



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

To: Councillors Wiseman (Chair), Douglas (Vice-Chair), King, Fitzpatrick, Funnell, McIlveen, Watson, Cunningham-Cross (Substitute), Hyman, Firth and Warters

Date: Thursday, 9 June 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. Minutes (Pages 4 - 16)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 21 April 2011.

3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **Wednesday 8 June at 5.00 pm**.

4. Plans List

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

- a) **Canon Lee School, Rawcliffe Drive, York. (Pages 17 - 31)**
YO30 6NS (10/02738/GRG3)

This application is for the installation of an all weather multi-use sports pitch with 8no floodlights, 4m high fence and associated spectator benches. [Skelton, Rawcliffe and Clifton Without] **[Site Visit]**

- b) **Bonneycroft, 22 Princess Road, (Pages 32 - 44)**
Strensall, York. YO32 5UD
(11/00606/OUTM)

This application seeks outline consent for the erection of 14 three bedroom dwellings with access from Princess Road. [Strensall] **[Site Visit]**

- c) **12 Feversham Crescent, York, YO31 8HQ (Pages 45 - 50)**
(11/00586/FUL)

This application is for a change of use from a residential dwelling (use class C3) to house in multiple occupation with single storey rear extension and external alterations.

This application has been called into committee by Cllr King due to the loss of a family home and the car parking implications. [Clifton]

- d) **19 Arlington Road, York. YO30 5GF (Pages 51 - 54)**
(11/00918/FUL)

This application proposes to replace a conservatory with a single storey rear extension at 19 Arlington Road. The application is brought to Committee for determination, as the applicant is an employee of the Council. [Skelton, Rawcliffe and Clifton Without]

- e) **42 Tuke Avenue, York. YO10 3RN (Pages 55 - 59)**

This application is for a single storey pitched roof side and rear extension for the purpose of creating an additional bedroom and en-suite facilities. The application is to be considered by the Committee because the applicant is an employee of City of York Council. [Hull Road]

5. Urgent Business

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

6.

Democracy Officer:

Name- Judith Cumming

Telephone – 01904 551078

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

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

- Registering to speak
- Business of the meeting
- Any special arrangements
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The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

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

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EAST AREA PLANNING SUB COMMITTEE

SITE VISITS

Wednesday 8 June 2011

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

TIME (Approx)	SITE	ITEM
10:15	Canon Lee School	4c
11:00	Bonneycroft, Strensall	4d

City of York Council

Committee Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	21 APRIL 2011
PRESENT	COUNCILLORS HYMAN (CHAIR), DOUGLAS, FIRTH, FUNNELL, B WATSON, MOORE, ORRELL, TAYLOR(EXCEPT MINUTE ITEMS 55A,55B,55E,55G,55H,55J,55K,6 & 7) AND WISEMAN
APOLOGIES	COUNCILLOR CREGAN

INSPECTION OF SITES

Site	Attended by	Reason for Visit
45 Ashton Avenue	Cllrs Hyman, Moore and Wiseman.	To familiarise Members with the site as the Officer's recommendation was for refusal.
Creepy Crawlies, Wigginton	Cllrs Hyman, Moore and Wiseman.	To familiarise Members with the site.
7 The Avenue, Haxby	Cllrs Hyman, Moore and Wiseman.	To familiarise Members with the site and because of significant local interest in the proposal.
Whitewalls, Strensall	Cllrs Hyman, Moore and Wiseman.	To familiarise Members with the changes made on site since the last proposal and because it had been called in.
279 Huntington Road	Cllrs Hyman, Moore, Orrell and Wiseman.	To familiarise Members with the site.
Stray Garth, Malton Road	Cllrs Hyman, Moore, Orrell and Wiseman.	To familiarise Members with the site.
3 Whitby Drive	Cllrs Hyman, Moore, Orrell and Wiseman.	To familiarise Members with the site and because it had been in called in.

51. DECLARATIONS OF INTEREST

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

Councillor Moore declared personal non prejudicial interests in Agenda Items 5a) Maxiprint Centre and 5j) The Fossway as a member of Clifton Business Panel.

Councillor Firth declared personal non prejudicial interests in Agenda Items 5b) 17 Calvert Close, 5d) Creepy Crawlies, 5g) 7 The Avenue as Ward Member.

Councillor Wiseman declared a personal non prejudicial interest in Agenda Item 5e) Whitewalls, as the Member who had called in the application for consideration by the Committee.

Councillor Funnell declared a personal non prejudicial interest in Agenda Item 5h) 45 Ashton Avenue, as the Member who had called in the application for consideration by the Committee.

Councillor Hyman declared a personal non prejudicial interest in Agenda Item 5j) The Fossway, as the applicant had spoken to him about the conduct of the previous committee meeting, when it was originally discussed.

No other interests were declared.

52. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That Members of the Press and Public be excluded from the meeting during consideration of Annex A to agenda item 7 (Enforcement Cases Update) (Minute 57 refers) on the grounds that it contains information that if disclosed to the public, would reveal that the Authority proposes to give, under any enactment or notice by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment. This information is classed as exempt under Paragraphs 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.

53. MINUTES

RESOLVED: That the minutes of the East Area Planning Sub-Committee held on the 10 March 2011 be signed and approved by the Chair as a correct record.

54. 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.

55. 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.

55a Maxiprint Centre Kettlestring Lane York YO30 4XF (11/00483/FULM)

Members considered a full major application from Howden Joinery Properties Ltd for a change of use from a print centre (use class B2) to storage and distribution (use class B8) with ancillary trade counter and external alterations.

Officers reported that no physical alterations had been made to the building and that support for the application had been received from the Parish Council and local Business Forum.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority, the proposal, subject to conditions listed in the Officer's report, 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.

55b 17 Calvert Close Haxby York YO32 2ZY (11/00293/FUL)

Members considered a full application from Mr Richard Fussey for a single storey side and rear extensions at 17 Calvert Close.

RESOLVED: The application be approved.

REASON: In the opinion of the Local Planning Authority, the proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to the effect on 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.

55c 3 Whitby Drive York YO31 1EX (10/02751/OUT)

Members considered an outline application from Mrs Janet Wheldon for redevelopment of the site at 3 Whitby Drive, which included the demolition of an existing bungalow for residential development.

In their update to Members, Officers presented an amended condition relating to the scale of the development that would be permitted on the site if outline planning permission was granted. They clarified to Members that the application had been submitted in outline, with the means of access being the only matter of detail to be considered. The application sought consent for the principle of development, with the submitted layout being indicative only. The application sought consent for the principle of development, with the submitted layout being indicative only. The maximum number of dwellings that could be erected on the site was five, due to highway restrictions.

Representations in support were heard from the applicant's agent. In clarification to a Member's question, he stated that the submitted layout showing five dwellings on the site was indicative. He stated that the site was well contained and that the indicative layout demonstrated that the site could be developed without causing undue harm to the amenity and privacy of adjacent residents.

Representations in objection were heard from a local resident. He stated that residents considered the site to be greenfield land, and that development would have a detrimental effect on the local environment as well as on the amenity of the residents. It was also noted that the application might have resulted in a more positive response from residents if a more modest scheme had been submitted.

Representations were heard from Councillor Ayre, as Ward Member. He considered the application contravened policies GP1 and GP10 of the Local Plan, and a number of other policies, because he felt that the quality of life for the residents was not being protected. This was because the boundary treatment between the site and the adjacent properties would not protect the neighbouring properties from noise and disturbance. He took issue with the description of the site as being derelict and considered it to be an attractive garden. He also objected to the proposal on the grounds of the local effect on wildlife and the loss of a wildlife corridor.

Members asked the applicant's agent about whether a full application would be submitted, if the outline application was approved. He confirmed that a full application would not be submitted and that the current application was indicative, to show the potential for development on the site.

In response to Members, the applicant confirmed that if outline planning permission was granted, a detailed application would then have to be

submitted, which would provide an opportunity for the impact of any scheme on local residents to be assessed. He re-iterated that the submitted layout was indicative of a quantum of dwellings that could potentially be accommodated on the site. In relation to a question relating to landscaping, the applicant's agent considered that there would be an adequate distance from the properties to the boundary of the site. Additionally, he confirmed that the proposal showed five properties on the site due to highway limitations.

In response to a question from a Member relating to how the adoption of the road would affect the number of properties to be built on the site, Officers confirmed that the site could only accommodate more than five dwellings if the development was served by an adopted highway, which would require a new planning application to be submitted.

Members considered that the application constituted an inappropriate development of a residential garden (garden grabbing) and would conflict with Policies GP1 and GP10 of the Draft Local Plan.

RESOLVED: That the application be refused.

REASON: The application site consists of a well established residential garden forming a valuable green space within the local area. Residential gardens no longer fall within the definition of previously developed land as defined by Planning Policy Statement 3 "Housing" (Revised June 2010), and are therefore no longer considered as a priority for development. It is considered that the development of the site would result in an unacceptable loss of a residential garden ("garden grabbing"), which would be detrimental to the character of the immediate residential environment, contrary to Policies GP1 and GP10 of the City of York Draft Local Plan

55d Creepy Crawlies, The Arena, Clifton Gate Business Park, Wigginton Road, Wigginton, York. YO32 2RH (10/02816/FUL)

Members considered a full application from Mrs Janice Dunphy for the erection of a 'high ropes' adventure course with associated building and car parking.

In their update to Members, Officers confirmed that a suitable wording had been found for the drainage condition.

Representations in support were heard from the agent for the applicant. He informed Members that the site for the adventure course had been selected to minimise the impact on the green belt and that it would enhance the tourism and leisure opportunities for the city. The agent confirmed that the riding school facilities would move to the adjacent paddock, and that there would be no additional construction relating to this.

Members noted that the most visible part of the site would be from Wigginton Road, but considered that the ropeway could be located so as to reduce the prominence. The applicant's agent confirmed that this was possible. They raised concerns about the distant location of the overflow car park in relation to the site, and that the site was relatively inaccessible by public transport.

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:

- 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, GP15a of the City of York Draft Local Plan incorporating the 4th set of changes approved April 2005.

55e Whitewalls, Ox Carr Lane, Strensall, York. YO32 5TD (10/02606/FUL)

Members considered a full application from William King Homes for the erection of 2 no. detached dwellings, 3 no. double garages, associated access and alterations to the retained dwelling at Whitewalls.

In their update to Members, Officers reported that the application had been revised. The amendments related to a reduction in the size of the dwelling on Plot 1 from a five bedroomed house to a four bedroomed house, resulting in an increased distance from the proposed house to the boundary of the site with 12 Whin Close. A mature beech tree would not now need to be felled, subject to adequate protection being provided during the construction phase.

It was reported that comments had been received from Yorkshire Water in relation to the flow of foul water from the new properties. The comments stated that the additional flow of foul water would be insignificant and that the drains in the area were owned privately, and so they were not responsible for them.

Officers circulated a copy of comments that had been received from the Council's Landscape Architect in relation to the application to the Committee.

They added that if the application was approved, that the Council's Landscape Architect recommended that the condition relating to tree preservation be replaced with one to show how the retained trees would be protected during the construction of the properties, through the submission of a method statement.

The agent for the applicant confirmed that the applicant would be happy to provide a method statement for the retention of the trees on the application site.

Representations in objection were heard from a representative of Strensall Parish Council. He referred to the circulated comments from the Council's Landscape Architect and expressed concerns about the spatial separation between the existing trees and the house on plot 1. He also referred to the location of the site next to a green area and that consideration should be given to the preservation of green corridors when considering the application. Further to this, he added that there was a concern that the garages would be clearly visible from the road due to their location in front of the houses, with the houses appearing subservient to the garages.

Members received clarification from Officers that the garages would be single storey and would be set back from the road, and would be well screened. They felt that although there would be a loss of trees on the site, significant screening would be attained by new planting.

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:

- 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.

**55f Stray Garth Community Home 7 - 9 Stray Garth York YO31 1EL
(10/02838/FUL)**

Members considered a full application from Mr AP and Mrs PM Smith for a change of use from a residential institution (use class C2) to a residential dwelling with granny annexe (use Class C3) including first floor extension and alterations to create a roof terrace to the rear.

In their update, Officers informed Members that two of the letters of objection had now been withdrawn. They explained that some of the works undertaken at the site were not in accordance with the submitted drawings. These included the enclosure of the roof terrace in brick work rather than opaque screening, and the insertion of full height opening doors on the rear elevation rather than windows. Officers were satisfied that the wording of condition 8 would enable satisfactory screening arrangements to be secured for the roof terrace, and that the amendments to the elevations were acceptable and could be addressed through the submission of a revised drawing.

Representations were heard from the applicant. She outlined the history of the property and stated that, in her opinion, the current building was not in keeping with the area. She added that although the size of the site could accommodate two properties, that she felt that this would not be economically viable, and that the site would be more sustainable. It was also reported that the originally proposed first floor extension had been deleted from the application, and that the roof lights in the kitchen could be fixed in a closed position if the application was approved.

Representations in objection were heard from an immediate neighbour. He commented that as long as appropriate screening of the roof terrace was achieved, he was not objecting to the application. In answer to a question from a Member, Officers expressed the view that it was not necessary for a condition to be attached requiring the kitchen roof lights to be fixed and non-opening.

Members expressed their concerns that the roof terrace had not been accurately shown on the submitted plans. They also added that if the application was approved, the occupancy of the granny annexe should be amended in condition 3 to relate to the immediate family of the applicant rather than just the applicants' parents.

RESOLVED: That the application be approved, subject to the receipt of an accurate drawing from the applicant.

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 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.

55g 7 The Avenue Haxby York YO32 3EH (11/00145/FUL)

Members considered a full application from Miss Elizabeth Lomley-Holmes for a replacement roof to an existing conservatory and canopy to the rear of a detached dormer bungalow.

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 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.

55h 45 Ashton Avenue, York, YO30 6HW (11/00367/FUL)

Members considered a full application from Miss Kirsten Mortimer for a detached 2 storey dwelling with an associated detached garage.

Representations were received from the applicant. She explained that the application was a resubmission for a detached house with a reduction in scale from the previous application, which was withdrawn. She considered that other developments in the area had set a precedent for the development of the site and stated that she would be happy to take advice from Officers to alter the design of the property to make it more appropriate to the surrounding area.

Members considered that the development of the site was not acceptable given the constricted amount of space that was available. Other Members raised concerns in relation to parking and access and the impact on the existing property as a result of noise and disturbance.

RESOLVED: That the application be refused.

REASON: (i) 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 1 m 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).

- (ii) 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 complies with Policy GP1 (criterion I) of the City of York Draft Local Plan (Fourth Set of Changes) 2005.
- (iii) It is considered that the use of the shared access arrangements in association with the proposed dwelling would adversely affect the amenity and living conditions of the occupiers of the existing dwelling (45 Ashton Avenue) by virtue of the additional noise, disturbance and inconvenience associated with the comings and goings to and from the application site. As such, the proposal conflicts with Policy GP1 (criterion I) of the City of York Draft Local Plan (Fourth Set of Changes) 2005.
- (iv) 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).

55i 279 Huntington Road, York. YO31 9BR (10/00942/FUL)

Members considered a full application from Mr and Mrs G Cammidge for the erection of 5 no. terraced dwellings with associated access following the demolition of 279 Huntington Road.

In their update Officers informed Members of a correction to their report, in that the scheme included a total of eighteen bedrooms rather than twenty as indicated in the report. They also summarised objections that had been received in relation to the application.

Representations in support of the application were heard from the agent for the applicant. He made reference to previous applications that had been submitted on the site and stated that in the current proposal, the site area and floor plan had both reduced in size by 25%. He added that the current access road would remain the same and that space at the rear would be provided for refuse bins.

Representations in objection to the application were heard from an adjacent neighbour. She informed Members how the refuse store and long

driveway would be prone to arson attacks and anti social behaviour. She added that the existing planning permission on the site was for 30 units per hectare, and that the proposed density of 35 units per hectare was excessive. Finally, she stated that the hedge was not a secure boundary and that there was a lack of parking spaces, which meant that vehicles would park on Huntington Road causing highway safety issues.

Some Members considered that the contemporary design of the proposed dwellings was not appropriate to the area. They also referred to the reclassification of the site as greenfield land, as a result of changes to Planning Policy Statement 3, and that the proposal would result in the loss of a residential garden. It was clarified by officers that the application was for a completely new proposal and was not a renewal of the previous scheme..

RESOLVED: That the application be refused.

REASON: The application site consists of a well established residential garden forming a valuable green space within the local area. Residential gardens no longer fall within the definition of previously developed land as defined by Planning Policy Statement 3 "Housing" (Revised June 2010), and are therefore no longer considered as a priority for development. It is considered that the development of the site would result in an unacceptable loss of a residential garden ("garden grabbing"), which would be detrimental to the character of the immediate residential environment, contrary to Policies GP1 and GP10 of the City of York Draft Local Plan

**55j The Fossway, 187-189 Huntington Road, York. YO31 9BP
(11/00004/FUL)**

Members considered a full application from Mr David Lavery for a change of use from a public house (use Class A4) to a place of worship (use Class D1) with 2 no. self contained flats. The application also included new rooflights, entrance door, and railings/gate to front. An application of a similar nature on the same site had been considered by the Committee in November 2010.

In their update Officers informed Members of a set of revised conditions that could be added if the application was approved.

Representations in support were received from the applicant's agent. He responded to queries from Members relating to traffic issues and the limited hours of operation of the church which had been requested. It was confirmed that the church would provide a parking warden, and had recently joined the Car Sharing York scheme to encourage their congregation to car share. He added that the church wished to be open during the day in order to provide a space for toddler groups.

In response to a Member's question, he explained that the applicant had applied for restrictive hours because they were keen to secure the building and for it to be used by the wider community. He also added that the reason for using the building as a place of worship, was due to the previous location on Haxby Road being vacated due to its use as a school.

Representations in support were received from a representative of Dodsworth, Muncaster and Bell Farm Residents Association. He stated that residents were supportive of the application because the previous use of the building as a pub had suffered from vandalism, graffiti and being used as an area for drug dealing. He questioned the reason for the restriction on hours for the use of the community rooms for four hours at the weekend. It was also his opinion that there would not be a great number of cars on site for community group activities.

Members considered that the hours of operation for the church should be amended to include Good Friday, Bank Holidays and Public Holidays. However, it was reported that if the hours were extended further into the week that additional highways comments would have to be sought.

RESOLVED: That the application be approved with the following change to the wording of condition 6:

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

Mondays to Fridays not at all

09.00 hours to 13.00 hours on Saturday, Sunday and Public Bank Holidays to include: New Years Day (1 January), Good Friday, Easter Monday, May Day, Spring Bank Holiday, August Bank Holiday, Christmas Eve (24 December), Christmas Day (25 December) and Boxing Day (26 December).

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

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

55k 339 Huntington Road, York, YO31 9HJ (11/00202/FUL)

Members considered a full application from Mr H Lowson for a two storey side extension and single storey rear extension.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to the effect on residential amenity and the impact on the 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".

56. APPEALS PERFORMANCE AND DECISION SUMMARIES

Members received a report which presented to them the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3 month period up to 31st March and provided a summary of the salient points from appeals determined in that period.

RESOLVED: That Members note the content of this report.

REASON: To keep them informed on appeals determined by the Planning Inspectorate.

57. ENFORCEMENT CASES UPDATE

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

RESOLVED: That the reports be noted.

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

Cllr K Hyman, Chair

[The meeting started at 2.00 pm and finished at 5.15 pm].

COMMITTEE REPORT

Date: 9 June 2011 **Ward:** Skelton, Rawcliffe, Clifton Without
Team: Major and Commercial Team **Parish:** Clifton Without Parish Council

Reference: 10/02738/GRG3
Application at: Canon Lee School Rawcliffe Drive York YO30 6NS
For: Installation of multi use sports pitch with 8no floodlights, 4m high fence and associated spectator benches (revised position)
By: City Of York Council
Application Type: General Regulations (Reg3)
Target Date: 7 March 2011
Recommendation: Approve

1.0 PROPOSAL**1.1 SITE**

The application relates to land at an existing secondary school on land between Rawcliffe Drive and Water Lane, within the built-up area of the City. The school buildings front onto Rawcliffe Drive and its vehicular access is from this suburban road. At the rear of the school buildings and extending to Water Lane are school playing fields. Residential properties abut the school playing fields to the north and south. The majority of the site falls within Flood Zone 1 (Low probability), though the far eastern end adjacent to Water Lane falls within flood zones 2 (Medium probability) and 3 (High probability).

1.2 PROPOSAL

The application involves the provision of an all weather multi-use sports pitch (AWP) at the eastern end of the playing fields, next to Water Lane. The pitch itself would be 91.4m long by 55m wide surrounded by a 3m perimeter area, which would be enclosed by a 4m high weld mesh fence with approximately 1.2m high kickboards to reduce sound. Eight 13m high floodlights would surround the area - four on each side. New access footpaths are proposed from the existing footway to the tennis courts that run parallel with the rear boundaries of the properties in Saville Grove. Two sets of spectator benches are proposed along the western side of the pitch. Landscape screening, consisting of semi-mature trees and indigenous hedge species, is proposed between the pitch and Water Lane. The provision of the pitch would necessitate the removal of one grass surface football pitch. A second pitch, closer to the school buildings, with an athletics track, would be refurbished.

It is accompanied by the following supporting documents: Design and Access Statement, Floodlighting Design and Scheme Arrangement and details of consultation. Further documents at the request of Sport England have been submitted including Sports Development Plan, Business Plan, Community Use Agreement and Planning Submission Summary. The various documents seek to

justify the need to the all weather pitch and confirm the intended hours of use. The Design and Access Statement and Planning Submission Summary point to the difficulties of playing on the existing pitch and highlight the flexibility that the AWP would provide. The hours of use are stated as being 8:30am-9pm Monday to Fridays, 9am-6pm on Saturdays and 9am-4pm on Sundays.

After concerns were expressed by officers, the scheme has been revised to its current form, including a reduction in the size of the pitch itself, its relocation to be equidistant between the houses on Saville Grove and Fairway, and a reduction in the hours of use at weekends to finish at 4pm on Saturdays and 2pm on Sundays (Parish Council suggestion).

1.3 HISTORY

There have been approvals for various extensions and alterations to the main school building. The tennis courts, located north of the proposed AWP, were approved in 1999. The proposal, the subject of this application, was submitted as a pre-application enquiry. The response given was that the AWP was acceptable in principle, but that further information would need to be submitted with regards the floodlights to ensure that development is sensitive to the local neighbourhood.

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: Canon Lee 0245

Schools GMS Constraints: Clifton Without Junior 0189

2.2 Policies:

CYGP1

Design

CYGP3

Planning against crime

CGP15A

Development and Flood Risk

CYED11

Protection of Playing Fields

3.0 CONSULTATIONS

3.1 PUBLICITY

The application has been advertised by means of internal and external consultations, including letters to local residents on Water Lane, Fairway and Saville Grove and the posting of a site notice. Further consultation with local residents has taken place following receipt of the revised plan and confirmation of proposed hours of use. This period expires on 2.6.2011.

3.2 INTERNAL

Environmental Protection Unit - No objections, subject to following condition to protect the amenity of properties nearby - the use of the pitches ceasing at 9pm and floodlights by 9:15pm.

Highway Network Management - No objections, subject to standard condition HWAY37 (avoidance of glare).

Engineering Consultancy (Drainage) - Development is in low risk Flood Zone 1 and should not suffer from river flooding. Object on grounds of insufficient information to determine the potential impact the proposals may have on the existing drainage systems.

Street Lighting - All the levels are well within what is acceptable. The application makes direct reference to the ILE guidance on light pollution. Suggest columns are painted to reduce their visual intrusion.

3.3 EXTERNAL

Sport England - Was consulted on the basis that 'the development is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or is on land that forms part of, or constitutes a playing field...' An objection was lodged in March, because of insufficient information and contradictory evidence to demonstrate the proposal meets one of the five exceptions of its playing fields policy. This policy aims to ensure an adequate supply of quality grass pitches. Following meetings between Sport England, CYC, England Hockey Board, Football Association and York City Hockey Club, agreement has been reached that allows Sport England to withdraw its objection subject to conditions. The agreement is that the facility would be a floodlit, sand based Artificial Grass Pitch - the pitch would not be of sufficient benefit to outweigh the loss of the playing field without the floodlights - and that the remaining grass pitch would be improved to compensate for the loss of the playing field. The conditions requested relate to details of the design and layout of the pitch, drainage of the existing playing field, management and maintenance scheme for the site, and a community use agreement.

Clifton Without Parish Council - Do not object, subject to support of neighbours and registered concerns regarding the potential level of noise. Recommend a night time limit of 9:30pm and Sunday operation to be limited to 9am to 2pm only.

Local residents - 9 contributions received to the original submission and 1 to the revised scheme, objecting on the following grounds:

- Noise disturbance during day and into evening from activity on pitch and associated vehicles;
- Light disturbance at night from floodlights;
- Anti-social behaviour with existing problems of nuisance, trespass, litter and damage exacerbated;
- Further loss of light in addition to that caused by The Cube sports hall;
- Need questioned as adequate provision at present for sporting activities;
- Request for high boundary fence to reduce amount of damage caused to surrounding properties;
- Request for caretaker to ensure facility is locked up and lights turned off;
- Property value lowered [not a planning matter].

4.0 APPRAISAL

4.1 KEY ISSUES

- loss of playing field;
- benefit to the wider community;
- visual impact;
- affect on residential amenity;
- highway safety implications;
- flood risk and drainage matters.

4.2 POLICY CONTEXT

Relevant Central Government planning policy is contained in Planning Policy Statement 1: Delivering Sustainable Development (PPS1), Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation (PPG17), Planning Policy Guidance Note 24: Planning and Noise (PPG24) and Planning Policy Statement 25: Development and Flood Risk (PPS25).

PPS1 encourages development that is sustainable and accessible in its location and advises against design that is inappropriate in its context or fails to take the opportunities available for improving the character and quality of an area and the way it functions.

PPG17 seeks to protect existing playing fields from development and advises against granting permission which results in the loss playing fields unless a replacement pitch of equivalent or better quantity and quality is proposed or where the proposed development is for an outdoor or indoor sports facility of sufficient benefit to the development of sport (paragraph 15).

PPG24 contains advice on considering noise from recreational and sporting activities (Para. 22, Annex 3). It explains that LPAs will have to take account of how frequently the noise will be generated and how disturbing it will be, and balance the enjoyment of the participants against nuisance to others.

PPS25 requires new development to take account of flood risk in the area and ensure that this is no worse as a result of the proposal.

Policies contained in the City of York Draft Local Plan (2005) are material to the consideration of the application. Relevant policies are summarised in section 2.2.

4.3 LOSS OF PLAYING FIELD

The proposal would result in the loss of one of the two grassed pitches and the summer athletics track. The loss of such facilities would be contrary to the Government's policy outlined in PPG17, which seeks to retain existing grass playing fields and protect them from all development, including hard surfaced pitches. As a result, an objection to the scheme by Sport England was lodged.

Subsequently, the applicant has met with Sport England and various football and hockey sports bodies, when it was agreed that a sand based artificial surface could be provided and that the existing grassed football pitch be improved. Sport England has since withdrawn its objection as it considers that the agreement would compensate for the loss of the playing fields, subject to conditions relating to detailed design of the artificial grass pitch, drainage of the existing grassed surface, management and maintenance of the artificial grass pitch and the development of a Community Use Agreement.

4.4 BENEFIT TO THE WIDER COMMUNITY

The scheme proposes an artificial grass pitch that would primarily be used by the school, throughout the school term and school day (8:30am to 4pm). Outside of this time, the pitch would be available for hire by sports groups and the wider community for sports use. The times of use proposed are:

4pm to 9pm (lights off by 9:30pm) on Monday to Friday during term time,
9am to 9pm (lights off by 9:30pm) on Monday to Friday during school holidays,
9am to 4pm on Saturdays, and,
9am to 2pm on Sundays.

This community use is encouraged by the City Council and Sport England. However, whilst it is clear that there is a need for the artificial grass pitch for use by the school to deliver its curriculum as well as wider community sports groups particularly for hockey, the benefits to the City need to be weighed against the impact on other material considerations.

4.5 VISUAL IMPACT

The proposal would result in a significant change in the appearance of the playing field both during the day and at night. What is currently a fairly flat and open grassed playing field would become a more enclosed and developed space, with views of the pitch, 4m high fencing and 13m high floodlights from Water Lane, albeit partially screened by a proposed landscaped mound, as well as from surrounding properties. The lighting columns are proposed to be galvanised steel with no colour finish, though it would be beneficial if they were painted or finished in a colour that would

help to soften their visual impact. This could be achieved through condition. In the evenings (particularly in the winter months), the floodlights would illuminate what is otherwise an unlit area, with the exception of street lights and lighting in the school and surrounding properties. The scheme has, however, been designed to focus lighting on the pitch only and this is explained in more detail in paragraph 4.6 below. In addition, the unlit appearance of the playing field would be restored for the majority of the night during weekdays and would be maintained at weekends. Whilst the appearance of the playing field would undoubtedly change, its character would be little altered given that the proposal is for sports related development on existing playing fields.

4.6 RESIDENTIAL AMENITY

The revised siting of the pitch makes it nearly equidistant between the rear elevations of the nearest houses on Saville Grove to the north and Fairway to the south. At its nearest point, the outer edge of the pitch would be 26.5m from 20 Saville Grove and 24m from 27 Fairway and the nearest floodlight being 32m and 30m away respectively. The properties on Water Lane would be 19m from the pitch and 25m from the nearest floodlight (133 Water Lane), with those on the opposite side of Water Lane being a minimum of 37m from the pitch and lights.

(i) Noise disturbance

Residents living around the site would very likely experience elevated noise disturbance, because of the increased level of activity associated with the pitch, which would be year round rather than restricted to the current usage when the weather and light level permits. This extends to usage of the existing school car park as well as the pitch itself. This increase in noise disturbance would be most noticeable in the summer months when residents are more likely to be outside or have windows open. Whilst it is acknowledged that an all-weather pitch can be more attractive to users than grassed playing fields, it should be noted that the pitches could be used more at weekends and evenings in the summer without any need for planning permission, and if drainage of the existing playing field was improved then potentially there would be more community use outside school hours at other times. Regardless of the time of year, use of the all weather pitch as proposed would cease by 9pm Mondays to Fridays and earlier on weekends, to prevent disturbance to sleep and give some respite to residents at weekends. Additional landscaping between the pitch and the houses to the north and south could be considered further. The Council's Environmental Protection Unit raises no objection to the proposal on the grounds of noise disturbance.

(ii) Light pollution

The floodlights have been of particular concern in terms of the impact they may have on the amenity of residents living adjacent to the site. The lighting columns would be visible during the day, but would be most noticeable in the evening when in use. They would be clearly visible from the houses and gardens; lighting up what is currently an unlit area.

However, the applicant is aware of the close proximity of residential properties and has appointed an approved lighting contractor to advise on lighting design. The area has been considered as an Environmental Area E2 'Area of Low District Brightness' as defined in the Institute of Lighting Engineers (ILE) Guidance Notes for the Reduction of Light Pollution, because of its low ambient light (examples being rural or small village locations). As such, the floodlights have been designed to keep within the requirements of the ILE for such areas in the following ways:

- The height of the columns (13m high) allow the lights to be mounted in a close to 'flat glass' orientation (parallel to the ground) in order to concentrate light on the pitch
- the lights would be angled at less than the 70 degrees advised limit stated in ILE guidelines aimed at avoiding glare (angle would be between 62 and 65 degrees) and reducing light spill to 5 Lux beyond the pitch, which is the equivalent of street light level.
- The floodlight chosen has been selected because of the control available of the asymmetric light beam, allowing accurate aiming, minimal spillage and reducing glare.
- The maximum source intensity of the lights is less than the value required by the ILE for an E2 environmental zone - a maximum of 2184 candelas compared to the ILE requirement of 7500 candelas.
- The hours of operation of the lights are proposed to be weekdays only and be switched off by 9:30pm at the latest.
- The position of the floodlights would mean that they would not directly face towards the houses that are closest to them on Saville Grove and Fairway. Where lights are facing towards properties, this would be at a distance of approx. 70m or more and would be at an angle or separated by the proposed landscaped mound.

In addition, it is reasonable to assume that the lights would not be used in the summer months given the length of daylight and proposed finish times and, therefore, would not erode residents' enjoyment of their houses and gardens. At other times, with darker and colder evenings, residents are more likely to be inside their houses with curtains drawn. The lights are proposed to be switched off before the time that the majority of residents would retire to bed.

It is accepted that the introduction of floodlights would be a significant change from what residents currently experience and that they would be aware of the lights. However, the information submitted with the application confirms that the actual impact from the lights in terms of pollution, spillage and glare, would be within acceptable levels as set by the ILE. The Council's Environmental Protection Officer and Street Lighting Officer confirm this.

(iii) Anti-social behaviour

The application confirms that a management presence would be at the site at all times and it is noted that the revised plan includes double gates at the eastern end of the site to help control access into the site in addition to the pedestrian gate to the pitch itself. There are currently no barriers to prevent access to the playing fields as the gate and railings to Water Lane are relatively low. The introduction of the all weather pitch would increase natural surveillance at the site as would the

introduction of lighting - as the section above confirms, any light spillage to the area beyond the pitch would be at a level of 5 Lux or the equivalent of a street light.

4.7 HIGHWAY IMPLICATIONS

The proposal would utilise the existing vehicle access point from Rawcliffe Drive into an existing car parking area that serves the existing sports facilities - The Cube. It is anticipated that most community users would choose to use this car parking area as it is closest to the changing facilities and would have easy direct access to the proposed all weather pitch along the existing footpath leading to the tennis courts. Access into the pitch itself would be via a pedestrian gate at this northern end of the perimeter fencing at the end of the footpath. In addition, new internal gates are proposed within the site to prevent access for vehicles to the main school car park and at the eastern end of the site next to 133 Water Lane to help control access into the site and parking within and around the site.

Although traffic movements may increase as a result of the proposal, the Local Highway Authority raises no objections on highway safety grounds - the existing access arrangements are considered to be adequate.

4.8 FLOOD RISK

The pitch has been located in a position to avoid Flood Zone 2 and 3, which encroaches onto the school site at its far eastern end. As the proposed pitch lies within Flood Zone 1, there is a low probability of river flooding. A suitable solution to drainage has been agreed with the Council's Drainage Engineer, which can be conditioned.

5.0 CONCLUSION

5.1 The application proposes the construction of an all-weather pitch with the introduction of floodlights on what is currently a grassed playing field associated with a Council secondary school. It would result in the loss of an existing grassed playing pitch, though a second pitch would remain and would be improved. As such, the scheme offers a significant benefit to the provision of the curriculum at the school as well as providing a sporting facility for the wider community outside of school use. There are no objections to the scheme on the basis of its impact on highway safety or flood risk. An approved lighting contractor has been appointed to ensure that the proposed floodlights are designed to comply with the requirements of the Institute of Lighting Engineers Guidance Notes for the Reduction of Light Pollution.

However, the provision of an all-weather pitch with lighting, as its name suggests, would result in likely intensification of use of the playing fields and, consequently, an increase in noise disturbance from activity associated with its use over and above what local residents currently experience. This is mitigated to some extent by the earlier finish at weekends to provide some respite and a finish time of 9pm throughout the week would prevent disturbance to sleep of the average person.

The balance to be made in the consideration of this application is the benefit to the wider community from enhanced sports provision for the school and residents of the

wider area, against the harm caused through noise disturbance to those residents adjacent to the site from activity on the pitch and comings and goings associated with it. However, in light of the existing nature of the site, the potential for some intensification of use regardless of this application, the reduced times of operation at a weekend and reasonable finish time on a weekday, on balance the proposal is considered to be acceptable and is therefore recommended for approval subject to conditions.

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 and other submitted details:-

Drawing no. 0017/01 'Location Plan' dated Nov 2010 and received 2.12.2010;
Drawing no. 0017/02 rev.C 'Plan of Proposed Pitch' dated 16.5.2011 and received 18.5.2011;

Drawing no. 0017/03 'Elevation to Lighting Column' dated Jan 2011 and received 17.1.2011;

SJB Floodlighting Ltd Proposed Floodlighting Design and Scheme Arrangement Documents received 6.1.2011;

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

3 Development shall not begin until details of surface water drainage works for the all weather pitch, which take account of the intended drainage improvements to the remaining playing fields and which include the following measures, have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

(i) Peak surface water run-off from the development will be attenuated to Greenfield run-off rates (based on 1.4 l/sec/ha). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

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

(iii) Details should be provided of the future management / maintenance of the proposed drainage scheme.

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

4 Prior to commencement of the development details of the design and layout of the Artificial Grass Pitch, which shall comply with Sport England Technical Design Guidance Notes and include the requirements of England Hockey Board, shall be submitted to and approved in writing by the Local Planning Authority. The Artificial Grass Pitch shall be constructed in accordance with the approved design and layout details.

Reason: To ensure the development is fit for purpose, subject to high quality design standards and sustainable.

5 Before the development hereby permitted is commenced a scheme for the improvement and maintenance of playing field drainage, based upon an assessment of the existing playing field quality and including an improvement and maintenance implementation programme, shall be submitted to and approved in writing by the Local Planning Authority. The pitch improvements shall be carried out on practical completion of the Artificial Grass Pitch and shall thereafter be improved and maintained in accordance with the approved scheme.

Reason: To ensure the quality of pitches is satisfactory and they are available for use prior to development.

INFORMATIVE: It is recommended that the drainage assessment and improvement/management scheme be undertaken by a specialist turf grass consultant.

6 Notwithstanding the details contained in the application supporting document 'Proposed Floodlighting Design', the floodlight columns shall be painted or finished in a colour to be agreed in writing by the Local Planning Authority beforehand. The columns shall be finished in accordance with the approved details and shall be thus maintained.

Reason: In the interests of visual amenity.

7 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 in the following locations:

- (i) the landscaped mound shown on the approved drawing;
- (ii) two additional areas of planting within the site at the northern and southern ends of the pitch hereby approved.

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 in the interests of visual amenity and in the interests of residential amenity.

8 Notwithstanding the information shown on the approved plan, details of the proposed fence and gates to the south of the approved pitch, including its relationship to the boundary enclosure of 133 Water Lane 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 and to improve security of the site.

9 Prior to the Artificial Grass pitch being brought into use, a Management and Maintenance Scheme for a period of ten years to include measures to ensure the replacement of the artificial surface within the next ten years and, management responsibility, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the Artificial Grass Pitch.

Reason: To ensure that new facility is capable of being managed and maintained to deliver a facility, which is fit for purpose, sustainable, and to ensure sufficient benefit of the development to sport (PPG17 Para 14).

10 Prior to the first use of the development, a Community Use Agreement shall be submitted to and approved in writing by the Local Planning Authority. The Agreement shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved Agreement shall be implemented upon commencement of use of the development.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and in the interests of residential amenity and security of the site.

11 The use of the artificial grass pitch hereby approved for the playing of sports or any other function shall be restricted to the following times:

Term time:

Monday to Friday - 08:30 to 21:00 with floodlights switched off no later than 21:15;

School holidays

Monday to Friday - 09:00 to 21:00 with floodlights switched off no later than 21:15;

Weekends

Saturdays - 09:00 to 16:00 with floodlights switched off no later than 16:15;

Sundays - 09:00 to 14:00.

Reason: In the interests of the residential amenity of surrounding 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 playing field;
- benefit to the wider community;
- visual impact;
- affect on residential amenity;
- highway safety implications;
- flood risk and drainage matters.

As such the proposal complies with national planning advice contained within Planning Policy Statement 1 "Delivering Sustainable Development", Planning Policy Statement 17 "Planning for Open Space, Sport and Recreation, Planning Policy Guidance Note 24 "Planning and Noise, Planning Policy Statement 25 "Planning and Flood Risk", and Policies GP1, GP3, GP15a and ED11 of the City of York Development Control Local Plan.

Contact details:

Author: Hannah Blackburn Development Management Officer

Tel No: 01904 551325

- The increased noise is not acceptable and will have a **major impact** on the lives of the neighbours due to loudness levels more than doubling. For this reason alone normally planning permission would be rejected. The location of the pitch is in a residential area and the noise echoes due to this fact.
- The light from the floodlights will have a negative effect on all the nearby homes. The glow in the sky will be seen from miles away. This light will be seen from all the local houses even when you are not directly looking at it you will see it in your peripheral vision.
- Over 25 family homes (the schools neighbours) have objected to this proposal and more people are against it but were not aware of the application until it was too late to object.
- It is not acceptable to have this business operating in residential area all day every day and all night till late, every day every weekend, people cannot put up with such disturbance constantly. All other businesses of this type are built out of towns for good reasons.
- Do the school need a change of use? from a grass field to a profit making business with a business plan stating it could turn over £117k
- The local police have stated at a meeting with the school that it will attract youths who would not be using the pitch and that will bring its own problems. The police do not want to police it! They suggested that the school use a private security firm.
- It is much too close to local homes. The houses next to this pitch have very small back gardens so will not be able to get away from the disturbance. Gardens in Fairway are approx. 3M long.
- People who live next to schools do so knowing it has its usual problems but they do so knowing that after 4pm and on weekends they have peace and quiet.
- If it were only for the children to use without the lights during usual school and afterschool hrs I don't think we would have issues?
- The car park is not big enough because at the moment other activities go on at the school on an evening and when you pass on an evening it is quite often full without another 30 to 40 cars turning up and leaving by the hour to use the pitch.
- Spectator seating was talked about at a meeting with the school and it was agreed would be left out in an attempt to stop groups of youths hanging around and anti social behaviour. A few years ago the school wrote to all its neighbours and told them all that the field was not for public use and trespassers will be prosecuted. People who had access from their garden to the field then closed it off and stayed off the field. If anyone can use the field as a spectator then the field will be open to the public again.
- The school has many hard working families as its neighbours and they have young children, pensioners and people that work shifts all needing to sleep before 9:30pm.
- It has been stated by estate agents that the value of our homes would be reduced by thousands and make properties very difficult to sell. If this proposal goes ahead will we get a significant reduction in our council tax? We bought our property with a small back patio area and no garden because we overlooked a quiet open field not a floodlight sports pitch open 7 days a week
- We have not spoken to anyone who would want a pitch of this type next to their property. It's a nice idea for anyone who doesn't live next to it. It should be built away from people's homes!!

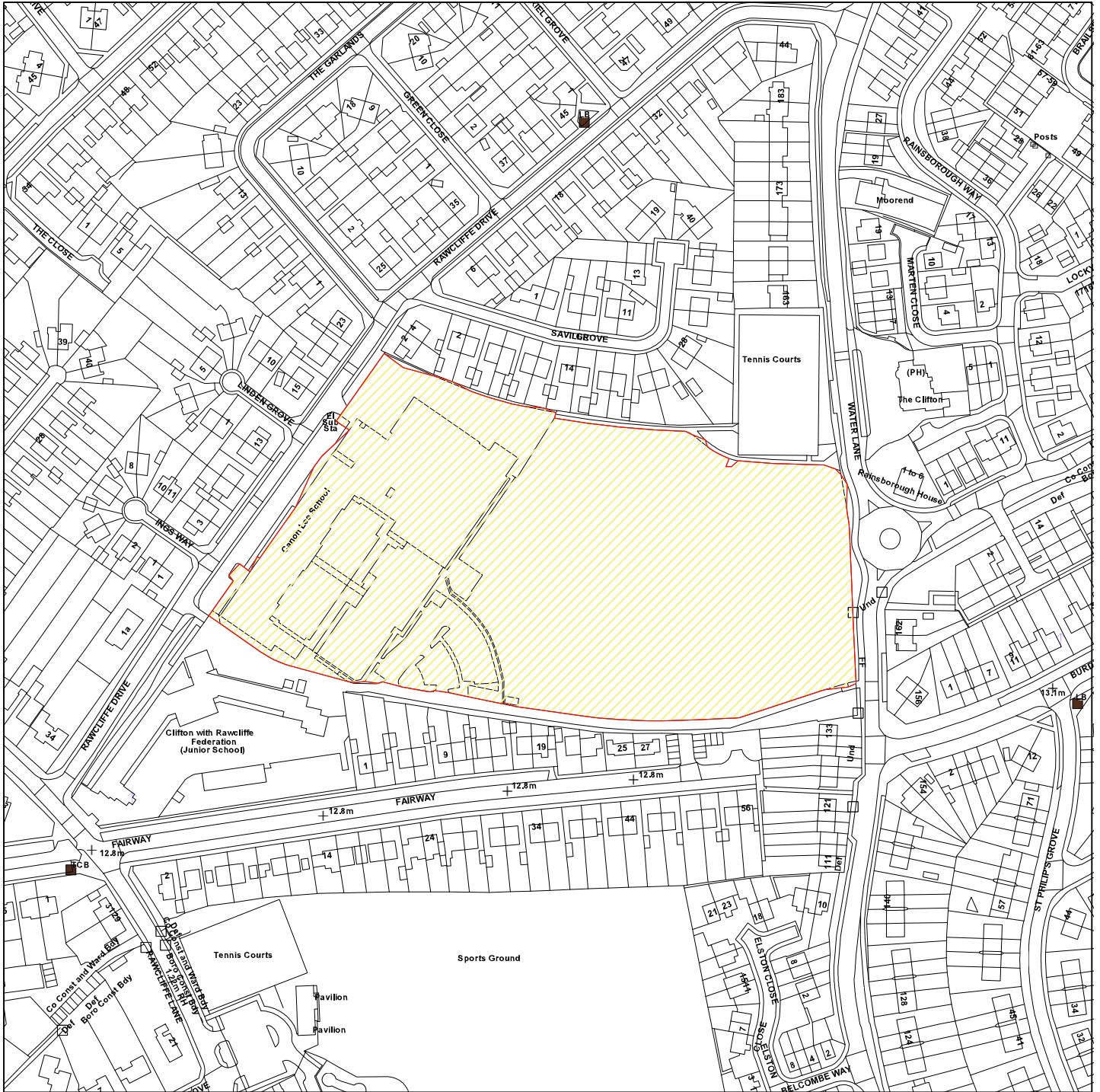
- All the nearby residents who pay their tax and voted councillors into power to speak up for them and help them have a better life are going to pay a high price both financially and mentally, giving up their quality of life just so the school/ council can make money.
- The school will lose a lot of grass land that was used for various sports, only a few weeks ago a football tournament was held on the pitch where this is to be built. The school has tennis courts and netball courts already. It seems they will lose a good size athletics track most of its cricket pitch and a football/rugby pitch which is perfectly acceptable for children's sporting development. It seems the pitch is needed to make money after school hours.

Canon Lee School, Rawcliffe Drive

10/02738/GRG3



GIS by ESRI (UK)



Scale : 1:2500

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	27 May 2011
SLA Number	Not Set

Development and Flood Risk

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYNE1
Trees, woodlands, hedgerows

CYHE2
Development in historic locations

CYL1C
Provision of New Open Space in Development

CYT4
Cycle parking standards

CYED4
Developer contributions towards Educational facilities

CYGP1
Design

CYGP10
Subdivision of gardens and infill devt

3.0 CONSULTATIONS

3.1 INTERNAL

Environment, Conservation, Sustainable Development (Landscape) - The proposal is over development. Many of the gardens are far too small to suitably accommodate the protected trees without causing damage or conflict. Also, the buildings are too close to trees, in particular units 6 – 14. One would expect the useable garden area i.e. that outside of the immediate influence of the trees, to match the scale and type of house. The density should be reduced in order to retain significant trees that contribute to the character of the conservation area and the amenity of development. The trees should guide the design so that they appear to be a wholesome part of the designed environment, rather than remnants of a former landscape squeezed inconveniently into a new built environment. The scheme should be redesigned rather than tweaked.

City Development – The site is above the urban area threshold of 0.3ha and therefore 25% affordable housing is required in accordance with the interim affordable housing targets approved by the council's Executive in December 2010.

These targets are set in line with the Affordable Housing Viability Study (2010). Applications that do not meet these targets need to be accompanied by a viability appraisal, which robustly demonstrates why the target is not viable.

Structures and Drainage - No objection. Add standard condition requiring submission of drainage details.

Adults, Children and Education - a financial contribution of £35,117 would be required towards the provision of education. It would be used to cover the cost of two places at Huntington Secondary School. The local primary school currently has enough places to cover the pupils expected as a result of the development.

3.2 EXTERNAL

Police Architectural Liaison - The indicative site layout appears to show good levels of natural surveillance whilst still creating defensible space for occupiers. The development would provide residents with a safe, non-threatening environment in which to live.

Foss Internal Drainage Board (IDB) - Surface water is to be discharged to an existing sewer. This sewer, which is under the control of Yorkshire Water, is now classed as a foul sewer. Surface water discharges to this sewer so Yorkshire Water has approved a discharge rate of 4.00lit/sec. Subsequent discussions with City of York Council have resulted in this rate being reduced to 1.40lit/sec. The Board supports the position taken by the council. Any approval should a condition requiring drainage details including attenuation to be submitted for approval.

Network Rail - No objection to the principle of the development subject to certain detailed requirements being met to protect Network Rail property and the safe operation of the adjacent railway.

English Heritage - No comments.

Public Consultation - The consultation period expires on 8 June 2011. At the time of writing ten objections had been received raising the following planning issues:

Overdevelopment

Too many dwellings

Design out of keeping with the semi-rural area

Inappropriate height/size/scale for street/area

Insufficient space for gardens and green space

Overbearing

Loss of privacy

Loss of sunlight/daylight

Traffic nuisance/congestion

Loss of habitats

Out of keeping with adjacent conservation area

Loss of trees

Damage to trees

Increase in traffic

Highway danger at railway crossing

Inadequate parking
Parking dominates the development
Dangerous access
Danger to pedestrians on Princess Road
Sewage/drainage problems
Drainage attenuation would not work
Increased flood risk
The application should be full not outline
Conflict with PPS3 ('Garden Grabbing')
Conflict with PPS3 (Density)

Members will be advised of any further representations at the meeting.

4.0 APPRAISAL

4.1 THE APPLICATION SITE

The site has an area of 0.51ha and consists of the curtilage of a derelict bungalow in a predominantly residential area. The site lies within the settlement limits of Strensall village and abuts (but lies outside) Strensall Conservation Area. The site is neglected and overgrown. It is occupied by a number of mature trees protected by a preservation order (TPO CYC 53). Immediately to the south is the York to Scarborough railway line. To the east, north and west are one and two storey suburban houses. The public highway at Princess Road runs along the eastern boundary.

4.2 POLICY CONTEXT

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

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

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.

H2a - The council will seek to ensure that proposals for all new housing development of 15 dwellings/0.3ha or more in the urban area and 2 dwellings/0.03ha or more in villages with less than 5,000 population will include affordable housing.

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

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

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

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.

ED4 - Any consequences for existing educational facilities will be assessed in accordance with the approved supplementary planning guidance. Where additional provision is necessary as a direct result of the proposal, developers shall be required to make a financial contribution toward the provision of such facilities.

T4 - Seeks to promote cycling and states that all new development should provide storage for cycles in accordance with the standards in appendix E of the Local Plan.

4.3 Key Issues

Principle of Development for Housing
Density of Development
Scale and Impact on the Street Scene
Protected Trees
Neighbour Amenity
Impact on Strensall conservation area
Sustainability
Access and Highway Safety
Ecology and Bio-diversity
Drainage
Affordable Housing
Public Open Space
Education
Archaeology

PRINCIPLE OF DEVELOPMENT FOR HOUSING

4.4 The site is in a sustainable location with good access to shops, public transport and local services. The site was considered during the Strategic Housing Land Availability Assessment (SHLAA - part of the Local Development Framework

evidence base) and has been identified as a possible housing site. The inclusion of sites within this study does not imply that the council would consider planning applications favourably. Although the SHLAA will inform housing allocations it will not determine the allocation of land for housing development. Nevertheless officers accept that the application site is suitable for housing in principle.

4.5 In June 2010 Planning Policy Statement 3 (PPS3) 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. This interpretation has been supported in recent appeal decisions. 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, local authorities are still expected to 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 OF DEVELOPMENT

4.6 Until PPS3 was revised it included a national indicative minimum density for new housing of 30dph. This has now been removed. Notwithstanding that there is now no national minimum density, PPS1 (Delivering Sustainable Development) and PPS3 still expect planning authorities to set their housing policies to achieve the efficient use of land. Policy H5a accords with this guidance by requiring housing schemes in the York urban area (including Wigginton) to aim to achieve a residential density of 40dph. Nevertheless, this is subject to the scheme being compatible with the surrounding area and not harming local amenity. The current proposal has a density of 28dph, which is below the density specified in policy H5a. Whether or not the proposed density is acceptable will depend on the impact on the character of the surrounding area and local amenity.

SCALE AND IMPACT ON THE STREETSCENE

4.7 The details of the proposed dwellings, including their precise heights and the number of bedrooms, are not part of this application. Nevertheless the applicant's intention is to develop a total of 14 dwellings. Ten would be of detached and 2.5 storeys high; the remaining four would comprise a terrace of three-storey townhouses. The layout before members shows that six of the 2.5-storey dwellings would be along the northern boundary with Orchard Way. The 3-D images accompanying the application show these houses having high eaves and low-pitched roofs, giving the buildings a large, bulky appearance in relation to their overall height. They would also have substantial side projections and narrow gaps between properties. These characteristics would result in the northern side of the

development having a very bulky and unbroken appearance, at odds with the scale of the existing buildings and with the spacious, open character of the area.

IMPACT ON TREES

4.8 Many of the trees within the site are subject to a tree preservation order (TPO). In 2008 the applicant sought consent to remove some of these trees. The council considered the application on its merits in the absence of any firm proposals for the development of the site. Consent for the removal of some of the trees was granted on the basis of reasonable arboricultural management. The approved works have since been carried out. The trees that remain on the site are important for providing an appropriate setting for the development, protecting the amenity of the surrounding residential properties and retaining the character of Princess Road.

4.9 In order to sustain the protected trees they would need adequate physical protection during the development operations. Therefore the council needs to be confident that sufficient space would be retained around the trees for fencing to be erected around the root protection area (RPA) in accordance with British standard 5837 'Trees in relation to construction'. The space should include sufficient room for manoeuvring and construction operations and scaffolding etc. Also, the trees should be retained in ground conditions that would allow them to thrive. For example the proposals should prevent a reduction in water supply to the roots and compaction over the rooting zone.

4.10 Trees also have to be compatible with their new neighbours. The vast majority of people buying a house with a garden expect to be able to use their garden for e.g. play, sitting in the sun, hanging out washing and/or growing plants. If a tree casts shadow over much of the garden and drops seasonal fall, e.g. leaves, seed, aphid sap onto much of the garden area, this creates conflict. Similarly if a tree is large and close to a property it can give rise to concerns over safety (real or perceived), especially in stormy conditions. Subsidence is also a potential risk. A tree only has to be a likely contributory factor, and not necessarily the main cause of subsidence, to warrant its removal.

4.11 Sufficient space must also be retained to accommodate future growth (in particular the large Oak, T9) without the need for the regular cutting back of the crown, which could be a burden to the owner and reduce the longevity and amenity value of a tree.

4.12 The proposal is likely to introduce hard surfacing over the rooting zone of some of the trees, particularly the large Oak (T9, between units 6 and 7). Oaks have high water demand. Currently there is plenty of moisture on the site but the introduction of significant hard surfacing and buildings would alter the levels of available moisture in the soil. This should not be exacerbated with compaction and paving over the RPA of any of the trees.

4.13 Taking all of the above factors into account, the proposal is over development. Many of the gardens are far too small to suitably accommodate the trees without causing the types of conflict described above. Also, the buildings are too close to properties, in particular units 6 – 14.

4.14 The methodology in the arboricultural method statement is suitably detailed in a generic sense however the layout of the site poses far too much risk of detriment and conflict for the trees. Whilst the arboricultural implication assessment makes reference to BS 5837 it fails to consider garden use and other related concerns as outlined in section 6.3 of BS 5837. The trees should guide the design so that they appear to be an integral part of the scheme rather than be seen as remnants of a former landscape squeezed into the new built environment. The density should be reduced in order to retain significant trees that contribute to the character of the conservation area and the amenity of development.

IMPACT ON STRENSALL CONSERVATION AREA

4.15 The boundaries of the conservation area have recently been extended. They now include the public highway in front of the site and the properties on the opposite side of the road, but not the application site itself. The development as proposed is unlikely to have a significant impact on the setting of the conservation area due to the site being set back from the public highway and the tree screening along the boundaries. Any issues of detail that could potentially affect the setting could, if planning permission were to be approved, be dealt with at the reserved matters stage.

NEIGHBOUR AMENITY

4.16 The site abuts residential dwellings to the north and east. The dwellings to the north (Orchard Way) are mainly bungalows; those to the west (Glebe Close) are mainly 2-storey houses. The bungalows at 1 and 3 Orchard Close are likely to be most affected by the development, in particular the detached dwellings at units 1-6. These 2.5-storey dwellings, with high eaves, substantial side projections and narrow gaps between properties would have a very bulky and unbroken appearance, when viewed from the bungalows and their rear gardens. Despite the intervening distance being approximately 27 metres the new dwellings would appear over-dominant and overbearing, to the detriment of the occupiers of the bungalows. Unit 1 would also have an overbearing impact on the occupiers of Greystones, Princess Road. The new building would be 5m from the boundary with Greystones' rear garden. Unit 1 is likely to also cause overlooking of the garden. Careful design of the house at Unit 1 is unlikely to adequately mitigate these impacts, nor would additional screening along the boundary.

4.17 The western corner of the house at Unit 6 would be 3m from the boundary with 7 and 8 Glebe Close. Whilst the aspects are oblique the new dwelling is likely to have an overbearing impact on the occupiers, due to the height and mass of Unit 6 being in such close proximity, particularly to the garden at No. and the extended building at No.8.

SUSTAINABILITY

4.18 The site is in a sustainable location within the settlement limits of Strensall and within walking distance (approximately 350m) of the centre of the village. If

planning permission were to be granted a condition should be attached requiring the development to achieve Code for Sustainable Homes Level 3 and to provide 5% of its energy demand from sustainable sources. These requirements are in accordance with the council's adopted Interim Planning Statement on Sustainable Design and Construction.

ACCESS AND HIGHWAY SAFETY

4.19 The council's highways officers have no objection to the principle of the site being redeveloped for housing, nor to the location of the access. If planning permission were to be granted details of the access, pedestrian footways, turning space, parking layout and cycle storage should be made conditions of approval.

4.20 The increase in vehicle movements is unlikely to have a significant impact on traffic levels in the area, congestion or highway safety. Network Rail have no objection to application or the location of the access.

ECOLOGY AND BIO-DIVERSITY

4.21 The overgrown site provides very good habitat, particularly for nesting birds. Because of this, if planning permission were to be approved any clearance of vegetation as a consequence of the development should be carried out outside of the bird nesting season (1st March to 31st August inclusive). This should be made a condition of approval.

4.22 There are excellent foraging and roosting opportunities for bats in the Strensall area and some within the site itself, particularly to the front (east) of the site. If planning permission were to be approved provision should be made within the buildings to accommodate bats and to further increase the wildlife value of the area. This should be covered by a condition. Suitable measures could include the use of special bat bricks, tiles or bat boxes, which could be easily incorporated into the designs of the new building.

ARCHAEOLOGY

4.23 The site is on the periphery of a medieval village, close to the manor house and the church. The area has not been the subject of any significant recent archaeological investigations. Historic environment records indicate that there is potentially a widespread and well developed late prehistoric and Romano-British landscape in this area. It is probable that features relating to this landscape would be preserved within the application site. If planning permission were to be granted a detailed archaeological watching brief should be carried out on all groundworks associated with the development. This should be made a condition of approval.

DRAINAGE

4.24 The site is in flood zone 1 and should not suffer from river flooding. The application includes a drainage statement, which states that surface water discharge would be restricted 70% of the existing discharge. This accords with PPS25 and the council's standards (in agreement with the Environment Agency and Foss IDB). As

this is an outline application the applicant is not expected, at this stage, to design the drainage works for the development. Nevertheless, they are required to demonstrate that the required drainage works are capable of being provided. The applicant has demonstrated this to the satisfaction of the council. If planning permission were to be granted a condition should be attached requiring drainage details to be submitted for approval.

4.25 Residents are concerned that existing sewerage problems in the area would increase if the application were allowed. Such 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.

AFFORDABLE HOUSING

4.26 The site is above the urban area threshold of 0.3ha and therefore 25% affordable housing is required in accordance with the interim affordable housing targets approved by the council's Executive in December 2010. These targets are set in line with the Affordable Housing Viability Study (2010). The 25% requirement equates to the provision of three affordable dwellings within the development plus a financial contribution towards the provision of two further units off-site. Applications that do not meet these targets need to be accompanied by a viability appraisal, which robustly demonstrates why the target is not viable. The application states that only two of the units would be affordable. Whilst discussions with the developer are at a fairly early stage the applicant has not given any commitment to provide a third unit or to make the required financial contribution. Nor has the applicant provided, to date, a viability appraisal. In the absence of such agreement the non-provision of a commitment to provide affordable housing should be included as a reason for refusal.

PUBLIC OPEN SPACE

4.27 The development would require a financial contribution for the provision of public open space in accordance with policy L1 of the Draft Local Plan. The amount of the contribution would depend on the number of bedrooms and the number of units and would be secured by a condition of approval and a section 106 agreement. To date the applicant has not agreed to make a financial contribution. Absence to such agreement should therefore be included as a reason for refusal.

EDUCATION

4.28 The development would also require a financial contribution towards the provision of education in accordance with policy ED4 of the local plan. For the current proposal the amount of the contribution would be £35,117. This would be secured by a condition of approval and a section 106 agreement. To date the applicant has not agreed to make a financial contribution. Absence to such agreement should therefore be included as a reason for refusal.

5.0 CONCLUSION

5.1 The application is considered to be unacceptable due to impact on the character of the area, neighbour amenity and the adverse effect on protected trees. In addition, the applicant has made no formal commitment to provision neither of affordable housing or to make financial contributions towards open space or education.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The Local Planning Authority considers that the proposal is unacceptable due to the location, size, height and distribution of buildings along the north side of the development, which would have an overbearing and over-dominant impact on the amenity and outlook of the occupiers of adjacent residential properties. Thus it would conflict with Central Government advice on design contained within Planning Policy Statement 1 (Delivering Sustainable Development) and policies GP1 (Design) and GP10 (Subdivision of Gardens) of the City of York Draft Local Plan.

2 The Local Planning Authority considers that the proposal is unacceptable due to the density of development and the location, size, height and distribution of buildings, which would be unduly harmful to the character and appearance of the area. Thus it would conflict with Central Government advice on design contained within Planning Policy Statement 1 (Delivering Sustainable Development) and policies GP1 (Design) and GP10 (Subdivisions of Gardens) of the City of York Draft Local Plan.

3 It is considered that the development would be likely to result in the removal of a number of trees that are subject to a Tree Preservation Order, without providing adequate compensation. The density of the development and the arrangement of the proposed dwellings are likely to have a long term detrimental impact on the remaining protected trees due to construction operations and alterations to growing conditions. In addition, the development is likely to result in pressure for protected trees to be felled, or periodically reduced due to dominance, shading, seasonal fall et al. Such tree surgery and/or loss of trees would have a significant detrimental impact on the character and appearance of the area, contrary to policy NE1 (Trees, Woodlands and Hedgerows) and GP10 (Subdivision of Gardens) of the City of York Draft Local Plan.

4 The application does not include a formal commitment by the applicant, under Section 106 of the Town & Country Planning Act, to make a financial contribution towards the provision of public open space or alternative arrangements, contrary to Policy L1c (Provision of New Open Space in Development) of the City of York Draft Local Plan.

5 The application does not include a formal commitment by the applicant, under Section 106 of the Town & Country Planning Act, to make provision for affordable

housing contrary to national advice contained within Planning Policy Statement 3 (Housing) and policy H2a (Affordable housing) of the City of York Draft Local Plan as amended by the Executive decision of City of York Council on 14 December 2010.

6 The application does not include a formal commitment by the applicant, under Section 106 of the Town & Country Planning Act, to make a financial contribution towards the provision of education, contrary to Policy ED4 (Developer Contributions Towards Educational Facilities) of the City of York Draft Local Plan.

Contact details:

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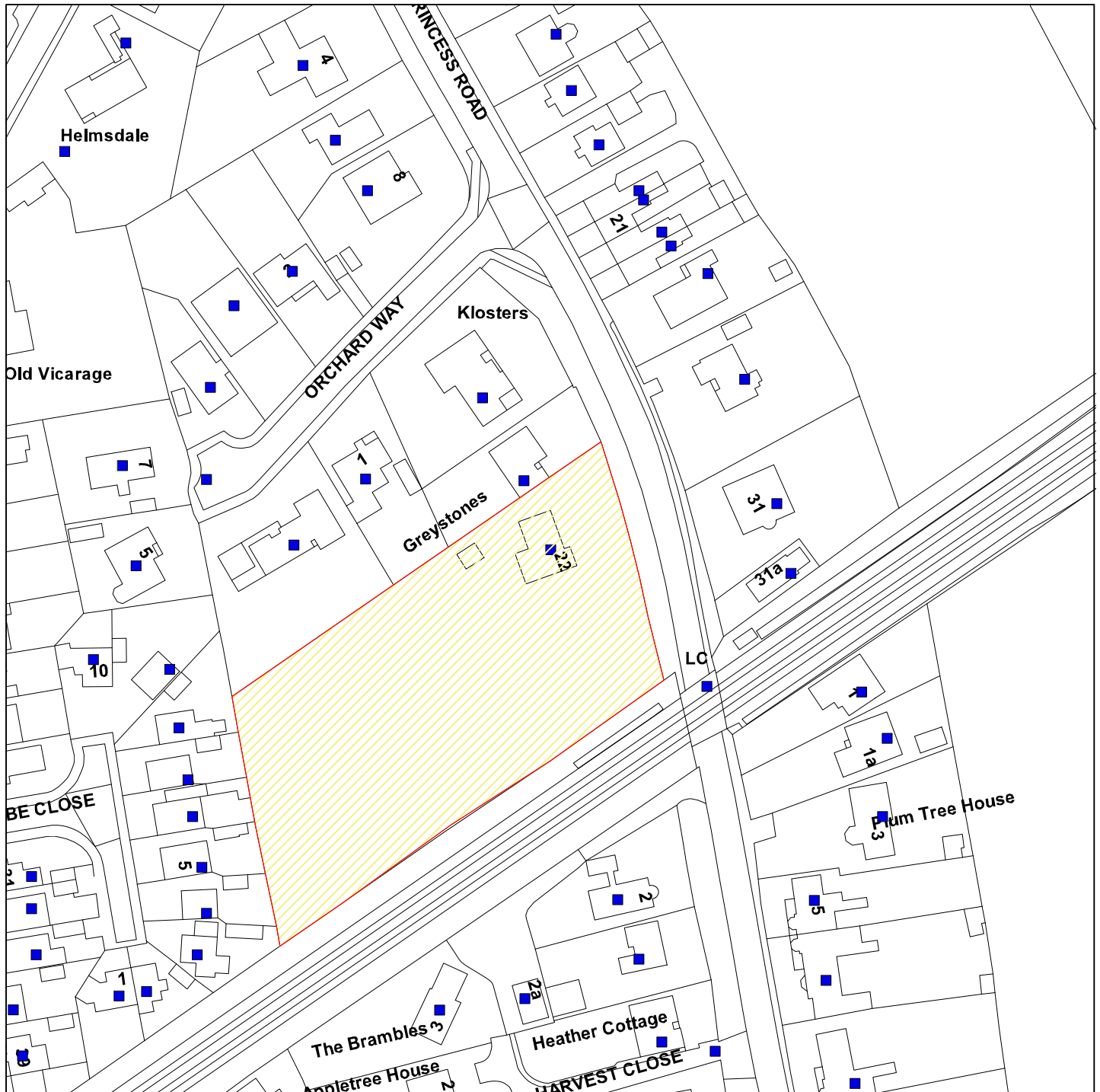
Tel No: 01904 552830

Bonneycroft, 22 Princess Road, Strensall

11/00606/OUTM



GIS by ESRI (UK)



Scale : 1:1250

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

COMMITTEE REPORT

Date: 9 June 2011 **Ward:** Clifton
Team: Major and Commercial **Parish:** Clifton Planning Panel
Team

Reference: 11/00586/FUL
Application at: 12 Feversham Crescent York YO31 8HQ
For: Change of use from residential dwelling (use class C3) to house in multiple occupation with single storey rear extension and external alterations
By: Mr David Race
Application Type: Full Application
Target Date: 20 May 2011
Recommendation: Refuse

1.0 PROPOSAL

1.1 This application site lies off Wigginton Road on Feversham Crescent in Clifton. This large Victorian two and a half storey building forms part of the existing terrace along Feversham Crescent.

1.2 It is proposed to change the use of the existing 6 bedroom dwelling to a House in Multiple Occupation comprising 7 bedrooms. Consent has also been sought to erect a single storey rear extension and to carry out external alterations to the frontage of the building. The extension would measure 2.4m x 2.8m with an overall height of 3.9m.

1.3 A material change of use would take place in this instance by virtue of the number of bedrooms proposed to be used for HMO purposes (7 in total). As such the proposed change of use requires planning permission.

1.4 The application has been called into committee by Cllr King due to the loss of a family home and the car parking implications.

RELEVANT PLANNING HISTORY

1.5 No relevant planning history.

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:

CYH8
Conversion to flats/HMO/student accom

CYT4
Cycle parking standards

CYGP1
Design

3.0 CONSULTATIONS

3.1 Neighbours consulted and site notice posted. Consultation expired on 19 May 2011. 7 letters of objections received expressing the following concerns:

- Of the 22 properties along Feversham Crescent 14 of which are already in multiple occupancy. This application would bring the total to 15.
- the high proportion of multiple occupation properties along Feversham Crescent would further undermine the residential nature of the area.
- there is already a severe shortage of parking spaces for an already oversupply of permits. The proposal would exacerbate the situation further.
- the proposal would add additional pressure on the parking enforcement service
- the proposal would result in the loss of another large family dwelling.
- works relating to the proposal has already begun.
- the introduction of another House in Multiple Occupation along Feversham Crescent would cause many difficulties and problems with uncollected waste and general litter, parking problems, noise and nuisance, and other amenity issues.
- the proposal would compromise the visual appearance and amenity of the area.
- the proposal would result in the loss of tax revenue for the Council.
- the proposed UPVC and plastic mullion windows and over proportioned trickle vents are out of character with the existing properties in the area which is largely of traditional Victorian character.
- there is a lack of provision for the storage and collection of refuse and recycling.

3.2 Clifton Planning Panel consulted. Response received on 9 May 2011:

- A number of concerns have been raised locally in respect of its effect on the character of the street to the detriment of existing residents and that it would be in conflict with the principles set out in the Council's Draft Development Plan.
- The reservations of Highway Network Management are also noted.
- Under these circumstances this application should be refused.

3.3 Highway Network Management consulted. Response received on 26 April 2011:

- The Resident Parking Zone at 12 Feversham Crescent is oversubscribed;
- the proposed change of use would result in further unacceptable pressure;
- There are limited community parking bays available for houses of multiple occupation and it would therefore be appropriate to remove this site from qualification for inclusion within that zone.
- This will mean that the occupants of the dwelling will not be eligible to apply for permits for either personal or visitor use and thus the parking scheme will not be placed under further pressure.

- If approval is given amendment to the zone will be processed under The Road Traffic Regulation Act 1984. The associated costs of undertaking such amendments will be sought from the applicant.
- As such confirmation should be received in writing from the applicant confirming they will fund the removal of the property from the Residents Parking Zone. This is likely to cost £1,500.
- The proposed plans do not show any cycle parking.
- The City of York Council's Parking Standards stipulate that a minimum of 1 cycle parking space per unit should be provided for a house of multiply occupation.
- It is therefore considered necessary for the applicant to provide 7 cycle parking spaces, which are covered and secure.
- It would be difficult for highway officers to support this application if cycle parking is not provided.

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 create conditions prejudicial to highway safety.

4.2 Policy H8 of the City of York Draft Local Plan states, amongst a list of criteria, that planning permission will only be granted for the conversion of a dwelling to House in Multiple Occupation (HMO) where there are adequate off and on street parking and cycle parking is incorporated, and that the proposed conversion would not create an adverse impact on neighbouring residential amenity particularly through noise disturbance or residential character of the area by virtue of the conversion alone or cumulatively with a concentration of such uses.

4.3 12 Feversham Crescent is a large Victorian two-and-a-half storey terraced property containing 6 bedrooms. Most of the properties along Feversham Crescent were built in the same period. Given the overall size of the internal floor space within the property and the spaciousness of the habitable rooms it is considered that this terraced property can be reasonably converted to a House in Multiple Occupation consisting of 7 bedrooms without compromising the living conditions and amenity of the future occupiers.

4.4 Notwithstanding the above, it is noted that Feversham Crescent is situated within Residential Parking Zone R28, which is currently oversubscribed. Given the number of individual occupants relating to this HMO proposal (7 in total) it is considered that the proposed change of use would further exacerbate the demand for parking spaces within the Residential Parking Zone to an unacceptable level. Whilst this can be addressed by removing the application site from the parking zone, and thereby future occupiers will not be eligible to apply for permits, it is not considered that a large HMO property without any parking space is neither realistic nor acceptable, albeit the site is situated within walking distance from York City Centre. Furthermore a large HMO property capable of accommodating 7 individual occupants without parking provision is likely to give rise to unauthorised parking which would be difficult to enforce against especially during the evenings. It would also require constant monitoring, which would be difficult to carry out especially during the weekends and Bank Holidays. Equally a permission which relies heavily on the landlord to control

unauthorised parking (given the risk associated with having the HMO licence revoked) is unsustainable in the long term. In any case such action is outside planning control and cannot be secured by planning condition.

4.5 Given the above it is not considered that the recommendation put forward by both Highway Network Management and the applicant's agent is feasible in this instance. This application must therefore be assessed based on the existing arrangement, which is that the property is situated within Residential Parking Zone R28 and that by allowing the development the proposal would unacceptably prejudice the parking availability within Residential Parking Zone R28 to the detriment of the living conditions and amenities of local residents, contrary to policy H8 of the City of York Draft Local Plan.

4.6 The second concern relates to the lack of cycle parking proposed as part of the scheme. Policy T4 of the City of York Draft Local Plan, which refers to Appendix E "Car and Cycle Parking Standards" sets out the minimum cycle parking standards for different types of development. Appendix E stipulates that a minimum of 1 cycle parking space per unit should be provided for a house in multiple occupation. It is therefore necessary for the applicant to provide 7 cycle parking spaces, which are covered and secured. The above requirement accords with the national planning policies set out under criterion 7, paragraph 50 of Planning Policy Guidance no.13 "Transport".

4.7 The submitted plans do not show any cycle parking. Whilst normally in this situation the cycle parking requirement can be imposed by condition it is not considered, having taken into account of the size of the enclosed yard area, the proposed internal floor space within the building, and the gaps required between cycle stands that a total of 7no. covered and secured cycle parking spaces can be provided within the site without harming the living conditions and amenity of future occupiers. As such, and having taken into account of the above, it is considered that the development proposal is contrary to Policy T4 of the City of York Draft Local Plan and criterion 7, paragraph 50 of Planning Policy Guidance no.13 "Transport".

4.8 On the subject of the disproportionate level of HMOs along Feversham Crescent, there is no direction or guidance published by the Central Government regarding the upper limit of HMOs that should be allowed on a particular street or within a locality. Furthermore, until the Article 4 Direction relating to HMOs in York comes into force next year, the use of a dwelling-house for multiple occupation may not, in some cases, require planning permission under current 'permitted development' rights. In view of the above, limited weight can be attached to the issue concerning disproportionate number of HMOs as a reason for refusal (for HMOs which require planning permission). For the same reason issues concerning the loss of a family home carries limited weight.

4.9 Given the nature of the proposed change of use and the fact that this property can revert back to a dwellinghouse at any time it is not considered that the proposal constitutes the loss of a dwelling-house, and as such Policy H9 of the Draft Local Plan carries limited weight in this instance.

OTHER MATERIAL CONSIDERATIONS

4.10 SINGLE STOREY EXTENSION – a single storey extension is proposed within the yard area. Given its scale and positioning in relation to the adjoining properties it is considered that the proposed extension would not be unduly harmful. The design and appearance of the extension is considered to be acceptable.

4.11 FENESTRATION DETAILS - The application site is outside the conservation area and the property in question is not a listed building. As such it is not considered that a condition requiring conservation style windows to be used can be imposed if planning permission is granted.

4.12 For the purpose of assessing the merits of a planning application issues concerning Council tax revenue is not a material consideration.

4.13 STATUTORY NUISANCES – Whilst issues concerning noise, litter and other statutory nuisances are a cause for concern in areas with high concentration of HMOs, it is not appropriate to assume that these concerns would necessarily materialise by virtue of the proposed change of use. It is considered that the yard area is sufficiently large for refuse and recycling waste to be stored within the application site.

5.0 CONCLUSION

Due to the concerns in relation to car and cycle parking as outlined above, this application is recommended for refusal.

6.0 RECOMMENDATION: Refuse

1 The application site is situated within Residential Parking Zone R28, which is currently oversubscribed in terms of the number of parking, permit holders. Given the number of occupants associated with the proposed House in Multiple Occupation (7 in total) it is considered that the proposal would unacceptably prejudice the availability of parking within Residential Parking Zone R28 to the detriment of the amenity of local residents, contrary to Policy H8 of the City of York Draft Local Plan.

2 The plans submitted with the application do not show any provision for cycle parking. Having taken into account the size of the enclosed yard area, the proposed internal floor space within the building, and the gaps required between cycle stands, it is not considered that a total of 7no. covered and secured cycle parking spaces can be provided within the site without harming the living conditions and amenity of future occupiers. As such, the proposal is contrary to Policy T4 of the City of York Draft Local Plan and criterion 7, paragraph 50 of Planning Policy Guidance no.13 “Transport”.

Contact details:

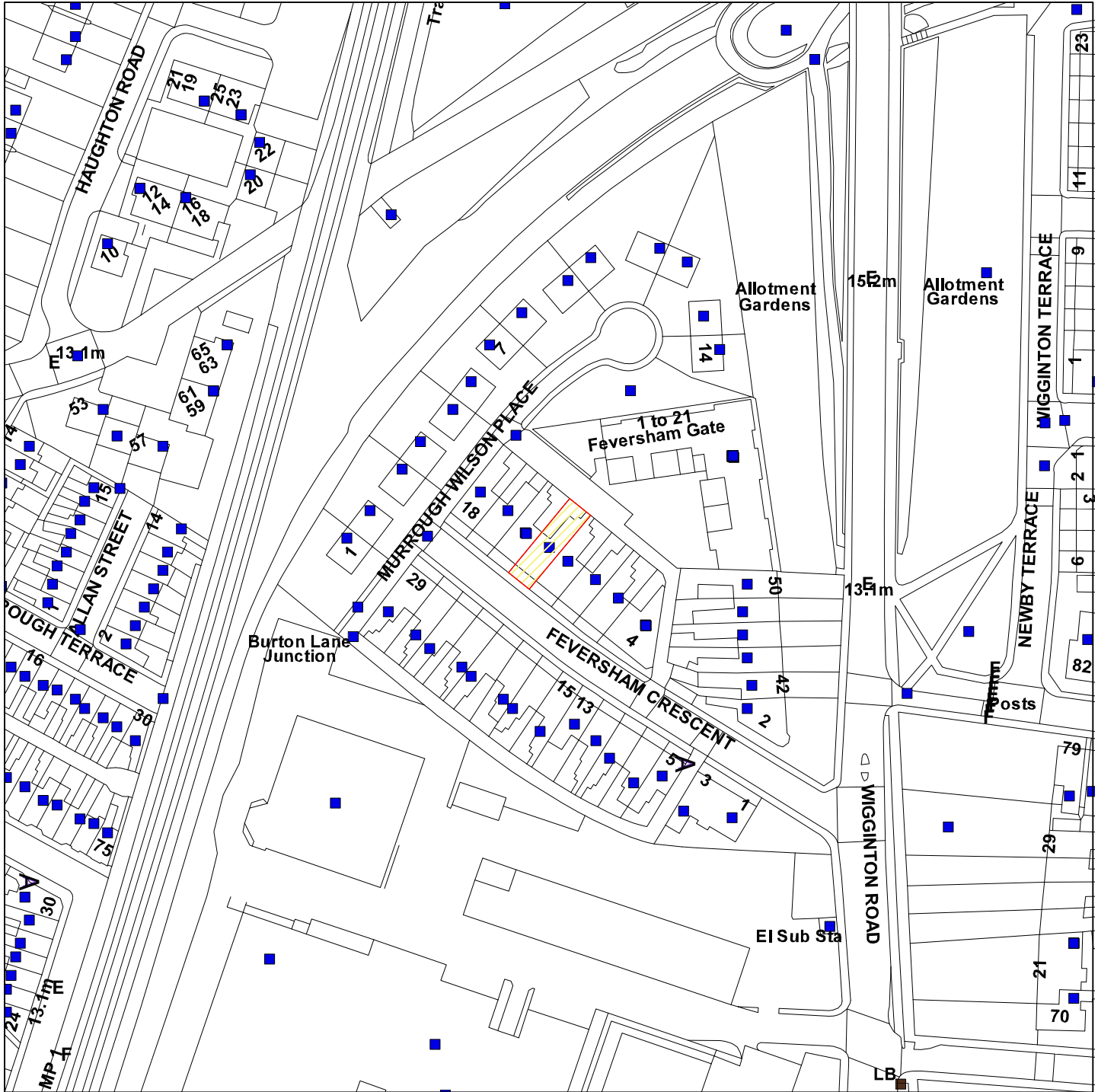
Author: Billy Wong Development Management Officer
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12 Feversham Crescent

11/00586/FUL



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

COMMITTEE REPORT

Date: 9 June 2011 **Ward:** Skelton, Rawcliffe, Clifton Without
Team: Householder and Small Scale Team **Parish:** Clifton Without Parish Council

Reference: 11/00918/FUL
Application at: 19 Arlington Road York YO30 5GF
For: Single storey rear extension
By: Mr Richard Emmerson
Application Type: Full Application
Target Date: 22 June 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 The application property is a semi-detached two-storey house located on a modern suburban housing estate. It is proposed to remove the existing conservatory at the rear of the property and replace it with a brick built extension. The depth of the extension would be approximately the same as the existing conservatory (3.5m), however it would be slightly wider.

1.2 The application is brought to Committee for determination, as the applicant is an employee of the 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:

CYH7
Residential extensions

CYGP1
Design

3.0 CONSULTATIONS

3.1 Internal

None

3.2 External

Panel - No reply received.

Neighbours - No responses received.

4.0 APPRAISAL

4.1 The key issues in assessing the proposal are:

- The impact on the amenity and living conditions of neighbours
- Parking and cycle/bin storage

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.

4.5 Impact on the amenity and living conditions of neighbours

Number 17 Arlington Road is detached from the application property. The conservatory would be approximately 4 metres from the side garden boundary of the property. This is sufficient distance to avoid harm in respect to light or outlook. No windows are proposed on the side elevation.

Number 21 Arlington Road is attached to the application property. Number 21 also has an existing 3.5m deep rear conservatory. The proposed extension is a slightly taller than the conservatory located at number 19, however, it is not considered that any additional loss of light will cause significant harm. The extension is located to the north of number 21 so will cut out little direct sunlight.

4.9 Impact on parking and storage

The proposed extension will not impact on car parking or cycle storage. There is adequate garden space remaining within the curtilage of the site.

5.0 CONCLUSION

5.1 The proposed development is modest in scale and will have limited impact upon neighbours living conditions. It is considered that the proposal complies with Policies GP1 and H7 of the City of York Draft Local Plan and hence is recommended for approval.

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:-

Drawings received by the Local Planning Authority on 13 May 2011 with dimensions of 3.5m (depth), 5.2m (width) and 3.5m (ridge height).

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 amenity and living conditions of adjacent residents. 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

19 Arlington Road, YO30 5GF

11/00918/FUL



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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	27 May 2011
SLA Number	Not Set

COMMITTEE REPORT

Date: 9 June 2011 **Ward:** Hull Road
Team: Householder and Small Scale Team **Parish:** Hull Road Planning Panel

Reference: 11/00830/FUL
Application at: 42 Tuke Avenue York YO10 3RN
For: Single storey side and rear extension
By: Mr W Collins
Application Type: Full Application
Target Date: 13 June 2011
Recommendation: Approve

1.0 PROPOSAL

THE SITE:

1.1 The application site is a modest two storey terraced dwelling situated on the end of a block of four properties. The surrounding neighbourhood is characterised by identical style dwellings, constructed with matching brick and roof tiles and are positioned behind a prominent straight building line with modest front gardens. The dwelling by virtue of its end position incorporates a side driveway providing access to a generous rear garden.

THE PROPOSAL:

1.2 Planning permission is sought to erect a single storey pitched roof side and rear extension for the purposes of creating an additional bedroom and en-suite facilities. The extension would project 3.5 metres from the rear of the dwelling and extend out to the side by 1.13 metres, with a small wraparound element. The total height would be approximately 3.3 metres reducing to approximately 2.3 metres at the eaves height. A revised plan has been submitted on 26th May 2011 (drwg no SE-607), which indicates that an existing detached prefabricated garden shed would remain in the rear garden adjacent to the shared boundary.

PROPERTY HISTORY:

1.3 No relevant property history

1.4 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 (1) 0003

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

3.1 Internal

None.

3.2 External

Hull Road Planning Panel - No objections

3.2.3 No response to neighbour consultation letters - date expired 12.05.11 - no comments received.

4.0 APPRAISAL

4.1 KEY ISSUES:

Impact on the existing dwelling.
Impact on neighbours.
Permitted Development.

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 extension 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 (1.12) Good design and a scale of development that respects the original dwelling and established pattern of development are essential to making a quality extension.

VISUAL AMENITY:

4.5 The extension on the side elevation would occupy part of the area between the existing dwelling and side boundary. In terms of appearance the proposal would be set back from the principal elevation by approximately 6.3 metres and would retain a distance of 0.9 metres between the extension and the shared driveway with the adjacent property at 40 Tuke Avenue. This would allow access to the rear, where there is a detached prefabricated garden shed, which would be ample to store cycles and bins. The extension would project beyond the rear elevation into a large enclosed rear garden by approximately 3.5 metres adjacent to the property at 44 Tuke Avenue. The proposal would be constructed using matching materials; therefore the proposal is unlikely to detract from the character and appearance of the area. It is also the case that a slightly smaller extension with a depth of 3.0 metres would fall within permitted development limits.

RESIDENTIAL AMENITY:

4.6 The adjacent dwelling at no 40 Tuke Avenue is separated from the proposal by the existing single driveway, which is marked by a 1.8 metres wooden fence. The proposed extension is single storey, with an acceptable reduction at eaves level, and its pitched roof would be largely viewed against the existing house. The proposed window in the side elevation would serve en-suite facilities and thus would be obscured glazed. The extension at the rear on the boundary shared with the dwelling at 44 Tuke Avenue would project a distance of 3.5 metres with no side facing windows. This property would be separated from the extension by a full brick wall of over 2.0 metres in height screening the neighbours' primary windows and living areas. The boundary treatment continuing further along the shared boundary consists of a 1.8 metres wooden fence. On this basis, it is considered that the proposal is acceptable in terms of size and scale and would not cause undue harm to the living conditions of nearby neighbours. Thus the proposal would comply with policies H7 (Residential Extensions) and GP1 (Design) of the Draft Local Plan.

5.0 CONCLUSION

The proposal will be visible from public areas, however the applicant intends to use materials that match the existing dwelling and it is considered that the extension would have a satisfactory appearance in the street scene. Due to its scale, it would not appear unduly overbearing or give rise to any unreasonable loss of amenity to adjoining residents as a result of unreasonable overshadowing or loss of light. Approval is recommended.

6.0 RECOMMENDATION: Approve

- | | | |
|---|--------|--------------------------------------|
| 1 | TIME2 | Development start within three years |
| 2 | PLANS1 | Approved plans - Drwg No SE-607 |
| 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 and living conditions of adjacent occupiers and the impact on the streetscene. 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.

2. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available from City Strategy at 9 St Leonard's Place or at:

<<http://www.communities.gov.uk/publications/planningandbuilding/partywall>>

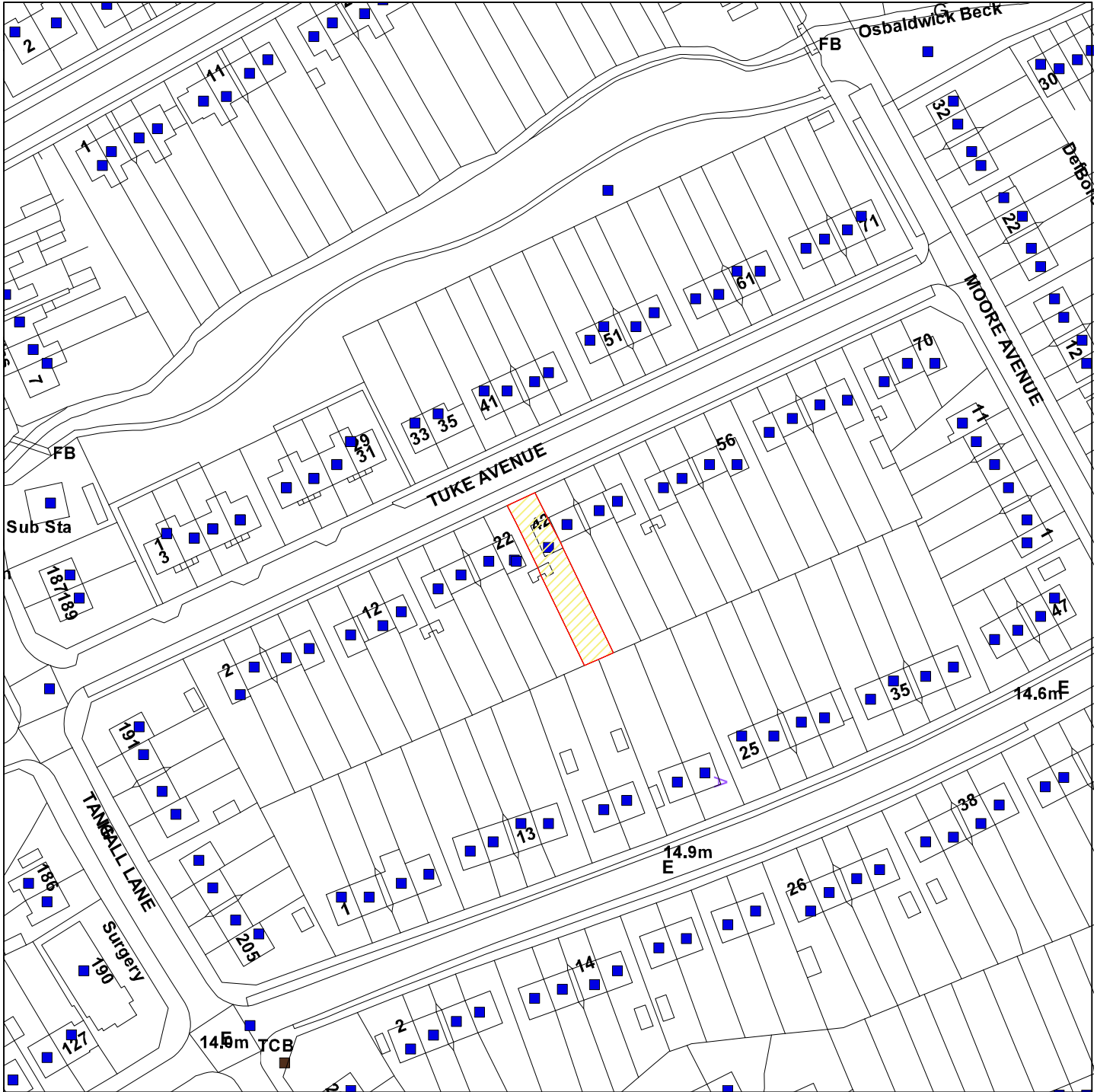
Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

Contact details:

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Tel No: 01904 551359

42 Tuke Avenue

11/00830/FUL



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