



**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, 21 April 2011

Time: 2.00 pm

Venue: The Guildhall, York

AGENDA

1. Declarations of Interest

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

2. Exclusion of Press and Public

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

3. Minutes

(Pages 4 - 10)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 10 March 2011.

4. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **20 April 2011 at 5.00 pm.**

5. Plans List

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

**a) Maxiprint Centre Kettlestring Lane York (Pages 11 - 17)
YO30 4XF (11/00483/FULM)**

This application is a full application for a change of use from print centre to storage and distribution with ancillary trade counter and external alterations. [Skelton, Rawcliffe and Clifton Without]

**b) 17 Calvert Close Haxby York YO32 2ZY (Pages 18 - 22)
(11/00293/FUL)**

This application is a full application for a single storey side and rear extensions at 17 Calvert Close. [Haxby and Wigginton]

**c) 3 Whitby Drive York YO31 1EX (Pages 23 - 33)
(10/02751/OUT)**

This application is an outline application for redevelopment of the site including demolition of the existing bungalow for residential development.

This application has been called in to committee by Councillor Ayre to determine the grounds that it does not comply with Policy GP1 of the City of York Development Control Local Plan. [Heworth Without] **[Site Visit]**

- d) **Creepy Crawlies, The Arena, Clifton Gate** (Pages 34 - 43)
Business Park, Wigginton Road,
Wigginton, York. YO32 2RH
(10/02816/FUL)

This is a full application for the erection of a 'high ropes' adventure course with associated building and car parking alterations. A Site Visit has been scheduled due to green belt issues related to the application. [Haxby and Wigginton] **[Site Visit]**

- e) **Whitewalls, Ox Carr Lane, Strensall, York.** (Pages 44 - 57)
YO32 5TD (10/02606/FUL)

This application is a full application for the partial demolition of a dwellinghouse known as "Whitewalls", the erection of erection of two additional detached 2-storey dwellinghouses and the erection of garage/carport for each of these dwellinghouses.

This application has been called in for consideration by the committee by Councillor Wiseman due to local concerns about drainage, overdevelopment, highway issues and reclassification of garden land. [Strensall] **[Site Visit]**

- f) **Stray Garth Community Home 7 - 9 Stray** (Pages 58 - 67)
Garth York YO31 1EL (10/02838/FUL)

This application is a full application for a change of use from a residential institution to a residential dwelling with granny annexe, including first floor extension and alterations to create roof terrace to rear also with alterations to the front.

A site visit is scheduled for this application due to a number of objections received and because the site has not been visited in the past few years. [Heworth Without] **[Site Visit]**

**g) 7 The Avenue Haxby York YO32 3EH (Pages 68 - 72)
(11/00145/FUL)**

This application is a full application for a replacement roof to an existing conservatory and roof canopy to the rear of a detached dormer bungalow.

This application has been called in to committee by Councillor R Watson because of the unusual nature of the proposal and local interest in the development. [Haxby and Wigginton] **[Site Visit]**

**h) 45 Ashton Avenue, York, YO30 6HW (Pages 73 - 78)
(11/00367/FUL)**

This application is a full application for the erection of a three-bedroom detached house in the rear garden of 45 Ashton Avenue. [Clifton] **[Site Visit]**

**i) 279 Huntington Road, York. YO31 9BR (Pages 79 - 96)
(10/00942/FUL)**

This is a full application to demolish 279 Huntington Road and to erect five terraced dwellings.

A Site Visit has been scheduled as a previous application on this site was considered by the Committee in 2008. [Huntington/New Earswick] **[Site Visit]**

**j) The Fossway, 187-189 Huntington Road, (Pages 97 - 105)
York. YO31 9BP (11/00004/FUL)**

This full application has been made by the Living Word Church for the change of use of the Fossway Public House to a mixed use including: a place of worship, and congregation meeting space (ground floor) with vestry on the first floor, 1 flat on the first floor and 1 flat on the second floor.

This application was previously refused by the Committee in November 2010, but has been brought back for reconsideration as the number of uses originally applied for has been reduced. [Heworth]

**k) 339 Huntington Road, York, YO31 9HJ (Pages 106 - 110)
(11/00202/FUL)**

This application is a full application for the erection of a two storey side extension and single storey rear extension.
[Huntington/New Earswick]

**6. Appeals Performance and Decision (Pages 111 - 128)
Summaries**

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

7. Enforcement Cases Update (Pages 129 - 223)

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

8. Urgent Business

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

9.

Democracy Officer:

Name- Judith Cumming

Telephone – 01904 551078

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

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- 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 20 April 2011

Members of the sub-committee to meet at Union Terrace Car Park
at 10.00

TIME (Approx)	SITE	ITEM
10:05	45 Ashton Avenue	5h
10:30	Creepy Crawlies, Wigginton(just beyond A1237)	5d
11:00	7 The Avenue, Haxby	5g
11:30	Whitewalls, Strensall	5e
12:10	279 Huntington Road	5i
12:40	Stray Garth, Malton Road	5f
13:10	3 Whitby Drive	5c

City of York Council

Committee Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	10 MARCH 2011
PRESENT	COUNCILLORS HYMAN (CHAIR), DOUGLAS, FIRTH, FUNNELL, B WATSON, MOORE, ORRELL, TAYLOR AND WISEMAN
APOLOGIES	COUNCILLOR CREGAN

INSPECTION OF SITES

Site	Attended by	Reason for Visit
Bootham Gardens Guest House, Bootham Crescent	Cllrs Hyman, Moore and Wiseman.	To familiarise Members with the site as an objection had been received.
44 Broadway West, Fulford	Cllrs Hyman, Moore and Wiseman.	To familiarise Members with the site as an objection from a neighbour had been received.
17 Lock House Lane, Earswick	Cllrs Hyman, Moore and Wiseman.	To familiarise Members with the site as objections had been received.
31 Lea Way, Huntington	Cllrs Hyman, Moore and Wiseman.	To familiarise Members with the site as objections had been received.

47. 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 Wiseman declared a personal non prejudicial interest in Agenda Item 4c) 17 Lock House Lane as the Ward Member who had called in the application for consideration by the Committee. She stated that the reason for this was not “on the grounds of overdevelopment”, as the Officer’s report stated, but on the grounds of expressing residents opinions, which had cited overdevelopment as a concern.

No other interests were declared.

48. MINUTES

RESOLVED: That the minutes of the East Area Planning Sub-Committee held on the 10 February 2011 be signed and approved by the Chair as a correct record subject to the following amendment being circulated to Members after the meeting;

*46f) 124 Heslington Lane, York, YO10 4ND
(10/02529/FUL)*

“Officers responded that planning guidance stated that outside conservation areas, rear dormers and side dormers were permitted, along with hipped gable extensions. They also informed Members that the applicant would at present not have to apply for further permission to convert his property into a HMO for between 3 and 6 occupants, **but that the situation could change if the Council made an Article 4 Directive in respect of such changes.**”

49. PUBLIC PARTICIPATION

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

50. PLANS LIST

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

50a Bootham Gardens Guesthouse, 47 Bootham Crescent, York. YO30 7AJ (10/02822/FUL)

Members considered a full application from Mr Ian Barnard for a detached pitched roof laundry to the rear of Bootham Gardens Guest House.

Representations in support of the application were received from the applicant. He stated how he had taken on board objections that had been received from neighbours, as detailed in the Officer’s report. In response to a question from a Member regarding noise from the laundry, he reported that the laundry walls would be filled with insulation blocks.

RESOLVED: That the application be approved as recommended.

REASON: In the opinion of the Local Planning Authority the proposed laundry store, 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 store would have any detrimental impact on the street scene. As such the proposal complies with Policy GP1 of the City of York Draft Local Plan.

50b 44 Broadway West, Fulford, York. YO10 5JJ (11/00221/FUL)

Members considered a full application from Mr Alan Murray for the erection of a small porch to the front of the property linking to a new garage to the side and a 1.7 metre deep extension to the rear.

Officers commented that the application would not conflict with its surroundings as similar extensions to neighbouring properties were of the same height.

RESOLVED: That the application be approved as recommended.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the streetscene and the effect on the amenity, light and outlook of adjacent occupiers. As such the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

50c 17 Lock House Lane, Earswick, York. YO32 9FT (11/00096/FUL)

Members considered a full application from Mr Marc Van Der Voort for the erection of a large pitched roof two-storey rear extension element, to provide additional living space. The proposal also included an additional first floor window to the existing side elevation facing towards No. 15 Lock House Lane.

Representations in objection were heard from an adjacent neighbour. She stated that she felt the extension would constitute overdevelopment and that this would have a significant affect on her visual amenity, due to less sunlight in her garden.

Further representations were received from another adjacent neighbour in objection. He stated how he felt that poor plans of the application had made it difficult to assess the effect that the extension would have on the neighbouring properties. However, he felt that as the rear of his house was in the direct line of sight of the wall of the property under consideration, that there would be a significant amount of overshadowing. He also felt that the height of the proposed application could set a precedent for other houses on the estate.

Members questioned Officers as to whether there would be a precedent set by the extension's roof height. It was confirmed that there would not be a precedent, as many of the neighbouring properties contained living space in the roof.

Members felt that the proposed extension would not have a detrimental impact on the amount of sunlight towards adjacent properties and that there would be a sufficient amount of garden left at the property. They suggested that, if the application was approved, Officers might wish to add a condition regarding noise due to the location of the property at the rear of a cul-de-sac.

RESOLVED: That the application be approved, with the following additional condition as listed below;

- (i) The hours of construction, loading or unloading on the site shall be confined to 8.00 to 18.00 Monday to Friday, 9.00 to 13.00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officer's report and above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the residential amenity of neighbours and the impact on the streetscene. As such the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan and City of York Draft Supplementary Planning Guidance to Householders (Approved March 2001).

50d 31 Lea Way, Huntington, York. YO32 9PE (11/00090/FULM)

Members considered a full application from the Joseph Rowntree Housing Trust for the erection of 13 dwellings after the demolition of an existing bungalow at 31 Lea Way.

Officers updated Members by informing them that a new condition relating to foul and surface water drainage works could be added to planning permission, if the application was approved.

Representations in support were received from the applicant's agent. In response to Members' questions, he stated that the height of the buildings would be at two storeys due to the need for large family housing. In relation to a question about monitoring of bats, Officers confirmed that the potential dwellings had been assessed and that a condition monitoring the

presence of bats could be added if Members were minded to approve the application.

Members also suggested that a condition requesting that the materials from the demolished site be reused and that for a decrease of vehicular movement around the properties.

During discussion Members spoke about how the location of the two storey properties on the site was appropriate, because they were not located at the entrance of the site and therefore not be overbearing. Additionally the properties would not overlook surrounding properties due to their similar heights.

RESOLVED: That the application be approved subject to the amendment of condition 4 to include reference to boundary treatment along access/entrance and condition 13 to require on site parking provision for all contractor vehicles as well as the addition of following condition;

- (i) Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with these approved details. They shall include:
 - a. Calculations and invert levels to ordnance datum of the existing foul and surface water system together with calculations and invert levels of the proposals for the new development.
 - b. Surface water drainage proposals . 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 and to ensure that they comply with guidance in Planning Policy Statement 25 (Development and Flood Risk) and that provision has been made to maintain the proposed drainage system.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above and in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to: the principle of development for housing; density; visual appearance; landscaping; contamination; sustainability; impact on trees; impact on wildlife; neighbour amenity; access, parking and highway safety; drainage; affordable housing; impact on local services and construction impact. As such the proposal complies with Policies GP1, GP4a, GP6, GP9, GP10, ED4, GP15a, NE1, NE6, H2a, H5a, L1c and T4 of the City of York Local Plan Deposit Draft.

**50e Hawthorn Terrace South, New Earswick, York. YO32 4BL
(10/00424/LBC)**

Members considered a listed building consent application by Joseph Rowntree Housing Trust for the installation of replacement white timber double glazed windows at 1-16 Hawthorn Terrace South.

This application was considered by the Committee at their meeting in June 2010, at which it was deferred in order for further negotiations to take place with the applicant over the design of the windows.

The applicant was in attendance to answer Members questions. He outlined how the proposed design differed from the previous one. He stated that the new windows were glazed from the inside and that it was comprised a slightly thinner double glazed unit and that a new hinge would minimise the gap that originally existed between the frame and the window.

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 impact on the special architectural and historic interest of the listed buildings. As such, the proposal complies with national planning advice contained within Planning Policy Statement 5 "Planning for the Historic Environment" and Policies

HE3, HE4 and GP4a of the City of York Development Control Local Plan Incorporating the 4th set of changes (2005).

50f Ivy Place, New Earswick, York. YO32 4BS (10/00427/LBC)

Members considered a listed building consent application for the replacement of white timber double glazed windows by Joseph Rowntree Housing Trust at 1-20 Ivy Place.

The discussion of this item took place at the same time as that of Agenda Item 4e) Hawthorn Terrace South and included the same points and representations as the aforementioned item.

RESOLVED: That the application be approved as recommended.

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 impact on the special architectural and historic interest of the listed buildings. As such, the proposal complies with national planning advice contained within Planning Policy Statement 5 "Planning for the Historic Environment" and Policies HE3, HE4 and GP4a of the City of York Development Control Local Plan Incorporating the 4th set of changes (2005).

Cllr K Hyman, Chair

[The meeting started at 2.00 pm and finished at 2.55 pm].

COMMITTEE REPORT

Date: 21 April 2011 **Ward:** Skelton, Rawcliffe, Clifton Without
Team: Major and Commercial Team **Parish:** Clifton Without Parish Council

Reference: 11/00483/FULM
Application at: Maxiprint Centre Kettlestring Lane York YO30 4XF
For: Change of use from print centre (use class B2) to storage and distribution (use class B8) with ancillary trade counter and external alterations
By: Howden Joinery Properties Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 7 June 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is situated in Clifton Moor. It is a corner property abutting Clifton Moorgate to the southwest and Kettlestring Lane to the southeast.

1.2 It is proposed to change the use of the premises from Class B2 (print centre) to Class B8 (Storage and Distribution) with ancillary trade counter. External alterations to the existing entrance and creation of new opening are also proposed as part of the scheme. The total gross internal floor area of the existing building is 1,158sq.m. The site area is 0.34ha.

1.3 The purpose of the proposal is to enable Howdens Joinery, a Class B8 operator to occupy the site. The information submitted with the application confirms a total of 8 full time staff will be employed within the site. The hours of opening will be 8:00 - 18:00 Mondays to Fridays, 8:00 - 13:00 on Saturdays, closed on Sundays and Bank holidays.

1.4 Access into the site is off Kettlestring Lane. There are currently 19 vehicle parking and 1 disabled parking space. The number of parking spaces will be reduced to 14 by virtue of the development proposal, although the number of disabled parking space will remain unchanged.

1.5 RELEVANT PLANNING HISTORY

1.6 08/01774/FUL: Change of use from Class B2 to Class B8. Permission granted in 2008.

1.7 03/00528/FUL: Erection of single storey pitched roof extension to North elevation. Permission granted in 2003

1.8 3/27/183/PA: Erection of printing works and offices. Permission granted in 1987.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

Schools GMS Constraints: Lakeside Primary 0207

2.2 Policies:

CYE3B

Existing and Proposed Employment Sites

CYS2

Out of centre retail warehouse criteria

CYGP1

Design

CYGP4A

Sustainability

CYT4

Cycle parking standards

3.0 CONSULTATIONS

EXTERNAL

3.1 Neighbours notified, site notice posted and press advertised – consultation expires on 20 April 2011. No response received to date.

3.2 Clifton Without Parish Council – no response received to date.

3.3 Clifton Moor Business Association - no response received to date.

INTERNAL

3.4 Highway Network Management consulted – no objections

3.5 Economic Development Unit – no response received to date.

3.6 Environmental Protection Unit – no response received to date.

4.0 APPRAISAL

4.1 The main planning issues raised by this application are whether the proposed change of use would result in the loss of employment land and whether proposal would have a detrimental impact on the amenities of nearby properties, in particular whether it would create conditions prejudicial to highway safety.

4.2 Policy E3b of the City of York Draft Local Plan 2005 seeks to retain the use of sites or premises which are either currently or previously in employment use. Paragraph 8.15 of the Local Plan further states applications for uses other than B1, B2 or B8 will be refused planning permission unless the applicant's proposal conforms to criterion (a) to (d) of policy E3b.

4.3 It is clear from the above that the objective of policy E3b is to protect land and premises for employment use rather than to restrict their use solely to the existing designation under Classes B2, B1 and B8. Furthermore, Clifton Business Park does not feature in the Employment Chapter of the Draft Local Plan either as a Schedule 1 or a Schedule 2 site. The area also consists of a broad mix of Class B1 Business uses, B2 General Industrial and B8 Storage/Distributions. By virtue of the above, there are no policy objections raised with regard to the proposed change of use.

4.4 A number of conditions have been imposed on original printing works and office applications and the subsequent single storey extension application. However none of the conditions imposed restrict the use of the premises for uses other than Class B2 General Industrial.

4.5 As part of the scheme a small 6.6m x 7.8m trade counter is proposed by the main entrance within the building. According to the information provided this ancillary trade counter is designed to serve as a subordinate or "de-minimis" feature of the overall use of the premises. Paragraphs 4.10 to 4.12 of the supporting statement confirms the proposed operation will not, in any way be associated with sales to the visiting members of the public but confined to trade. It is further noted from the information provided that just 10% of the sales take place over the counter in the form of 'cold' ordering. The remainder of orders are made either by telephone or facsimile and then collected, or distributed from the warehouse itself.

4.6 On the issue of whether a trade counter in this instance is ancillary to the main B8 use, previous High Court rulings have established that a limited amount of industrial or retailing activities may be considered to be ancillary to the primary use, subject to there not being a material change of use to the building, that the activity is subordinate to the primary use, and that there is no effect on the neighbouring area as a consequence of the activity itself. Provided that sales are not to be public but confined to trade, a trade counter of a builders' merchant (as in this instance) may be classified as being within Class B8 use.

4.7 Given the nature of the proposed use (storage and distribution to be occupied by a builders' merchant), the internal floorspace of the trade counter (51.5sq.m), and the percentage of sales likely to take place over the counter in the form of 'cold' ordering in an industrial estate, it is unlikely that sales arising from the introduction of a trade counter would materially change the use of the building to an A1 retail use, such that the approval of the trade counter in an out-of-town location would compromise the vitality and viability of the city centre. This is subject to conditions

restricting the floor area of the trade counter to that shown, a condition restricting sales from taking place other than within an area shown as trade counter area, and a condition restricting sales, display and services to visiting members of the public at all times.

4.8 Highway (Network Management) have raised no objections as the proposed B8 use is likely to generate lower volumes of traffic than the current B2 use. As such it is unlikely that the proposed change of use would create conditions prejudicial to highway safety. It is also considered that the proposed parking provision, together with the existing access arrangements are capable of accommodating the proposed use. In accordance with Policy T4 of the City of York Draft Local Plan a covered cycle parking spaces condition has been recommended.

4.9 The application site is surrounded by commercial and industrial buildings. The nearest residential properties are situated over 20m away on the opposite side of Clifton Moorgate. Furthermore, the potential for any statutory nuisances associated with the proposed use is likely to be less than the existing B2 general industrial use. Hence subject to no objections being raised by the Environmental Protection Unit, the proposal is considered to be satisfactory in this respect. This is subject to conditions restricting the hours of operation and the type of machinery, plant and equipment to be installed. A condition has also recommended to restrict the hours of demolition and construction works, in order to protect the amenity of the nearby residents, in particular the local residents along Gouthwaith Close.

4.10 The external alterations proposed are considered minor and unlikely to materially change the design and appearance of the existing building.

4.11 Having regard to the above it is considered that the proposal accords with the aims and policies of the local plan and is recommended for approval.

5.0 CONCLUSION

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

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Floor Plan, Elevations and Site Plan drawings received by the City of York Council on 7 March 2011

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

3 The trade counter shown on the submitted Floor Plan received on 7 March

2011 hereby approved shall not, at any time be used for the sales, display and services to visiting members of the public.

Reason: To protect the vitality and viability of York City Centre.

4 The gross floor area of the trade counter shown on the submitted Floor Plan received on 7 March 2011 hereby approved shall not exceed 52.0 square metres.

Reason: To protect the vitality and viability of York City Centre.

5 Sales shall not take place within or outside the building other than from the trade counter area shown on the submitted Floor Plan received on 7 March 2011.

Reason: To protect the vitality and viability of York City Centre.

6 The hours of opening including hours of operation shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	08.00 to 13.00
Not at all on Sundays and Bank Holidays.	

Reason: To protect the amenities of adjoining occupants

7 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which will be audible one metre from the façade of the occupied building and beyond when in use, shall be submitted to the local planning authority for approval. These details shall include maximum (L_{Amax}(f)), average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenities of adjoining occupants.

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

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

Reason: To protect the amenity of neighbouring occupants.

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to loss of employment land, the vitality and viability of York City Centre, residential amenity and highway safety. As such the proposal complies with Policies E3b, S2, GP1, T4 and GP4a of the City of York Local Plan Deposit Draft.

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

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

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

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

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

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

v There shall be no bonfires on the site.

Contact details:

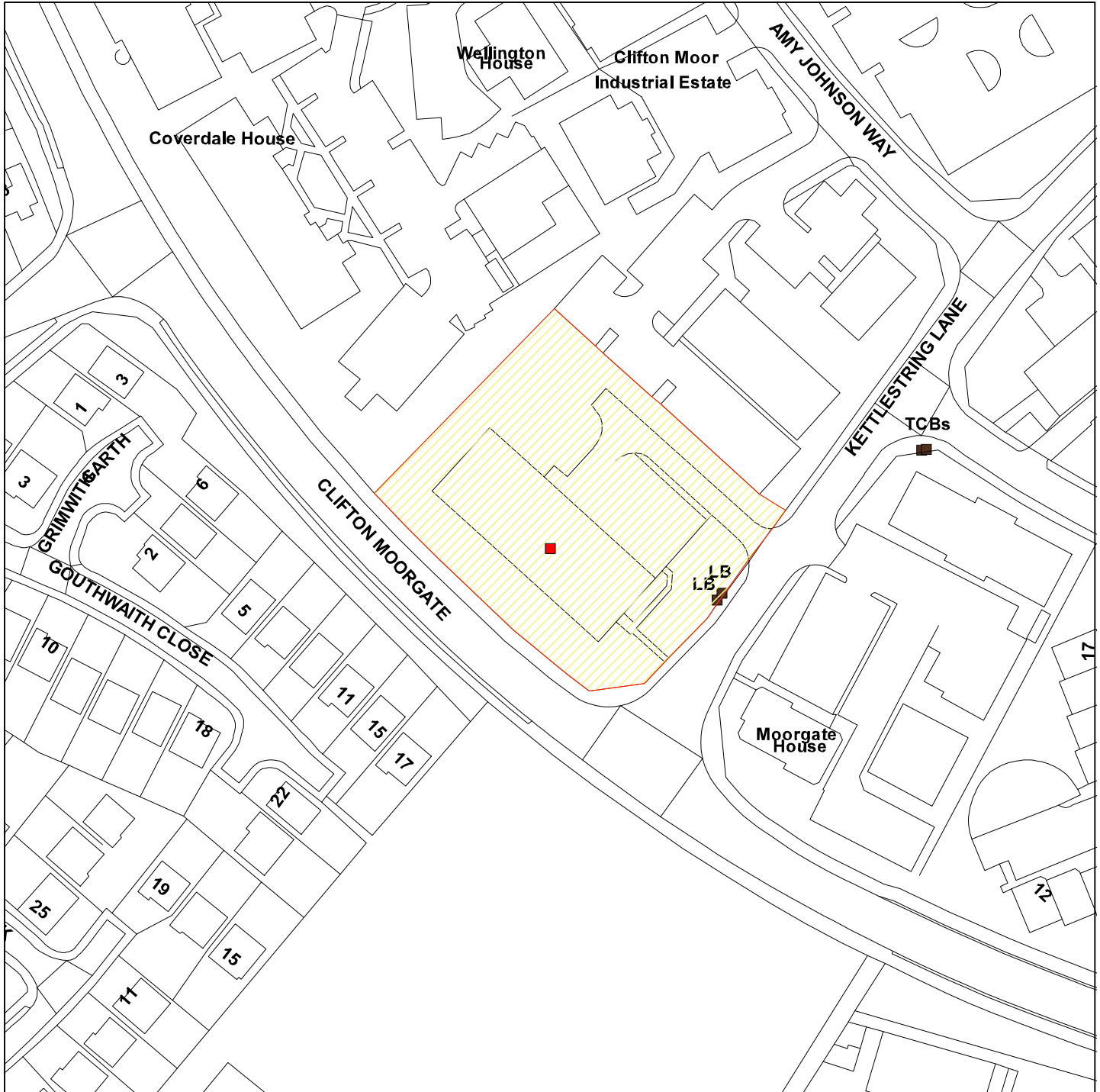
Author: Billy Wong Development Management Officer
Tel No: 01904 551344

Maxiprint, Kettlestring Lane, Clifton Moor

11-00483-FULM



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	11 April 2011
SLA Number	Not Set

COMMITTEE REPORT

Date: 21 April 2011 **Ward:** Haxby And Wigginton
Team: Householder and Small Scale Team **Parish:** Haxby Town Council

Reference: 11/00293/FUL
Application at: 17 Calvert Close Haxby York YO32 2ZY
For: Single storey side and rear extensions
By: Mr Richard Fussey
Application Type: Full Application
Target Date: 8 April 2011
Recommendation: Approve

1.0 PROPOSAL

The Site:

1.1 The application site relates to a detached two storey dwelling designed with an open plan front garden set back from the public highway, with a single driveway leading to a detached garage, and incorporating well established side and rear gardens.

The Proposal:

1.2 Planning permission is sought to erect a single storey side and rear extension. The extension to the side would be set back from the principal elevation by approximately 4.8 metres, extending beyond the rear building line, with a total length of 6.8 metres. The extension at the rear would project by a distance of approximately 2.8 metres adjacent to the shared boundary. The total height would not exceed approximately 3.6 metres reducing to approximately 2.5 metres at eaves height.

1.3 No relevant property history.

1.4 The application is to be considered at the East Area Planning Sub - Committee because the applicants' spouse is an employee of City of York Council.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1

Design

CYH7

Residential extensions

3.0 CONSULTATIONS

3.1 Internal

None

3.2 External

3.2.1 Haxby Town Council - No objections

3.2.2 Neighbour Consultation expired 11.03.11 - no comments received.

4.0 APPRAISAL

4.1 Key issue(s)

Impact on amenity of neighbours

Impact on street scene

The relevant polices and guidance:

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

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

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

and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

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

Visual Appearance:

4.6 The proposed extension would generally occupy the area between the existing dwelling and the detached garage, set back from the principal elevation. The extension would continue beyond the rear elevation by approx 2.8 metres, comprising of a total height of approx 3.6 metres and incorporating a mono-pitched roof. The design and scale is appropriate to the main dwelling, set within an ample sized side and rear garden, it would remain subservient to the original dwelling and would not constitute overdevelopment of the site.

4.7 The surrounding residential neighbourhood is characterised by various styles of dwellings with evidence of extensions set back from the road with open plan landscaped verges and front gardens. On this basis, with the use of matching brick and tiles, the proposal is considered to be of a mass and design that is compatible to the immediate surrounding area.

Residential Amenity:

4.8 The proposed development would retain an acceptable separation distance from the surrounding properties at 15 and 17 Calvert Close, which are both detached, would be well screened by the surrounding boundary enclosures, and would maintain adequate daylight towards the principle rooms of the nearby properties. The introduction of full length glazed windows would be situated away from adjacent neighbouring properties, thus would not impact on privacy. On this basis the proposal would comply with polices H7 (Residential Extensions) and GP1 (Design) of the Draft Local Plan.

5.0 CONCLUSION

It is not considered that the development would appear incongruous or give rise to any unreasonable loss of amenity to adjoining residents. Approval is recommended.

6.0 RECOMMENDATION: Approve

- | | | |
|---|--------|---|
| 1 | TIME2 | Development start within three years |
| 2 | PLANS1 | Approved plans - Drwg No 185/SH/RCF received 10/02/2011 |
| 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 interests of acknowledged importance, with particular reference to the effect on the amenity of adjacent occupiers and the impact on the street scene. As such the proposal complies with Policies GP1 and H7 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

Contact details:

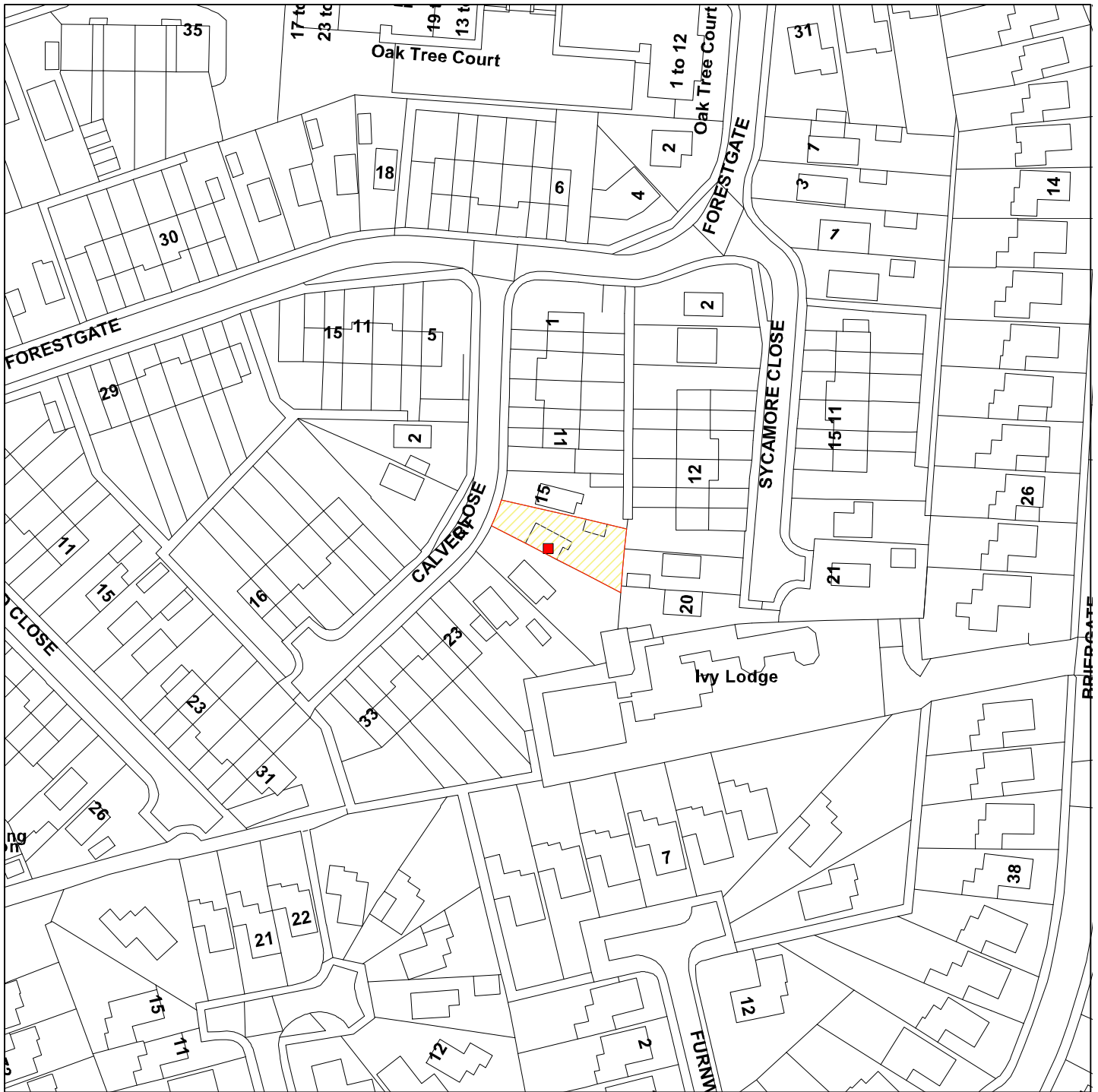
Author: Sharon Jackson Development Management Assistant
Tel No: 01904 551359

17 Calvert Close

11/00293/FUL



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	11 April 2011
SLA Number	Not Set

COMMITTEE REPORT

Date:	21 April 2011	Ward:	Heworth Without
Team:	Householder and Small Scale Team	Parish:	Heworth Without Parish Council

Reference: 10/02751/OUT
Application at: 3 Whitby Drive York YO31 1EX
For: Residential development
By: Mrs Janet Wheldon
Application Type: Outline Application
Target Date: 15 April 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 3 Whitby Drive comprises a brick built bungalow circa 1960 set within a substantial elevated backland site to the north east of the City Centre. It is accessed from a short cul-de-sac via a small parade of shops on Whitby Avenue. Outline planning permission is sought for redevelopment of the site including demolition of the existing bungalow for residential development. All matters other than access are reserved for further determination. The applicant has submitted an indicative scheme on the basis of five plots as the maximum allowable in highway terms with access from a private drive. The applicant has furthermore indicated an intention to develop the site with two storey properties.

1.2 Councillor Ayre has called in the application for Members of the East Area Planning Sub-Committee to determine the grounds that it does not comply with Policy GP1 of the City of York Development Control Local Plan on the grounds that it does not allow for a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, does not avoid the loss of open spaces, vegetation, water and other features which contribute to the quality of the local environment and does not ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking or being dominated by overbearing structures. It furthermore does not comply with Policy GP10 of the York Development Control Local Plan on the grounds that the proposed development would lead to over-development which would be detrimental to the character and amenity of the local environment.

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

CYH4A
Housing Windfalls

CYGP10
Subdivision of gardens and infill devt

CYGP4A
Sustainability

CGP15A
Development and Flood Risk

3.0 CONSULTATIONS

INTERNAL:-

3.1 Highway Network Management raise no objection to the proposal subject to any permission being conditioned to require details of access, parking and turning arrangements being reserved for further approval.

3.2 Environmental Protection Unit express concern with regard to the level of information relating to potential on-site contamination included with the application.

3.3 Structures and Drainage Design Consultancy object to the proposal on the grounds of insufficient information being submitted in respect of surface water drainage with the application.

3.4 Design, Conservation and Sustainable Development raise no objection to the proposal subject to any permission being conditioned to provide for bats foraging in the vicinity.

EXTERNAL:-

3.5 Heworth Without Parish Council were consulted on 3rd March 2011. No response has been forthcoming.

3.6 17 letters of objection have been received in respect of the proposal. The following is a summary of their contents:-

- Concern at the impact of the proposal upon the local pattern of surface water drainage;
- Concern at the impact of additional traffic generation upon the local road network;

- Concern at the impact of the proposal upon the residential amenity of neighbouring properties by virtue of loss of privacy, overlooking and overbearing impact;
- Concern that the proposal would result in increases in anti-social behaviour in the locality;
- Concern that the proposal would result in a loss of open space of significant townscape value;
- Concern that the proposal by specifying two storey houses would result in a pattern of development alien to the local street scene;
- Concern at the adequacy of the site access for the numbers of additional vehicles that the site would generate;
- Concern at the loss of a number of mature trees and important local habitat;
- Concern at the impact of construction noise and traffic on nearby residential occupiers;
- Concern at the failure to comply with Central Government guidance in respect of usage of gardens as development land as outlined in PPS3"Housing"(revised);
- Concern at the possible health impacts arising from the location of bin stores for the new properties;
- Concern that additional housing in the area is not needed.

4.0 APPRAISAL

4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the residential amenity of neighbouring properties;
- Impact of the proposal upon the visual amenity of the street scene;
- Impact of the proposal upon the local surface water drainage pattern;
- Impact of additional traffic generated upon the site access and the local highway network;
- Impact of the proposal upon local biodiversity;
- Loss of an important open space of townscape value.
- Sustainability

IMPACT UPON RESIDENTIAL AMENITY:-

4.2 Policy GP1 of the York Development Control Local Plan sets a policy presumption in favour of new developments which respect or enhance the local environment , are of a density, layout, scale and massing that are compatible with neighbouring buildings, spaces and the character of the area and ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. The proposed development envisages the demolition of the existing bungalow and the redevelopment of the cleared site and its associated garden for housing. The garden as it stands is substantial and appears physically degraded. The relationship of the existing bungalow and its surroundings furthermore appears idiosyncratic relative to the adjoining area. To the south in Whitby Avenue the nature of development comprises bungalows fairly densely developed in narrow plots. To the north and north east however the nature of development consists of fairly substantial two storey properties set within large gardens.

4.3 The proposal seeks outline planning permission for residential development with all matters other than access reserved. The indicative scheme submitted with the proposal indicates a preference for a two storey form of construction, which it is considered would be acceptable for the northern section of the site. Rear gardens 10 metres in length are illustrated which are entirely consistent with the local pattern of development. There is a significant change in level to the properties to the south in Whitby Avenue however any impact would be minimised by properties in this area adopting an alternative form of construction either as bungalows or as dormer bungalows. Bin stores can be located and the access configuration arranged without detrimental effect upon the neighbouring properties. It is broadly felt that any impact upon the residential amenity of neighbouring properties would be at an acceptable level and that the criteria contained within of Policy GP1 of the Draft Local Plan are satisfied.

IMPACT OF THE PROPOSAL UPON THE VISUAL AMENITY OF THE STREET SCENE:-

4.4 Policy GP10 of the York Development Control Local Plan states that planning permission for the sub-division of existing garden areas to provide new development will only be forthcoming where this would not be detrimental to the character and amenity of the local environment. Similarly Policy H4a) of the York Development Control Local Plan states that planning permission for housing would be forthcoming on land within the urban area which is presently unallocated where it involves infilling and the site has good accessibility to jobs and services by non-car modes, the development is of an appropriate scale and density to surrounding development and it would not have a detrimental impact upon existing landscape features. This is consistent with Central Government advice in relation to housing as outlined in PPS 3"Housing", as recently revised.

4.5 The pattern of development surrounding the application site consists of substantial mainly detached and semi-detached houses in large gardens along Stockton Lane to the north and north east and bungalows set within comparatively small plots to the south and south east. The application site appears degraded and the existing bungalow is idiosyncratic in its relationship with neighbouring development. The proposal is in outline with all matters reserved for further approval with the exception of access. No specific form of development is specified however a preference for a two storey pattern of development is expressed. Such a pattern would be more characteristic of the area to the north and it would enable the development to blend in better with the surrounding street scene if any development adjoining the properties in Whitby Avenue were single storey.

4.7 In terms of loss of garden land the area is physically remote and difficult to access and its recognisable garden function has long since been lost. It is felt that to develop the site for limited numbers of housing would not have a material impact upon the visual amenity of the street scene and that the terms of Policies GP10 and H4a) of the Draft Local Plan have therefore been satisfied.

IMPACT OF THE PROPOSAL UPON THE LOCAL SURFACE WATER DRAINAGE PATTERN:-

4.8 Policy GP15a) of the York Development Control Local Plan requires that developers must satisfy the Local Planning Authority that any flood risk can be satisfactorily managed with the minimum environmental effect and that the site can be developed, serviced and occupied safely. The application site is within the notified Flood Zone 1 and therefore at a relatively minimal risk of flooding. The eastern and south eastern section has however become poorly drained. The applicant is in the process of devising a full drainage scheme and subject to any permission being conditioned to require the submission of a detailed scheme for further approval then it is considered that the terms of Policy GP15a) of the York Development Control Local Plan would be satisfied.

IMPACT OF ADDITIONAL TRAFFIC GENERATION:-

4.9 The application site is accessed via a cul-de-sac leading from a small parade of shops on the northern side of Whitby Avenue. Existing traffic levels in the vicinity are light and the illustrative scheme indicates five houses which would be the minimum level accessible from a private drive. The proposal would not lead to a materially significant increase in traffic in surrounding roads either during construction or when eventually occupied.

IMPACT OF THE PROPOSAL UPON LOCAL BIODIVERSITY:-

4.10 Policy NE7 of the York Development Control Local Plan states that development proposals will be required to retain important natural habitats and where possible include measures to enhance or supplement these and to promote public awareness and enjoyment of them. The application site incorporates a disused garden area including a number of mature trees. The applicant has undertaken a detailed tree survey and has agreed to the retention of the significant belt of trees along the northern boundary of the site and to an area of additional planting to reinforce the eastern boundary of the site. There is evidence of bats foraging in the vicinity but the development if subject to appropriate mitigation would not result in any material harm to local biodiversity.

LOSS OF AN OPEN SPACE OF MAJOR TOWNSCAPE IMPORTANCE:-

4.11 The application site comprises a secluded disused garden area. It is not readily visible in public viewpoints from any direction and it does not contain any particular features of townscape merit. The development of the site for housing at a density and layout comparable with the adjoining with suitable additional landscaping would therefore be acceptable.

SUSTAINABILITY:-

4.12 The site is located within relatively close proximity to the city centre and all types of amenity. The application is accompanied by a statement which confirms that the development will achieve Code for Sustainable Homes Level 3 "star", and will seek to achieve 10% of the energy needs from renewable sources (the Council's Interim Policy Statement indicates a requirement of 5% for developments of this size). The achievement of these targets can be secured by condition.

OTHER MATTERS:-

4.13 A financial contribution towards the provision or improvement of off-site open space is required by policy L1c of the Draft Local Plan. This can be secured by condition. Given that the indicative layout shows a development of 5 dwellings, a contribution towards the provision of additional education facilities may also be required and an update on this matter will be provided at Committee.

5.0 CONCLUSION

5.1 3 Whitby Drive comprises a brick built bungalow circa 1950 lying in a large disused garden to the north east of the City Centre. Outline Planning Permission is sought for the demolition of the existing house and the redevelopment of the entire site for housing. All matters other than access are reserved for further approval. The surrounding area comprises large brick built houses set within large gardens to the north and north east and more recent bungalows set within modest gardens to the south and south east. The application is accompanied by an illustrative scheme that demonstrates that five dwellings can safely be accommodated on the site without detrimental impact upon the wider street scene. Providing a lower form of development is adopted towards the southern boundary of the site then it is considered that the residential amenity of nearby properties can be adequately safeguarded and as the existing garden does not appear to have a recognisable function in townscape terms it is considered that the principal of the proposal is acceptable and approval is therefore recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

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

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

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

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

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

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

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.

4 VISQ8 Samples of exterior materials to be app

5 VISQ4 Boundary details to be supplied

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

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

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

These measures should include:

- i) A plan of how demolition work to the bungalow is to be carried out to accommodate the possibility of bats being present;
- ii) Details of what provision is to be made within the new building to replace the features lost through the demolition of the original structure. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat boxes, and bat lofts and should substitute for what is existing;
- iii) The timing of all operations.

The works shall be implemented in accordance with the approved details and timing unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To secure the habitat of a protected species in accordance with Central Government advice in relation to Planning and Biodiversity outlined in Planning Policy Statement 9 "Biodiversity and Geological Conservation".

8 The dwellings to be erected on this site adjacent to Whitby Avenue shall be single storey in height . No external alterations to the dwellings to incorporate an additional floor shall be carried out following the completion or occupation of the buildings without the prior written consent of the Local Planning Authority.

Reason: In the interests of protecting the amenities of the adjoining residents and to assist the development being integrated into the area.

9 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.

10 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.

11 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 in accordance with the schedule contained within the following document: "Commutated Sum Payments for Open Space in New developments - A Guide for Developers" (Approved April 2007). 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.

12 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 the impact upon the residential amenity of neighbouring properties, impact upon the visual amenity of the wider street scene, impact upon the local surface water drainage pattern, impact of additional traffic generated upon the local highway network, impact of the proposal on local biodiversity and loss of important open space of townscape value. As such the proposal complies with Policies GP1,H4a),GP10,GP4a) and GP15a) of the City of York Development Control Local Plan.

2. CONTAMINATED LAND:-

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

Part 11A of the Environmental Protection Act 1990.

3. DEMOLITION AND CONSTRUCTION:-

i) 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.

ii) 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 practise 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".

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

iv) 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.

v) 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.

vi) There shall be no bonfires on the site.

Contact details:

Author: Erik Matthews Development Management Officer

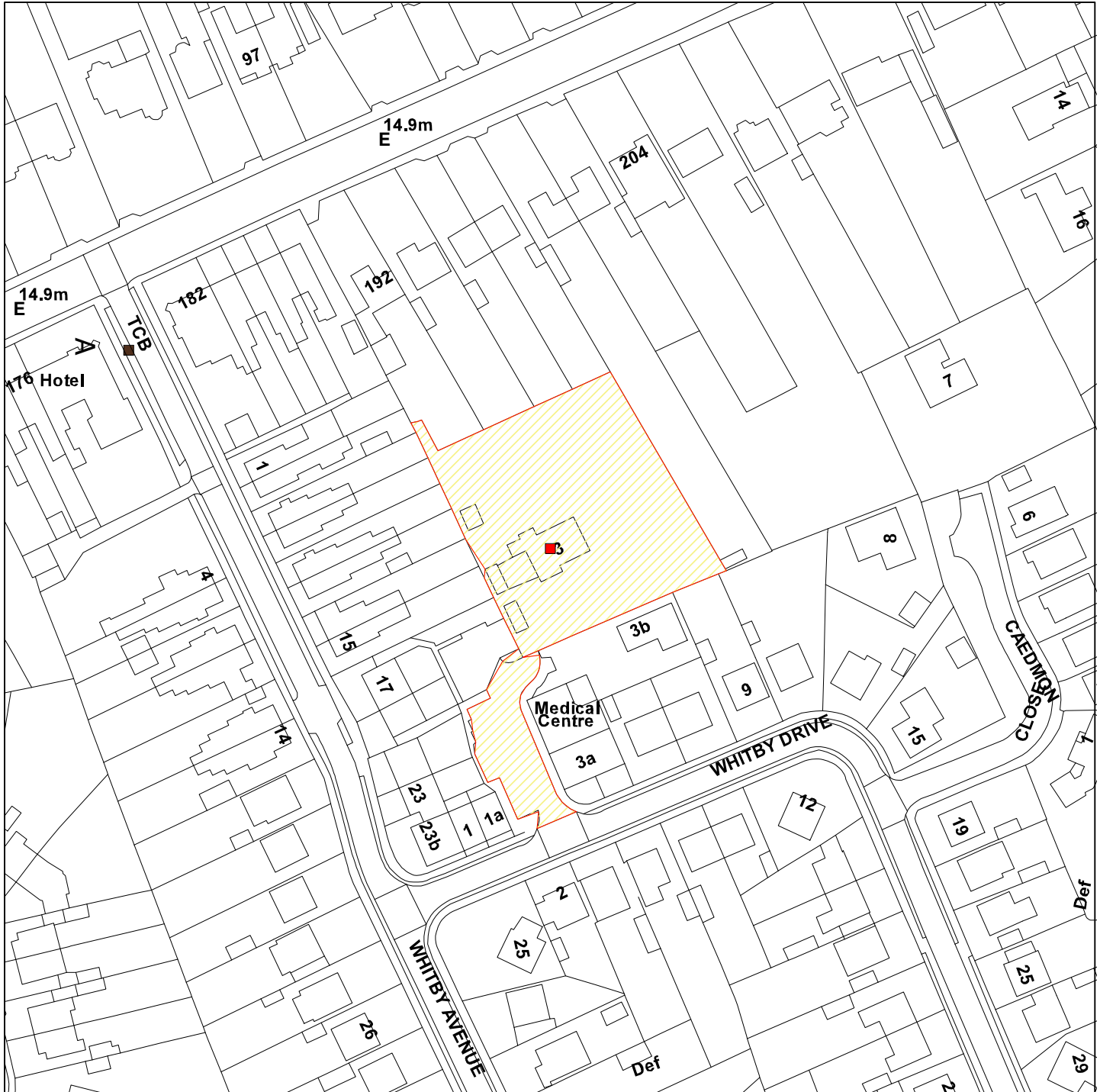
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3 Whitby Drive

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	11 April 2011
SLA Number	Not Set

COMMITTEE REPORT

Date: 21 April 2011 **Ward:** Haxby And Wigginton
Team: Major and Commercial Team **Parish:** Wigginton Parish Council

Reference: 10/02816/FUL
Application at: Creepy Crawlies The Arena Clifton Gate Business Park
Wigginton Road Wigginton York. YO32 2RH
For: "High ropes" adventure course with associated building and car
parking (resubmission)
By: Mrs Janice Dunphy
Application Type: Full Application
Target Date: 15 February 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to the erection of a 'high ropes' adventure course - part for adults and part for children. Each course would comprise a range of timber, steel and rope obstacles up to 8m high (the submitted plans are illustrative only). Users would begin the course at a start tower and negotiate the obstacles in order to complete the course without descending to ground level. An existing building on the site would be extended from 9m x 7m to 23m x 7m to provide a reception, store, dressing room and briefing/teaching room for the high ropes operation. A 2m-high security fence would be erected around the site. Native trees and shrubs would be planted on the northern side of the site to provide partial screening from Wigginton Road. The applicant does not propose to resurface the site, which is predominantly grassed, except for areas of high wear, which would be covered in bark chippings. The topography of the site would not be altered, nor would the existing external lighting. Creepy Crawlies' existing car park would be reconfigured to increase the number of spaces from 90 to 97. The shared, informal, overspill car park next to Wigginton Road would be marked out to provide a total of 44 spaces. Operating hours would be 8am to 9pm, seven days a week. 220 people are forecast to use the course on the busiest days.

1.2 Whilst Creepy Crawlies is the applicant the proposal would be a stand alone operation. It would complement the existing play centre but not be ancillary to it.

1.3 The application is a resubmission of 10/01557/FUL, which was withdrawn following concerns by highway officers and the need for further traffic assessment.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1
Design

CYGB1
Development within the Green Belt

CYGB3
Reuse of buildings

CYGB13
Sports facilities outside settlements

CYGP4A
Sustainability

CGP15A
Development and Flood Risk

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - No objections subject to conditions requiring submission of a travel plan, provision of car/cycle parking and road marking at the access onto the public highway.

3.2 City Development - No policy objection. Essential facilities for outdoor sport and recreation are appropriate within the green belt. The development control officer must ensure that the scale, location, layout, design and landscaping preserve, as far as possible, the openness and visual amenity of the green belt.

3.3 Structures and Drainage - Objection. Whilst the site is in low risk Flood Zone 1, and should not suffer from river flooding insufficient information has been submitted to determine the potential drainage impacts. Run-off should be attenuated to 70% of the existing rate.

3.4 Communities and Neighbourhood (Play Team) - Full support.

EXTERNAL

3.5 Wigginton Parish Council - Objection. Difficult access to/from Wigginton Road; increased use of overflow parking area; traffic congestion/blockages within the site; and visual impact on the green belt. If planning permission were to be granted conditions should include screening from the A1237, hours of use no floodlighting. Before approval is considered a health and safety/risk assessment should be carried out (Officers' response: This is not a planning issue].

3.6 Environment Agency - No objection.

3.7 Foss IDB - As far as is practicable, surface water arising from the developed site should be managed in a sustainable manner. The applicant should provide surface water drainage details.

3.8 Public Consultation - The consultation period expired on 4 February 2011. One representation has been received. It supports the proposed high ropes course but not (a) increased use of the existing access, due to concerns about highway safety; (b) increased traffic, which would worsen parking problems on the site; and (c) the extension to the building because suitable alternative buildings already exist.

4.0 APPRAISAL

4.1 KEY ISSUES

Impact on the Green Belt and Visual Amenity
Highway Issues
Neighbour Amenity.
Drainage

APPLICATION SITE

4.2 Creepy Crawlies comprises an indoor children's play centre and outdoor adventure playground for children under the age of 12 years. It is located within Clifton Gate Business Park (formerly part of York Riding School) at the north-east corner of the A1237/Wigginton Road junction. Outdoor parking is provided for approximately 90 cars.

4.3 The high ropes adventure course would be located on the east side of the existing Creepy Crawlies premises. The site is currently occupied by York Riding School and mainly comprises: (1) an outdoor horse-riding arena; (2) a raised area of landscaping including young trees, a pond and a small seating area; (3) a redundant industrial-type shed; and (4) parking for 90 cars.

POLICY CONTEXT

4.4 National planning advice contained within Planning Policy Guidance 2: Green Belts (PPG2) advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. PPG2 lists the types of development that is acceptable in the green belt (these are re-iterated in policy GB1 in the Local Plan). Other development is deemed inappropriate, which is by definition harmful to the green belt, and should therefore not be granted planning permission. Inappropriate development may only be approved when the applicant can demonstrate 'very special circumstances', that outweigh any harm to the openness of the green belt.

4.5 Draft Local Plan Policy GB1 - Within the Green Belt, planning permission for development will only be granted where: (a) the scale, location and design would not

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

4.6 Draft Local Plan Policy GB3 - Outside defined settlement limits the reuse of buildings in the Green Belt will be granted provided: it does not have a materially greater impact than the present use on the openness of the Green Belt; the buildings are of permanent construction and are capable of conversion without major or complete reconstruction; the reuse will not require extensive alteration, rebuilding or extension; the form, bulk and design are in keeping with their surroundings; the buildings are not close to intensive livestock units or other uses that may result in a poor level of amenity for the occupiers; and there is a clearly defined curtilage.

4.7 Policy GB13 - Within the green belt or open countryside proposals for the development of essential ancillary facilities for outdoor sport or recreation will be permitted where: (a) the facilities are essential to support the outdoor provision; and (b) the facilities are kept to a scale that supports the recreational activity; and (c) there are no opportunities to provide the built facilities in adjacent settlements; and (d) any new buildings or structures and parking do not detract from the openness of the green belt or open countryside or result in the coalescence of settlements.

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

4.9 Policy GP4a - All proposals should have regard to the principles of sustainable development, including accessibility by means other than the private car.

4.10 Policy 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.

IMPACT ON THE GREEN BELT AND VISUAL AMENITY

4.11 The site has been in riding school use for many years (Class D2 as defined in the Use Classes Order). Use as an adventure course also falls under Class D2 so the principle of the use is already accepted.

4.12 One of the objectives of Green Belts is to provide opportunities for outdoor sport and recreation. Nevertheless, PPG2 states that engineering operations (such as the high ropes structures) are inappropriate unless they maintain openness and do not conflict with the purposes of including land in the green belt. The main issue is therefore whether the erection of the adventure course would maintain openness.

4.13 The site is, in essence, open land albeit with fencing along the boundaries. The proposal would introduce a more formal type of development, which would contain urban elements not generally associated with the Green Belt. However, whilst the height and overall massing of the structures would be considerably greater than existing - and would have a footprint of approximately 60m x 30m - by their nature they would have a partially open character and appearance. They would not be easily visible from the A1237 and would be partially screened from Wigginton Road to the west (at a distance of 100m-150m) by existing buildings on the business park. Nevertheless some of the structures would be visible through gaps in the hedge along the highway verge. This section of Wigginton Road is not heavily developed and is mainly used by motor vehicles travelling at relatively high speeds. Views of the structures from the road would therefore generally be intermittent and fleeting. The site would not be easily visible from any other public viewpoint and the structures would be located close to existing buildings. Furthermore, it would appear that the submitted illustrative layout could be revised to reduce the visibility of the structures from Wigginton Road. Whilst the indicative layout is logical from the operator's point of view the applicant would not object to the final design, location and layout being made a condition of approval.

4.14 On balance, officers consider that the structures maintain openness and do not conflict with the purposes of including land in the Green Belt. Furthermore, the structures are not detrimental to the visual amenity of the green belt and the area generally because of: their partially open appearance, their location close to existing buildings, their largely discreet siting behind existing buildings and the proposed tree planting which would, over time, provide some measure of screening.

4.15 The industrial-type storage building on the site would be extended in length from 7m to 23m, an increase of almost 230%. The extension would be used in connection with the high ropes course and the size would be consistent with the requirements of the high ropes operation. The extension could (if consent for the high ropes course were to be granted) be treated as an essential facility for outdoor sport and recreation. Such a building would be appropriate development as long as it preserved the openness of the Green Belt and did not conflict with the purposes of including land within it. In this case the building would be located close to existing buildings in the business park and would not be unduly prominent in the landscape.

4.16 Whilst some additional parking spaces would be provided (mainly by marking out the existing informal overspill car park) the area of hardstanding devoted to parking would not increase. The number of additional parking spaces would be small and would not have a significant impact on the openness of the Green Belt.

4.17 If planning permission were to be granted conditions should be attached to minimise the impact on the Green Belt notably (a) no floodlighting (b) details of the course design and layout to be approved (c) details of screen planting to be approved and implemented.

HIGHWAY ISSUES

4.18 Clifton Gate Business Park has developed in a piecemeal fashion over a number of years. Consequently, in autumn last year, the council requested that the applicant carry out a traffic survey at the access to the business park during peak periods of operation. The findings of that work have provided up-to-date base data for assessing the current application and any subsequent applications at the business park.

4.19 The proposal would generate approximately 16 vehicle movements an hour, equating to approximately 1 additional vehicle every 4 minutes. The survey results and analysis of the access onto Wigginton Road found that the junction currently operates with spare capacity and would continue to do so if the current application were approved and implemented. Whilst highway officers have some safety reservations over the intensification of use of the access there is no history of accidents having occurred as a result of traffic entering or leaving the site. Furthermore, given the limited increase in traffic using the junction as a result of the proposal, highway officers do not object. Nevertheless, in order to help access to and from the site they recommend that the applicant be required to pay for "Keep Clear" markings to be painted onto the road at the site access. Such measures can be secured by a condition.

4.20 The applicant should be required by condition to submit for approval a full travel plan to promote sustainable travel and minimise the number of car-borne trips by staff and visitors.

DRAINAGE

4.21 The application states that surface water from the whole of Clifton Gate Business Park drains into reed beds close to the site of the proposed high ropes course. The intention is that surface water run-off from the course and the reception building would flow into the existing system. The council's drainage officers have asked for details of these arrangements to be submitted for consideration. This is in hand. Members will be updated at the meeting.

5.0 CONCLUSION

5.1 The use of the land for outdoor sport and recreation is established. The key issue is the degree to which the proposed course and reception building would have an impact on the openness of the Green Belt. Officers consider that, on balance, the application accords with national planning advice in PPG2 and the relevant Draft Local Plan policies and is acceptable subject to conditions being applied to minimise the visual impact.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

- 005/C Proposed Site Plan
- 006/A Proposed Reception
- 009 Indicative High Ropes

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

3 Notwithstanding the information contained on the approved plans the height of the proposed climbing structures shall not exceed 8m above existing ground level as measured from the proposed entrance gateway at the south-west corner of the site. 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 openness of the Green Belt and the visual amenity of the area.

4 No building work shall take place until details of the design, location, layout and materials of the high ropes course have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of protecting the openness of the Green Belt and the visual amenity of the area.

5 Details of any new or additional external lighting shall be submitted to and approved in writing by the local planning authority prior to installation.

Reason: In the interests of protecting the openness of the Green Belt and the visual amenity of the area.

6 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how the development will provide 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.

7 HWAY18 Cycle parking details to be agreed

8 HWAY19 Car and cycle parking laid out

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

Works: "Keep Clear" markings over site entrance on B1363 Wigginton Road.

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

10 The site shall not be occupied until a full travel plan, in line with local and national guidelines, has been submitted to and approved in writing by the local planning authority and implemented. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of the travel plan.

Reason: To promote sustainable travel and minimise the number of car-borne trips by staff and visitors.

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

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

12 The boundary treatment to the development shall match the existing boundary treatment of the adjacent outdoor adventure play area in design, height, colour and materials.

Reason: To achieve a visually acceptable form of development and minimise the impact on the green belt.

13 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used for the reception building 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.

14 Drainage Members to be advised at the meeting

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

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

- impact on the Green Belt
- visual amenity
- highway issues
- sustainability
- landscape
- drainage

As such the proposal complies with national planning advice contained within Planning Policy Guidance Note 2 "Green Belts" and policies GB1, GB3, GB13, GP1, GP4a, and GP15a of the City of York Draft Local Plan incorporating the 4th set of changes approved April 2005.

Contact details:

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Creepy Crawlies, Wigginton Road

10/02816/FUL



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Organisation	City of York Council
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Comments	
Date	11 April 2011
SLA Number	Not Set

CGP15A
Development and Flood Risk

CYH4A
Housing Windfalls

CYL1C
Provision of New Open Space in Development

CYNE1
Trees, woodlands, hedgerows

CYNE6
Species protected by law

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - No objection to the principle of residential re-development. The proposed new accesses are shown as 3m at their junction with the highway whereas the recommended width is 3.2m. Similarly the pedestrian visibility splays are below standard. These minor amendments should be shown on a revised drawing or included among various standard conditions that should be attached [Officer's response: These design changes have since been made].

3.2 Structures and Drainage - No objection in principle to the development. There is an adequate drainage solution but the submitted Flood Risk Assessment has insufficient details. Add a condition to ensure that peak run-off is attenuated to 70% of existing and discharged at a controlled rate. Require an assessment to show that the ground has sufficient capacity to accept surface water discharge from the proposed permeable paving.

3.3 Environment, Conservation, Sustainable Development (Landscape) - This is over development under Policy GP10 because it is detrimental to the character of the existing property and immediate area due to loss of trees and space between buildings. The introduction of freestanding garages in the foreground separates the building elevations from the street that they are otherwise designed to address.

3.4 Environmental Protection: - No objections. Attach construction and contamination informatives.

3.5 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.

EXTERNAL

3.6 Strensall With Towthorpe Parish Council - Objection: Inadequate drainage; out of character with the area; the trees on the site need to be protected; impact on the adjacent nature reserve; highway safety due to multiple narrow accesses and insufficient parking; conflict with PPS3; cycle/refuse provision is not shown; sustainability statement inadequate; conflict with policies GP1 and GP10.

3.7 Foss IDB - The watercourse along the eastern boundary is at capacity. Any approval granted should include conditions requiring submission of drainage details, which should include attenuation.

3.8 Environment Agency - No objection. The flood risk assessment is satisfactory. Compliance with the FRA should be made a condition of approval.

3.9 Public Consultation - Consultation letters were sent to properties bounding the site and a site notice was erected. These measures are in accordance with established protocol. The consultation period expired on 25 January 2011. Seven objections have been received raising the following planning issues:

- Overdevelopment
- Contrary to open character of the area
- Incompatible with adjacent bungalows
- Increased run-off will cause flooding/drainage problems
- Inadequate sewerage system
- Increased risk of traffic accidents
- Impact on adjacent SSSI
- Impact on newts
- Impact on flora/fauna
- Loss of daylight to occupiers of plot 3.
- Loss of/impact on trees/greenery
- Overlooking and loss of privacy
- Noise nuisance
- PPS3 (garden grabbing)
- Inadequate sustainability statement
- Inadequate consultation

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.

THE APPLICATION SITE

4.3 This consists of a residential plot (0.3ha) comprising a 2-storey dwellinghouse with single-storey extensions on both sides. The site is on the edge of (but within) the settlement limit of Strensall village. The site has a mature garden and is surrounded by fencing, 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 are bungalows and 2-storey houses. To the north is council-

owned woodland. To the east is a residential site ('Seven Oaks'), which was recently granted planning permission for the complete demolition of the existing house and the erection of three houses.

PRINCIPLE OF THE USE FOR HOUSING

4.4 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.

4.5 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 focussing 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.

DENSITY AND VISUAL APPEARANCE

4.6 Local residents are concerned that the scale of the proposed buildings would be out of keeping with the character of the area. The three houses have different designs but all are traditional in appearance and use of materials (render, slate, small plain tiles). The two new houses reflect the design of the existing house (Whitewalls), which separates them. The overall appearance is considered to be acceptable in this area, which has no predominant building style. Although the houses would all be large, with either four or five bedrooms each, the designs break up the massing as much as possible and the street frontage is wide at 52m. The density would be 10dph. Notwithstanding concerns expressed by some local residents, and the council's landscape architect, that the site would be overdeveloped, it is considered that the scale and density of the scheme is acceptable. The reduction in the size of the house on plot 1 reinforces that view. The nearest existing dwellings along the south-west boundary of the site are bungalows in Whin Close. Whilst the two new houses would be higher (at 7.3m to the ridge) than the existing bungalows the new houses would be only 0.4m higher than the existing house (Whitewalls). It is not uncommon for bungalows and 2-storey houses to be adjacent to one another, as is the case currently at Whin Close.

4.7 Each of the houses would have either a detached double garage or a detached garage/carport. They would be located between the front walls of the

houses and the highway boundary. The design of the structures would be in keeping with the character of the houses and would be partially concealed by trees and planting along the highway boundary. Officers do not consider that the structures would be so conspicuous as to justify refusal of the application.

LANDSCAPE

4.8 The application includes a tree survey. Large mature trees are a key component of the attractive leafy character of Ox Carr Lane. Whilst the number of dwellings on the site would be increased from one to three, the character of the area to the front and rear would largely be retained. Most of the trees would remain, particularly along the north-west and north-east boundaries. Tree numbers would be reduced along the highway boundary and the south-west boundary with adjacent houses. Most of the tree losses along the highway boundary would be due to the creation of the two new access points. Whilst the opportunity along this boundary for planting replacement trees is limited, the trees to be removed are mainly small and do not make a major contribution to the character of the area. The trees along the south-west boundary are more significant, notably a mature copper beech. The reason for its removal is its proximity to the proposed house at Plot 1. The tree is described in the submitted tree survey as only being of low quality and condition. Furthermore, there are opportunities along this boundary for replacement tree planting. This could be made a condition of approval, as should tree protection during construction. None of the existing trees are covered by Tree Preservation Orders.

NEIGHBOUR AMENITY

4.9 Of the three houses, only Plot 1 would have any material impact on adjacent residential occupiers. A 7.3m-high gable wall of Plot 1 would (on average) be approximately 14m from secondary windows of No.12 Whin Close. This exceeds by 2m the distance that is widely regarded as being acceptable between existing windows and a gable wall. Furthermore the aspect from No.12 would be oblique, thereby reducing the impact on the occupiers. No windows of the house at Plot 1 would face No.12 Whin Close, thereby avoiding any significant risk of overlooking. The other existing houses along the boundary (i.e. Nos 10 and 15 Whin Close) are unlikely to be significantly affected by the proposals due to the separation distance and/or the position and orientation of the house at Plot 1. Neither of the new dwellings is likely to materially affect sunlight to adjacent properties.

HIGHWAY ISSUES

4.10 Since submission the proposed sight lines have been improved and the width of the proposed accesses has been widened, as requested by highway officers. The existing access is still 200mm narrower than recommended but this shortfall is considered insufficient to justify refusal, particularly as the access already exists. 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. On this basis the council's highways officers have no objection to the application.

DRAINAGE

4.11 The application includes a flood risk assessment. 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.

4.12 Residents are concerned that existing sewerage problems in the area would increase if the application were allowed. Sewerage problems are generally caused by the inadequacy of combined sewers to cope with heavy rainfall. As a consequence the rainfall in the sewers overflows, bringing with it the foul water. This tendency would be reduced by the council's requirement that the surface water run-off be attenuated to 70% of existing.

PUBLIC OPEN SPACE

4.13 A developer contribution of £6,894 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 dwellings would be created (one 5-bed, one 4-bed). This has been accepted by the applicant.

SUSTAINABLE DESIGN AND CONSTRUCTION

4.14 The application includes a sustainability assessment. It states that the developer will meet Code for Sustainable Homes Level 3 and 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.

BIO-DIVERSITY

4.15 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. Whilst there have been some reports of great crested newts within the area the gardens at Whitewalls 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. 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 two additional houses on this already-residential site would have no additional impact on the SSSI and SAC.

5.0 CONCLUSION

5.1 The revised proposals now before members are considered to accord with relevant policies of the draft local plan and are acceptable subject to conditions. A

financial contribution of £6,894 would 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 ckm/10/stren.1/A, ckm/10/stren.3/A, 10/73/ST/01, ckm/10/stren.4 and ckm/10/stren.2.

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

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

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

4 HWAY10 Vehicular areas surfaced, details reqd

5 HWAY14 Access to be approved, details reqd

6 HWAY19 Car and cycle parking laid out

7 HWAY31 No mud on highway during construction

8 VISQ8 Samples of exterior materials to be app

9 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, rooflight, dormer or other opening additional to any shown on the approved plans shall at any time be inserted along the south-west elevation of the house at Plot 1 shown on the approved plans.

Reason: In the interests of the amenities of occupiers of the adjacent dwelling at No.12 Whin Close.

10 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.

11 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.

12 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 £6,894. 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.

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

Plot 1 - 7.3metres

Plot 2 - 6.9metres

Plot 3 - 7.3metres.

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.

14 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.

d. An appropriate assessment under BRE Digest 365 to demonstrate that the ground has sufficient capacity to accept surface water discharge from the proposed permeable paving and to prevent flooding of the surrounding land and the paving itself.

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.

INFORMATIVE: Please note that City of York Council's Drainage Section should witness the BRE Digest 365 test, which should preferably be carried out in winter.

15 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

- a. Flood proofing measures to include demountable defences on external doors and windows to a minimum level of 13.92m AOD.
- b. Electrical sockets to be raised 600mm above floor level
- c. Anti flooding devices will be fitted to drainage systems.

Reason: To reduce the impact of flooding on the proposed development.

16 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.

17 Prior to commencement of development detailed proposals for replacement tree planting (at a ratio of one-for-one) shall be submitted to the local planning authority and approved in writing. The scheme, which shall show the number, species, height and position of trees, shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: To minimize the visual impact of the proposals on the surrounding area and to compensate for those trees lost as a consequence of the development).

18 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.

19 NOISE7 Restricted hours of construction

20 No building work shall take place until details of refuse/recycling facilities have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the submitted details.

Reason: In the interests of sustainability and visual amenity.

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.

2. HIGHWAY CROSSING

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

Mr S Partington, 01904 551361- Vehicle Crossing, section 184.

3. CONTAMINATION

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.

4. ENVIRONMENTAL PROTECTION

The applicants attention should 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 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: Kevin O'Connell Development Management Officer

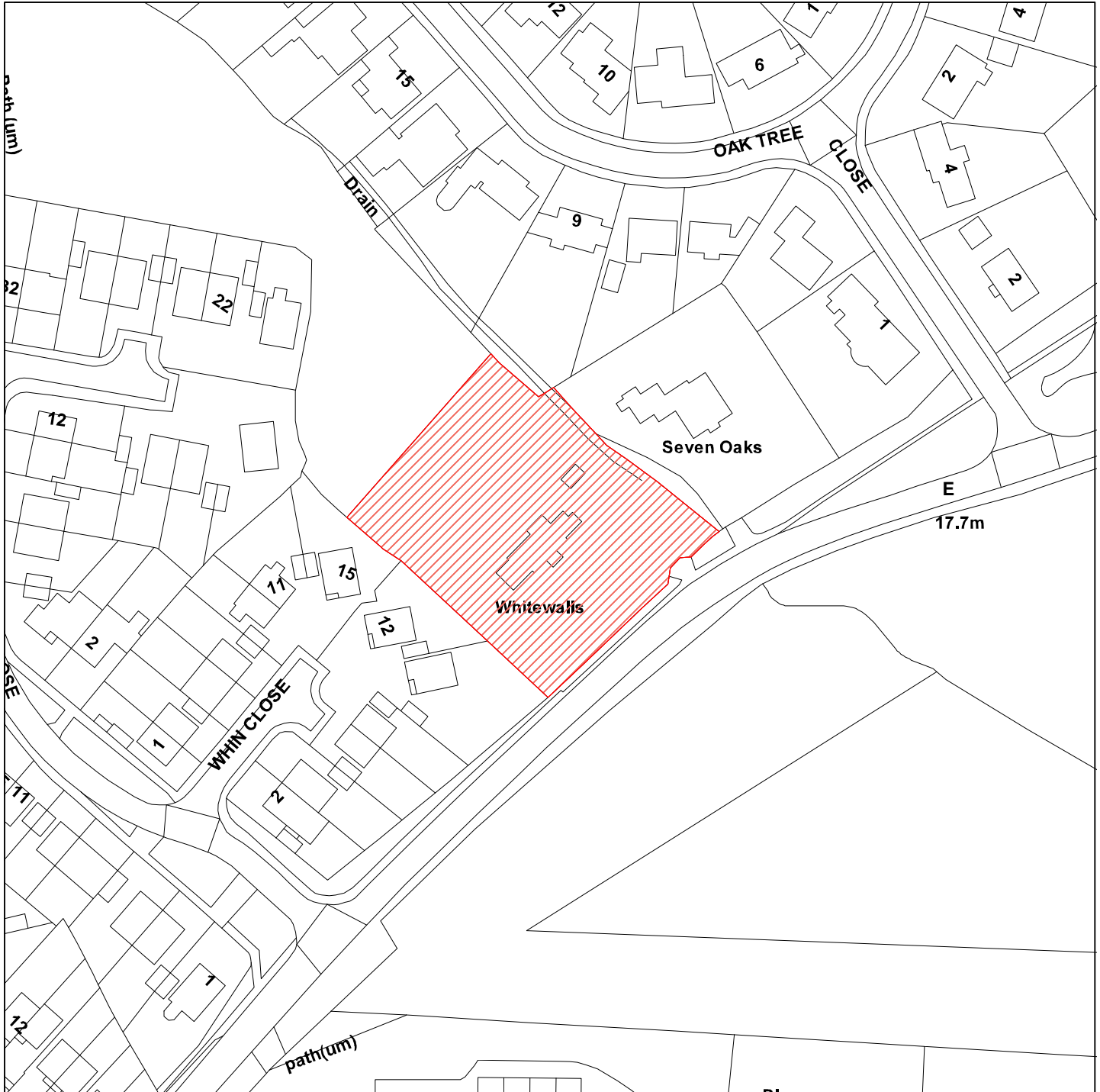
Tel No: 01904 552830

Whitewalls, Strensall

10/02606/FUL



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	11 April 2011
SLA Number	Not Set

COMMITTEE REPORT

Committee: Major and Commercial Team **Ward:** Heworth Without
Date: 21 April 2011 **Parish:** Heworth Without Parish

Reference: 10/02838/FUL
Application at: Stray Garth Community Home 7 - 9 Stray Garth York YO31 1EL
For: Change of use from residential institution (use class C2) to residential dwelling with granny annexe (use class C3) including first floor extension and alterations to create roof terrace to rear. Alterations to front.
By: Mr AP And Mrs PM Smith
Application Type: Full Application
Target Date: 11 February 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site lies to the south of Elm Moor lake off Stray Garth in Heworth. Whilst it is currently a vacant, unoccupied building its previous use was residential care unit comprising 11 bedrooms and associated facilities. According to the information provided the property became surplus to requirements by the North Yorkshire and York Primary Care Trust in 2006 and was put on the open market for sale. The property has been vacant since 2006.

1.2 It is proposed to change the use of the existing residential institution (use class C2) to residential dwelling comprising 4 bedrooms with 2 bed granny annexe (use class C3). The latest revised plans show the proposed first floor extension and front gables have been omitted and no longer form part of the proposal.

1.3 Permission has also been sought to carry out minor alterations to the frontage of the building and to construct a roof terrace on the first floor.

1.4 RELEVANT PLANNING HISTORY

1.5 08/00764/FUL: Erection of 4no. four bed roomed pitched roof dwellings with attached pitched roof garages and associated access (resubmission). Planning permission was refused in May 2008 on the following grounds:

- i. The development would appear unduly dominant and overbearing to the detriment of neighbours' living conditions resulting in an unacceptable loss of their amenity;
- ii. The development is not considered to acceptably relate to that of surrounding housing and would have a negative impact on the character and appearance of the surrounding environment;

iii. The proposed inclusion of velux rooflights in the rooms with no traditional windows would create an unsatisfactory living environment for occupiers of these rooms resulting in an unacceptable standard of residential accommodation and amenity.

iv. The proposed second floor front window in unit 4 would create unacceptable overlooking of the garden of 14 Meadow Way.

The above decision was challenged by the appellant (Appeal ref. APP/C2741/A/08/2072002) but was dismissed on 7 October 2008 by the Planning Inspectorate.

1.6 07/02504/FUL: Erection of 4no. detached dwellings. Permission refused in February 2008.

1.7 7/04/7276A/PA: One and two storey pitched roof extensions. Permission granted in December 1993.

1.8 7/04/7276/CG: Single storey rear extension to existing rehabilitation centre forming lounge. Permission granted in 1990.

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

CYNE6
Species protected by law

CYNE7
Habitat protection and creation

CYH4A
Housing Windfalls

CYC3
Change of use of community facilities

3.0 CONSULTATIONS

3.1 NEIGHBOURS notified – consultation expired on 31 January 2011 and on 12 April 2011 following the submission of amended drawings. 6 letters of objections received expressing the following concerns:

- the proposed first floor extension would block natural sunlight entering into the garden area and the conservatory at 15 and 16 Meadow Way;
- the proposal would appear dominating and overbearing when viewed from 14, 15 and 16 Meadow Way;
- the proposal would affect the view at 16 Meadow Way;
- there will be three windows and a roof light directly facing 15 and 16 Meadow Way. This would result in the loss of privacy.
- The windows would need to be fixed and obscured. However this would create unacceptable living conditions for the future occupants.
- the proposal is contrary to policy GP1 of the City of York Draft Local Plan
- the height and scale of the southern (front) extension should be reduced;
- the proposed first floor roof terrace to the rear of the property would result in direct overlooking effect upon 5 Stray Garth, 23 Elmfield Terrace and beyond.
- noise emanating from the proposed roof terrace may cause disturbance to local residents;
- screen on both sides of the terrace should be constructed of opaque material and of sufficient height to ensure that this view is obscured;
- construction works associated with the development would result in an unacceptable loss of amenity;
- evergreen trees on the corner of the western boundary should be planted;
- existing trees should be protected from possible removal in the future.
- the information submitted in the application form is inaccurate;
- the proposed internal alterations would result in the loss of four existing first floor bedrooms;

3.2 HEWORTH PLANNING PANEL - consultation expired on 31 January 2011 and on 12 April 2011 following the submission of amended drawings. No response received.

3.3 Design, Conservation and Sustainable Development(Countryside) – latest response received on 6 April 2011 following the latest amendments, which no longer include the demolition of the single storey front extension, the proposed first floor extension, or the proposed new gables on the front elevation:

- The alterations now involve mainly internal alterations, along with the construction of a bay window, and some other replacement windows. No work is now proposed to the main roof, or in any areas with bat roost potential.
- As no work is intended to the roof, loft space, or to the eaves, it is not consider that the work that is proposed would have a significant impact on bats provided that a detailed method statement and working approach is adopted.
- Any work later planned around these areas, for example to replace or remove any of the soffits, or to carry out any work to the roof, would however need a European Protected Species license and further survey work would be required as part of this license application.

- The revised bat survey report considers these latest plans. Having considered the information provided it is considered that the evaluations and recommendations contained within the report are acceptable.
- no objections.

3.4 HOUSING STRATEGY AND ENABLING – response received on 11 January 2011:

- the Granny Annex is in reality a stand alone, attached 2 bedroom dwelling quite capable of independent use with a separate entrance and all relevant facilities and services to allow it to be a dwelling in its own right.
- On this basis there are 2 dwellings proposed and as such a contribution to the provision of affordable housing is required under the policy adopted on 14th December 2010.
- This contribution should be £18,000 unless an independent viability appraisal is submitted at the applicant's expense and subject to the council's agreement.

4.0 APPRAISAL

4.1 The main planning issues raised by this application are whether the proposed development would have a detrimental impact on the residential amenities of nearby properties and the visual appearance and amenities of the surrounding area, in particular whether the proposal would have a harmful effect on the local bat population and whether the creation of a granny annex would warrant financial contribution towards affordable housing.

CHANGE OF USE OF RESIDENTIAL INSTITUTIONS

4.2 Policy C3 of the City of York Draft Local Plan states planning permission will only be granted for the redevelopment or change of use of social, health and care homes where the scale and design of the redevelopment proposal is appropriate to the character and appearance of the locality. Furthermore it must be demonstrated that the existing building is surplus to, and no longer capable of meeting the existing or future needs of the local community.

4.3 According to the design and access statement submitted with the application the property became surplus to requirements by the North Yorkshire and York Primary Care Trust in 2006 and was put on the open market for sale. Previous planning decisions and appeal have also established the position regarding the loss of a C2 (residential institution) use, in that whilst planning permissions were refused and appeal dismissed no objections was raised then regarding the loss of a residential care unit. The principle of the proposal is thus considered to be acceptable in this location.

RESIDENTIAL AMENITY

4.4 Concerns have been expressed regarding the original scheme which showed a large first floor extension above the existing single storey extension. Due to its height, scale and massing when viewed especially from the garden area and conservatory at 15 Meadow Way it is considered that the proposed extension would

appear dominant and overbearing to the detriment of residential amenities. It is also considered that the introduction of 3 windows in the first floor side elevation facing the private amenity areas at 15 and 16 Meadow Way would give rise to an unacceptable loss of privacy. It is understood that out of the 3 proposed first floor windows 2 of which would be serving a bathrooms and toilets, which means that they are likely to be obscured. Nevertheless given that they are likely to be opening windows there would still be an unacceptable loss of privacy by virtue of the development proposal. Equally a condition regarding all three windows to be fixed and obscured (including the bedroom window) would result in an unacceptable compromise upon the living conditions of the future occupants. In view of the above the scheme as originally proposed was deemed unacceptable.

4.5 Following officer's request the latest revised drawings show the omission of the first floor extension (including all three windows in the first floor side elevation). The existing single storey pitched roof extension would remain unchanged as the result. It is considered that the latest revised scheme would satisfactorily address the aforementioned concerns.

4.6 Issues concerning the potential overlooking effect associated with the proposed roof terrace could be addressed by imposing a condition requiring an obscured screen to be erected on both sides of the terrace. The screens are expected to be higher than that shown on the latest revised drawings. Statutory nuisances such as noise are governed and regulated by the relevant environmental legislation. In the interests of residential and visual amenity, a condition requiring a landscaping scheme to be submitted and approved by the local planning authority has been recommended.

SCALE, CHARACTER AND APPEARANCE

4.7 By virtue of the latest amendments, the overall scale and massing of the building would not be materially greater than that of the existing. Hence whilst the building is considered to be large for what would be a 4 bed property with a granny annex it is not considered that the latest revised scheme would be more harmful to the character and appearance of the locality than that of the existing. The proposed external alterations to construct a bay window and some other replacement windows are considered to be acceptable.

AFFORDABLE HOUSING

4.8 The affordable housing targets were revised in December 2010. Affordable housing requirements will not be imposed within the urban area for residential developments proposing 14 residential units or below.

BATS

4.9 The bat survey carried out in December 2007 suggested that bat roost was present within either the loft space of the building or within the soffit boards/boxes as bat droppings were found on a window ledge. As such further work is required to establish whether bats are still present and the potential impacts the scheme would have on bats in this area.

4.10 The latest revised plans show no work is intended to the roof, loft space, or to the eaves. As such it is not considered that the proposed works would have a significant impact on bats provided that a detailed method statement and working approach is adopted. Any work later planned around these areas, for example to replace or remove any of the soffits, or to carry out any work to the roof, would however need a European Protected Species license and further survey work would be required as part of this license application. An informative has been recommended to advise the applicants to comply with this requirement.

4.11 In addition a revised bat survey report has been submitted which considers the latest proposals. Having assessed the information provided it is considered by the Conservation team that the evaluations and recommendations contained within the report are acceptable. This is subject to a condition requiring all stages outlined in the method statement are followed to ensure that bats are fully taken into account, and any potential disturbance is minimised.

OTHER MATERIAL CONSIDERATIONS:

4.12 LOSS OF VIEW – For the purpose of assessing the planning merits of an application issues concerning the loss of private view is not a material consideration.

5.0 CONCLUSION

5.1 It is considered that the development accords with policies set out in the Development Control Local Plan and that the impact within the locality is acceptable. The application is therefore recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

- 2010 - 11/10A: SITE PLAN - PROPOSED received on 16 March 2011
- 2010 - 11/11A: PROPOSED GROUND FLOOR PLAN received on 16 March 2011
- 2010 - 11/12A: PROPOSED FIRST FLOOR / ROOF received on 16 March 2011
- 2010 - 11/13A: PROPOSED ELEVATIONS received on 16 March 2011

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

3 The occupation of the granny annexe as shown on plans ref nos.: 2010 -

11/11A and 2010 - 11/12A hereby approved shall at all times be limited to the parent(s) of the occupant(s) of the main dwelling at 7-9 Stray Garth, York, YO31 1EL

Reason: To prevent the granny annexe from being sub-divided into a separate residential unit in the interests of visual and residential amenities.

4 The doorway connecting the granny annexe with the main dwelling as shown on plans ref nos.: 2010 - 11/11A and 2010 - 11/12A hereby approved shall not be blocked, removed or altered at any time.

Reason: To prevent the granny annexe from being sub-divided into a separate residential unit in the interests of visual and residential amenities.

5 The floor area of the granny annexe as shown on plans ref nos.: 2010 - 11/11A and 2010 - 11/12A hereby approved shall not, at any time be enlarged.

Reason: To prevent the granny annexe from being sub-divided into a separate residential unit in the interests of visual and residential amenities.

6 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C and E of Schedule 2 Part 1 of that Order shall not be erected or constructed.

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

7 VISQ1 Matching materials

8 Notwithstanding the information contained on the approved plans prior to the commencement of development details of the screens to be erected within the roof terrace area as shown on plan reference number 2010-11/12A shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and the dwelling shall not be occupied until the approved screens have been erected. The approved screens shall not, at any time be removed, and in the case where the approved screens are damaged or destroyed they shall be replaced by similar screens.

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

INFORMATIVE:

To comply with this condition the screened are expected to be obscured, to be erected along the east and west boundaries of the terrace, and are expected to be 2.0m high.

9 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs including the existing trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

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

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

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

11 VISQ4 Boundary details to be supplied

12 No development shall take place until a Wildlife Protection Plan/Method Statement has been submitted to and approved in writing by the local planning authority. The plan shall include details of what protective measures, including both physical measures and sensitive working practices will be in place to avoid any possible impacts on bats and other species during and prior to the construction phase. The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Council.

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

INFORMATIVE:

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

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 change of use of community facilities, residential and

visual amenities, affordable housing and protected species. As such the proposal complies with Policies GP1, NE6, NE7, H4a and C3 of the City of York Development Control Local Plan.

2. The applicant is advised that any work proposed in the future within the roof, loft space, or to the eaves, for example to replace or remove any of the soffits, or to carry out any work to the roof, would require a European Protected Species licence and further survey work would be required as part of this licence application.

Contact details:

Author: Billy Wong Development Management Officer

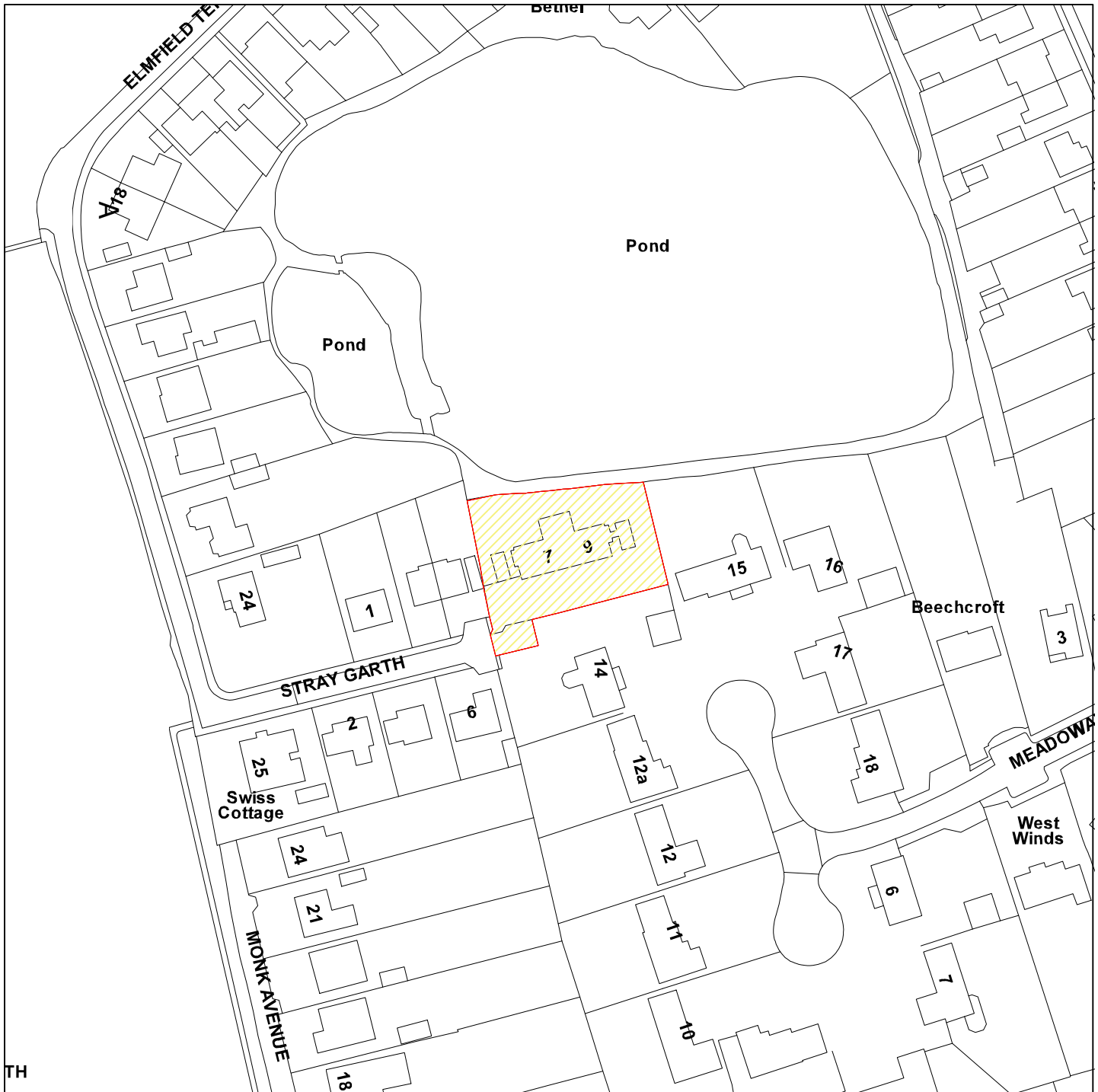
Tel No: 01904 551344

Stray Garth Community Home

10/02838/FUL



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	11 April 2011
SLA Number	Not Set

3.0 CONSULTATIONS

3.1 Internal

None

3.2 External

Haxby Town Council - No objections.

Neighbours

Objections have been received from the occupants of 5 and 9 The Avenue. The following concerns are raised:

This is the latest in a series of developments that have eroded neighbours living conditions, we feel let down by the City Council.

If this retrospective application is approved it makes a mockery of the planning system.

The view from the kitchen window of number 5 is now just bricks and tiles.

In the future it is likely that the conservatory will be removed and the sides of the extension infilled.

Loss of privacy, daylight, sunlight and wellbeing

Devaluation of property due to intrusive nature of the development

Loss of outlook

4.0 APPRAISAL

4.1 The proposal would not be prominent from the street and there is adequate garden space remaining to meet the needs of the property. The key issue to assess is the impact on neighbouring properties.

4.2 Policy H7 'Residential Extensions' of the City of York Local Plan Deposit Draft sets out a list of design criteria against which proposals for house extensions are considered. The list includes the need to ensure that the design and scale are appropriate in relation to the main building; that proposals respect the character of the area and spaces between dwellings; and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy.

4.3 Local Plan Policy GP1 'Design' states that development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and vegetation. The design of any extensions should ensure that residents living nearby

are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

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

IMPACT ON LIVING CONDITIONS

4.5 There is adequate separation to the property to the rear. Number 9 is located to the east. This property will be largely screened from the proposed development by the existing off-shoot of the application property.

4.6 The key issue to assess is the impact on number 5. The development is located approximately 3 metres from the side garden boundary with number 5, with the side elevation of number 5 being approximately 3 metres from the garden boundary, giving a total separation of approximately 6 metres.

4.7 It is not considered that the proposed alterations would be unduly harmful in respect to the impact on light and outlook when viewed from the conservatory of number 5. The extension is to the east of the conservatory and will be partly viewed against the existing off shoot of the house. Any additional loss of morning sunlight will be limited. Given the separation and the fact that the roof of the extension is hipped it is not considered that it would be unduly oppressive.

4.8 There is also a window serving a kitchen-diner in the side of the existing house. The extension would be to the north-east of this opening and will therefore cut out little direct sunlight. It is considered that the overall impact on light and outlook will also be limited due to the level of separation and the hipped roof design of the structure.

4.9 It may be the case that the applicant removes the conservatory in the future and inserts windows in the proposed roof overhang and brick pillars around the structure. It is not considered there would be any material gain in requiring a new planning application for such works. New glazing would be closer to number 5, however, it would be serving a ground floor room and as such it would be relatively easy to screen the openings when viewed from number 5. At the present time the occupier of number 5 has several conifers located in large plant pots providing some screening along parts of the side boundary. In addition, the erection of a 2m fence along this boundary would typically not require planning permission

5.0 CONCLUSION

5.1 Although the proposal is unusual, the design it is reasonably sensitive to the main house. The proposal will result in some overshadowing of the side windows of the adjoining property, however, it is considered that the separation distance to the building and its orientation in respect to the passage of the sun is such that it would not cause sufficient harm to merit refusal.

5.2 It is recommended that the application be approved.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 VISQ1 Matching materials

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

Drawing nos TAH/2/04 and TAH/2/05 received by the Local Planning Authority on 24 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.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the light, outlook and privacy of adjacent occupiers. As such the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

Contact details:

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

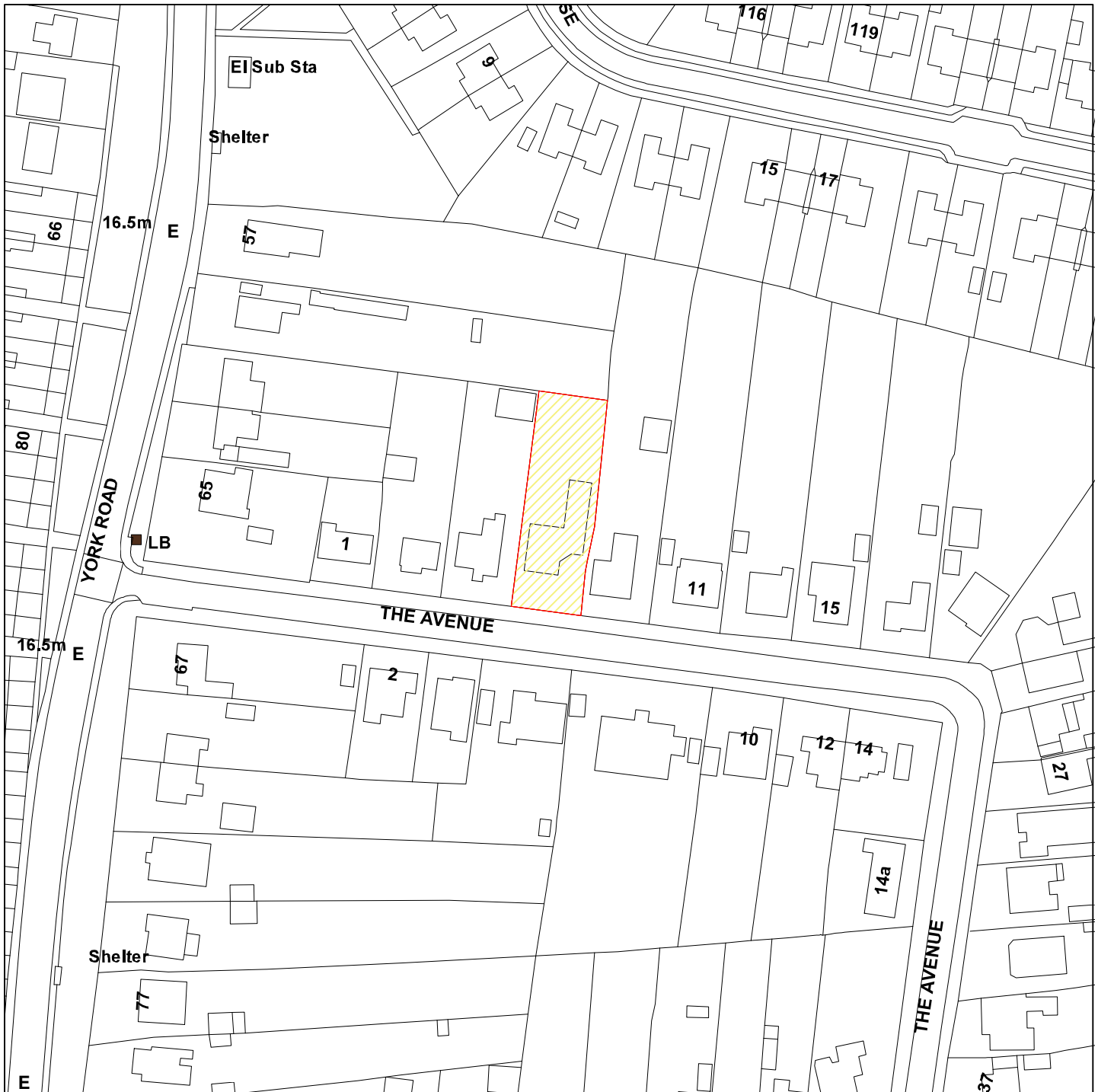
Tel No: 01904 551352

7 The Avenue

11/00145/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	11 April 2011
SLA Number	Not Set

CYGP15
Protection from flooding

CYH4A
Housing Windfalls

CYGP10
Subdivision of gardens and infill devt

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - No objections.

York Consultancy - The development is in a low flood risk area and should not suffer from flooding, however, insufficient information has been provided to assess the adequacy of measures to reduce surface water run-off rates.

Environmental Protection Unit - No objections subject to informative relating to the method of construction and monitoring contamination.

Leisure Services - Contribution required for open space improvements.

3.2 External

Clifton Planning Panel - Do not object providing the Council feel that the requirements of applicable Local Planning policies are met.

Neighbours

No replies received.

4.0 APPRAISAL

4.1 Key Issues:-

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

4.2 Development Control Local Plan Policy GP1 'Design' states that development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and vegetation. The design of any extensions should ensure that

residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

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

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

IMPACT ON THE STREETSCENE

The proposed dwelling would be smaller than the main house, though would still be a substantial building. It is considered that this scale of development would appear incongruous in the open rear garden and would not appear subservient or relate to any existing structures. The dwelling is located only 1m from a public footpath that cuts between rear gardens in the area. It is considered that the structure would be unduly dominant when viewed from the path and would detract from its generally open setting.

The proposed dwelling is also not parallel to the path or house, which further reduces the likelihood that the building would harmonize with its rather ordered surroundings and would give the impression that the development has been 'shoe horned' into the site.

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

IMPACT ON NEIGHBOURS

4.7 There is adequate space around the proposed dwelling and garage to avoid undue harm to most neighbours. However, the proposed dwelling is only a short distance from the rear boundary of 50 Burton Green, with the first floor bedroom windows being approximately 5m from the side boundary of the rear garden. This is considered unacceptable within the local context.

QUALITY OF THE ACCOMMODATION

4.8 The proposed dwelling would create good quality accommodation. The host property has no principal windows on the side elevation and the sole rear ground floor window is well away from the proposed dwelling. It would still retain a good outlook and have a rear garden of approximately 15m x 9m.

FLOODING

4.9 Although the application has included some information relating to measures to reduce surface water run-off rates, the Council's drainage officer considers that the

absence of details relating to changes in surface levels and existing drainage conditions means it is not possible to determine the impact the development would have on surface water run-off rates.

HIGHWAY CONSIDERATIONS

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

SUSTAINABILITY

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

5.0 CONCLUSION

5.1 Although the development would create good quality accommodation it is considered that the new dwelling would, due to its scale and siting, appear incongruous within the local context. The dwelling would also detract from the privacy of the property to the rear. In addition, the application fails to provide adequate information to satisfactorily address issues relating to the requirement to reduce surface water run-off rates.

5.2 It is recommended that the application be refused.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed dwelling would not appear subservient to the main house, nor would it relate to the established form or footprint of dwellings in the area. Its location only 1m from the adjacent public footpath is such that the development would be particularly dominant. In addition it would change the character of the footpath and make it a less attractive route to use. It is considered, therefore, that the proposal conflicts with Policies GP1 (criterion a and b) and H4a (criterion c) of the City of York Draft Local Plan (Fourth Set of Changes) 2005 and Central Government advice relating to design quality and context contained within Planning Policy Statement 1 (Delivering Sustainable Development) and Planning Policy Statement 3 (Housing).

2 The proposed north facing first floor bedroom window would be approximately 5 metres from the boundary with the rear garden of 50 Burton Green. It is considered that this separation would be insufficient to retain reasonable privacy to the garden. As such, the proposal conflicts with Policy GP1 (criterion i) of the City of York Draft Local Plan (Fourth Set of Changes) 2005.

3 The application fails to satisfactorily indicate how surface water run-off from the site will be adequately attenuated. As such the application conflicts with national planning advice contained within Planning Policy Statement 25 (Development and Flood Risk), Policy GP15a of the City of York Draft Local Plan (Fourth Set of Changes) approved April 2005 and advice contained within the City Of York Strategic Flood Risk Assessment (approved September 2007).

7.0 INFORMATIVES:

Contact details:

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

Tel No: 01904 551352

COMMITTEE REPORT

Date: 21 April 2011
Team: East Area
Ward: Huntington/New Earswick
Parish: Huntington Parish Council

Reference: 10/00942/FUL
Application at: 279 Huntington Road York YO31 9BR
For: Erection of 5no. terraced dwellings with associated access following demolition of 279 Huntington Road
By: Mr And Mrs G Cammidge
Application Type: Full Application
Target Date: 25 June 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 This is a full planning application to demolish 279 Huntington Road and to erect five terraced dwellings. Two of the terraced dwellings are three-storey and three are two-storey. All of the properties are flat roofed and have a contemporary design. The terrace is proposed to run parallel to the river.

1.2 The application site comprises 279 Huntington Road and the rear element of what would presumably have been the gardens of 277 and 279a Huntington Road. The site is bounded to the west by the river Foss. To the south is part of the rear garden of 275 and to the north part of the rear garden of 281 Huntington Road.

1.3 The part of the site where the houses and gardens are proposed is rectangular in area. The site would be linked to Huntington Road by a new private access road. The access strip to the site is approximately 8.2 metres wide.

Planning History

1.4 In 2001 a planning application (01/00533/FUL) to erect 3 large detached dwellings with associated double garages on a site that had the same boundary was refused by committee on the grounds of overdevelopment and because it was considered that the replacement of a house with an access road would detract from the visual amenity of the area. A subsequent appeal was dismissed. The Inspector raised particular concerns in respect to the impact of the access road on the security and amenity of adjoining neighbours and felt that the scheme was a 'contrived' overdevelopment, which did not make the best use of land to the rear of Huntington Road. She also raised concerns in respect to the position of the bin store.

1.5 In 2007 two planning applications were submitted to develop the current application site coupled with the adjoining land to the rear of 281, 283 and 285 Huntington Road (07/0962 and 07/02588). The schemes were for 9 and 10 houses respectively and included an adopted road access to Huntington Road. Both were withdrawn. Officers had raised several planning concerns including overdevelopment, the impact on trees, the impact on the setting of the river and the impact on the amenity of adjacent occupiers.

1.6 In November 2008 Planning Committee approved a subsequent application (08/00814) for 5 dwellings. The site area of this scheme differed from the current application in that it also incorporated land that is now part of the rear garden of number 281. This land is in separate ownership from the land subject to the current application. The proposal included a terrace of 4 properties and a large detached house rather than the 5 terraced properties proposed in this latest application. Planning permission 08/00814 is due to expire on 6 November 2011.

1.7 Although the proposals are to develop the site with 5 houses the net gain in dwellings is 4 given that it includes the demolition of 279 Huntington Road. The dwelling is being demolished in an attempt to create an adequate access into the site. The site including the access road is around 0.14 hectares giving a density of around 35 units to a hectare. The existing planning permission for 5 houses covers a site area of 0.20 hectares giving a density figure of 30 units to a hectare.

1.8 The application was submitted in June 2010, however, has not been brought to committee until now because of the need to seek amendments and further information in respect to the scale and design of the scheme and the implications on drainage.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1
Design

CYGP4
Environmental sustainability

CYGP7
Open Space

CYGP9
Landscaping

CYGP10
Subdivision of gardens and infill devt

CYGP15
Protection from flooding

CYNE2

Rivers and Stream Corridors, Ponds and Wetland Habitats

CYNE1

Trees, woodlands, hedgerows

CYH4A

Housing Windfalls

CYH5A

Residential Density

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAYS (NETWORK MANAGEMENT) - No objections subject to conditions relating to the design of the junction and highway widths.

COUNTRYSIDE OFFICER - No objections subject to provision for measures to encourage wildlife within the new development.

LANDSCAPE ARCHITECT - No objections to latest (revised) drawings

ENVIRONMENTAL PROTECTION UNIT - A contamination assessment is now required in line with PPS23 (case officer - further information is awaited in this respect).

ARCHAEOLOGIST - Watching brief required.

YORK CONSULTANCY (DRAINAGE) - No objections subject to conditions.

3.2 EXTERNAL

PARISH COUNCIL - No objections.

NEIGHBOURS - Representations have been received from 5 neighbours. Comments that are particularly relevant to the revised scheme are as follows:

The density is too high.

The proposal will lead to the fragmentation of building plots.

The building style is out of character.

Insufficient parking is provided.

The implications of the re-classification of brownfield land must be considered.

The following issues have been raised by neighbours and relate to issues that also apply to the approved scheme:

Huntington Road is very busy with cycle lanes; a mix of junctions and many uses, the junction including its levels would create a hazard for neighbours, occupiers, pedestrians and cyclists.

Buildings are out of character.

It is unclear what landscaping is being proposed and retained.

Inadequate information on proposed lighting, signage and boundaries along the new access road.

Inadequate number of parking spaces.

The refuse collection point will be used for parking and people loitering.

Works to change ground levels could cause gardens to 'slide'.

There is a covenant in place restricting the construction of terraced houses in the garden of 277.

Discrepancies in respect to the width of number 279 shown on the plan and the measurement on site. The boundary and outbuildings of 277 are not shown accurately

Noise from the construction and demolition.

Overlooking of gardens.

Discrepancies on plans

Would like clarification of proposed boundary treatment and planting.

Concerned that the proposed gates will create more noise and pollution to adjoining properties.

FOSS INTERNAL DRAINAGE BOARD - No objections providing conditions relating to the rate of surface water discharge are attached, development adjacent to the river and floor levels.

ENVIRONMENT AGENCY - No objections in principle subject to conditions on surface water and finished floor levels.

POLICE CRIME PREVENTION DESIGN ADVISOR - Satisfied that the proposal would provide a safe and secure environment for future residents.

4.0 APPRAISAL

4.1 Key Issues

Because the principle of development has been accepted by virtue of the previous consent it is considered only necessary to address those issues that differ from the previous scheme or that are impacted upon by changes to Central Government policy and guidance since the November 2008 permission.

4.3 The key issues are:

- impact on living conditions of adjacent occupiers
- impact on visual amenity
- quality of accommodation
- parking and highway safety
- sustainability
- drainage
- contamination
- wildlife and landscaping
- development potential of adjoining land
- security

4.4 Policy GP1 of the City of York Draft Local Plan sets out criteria for development proposals, including: respect for the local environment: density, layout, scale, mass and design compatible with neighbouring buildings, space and character of the area and provision of adequate amenity space and wildlife habitat. Policy GP10 states that permission for new development will only be granted for the sub-division of existing gardens or infilling where this would not harm the character and amenity of the local environment. Policy H4a generally permits residential development on unallocated land in accessible locations within the urban area where amongst other things it is of an appropriate scale and density to the surrounding development.

4.5 Relevant national guidance includes PPS1: Delivering Sustainable Development and PPS3: Housing. As the site is within Flood zone 2/3 the guidance within PPS25: Development and Flood Risk is also relevant

4.6 Since the previous planning permission PPS3 (Housing) has been updated. In June 2010 two main amendments were made:

- a. The definition of brownfield land was re-classified to exclude gardens
- b. The minimum density target of 30 units per hectare for residential development was removed.

IMPACT ON LIVING CONDITIONS

4.7 There is no significant change in the height of development and the separation to the rear of properties on Huntington Road (approximately 13m to the rear garden boundary and 33m to the rear of houses).

4.9 The access drive is the same as previously approved with a secure entrance and suitable provision for bin storage at the properties. This was undertaken to address the concerns of the planning inspector in respect of the previous appeal decision.

4.10 It is likely that the level of vehicle movement would be less than for the previously approved scheme. The current scheme includes two 3-bed properties and three two-bed properties (a total of 12 bedrooms). The approved scheme was for 5 four-bedroom properties (a total of twenty bedrooms)

IMPACT ON VISUAL AMENITY

4.11 The style of development is very similar to the approved scheme. It is a short terrace of two and three storey properties with a flat roofed contemporary style. The generous use of timber cladding will assist in harmonising the development with its riverside and landscaped setting. The separation distances to the river (approximately 16m) equate to the approved scheme and accord with other development that has taken place close to the Foss in recent years. It is considered that the development strikes a reasonable balance between built development and the provision and retention of landscaping. The density of housing though significantly higher than the dwellings on the west side of Huntington Road that have very long gardens, does equate to more recent development in the area including Foss Court. The density figure is below the 40 dwellings per hectare target set out in the Local Plan, however, given the riverside setting close to existing gardens this density is considered to be acceptable.

QUALITY OF ACCOMMODATION

4.12 It is considered that the proposed dwellings have a good standard of amenity with attractive views across the river. The garden sizes of some of the properties are relatively modest at around 7 metres long, but equate to the approved scheme that included larger dwellings. Because of the openness of the site the properties have good 'visual access' to surrounding land. Small storage buildings are indicated within the rear garden.

PARKING AND HIGHWAY SAFETY

4.13 Highways officers have no objections to the scheme. 12 parking spaces are proposed to serve the 5 dwellings and their visitors. Cycle storage is included.

SUSTAINABILITY

4.14 Policy GP4a of the Draft Local Plan requires the submission of a sustainability statement to demonstrate how the proposal addresses the criteria set out within the policy. The current application accords with this criterion as did the previous scheme. The achievement of Code for Sustainable Homes Level 3 "star" and 5 % renewable energy are covered by condition.

DRAINAGE

4.15 The proposed rear gardens are within flood zone 3. Given that the ground levels rise up from the river the houses themselves would be within flood zone 2. In accordance with the Council's Strategic Flood Risk assessment the applicant has included calculations to assess flood risk to and as a consequence of the proposed development. These have been assessed by internal and external consultees and are considered acceptable.

CONTAMINATION

4.16 The previous planning permission was approved subject to a number of conditions relating to full surveys in respect of contamination (and remedial works as required). It is now a requirement of the council in line with PPS23 (Planning and Pollution Control) that an appropriate level of survey work is undertaken by the applicant prior to the granting of planning permission to ensure that the scheme can progress without significant modification. At the present time this information is outstanding, but should hopefully be resolved prior to the Committee meeting. A verbal update will be given at that time.

WILDLIFE AND LANDSCAPING

4.17 The application site has been surveyed by the Council's countryside officer and has relatively limited value for wildlife, however, given the potential importance of the riverbank as wildlife habitat it will be conditioned that further details are submitted in respect to its treatment and maintenance. A condition has been included requiring features suitable for bat roosts and controlling the timescale for the demolition of outbuildings.

DEVELOPMENT POTENTIAL OF ADJOINING LAND

4.18 The land that was to the rear of 281 Huntington Road is no longer part of the application site. It is understood that this land has been sold to the occupier of 281 Huntington Road and the owner has stated that he intends to return the land to garden and has no plans to develop it. The current planning application is not reliant on this land. Should any proposal be put forward in the future to develop land to the rear of 281 it should be determined on its merits. It has been conditioned that a new boundary is erected between the application site and the side garden boundary of number 281.

SECURITY

4.19 Although not one of the reasons for refusal of the 2001 application, the Inspector expressed concerns about the implications of the development on the security of people walking to the development and also the impact of opening up the garden boundary of the two adjoining houses to the access road. In an attempt to overcome these concerns the applicant has retained proposals for gates to the front of the access road. It is intended that the vehicular access gate be operated by remote control. It is considered that these arrangements would create the impression that the road is private and deter strangers from entering.

SECTION 106 CONTRIBUTIONS

4.20 Play/Open space

The development will result in a net gain of 3 two-bedroom dwellings and 1 three-bedroom dwelling. On sites of less than 10 dwellings a commuted sum will be required towards off site provision. Using the Councils guidance on commuted sums for open space that was approved in April 2007 a total contribution of £5,850 would be required for the provision/improvement of children's equipped play space, informal amenity space and outdoor sports facilities.

4.21 Education

No contribution required.

4.22 Affordable Housing

The site area and number of homes is below the threshold for which affordable housing is sought.

5.0 CONCLUSION

5.1 The principal of the development of the site has been accepted by virtue of the previous granting of planning permission. The previously approved scheme for 5 dwellings was proposed to take place on land within two separate ownerships. Part of the site that was to the rear of 281 Huntington Road has now been sold to the owner of this property and is intended to be re-instated as garden. The remaining development site is around a third smaller than the previous approved scheme. It is the case that the number of proposed dwellings remains at 5, however, the largest detached dwelling has been removed and the number of bedrooms proposed is now 12 rather than 20

5.2 The revised scheme retains the same access arrangements and contemporary architectural style. The separation distances to the river and neighbours are also very similar. The reduction in bedroom numbers will reduce the likely number of traffic movements that has previously caused concern to neighbours.

5.3 Garden land is no longer classified as brownfield land, however it does not mean that new development is unacceptable on gardens providing it meets established criteria in respect to the impact on neighbours' living conditions, quality of design and other material considerations. It is considered that the original gardens on this section of Huntington Road are exceptionally long and that subject to the suggested conditions development can be accommodated on this site without causing undue harm to the living conditions of nearby residents. The proposed form of development relates well to other schemes developed to the rear of Huntington Road in recent years.

5.4 It is recommended that the application be approved.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Proposed plans and elevations 10:03:03 Rev H received by the Local Planning Authority on 25 January 2011.

Proposed longitudinal sections 10:03:04 Rev D received by the Local Planning Authority on 25 January 2011.

Proposed site plan 10:03:02 K Rev K received by the Local Planning Authority on 23 March 2011.

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

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

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

Reason: So as to achieve a visually cohesive appearance.

4 Notwithstanding the details shown on the approved drawings details of all means of enclosure to the site boundaries including adjacent to 281 Huntington Road shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

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

5 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used for the hardsurfacing of the site 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 and reduce surface water run-off.

6 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants, which within a period of five years from the

completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

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

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

8 Details of the proposed entrance gates shown on drawing 05:54:21 F shall be submitted to and agreed in writing with the Local Planning Authority. The gates shall be erected in accordance with the agreed details prior to the occupation of the dwellings and the gates shall be maintained in a fully efficient working order unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to provide a secure environment for future occupiers and occupiers of adjacent dwellings.

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

Reason: To prevent the egress of water and loose material onto the public highway and minimise flood risk.

10 The development shall not be begun until details of the junction between the internal access road and the highway have been approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

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

Reason: In the interests of highway safety.

12 No part of the site shall come into use until the turning areas have been provided in accordance with the approved plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

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

13 Vehicular access to the site shall at all times have a minimum width of 3.7m with a height clearance of 4.5m. Details of the design of this access, together with associated sightlines and street lighting, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason: To ensure that there is access for emergency vehicles.

14 Notwithstanding the approved details, prior to the occupation of the accommodation further details of the proposed refuse collection point shall be submitted to and agreed in writing with the Local Planning Authority. The collection point shall be implemented in accordance with the plans prior to the occupation of the accommodation and maintained as agreed unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenity and living conditions of adjacent occupiers

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

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

16 No development approved by this permission shall be commenced until a scheme for the on-site storage of surface water and its discharge from the site at a controlled rate has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in its entirety prior to the first occupation of the development and shall be maintained thereafter. The rate of discharge shall not exceed that of a "greenfield site", i.e. 1.4 lit/sec/ha.

Reason: To prevent the increased risk of flooding and prevent damage to landscaping.

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

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

Drainage routes shall include all methods by which water may be transferred through the site and shall include such systems as "ridge and furrow" and "overland flows".

Reason: To avoid increasing the risk of flooding

18 Finished floor levels shall be set no lower than 11.40 AOD.

Reason

To protect the dwellings from potential flood flow routes through the site

19 Trees shown to be retained and/or subject to a tree preservation order (TPO) shall be protected during the development of the site by the following measures: - Prior to site clearance, site preparation, installation of utilities, building or other development operations, including the importing of materials and any excavations, protective fencing to BS5837: 2005 shall be erected around all existing trees shown to be retained. Before commencement on site the protective fencing line shall be shown on a plan and agreed with the local authority and subsequently adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zone: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles, mechanical cultivation under the canopy spread of retained trees. There shall be no site huts, no marketing offices, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

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

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

21 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.

22 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.

23 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. Competent persons must undertake the investigation and risk assessment and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases, where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

b. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

24 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the previous condition, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the previous condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

25 No development approved by this permission shall be commenced until a scheme for the provision and implementation of the method of working and restoration and maintenance of the river edge has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority in consultation with the Internal Drainage Board.

Reason: To safeguard the water environment.

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

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

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £5,850.

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.

27 Any piling operations shall be carried out using the quietest practicable method available. Local residents should be notified of the dates, times, likely duration and works to be undertaken. Details of the piling method chosen must be submitted to and approved in writing by the Local Planning Authority prior to any works being carried out.

reason: To protect the amenity of nearby residents.

28 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:

- impact on living conditions of adjacent occupiers
- impact on streetscene
- impact on visual amenity
- quality of accommodation
- parking and highway safety
- sustainability
- drainage and flood risk
- wildlife and landscaping
- development potential of adjoining land
- security

As such the proposal complies with Policies GP1, GP4a, GP7, GP9, GP10, GP15a, NE2, NE1, NE7, H4a, H5a of the City of York Local Plan Deposit Draft.

2. DEMOLITION AND CONSTRUCTION

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

- (i) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".
- (ii) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.
- (iii) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.
- (iv) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.
- (v) There shall be no bonfires on the site.

3. HIGHWAYS

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

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

4. BATS

If bats are discovered in the course of the work, then work should cease and Natural England consulted before continuing. It is recommended that the existing outbuildings be demolished at a time that minimises conflict with wildlife.

5. PERMITTED DEVELOPMENT

Future occupiers should be made aware that because of the sensitivity of the site permitted development rights to erect extensions, outbuildings, new openings, fencing/walls etc have been removed and as such planning permission will always be required for such developments. All occupiers are recommended to check with the Local Planning Authority prior to undertaking any alterations or extensions.

6. FOSS INTERNAL DRAINAGE BOARD/ENVIRONMENT AGENCY

A strip of land 9 metres wide adjacent to the top of both banks of all watercourses shall be kept clear of all new buildings and structures (including gates, walls, fences and trees) unless agreed otherwise in writing with the Local Planning Authority and Environment Agency in consultation with the Internal Drainage Board. Ground levels must not be raised within this area. Access arrangements should be agreed with the Internal Drainage Board.

The proposed development is within the Board's area and is adjacent to the River Foss, which at this location, is maintained by the Board under permissive powers within the Land Drainage Act 1991. However, the responsibility for maintenance of the watercourse and banks rests ultimately with the riparian owner.

Under the terms of the Land Drainage Act 1991 and the Board's Byelaws, the prior written consent of the Board is required for any proposed works or structures in, under, over or within 9 metres of the top of any watercourse.

Any new outfall to a watercourse requires the prior written consent of the Board under the terms of the Land Drainage Act 1991 and should be constructed to the satisfaction of the Board.

Contact details:

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

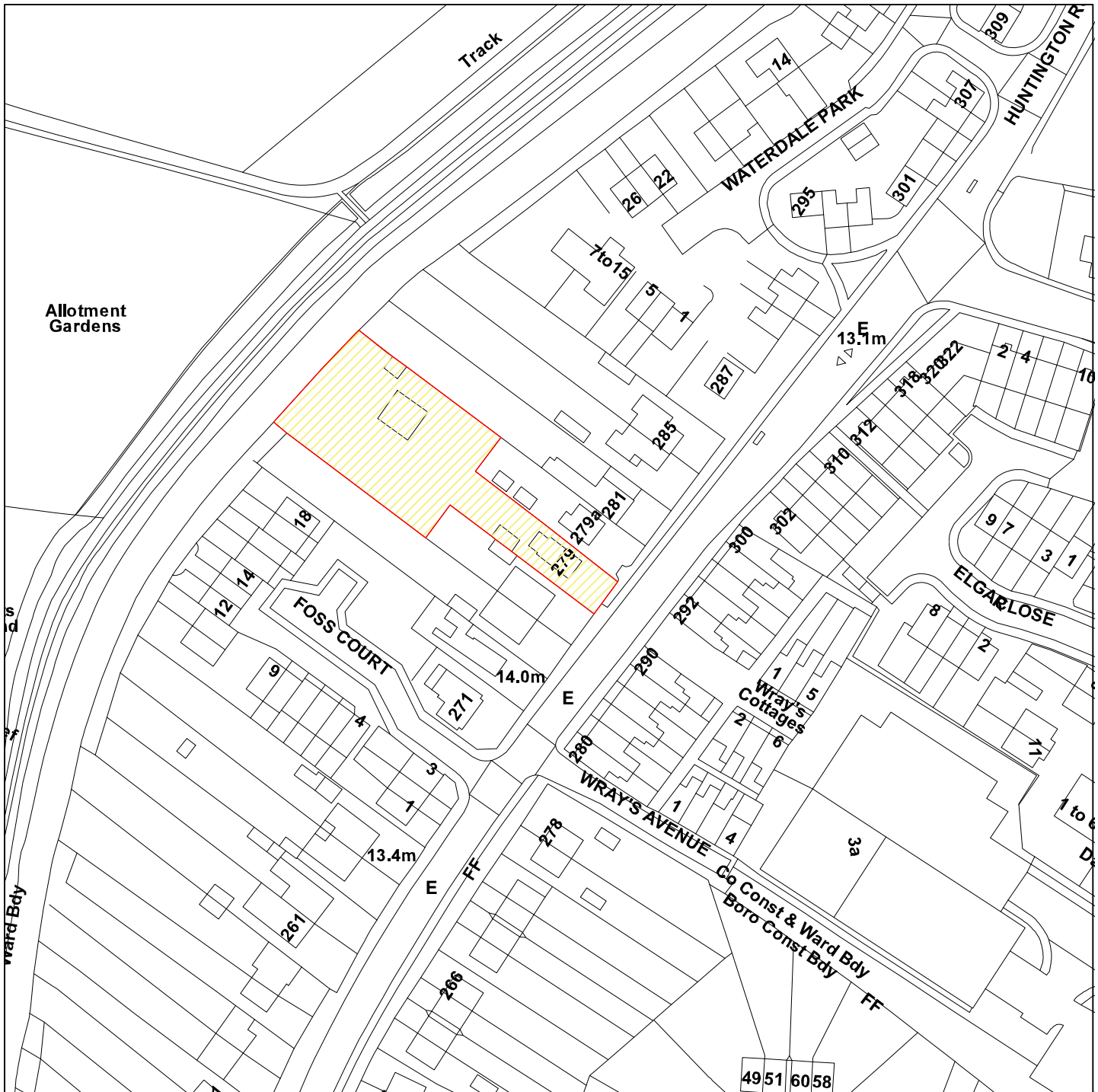
Tel No: 01904 551352

279 Huntington Road

10/00942/FUL



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	11 April 2011
SLA Number	Not Set

COMMITTEE REPORT

Date: 21 April 2011 **Ward:** Heworth
Team: Major and Commercial Team **Parish:** Heworth Planning Panel

Reference: 11/00004/FUL
Application at: The Fossway 187 - 189 Huntington Road York YO31 9BP
For: Change of use from public house (use Class A4) to place of worship (use Class D1) with 2no. self-contained flats. New rooflights, entrance door and railings/gate to front (amended scheme)
By: Mr David Lavery
Application Type: Full Application
Target Date: 15 March 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 The application has been made by the Living Word Church for the change of use of the Fossway Public House to a mixed use including: a place of worship, and congregation meeting space (ground floor) with vestry on the first floor, 1 flat on the first floor and 1 flat on the second floor. An application of a similar nature (10/01435/FUL) was refused by the Planning Committee in November 2010 and a Members' site visit took place prior to that application being determined. The number of uses has been reduced from the previously refused application and there is no longer the intention to house a nursery, a counselling service, or youth club.

1.2 The external alterations to the building include two rooflights to both the front/east elevation and the north/side elevation and all the windows will be replaced on a like for like basis. The car park would be re-configured to accommodate 10 parking spaces and 8 cycle stands. There would be a 1.5 metre high cast iron fence along the front boundary incorporating two vehicle gates. There are a large number of internal alterations, mainly the removal and re-positioning of internal walls and a staircase. The air conditioning units have been removed from the application.

1.3 The detached red brick building is set back from Huntington Road. The last use of the building was as a public house, which closed some time ago, and the building has been boarded up. The street is a main road into York and is predominately residential in character. There is a mixture of building styles in the immediate surrounding area ranging from large semi-detached Victorian villas to modest terraced dwellings built in the early and mid 20th century. Further along Huntington Road there have been recent flatted developments. The site is adjacent to a convenience store. The site gained planning permission on 30 June 2009 for the erection of 1no. two storey building comprising 4no. flats after partial demolition of existing structure, and change of use from public house (A4) to 5no. self contained flats, with car parking and alterations to the existing access (09/00525/FUL). A previous application for a change of use to a youth club, day nursery, counselling service, conference facilities, and place of worship (use Class D1) with 2no. self-

contained flats was refused (10/01435/FUL) by East Area Planning Sub Committee (11.11.2011) on the grounds of highway safety.

1.4 The Living Word Church currently consists of 40 members (12 families). The main hall would be used for worship and prayer meetings on Sundays (09.00 to 13.00 hours), the congregation meeting space (Saturday 09.00 to 13.00 hours and Sunday 09.00 to 10.30 hours and 12.30 to 13.00 hours), and the Vestry (Monday to Friday 09.00 to 18.00 hours)

1.5 The second floor on bedroom flat would be used by the building caretaker; in addition there would be a first floor two bedroom flat, which would be used by member of the congregation.

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

CYGP4A
Sustainability

CYL1B
Loss of local leisure facilities

CYC1
Criteria for community facilities

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - No objections

3.1 - The site is located on Huntington Road, which is a C classified highway. Huntington Road is a main arterial route into the city centre and is served by a number of frequent bus services with bus stops located in close proximity to the site.

3.2 - Access to the site is to remain as existing, and will provide access to 10 car spaces and 9 cycle spaces. 3.3 - Officers do have some reservations over the internal layout, specifically spaces 1-5, which are in line and will necessitate vehicles having to reverse significant distances within the site, which is very poor design. Officers have raised this issue with the applicants who have stated why they do not consider suitable design changes can be made.

3.4 - Parking levels have been provided in accordance with CYC Annex E standards

3.5 - Recommend standard conditions HWAY18 (cycle parking details to be agreed), HWAY19 (car and cycle parking laid out), and HWAY21(internal turning areas to be provided).

ENVIRONMENTAL PROTECTION UNIT - No objections

EXTERNAL CONSULTATIONS/REPRESENTATIONS

HEWORTH PLANNING PANEL - Support the application

POLICE TRAFFIC MANAGEMENT OFFICER - Object

3.6 - The application shows parking spaces for 10 vehicles. The congregation is quotes as being around 40 members (12 families) in number equating "to approx 1 car per family). If it is assumes that the 2 flats will generate the need for at least three parking spaces, as the application indicate three person use of a 2 bedroom flat. This will leave 7 parking places for the rest of the congregation. It is suggested that the majority of the congregation will have to travel some distance; it is likely to be a high usage of motor vehicles. The number of vehicles quoted in the application is 17 spaces being required, this cannot be accommodated on site. 10 vehicles will have to park on Huntington Road.

3.7 - There is a high proportion of street parking by residents in the Fossway PH area already. The development will cause further issues with congestion

3.8 - There is the possibility that the cars parked in parking spaces 8, 9, and 10 will exit the site by reversing out onto Huntington Road due to the constraints of the site. This contrary tot he Highway Code and will be in conflict with other road users

3.9 - If the car park is full and a vehicles was to park in the turning area provided on site, vehicles parked in spaces 1, 2, 3, 4, and 5 will be obliged to reverse out onto Huntington Road contrary to the Highway Coe and in conflict with other road users

3.10 - The Green Travel Plan has so many sections blanked out or redacted that it is unreadable and fails to demonstrate any benefits for any of the proposed church activities

3.11 - Para 1.9 the travel plan does not demonstrate any commitment to reducing congestion

3.12 - The congregation is more likely to be attracted from further a field and therefore the motor car is likely to be the choice or only practical means of transport

3.13 - Contrary to the statement in the Green Travel Plan (Page 9 para 4.0), the transport 'Targets and Measures' can be assessed as the Church already practices at a site within York, on Haxby Road, which is within 1/2 mile of the proposed site. The transport usage of the congregation accessing this present site will give a clear indication of the likely and existing patterns or means if transport choice, this has not been demonstrated

POLICE ARCHITECTURAL LIAISON OFFICER - No comments

DODSWORTH AREA RESIDENTS ASSOCIATION - Support the application

3.14 - The former public house, whilst trading, often used as a focus for antisocial and criminal behaviour. Since it closed it has been prone to vandalism and fly tipping

3.15 - Support the intention of the Living Word Church to convert the building into a community facility and church

3.16 - The extension of its use to the local area by way of space for community, as well as scope for debt advice, marriage guidance, and youth work by trained members of the congregation, is a valuable and positive move for the benefit of the area

1 LETTER OF OBJECTION

3.17 - The proposed site plan has 11 parking spaces, which is inadequate for the envisaged use of this building.

3.18 - The ease with which these parking spaces could be accessed would be those using the facility to park both on the footpaths in the vicinity and on the road itself, as well as reversing into a highway which is contrary to the Highway Code.

3.19 - Parking causing a blocking of line of sight from residents driveways and from the nearby pedestrian crossing

3.20 - The local area has seen significant development over recent years, which has increased the traffic on the road. There have been residential developments at Birch park, Mallard Landings, and Waterside Gardens. Commercial units have also been built at Birch Park together with the Royal Mail Sorting Office, which brings considerable traffic. The Ambulance Service depot has opened close to the proposed development and requires unhindered access for emergency vehicles. There is a bus stop opposite the proposed site and a convenience store next door, which attracts heavy goods lorries and delivers vehicles as well as pedestrians and cars. In addition the Yearsley Bridge Centre site will ultimately be developed

3.21 - Section 20 of the application (hours of opening) has been stated as 'not known'. As such the application is incomplete and should not have been validated

3.22 - The proposal will increase existing problems with parking in the area and generate more traffic on an already dangerous busy road

4.0 APPRAISAL

RELEVANT SITE HISTORY

10/01435/FUL - Change of use from public house (use Class A4) to youth club, day nursery and place of worship (use Class D1) with 2no. self-contained flats. New rooflights and entrance door. Refused for the following reason:

"The Local Planning Authority considers that the proposed number and intensity of uses on the site would result in an increased demand for on-street parking. The present demand for the available on-street parking in the vicinity of the site is high. It is not considered that the additional demand for parking that would be likely to be generated by the proposal can be satisfactorily accommodated within the public highway, without unacceptable compromises being made both in terms of highway safety and traffic congestion."

09/00525/FUL - Erection of 1no two storey building comprising 4no. flats after partial demolition of existing structure, and change of use from public house (A4) to 5no. self contained flats, with car parking and alterations to existing access - Approved

KEY ISSUES

1. Principle of the development and use
2. Impact on highway safety
3. Residential amenity

ASSESSMENT

PLANNING POLICY

4.1 National advice contained within Planning Policy Guidance Note 13 (PPG13) states that sustainable means of travel should be encouraged. When assessing new development, and in adapting existing development, the needs and safety of all in the community should be considered from the outset. Mixed-use developments can provide very significant benefits, in terms of promoting vitality and diversity and in promoting walking as a primary mode of travel. However, it should not be assumed that the juxtaposition of different uses would automatically lead to less car dependency.

4.2 The availability of car parking has a major influence on the means of transport people choose for their journeys. PPG13 suggests that levels of parking can be more significant than levels of public transport provision in determining means of travel even for locations very well served by public transport. The Local Planning Authority should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls.

4.3 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 the GOYH.

4.4 Policy GP1 'Design' of the City of York Council Development Control Local Plan (2005) 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 GP4a 'Sustainability' states that proposals for all development should have regard to the principles of sustainable development.

4.6 Policy L1b 'Loss of Leisure Facilities' states that planning permission will only be granted for a change of use that would result in the loss of a leisure facility where it can be demonstrated that: a need for the leisure facility no longer exists; or appropriate alternative facilities exist within the catchment area.

4.7 Policy C1 'Community Facilities' states that a planning application for social, health, community and religious facilities will be granted permission providing that the proposed development is of a scale and design appropriate to the character and appearance of the locality and it would meet a recognised need.

PRINCIPLE OF THE DEVELOPMENT

4.8 The principle of the redevelopment of the site has previously been accepted by virtue of the approval of application 09/00525/FUL (conversion to self contained flats). There are alternative facilities in the area, for example Yearsley Grove, and as such complies with Policy L1b of the City of York Development Control Local Plan.

4.9 It is considered that the agent has demonstrated a need for the place of worship; at present the applicant occupies rented accommodation and is seeking a permanent base, and 40 families regularly attend worship. As such, it is considered that the proposal complies with Policy C1. The use of the empty building would have a positive impact on the surrounding area.

IMPACT ON HIGHWAY SAFETY

4.10 The site is located on Huntington Road, which is a C classified highway. Huntington Road is a main arterial route into the city centre and is served by a number of frequent bus services with bus stops located in close proximity to the site. The site is in a sustainable location and is well served by pedestrian routes and cycleways. The site is within a large residential housing estate.

4.11 The vehicle access to the site is to remain as existing; the site layout will provide 10 car parking spaces and 9 cycle stands, and a turning area to allow the vehicles to enter the highway in a forward gear. Highways (Network Management) do have some concerns regarding the internal layout, specifically parking spaces 1 to 5, which are in a line and will necessitate vehicles having to reverse significant distances within the site. Officers have raised this issue with the agent at the pre application stage and during the application; the agent has stated they do not consider suitable design changes can be made. However, no specific highway objections have been raised subject to standard conditions.

4.12 The maximum number of spaces that can be provided for the proposals is 18 spaces. This is based on an estimate of 125m² for the hall (1 space per 8m²) = 16 spaces (This is probably in the upper range of parking when compared to the information supplied stating that the church is made up of 40 members, which is approximately 12 families). 2 spaces would be for the proposed flats. The proposed flats are to be used in conjunction with the church and there is the potential for residents not to own any vehicles. This is the maximum provision and potential demand, which will only occur once a week, on a Sunday. As such it is considered that the 10 spaces proposed are acceptable for the period and intensification of use.

The parking levels provided are considered to be in accordance with CYC Annex E standards. The retention of the turning area within the site can be conditioned.

4.13 The hours of use (except the flats) could be conditioned, to remove the potential for an intensification of use of the site during the week and potentially increasing the demand for on street parking.

RESIDENTIAL AMENITY

4.14 The external alterations are very minor and are not considered to unduly impact on the residential amenity of the surrounding properties. There are proposed rooflights but these are not considered to cause overlooking by virtue of the distance to the neighbouring properties. The proposed uses of the site are not considered to impact on the amenity of the occupants of the neighbouring dwellings any more than the previous use of the site as a public house.

5.0 CONCLUSION

5.1 The use of the site as a place of worship and residential accommodation is considered to be acceptable. The proposed uses would not have a greater impact on the residential amenity of the neighbouring occupants than the previous use of the site. The proposed use is considered to comply with policies set out within the Local Plan.

5.2 The level of parking provision is considered to be acceptable; the most intensive use of the site would be at the weekend, particularly Sundays. During the week the number of people using the site would be less and so the demand for parking provision will be less and would be accommodated within the parking area. Approval is recommended, subject to conditions.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Number A109/106 Revision B received 30 March 2011
Drawing Number A109/109 Revision C received 30 March 2011;

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

3 HWAY18 Cycle parking details to be agreed

4 HWAY19 Car and cycle parking laid out

5 HWAY21 Internal turning areas to be provided

6 The hours of operation of the Meeting Hall and Congregation Meeting Space shall be confined to

Mondays to Fridays not at all

Saturday 09.00 hours to 13.00 hours

Sunday 09.00 hours to 13.00 hours.

Reason: To safeguard the amenities of adjoining occupants and in the interests of highway safety.

7 The premises shall only be used for the approved use and for no other purpose, including any other purpose in Class D1 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: So that the Local Planning Authority may re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987. To protect the amenity of the users of the street and the residential amenity of the occupants of the nearby dwellings and in the interests of highway safety.

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 the residential amenity of the neighbours, the likely impact of the proposed uses of the site, the visual appearance of the building and the locality, and highway safety. As such, the proposal complies with Policies GP1, GP4a, L1b, and C1 of the City of York Council Development Control Local Plan (2005); and national planning policy set out in Planning Policy Guidance Note 13 'Transport'.

Contact details:

Author: Victoria Bell Development Management Officer

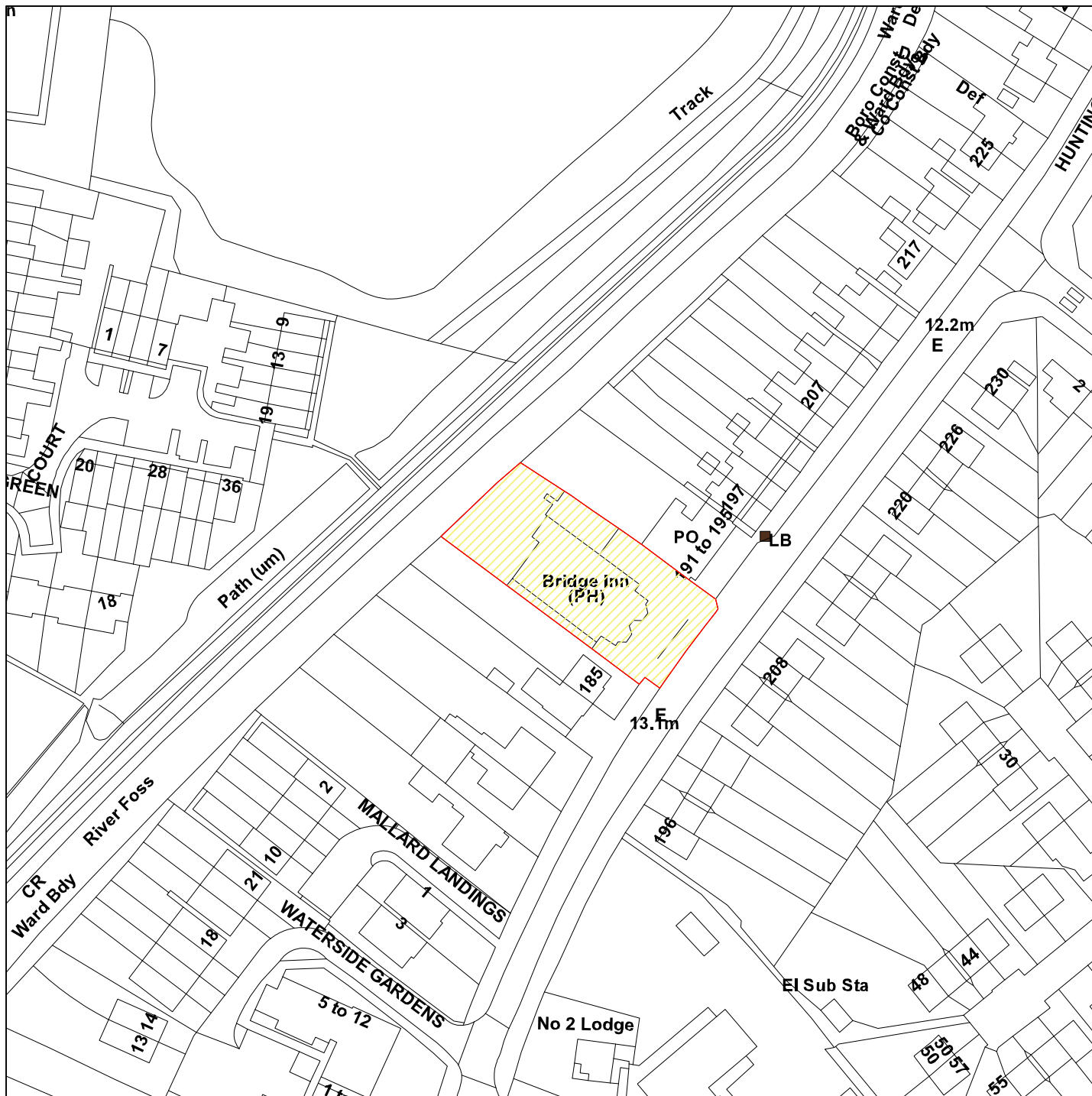
Tel No: 01904 551347

The Fossway, Huntington Road

11/00004/FUL



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Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	11 April 2011
SLA Number	Not Set

COMMITTEE REPORT

Date: 21 April 2011 **Ward:** Huntington/New Earswick
Team: Householder and Small Scale Team **Parish:** Huntington Parish Council

Reference: 11/00202/FUL
Application at: 339 Huntington Road York YO31 9HJ
For: Two storey side extension and single storey rear extension
By: Mr H Lowson
Application Type: Full Application
Target Date: 18 April 2011
Recommendation: Approve

1.0 PROPOSAL

The Site:

1.1 The application site consists of a traditional semi - detached hipped roof dwelling set back from the public highway and positioned within an area of similar property types. The front elevation of the dwelling incorporates projecting bay windows at both ground and first floor levels. An existing attached garage served by a driveway positioned on the shared boundary with the dwelling at 337 Huntington Road would be demolished if the development proceeds. There is a small flat roof extension on the rear elevation which would also be demolished.

The Proposal:

1.2 This application seeks planning permission to erect a two-storey side extension set down by approx 300mm from the existing ridge and set back from the principal elevation, incorporating a canopy at ground floor level over the existing front entrance. The side elevation will consist of a solid brick wall at two-storey height along the full length of the property. All new openings would be positioned to the front and rear of the extension. The rear elevation would include an additional single storey extension with a depth of approx 3.5 metres adjacent to a single storey extension at 341 Huntington Road.

1.3 A Daylight and Sunlight Assessment has been submitted in order to determine effects of over shadowing and loss of light

1.4 No relevant Property History.

1.5 The application is to be considered at the East Area Planning Sub - Committee because the applicant is an employee of City of York Council.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

3.1 Internal

3.11 Highway Regulation - No objections

3.2 External

3.2.1 Huntington Parish Council - No objections

3.2.2 Neighbour Response to letters sent - no replies received - consultation expired
15.03.11

4.0 APPRAISAL

4.1 Key issue(s)

Impact on amenity of neighbours
Impact on streetscene

The relevant policies and guidance:

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

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

4.4 DRAFT LOCAL PLAN POLICY CYGP1 - "Design" sets out a series of criteria that the design of development proposals would be expected to meet. These

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

4.5 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that two - storey side extensions should be set down from the original roof line and set back behind the building line.

Visual Amenity:

4.6 The modest set back from the principal elevation is enhanced by the original double bay windows projecting forward of the principal elevation, reducing the massing and dominance. The introduction of a forward canopy over the existing front entrance and proposed garage door, creates a balanced appearance to the elevation in the street scene, thus is in accordance with the Council's Supplementary Planning Guidance in relation to house extensions. The applicant intends to use materials that match the existing dwelling. Therefore it is considered that the proposed extensions would not harm the character and appearance of the street scene to an unacceptable degree. As such, it is considered that the proposal would comply with Local Plan Policy GP1.

4.7 The single storey rear extension would span the full distance of the rear elevation with a projection of 3.0 metres, incorporating a shallow hipped roof angled away from the shared neighbouring boundaries. In isolation it would constitute "permitted development". The size and scale of the single storey extension to rear is in proportion with the host property and rear garden. Furthermore, it has been designed with a pitched roof and will be constructed of materials to match those existing. The appearance of the extension is therefore considered acceptable.

Residential Amenity:

4.9 The two storey extension would be to the northwest of 337 Huntington Road and would not exceed the length of the existing dwelling. In terms of overshadowing the front elevation of the proposed two storey side extension would be approximately in line with the adjacent dwelling and being to the northwest should not result in significant overshadowing. The windows proposed are to front and rear elevations of the extension, as such would not significantly increase current levels of overlooking. The single storey rear extension projects 3.0 metres in depth and would be generally screened from the rear garden at 337 Huntington Road by the extensive boundary treatment. In terms of impact on the dwelling at 341 Huntington Road the proposal would not extend further than the single storey rear extension on the shared boundary. Furthermore, neighbouring boundaries at the rear on Brandsby Grove are well established and it is not considered that the orientation and separation distances

would reduce direct sunlight or cause overshadowing to the properties on the side and rear elevations. Thus the proposal would comply with policies H7(Residential Extensions) and GP1 (Design) of the Draft Local Plan.

5.0 CONCLUSION

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

6.0 RECOMMENDATION: Approve

- | | | |
|---|--------|--|
| 1 | TIME2 | Development start within three years |
| 2 | PLANS1 | Approved plans - Drawings received on 28/01/2011 |
| 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 interests of acknowledged importance, with particular reference to the effect on residential amenity and the impact on the street scene. As such the proposal complies with Policies GP1 and H7 of the City of York Local Plan Deposit Draft and the Council's Supplementary Planning Guidance "Guide to extensions and alterations to private dwelling houses" (March 2001

2. INFORMATIVE

You are advised that the development may involve building work covered by the Party Wall etc Act 1996 that is separate from planning or building regulations control. Do not commence work on the development until you comply with the provisions of this Act. An explanatory booklet may be obtained from the Department of Development and Environment Services, alternatively it is available on the communities and local government website <http://www.opsi.gov.uk/>

3. The applicant is reminded that all parts of the extension including side gutters and foundations should be within the property boundaries of the application site.

Contact details:

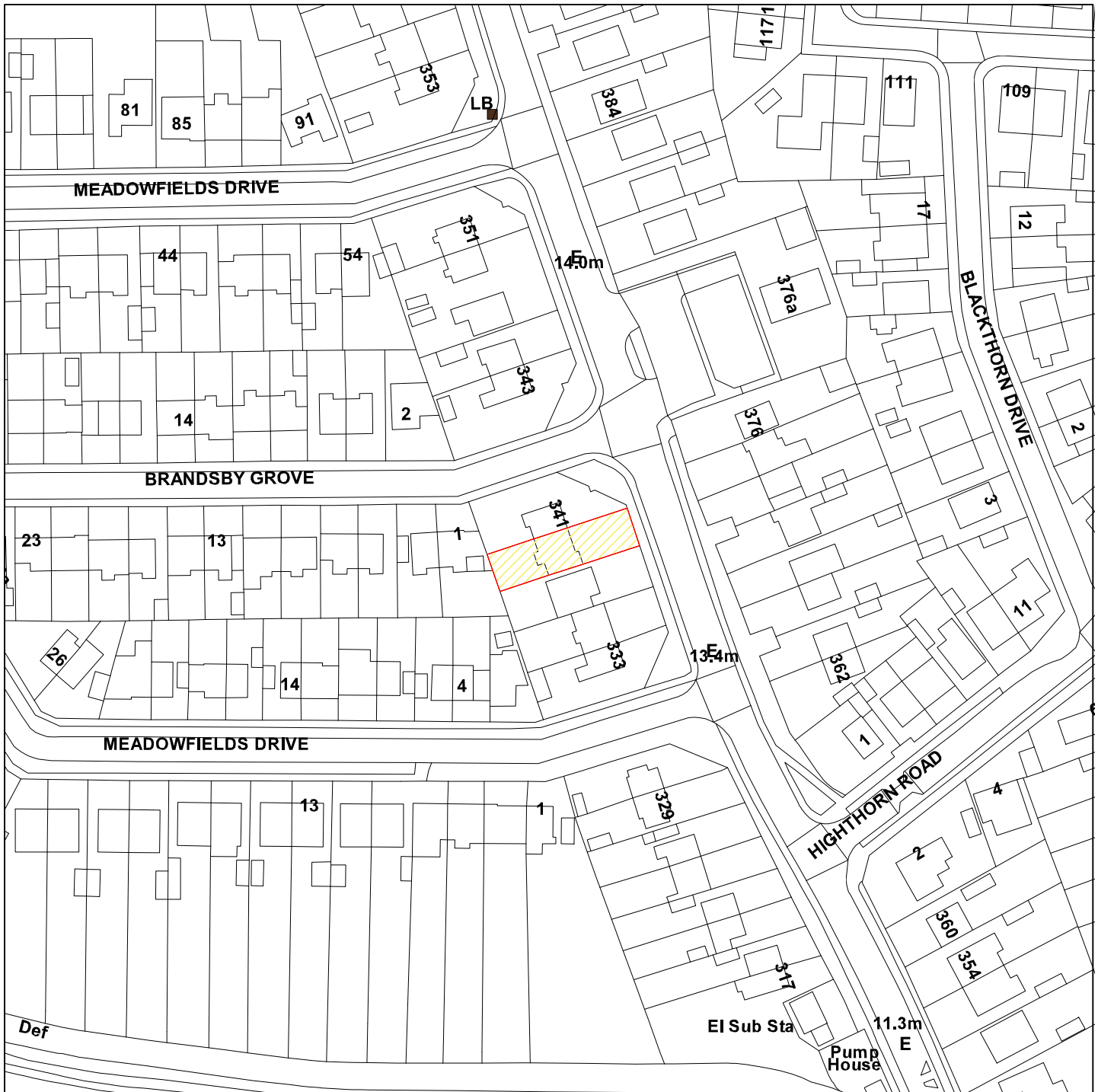
Author: Sharon Jackson Development Management Assistant
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339 Huntington Road

11/00202/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	11 April 2011
SLA Number	Not Set



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

Appeals Performance and Decision Summaries

Summary

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

Background

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

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

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

Analysis

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

Consultation

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

Corporate Objectives

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

Implications

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

Risk Management

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

Recommendation

- 15 That Members note the content of this report.

Contact Details

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

Report Approved Date 8th April 2011

Specialist Implications Officer(s) None.

Wards Affected:

All Y

For further information please contact the author of the report

Annexes

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

Annex B – Outstanding Appeals to 8th April 2011

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Decision Level:

DEL = Delegated Decision

COMM = Sub-Committee Decision

COMP = Main Committee Decision

Outcome:

ALLOW = Appeal Allowed

DISMIS = Appeal Dismissed

PAD = Appeal part dismissed/part allowed

Outstanding appeals

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

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



East Area Planning Sub-Committee

21 April 2011

Report of the Director of City Strategy

Enforcement Cases - Update

Summary

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

Background

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

Current Position

6. Members should note that 80 new cases were received for this area within the last quarter, 72 cases were closed and 311 remain outstanding. There are 95 Section 106 Agreement cases outstanding for this area after the closure of 4 for this quarter.

Consultation

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

Options

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

Corporate Priorities

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

10. Implications

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

Risk Management

11. There are no known risks.

Recommendations

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

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

Contact Details

Author:

Author's name

Mandy Swithenbank/
Alan Kendall
Planning Enforcement Officer

Chief Officer Responsible for the report:

Chief Officer's name

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

Dept Name City Strategy
Tel No. 551376/551324

Report Approved

Date 11/4/11

Wards Affected: *All Wards*

All

For further information please contact the author of the report

Background Papers:

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

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

Annexes

Annex A - Enforcement Cases – Update (Confidential)

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

Document is Restricted

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of the Local Government Act 1972.

Document is Restricted