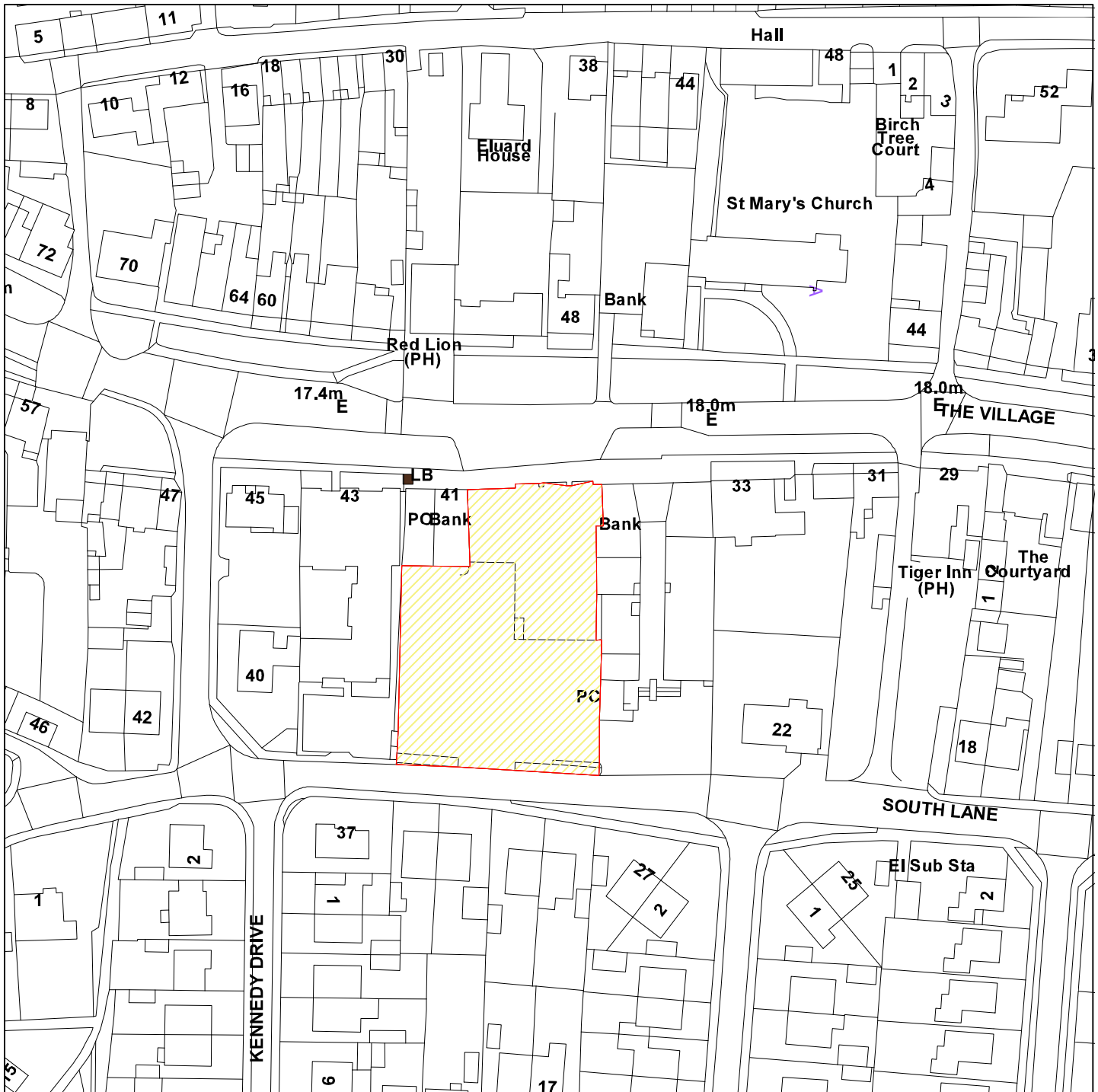
Author: Victoria Bell Development Management Officer
Tel No: 01904 551347

(Sainsburys Supermarkets) Somerfield, Haxby

10/02418/FUL



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	31 January 2011
SLA Number	Not Set

COMMITTEE REPORT

Date: 10 February 2011 **Ward:** Strensall
Team: East Area **Parish:** Strensall With Towthorpe
Parish Council

Reference: 10/01553/FUL
Application at: Seven Oaks Ox Carr Lane Strensall York YO32 5TD
For: Erection of three 2-storey detached dwellings and associated external works after demolition of existing bungalow (resubmission)
By: Mr Peter Ruane
Application Type: Full Application
Target Date: 14 September 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for (a) the demolition of an extended chalet-style detached house known as Seven Oaks and erection of three, 2-storey, 4-bedroom houses (contrary to the initial consultation letter, no rooms in the roof space are proposed). The existing vehicular access from Ox Carr Lane would be widened from approximately 3.2m to 4.5m. Two off-street parking spaces would be provided for each dwelling plus a total of two visitor spaces. Each dwelling would have its own private garden.

1.2 The application is a resubmission following two previous applications (in 2008 and 2009) that were withdrawn due to officer concerns. The current proposal is the result of lengthy discussions with officers.

1.3 The application is before members due to the level of public interest.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

Floodzone 2 GMS Constraints: Flood zone 2

2.2 Policies:

CYNE6

Species protected by law

CYGP1

Design

CYGP4A
Sustainability

CYGP10
Subdivision of gardens and infill devt

CGP15A
Development and Flood Risk

CYH4A
Housing Windfalls

CYNE1
Trees, woodlands, hedgerows

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

3.1 INTERNAL

Highway Network Management - No objections to the revised proposals, which show the access widened to 4.5m. Add standard conditions regarding details of access, surfacing and car/cycle parking.

Structures and Drainage - No objection in principle to the development but a condition should be attached to ensure that peak run-off is attenuated to 70% of existing and discharged at a controlled rate. The development is in medium risk Flood Zone 2 and may suffer from river flooding, therefore a Flood Risk Assessment should be submitted for approval to the Environment Agency.

Environment, Conservation, Sustainable Development (Countryside) – Whilst a full bat survey is not necessary the surrounding area is of high value to local bats. Measures should be put in place during the demolition phase to ensure that bats have been taken into account and that any potential impact is minimised. For example, careful removal of roof tiles and fittings by hand. Suitable habitat features should also be installed in the new dwellings. A condition should be attached to cover this. Whilst there have been some reports of great crested newts within the area the gardens at Seven Oaks are well maintained and provide sub-optimal habitat. The busy road to the front is also likely to be an effective barrier to migrating newts. Nevertheless the newts still need to be taken into account and care should be taken during the construction phase to minimise any impacts.

Environment, Conservation, Sustainable Development (Trees) – No objection to the revised proposals including a replacement silver birch to compensate for the loss of a small oak tree and alterations to the proposed hedging. The existing

driveway/hardstanding should be retained throughout the development period to provide a protective barrier for these trees, reducing compaction of the roots. This should be specified in a tree protection method statement. Tree protection should be made a condition of approval.

Environmental Protection: - No objections.

Lifelong Learning and Leisure - As there is no on-site open space provided a commuted sum should be paid to the Council for: (a) amenity open space - which would be used to improve a local site within the parish (b) play space - which would be used to improve a local site within the parish and (c) sports pitches - which would be used to improve a facility within the North Zone of the Sport and Active Leisure Strategy. The contribution to off-site provision should be based on the latest York formula through a Section 106 Agreement.

3.2 EXTERNAL

Strensall With Towthorpe Parish Council – Objection. Conflict with policy GP1 due to size and scale which are inappropriate for the area and adjacent properties. Drainage is still a concern in the area and the surface water run-off from this scheme will be three times that of the existing property. The proposals do not blend in with the surrounding area. Adjacent properties would be overlooked. There would be insufficient parking. Impact on trees. The 4m entrance is too narrow. The development does not conform to Planning Policy Statement 3.

Foss IDB - The site is in an area where drainage problems exist. Any approval granted should include conditions requiring (a) prior approval of a surface water regulation system with a maximum discharge rate not exceeding that of a greenfield site, i.e. 1.4lit/sec/ha and (b) finished floor levels at least 250mm above finished floor level and flood proof construction.

Environment Agency - The proposal would only be acceptable if conditions are attached requiring prior approval of a surface water drainage scheme with a maximum discharge rate not exceeding that of a greenfield site

Public Consultation - The consultation period expired on 6 September 2010. Six objections have been received raising the following planning issues:

- Overdevelopment
- Out of character with the area
- Increased run-off will cause flooding/drainage problems
- Highway safety
- Inadequate parking
- Impact on adjacent SSSI
- Impact on bats and newts
- Loss of sunlight/daylight
- Loss of/impact on trees
- Overlooking and loss of privacy
- Noise nuisance
- PPS3 (garden grabbing)

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of the Use for Housing
- Density and Visual Appearance
- Neighbour amenity
- Highway Issues
- Drainage
- Bio-diversity
- Open space
- Sustainable design and construction

4.2 PLANNING POLICY CONTEXT

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

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

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

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

NE6 - Where a proposal may have a significant effect on protected species or habitats applicants will be expected to undertake an appropriate assessment demonstrating their proposed mitigation measures. Planning permission will only be granted that would not cause demonstrable harm to protected species.

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

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

4.3 THE APPLICATION SITE

The site (0.172ha) mainly comprises an extended chalet-style dwellinghouse on the edge of (but within) the settlement limit of Strensall. The site is surrounded on all sides by trees and/or hedges. Access is by a gated driveway from Ox Carr Lane. On the opposite side of Ox Carr Lane is Strensall Common which is a designated site of special scientific interest (SSSI) and special area of conservation (SAC). To the north and east of the site is a modern housing estate – Oak Tree Close. To the west is the mature garden and house known as Whitewalls. The density of development in the area varies greatly from the low density at Seven Oaks and Whitewalls to the significantly higher density at Whin Close and Pasture Close to the west.

4.4 PRINCIPLE OF THE USE FOR HOUSING

The site is in a sustainable location on a bus route and close to Strensall village. The principle of the use for housing is acceptable subject to the proposal not being detrimental to the character and amenity of the area.

In June 2010 Planning Policy Statement 3 was revised to exclude private residential gardens from the definition of previously-developed (brownfield) land. 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. However, the removal of residential gardens from the definition of previously-developed land has not introduced 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 removal of the site from 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, it is still expected that local planning authorities should seek to secure the efficient use of land, whilst focusing 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.

4.5 DENSITY AND VISUAL APPEARANCE

The three houses would be traditional in design and appearance. Materials would comprise brickwork and coloured render for the walls and interlocking tiles for the roof. The design is acceptable in this area which has no predominant building style. The scale and massing of the dwellings would be in keeping with the adjacent houses in Oak Tree Close to the north and east. The existing dwelling has no architectural merit and is not considered worthy of retention. The density of the development would be 17dph. This accords with policy H5a of the local plan, which

seeks to achieve a density of 30dph in such areas, subject to being compatible with the character of the surrounding area and not harming local amenity. The proposed density is considered to be in keeping with the varied character of the area. Officers acknowledge that the indicative minimum density of 30dph in PPS3 was deleted in June 2010. Nevertheless the density proposed for this site is well below 30dph.

4.6 NEIGHBOUR AMENITY

The proposed dwellings would be at least 21m from the nearest dwellings to the east (i.e. at Nos 1 and 3 Oak Tree Close). This distance is widely regarded as being an acceptable distance between existing dwellings and new development. In addition, the boundary is heavily screened by a substantial boundary hedge and mature trees. Plot 2 would be 15.4m from the rear conservatory of the house at No.5 Oak Tree Close and 20.5m from No.5's main rear elevation. Whilst there is a gap in the boundary screening at this point the juxtaposition of the two dwellings would be oblique, thereby reducing the impact on the occupiers. Furthermore, no windows of the house at Plot 2 would face No.5 Oak Tree Close, thereby avoiding any significant risk of overlooking. The other existing houses along the boundary (i.e. Whitewalls and Nos 7 and 9 Oak Tree Close) are unlikely to be materially affected by the proposals due to the position and orientation of the nearest proposed house (which is at Plot 1) and existing screening along the boundary. None of the new dwellings are likely to materially affect sunlight to adjacent properties. It should be noted however that sunlight to the rear garden of the house at Plot 1 is likely to be significantly reduced due to overshadowing caused by existing trees along the boundary with Whitewalls. This is, however, considered to be insufficient grounds to justify refusal of the application.

4.7 IMPACT ON TREES

The existing trees and hedges on the site and along the boundary are a significant amenity for existing and proposed residents. All of this planting would be retained and, subject to care being taken during construction, should not be adversely affected by the works. However, one small oak tree near the site entrance would be unlikely to survive. The applicant proposes to replace the tree with a silver birch at the eastern corner of the site. The birch would be a suitable species for the site. Tree protection during construction should be made a condition of approval.

4.8 HIGHWAY ISSUES

The site entrance would need to be widened to 4.5m and this has been agreed by the applicant. The entrance lies at a curve in the road, providing adequate sight lines and visibility splays in both directions. Neither the traffic generated by the proposal nor the distance from adjacent road junctions is likely to materially reduce highway safety. Adequate parking would be provided for occupiers and visitors. The council's highways officers have no objection to the application.

4.9 DRAINAGE

The development is in medium risk Flood Zone 2 and may suffer from river flooding. Moreover, the existing drainage of surface water in the area is poor and is a concern

of local residents. Nevertheless the Environment Agency, the internal drainage board and the Council's drainage officers all accept that drainage can be dealt with as a condition of approval. Such a condition should include submission of drainage details including attenuation to 70% of the existing surface water discharge.

4.10 PUBLIC OPEN SPACE

A developer contribution of £6,012 would be required for the provision of public open space in accordance with policy L1 of the local plan. The contribution is calculated on the basis that two additional (four bedroom) dwellings would be created. This has been accepted by the applicant.

4.11 SUSTAINABLE DESIGN AND CONSTRUCTION

The developer will be expected to meet or exceed Code for Sustainable Homes Level 3 and to provide 5% of the energy requirements by on-site renewable sources in accordance with the council's Interim Planning Statement on Sustainable Design and Construction. These requirements should be made conditions of approval.

4.12 BIO-DIVERSITY

Any impact on bats in the vicinity of the site can be mitigated by careful demolition and suitable bat mitigation measures. These should be made a condition of approval. The site is outside, but close to, the Strensall Common SSSI and SAC. The boundary is opposite the site on the south side of Ox Carr Lane. Officers consider that the erection of three houses on this already residential site will have no additional impact on the SSSI and SAC.

5.0 CONCLUSION

5.1 The revised proposals now before members accord with relevant policies of the draft local plan and are acceptable subject to conditions. A financial contribution of £6,012 will be required for the provision of off-site public open space.

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 approved plans and elevations numbered SO/120/A, SO/111/A, SO/112/A and SO/113/A.

Reason: For the avoidance of doubt and to achieve an acceptable form of development.

3 VISQ8 Samples of exterior materials to be app

4 HWAY10 Vehicular areas surfaced, details reqd

5 HWAY14 Access to be approved, details reqd

6 HWAY19 Car and cycle parking laid out

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no window or other opening additional to those shown on the approved plans shall at any time be inserted along the north-west elevation of the house at Plot 2 shown on the approved plans.

Reason: In the interests of the amenities of occupiers of the adjacent dwelling at No.5 Oak Tree Close.

8 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.

9 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.

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

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

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £6,012. 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.

11 Notwithstanding the information contained on the approved plans the height of the proposed shall not exceed the following:

Plot 1 - 7.4metres

Plot 2 - 7.6metres

Plot 3 - 7.4metres.

These dimensions shall be 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.

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

Details to include:

a. Calculations and invert levels to Ordnance Datum of the existing foul and surface water system 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.

b. Surface water details. In accordance with PPS25 and in agreement with the Environment Agency/Foss IDB, peak run-off from the development shall be attenuated to 70% of the existing rate (based on 140 l/s/ha of 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 shall use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

c. Details of future management / maintenance of the proposed drainage system.

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.

13 No development shall take place until details have been submitted to and approved in writing by the council of measures to be provided within the design of the new buildings to accommodate bats. The works shall be completed in accordance with the approved details.

Reason: To take account of and enhance the habitat for bats.

INFORMATIVE: Features suitable for incorporation include special tiles, brick soffit boards, bat boxes, etc.

14 Trees and hedges shown to be retained shall be protected during the development of the site. Measures shall include:

(i) No development or change in level shall take place within the crown spread of the trees to be retained (including trees on neighbouring land);

(ii) Prior to commencement on site of demolition, site preparation, building or other development operations, including the importing of materials and any excavations, protective fencing to BS5837 Part 8 shall be erected around all existing trees shown to be retained (and neighbouring trees where they may also be affected). The fencing shall be erected in accordance with the root protection area plan. Before commencement on site the protective fencing line shall be erected and subsequently adhered to at all times during development to create exclusion zones.

(iii) None of the following activities shall take place within the protective fencing or within the canopy area of existing trees: excavation, raising of levels, storage of any materials or top soil, burning, parking or manoeuvring of vehicles, no site huts, no marketing offices, no mixing of cement, no disposing of washings, no stored fuel, no new service runs. 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.

(iv) No trenches, pipe runs for services or drains shall be routed under the crown spread of any tree without the prior approval in writing of the Local Planning Authority.

Reason: To ensure protection of existing trees before, during and after development which contribute to the character and appearance of the area. It is important that they are protected from damage before, during and after construction works.

15 NOISE7 Restricted hours of construction

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

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

- Overall planning principles
- Visual appearance
- Neighbour amenity
- Drainage
- Open space
- Highway issues
- Bio-diversity
- Sustainable design and construction

As such the proposal complies with national planning advice contained within Planning Policy Statement 3 "Housing" and policies GP1, GP4a, GP10, GP15a, NE1, NE6 and L1c of the City of York Draft Local Plan.

Contact details:

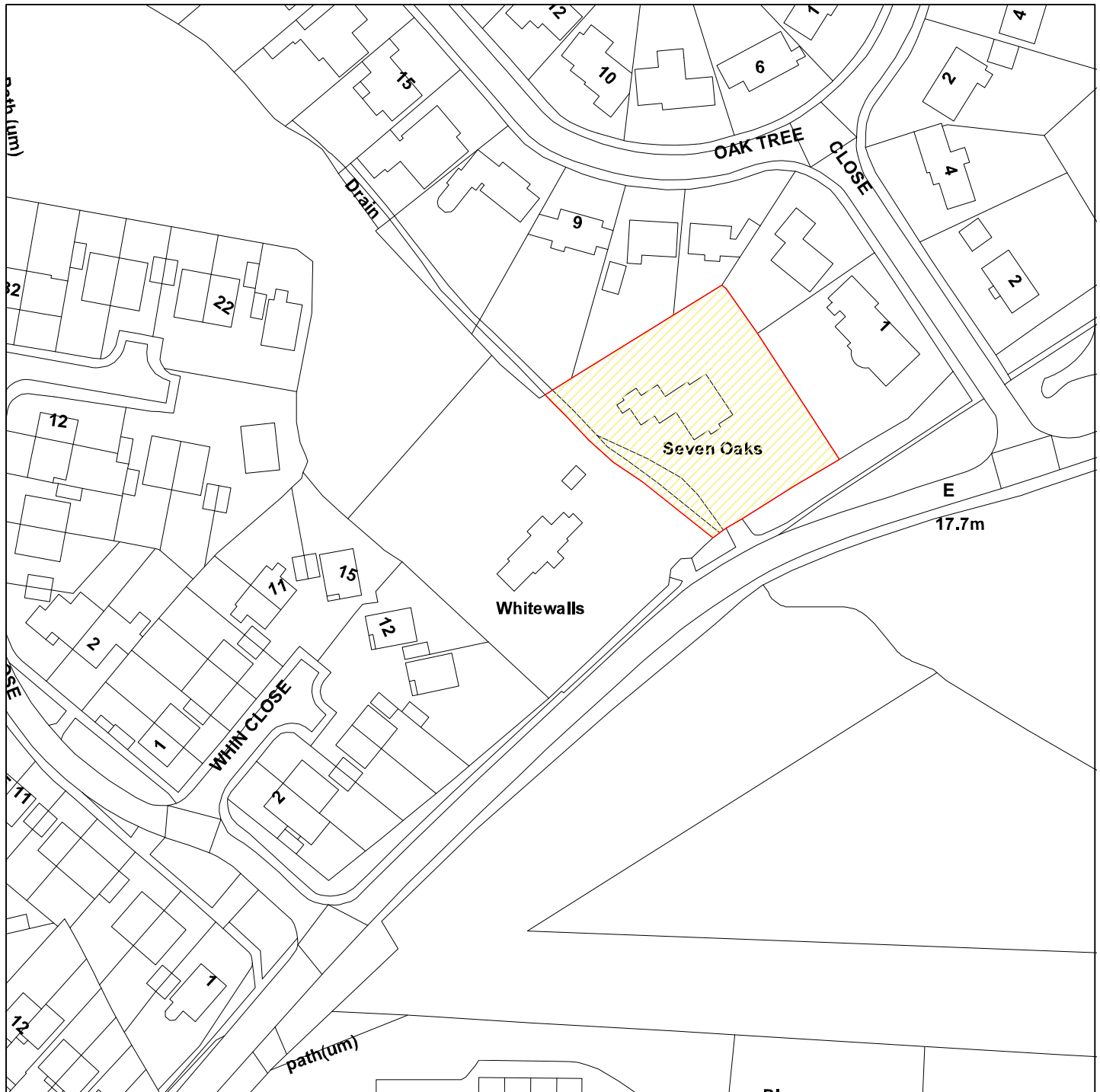
Author: Kevin O'Connell Development Management Officer
Tel No: 01904 552830

Seven Oaks, Ox Carr Lane, Strensall

10/01553/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	31 January 2011
SLA Number	Not Set

COMMITTEE REPORT

Date: 10 February 2011
Team: East Area
Ward: Strensall
Parish: Stockton-on-the-Forest
Parish Council

Reference: 10/00612/FUL
Application at: Grange Farm Hazelbush Lane York YO32 9TR
For: Change of use of land to form extension to existing haulage yard to provide storage for lorries, trailers and portable buildings and to provide parking for employees (resubmission)
By: Mr John Rhodes
Application Type: Full Application
Target Date: 7 June 2010
Recommendation: Refuse

1.0 PROPOSAL

1.1 This application is for a change of use of agricultural land to form an extension to the operating area of an established haulage yard. The application is part retrospective in that the area of land has already been extended to the west and partly to the south and whilst this application reflects that, it also encompasses a further additional area to the south.

1.2 The site is in the Green Belt and is accessed off Hazelbush Lane between its junction with the A64 and the Sandy Lane entrance into Stockton on the Forest.

SITE HISTORY.

1.3 Planning permission was granted in 1997 for the change of use of what had been a contractor's yard to use as a haulage yard. Condition 5 of that permission restricted the outside storage of parts, materials, containers or waste without prior written approval. A lawful development certificate application for the use of land was submitted in 2009 to show that the outside storage of materials / containers etc had been taking place continuously for more than 10 years. This certificate was issued in November 2009 pertaining only to the area of land which was subject to the 1997 planning permission and not any part of the land subject to this application.

1.4 A previous application for this extension was submitted in 2009 but was withdrawn due to insufficient information being submitted to justify the need for the additional land.

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:

Policy GB1 – Development in the Green Belt.

3.0 CONSULTATIONS

3.1 Highway Network Management.

Raise some concerns over the condition of the existing access into the site as it is not constructed to a recognised standard. However given that it is an application to increase the area of the land within which the business will operate as opposed to the number of heavy vehicles using the site, officers do not consider that a recommendation to improve the access could be justified here. In light of this there are no highway objections.

3.2 Environmental Protection

No objections.

3.3 Stockton on the Forest Parish Council

No comments received.

3.4 Third parties.

A site notice was placed close to the site entrance. No comments received.

4.0 APPRAISAL

4.1 Key Issues.

- impact on the Green Belt.

4.2 The main issue here is the impact on the Green Belt as a result of the proposed expansion. The proposals do not include any increase in the number of heavy vehicles operating from the site. A condition was imposed on the original change of use consent in 1997 restricting the number of vehicles operated by this business to 25 and this application does not include plans to increase this number and this restriction would remain relevant. Therefore there are limited highway safety issues arising from the proposal. The site is also relatively isolated with no immediate neighbours and therefore it is not envisaged that any significant neighbour amenity issues arise from what is proposed.

4.3 National guidance on development in the Green Belt is contained in PPG2 (Green Belts). Para. 3.12 refers to engineering operations on land and the making of any material change in the use of land. It states that 'The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of

including land in the Green Belt'. Any development which is considered to be inappropriate development should not be approved, except in very special circumstances. These circumstances should be put forward by the applicant.

4.4 Relevant draft local plan policies include Policy GB1 (Development in the Green Belt). This states that planning permission for development will only be granted where the scale, location and design of such development would not detract from the open character of the green belt, would not conflict with the purposes of including land within the Green Belt and would not prejudice the setting and special character of the city. It lists the appropriate forms of development in the green belt and states that all other forms of development within the green belt are considered inappropriate and very special circumstances will be required to justify where this presumption against development should not apply.

4.5 In this case, the proposal is to expand the haulage yard westwards and southwards. The area of proposed expansion consists of an area of approx. 5400sqm. The existing area of land which has consent is approx. 6400sqm so the proposal effectively doubles the size of the site. This involves changing agricultural fields into areas of hardstanding which in turn are proposed to be used for the continued parking of vehicles (lorries and cars) and the storage of portable buildings in connection with the applicant's main haulage use. Officers consider that such an extensive area clearly fails to maintain the openness of the green belt and therefore, by definition, represents inappropriate development. It is such a large area that officers consider that harm would clearly be caused to the green belt if the business was allowed to expand in such a way.

4.6 The applicant has put forward various very special circumstances which they consider to outweigh this harm. These include changes to the size of the vehicles used by the applicant, requiring more staff to cover driving times, the change in the nature of the portable buildings hauled and the longer periods for which it is has become necessary to store the buildings or have the lorry trailers parked up at this site (as opposed to them being off-site at development sites or other storage sites) due to the economic situation.

4.7 To expand on these a little, due to changes in the nature of the business the applicant provides (the hauling of portable buildings) he has been required to invest in some larger vehicles and these need additional room for turning and parking etc. He has also had to employ more drivers due to tougher rules on driving times for drivers so more space for staff parking is also required. It is acknowledged that the applicant has probably had to adapt his business to some degree due to progress and legislative changes in the haulage industry and in this regard officers accept that some expansion to the west, work which has already taken place (but the extent of which would need to be formally agreed), is probably justified.

4.8 The area of particular concern for officers is the area of expansion shown to the south of the existing site. This in itself represents an area approx. 65m wide and 50m deep, an overall expansion southwards of approx. 3250sqm. It is proposed that this area will essentially be used for the storage of extra containers / portable buildings and officers consider this to be unacceptable on such a large scale in the green belt. The business here was originally granted consent as a haulage yard with a condition

restricting outside storage. Whilst the applicant has claimed that this was a mistake and it was always the intention that portable buildings would be stored at the site, the extent of this storage is becoming a significant part of the business and by allowing such an area to be used for this use, the nature of the business would be seen to be changing more towards an outdoor storage site, something that would generally be considered unacceptable in the green belt. Whilst it is acknowledged that the area with planning consent can be used for outdoor storage by dint of the certificate of lawful use granted in 2009, this is not a reason to allow a further large expansion akin to that proposed here.

4.9 The economic situation is put forward as a very special circumstance to justify why more containers and buildings need to be stored at the site. This is explained because historically some of the applicant's trailers were left on the sites of various customers throughout York and the wider area but due to the changing economic climate these customers have been forced to use this land for their own needs, the result of which being that a greater area than that with planning permission has been required to store these trailers and portable buildings at Grange Farm. However these are operational difficulties which should have been taken into account when re-locating the business here originally. The planning permission was for a haulage yard with no outside storage and this restriction was never challenged at the time. Notwithstanding the subsequent granting of the certificate, officers do not consider these reasons represent very special circumstances to allow the expansion proposed, more a set of circumstances which are not out of the ordinary and which should have been considered when the applicant decided whether this site was a suitable one for their business. From previous case histories and practice, it is rare to be able to justify very special circumstances on the basis of economic reasons alone, unless it is for a very major employment investment, to outweigh what is otherwise clear harm to the character and openness of the green belt.

4.10 The application has been accompanied by a landscaping proposal. This includes extensive bunding and the significant planting of trees etc in order to screen the area in question. However, officers do not consider that this should be used as a justification to make something which is otherwise unacceptable, acceptable in the green belt. This was the reason why the condition preventing outside storage was placed on the original consent. Indeed, the extent of this work in itself alters the character and profile of the land to such an extent that officers do not consider the extent of the screening and planting proposed can be used as a reason to justify the area of expansion proposed.

5.0 CONCLUSION

5.1 The proposed expansion is large scale and would almost double the size of the site. This represents a size of extension and use of land which is considered unacceptable in such that it harms the character and openness of the green belt and therefore, by definition, represents inappropriate development in the green belt. No very special circumstances have been put forward by the applicant which officers consider to outweigh this harm. The application is therefore recommended for refusal and enforcement action will be required to rectify the breaches which have already taken place.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed expansion is large scale and would almost double the size of the site. This represents a use of land which is considered unacceptable in such that it harms the character and openness of the green belt and therefore represents inappropriate development in the green belt. The proposed bunding and landscaping does not offset this impact. No very special circumstances have been put forward by the applicant which are considered to outweigh this harm. The proposal is therefore contrary to national planning guidance in PPG2 (Green Belts) and Policy GB1 of the City of York Draft Local Plan.

7.0 INFORMATIVES:

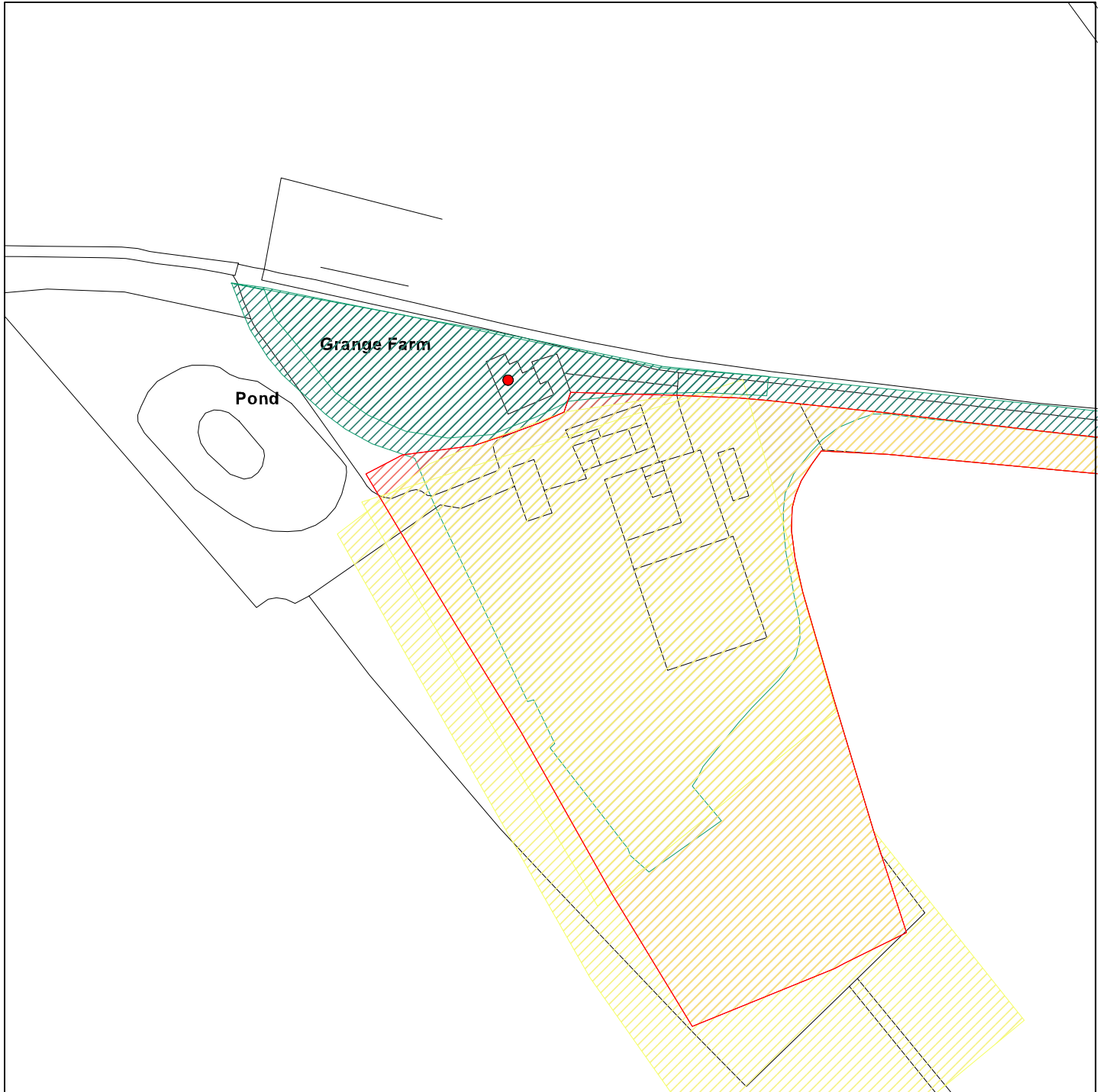
Contact details:

Author: Matthew Parkinson Appeals and Enforcement Team Leader

Tel No: 01904 551657

Grange Farm, Hazelbush Lane

10/00612/FUL



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	31 January 2011
SLA Number	Not Set

COMMITTEE REPORT

Date: 10 February 2011 **Ward:** Fulford
Team: Householder and Small Scale Team **Parish:** Fulford Parish Council

Reference: 10/02529/FUL
Application at: 124 Heslington Lane York YO10 4ND
For: Hipped gable to both sides with dormers to front and rear
By: Mr Haydn Kelly
Application Type: Full Application
Target Date: 19 January 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks planning permission for a hipped gable to both sides with dormers to front and rear, on a detached bungalow at 124 Heslington Lane, Fulford.

1.2 Relevant property History : Consent was granted for a single story rear extension and conservatory on 03.03.2005 ref. 05/00031/FUL. An application for the 'Erection of first floor over existing bungalow and two storey rear extension' was refused on 13.11.2003. ref. 03/00963/FUL.

1.3 The application has been called in to Committee by Councillor Aspden, due to the impact on the amenity of neighbours, and to enable local residents to express their views in a public forum. A site visit is also recommended, in order that the impact on the streetscene, and upon adjacent residents, can be assessed.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

3.1 Internal - none

3.2 External

3.2.1 Fulford Parish Council - Objection 12.01.11 - The Council objected on the grounds of; 'Harm to the streetscape' as a result of 'size and massing' and 'unsympathetic design'; 'Effect on the amenity of neighbours', as a result of 'overlooking' and 'significant loss of privacy' from the proposed rear dormers; 'Overdevelopment' in terms of the change from an original two-bed bungalow to 'essentially a four-bed house'

3.2.2 Neighbour Response - Four letters of objection were received. The occupants of 14 Heath Moor Drive objected on the grounds their garden and bedroom windows would suffer from loss of privacy, and concerns the property would become student accommodation. The occupants of 12 Heath Moor Drive considered the resulting property would be 'out of keeping' with the neighbourhood; it would result in 'lack of privacy'; concerns about an additional HMO' being created. The occupants of 126 Heslington Lane considered the proposal would 'change the look of the street' and 'affect the privacy of our gardens.' The occupants of 122 Heslington Lane considered the creation of a 'four bedroom dormer bungalow' would be 'totally unacceptable for this location' and would 'overlook our gardens and affect our privacy.'

4.0 APPRAISAL

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

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

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

4.4 Planning Policy Statement 3 (PPS 3) Efficient Use Of Land - 'The desirability of using land efficiently and reducing, and adapting to the impacts of climate change.'

4.5 The Application Site. This application seeks to create additional living accommodation in the form of two additional bedrooms in the loft space, achieved by hipped gables to both sides, and front and rear dormers. There is an attached garage on site and additional off-road parking. No issues arise in terms of cycle or refuse storage. Although the property has previously been extended to the rear, there is a spacious rear garden and ample amenity space. It is not considered that the proposal would constitute overdevelopment. By making more efficient use of land, the proposal accords with national planning advice contained within Planning Policy Statement 3 (Housing).

4.6 Effect upon the Street Scene. This section of the south east side of Heslington Lane is mainly comprised of two storey detached dwellings. The application property is the first of a row of six bungalows close to the junction with Broadway. It is a detached property, with the next four being semi-detached, and the final one detached. The intention is to raise the ridge height by approx 1.0m, taking it to approx 6.0m. The previously refused scheme ref. 03/00963/FUL sought to increase the roof height to approx 7.2m. It should be noted that changes to the General Permitted Development Order in October 2008 allow side dormers, and hip to gable enlargements, within a generous cubic allowance.

4.7 The key issue in this case relates to design, and the raising of the ridge height. The previously refused scheme was for the creation of a five bedroomed house. In design terms it failed to respect the uniformity of the line of two storey houses running immediately to the south west. For this reason it was deemed to be discordant and unsympathetic to its neighbouring properties. The current scheme retains the property as an enlarged bungalow, with a cohesive front elevation incorporating a single pitched roof dormer. It will form a natural visual step down between the house immediately to its right, and the row of bungalows to its left, and as such would not appear detrimental to the street scene.

4.7 Effect Upon Neighbouring Property. In terms of properties immediately to the rear of the application site; the separation distance from rear window to rear window is approx 30m. This compares to a typical separation of approx 25m a little further along Heslington Lane, against a guideline of 21m, used to assess potential loss of privacy between facing development. The proposed rear dormer windows will be no higher than those on the rear elevations of these neighbouring houses. In terms of overlooking into adjacent properties rear gardens, it should be noted that rear dormers usually constitute permitted development, even when spanning the full width of the roof. There are no windows indicated on either side elevation of the roof. In terms of overshadowing and over-dominance, the modest increase in ridge height would not take place beyond either the forward, or rear building lines of the two adjacent properties. Again it should be noted that the sole reason given for the refusal of the previous larger scheme, was 'it would be incongruous to the street scene' and would therefore have an 'adverse impact on the visual amenity of the area.' It was not considered to have a serious impact on neighbouring properties.

4.8 House in Multiple Occupation - There has been no indication from the applicant of any intention to turn this property into student accommodation. In any event; as of October 2010, the Government made changes to the previous legislation, and allowed freedom of movement between user classes C3 (Dwelling Houses) and C4 (HMO's). So even if the applicant had expressed such intent, it would not have constituted a material planning consideration in terms of this application.

5.0 CONCLUSION

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

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- | | | |
|---|--------|--------------------------------------|
| 1 | TIME2 | Development start within three years |
| 2 | PLANS1 | Approved plans - Received 02/11/2010 |
| 3 | VISQ1 | Matching materials |

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 occupants of neighbouring properties. Nor is it considered that the size, scale or design of the extension would have any detrimental impact on the street scene. As such the proposal complies with Policies H7 and GP1 of the City of York Draft Local Plan.

Contact details:

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124 Heslington Lane

10/02529/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	31 January 2011
SLA Number	Not Set

COMMITTEE REPORT

Date: 10 February 2011 **Ward:** Heworth
Team: Major and Commercial **Parish:** Heworth Planning Panel
Team

Reference: 10/02336/REMM
Application at: Yeomans Yard Ebor Industrial Estate Little Hallfield Road York
YO31 7XQ
For: Reserved matters application for approval of landscaping details
following approval of outline application for 10
dwellings(07/01959/OUTM)
By: Mr R Yeomans
Application Type: Major Reserved Matters Application (13w)
Target Date: 18 February 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 Members may recall that in November 2007 outline planning permission was granted for the erection of ten residential units on land known as Yeomans Yard on Little Hallfield Road. The application was for four no. four-bedroom houses, two no. three-bedroom houses, two no. two-bedroom flats, and two no. one-bedroom flats. The layout, scale, appearance and access details were all approved and form part of the planning permission, with only landscaping being reserved for future determination.

1.2 This reserved matters application seeks consent for the landscaping part of the proposed development. All other issues have been deemed acceptable subject to the attached conditions.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1
Design

CYGP9
Landscaping

3.0 CONSULTATIONS

INTERNAL

3.1 Landscape Architect - The proposed planting is acceptable ornamentally, but notwithstanding the proposed fastigate Junipers, the proposed planting needs more verticality and seasonal change that would contribute to the overall street scene and quality of the development setting. Therefore the central three beds should have one small to medium deciduous tree planted in the centre of the beds in between the heathers. Looking at the elevations, these would not be located directly in front of the upper windows, nor are the suggested species likely to grow to such a size as to cause concerns to residents. The *Juniperus chinensis* (A) could be retained within the scheme or replaced with an alternative lower-growing, more shrubby variety.

The ground conditions are likely to be pretty dire for plant life, so a condition needs adding to any approval to ensure that suitable ground preparation takes place prior to planting.

EXTERNAL

3.2 Heworth Planning Panel - No objections.

3.3 Third Parties - No correspondence received.

4.0 APPRAISAL

4.1 Key Issues

- visual amenity

4.2 Development Control Local Plan Policy GP9 'Landscaping' states that a suitable landscaping scheme must be an integral part of the proposals, include an appropriate range of indigenous species, and reflect the character of the area. Policy GP1 'Design' states that landscaping proposals should have a positive influence on the quality and amenity value of the development.

4.3 Planning guidance defines landscaping for the purpose of reserved matters planning applications as the treatment of private and public space to enhance or protect the site's amenity through hard and soft measures, for example, through planting of trees or hedges or screening by fences or walls. A plan was submitted with the approved application 07/01959/OUTM which included areas identified for hard landscaping and planting. The hard landscaping areas consist of the car parking bays and the front forecourt. This area would be visually softened with planting beds at the edge of the development and in front of the dwellings. The proposed landscaping areas are consistent with the approved layout plan within the outline planning permission.

4.3 The hard landscaping within the forecourt and parking areas would take the form of permeable concrete paving blocks. This approach is consistent with many recent

residential developments in the city, including at 'The Archway' which is a flatted development on the opposite side of Little Hallfield Road. It is considered that the proposed permeable paving blocks would be appropriate within this development. Whilst there was no condition attached to the outline consent regarding surface water drainage, the applicants state that the permeable paving would act as a sustainable urban drainage system so that surface water run-off is lower than the current rate to prevent any adverse impacts on existing drainage systems.

4.4 The application site is adjacent to a number of industrial buildings and land uses whose curtilages contain very little green landscaping. The Archway development is tight to the highway of Little Hallfield Road and therefore little green landscaping is visually prominent along this road. Fifth Avenue to the eastern end of Little Hallfield Road contains grass verges and some mature trees which add to the visual amenity of the area.

4.5 The proposal contains scope for some soft landscaping which would enhance the visual amenity of Little Hallfield Road. The set back of the houses from the highway and the allocated planting areas are an opportunity to visually soften the proposed development. The planting beds consist of two triangular forecourt beds at either side of the application site, two planting strips alongside the side access track, and three planting areas at the site frontage between car parking bays. The majority of the proposed planting is low level ornamental planting which would have a positive impact on the visual amenity of the proposed development.

4.6 Whilst it is acknowledged that the proposed planting would have a positive impact on the visual amenity of the development, it is considered that the landscaping scheme as submitted misses an opportunity for improving the street scene through tree planting. The Council's Landscape Architect considers that it would be feasible for the three planting areas closest to the road side to accommodate small to medium sized trees. The trees would be located over 5m from the front of the house and would not be located directly in front of primary windows. The applicants have been contacted regarding the inclusion of three trees within the proposed landscaping scheme and it is hoped that a positive response will be received before Committee in order for an update to be given.

5.0 CONCLUSION

5.1 It is considered that the proposed hard landscaping details are acceptable for this proposal.

5.2 The application is recommended for approval subject to agreement being received from the applicants that three suitable trees are to be included within the landscaping scheme. Subject to these details being received it is considered that the proposal complies with Development Control Local Plan Policy GP9 'Landscaping' and GP1 'Design'.

6.0 RECOMMENDATION: Approve

1 The approved landscaping scheme shall be fully implemented no later than the next available planting season following first occupation of any dwelling comprising the development.

Reason: To provide a satisfactory appearance to the development, in the interests of the visual amenity of the area.

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

Revised plans Update to be given 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 Prior to any planting taking place, the following soil preparation works shall be carried out:

- the removal of any building rubble, litter, large stones, or other debris and contaminations from the planting beds
- the sub soil shall be dug over and decompacted so that the planting beds are free draining with the final planting beds consisting of an even coverage of at least 450mm deep top soil, plus 100mm compost with the tree pits being at least 600mm deep top soil.

Reason: To ensure the planting scheme that is integral to the development survives and thrives.

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

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

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual amenity and landscape value. As such the proposal complies with Policies GP1 and GP9 of the City of York Development Control Local Plan.

Contact details:

Author: Michael Jones Development Management Officer

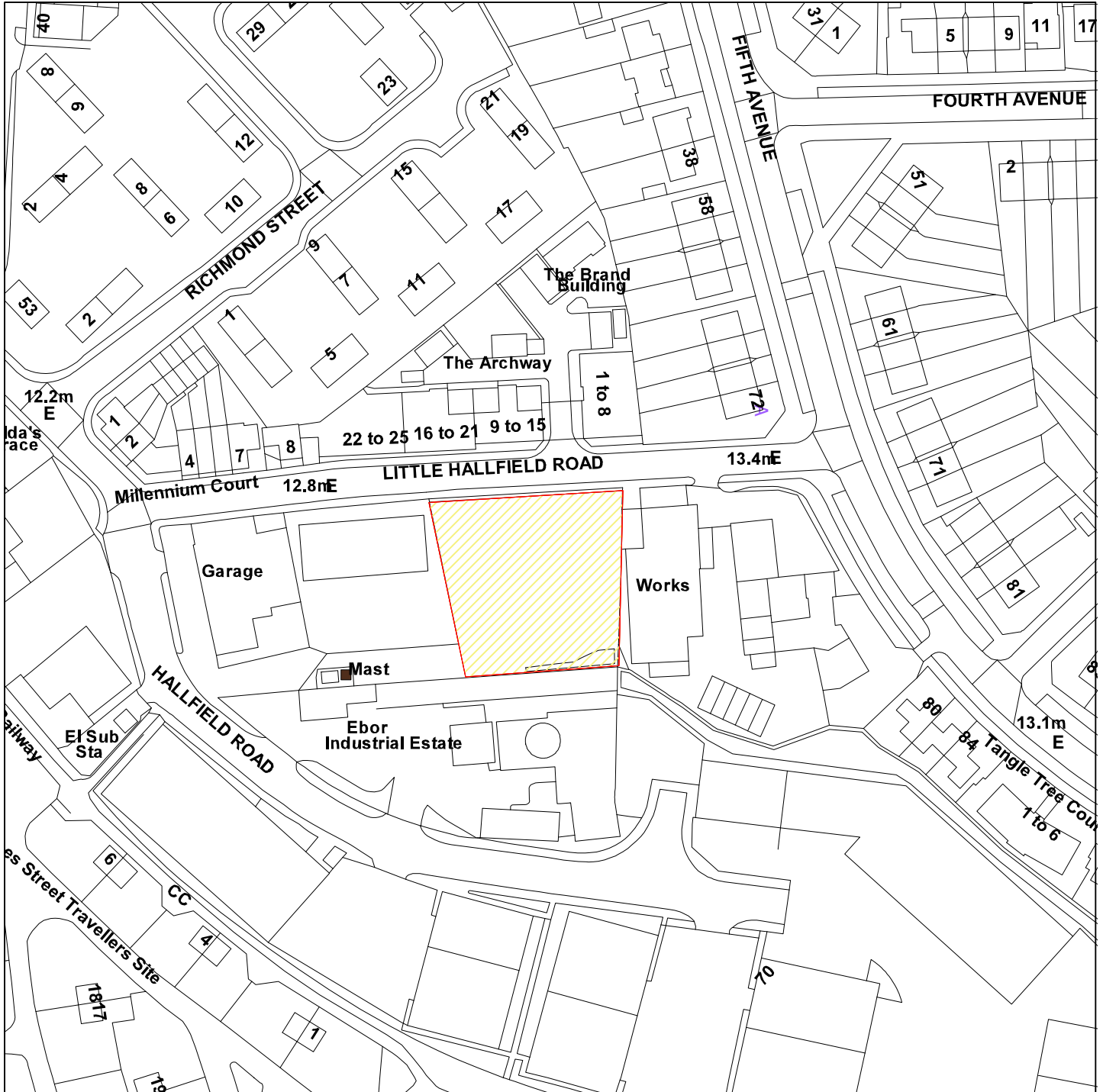
Tel No: 01904 551339

Yeomans Yard

10/02336/REMM



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	31 January 2011
SLA Number	Not Set