



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

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

Date: Thursday, 11 August 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 - 15)

To approve and sign the minutes of the last meeting of the Sub-Committee held on **7 July 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 10 August at 5.00 pm**.

4. Plans List

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

a) **The Pupil Support Centre, Danesgate, (Pages 16 - 25)
Fulford Cross, York. YO10 4PB
(11/01071/GRG3)**

This application is for the siting of a mobile temporary classroom unit with an external access ramp, at the Pupil Support Unit at Danesgate.

This application has been called in for determination by the East Area Planning Sub-Committee by Cllr D'Agorne due to the lack of information regarding sustainability, travel plan and drainage, concerns regarding misleading information in relation to pupil numbers on the site and because no indication of the length of time the unit would be sited at the centre has been provided. [Fishergate] **[Site Visit]**

b) **Site to the East of Vue Cinema, Stirling Road, York. (Pages 26 - 40)
(11/00620/OUT)**

This application seeks outline planning permission for the erection of a 70 bed hotel on the eastern edge of the Vue Cinema car park at Clifton Moor. The hotel would also include an integral restaurant and bar.

This application has been brought before East Area Planning Sub-Committee at the request of Cllr. Wiseman on the grounds of loss of car parking and impact on the character of the area. [Skelton, Rawcliffe and Clifton Without] **[Site Visit]**

c) **Vue Cinema Stirling Road York YO30 4XY (Pages 41 - 57)
(11/00516/FUL)**

This application seeks planning permission to erect a restaurant on land within the Vue Cinema car park at Clifton Moor.

This application has been brought before East Area Planning Sub-Committee at the request of Cllr. Wiseman on the grounds of loss of car parking and impact on the character of the area. A site visit is recommended in order to appreciate the objections of local residents. [Skelton, Rawcliffe and Clifton Without] **[Site Visit]**

**d) 62 Brockfield Park Drive, Huntington, (Pages 58 - 68)
York. YO31 9ER (11/01473/FUL)**

This application seeks planning permission for a change of use from a shop (Class A1) to a hot food takeaway (Class A5). The application site is 62 Brockfield Park Drive which is a single storey retail unit set within a small parade of shops in Huntington.

This application has been brought before the Committee due to the volume of correspondence received from local residents and the fact that the previous application was also determined by Committee. [Huntington/New Earswick] **[Site Visit]**

**e) Former Piggeries, Rear Of Willow Court, (Pages 69 - 85)
Main Street, Holtby, York. (11/00585/FUL)**

This application seeks planning permission to erect four detached houses on land to the rear of Willow Court in Holtby.

This application is being referred to the Committee for a decision at the request of Cllr Jenny Brooks on the grounds of public interest. A site visit is recommended in order to establish the potential impact that a new housing scheme would have on the Green Belt and also to consider the sustainability of the site for residential development. [Derwent] **[Site Visit]**

**f) 19 Bramley Garth, York. YO31 0NQ (Pages 86 - 91)
(11/00927/FUL)**

This application seeks planning permission to replace an existing rear conservatory wall and roof.

This application has been brought before East Area Planning Sub-Committee as the applicant is an employee of the City of York Council. [Heworth Without]

**g) Fantasy World, 25 Main Street, Fulford, (Pages 92 - 108)
York. YO10 4PJ (11/00523/FUL)**

This application is for the conversion of a shop to 9 bedroom house in multiple occupation (HMO) along with proposed alterations to the building; including replacement of shop frontage and insertion of new windows/doors, alterations and extension to the existing garage for use as self-contained dwelling and provision of vehicle parking area within rear garden.

The application has been called-in to Committee by the Ward Member, Councillor Aspden due to; the change of use from a local business to accommodation, a lack of parking and amenity space for 11 bedrooms plus garage conversion, a particularly narrow access point and that an additional 11-bed HMO will not maintain the community balance in Main Street. [Fulford] **[Site Visit]**

**h) 25 Derwent Road, York. YO10 4HQ (Pages 109 - 113)
(11/01547/FUL)**

This application seeks permission for the erection of a two-storey pitched roof front extension, to provide enlarged hallway, study and bathroom. A matching brick and tile construction is proposed, including a large feature window to the first floor front elevation.

The application has been brought to Committee for a decision as the applicant is an employee of City of York Council. [Fishergate]

**i) 6 Dairy Farm Court, Main Street, (Pages 114 - 121)
Fulford, York. YO10 4PN
(11/00993/FUL)**

This application is for a single storey side extension at 6 Dairy Farm Court.

The application has been called in for determination by the East Area Planning Sub-Committee by Councillor Keith Aspden as he feels the development has very limited space and is an overdevelopment of a small courtyard and that there is already limited parking and amenity space for the number of flats and households in the area. [Fulford] **[Site Visit]**

**j) 7 Dairy Farm Court, Main Street, Fulford, (Pages 122 - 129)
York. YO10 4PN (11/00925/FUL)**

This application is for a single storey rear side extension at 7 Dairy Farm Court.

The application has been called in for determination by the East Area Planning sub-Committee by Councillor Keith Aspden for the same reasons given for the application at 6 Dairy Farm Court. [Fulford] **[Site Visit]**

**k) 14 New Walk Terrace, York. YO10 4BG (Pages 130 - 138)
(11/01296/FUL)**

This application is a resubmission of a previous application (ref: 11/00099/FUL), refused under delegated powers on 9th March 2011. Planning permission is sought for the installation of 12 solar photo voltaic panels grouped as one unit measuring approx: 4.83 metres wide and 3.44 metres long on the rear roof slope of the property.

This application has been brought before East Area Planning Sub-Committee at the request of Councillor Taylor as it is an individual application but the wider context for the installation of solar panels in the City's Conservation Areas and on listed buildings needs to have some discussion by Members and for a local understanding of policy to emerge. [Fishergate] **[Site Visit]**

**l) 14 New Walk Terrace, York. YO10 4BG (Pages 139 - 146)
(11/01298/LBC)**

This listed building application is a resubmission of a previous (ref: 11/00098/LBC) refused under delegated powers on 9th March 2011. Planning permission is sought for the installation of 12 solar photo voltaic panels grouped as one unit measuring approx: 4.83 metres wide and 3.44 metres long on the rear roof slope of the property.

This application has been brought before East Area Planning Sub-Committee at the request of Councillor Taylor for the same reasons as the other application at 14 New Walk Terrace being considered by the Committee. [Fishergate] **[Site Visit]**

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

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

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EAST AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 10 August 2011****Members of the Sub Committee to meet at Union Terrace Car Park
at 10:00**

TIME (Approx)	SITE	ITEM
10:10	Vue Cinema, Stirling Road (2 applications)	4b) and c)
10:40	62 Brockfield Park Drive	4d)
11:15	Willow Court, Holtby	4e)
11:50	Dairy Farm Court, Fulford (2 applications)	4i) and j)
12:10	Fantasy World, 25 Main Street, Fulford	4g)
12:35	Danesgate Support Centre, Fulford Cross	4a)
13:10	14 New Walk Terrace, Fishergate	4k) and l)

City of York Council

Committee Minutes

MEETING EAST AREA PLANNING SUB-COMMITTEE

DATE 7 JULY 2011

PRESENT COUNCILLORS WISEMAN (CHAIR), DOUGLAS (VICE-CHAIR), KING, FITZPATRICK, FUNNELL, MCILVEEN, WATSON, HYMAN, ORRELL (SUBSTITUTE FOR COUNCILLOR FIRTH) AND WARTERS (EXCEPT FOR MINUTE ITEM 9B)

APOLOGIES COUNCILLOR FIRTH

Site	Attended by	Reason for Visit
Plot 5, Monks Cross Drive.	Councillors Douglas, McIlveen, Warters, Watson and Wiseman	To familiarise Members with the site.
5 Millfield Court, Millfield Lane	Councillors Douglas, McIlveen, Watson and Wiseman.	To familiarise Members with the site as the Officer's recommendation was for refusal.
York Designer Outlet, St Nicholas Avenue.	Councillors Douglas, McIlveen, Watson and Wiseman.	To familiarise Members with the site and to appreciate the concerns of local residents.
York Cricket and Rugby Union Football Club, Shipton Road.	Councillors Douglas, King, McIlveen, Warters, Watson and Wiseman.	To familiarise Members with the site.

5. 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.

Councillors Hyman and Orrell declared personal non prejudicial interests in Agenda Item 5a) Plot 5, Monks Cross Drive as they had met with the agent and the applicant but had not expressed opinions about the application.

Councillor Warters declared a personal and prejudicial interest in Agenda Item 5b) 5 Millfield Court, Millfield Lane following an “animated” discussion he had with the applicant’s architect. He withdrew from the meeting during the consideration of the item.

No other interests were declared.

6. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the Members of the Press and Public be excluded from the meeting during the consideration of Annex A to agenda item 6 (Enforcement Cases Update) (Minute 10 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.

7. 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.

8. MINUTES

RESOLVED: That the minutes of the East Area Planning Sub-Committee held on 9 June 2011 be approved and signed by the Chair as a correct record.

9. 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.

**9a Plot 5, Monks Cross Drive, Huntington, York.
(11/00658/FULM)**

Members considered a full major application from Cloverleaf Restaurants Limited for the erection of a part two storey restaurant, part single storey public house with associated residential and staff accommodation, car parking and landscaping.

In their update to Members, Officers stated that the description of the application should be altered to “the erection of a two storey building to provide amenity restaurant/public house at ground floor with first floor ancillary residential and staff accommodation and associated car parking and landscaping”. It was reported that Highways Network Management raised no objections to a revised plan submitted by the applicant, which showed car parking reduced to 81 spaces. There would also be an overspill area which would be surfaced differently to the car park, along with dedicated pedestrian and cycle routes. Officers suggested that an appropriate condition could be attached to the planning permission to ensure the reduction in car parking spaces. It was also reported that the Council’s Landscape Architect was generally satisfied with the amended plans, subject to minor alterations to some species of trees on the site.

Members questioned whether the temporary car park, as mentioned in the Officer’s report, would be retained. It was confirmed that the temporary car park would not be retained. Other Members expressed concerns about the possible effect that the new building would have on the vitality of Ryedale Stadium nearby, given that it would offer similar facilities. Officers responded that planning considerations in this case were restricted to the impact of the proposal on the vitality and viability of businesses in the city centre.

Representations in support of the application were received from the applicant. He stated how the site had been chosen as it was seen as a key business employment site, and due to his company's experience in the development of similar restaurants on business parks. He outlined that the company hoped that the new restaurant could offer other facilities such as breakfast seminars, which were not easily accessible or suitable, on or near the site. Finally he stated that the development would create seventy new jobs and that half of these would be for full time posts. The applicant also thanked Council Officers for their professional advice in the development of the scheme.

In response to a question for clarification on the use of the building for conference purposes, the applicant explained to Members that areas of the restaurant would be multifunctional to allow for business meetings to take place. The applicant added that the company already offered this service at other sites across the country. In response to a question regarding drainage, Officers confirmed that Yorkshire Water raised no objections to the application.

Members felt that the application could boost local employment and could act as a catalyst for other businesses in the area. Some Members expressed concern that the application might draw people away from other facilities in the city when looking for conference and seminar venues.

RESOLVED: That the application be approved with standard Highways Conditions 1,7,10,18,19,29,31 and 37 and additional conditions namely;

- (i) The site shall not be occupied until a Full Travel Plan has been submitted and approved in writing by the Local Planning Authority. The travel plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with advice contained in PPG13(Transport), and in policy T20 of the City of York deposit Draft Local Plan, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

(ii) No development shall commence unless and until a scheme to ensure adequate improvements to the highways and transportation system or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The improvements to the highways and transportation system shall thereafter be provided in accordance with the approved scheme or the alternative arrangements, as agreed in writing by the Local Planning Authority, prior to the first occupation of the development.

Reason: In order to address the piecemeal nature of the development within the monks cross area in accordance with the member approved Monks Cross masterplan methodology for securing s.106 highway contributions and the aims of PPG13 'Transport' and PPS4 ' Planning for Sustainable Economic Growth'.

(ii) In the first planting season following the occupation of the site the landscaping scheme shown on drawing no shall be implemented to the satisfaction of the Local Planning

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

Reason: In the interest of the visual amenity of the site.

Informative: The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site. The obligation would require a financial contribution of £12,700 towards the Monks Cross masterplan

No development can take place on this site until the improvements to the highways and transportation system have been provided or the Planning Obligation has been completed and you are reminded of the Local Planning Authority's enforcement powers in this regard.

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

- Principle of development
- Design and Landscaping
- Highways, access and parking
- Ecology
- Drainage
- Sustainability

As such the proposal complies with Policies EP1a, GP1, GP4a, GP9 and NE6 of the City of York Development Control Local Plan, and national planning advice contained within Planning Policy Statement (PPS) 1: “Delivering Sustainable Development”, PPS4: “Planning for Sustainable Economic Development” and PPS13: “Transport”.

**9b 5 Millfield Court Millfield Lane York YO10 3AW
(11/00564/FUL)**

Members considered a revised application for a single storey rear extension, cycle store and conversion of garage to bedroom from Mr Alan Ellis.

Some Members questioned the reasons why the application was called in for consideration by the Committee, and also noted that it had not been called in by the relevant Ward Member. Officers confirmed that under the scheme of delegation any Member could call in a planning application for consideration by the Committee. In this particular case the reasons given for the call-in were referred to the Assistant Director, who had agreed that the application should be determined by the Planning Committee.

Officers read out a letter from the architect which stated that the timber boundary fence belonged to the neighbouring property in Burniston Grove, but that it could not have been erected without the applicant’s permission. He considered that the application was a trivial matter of no significance and that planning permission should be granted.

Representations in support of the application were received from the applicant’s architect. In his view, the visual impact on the neighbouring property was negligible, and he welcomed the application being considered by the committee following a previous refusal under the Officer’s delegation scheme.

Some Members felt that the application would impinge on the space of neighbouring properties, whereas other Members felt that that the extension was of a relatively small size.

RESOLVED: That the application be refused.

REASON: The proposed single storey extension would immediately abut the rear garden boundary of 9 Burniston Grove. Because the property has a relatively short garden the extension would be positioned approximately 7 metres from the main rear ground floor opening of that property. Notwithstanding its relatively low height, it is considered that if the development were approved it would, when combined with previous development at the site, lead to the adjoining property and garden being unacceptably enclosed and result in an outlook that would be dominated by a localised level of built development that in scale, form and proximity goes beyond what is considered to be acceptable in this location. As such the proposal conflicts with policy GP1 (criterion a, b, c and i) and H7 (criterion d and e) of the City of York Draft Local Plan (fourth set of changes) approved April 2005.

**9c York Designer Outlet, St Nicholas Avenue, York.
(11/00868/FUL)**

Members considered a full application from Mrs Maria Farrugia for the temporary siting for five years, of a public ice rink on a coach park adjacent to the York Designer Outlet.

Various documents were circulated to Members, including photographs of examples of indiscriminate parking taken by the Parish Council and a memorandum from a Highways Officer in relation to the application. These documents were subsequently attached to the agenda, which was then republished online.

In their update to Members, Officers highlighted an error in page 42 of the report at paragraph 4.5. The reference to 2 Naburn Lane should be replaced with **32 Naburn Lane**. They also suggested that if approved, condition 12, relating to times of operation of the ice resurfer be changed from 09:00 to 22:00 to **08:00 to 22:00**.

Discussion between Members and Officers took place relating to highways issues, specifically indiscriminate parking on the site and in Naburn Lane. Some Members suggested that if approved, a condition be added to planning permission relating to the management of the coach park. Other Members questioned whether such a condition could be enforced, and whether it would prevent unauthorised parking on other parts of the site.

Representations in support were received from the applicant. She outlined the hours of operation of the ice rink, stated that the event would use mains electricity and that parking for the rink would be managed by staff from the Designer Outlet. In response to concerns about traffic, she added that the majority of visitors that used the ice rink had also travelled to shop at the Designer Outlet, and that overall there did not seem to be a significant increase in traffic numbers.

Representations were received from a local resident. He expressed concerns about control of noise from the site and traffic management, specifically parking. He felt that even though there had been previous noise problems with the electrical generator, the use of mains electricity would still not mask the noise of music on the site. He suggested that if Members were minded to approve the application, that generators should only be used in an emergency situation. The resident suggested that if the application was approved parking on the verges of Naburn Lane should be monitored closely to reduce possible danger to highway users.

Representations in objection were received from another local resident. He expressed his concerns about light and noise disturbance, and the affect that this had on his right to privacy, due to the proximity of the site to his property.

Representations were received on behalf of Fulford Parish Council. They referred to the location of the site in the Green Belt and questioned whether the facilities associated with the ice rink were desirable rather than essential. She also considered that the additional structures amounted to operational development, and that as such, a Design and Access statement should have been submitted with the application. Additionally, the loss of the coach park would add to parking problems for local residents.

Members asked Officers about whether they had received complaints about lighting during the operation of the ice rink. They responded that there had been some complaints, but it was not deemed to be sufficient to constitute a statutory nuisance. In response to concerns about noise, Officers responded that after initial complaints, a super silent generator had been used which had addressed the problem.

In relation to parking on verges on Naburn Lane, Officers informed Members that the Police could take action if vehicles were causing an obstruction or a danger to others. Parking could be restricted by means of a Traffic Regulation Order, although this was a separate (highway) matter and could not be achieved through planning conditions.

Members queried the timing of the operation of the lights and audio system on the site. The applicant informed Members that the lighting was switched off at 10pm to allow time for cleaning to take place. It was also stated that recorded music would be switched off at 9.15 pm and that live music would only be played between 12-6pm.

Some Members suggested that back up generators should only be used in an emergency situation, such as evacuating the entire site. In relation to concerns raised by local residents about traffic and parking problems, Members requested that if the application was approved, Officers should approach the Highways Department with a view to a Traffic Regulation Order being made in Naburn Lane.

RESOLVED: That the application be approved with the following amended condition;

13. The ice resurfacer shall only be operated during the hours of 08:00 to 22:00, unless required for emergency purposes.

Reason: To safeguard the amenity of local residents

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the amenities of local residents, the impact on the openness of the Green Belt, and impact on the

local highway network and car parking. As such the proposal complies with Policies GB1, GB13, GP1 and GP23 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance Note 2 'Green Belts'.

9d York Cricket And Rugby Union Football Club, Shipton Road, Clifton, York. YO30 5RE (11/00592/FULM)

Members considered a full major application from York Cricket and Rugby Union Football Club for the variation of condition 2 of planning permission 08/01930/FULM for a new club house building to allow minor amendments to increase the floor space of phase two(members bar).

Some Members referred to objections to the application from residents which had been made on the basis of visual amenity and potential noise disturbance due to the relocation of the function room inside the club house to the front of the building. Some Members questioned whether the windows at the front of the building could remain closed during a function to decrease the impact of the disturbance.

Other Members pointed out that the Committee could not condition the use of windows in this way, as it would be a Licensing rather than Planning matter.

Officers were asked about the screening provided by trees on the site, and suggested that the applicant be made to provide a replacement tree at the entrance to the site as part of any landscaping scheme.

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 openness of the Green Belt
- the character of appearance of the Conservation Area
- neighbouring amenity; and

- car parking

As such the proposal complies with Policies GB1, GB13, GP1, GP4a and HE3 of the City of York Development Control Plan.

10. **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 the Sub-Committee.

RESOLVED: That the report be noted.

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

Cllr S Wiseman, Chair

[The meeting started at 2.00 pm and finished at 3.50 pm].

COMMITTEE REPORT

Date: 11 August 2011 **Ward:** Fishergate
Team: Major and **Parish:** Fishergate Planning
 Commercial Team Panel

Reference: 11/01071/GRG3
Application at: The Pupil Support Centre Danesgate Fulford Cross
 York YO10 4PB
For: Siting of modular double classroom with external
 access ramp (resubmission)
By: Adult Children and Education
Application Type: General Regulations (Reg3)
Target Date: 15 July 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 Planning permission is sought for the siting of a temporary mobile classroom unit at the Pupil Support Centre at Fulford Cross School.

1.2 The pupil support centre is accessed from Fulford Cross on the west side of Fulford Road. The centre is located between Maple Grove to the North and the York Steiner School to the south. The site area is approximately 0.9 ha and has within it the pupil support centre and a skills centre. The proposal is to locate a temporary 5 bay modular 2 classroom unit with toilets on the west side of the existing pupil support centre building and to construct associated fencing and pathways to link the building to existing structures and pathways.

1.3 The proposed temporary unit measures 15.1 metres by 9.6 metres with a maximum height of 3.2 metres. The proposed wire mesh fencing is located to the north and south of the building and would be 3 metres high.

1.4 There are a number of trees protected by tree preservation orders (TPO's) located within the site. The majority of these are located on the south and east of the existing buildings.

1.5 The application has been called in for determination by the East Area Planning sub-Committee by Cllr D'Agorne due to the lack of information regarding sustainability, travel plan and drainage, concerns regarding misleading information in relation to pupil numbers on the site and

because no indication of the length of time the unit would be sited at the centre has been provided.

Planning history

1.6 A previous application for the siting of a mobile unit on this site was withdrawn. The application was withdrawn to investigate locating the unit in a less visually prominent position and in a position which would not impact on existing trees covered by TPO's

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Schools Fulford Cross 0256

2.2 Policies:

CYGP1
Design

CYGP23
Temporary planning permission

CYED1
Primary and Secondary Education

3.0 CONSULTATIONS

INTERNAL

3.1 Highways Network Management - no objections

EXTERNAL

3.2 Fishergate Planning Panel - No comments received.

3.3 One letter of objection has been received covering the following points:-

- there has been no effort made to consult local residents
- insufficient parking at the site results in parking on Fulford Cross. This means that residents of Fulford Cross cannot park outside their houses in term time.
- the application is disingenuous. The school has taken on extra pupils, resulting in cramped spaces and is now applying for an extension to relieve this situation without mention of the expansion in pupil numbers.

4.0 APPRAISAL

4.1 Key issues:-

- Policy Background
- Need for the temporary unit
- Siting
- Highways, Access and Parking
- Sustainability
- Drainage

Policies of the Draft Local Plan (DLP)

4.2 Policy GP23 relates to temporary planning permissions and states such permission shall only be granted provided: there would be no loss of amenity; there is no viable permanent alternative immediately available; where appropriate plans are brought forward for permanent development; and if temporary permission is required as a trial period to allow for an assessment of the development.

4.3 ED1: Primary and Secondary Education states planning applications for new/extended education facilities will be granted permission, provided that they would a) meet a recognised need, b) are of an appropriate scale and design, c) sufficient open space and playing fields are provided, d) where facilities could also be capable of use by the community, this is incorporated into the design.

4.4 Policy GP1 'Design' includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, and ensure residents living nearby

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

Need

4.5 In support of the proposal, the applicant states that last year the Primary Behaviour Support Unit at Westfield School had to close and for this reason alternative accommodation was required. It was possible to carry out some internal reorganisation at the Pupil Support Centre at Fulford Cross to free up two rooms to enable those 5 to 11 year old pupils to continue their education in this setting. However, this is not an ideal solution and more space is required to enable teaching, learning and behaviour management to be effective and give the very vulnerable children the best opportunity. Moving the Unit to another school was thoroughly investigated but rising demand for primary places in the city meant that this was not possible. The option has therefore been taken to seek to provide the two additional classrooms on the application site as a temporary measure, providing an opportunity to establish a long term solution and find the finances that will be necessary to achieve this. The new fencing is proposed to segregate the older and younger children.

4.6 Clearly there is an immediate problem with providing adequate education facilities for this particular group of children and therefore in accordance with Policies GP23 and ED1, as there is no viable permanent alternative immediately available, a temporary consent is considered to be a reasonable way forward subject to the scheme having no impact on amenity.

Siting of the Unit

4.7 The temporary structure has been located between the main centre buildings and the nature reserve area to the west of the site. This location is well screened from public vantage points to the north and east and is viewed within the context of the existing buildings and a significant amount of tree cover from the south and west. Officers consider that overall the visual impact of the temporary unit will be limited and from the public realm there would not be an undue impact on the appearance of the area.

Landscaping

4.8 There are a number of protected trees within the site on the southern boundary. These trees are substantial and extend into the lane adjacent

to the Steiner School. In order to facilitate the craning in of the proposed unit some crown lifting work is necessary to trees on the access road and some works to the trees on the edge of the adjacent wooded area to the west of the site. The Council's Landscape Architect has confirmed that works to trees would be acceptable. From an amenity perspective the crown lifting and cutting back of the trees will not undermine their visual significance along the lane provided the works are within the parameters discussed with the Landscape Architect. A condition is proposed to ensure the details and the extent of the works are submitted and agreed before the development commences.

Highways

4.9 Highways Network Management are not objecting to the proposal. This current proposal would not in itself increase the number of children at the site, although there obviously has been an increase in pupil numbers in the last year due to the decision to relocate children to this site. Car parking is limited at the site; there are a small number of spaces along the site frontage and some to the east of the school buildings. There is good provision for cycle parking within the site. Fulford Cross is not a restricted parking area and therefore there is the potential for visitors to the site to park on the highway. Members will note that a letter of objection has been received which states that on street parking is already taking place. The school does have a travel plan which is updated each year, which shows that at the present time most staff arrive by car. It also shows that the children at the school change regularly and therefore their mode of transport are difficult to control. In practical terms this application would not change the current operation of the school but would merely reorganise the existing site arrangements, and on this basis there is no basis to resist this application on highway grounds. However it is clear that the school do take seriously their requirement to update their travel plan on an annual basis and will continue to monitor traffic and parking arrangements at the site in this context.

Sustainability

4.10 The temporary classroom unit would be relocated from the infant school site at Rawcliffe, The unit is approximately 10 years old, and is of light timber construction with Rockwool insulation. The windows are double glazed UPVC. The unit is heated by means of electric night storage heaters. The possibilities for improving the sustainability of this building are limited, however the sustainability statement indicates that in

the course of relocating the building any new materials will be from sustainable sources, internally the water usage will be minimised by the use of appropriate fittings to sanitary facilities, and surface water will be directed to soakaways to avoid pressure on the existing drainage system. The statement also indicates that the re-use of the building is in itself a sustainable course of action.

4.11 The measures proposed would enhance the potential of the unit to minimise its use of resources, and on this basis the details of the scheme are considered to be acceptable from a sustainability perspective. The comments of the Sustainability Officer will be reported direct to committee.

Drainage

4.12 The surface water from the unit will discharge to a soakaway. A percolation test has been undertaken which confirms that soakaways are an acceptable form of drainage at the site. Foul water will connect into the schools existing system. It is not anticipated that the unit will raise any drainage concerns.

Other Matters:-

Length of Consent

4.13 Clearly there are a number of strategic issues to consider in order to establish the best environment for this particular area of primary education. It is considered that a three year temporary consent should be sufficient to establish a policy on the approach to education and to look at funding of a more permanent solution.

5.0 CONCLUSION

5.1 There is an immediate problem with providing adequate education facilities for this particular group of children and therefore in accordance with Policies GP23 and ED1, as there is no viable permanent alternative immediately available, a temporary consent is considered to be a reasonable way forward subject to the scheme having no impact on amenity.

5.2 Officers consider that overall the visual impact of the temporary unit will be limited and from the public realm there would not be an undue impact on the appearance of the area.

5.3 The details of the scheme are considered to be acceptable subject to appropriate conditions.

5.4 A temporary consent of 3 years is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The building shall be removed by 31st August 2014 unless prior to that date a renewal of the permission shall have been granted in writing by the Local Planning Authority.

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

2 Before the commencement of development including demolition, site clearance, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing to the trees on-site to be shown on a plan, and to ensure that the trees as existing would not be damaged/affected during works, a method of installation of the building hereby approved, including how it would be moved into position/erected onsite, site access, type of construction machinery/vehicles to be used (including delivery and collection lorries), arrangements for loading/off-loading, parking arrangements for site vehicles, locations for storage of materials, location of site cabin and marketing cabin as appropriate.

The protective fencing line shall be adhered to at all times during development operations to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation, parking or manoeuvring of vehicles. Within the exclusion zone there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, any new trenches or

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

Reason: To ensure protection of existing trees before, during and after development which make a significant contribution to the amenity of the area.

3 Prior to the commencement of the development details of the works to trees to allow the unit to be craned into position shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details to the satisfaction of the Local Planning Authority.

Reason: In order to protect the quality of the trees covered by Tree Preservation Orders and in the interests of visual amenity.

4 Prior to the commencement of development the developer shall submit a "Sustainable Design and Construction" statement for the development. This statement shall include the measures to be incorporated into the design of the building in order to minimise the use of resources. Thereafter the agreed details shall be implemented to the satisfaction of the Local Planning Authority before the temporary unit hereby approved is first occupied.

Reason: In order to comply with the requirements of Policy GP4a of the draft Local Plan

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:

- Need for the temporary unit
- Siting
- Highways, Access and Parking
- Sustainability

- Drainage

As such the proposal complies with Policies GP23, ED1 and GP1 of the City of York Development Control Local Plan.

Contact details:

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

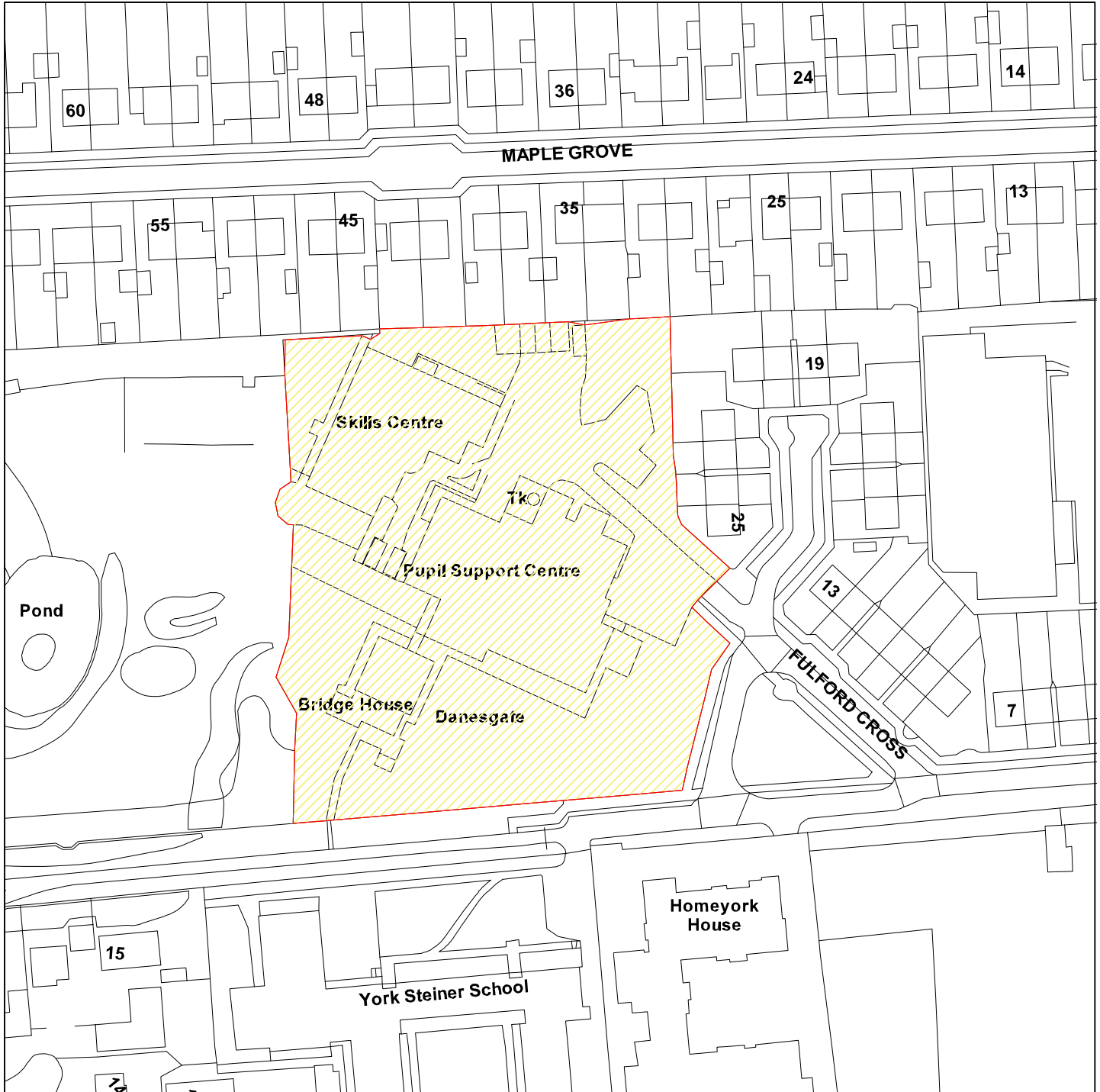
Tel No: 01904 551351

Danesgate Support Centre

Ref:11/01071/GRG3



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Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	01 August 2011
SLA Number	Not Set

COMMITTEE REPORT

Date: 11 August 2011 **Ward:** Skelton, Rawcliffe, Clifton Without

Team: Major and **Parish:** Clifton Without Parish
Commercial Team Council

Reference: 11/00620/OUT

Application at: Site To The East Of Vue Cinema Stirling Road York

For: Outline application for 70 bed hotel (use class C1)

By: Derby Property Investments Ltd

Application Type: Outline Application

Target Date: 23 May 2011

Recommendation: Refuse

1.0 PROPOSAL

1.1 This application seeks outline planning permission for the erection of a 70 bed hotel on the eastern edge of the Vue Cinema car park at Clifton Moor. The hotel would also include an integral restaurant and bar. Access and layout are to be considered as part of this outline application with matters of scale, appearance and landscaping reserved for future approval.

1.2 Access to the site would be via the existing entrance from Stirling Road. The restaurant would be located on the ground floor at the northern end of the building. The main public entrance would be immediately to the south of this with the remainder of the building consisting of hotel accommodation. The service point would be to the south of the site. Indicative details propose that the restaurant and bar would be approximately 170 sq m in size with the hotel in total having a floorspace of approximately 2606 sq m. The exact internal layout of the building is indicative at this stage, with only the layout of the building on the site being under consideration. The building would be three storeys in height.

1.3 The indicative design of the building is to create a simple clean building which would have a contemporary appearance. The building would be rendered and would incorporate floor-to-ceiling windows.

1.4 This application has been brought before East Area Planning Sub-Committee at the request of Cllr. Wiseman on the grounds of loss of car parking and impact on the character of the area. A site visit is

recommended in order to assess the suitability of the proposal on this site.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1
Design

CYSP6
Location strategy

CYSP7
The sequential approach to development

CYSP8
Reducing dependence on the car

CYGP4A
Sustainability

CYGP3
Planning against crime

CYV3
Criteria for hotels and guest houses

CYV4
Allocation of hotel sites

3.0 CONSULTATIONS

INTERNAL

3.1 City Development - Further to requests for additional information, issues regarding supply, demand and impact were considered to be adequately addressed subject to the information being acceptable to the Council's Tourism Manager. Following details being provided regarding the number of extant planning permissions for other hotel developments, further comments were received. This stated that the number of extant planning permissions should be taken into account in the impact assessment as a large proportion of these permissions are on sequentially preferable sites.

3.2 Drainage - The site is in Flood Zone 1 and should not suffer from river flooding. However, insufficient information has been submitted to determine the potential impacts the proposals may have on existing drainage systems. A condition could be added to any approval to ensure drainage details are included within any reserved matters application.

3.3 Environmental Protection Unit - No objections to the application. Conditions should be added to any approval regarding kitchen extraction systems and the installation of plant and machinery to ensure that odours and noise do not harm neighbouring amenity. A Phase 1 contamination report has been submitted which is sufficient in this case. A condition should be added to any approval that any contamination found shall be cleaned up. In line with the Council's emerging Low Emission Strategy, EPU would request that the applicant considers methods to influence the uptake of cleaner / low emission vehicles as far as possible on the site, via provision of necessary infrastructure and incentives for their use, such as reduced charges and access to electric vehicle plug in points. Ideally, two electric vehicle recharge points should be provided within the car park for the site, which will be free-standing, weatherproof, outdoor recharging units with the capacity to charge at both 3kw (13A) and 7kw (32A).

3.4 Highway Network Management - The application is supported by a Transport Statement which included a parking accumulation survey. The parking accumulation survey has demonstrated that the parking demand on an evening currently peaks at approximately 77% of total capacity. The development proposals (restaurant & hotel combined) will result in the loss of 104 spaces.

The parking demand associated with the proposed development (hotel and restaurant application) has then been added to the reduced size car park. This results in a peak accumulation of 94% of capacity.

Officers consider that this represents a very robust assessment and in reality is unlikely to occur as the parking demands for each proposed use have been considered individually. Given the nature/mix of uses in the locality experience demonstrates that the majority of trips will be linked trips (hotel/restaurant, cinema/restaurant) and as such the demand for parking will actually be lower than considered. The approach taken to the assessment therefore has an element of double counting in terms of car parking demand. Officers are therefore satisfied that adequate parking stock will remain in the car park following the implementation of the developments. The Transport Statement also looked at the level of traffic that could be generated by the proposed development. Any increase in flows will be negligible and as discussed above a number of trips to the site will be linked trips which will further reduce the level of traffic generated by the development. The adjacent highway has been demonstrated to operate satisfactorily with development traffic added.

Conditions are recommended to be added to any approval regarding pedestrian access, a travel plan, method of works statement, and cycle parking.

EXTERNAL

3.5 Clifton Without Parish Council - No objections subject to no reduction in car parking from the originally approved scheme and no compromise of the original landscaping details.

3.6 Yorkshire Water - The development should take place with separate systems for foul and surface water drainage. The use of sustainable drainage should be considered as the local public sewer does not have the capacity to accept any additional discharge of surface water. If this is not possible, discharge to the public sewer must be on a like for like basis.

3.7 North Yorkshire Police - Object to the proposal. The proposed development is located in an area of high risk in respect of crime, particularly vehicle crime. The submitted Design and Access statement makes no reference to crime prevention. Whilst the proposed plans are

only indicative, there are concerns that the proposed hotel car park is integrated with the existing cinema car park. The car park has no defensible space and no positive impression of safety from a perimeter boundary. A perimeter gives a clear transition from public to private property and allows for better ownership of the space. Security lighting and CCTV systems should be installed. Windows should be designed to high crime prevention standards, particularly on the ground floor. The location of the proposed concierge desk is suitable as it allows good visibility of the entrance and surrounding areas.

3.8 Visit York - Visit York wants to encourage visitors to stay longer in the city, and clearly hotels and other accommodation is required to help achieve this. The following priorities are in place regarding hotel accommodation:

- High quality hotel development is sought (4* plus – acknowledging that the rating can't be controlled through planning).
- Projects that are distinctive, new or meet a clear high quality standard (e.g. boutique hotels over 'volume')
- Hotels with a quality conference offer would be especially welcome with a range of meeting rooms, break-out facilities and a clear ambition to service the conference market
- Sustainable locations are preferred for example close to the city centre, close to railway station, etc.

3.9 Third Parties - One letter of objection has been received from a resident of Deer Hill Grove. The following objections were made:

- the sequential test is flawed and inaccurate as the Grain Stores which has an extant planning permission and the Ikon and Diva building have not been considered;
- the application is contrary to Local Plan Policy V1 as the site does not have adequate servicing arrangements, creates a pedestrian vehicle conflict and would result in an adverse impact on the ability of Bootham Engineering to operate effectively, an application was refused in the past because of the potential conflict between a residential scheme and a B2 industrial use, putting undue pressure on the business to change its activity;
- the proposal is contrary to Policy V1 in that it is not compatible with its surroundings in any respect;
- the proposal would result in the loss of vegetation which would have a detrimental impact on the character of the area.

4.0 APPRAISAL

4.1 The key issues are considered to be:

- Principle of hotel use in this location;
- Compatibility of hotel with surrounding uses;
- Traffic impact and loss of car parking;
- Sustainability;
- Crime and anti-social behaviour.

PRINCIPLE OF HOTEL USE IN THIS LOCATION

4.2 Planning Policy Statement 4: 'Planning for Sustainable Economic Growth' identifies hotels as a main town centre use. Paragraph 10 goes on to say that new economic growth and development of main town centre uses should be focused in existing centres. There should be a sequential approach to development with town centres being the priority for new development, followed by edge of centre sites, then out of centre sites. If it is established that the chosen site is sequentially preferable then an impact assessment should be carried out to determine what impact there would be on existing centres. Development Control Local Plan Policies SP6 and SP7a are generally consistent with this approach. A further consideration is the ministerial statement issued on 23rd March which aims to promote sustainable economic growth. The Government's clear expectation is that planning applications for developments that would foster economic development and growth should wherever possible be considered positively, except where this would compromise the key sustainable development principles set out in national planning policy.

4.3 Whilst no end user is known at this stage, given the location of the hotel within a retail, leisure and business park, it is highly likely that any end user would offer budget level accommodation. Detailed information submitted by the applicants show that the average room occupancy in York in 2010 was 78.8%, reaching a peak of 88% in September. This occupancy level increased by 1% compared with 2009. The level of occupation is significantly above both the national and regional levels. The average room rate in 2010 was £78. Based on the occupation rates and information provided by Visit York, it is acknowledged that there is a demand for additional hotel accommodation within the city.

4.4 The application site is classified as being out of centre. The applicants have submitted a sequential test and conclude that there are

no sequentially preferable sites which are both suitable and available for a hotel. Sites assessed are those allocated in the Draft Local Plan. Whilst the majority of the findings of the sequential test are considered to be sound, concern is raised regarding the lack of investigation regarding the Heworth Green site, specifically the southern end adjacent to Layerthorpe. Development Control Local Plan Policy V4 'Hotel Sites' specifically states that hotel development on Heworth Green is acceptable. However, within the sequential test information submitted, the applicants have stated that this site is not suitable for hotel development. No further work seems to have taken place regarding investigating the potential use of this site for a hotel.

4.5 There are a number of extant planning permissions for hotels in the city centre or on the edge of centre. These include a 120 bedroom hotel at the Barbican site, a 102 bedroom hotel at 86-98 Walmgate, a 120 bedroom hotel at Toft Green/Station Rise, and a 42 bedroom extension to the Novotel hotel. An application for a further 95 bedroom hotel at Holgate Villas will be determined by West Area Planning Sub-Committee in August and is recommended for approval by officers. If implemented these additional consents plus the pending consent at HolgateVillas would create an additional 479 hotel bedrooms. Out of centre permissions are in place at Clifton Grain Stores for a 150 bedroom hotel and two hotels at the Terry's site totalling 308 bedrooms. Whilst the approved hotels at the Terry's and Grain Stores sites are not sequential preferable to the proposal at Clifton Moor, they are considered to be sites of significant strategic importance to the future growth and economic prosperity of the city. Whilst these sites are not allocated for hotel development within the 2005 Development Control Local Plan, they have since come forward as large scale mixed use developments incorporating hotel permissions. It is considered that their future development is key to the future sustainable economic prosperity of the city.

4.6 It is acknowledged that all of the approved hotels are not under construction and planning permissions are not a guarantee of development, however it seems reasonable to assume that given the current high occupancy levels of hotel accommodation in the city that a good proportion of these permissions will be built out as it is likely to be economically viable to do so. The extant planning permissions have not adequately been taken account of within the submitted sequential test. There is a supply of hotel accommodation waiting to be built out which would assist in meeting the additional demand which is not currently being met at peak times. At present there are approximately 2700

serviced hotel rooms in the city and existing demand creates high occupancy levels within these rooms. However, the applicants have not demonstrated the likely impact of non-implemented permissions on the demand for hotel accommodation and the likely impact on occupancy rates. Whilst it is not for the Local Planning Authority to assess the need for a new hotel, concerns are raised regarding a reduced likelihood of existing permissions being built out should the supply for hotel accommodation be met in sequentially less favourable locations.

4.6 The applicants state that the proposed hotel would meet a different need than that catered for through city centre hotels and permissions. The proposed hotel would provide budget accommodation for people who either do not want to stay in the city centre or who require a car park. It is accepted that much of the city centre and edge of centre holiday accommodation is more expensive than typical budget accommodation; however there are existing budget accommodation hotel chains within the city or edge of centre. For those not wanting to stay in the city centre there are a number of existing hotels out of the centre. In addition, planning permission has been granted for a large number of out of centre hotel rooms which could meet any additional demand above and beyond current supply.

4.7 Visit York is the official tourism organisation for York and the surrounding area. It aims to increase the value of tourism to the economy and provide leadership to the York tourism industry. It is therefore considered the most valuable tool for assessing the state of the city's tourism industry and is the most accurate source of data in terms of current demand in qualitative terms. In their consultation response, Visit York state that there is demand and a requirement for distinctive and high quality hotels which offer conference facilities and are close to the train station and city centre. It is considered that the proposed hotel does not meet these requirements. It is important that surplus demand is managed and planned and that the most suitable locations are chosen for additional supply. If demand is met through out of centre locations there is a reduced opportunity for new supply to be created in more sustainable locations that meet the aims and objectives of Visit York. Growth and development within city centres and on the edge of centres is currently seen as best practice for encouraging and promoting sustainable economic growth. No evidence has been submitted as to why the proposed budget accommodation could not be located within one of the existing permissions in the city centre, edge of centre or in one of the strategically important mixed use redevelopment sites at the Grain Stores or Terry's. In addition, it is Officer opinion that the potential

site at Heworth Green has been too readily dismissed as not suitable for a new budget hotel development.

4.8 The applicants believe that the proposed site is sequentially preferable. Therefore, they follow up the sequential test with an impact assessment as recommended in PPS4. The impact assessment highlights the importance of tourism to the city's economy. Hotels are an important aspect of this both in terms of directly providing jobs to hotel staff, but also bringing money into the local economy. It is predicted that one in ten of the local working population depends on tourism. As explained above, it is also highlighted the high occupancy levels at existing hotels in York. The proposal would amount to an increase in the number of bedrooms in the city by 2.5% (not taking account of extant permissions). The impact assessment concludes that the proposal would have a positive impact on the city through employment generation, reducing the number of car trips to the city centre, and increased consumer choice. There is a presumption in favour of sustainable development and PPS4 makes it clear that Local Planning Authorities should adopt a positive approach towards planning applications for economic development. However, as the submitted information is considered to discount the Heworth Green site too readily and the fact that the sequential test has not fully considered existing permissions, the proposal is considered contrary to local and national planning policies. Planning applications should secure sustainable economic growth and it has not been adequately demonstrated that the proposal meets this objective.

COMBATIBILITY OF HOTEL WITH SURROUNDING USES

4.9 Development Control Local Policy V3 'Hotels and Guest Houses' states that new hotel developments should be compatible with its surroundings in terms of siting, scale and design. The surrounding area predominantly consists of leisure, retail and business units. To the west on the other side of Clifton Moorgate are residential dwellings. Immediately to the west of the proposed hotel is the shared car park of Vue Cinema and two restaurants and a pub. To the north is Stirling Road and a number of retail 'sheds'. To the east is a trade retail unit. To the south is a B2 general industry unit. It is not considered that the activity associated with the proposed hotel would have a significant impact on the efficient operation of the surrounding land uses.

4.10 The Environmental Protection Unit have examined the potential noise impacts of the existing B2 general industry unit on the hotel. After

examining the conditions on site and looking at the conditions attached to the existing planning permission it was determined that the unit was unlikely to cause significant harm to future occupiers of the hotel.

4.11 This application is in outline only with the design details of the hotel still to be considered. However, indicative plans show a flat roof three storey building. Subject to a suitable design being brought forward in any reserved matters application, it is considered that the scale and massing of the proposed building would not appear out of keeping with existing buildings in the area. The proposed building is set back from Stirling Road by approximately 5m which is closer to the highway than the majority of buildings in this area. However, it is considered that the proposal would provide more interaction with the street than is currently present along Stirling Road. It is not considered that the proposed layout would harm the visual amenity of the area.

4.12 Whilst the proposed hotel would introduce a residential visitor element to the site which is not currently present, it is not considered that there are sufficient grounds to object to the application in terms of its compatibility with the surrounding area. The Council does not have defined standards which are expected of new hotel developments. The relationship between ground floor rear bedrooms and the adjacent Screwfix building is far from ideal, with a separation distance of just 7m. It is advised that should this application be approved, any reserved matters application addresses this amenity issue. The leisure and retail units in the area would provide some level of amenity for future occupiers without the need to travel.

TRAFFIC IMPACT AND LOSS OF CAR PARKING

4.13 It is considered that the majority of users of the proposed hotel and ancillary restaurant would drive to the site. The applicants accept that the market for the hotel is likely to be for people who wish to arrive by car. Whilst this would add to the number of vehicles on the highway network, it is considered that the increase in traffic when assessed against existing highway usage levels would be negligible. It is not considered that the level of traffic associated with people arriving and leaving the hotel and staff travel would have a significant impact on the local highway network given the existing number of retail, leisure, business, and residential units in the area.

4.14 As outlined within the Committee report for the proposed restaurant, the submitted 'Transport Statement' shows that at present,

approximately 77% of the car park is used at peak times. The proposed hotel would result in the loss of 79 car parking spaces. As a result of the proposed hotel and restaurant development, the peak capacity of the car park would be expected to reach 94%. This figure accounts for not only the reduction in car parking spaces but also the anticipated additional demand for spaces as a result of the proposed developments. The figure of 94% peak usage has been determined based on users attending the various facilities individually with no linked trips; therefore it is considered by Officers to be a robust calculation. Officers are therefore satisfied that adequate parking capacity would remain in the car park following the implementation of the developments. National planning guidance states that developers should not be asked to provide more car parking spaces than they themselves require, and the site operators believe that the proposed number of car parking spaces would be sufficient to meet the needs of the end users of the site.

SUSTAINABILITY

4.15 Concerns are raised about the overall sustainability of the site for a new hotel development. Planning Policy Statement 1: Delivering Sustainable Development promotes developments which are located in sustainable locations. Although an objection cannot be justified in terms of the impact any proposal may have on traffic levels and queuing times in the area, development should always be directed to locations which are less reliant on the car. Development Control Local Plan Policy SP8 supports this approach and seeks to reduce the dependence on the private car. Whilst the site is technically accessible by train and then bus, it seems very unlikely that a high proportion of visitors would arrive by public transport. The proposed development does not provide attractive sustainable transport choice. With its location close to the outer ring road with good access from the A64 and wider area, it is considered that it would significantly promote car based travel. The proposed hotel is located within a large free car park and it is far more attractive to arrive by car than by a sustainable transport mode. It is acknowledged that once visitors have checked in, the site provides good access to local services and facilities as well as a regular bus service to the city centre.

4.16 In terms of environmental sustainability, the applicants have confirmed that the hotel would meet BREEAM 'Very Good' rating and that 10% of expected energy demand of the hotel would be met through on site renewable energy. This complies with the Council's planning guidance on 'Sustainable Design and Construction'. Conditions ensuring

the required standards are met should be added to any approval granted.

CRIME AND ANTI-SOCIAL BEHAVIOUR

4.17 Concerns were raised by the Police Architectural Liaison Officer regarding existing car based crime in the area. Of particular concern was the lack of defensible space around the hotel, as it is proposed that the car park would remain open and be shared by all commercial uses at the site. This could lead to the potential for car parking spaces near to the hotel being occupied by visitors to the cinema, for example, which would force hotel visitors to park further into the site away from the hotel. Once the cinema and restaurants close and most of the car park empties, this could leave some hotel residents car's isolated within the car park. Having considered this objection, it is Officer opinion that overall the proposed hotel would improve natural surveillance of the car park and therefore reduce the potential for car based crime. The concerns regarding the potential for crime at night is valid, however it is considered that many hotel residents are likely to recognise this threat and move their car closer to the hotel once the car park is quiet. In addition, car parking information submitted suggests that the car park regularly operates significantly below capacity and therefore the problem of hotel residents not being able to park near to the hotel would not be common. Visitors to the cinema and restaurants are likely to park as close as possible to their destinations which is well away from the proposed hotel, therefore demand for car parking spaces close to the hotel is likely to be lower than nearer the cinema. Should car crime in the area become a problem, then it would be in the hotels interest to take suitable action at that time. This could be in the form of employing site staff or submitting a further application to arrange the car park layout.

4.18 Should this application be approved, it would be expected within any reserved matters submission that further information regarding crime prevention measures be submitted. This should include details of lighting, CCTV, and window and door security in order to reduce the likelihood of the hotel being a target for crime.

5.0 CONCLUSION

5.1 It has not been demonstrated that the application site is sequentially the best site available for hotel accommodation. There a number of existing permissions for hotel development within and on the edge of the city centre and no evidence has been submitted to indicate that these sites could not meet the current demand for hotel accommodation. As such, the proposal has the potential to reduce the likelihood of existing permissions in more sustainable locations being implemented. In addition, it has not been demonstrated that a hotel could not be erected on the Heworth Green site which is sequentially preferable to the out of town Clifton Moor site.

5.2 Whilst the application site is within the settlement limit of York the nature of the site being located close to the primary road network and offering a substantial free car park, it is considered that the vast majority of visitors would arrive by car. Therefore the proposed development is not considered sustainable.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The application site is defined as being out of centre which should only be considered appropriate if no suitable sites are available within the city or district centres or on the edge of centre. It has not been adequately demonstrated that the proposed site is sequentially preferable. Alternative sequentially preferable sites have not been robustly considered. In addition, the applicants have failed to demonstrate that the current under supply of hotel accommodation would not be sufficiently met by existing planning permissions which are in place within the city centre and edge of centre and economically important sustainable mixed use development sites. It has not been demonstrated that the proposal would not impact adversely on the city centre and edge of centre through reducing the likelihood of existing permissions within more sustainable locations being implemented. Therefore, the proposal is considered unsustainable and contrary to the aims and objectives of national planning advice contained within Planning Policy Statement 4 "Planning for Sustainable Economic Growth" and Policies SP6 and SP7a of the City of York Draft Local Plan.

2 It is considered that the proposed hotel would promote car based travel. The location of the site provides ease of access by car from the surrounding highway network and offers a substantial free car park. In contrast the site is a significant distance from the city's main public transport hubs which does not encourage sustainable transport choice. Therefore the proposal is considered unsustainable and contrary to national planning advice contained within Planning Policy Statement 1: Delivering Sustainable Development and Policies SP8 and GP4a of the City of York Draft Local Plan.

7.0 INFORMATIVES:

Contact details:

Author: Michael Jones Development Management Officer

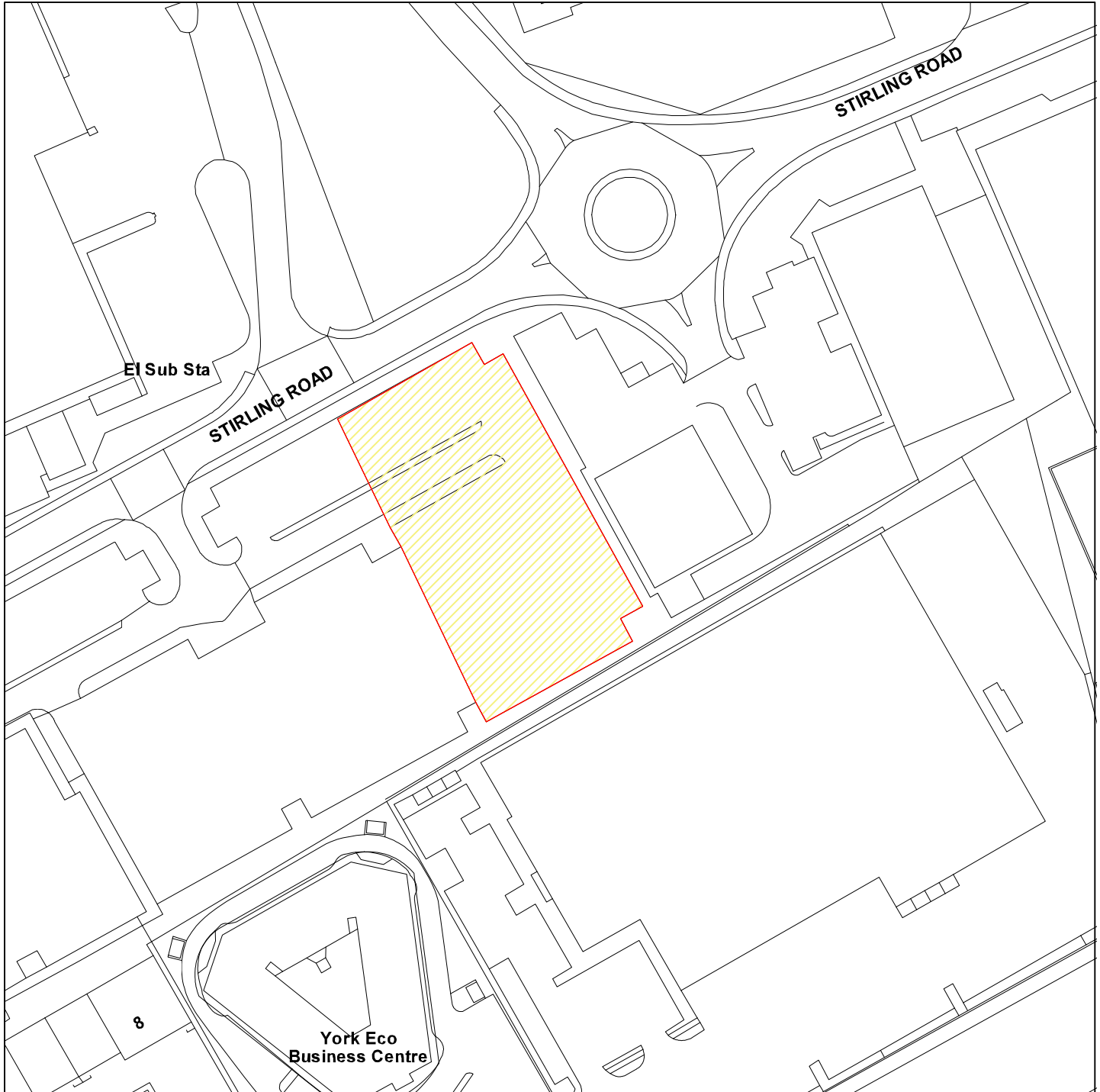
Tel No: 01904 551339

Site to the East of Vue Cinema

11/00620/OUT



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	01 August 2011
SLA Number	Not Set

COMMITTEE REPORT

Date: 11 August 2011 **Ward:** Skelton, Rawcliffe, Clifton Without

Team: Major and **Parish:** Clifton Without Parish Commercial Team Council

Reference: 11/00516/FUL

Application at: Vue Cinema Stirling Road York YO30 4XY

For: Erection of single storey restaurant (use class A3)

By: Derby Property Investments Ltd

Application Type: Full Application

Target Date: 23 May 2011

Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks planning permission to erect a restaurant on land within the Vue Cinema car park at Clifton Moor. The proposed height of the restaurant is 5.1m to the eaves and 8.1m to the ridge. A flat roof entrance block would be 7.5m in height. The footprint of the proposed restaurant is 372 sq m with a modest outdoor seating area to the front. The proposed building would be constructed predominantly of red brickwork with roof tiles.

1.2 The application site is unallocated 'white land' on the Local Plan Proposals Map. The proposal would result in the loss of 47 car parking spaces to the west of the existing Chiquito's restaurant. The existing car park is shared with Vue Cinema, Frankie and Benny's and Chiquito's restaurants, as well as the Flying Legend pub.

1.3 The nearest residential dwellings are on the opposite side of Clifton Moor Gate, approximately 90m to the west. Other than the residential dwellings to the west, the area is generally characterised by retail and leisure facilities with business and industrial units to the south.

1.4 This application has been brought before East Area Planning Sub-Committee at the request of Cllr. Wiseman on the grounds of loss of car parking and impact on the character of the area. A site visit is recommended in order to appreciate the objections of local residents.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYSP6
Location strategy

CYSP7A
The sequential approach to development

CYGP1
Design

CYGP4A
Sustainability

CYT4
Cycle parking standards

CYT7C
Access to Public Transport

CYS6
Control of food and drink (A3) uses

3.0 CONSULTATIONS

INTERNAL

3.1 City Development - Information submitted by the applicants states that the proposed restaurant would be ancillary to existing uses at Clifton Moor. The unit would serve the catchment area of Clifton Moor and the applicants therefore argue that there are no sequentially preferable sites

in the city or district centres. The proposed restaurant would serve the needs of existing visitors to the retail, leisure and business parks. Impact information which was subsequently submitted indicates that the proposal would not draw trade away from the city or district centres and would compete with existing restaurant uses at Clifton Moor. Therefore, there are no objections to the proposed development.

3.2 Drainage - The site is in Flood Zone 1 and should not suffer from river flooding. However, insufficient information has been submitted to determine the potential impacts the proposals may have on existing drainage systems. A condition could be added to any approval to ensure drainage details are agreed prior to development commencing.

3.3 Environmental Protection Unit - No objections to the application. Conditions should be added to any approval regarding kitchen extraction systems and the installation of plant and machinery to ensure that odours and noise do not harm neighbouring amenity. A Phase 1 contamination report has been submitted which is sufficient in this case. A condition should be added to any approval that any contamination found shall be cleaned up.

3.4 Highway Network Management - The application is supported by a Transport Statement which included a parking accumulation survey. The parking accumulation survey has demonstrated that the parking demand on an evening currently peaks at approximately 77% of total capacity. The development proposals (restaurant & hotel combined) will result in the loss of 104 spaces.

The parking demand associated with the proposed development (hotel and restaurant application) has then been added to the reduced size car park. This results in a peak accumulation of 94% of capacity.

Officers consider that this represents a very robust assessment and in reality is unlikely to occur as the parking demands for each proposed use have been considered individually. Given the nature/mix of uses in the locality experience demonstrates that the majority of trips will be linked trips (hotel/restaurant, cinema/restaurant) and as such the demand for parking will actually be lower than considered. The approach taken to the assessment therefore has an element of double counting in terms of car parking demand. Officers are therefore satisfied that adequate parking stock will remain in the car park following the implementation of the developments. The Transport Statement also looked at the level of traffic that could be generated by the proposed

development. Any increase in flows will be negligible and as discussed above a number of trips to the site will be linked trips which will further reduce the level of traffic generated by the development. The adjacent highway has been demonstrated to operate satisfactorily with development traffic added.

Conditions are recommended to be added to any approval regarding a travel plan, method of works statement, and cycle parking.

EXTERNAL

3.5 Clifton Without Parish Council - Only support the proposals if there is no reduction to the on-site car parking levels and there is no impact on the original landscaping scheme.

3.6 Police Architectural Liaison Officer - The applicants have not demonstrated within the application how the potential for crime has been addressed. However, given that the restaurant would require a license to sell alcohol or open after 23:00 hours any potential issues would be dealt with as part of that process. Therefore there are no 'designing out crime concerns' at this stage.

3.7 Third Parties - Two letters of objection received from local residents. The following comments were made:

- The application would result in the loss of thirty car parking spaces;
- The application contains a number of misstatements, supplies contradictory data and contains incorrect information;
- Some of the routes through the car park are substandard due to poor sight lines and there are no footpaths within the car park, encouraging more cars to use this site would create a serious pedestrian/vehicular conflict;
- The proposed signage is so large as to be out of character with others in the area and the Design and Access Statement makes reference to awnings but these are not shown on the submitted plans;
- The bin storage and servicing area is to the west of the restaurant which is closest to residential dwellings with no sound buffer (Please note that this has been amended on the revised plans so that the service yard is now to the east of the proposed building);
- The proposed building would result in the loss of five existing disabled standard car parking spaces with only four to be created and these are located further from the existing Chiquito's restaurant than existing bays;

- If the proposal is not expected to generate new business but simply dilute the custom of existing businesses, would the creation of new jobs be offset by the loss of jobs in neighbouring establishments_;
- The applicants claim that the proposal cannot create solar gain due to the orientation of the building on an east-west axis, however in the statement for the proposed hotel (ref no. 11/00620/OUTM) they state that solar gain is not possible because the proposed building is on a north-south axis, surely both of these statements cannot be true?;
- The applicants state there are no trees on the site but then on the elevational plans show a tree;
- The applicants state that the site is sustainable because it is close to the Park and Ride, in fact it is one mile away by road;
- The applicants state that the building would be similar in scale to those neighbouring it, however in fact the building is taller and would block the view of other restaurants from Clifton Moorgate;
- The economic benefit of the proposal is unclear and the building itself contains no sustainable features;
- It has been known for some time who the end user of this restaurant would be but the applicants are holding back this information;
- The site is already so popular that during busy times cars park on Stirling Road, the Transport Statement is flawed as the study was not undertaken during school holidays or when a very popular film was showing;
- The applicants claim that the local road network is able to operate well within capacity with the additional trips from the site, however it is widely known that the A1237 from Shipton Road to Wigginton Road is overloaded and congested for extensive parts of the day;
- Concerns about additional noise from loud music, car doors banging, singing, and people shouting;
- Concerns about bright lights from illuminated signage;
- The proposal will generate extra traffic while reducing the level of car parking, this may lead to people parking on residential streets in the area;
- Concerns about rowdiness and disorder after hours with two drinking establishments so close together;
- Concerns that bins will attract rats and foxes.

4.0 APPRAISAL

4.1 The key issues are:

- The principle of development;
- Residential amenity;

- Visual impact;
- Highways and car parking;
- Sustainability;
- Drainage;
- Contaminated land.

PRINCIPLE OF DEVELOPMENT

4.2 Policy SP6 'Location Strategy' of the City of York Development Control Local Plan states that development will be concentrated on brownfield land within the built up urban area of the city. Policy SP7a 'The Sequential Approach to Development' states that new development must be highly accessible by non-car modes of transport and that a sequential approach will be used for assessing planning applications. Whilst the proposal is below the 400 sq m threshold outlined in this policy, national advice in Planning Policy Statement 4 'Planning for Sustainable Economic Growth' (PPS4) advises that a sequential approach can be used in assessing typically town centre uses (for example a restaurant) when proposed outside of an existing centre. PPS4 seeks to direct economic development towards city centres where possible.

4.3 An important consideration is the ministerial statement issued on the 23rd March 2011, which states that planning has a key role to play in ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. The statement says that appropriate weight should be given to the need to support economic recovery and those applications that secure sustainable growth are treated favourably (consistent with advice in PPS4).

4.4 The applicants state that the proposed restaurant is an ancillary use to existing facilities in the area. This is backed up by stating that the proposal would only represent a 0.5% increase in existing retail and leisure floor space at Clifton Moor. It is stated that the restaurant would not be a destination in itself, but would compliment the existing retail and leisure services on offer at Clifton Moor. It is claimed that the restaurant would offer variety of choice. Therefore, the applicants believe that the majority of customers would be undertaking linked trips. It is therefore concluded that the proposal is merely ancillary to existing uses and the catchment area for the proposed restaurant is Clifton Moor itself. This leads to the conclusion that there are no sequentially preferable sites in an existing centre i.e. a new restaurant in the city centre would not the

serve the need of users of the leisure and retail park, which is the aim of the applicants.

4.5 Although the applicants claim that the majority of customers would be existing users of the leisure and retail facilities, it is reasonable to assume that the restaurant has the potential to attract a number of customers whose only intention is to visit the restaurant. The location is easier to access than the city centre from some areas of the city. For this reason, the applicants were requested to carry out an 'impact test' so that analysis could be made regarding the potential impact the proposal may have on existing restaurants in the city centre.

4.6 The applicants predict that the proposed unit would turnover approximately £0.72m per year. In the highly unlikely event that all of this trade was pulled from the city centre this would represent less than 2% draw from the income of existing city centre restaurants. Whilst making predictions regarding future usage of a restaurant is problematic, it is highly likely that a number of restaurant users will be existing users of the retail, business, and leisure park at Clifton Moor and therefore in reality, the proposed restaurant would draw far less than 2% of the city centre trade. It is not considered, therefore, that the proposal would have a significant impact on the vitality and viability of the city centre. A similar conclusion was drawn when approving the Chiquito's restaurant application 08/00347/FUL. Therefore it is not considered that the proposal conflicts with the aims and objectives of PPS4 or local planning policies.

RESIDENTIAL AMENITY

4.7 The nearest residential dwellings to the proposed restaurant are on the opposite side of Clifton Moorgate approximately 90m away. On either side of Clifton Moorgate there is green landscaping which restricts views from these houses into the site. It is not considered that the proposed restaurant would have any significant impact on visual amenity at this distance. The proposed restaurant has been orientated so that the service yard is to the east of the building, away from the nearest residential units. It is not considered that the activity generally associated with a restaurant of this size would harm neighbouring amenity through noise or disturbance given the separation distance and the fact that a busy road sits between the two uses. A license has been granted for the premise to sell alcohol and operate between 10:00 and 00:30 hours every day, with the outside area to close by 22:00. No hours of operation conditions are recommended to be included on any

planning permission as it is considered that the licensing regime is the most suitable legislation to control hours of use and protect amenity as it allows much greater flexibility in terms of responding to issues which may arise.

VISUAL IMPACT

4.8 The application site is within a car park which serves restaurants and a cinema. The proposed restaurant is set back around 65m from Stirling Road and 45m from Clifton Moorgate. The building would sit at the end of a row of three restaurants, with Chiquito's and Frankie and Benny's sitting between the proposal and Vue Cinema. To the north west of the proposed restaurant is the Flying Legends pub. The area generally has the appearance of a typical out of town leisure and retail park set within substantial car parks. The buildings within the area are typically of brick or rendered walls with clay coloured roof tiles.

4.9 The proposed development is similar in design to the recently constructed Chiquito's restaurant. The height of the proposed restaurant is 5.1m to the eaves and 8.1m to the ridge. A flat roof entrance block sits at 7.5m in height. The footprint of the proposed restaurant is 372 sq m. The proposed building would be constructed predominantly of red brickwork with roof tiles. The entrance block would be rendered and painted, windows would be aluminium framed. The materials to be used can be controlled via condition to ensure they are suitable and fit in with the character of the area. In order to give some context to the proposed restaurant, it is worth noting that the recently approved and constructed Chiquito's restaurant is 360 sq m in size, has an eaves and ridge height of 5m and 7.1m respectively. Chiquito's has a rendered entrance block which sits at the same height as the ridge of the main restaurant. Whilst the proposed restaurant has a marginally larger footprint and is 1m greater in height to the ridge, it is considered that it would appear generally in keeping with the surrounding area. The building is well set back from the roadside and is seen within the context of the much larger cinema building and offices located to the south.

HIGHWAYS AND CAR PARKING

4.10 The proposed development would bring an additional facility into the area and therefore has the potential to increase the number of users of the retail and leisure park. Whilst the site is close to a residential area and can also be accessed by a regular bus service which stops at Tesco's opposite, it is accepted that a number of visitors to the

restaurant may arrive by private car. The application site is close to the outer ring road which is very congested at certain times of the day. Given the very modest scale of development proposed in relation to those in the immediately surrounding area and the fact that a number of visitors will be making linked trips and would be using another facility in the area anyway, it is not considered reasonable to object to the proposal in terms of its potential impact on the local highway network. The proposal represents a 0.5% increase in the retail and leisure floor space of Clifton Moor, therefore it is considered that the increase in flows would be negligible in relation to all trips to the Clifton Moor area.

4.11 Each application should be assessed on its own merits. However, it has to be noted that this application was submitted at the same time as an outline planning application for the erection of a 70 bed hotel on the eastern side of the car park. Both applications would result in a decrease in the number of car parking spaces available whilst also potentially increasing the demand for car parking spaces. The proposed restaurant would result in the loss of 47 car parking spaces.

4.12 The submitted 'Transport Statement' shows that at present, only approximately 77% of the car park is used at peak times. As a result of the proposed hotel and restaurant development, the peak capacity of the car park would reach 94%. This figure accounts for not only the reduction in car parking spaces but also the anticipated additional demand for spaces as a result of the proposed developments. The figure of 94% peak usage has been determined based on users attending the various facilities individually with no linked trips, therefore it is considered to be a robust calculation by Officers as in reality linked trips will make up a significant number of users of the restaurant. Officers are therefore satisfied that adequate parking provision will remain in the car park following the implementation of the developments.

4.13 Concerns have been raised by a local resident that cars already park on Stirling Road during busy times and that the decrease in car parking spaces combined with an increase in users of the site would make this situation worse and potentially create a road safety issue and hinder the free flow of traffic. It is not disputed that people already park on Stirling Road rather than use the car park; however there is no evidence to suggest that this is because the car park is full. Stirling Road does not contain parking restrictions and users may have simply decided to park on the road rather than use the car park. If car parking on this stretch of road increased to the point that it created significant highway problems, then the Council has the power through Traffic

Regulation Orders to apply waiting restrictions which would eliminate this problem if it occurred in the future.

4.14 There is good public transport access through a regular bus service which stops nearby. A very regular bus service runs from the nearby Tesco store to Osbaldwick via the city centre and a number of other residential areas. The bus service is at a frequency of two buses per hour later in the evening with the last bus leaving at 11pm. The site is also reasonably well served by a number of local cycle tracks both on and off-road. A condition is recommended to be added to any approval ensuring that cycle parking is provided which complies with local standards in terms of both numbers of spaces and their quality. The provision of cycle parking and the closeness of a regular bus service mean that users of the site have a sustainable transport choice.

SUSTAINABILITY

4.15 The application site is considered to be in a sustainable location because it is within the built up urban area of the city. A Sustainability Statement was submitted with the application in line with Local Plan Policy GP4a. The statement covers economic sustainability in terms of job creation. The report also states that the development aims to reduce resource usage and pollution whilst maximising recycling. The proposed development is considered to be a 'small scale commercial development' in relation to the Council's Interim Planning Statement on Sustainable Design and Construction as it is less than 500 sq m. For developments within this category, no BREEAM assessment is required. However the development is expected to generate 5% of its expected energy demand through on-site renewable energy. The applicants do not state a commitment to providing 5% of energy demand through on-site generation as they state that no end user is in place and therefore the expected energy usages of future tenants as well as the internal fit-out specifications are not known. It is Officer opinion that it is technically feasible to generate 5% of expected energy demand on site and therefore a condition is recommended to be added to any permission to ensure that this is achieved in line with local planning guidance. This condition will allow details of the renewable energy generation to be agreed prior to first occupation once an end user is known and their individual requirements can be taken into account.

DRAINAGE

4.16 The application site is already completely impermeable consisting of hard standing. The proposal would not increase the level of impermeable area on the site. Whilst the applicants have not submitted detailed drainage plans, it is considered reasonable to conclude that the proposal would have no impact on flood risk elsewhere. The site itself is in Flood Zone 1 and is therefore at low risk from flooding.

CONTAMINATED LAND

4.17 A desktop contamination report was submitted by the applicants and assessed by the Council's Senior Contaminated Land Officer. The site was previously used as part of a military airfield, so land contamination could be present on the site. The desktop study is considered to be sufficient at this stage but should planning permission be granted, a condition should be added to any approval regarding an investigation and risk assessment being carried out into land contamination at this site. Should any contamination be found then a remediation scheme would need to be submitted for approval and subsequently implemented.

5.0 CONCLUSION

5.1 It is considered that the proposed development complies with relevant local and national planning policies and is therefore recommended for approval subject to the conditions outlined below.

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:-

Proposed Site Plan 09.026 16 C
Proposed Elevations 09.026 14 G
Proposed Floor Plan 09.026 15 F

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

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

Reason: So as to achieve a visually cohesive appearance.

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

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

5 The development shall not be occupied until a Full Travel Plan has been submitted and approved in writing by the LPA. The travel plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason; To ensure the development complies with advice contained in PPG13 'Transport' and in Policy T20 of the City of York Local Deposit Draft Local Plan, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site, together with provision of parking on site for these users.

6 Prior to the development commencing details of cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The restaurant shall not come into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and

these areas shall not be used for any purpose other than the parking of cycles.

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

7 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site preparation and construction works shall be submitted to and approved in writing by the Local Planning Authority. Such a statement shall include at least the following information;

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- where contractors will park
- where materials will be stored within the site
- details of how the car parking area will be managed during the construction period to ensure adequate car parking remains
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

The development shall be carried out in complete accordance with the approved details.

Reason; To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

8 The kitchen extraction system to be used must be adequate for the treatment and extraction of fumes so that there is no adverse impact on the amenity of occupiers of nearby premises by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to and approved in writing by Local Planning Authority. The equipment shall be installed in complete accordance with the approved details and shall be fully operational prior to the first use of the restaurant and shall be appropriately maintained thereafter.

Reason: To protect the amenity of nearby occupiers of premises.

9 Prior to the first use of the restaurant hereby approved, details of all machinery, plant and equipment to be installed in the proposed premises, which is audible outside the site boundary shall be submitted to and approved in writing by the local planning authority. These details shall include maximum ($L_{Amax}(f)$) and average (L_{Aeq}) sound levels (A

weighted), and octave band noise levels they produce. All such approved machinery, plant and equipment shall be installed and used in complete accordance with the approved details. The machinery, plant and equipment and any approved noise mitigation measures shall be appropriately maintained thereafter.

reason: To protect the amenity of nearby occupiers of premises.

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

a. Site Characterisation

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

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

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

b. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for

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

c. Implementation of Approved Remediation Scheme

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

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

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

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

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

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

12 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how the development will provide 5% of its total predicted energy requirements from on-site renewable energy sources. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development, and the site thereafter shall be maintained to the required level of energy generation.

Reason: In the interests of sustainable development.

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 principle of development;
- Residential amenity;
- Visual impact;
- Highways and car parking;
- Sustainability;
- Drainage; and
- Contaminated land

As such the proposal complies with national planning advice contained within Planning Policy Statement 4 "Planning for Sustainable Economic Growth" and Policies SP6, SP7a, GP1, GP4a, T4, T7C, and S6 of the City of York Development Control Local Plan.

Contact details:

Author: Michael Jones Development Management Officer

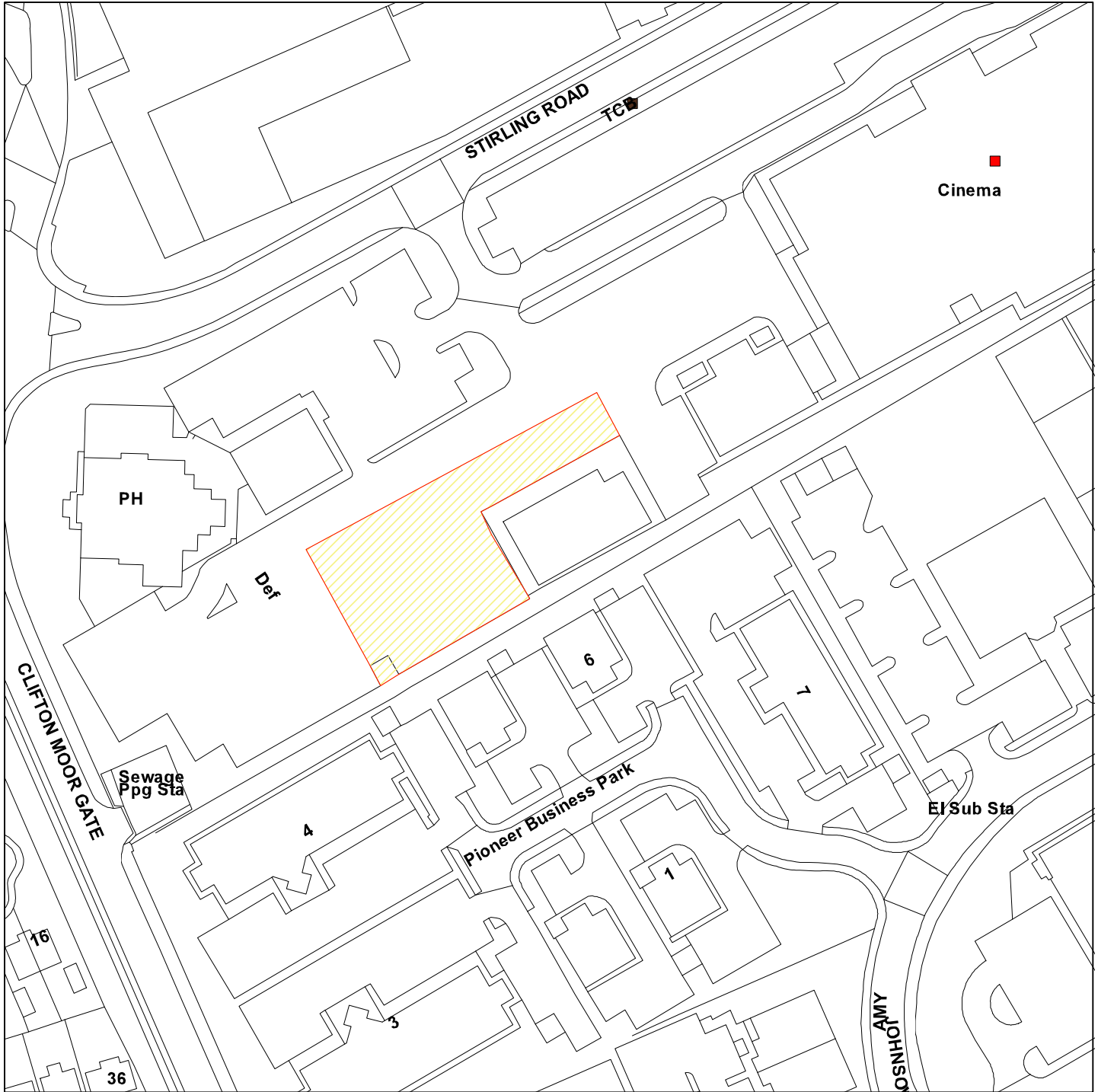
Tel No: 01904 551339

Vue Cinema (Restaurant)

Ref: 11/00516/FUL



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Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	01 August 2011
SLA Number	Not Set

COMMITTEE REPORT

Date: 11 August 2011 **Ward:** Huntington/New
Earswick
Team: Major and **Parish:** Huntington Parish
Commercial Team Council
Reference: 11/01473/FUL
Application at: 62 Brockfield Park Drive Huntington York YO31 9ER
For: Change of use to hot food take away (Class A5) and
installation of extractor flue (resubmission)
By: Mr Imam Harman
Application Type: Full Application
Target Date: 5 August 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks planning permission for a change of use from a shop (Class A1) to a hot food takeaway (Class A5). The application site is 62 Brockfield Park Drive which is a single storey retail unit set within a small parade of shops in Huntington. The unit has a gross internal floor space of approximately 55 sq m and was last used as a florist shop.

1.2 Last year, East Area Planning Sub-Committee refused a similar proposal for this unit on the following grounds:

'The local planning authority consider that the establishment of a hot food takeaway in this predominantly residential area would have a serious detrimental impact on the amenities of surrounding residents by virtue of an accumulation of noise, traffic, litter, odour, and anti-social behaviour which would detract from the quiet enjoyment and amenity of their homes. The proposal is therefore considered to be contrary to Policy S6 of the City of York Development Control Local Plan which aims to ensure that such uses do not have an unacceptable impact on the amenities of surrounding occupiers.'

1.3 A subsequent appeal to the Planning Inspectorate was dismissed. The reasons given for the dismissal of the appeal was that the position of the flue could be harmful to visual amenity and insufficient information was given to have confidence that the extraction system would be successful in maintaining neighbouring amenity through controlling noise

and odour. The Inspector particularly questioned why the flue would need to be located on the side and not the back of the unit.

1.4 However, the Inspector did not agree with the Local Planning Authority regarding the potential impact of noise and disturbance on residential amenity, pointing out that the area already has evening activities and comings and goings associated with the adjacent Spar convenience store. The Inspector pointed out that all noise in and around the hot food takeaway would be likely to have ceased by 11pm. The Inspector also concluded that, given the scale of the proposed use, there would be no significant impact on traffic volume or safety. It was also concluded that there was no evidence that a hot food takeaway in this area would create crime or anti-social behaviour issues. With regard to litter, the Inspector concluded that most customers would either take food home for consumption or order a delivery, and that the additional litter caused by a small minority of customers would not be sufficient to justify the refusal of planning permission.

1.5 This application has been brought before Planning Committee due to the volume of correspondence received from local residents and the fact that the previous application was also determined by Committee.

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:

CYS6
Control of food and drink (A3) uses

CYGP1
Design

3.0 CONSULTATIONS

INTERNAL

3.1 Environmental Protection Unit - No objections, the applicant has demonstrated that a plant to deal with odour from cooking gases can be installed internally and not harm neighbouring amenity. Conditions are recommended to be added to any approval regarding the plant to be installed and opening hours.

3.2 Highway Network Management - No objections.

EXTERNAL

3.3 Huntington Parish Council - No objections.

3.4 North Yorkshire Police - Crime and anti-social behaviour incidents in the surrounding area are low. Hot food takeaways can attract gatherings of people particularly at night, therefore it is important that such uses are controlled to protect neighbouring amenity. Previous objections to hot food takeaways on crime and disorder grounds, both locally and nationally, have generally been overruled by the Planning Inspectorate. There is difficulty in providing hard and fast evidence that would withstand scrutiny at a planning enquiry. Taking the analysis of the area into account, there is no evidence to justify an objection to this planning application on crime and disorder grounds.

3.5 Neighbours - Fourteen letters of objection received from local residents to date (site notice posted 11/07/11). The following points were raised:

- the proposal would create more litter, whilst bins can be provided people may not use them;
- teenagers already loiter in this area and have in the past caused noise and damage, a takeaway will encourage more of this;
- traffic and car parking is already a problem at these shops during busy times, a takeaway will add to this;
- smell from shops and its extraction flue will drift across the area which will make using gardens less pleasant;
- given the closeness between the unit and houses it will not be possible to stop smells spreading into houses;
- the area contains a large number of elderly residents who do not want this development;

- a lot of residents in this area go to bed by 10.15-10.45 and work involved in closing up the shop or people hanging around after it has shut may cause sleep disturbance;
- existing extractor fans in the area cause noise and it is not desirable to add anymore to this row of shops;
- queries raised regarding the frequency of bins being emptied to prevent smells and whether the drainage is sufficient;
- customers and delivery drivers will make noise through car doors opening and shutting;
- by moving the flue to the rear this has placed it closer to a number of residential properties, it would be better on the front away from houses;
- how is it going to be ensured that extractions systems are suitably maintained to stop them becoming noisy;
- it is felt that this application is an attempt to get a foot in the door leading eventually to later operating hours and the selling of alcohol;
- a hot food takeaway in this area would encourage local school children to eat unhealthy food.

One letter of objection was received from a local business owner who is concerned about the smell of cooking making it unpleasant for existing clients. Concerns were also raised regarding people hanging around the shops after other shops have closed and litter making the area less pleasant. Would much prefer the unit to become a shop to bring more shoppers to the area.

4.0 APPRAISAL

4.1 It is considered that the key issues are:

- impact on the amenities of local residents through noise, odour and litter;
- visual impact on the character and appearance of the area;
- traffic and car parking; and
- anti-social behaviour.

4.2 The most relevant Development Control Local Plan Policy is S6 which controls food and drink uses. The five criteria which should be used to assess a hot food takeaway application based on this policy are:

- impact on the amenities of surrounding occupiers as a result of traffic, noise, smell or litter; and
- the opening hours are to be restricted where this is necessary to protect the amenity of surrounding occupiers; and

- car and cycle parking meets local standards; and
- acceptable external flues and means of extraction have been proposed; and
- security where the consumption of alcohol is involved has been addressed.

4.3 The application under consideration contains two changes from the previously refused application. The first change is a minor increase in the proposed operating hours to 11:00 to 22:00 seven days a week. The previous application sought consent between the hours of 12:00 and 22:00 hours seven days a week. Given that the additional one hour of opening is at the start rather than end of the day, this change is not considered to be significant. Of more importance is the change in the extraction plant to be installed and the external flue location. The proposed flue is now located on the rear roof slope as opposed to the side elevation. The size of the flue is also significantly reduced. The extraction equipment would be located within the building.

NEIGHBOURING AMENITY

4.4 Noise - The application site is located at one end of a parade of shops which consist of a Spar retail unit, butchers, and hairdressers. There are a variety of opening hours within the existing retail units along this parade, the longest hours being the Spar shop which is understood to be open from 06:30 - 22:00 hours Mondays to Saturdays, and 07:00 - 22:00 hours on Sundays. It is proposed that the hot food takeaway would be open from 11:00 - 22:00 hours, therefore there would be no extension of opening hours within this parade of shops. In determining the appeal in relation to the previous application, the Inspector concluded: 'the proposed use would not introduce activity to an area which is currently extremely quiet and would be unlikely to add to existing levels of noise to an unacceptable degree'. The inspector then went on to state that any activities associated with the hot food takeaway should have died down well before 23:00 which is the specified time when people would normally be sleeping as outlined within Planning Policy Guidance Note 24: Planning and Noise. A condition could be added to any approval to both control opening hours and the time by which staff have to vacate the premises.

4.5 The second potential noise generator is the plant extraction system. It is worth noting that all of the existing shops within this parade of shops have plant systems at the rear of the building. The butchers shop has refrigeration plant contained within the storage building which is closer to

residential curtilages that the proposed hot food takeaway. These systems are audible from the surrounding area. Therefore the application site is not currently free from noise from the plant system and machinery. A supporting document has been submitted with the application which includes noise impact information relating to the proposed plant. This information states that average background recorded noise is 40.8dBA at this site. The proposed fan outlet would generate no more than 39dBA at 3m away. The extraction plant will be installed internally further reducing external noise levels. From noise recordings in the area the condensing unit attached to the butchers storage unit consistently generates over 65dBA at 3m away. Overall, this information indicates that it is unlikely that the sound of the proposed extraction plant would be discernible above background noise levels from 3m or more away. The nearest residential unit is approximately 7m away from the proposed hot food unit and a greater distance still from the proposed plant. Therefore, it is considered that subject to a condition controlling the plant equipment to be installed, there would be no significant harm to neighbouring amenity through noise. The Council's Environmental Protection Unit have raised no objections to the proposal on these grounds..

4.6 Odour - A number of letters of objection are concerned with odours and smells which can emanate from a hot food takeaway. The submitted supporting information states that filters would be in two parts, first would be panel filters configured in a V formation, followed by 6 carbon filters manufactured to be rechargeable to keep maintenance costs down. The filtered air would then be expelled through a high velocity discharge at the rear of the property. Air would be expelled at 15m/s in order to achieve a high level of dispersion thereby reducing concentrations of odour. It is considered that subject to conditions controlling plant, as stated in paragraph 4.5 above, the proposal would not harm neighbouring amenity through odour. Again, the Environmental Protection Unit has raised no objections on these grounds.

4.7 Litter - One of the reasons for refusing the previous application was the potential for litter generation. It is considered, however, that the majority of customers are likely to take food home or have food delivered. There is no significant sitting area provided within or outside the proposed hot food takeaway and therefore there is no incentive to consume the food within the area immediately surrounding the unit. However, a litter bin is provided outside the parade of shops should a customer wish to consume food in the area. The planning inspector concluded when determining the recent appeal that 'the likelihood of

additional litter caused by some inconsiderate customers would not be sufficient to justify rejection of planning permission'.

VISUAL IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

4.8 There are no physical alterations proposed to the shop front or the size of the building. The only external works are the installation of a flue on the rear roof slope. The flue proposed would be approximately 1.4m in length and 0.6m in width. The top of the flue would sit approximately 4.6m above existing ground level. The planning inspector raised concerns about the visual impact of the previously proposed flue as it was greater in length and located at the side of the property and was therefore visual prominent. The proposed flue within this application would not be visually prominent from Brockfield Park Drive in that it sits below the ridge line of the property. Whilst the flue would be visible from houses to the rear along Whitethorn Close, it would be seen in the context of other items of plant and machinery located to the rear of the existing parade of shops. It is not considered, therefore, that the proposal would have any significant impact on the visual amenity of the area.

TRAFFIC AND CAR PARKING

4.9 The parade of shops along Brockfield Park Drive benefit from a number of "echelon" car parking spaces to the front. These spaces can be used by visitors to any of the retail premises. It is estimated that around ten cars could park in this area at any time. Hot food takeaways tend to be busiest in the evening when the other retail units, other than Spar, will have closed. It is considered that there are adequate car parking spaces for visitors and delivery vehicles.

4.10 Brockfield Park Drive is a busy road for traffic as it provides access to a large number of residential units as well as being used as an access road to the surrounding area including Monks Cross retail park. It is not considered, however, that the proposed hot food takeaway would in itself have a significant impact on the level of traffic in the area or its free flow. Highway Network Management raise no objections to the application.

ANTI-SOCIAL BEHAVIOUR

4.11 An additional evening use within the parade of shops has the potential to increase the number of people visiting the area at this time. However, it does not automatically follow that there will be an increase in crime and anti-social behaviour. The Police Architectural Liaison Officer has concluded that there is no evidence to justify an objection to this planning application on crime and disorder grounds. The recent appeal decision concluded that there were insufficient grounds to conclude that the addition of a takeaway to this parade of shops would result in a harmful increase in anti-social behaviour. Alcohol is not to be sold or consumed at the premises. Opening hours would be no later than the existing retail unit which already attracts people into the area in the evening. The proposal would be the only hot food takeaway within the immediate area and therefore the proposal would not result in an over-concentration of such uses.

5.0 CONCLUSION

5.1 Overall, it is considered that the proposed development overcomes the concerns raised by the Planning Inspector in respect of the previous planning application. Subject to conditions, it is considered that the impact of the proposal on the amenities of surrounding occupiers as a result of traffic, noise, smell or litter would be acceptable, and as such the proposal complies with Draft Local Plan Policy S6. Hours of operation can be controlled by condition and would not exceed those of the adjacent Spar convenience store. Sufficient car parking is available to meet the operational needs of the proposed use and it is feasible to install an extraction system which would satisfactorily remove odours without harming neighbouring amenity through noise.

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:-

Ductwork Layout and Elevations drawing number ES1544-001 Revision

B

Block Site Plan drawing number 1873/PS01 Revision A
Proposed Elevations drawing number 1873/P02 Revision A all received
by CYC 09/06/11

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

3 The use hereby permitted shall only operate between the hours of 11:00 hours and 22:00 hours on any day. All plant and machinery shall have been switched off and all customers shall have vacated the premises by this time.

Reason: To protect the amenity of local residents.

4 Prior to the first use of the hot food takeaway hereby approved, details of all machinery, plant and equipment to be installed in or located on the building which is audible outside of the site boundary when in use, shall be submitted to the Local Planning Authority for approval. All such approved machinery, plant and equipment shall be used in complete accordance with the approved details. The machinery, plant and equipment and any approved noise mitigation measures shall be fully implemented and operational before the first use of the hot food takeaway and shall thereafter be appropriately maintained.

Reason: To protect the amenity of local residents.

5 There shall be adequate facilities for the treatment and extraction of fumes so that there is no adverse impact on the amenities of local residents by virtue of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system shall be submitted to and approved in writing by the Local Planning Authority. The approved system shall be installed in complete accordance with the approved details and fully operational prior to the first use of the premises as a hot food takeaway.

Reason: To protect the amenity of local residents.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

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

- the impact on the amenities of local residents through noise, odour and litter;
- visual impact on the character and appearance of the area;
- traffic and car parking; and
- anti-social behaviour.

As such the proposal complies with Policies S6 and GP1 of the City of York Development Control Local Plan.

Contact details:

Author: Michael Jones Development Management Officer

Tel No: 01904 551339

62 Brockfield Park Drive

Ref: 11/01473/FUL



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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	01 August 2011
SLA Number	Not Set

purpose or function, the site sits within predominantly rural surroundings. There are extensive areas of open fields stretching in all other directions away from the site.

1.4 The application site has a complex and extensive recent planning history which is summarised below.

- In 2000 the council refused outline consent for redevelopment to provide 15 dwellings on the site, mainly because of conflict with Green Belt policy and the over-dependence of the location on the private car.

- In 2000 an application was submitted for the change of use of the buildings to general industrial, warehousing and storage. Following discussions with officers, who indicated they did not consider the buildings suitable for such uses, and receipt of consultation responses, the application was withdrawn.

- In 2001 planning permission was sought for the redevelopment of the site to provide eight 'work from home' units. Members were minded to grant planning permission for the proposal. The application was called in by the Secretary of State. The inquiry Inspector recommended refusal, mainly due to impact on the openness of the Green Belt. Other reasons included harm to the visual appearance of the site/area, limited employment benefits, high reliance on private motor vehicles, increase in traffic, poor location in terms of sustainability and very limited policy support at local or national level. The Secretary of State concurred with the Inspector's recommendations and in November 2005 planning permission was refused.

- In 2003 (prior to the public inquiry into the 'work from home' units) outline consent was sought for redevelopment to provide four workplace homes and three affordable dwellings. Following an appeal against non-determination the council resolved to oppose the proposal, mainly due to conflict with Green Belt policy. In May 2005 the appeal was withdrawn.

- In 2008 planning permission was sought for the change of use and conversion of the existing redundant buildings to B8 (storage and distribution) Use Class. The application was refused on the grounds that it was harmful to the rural character of the area, harmful to the openness of the Green Belt, inappropriate development in the Green Belt, the unsustainable location, highway safety issues for pedestrians and cyclists, and finally concerns about the drainage of the site.

1.5 This application is being referred to Planning Committee for a decision at the request of Cllr Jenny Brooks on the grounds of public interest. A site visit is recommended in order to establish the potential impact that a new housing scheme would have on the Green Belt and also to consider the sustainability of the site for residential development.

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:

CYSP6
Location strategy

CYGP1
Design

CYGP4A
Sustainability

CYGP15
Protection from flooding

CYGP6
Contaminated land

CYGB1
Development within the Green Belt

CYGB6
Housing devt outside settlement limits

CYNE6
Species protected by law

CYH2A
Affordable Housing

CYH4A
Housing Windfalls

CYH5A
Residential Density

3.0 CONSULTATIONS

INTERNAL

3.1 City Strategy - The site is within the Green Belt. Market housing is not an appropriate use within the Green Belt and therefore an objection is raised to this application as it conflicts with local and national planning policies.

3.2 Environmental Protection Unit - No objections to this application. However, given the sites former use as a pig farm there could be some contamination from slurry pits, fuel spillages, and asbestos. Therefore, it is recommended that conditions are added to any approval regarding the removal of any ground contamination.

3.3 Housing Strategy and Enabling - Happy to accept commuted sum payments on this site.

3.4 Drainage - No objections. The standard drainage condition would need to be added to any approval.

3.5 Ecology - A great crested newt survey was carried out as requested. Three ponds within 500m of the site were found to contain GCN; two of these were identified as breeding ponds. It is also likely that the third pond is a breeding pond as both males and females were present. No GCN were found in the ditch which runs through the site. The survey considered that the overall impact of the development would be high bearing in mind the proximity to known breeding ponds and the suitability of the site for providing terrestrial and hibernation habitat. The site currently provides the best terrestrial habitat in the area and there are concerns about the impact of the proposed development on this. Whilst the creation of the new ponds provides aquatic habitat, the loss of on land habitat is such that a European Protected Species license is likely to be needed. As a Local Authority, under the Habitats Directive, it is important that consideration is given to whether Natural England is likely to grant an EPS licence for the works. The proposed landscaping

scheme does not include any creation of suitable habitat or compensatory habitat for the loss of good quality hibernation and refuge sites currently found on the site. Additionally, the area around the new ponds would need to be managed for GCN habitat. The proposed large new pond within the top eastern corner of the site is isolated with no connectivity which would restrict migration occurring from ponds to the west. For a medium GCN population, this proposed mitigation is not adequate, and therefore the EPS license is likely to be refused. There is no evidence of bat roosting within the site, however there is potential within the new scheme to provide habitat benefit through the use of bat tiles and bat boxes. In addition there is the potential to enhance the biodiversity of the site through wildflower planting of the amenity areas. This could be controlled through condition.

3.6 Highway Network Management - Proposed access, car and cycle parking and turning details are acceptable. These would need to be secured through planning conditions. It is considered that the application is not in a sustainable location in terms of transport movements. The nearest bus service is 750m from the site, far beyond what is normally considered a reasonable walking distance. In addition, there are few residential areas within 5km of the site which is the generally accepted radius for potential cycle journeys. Additional traffic movements from the site would be relatively light and it is unlikely to have a significant impact on the highway safety. The applicant is offering to fund the construction of a new footway linking the site with the existing footways in the village. However, there are concerns that the footpath would not be able to directly link up to existing footpaths as land is within the ownership of private householders. Therefore, despite a new footpath, there would still be significant pedestrian and vehicle conflict at the junction of Main Street and Warthill Road.

3.7 Leisure - The proposed creation of public open space in the village is welcomed. The pond area should be linked to the grass area abutting Holtby Lane so that it creates a circular walk rather than two disconnected and less functional spaces. The private drive that splits the main grass area in two would be better moved to the left of the space in order to create a larger more useful space for children to play on. In lieu of the amount of space on site no off site payments will be required. A commuted sum would be required to fund maintenance and clarification is required over the surface water maintenance responsibilities.

EXTERNAL

3.7 Holtby Parish Council - Do not object but wish to make the following comments:

- the creation of a footpath should be a condition of any approval;
- this development should not be a precedent for future Green Belt development, this is an exceptional case and right for the village;
- outbuildings to the rear of Newsham House should also be demolished.

3.8 Warthill Parish Council - The former piggeries site shares a common boundary with Warthill Parish Council. The Parish Council wishes to object to the application for housing development in the Green Belt. The site has been the subject of a number of planning applications. The most recent application for housing was called in by the Secretary of State and was subject of an exhaustive Public Inquiry. The outcome was that both the Planning Inspectorate and The Office of the Deputy Prime Minister rejected every aspect of the application.

3.9 Yorkshire Water - The development of the site should take place with separate systems for foul and surface water drainage. The local public sewer does not have the capacity to accept discharge of surface water from the site. SUDS would be a suitable solution. A number of conditions were recommended to be added to any approval.

3.10 Foss Internal Drainage Board - Osbaldwick Beck which is adjacent to the site is an IDB controlled watercourse. All developments should aim to reduce flood risk overall as outlined in PPS25. The use of a storage pond which discharges to the Beck at a controlled rate would be adequate subject to suitable design. A number of conditions were recommended to be added to any approval.

3.11 Country Land and Business Association - It is considered that a residential development on this site would be the best outcome. The proposal would result in real benefits to the village both in terms of visual improvements and the conservation benefits and footpath proposed as part of the scheme. It is not considered that the proposal would be harmful to the Green Belt.

3.12 Third Parties -Twenty-four letters were received stating that they either supported or had no objections to the proposed development. Some letters outlined the reasons for their support of the application which are summarised below:

- the development would enhance the village;
- it is important that the opportunity is taken to clear the current derelict buildings which are an eyesore;
- whilst it would be ideal to return this land to a green field, this would not be financially viable and therefore the best solution is to build something which the village can support;
- the proposal would create much needed family sized housing;
- the proposed houses would not harm any local residents living conditions or views;
- the proposal would have a lesser impact on the Green Belt than the existing buildings;
- planning should deal with applications on an individual basis and not refuse the application just because it is within the Green Belt;
- new localism legislation is there to give residents more of a say and the people of Holtby support this application;
- the proposed development would help the existing houses along Holtby Lane feel more part of the village;
- the creation of a new footpath is welcomed;
- the building works would create jobs;
- the former piggery buildings are of poor quality and in a bad state of repair and are an eyesore which harms the countryside;
- the proposal may bring more children into the area which would be very welcome in providing support for Warthill Primary School;
- the proposal would not extend the village further as there are already houses around the site;

Eight letters of objection have been received. The following comments were made:

- this application is consistent with a number of other applications on this site in the past, all of which have been refused;
- the proposal is not supported by Green Belt planning policies;
- if approved this proposal would set a precedent for other land owners in the area who would want to build houses on sites which are redundant;
- the development of this site does not justify ignoring clearly established Green Belt policies;
- there is no change in circumstances which would warrant changing the verdict of the Planning Inspectorate in rejecting a previous application on this site;
- there is concern that the applicant is purposely leaving the land in a derelict state in order to get a planning permission, the land should have been tidied up when the piggery use ceased;

- the solution is for the Council to take action in forcing the applicant to clean up the land through a Section 215 Notice 'Land Adversely Affecting the Amenity of the Neighbourhood';
- the development site is situated in a prominent location in one of only 12 small villages within the City of York Area;
- the site is not in a sustainable location;
- the proposal conflicts with 'Holtby Village Design Statement' which sets out the guidelines for the development of the village and was prepared by local residents;
- the proposal would clearly harm the openness of the Green Belt and the rural setting of the village;
- the proposed houses are very large and not in keeping with other houses in Holtby;
- the houses would promote car dependence as there are no reasonable alternative transport modes;
- PPG3 (now superseded by PPS3) defines previously developed land as that which is or was occupied by a permanent structure...but excluding agricultural buildings therefore in planning terms the site is considered to be 'Greenfield' and therefore the agricultural buildings should not be used to justify the development of houses;
- the fact that it is financially unviable to clear up the site without enabling development is not a reason to justify the proposal;
- there are known problems of the back-up of foul water in the area, this needs to be fully investigated and considered before proposing to build more houses in the area;
- all developments must be considered in line with current planning policies, the proposal is clearly unacceptable as was outlined in previous refusal decisions including those by the Secretary of State and the Office of the Deputy Prime Minister;
- there is plenty of scope within Green Belt planning policy for the applicant to get an appropriate planning permission for this site which could pay for the cost of removal of the redundant buildings.

An additional letter was received from a local resident in respect of the Country Land and Business Association letter which is summarised in paragraph 3.11 above. The letter comes from a member of the Country Land and Business Association and states that the CLBA letter does not reflect the views of its members and that no consultation took place with its members to establish their views. The letter re-emphasises the position taken in refusing previous applications on this site, including its harm to the Green Belt. None of the letters in support of the application quote planning policies as a justification for approving the application.

4.0 APPRAISAL

4.1 The key issues are:

- Principle of development in the Green Belt;
- Impact on the Green Belt;
- Sustainability;
- Open Space;
- Ecology;

GREEN BELT

4.2 National advice contained within Planning Policy Guidance Note 2 "Green Belts" (PPG2) and Development Control Local Plan Policy GB1 set out the type of developments which are not inappropriate within the Green Belt. Development of open market residential units are not listed and therefore are considered inappropriate development in the Green Belt. Local and national planning policy states that inappropriate development is by definition harmful to the Green Belt. The applicants are not contesting that the development is inappropriate. Therefore, the main issue is whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

4.3 The impact a proposal has on the Green Belt is to an extent subjective. The proposal involves significant site clearance with the removal of all existing former pig accommodation and barns. Following development, the footprint of development on the site would be less than at present. There is little doubt that the site has an untidy and overgrown appearance as it has not been used for a number of years. However, whilst the site does not contribute positively to the character and appearance of the area, it does retain an agricultural appearance which one would expect to see in the Green Belt. The site was used for grazing land until 1973 and then approximately 29 agricultural buildings were erected under permitted development rights when it was used as a piggery. These buildings were permitted development only because they served an agricultural use. Therefore the site very much has the appearance of a collection of unused agricultural buildings. Paragraph 2.6 of PPG2 states that development should not be allowed within Green Belts "merely because the land has become derelict". Therefore the benefits of the removal of existing structures need to be set against the impact of the new development on the openness of the Green Belt.

4.4 The proposed application is for the erection of four houses. The Planning Inspectorate has previously assessed an application on this site for eight houses. Even though the proposal is a reduction in the number of dwellings proposed, it is important that weight is given to the conclusions made in respect of application 01/01880/OUT. It was concluded that the eight dwellings proposed would be considerably more substantial and higher than most agricultural buildings and would constitute a significant incursion which would have a detrimental impact upon the character of the area. It is acknowledged within this application that the number of dwellings proposed is reduced; however, the houses themselves are of very large proportions. It remains the case that the dwellings are significantly taller than the majority of former agricultural buildings on the site and are of significant footprint. Two thirds of the existing buildings which it is proposed to demolish are no more than 3.5m in height. There are two barns on site which are greater than 5m in height, namely the pole barn which is 5.6m in height and the former dry sow yard which is 6.3m in height. The pole barn is simply a roof supported by poles and views are afforded beneath the roof and through to the hedges and trees beyond. This significantly reduces the visual impact of the structure. The former dry sow yard is of timber construction and is the type of building one would expect to see in this rural Green Belt location.

4.5 The vast majority of existing buildings on site are modest in height and of insubstantial construction. The presence of hedges in the area restricts views of these buildings. In addition, the dwellings known as Camborough Lodge, Willow Court, and Willow Barn and the green landscaping within the curtilages minimise or eliminate views of the agricultural buildings from a number of vantage points. It is considered that the introduction of four dwellings which have ridge heights of between 8.3m and 10m above ground level would be visually prominent from a greater number of vantage points than the existing generally low lying buildings. Roads in the area are generally bounded by hedges and therefore the existing buildings are not visually prominent for road users. The significant increase in total height combined with the significant increase in the amount of built development above 5m in height would harm the openness of the Green Belt. Contrary to this, the refusal of this application and likely retention of the existing buildings would have no greater material effect upon the openness of the Green Belt.

4.6 The proposal involves the creation of a new access off Holtby Lane. The removal of the hedge and the proposed private drive would lead the

eye towards the proposed new cluster of dwellings. At present the straight nature of this part of Holtby Lane and the continuous hedge along the frontage do not encourage people to look towards the site. Whilst the proposed houses are set back from the road and there would be some views to the side and between buildings, and the proposed houses would dominate views which are currently afforded into the open countryside from Holtby Lane between Willow Court and Willow Barn. Whilst the footprint of development would be significantly reduced it is considered that the perception of physical development would be increased by the cluster of substantial houses between existing dwellings along the road frontage. Therefore the harm to openness has to be added to the substantial harm by reason of inappropriateness,

4.7 The Green Belt and open countryside is not only characterised by its openness but also by its rural character and setting. It is considered that the proposed dwellings when added to the existing dwellings in this locality, would be perceived as an extension to the built-up area of Holtby. It is considered that this would be harmful to the character and appearance of the rural setting of the village and would constitute a substantial encroachment of the village into the countryside which is contrary to the purposes of including land in the Green Belt in local and national planning policy. The Holtby Village Design Statement places great emphasis on the importance of the green setting of the village and seeks to safeguard the countryside from further encroachment. The proposal is considered contrary to these objectives and guidelines.

4.8 It is acknowledged that there are visual benefits of removing the redundant buildings on the site. A number of local residents consider them to be an eyesore and would welcome their removal. In addition, the applicant is proposing to demolish two agricultural type buildings within the grounds of Newsham House on the opposite side of Holtby Lane. The applicant states that this would have a positive impact on the openness of the Green Belt. However, planning policy is clear that this type of site clearance should not be carried out at the expense of the openness and character and appearance of the Green Belt. The Village Design Statement also adds weight to the importance of the rural setting of the village. The applicants consider that the benefit of removing the redundant buildings constitutes a very special circumstance which outweighs the harm identified above.

4.9 In addition to the removal of derelict buildings, the proposed development could result in other benefits to the area. One of these is the creation of a public footpath running alongside the north side of

Holtby Lane connecting up the junction to the south east of Willow Barn with the site and Weir House to the west. There is a debate about whether a formal footpath would be suitable within this rural location as this could serve to urbanise what is currently a relatively undeveloped rural location. There is also doubt about the increased pedestrian safety which would result from the footpath as there would remain a significant pedestrian vehicle conflict at the junction of Main Street and Warthill Lane. The applicants argue that there is a clear benefit of linking up the site and the surrounding residential units with Holtby Village by offering a pedestrian route. At present there is no footpath or street lighting and the road is unrestricted meaning that it is currently very uninviting for pedestrians. The applicant has agreed to fund a new footpath should members be minded to approve this application and consider that a footpath would be both suitable and beneficial for the location.

4.10 A third benefit of approving the application would be the creation of open space which could be used by the residents of Holtby. The proposed pond and surrounding grassed area would be given over to the Parish Council for management. This could provide the residents of Holtby with an area of public open space.

4.11 Despite the potential benefits outlined above, namely the creation of a new footpath, the creation of public open space, and the removal of redundant agricultural buildings, it is not considered that this outweighs the harm to the Green Belt. The proposal is considered harmful by virtue of its inappropriateness, harmful to the openness of the Green Belt, and harmful to the rural setting of Holtby. It is not considered that the potential benefits represent very special circumstances which overcome this harm.

SUSTAINABILITY

4.12 Holtby is a village which does not have any facilities and services which reduce the need to travel. Generally residents have to travel to access day to day services and facilities. There are no dedicated cycle lanes in the area and generally the nature of the roads are not ideal for commuter cyclists. The village has a bus stop but it is understood that it is not serviced at present. The nearest bus service is the number 10 which runs along Stamford Bridge Road to York City Centre. To use this bus service it would mean future residents of the site walking along Holtby Lane and through the village, turning up Panman Lane before crossing Stamford Bridge Road. Whilst this is technically a feasible route and provides an option of travel by non-car mode to the city centre,

it is not an attractive option. Panman Lane has formal footpath and is unlit and narrow. There is no formal crossing along this stretch of Stamford Bridge Road. In addition there is no lighting along Holtby Lane and the pedestrian/vehicle conflict at the junction of Main Street would remain. It is considered that given the distance between the proposed houses and the bus stop as well as the lack of pedestrian friendly facilities, future occupiers are very unlikely to regularly choose a sustainable transport mode. Therefore, in purely locational terms the application site is not considered to be sustainable.

4.13 A sustainability statement has been submitted in line with local plan policy GP4a. Measures proposed to be included within the development to reduce the overall environmental impact are the use of high quality insulation, solar panels to generate heat, the use of energy efficient lighting and heating, and sustainable drainage into the proposed pond. Conditions could be added to any approval to ensure that the houses achieve at least Code for Sustainable Homes Level 3 and that the solar panels are installed and fully operational.

OPEN SPACE

4.14 Development Control Local Plan Policy L1c states that all new developments should contribute towards the provision of public open space. Within this application, it is proposed to provide public open space within the north east corner of the site and also around the new vehicle access point. This open space would be accessible by the general public as well as any occupiers of the proposed new houses. Normally on sites of less than 10 dwellings, a commuted sum payment is sought. However, given the size of the application site and the applicants willingness to give over land to the parish council, the proposed on site provision is considered acceptable.

4.15 The proposed public open space consists of a pond surrounded by amenity open space. A new timber foot bridge would be built over the existing ditch to provide access to open grassland which again would be used for general amenity purposes. Overall around 6000 sq m of open space would be provided for public use. The Parish Council would take ownership of this space so issues around maintenance would be controlled locally. It is considered that the proposed development complies with Development Control Local Plan Policy L1c.

ECOLOGY

4.16 Whilst the application site is of an overgrown appearance, it has created a good quality habitat for Great Crested Newts. The removal of the buildings from the site would be harmful to this habitat. The creation of two new ponds does have some benefit, however the isolated nature of the larger pond from other ponds combined with the removal of good quality hibernacula and refuge areas within the remaining site raise concerns about the impact on the medium level Great Crested Newt population in the area. It is the view of the Countryside Assistant at the Council that this is not acceptable and would result in Natural England refusing a license which would be required to carry out the proposed works. Therefore, it is considered that the proposal fails to comply with Development Control Local Plan Policy NE6 in that the proposed mitigation measures are not adequate to protect species which are protected by law.

4.17 The proposed development seeks to protect existing trees and hedges. Additional planting would be provided to enhance the wildlife value of the site. Wildflower planting and the use of bat boxes and tiles could further enhance the biodiversity of the site. It is recommended that a condition promoting the use of suitable planting and habitat features be added, should planning permission be granted.

5.0 CONCLUSION

5.1 It is considered that the proposal constitutes inappropriate development in the Green Belt. No very special circumstances have been demonstrated which overcome the presumption against inappropriate development in the Green Belt. In addition, it is considered that the proposal would harm the openness of the Green Belt and the rural character and setting of Holtby village.

5.2 Holtby does not contain everyday services and facilities and is therefore considered an unsustainable location for new residential development. The site does not have good access to sustainable modes of transport in order to meet day to day travel needs.

5.3 It has not been demonstrated that the proposed Great Crested Newt mitigation measures are sufficient to maintain an existing medium level population in the area. The proposal results in the loss of significant potential habitat.

5.4 For the reasons outlined above, the application is recommended for refusal.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed development constitutes inappropriate development in the Green Belt which is by definition harmful. It has not been demonstrated that very special circumstances exist which overcome the presumption against inappropriate development in the Green Belt. Therefore the proposal is considered contrary to national planning advice contained within Planning Policy Guidance 2: "Green Belts" and Policy GB1 of the City of York Council Draft Local Plan (2005).

2 It is considered that the nature and scale of the proposed development and the associated uses of land, together with the prominent location of the site, would have a materially greater impact than the present use on the openness of the Green Belt. The proposal is therefore contrary to national planning advice contained within Planning Policy Guidance 2: "Green Belts" and Policies SP6 and GB1 of the City of York Council Draft Local Plan and design guidelines contained within the Holtby Village Design Statement.

3 It is considered that the scale of the proposed development and the associated uses of the land, together with the prominent location of the site, would result in the site having an overtly residential character, out of keeping with the rural character of the site and the surrounding countryside. The proposal would be perceived as an extension to the built-up area of Holtby therefore significantly affecting the approach to, and rural setting of, Holtby village contrary to national planning advice contained within Planning Policy Guidance 2 "Green Belts", Policies GP1 and GB1 of the City of York Council Draft Local Plan and design guidelines contained within the Holtby Village Design Statement.

4 The application site is within a remote location without good access to everyday services and facilities therefore encouraging the need for regular travel. Notwithstanding the proposed footpath it is considered that the site has inadequate cycle and pedestrian facilities with poor access to bus stops due to the distance and nature of the route. The site would strongly encourage journeys by private car, therefore the development is not considered sustainable. The proposal

is, therefore, contrary to national planning advice contained within Planning Policy Guidance Note 13: "Transport", Planning Policy Statement 1: "Delivering Sustainable Development" and Policies GP4a and SP8 of the City of York Council Draft Local Plan.

5 The proposed development would be harmful to the existing habitat for the medium level Great Crested Newt population in the area. It has not been demonstrated that satisfactory mitigation measures would be put in place to compensate for this loss of habitat. Therefore the proposal is contrary to the aims of Planning Policy Statement 9: "Biodiversity and Geological Conservation" and Policy NE6 of the City of York Council Draft Local Plan.

7.0 INFORMATIVES:

Contact details:

Author: Michael Jones Development Management Officer

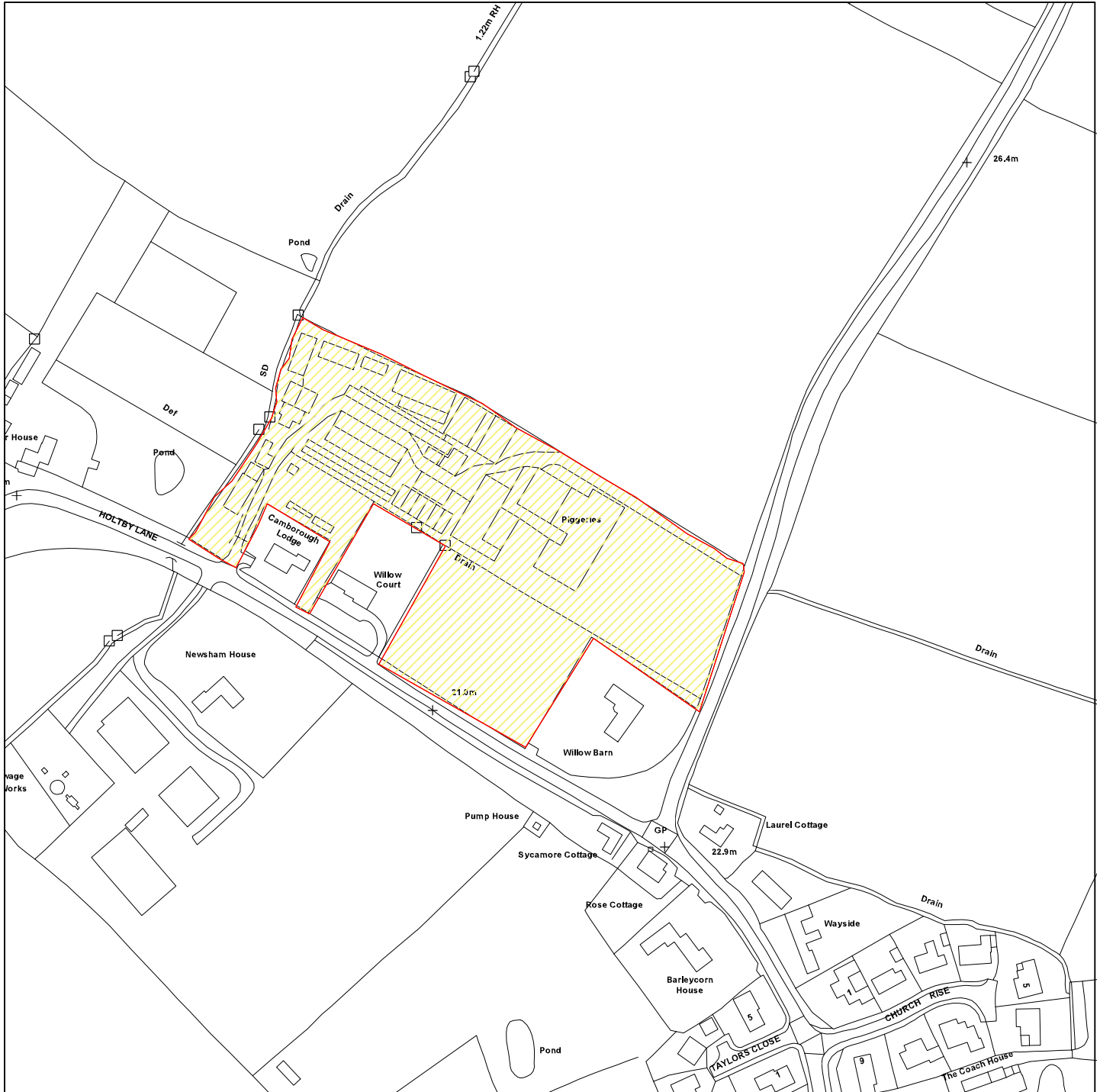
Tel No: 01904 551339

Former Piggeries, Rear of Willow Court

11/00585/FUL



GIS by ESRI (UK)



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	01 August 2011
SLA Number	Not Set

COMMITTEE REPORT

Date: 11 August 2011 **Ward:** Heworth Without
Team: Householder and **Parish:** Heworth Without Parish
 Small Scale Team Council

Reference: 11/00927/FUL
Application at: 19 Bramley Garth York YO31 0NQ
For: Replacement conservatory roof and rear wall
By: Mrs Susan Hodgson
Application Type: Full Application
Target Date: 16 August 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks planning permission to replace an existing rear conservatory wall and roof. The application site is 19 Bramley Garth which is a semi-detached dormer bungalow in Heworth Without. At the rear of the bungalow is an existing conservatory which measures approximately 4.5 metres in width x 3.9 metres in length. The conservatory has a polycarbonate sheeting roof which has a gentle slope, connecting up to the main house at approximately 2.7m above ground level.

1.2 The existing conservatory is a number of years old and is poorly insulated. The proposal is to remove the rear wall of the conservatory and replace it with a new brick wall containing two windows and a door opening. The existing roof would be removed and a new roof of concrete roof tiles erected. A tiled roof requires a greater pitch resulting in the maximum height of the conservatory sitting 3.5m above ground level. There are no proposed changes to the footprint of the existing conservatory.

1.3 Part of the application site is within Flood Zone 3 with the bungalow itself being within Flood Zone 2.

1.4 This application has been brought before East Area Planning Sub-Committee as the applicant is an employee of the 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

Floodzone 2 GMS Constraints: Floodzone 2

2.2 Policies:

CYGP1

Design

CYH7

Residential extensions

CGP15A

Development and Flood Risk

3.0 CONSULTATIONS

3.1 INTERNAL

None

3.2 EXTERNAL

Heworth Without Parish Council - No objections.

Neighbours - No correspondence received.

4.0 APPRAISAL

4.1 It is considered that the key issues are the potential impact on the living conditions of neighbours and flood risk.

4.2 The proposed alterations are at the rear of the property and are modest in scale. It is not considered that there would be any adverse impact on the character and appearance of the area.

4.3 The relevant City of York Council Draft Deposit Local Plan Policies are H7 and GP1. 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.

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

4.5 The City of York Council's supplementary planning guidance - 'Guide to extensions and alterations to private dwelling houses' states that the basic shape and size of the extension should be sympathetic to the design of the original dwelling. The scale of the new extension should not dominate the original building.

4.6 The property that would be most affected by the proposal is 21 Bramley Garth which is the adjoining semi-detached dormer bungalow. There is an existing boundary wall between the application site and 21 Bramley Garth which is approximately 2m in height. The wall increases in height alongside the existing conservatory. The proposed alterations only increase the eaves height of the conservatory/garden room by approximately 0.1m. The maximum height increases by approximately 0.8m as a result of the proposed new roof pitch. The greatest increase in height is where the conservatory/garden room connects up to the main house. It is considered that this is the area where the impact on neighbours is at its least. The conservatory is to the north-west of the rear windows within 21 Bramley Garth and as such it is not considered that there would be any significant impact in terms of loss of light or overshadowing, or outlook from within. No objections have been received from neighbours.

4.7 The proposed alterations to the application site would not increase the amount of impermeable area on site. In line with Policy GP15a, a Flood Risk Assessment has been submitted with the application. The report states that the new floor level will be set 185mm above the existing external ground level and that all electrical sockets will be fitted a minimum of 500mm above the internal floor level. Rainwater will be discharged to the existing drain. It is considered that the proposal would not increase flood risk elsewhere and has mitigated the effects of possible on site flooding as far as is practicable.

5.0 CONCLUSION

5.1 It is considered that the proposal complies with relevant planning policies and guidance.

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:-

Proposed plans and elevations - drawing numbers SH-011 and SH-012

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

3 The materials to be used externally shall match those of the existing buildings in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

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 living conditions of neighbours and flood risk. As such the proposal complies with Policies GP1, GP15a and H7 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

Contact details:

Author: Michael Jones Development Management Officer

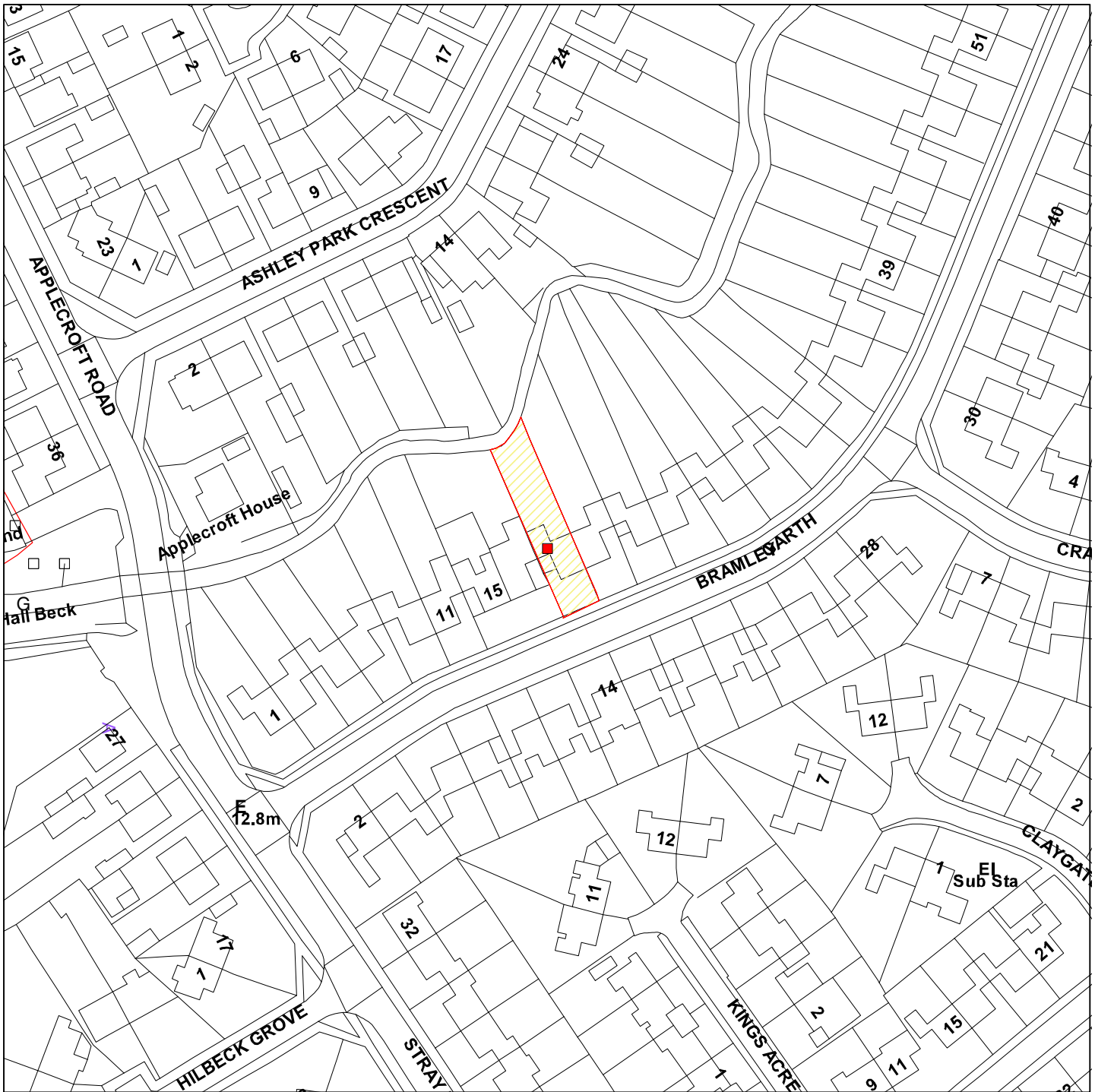
Tel No: 01904 551339

19 Bramley Garth

Ref: 11/00927/FUL



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Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	01 August 2011
SLA Number	Not Set

COMMITTEE REPORT

Date: 11 August 2011 **Ward:** Fulford
Team: Major and **Parish:** Fulford Parish Council
 Commercial Team

Reference: 11/00523/FUL

Application at: Fantasy World 25 Main Street Fulford York YO10 4PJ
For: Conversion of shop to 9 bedroom house in multiple occupation. Alterations to building including replacement of shop frontage and insertion of new windows/doors. Alterations and extension of existing garage and use as self-contained dwelling. Provision of vehicle parking area within rear garden. (revised scheme)

By: Mr Justin Heaven

Application Type: Full Application

Target Date: 22 June 2011

Recommendation: Approve

1.0 PROPOSAL**1.1 The site**

The application site is located on the east side of Main Street, Fulford, south of the signal controlled junction with Heslington Lane, and within the Fulford Conservation Area. It comprises a linear plot running east from the road with a late Victorian frontage building that is part of a terrace of similar properties fronting onto Main Street at the back of footpath. The building provides accommodation over three storeys (second floor in roof space) and within a single storey rear extension. A detached outbuilding with conservatory is located at the rear next to a parking area. Vehicle access is via a shared covered passageway between 23 and 25 Main Street that gives right of access to the rear parking area and large garden. There is a pedestrian gate at the end of the garden giving access to a pedestrian lane serving 6-12 School Lane at the rear of the site. It is currently in use as a fancy dress shop on all floors. The surrounding area is a mix of residential and commercial. The properties either side of the application site are in residential use as are the terraced houses at the end of the garden - these are mainly private dwellinghouses with the exception of no. 23, which is a house in multiple occupation. The site is adjoined to its south by Fulford Social Hall and related buildings.

1.2 The proposal

The application proposes the conversion of the property into a house in multiple occupation (HMO) with 9 bedrooms and the creation of a self contained unit in the rear outbuilding. The house would have its communal area - kitchen, dining and living space - on the ground floor of the original building. The bedrooms, which would be en-suite, would be on the upper floors and in the rear extension. The converted garage would provide a self contained unit with a bedroom living area and separate kitchen and bathroom within a new single storey extension to replace an existing conservatory. Three parking spaces would be created beyond this unit with turning space. A secure cycle parking area would be provided next to this. Beyond the parking area, the existing garden would be retained as an amenity space for residents. To allow the conversion, physical works would be required including blocking up openings and creating new windows, roof lights and doors, removing an existing link between the house and its extension, enlarging an existing single storey link on the boundary with no.27.

The application is supported by the following documents:

Statement by applicant - Confirms the history of the site and his family's involvement and the reasoning behind the proposal. It states that the applicant's company has outgrown the premises and the problem with parking in the vicinity due to the proximity to the junction.

Design and Access Statement - Concludes that the current unit does not serve the local needs of the immediate community and therefore its loss will not be significant. Considers that the size of the property lends itself to multi-occupancy and the student need in the area. The application would involve improvements to the fabric of the building. It is accompanied by an old street photograph showing the building as a residential property.

Flood Risk Assessment - Confirms that the site is in Flood Zone 1 (low risk) and has no history of flooding.

Land Contamination Report - This states that the use of the site was residential from 1890 to 1950 and then commercial and domestic from 1951 to the present. Its current land use being commercial as a retail shop. There have been no reported or unreported pollution incidents.

Noise Impact Assessment - Highlights that the site falls within Noise Exposure Category D, due to its location next to the A19 and near a traffic signalled junction. It proposes a glazing and ventilation scheme to ensure internal noise levels within the proposed dwelling meet the requirements of British Standards.

1.3 Relevant history

The building was originally in residential use, being converted into a commercial unit in the 1950s. The current use has operated from the site for 16 years. Planning permission was granted for the conversion of no. 23 from a shop to a HMO for 12 occupants including a self-contained bedsit in 1996 (96/2267/FUL).

The application has been called-in to Committee by the Ward Member, Councillor Aspden. His objections to the application are set out in section 3.3.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Fulford CONF

City Boundary GMS Constraints: York City Boundary 0001

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

Schools GMS Constraints: St. Oswald's CE Primary 0228

2.2 Policies:

CYGP3
Planning against crime

CYGP4B
Air Quality

CYGP4A
Sustainability

CYGP6
Contaminated land

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYT4
Cycle parking standards

CYH4A
Housing Windfalls

CYH8
Conversion to flats/HMO/student accom

CYS9
No loss of local or village shops

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

3.1 The application was publicised by way of internal and external consultation letters, a site notice and press notice.

3.2 Internal

Environmental Protection Unit (EPU) - Concerns raised regarding land contamination, air quality and noise. Requested various reports be undertaken. Recommend refusal of the application on the grounds that the site falls within Noise Exposure Category D, which as PPG24 clearly states, 'should normally be refused'.

That being said, the acoustic report submitted with the application demonstrates that by using suitable glazing it would be possible to ensure acceptable internal noise levels are achieved which comply with the requirements of BS8233 and the World Health Organisation (WHO) guidelines on community noise. In addition, the outdoor amenity space located to the rear is unlikely to be adversely affected by noise, and

since the application is for a HMO this area may not be as sensitive to noise as other developments.

As the site is in an air quality management area it will be necessary that all windows to the front of the property are non-openable with mechanical ventilation provided drawing air from the rear.

As a result, the concern is that by sealing this property from noise and poor air quality, it creates substandard accommodation which is unlikely to benefit the future residents of this site or be a benefit to the housing stock of York. Requests conditions if minded to approve against recommendation of refusal. These conditions require firstly a scheme to achieve specified noise levels and secondly all windows to the Main Street to be non-opening with mechanical ventilation.

Environment and Conservation - Frontage is part of a late Victorian terrace of brick buildings with decorated gables facing onto Main Street. The frontage building makes a positive contribution to the character and appearance of the conservation area, despite changes to it. Removal of the shop front and rebuilding front elevation could preserve the contribution the building makes to the street-scene subject to details. The upper floor of the rear elevation is visible in views from Heslington Lane. Again, to preserve the character and appearance of the area, painting of brickwork on the main building should be avoided. No objection to the proposed alterations to outbuildings. Demolition of existing link structure and proposed replacement preserves character and appearance of conservation area. Requests conditions in event planning permission granted - material samples, cross-sections, window details, design and materials of window head arches.

Highway Network Management - No objections in principle to the revised plan. Recommend standard condition HWAY19 (Car and cycle parking).

Communities and Culture - Request contribution towards off site provision in lieu of on site amenity open space and sports provision.

3.3 External

Councillor Aspden - objects on behalf of local residents. This is because it is a change of use from a local business to accommodation with a lack of parking and amenity space for 11 bedrooms plus garage conversion. It is a particularly narrow access point and an additional 11-bed HMO will not maintain the community balance in Main Street.

North Yorkshire Police - Analysis of police recorded incidents within a 100m buffer zone shows that the proposed development is in an area of low risk in respect of crime and disorder. It is noted that the proposal is to provide student accommodation. Crime against student properties in York continues to be a concern and therefore there is justification for requiring a high standard of security to be provided in respect of this development. Suggests gating shared passageway and providing fully enclosed and lockable cycle store.

Fulford Parish Council - Objects.

- Loss of longstanding retail facility with no attempt to market the property;
- Inadequate vehicle and cycle parking provision;
- Concentration of HMO uses in a small area leading to adverse impact on residential character and amenity;
- Unsafe access.

Local residents - following responses received:

Response from immediate neighbour at no. 27 - Consider changes to be appropriate as long as the applicant lives in the property as caretaker, otherwise object to student rental property. He will need to ensure adequate off street parking.

Response from two residents of Heslington Lane - Concerns regarding parking, concentration of HMO properties, future residents.

Letter for support on basis that the residential façade of Main Street would be better.

4.0 APPRAISAL

4.1 The main considerations in the determination of the application are:

- loss of shop;
- principle of residential use;
- suitability of building to residential use;
- amenity issues;
- impact on conservation area;
- highway safety
- contamination.

4.2 Policy Context: Central Government advice is contained in Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing, Planning Policy Statement 5: Planning for Historic Environment and Planning Policy Guidance note 24: Planning and Noise.

PPS1 puts the creation of sustainable communities at the heart of the planning system, with accessibility, design and safety being instrumental to this. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

PPS3 encourages more effective and efficient use of land. It supports PPS1 with regards high quality and sustainable housing.

PPS5 sets out policies that seek to protect designated heritage assets. Policy HE9 establishes the presumption in favour of the conservation of designated heritage assets, including elements that contribute to the significance of a conservation area as a whole.

PPS24 gives advice on the approach to be taken with regards noise exposure categories for residential development to be taken into account in the consideration of applications for residential development near transport-related noise sources.

City of York Draft Local Plan policies are material to the consideration of the application and are summarised in section 2.2.

4.3 Loss of shop

Policy S9 of the Draft Local Plan seeks to retain local or village shops that serve a local need. The policy advises that only where the local need no longer exists or appropriate alternative facilities exist within the local area that change of use proposals that result in the loss of such shops be granted. Its supporting text highlights the importance service that local and village shops provide by offering a range of convenience goods and associated services such as post offices and hairdressers.

The site is currently in use as a fancy dress shop with retail floor space, display and storage over three levels. It does not provide and has not been a local shop serving the community for over 15 years. There are other such facilities along Main Street, Fulford Road and Broadway that fulfil the local need for convenience goods. It is noted that many of the units on Main Street itself are in retail uses that serve the wider

community and that there are currently vacant shop premises. It is unlikely that a different type of retail business, or indeed any other commercial use, would require the amount of floor space available in this out of centre location given the limited on-street parking and difficult access arrangements to off-street parking. Therefore, notwithstanding the lack of any information relating to the marketing of the property, it is considered that refusal on the grounds of loss of a local shop would be difficult to justify.

4.4 Principle of residential use

The surrounding area is a mix of residential and commercial uses, but with the predominant use in the immediate vicinity being residential interspersed with commercial and community uses. The adjoining properties, nos. 23 and 27 are in residential use with no.23 being a house in multiple occupation for 12 occupants (it has a self-contained bedsit at the rear). An application has recently been submitted for conversion of the Methodist Church next to no.27 to residential. The conversion of the property for residential is considered in principle to be a compatible alternative use.

4.5 Suitability of building to residential use

The property is large with accommodation over three floors and has a substantial rear garden. As a result of this, the limited parking and the surrounding residential uses, the property lends itself well to residential use. It is located on a busy main arterial road and public transport route into the City Centre and within access by foot or cycle to shops and services. Local Plan Policy H4a supports residential proposals where they involve conversion of an existing building within the urban area with good access to jobs, shops and services by non-car modes.

A noise impact assessment was requested by the Council, because the application proposed a residential use at a site that is adjacent to the A19 York-Selby road and south of a signal controlled junction. The assessment report concluded that the site falls within Noise Exposure Category D. PPG24 sets out noise exposure categories for dwellings to be taken into consideration when assessing proposals for residential development near transport-related noise sources. It advises that development falling within category D 'should normally be refused' planning permission. As a result, EPU is unable to support residential development at the site.

The assessment, however, also considered the proposed glazing of the scheme against British Standards (BS). It concluded that when assessed against the relevant BS for internal noise levels within dwellings, all rooms would be within the 'good' design range for daytime hours and 'good' design range with 'reasonable standard' for night time maximum noise levels. EPU accept that by using suitable glazing it would be possible to ensure acceptable internal noise levels are achieved that comply with BS requirements and World Health Organisation Guidelines. EPU does not contest the findings of the assessment. The application has been amended to remove the two ground floor bedrooms originally proposed, replacing these with the communal kitchen, itself a less noise sensitive room.

In addition, the site falls within a recently declared Air Quality Management Area (AQMA) on Fulford Main Street. This is because of the concentrations of nitrogen dioxide at a number of sites along the Main Street that breach the health based annual average nitrogen dioxide objective. Whilst an Air Quality Action Plan (AQAP) is currently being developed, the Council's Environmental Protection Unit (EPU) raises concern about the suitability of the site for residential use.

If approved, EPU would require a mechanical ventilation system be put in place to draw air in from the rear of the property and all front windows be non-openable as well as a noise attenuation scheme. This would affect users of the kitchen and upper floor bedrooms, who would not be able to have openable windows and would be reliant on the ventilation system for fresh air. The kitchen would also require an extraction system for cooking smells and smoke.

EPU raises concerns about the substandard accommodation that may be created in order to address noise and air quality. However, it is noted that the living room would be located at the rear of the house where these measures would not be required and that residents would not, therefore, be confined to their rooms and could seek relief from them if necessary in either the living room or rear garden. For this reason, the proposal for a house in multiple occupation is preferable to more noise sensitive developments, such as a single family dwelling, flats or bedsits.

The proposal would be unlikely to contribute to air quality issues within the Air Quality Management Area and as such accords with Local Plan Policy GP4b.

4.6 Amenity issues

The proposal would introduce a second HMO to the terrace, with the potential for the erosion of neighbour amenity. Having said this, the site is located on a busy main road with a mix of residential and commercial uses where the general activity levels are higher than a primarily residential area. EPU have not raised concern about the potential for noise disturbance from the property to the neighbouring dwelling at 27. Access into and out of the property would be from an existing entrance in the passageway. There is already a parking area and garden at the rear and whilst there would be an intensification of use of these, it would be unlikely to result in significant harm to the amenity of adjacent residents.

Policy H8 of the Local Plan relates specifically to the conversion of dwellings in multiple occupation uses. However, the reasoning behind the policy and the impact of concentration of uses can also be applied to the proposal. It is noted that the proposal would result in a large HMO adjacent to a similarly large HMO at no.23. However, it should be borne in mind that the existing use is not a dwelling in a quiet suburban location, but a shop on a busy main road where there are a variety of other residential and commercial uses.

Sufficient private amenity space exists to serve the HMO even with the creation of a larger parking/turning area. In accordance with Local Policy L1c, a financial contribution towards provision of public open space in lieu of provision on site is required. This would be based on amenity open space and sports provision only and equates to £1,700.

4.7 Conservation area

When determining planning applications within Conservation Areas, the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the area. The building forms part of a terrace of mid Victorian property of similar design and because of its location at back of footpath is characteristic of properties along this main road. Despite alterations to the property, it makes a positive contribution to the character and appearance of the conservation area. The proposal would help ensure a longer term use for the building and one that is compatible with its original purpose. The changes to the lower front elevation would preserve the contribution the building makes, though further details of the replacement windows would be required. The upper floor window should either be restored or

replaced with a like for like design. To retain the character and appearance of the conservation area, the painting of brickwork on the main building should be avoided on both the front and rear elevation. The Council's Conservation Officer raises no objection to the scheme, subject to details of materials and windows that can be suitably dealt with by the imposition of conditions.

4.8 Highway safety

The site is located on a main public transport and cycle route into the City Centre and is close to local facilities and services. Three vehicle spaces and an enclosed cycle parking store would be provided to serve the HMO and self-contained unit at the rear of the property, accessed via the existing shared passageway and then through a gated opening at the rear of single storey rear extension. The vehicles would have to pass by the bedrooms of the main property and the bedroom/living space of the rear unit. However, as they would be related to the property which they would serve, there is no objection on amenity or highway safety grounds. The access is already present and the numbers of parking space would not be significantly increased as a result of the proposal. Further details of the cycle storage are required to address concerns raised by the Police about security.

4.9 Contamination

The contamination assessment showed that the building had been in domestic use from 1890 to 1950 and then in either domestic or commercial use from 1951 to the present day. In light of this and the fact that there have been no reported or unreported pollution incidents, there are no issues with regards to contamination at the site.

5.0 CONCLUSION

5.1 The proposal would convert this Victorian terrace back to a residential use as a house in multiple occupation for nine residents with a self-contained unit to the rear, which would be more compatible with immediate properties than its current commercial use. Whilst the proposal would result in the loss of a shop, it is noted that it does not serve a local need and that other retail premises remain in the vicinity that serve this need. The changes to the building, subject to details, would preserve the character and appearance of the Fulford Conservation Area. Adequate parking provision for cars and cycles is proposed. There are noise and air quality issues due to the location of

the site on the A19 and near its junction with Heslington Lane. However, the layout has been rearranged with the number of bedrooms reduced and measures proposed to ensure the property would meet British Standard and World Health Organisation levels.

5.2 In conclusion, concerns expressed about the substandard quality of residential provision and limited parking need to be balanced against the desire to preserve a building that makes a positive contribution to the character and appearance of the Fulford Conservation Area by finding a suitable alternative use. Other residential uses would be less suitable than the proposal on environmental grounds and commercial uses, whether hotels, offices or retail, are likely to be problematic because of the site's location and its limited or restricted parking to serve such a use. The proposal is, therefore, considered to be such a suitable alternative use and the application is recommended for approval.

5.3 Conditions would be required regarding noise and air quality mitigation, cycle parking, details of windows and materials, details of cycle parking and public open space provision.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing no. 11002-200 Rev.B dated 07/06/11 and received 10 June 2011;

Drawing no. 11002-201 Rev.B dated 3/11 and received 10 June 2011;

Drawing no. 11002-202 Rev.A dated 3/11 and received 10 June 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 Prior to commencement of development, a scheme demonstrating that the building envelope shall be altered to achieve internal noise levels of 30 dB LAeq 1 hour and 45 dB LAm_{ax} (23:00-7:00) in bedrooms and 35dB LAeq 1 hour (07:00 - 23:00) in all other habitable rooms shall

be submitted to and approved in writing by the Local Planning Authority. These noise levels are with windows shut. The approved scheme shall be implemented prior to occupation of the building.

Reason: To protect the amenity of residents from noise.

INFORMATIVE: The noise assessment report suggests double glazing be installed with a 4mm thick glass pane, a 12mm gap followed by a 4mm pane. This will ensure that the internal noise levels will comply with BS8233 and World Health Organisation Guidelines. Please note that trickle vents and hit and miss vents are not suitable in any facade onto Main Street for air quality reasons.

4 Prior to the commencement of development, details of a scheme of ventilation and extraction for the main building shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall provide ventilation through mechanical methods and shall draw air from the rear of the property. The scheme of extraction relates to the kitchen area only. The approved scheme shall be implemented prior to occupation of the building.

Reason: To protect future occupants' health from poor air quality.

INFORMATIVE: All ventilation must comply with the requirements of building regulations.

5 Details of all machinery, plant and equipment to be installed shall be submitted and approved in writing by the Local Planning Authority. These details shall include maximum (L_{Amax}) and average sound levels (L_{Aeq}), octave band noise levels, the position of plant, equipment and machinery and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the Local Planning Authority. The machinery, plant and machinery and any approved noise mitigation measures shall be fully implemented and operational before the proposed first use and shall be appropriately maintained thereafter.

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

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

Reason: So as to achieve a visually cohesive appearance and in the interests of preserving the character and appearance of the Fulford Conservation Area.

7 A sample panel of the brickwork to be used on this building shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location within the Fulford Conservation Area.

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

- Vertical cross section through front elevation at scale of 1:20 illustrating rebuilt front elevation, sill profile and set back of windows in reveals;
- Section drawings of windows at scale of 1:10;
- Full details of proposed replacement windows;
- Design and materials for arches forming window head to ground floor front elevation;

Reason: So that the Local Planning Authority may be satisfied with these details, in the interests of preserving the character and appearance of the Fulford Conservation Area.

INFORMATIVE: Please note that the profile of the upper sash to the attic window should be restored rather than the top of the pane blanked off. Painting of brickwork should be avoided.

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

Reason: In the interests of highway safety.

10 Prior to the development commencing details of the cycle parking areas, including means of enclosure and method of securing both cycles and the enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

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

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

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £1,700.

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

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

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

- loss of shop;
- principle of residential use;
- suitability of building to residential use;
- amenity issues, including noise and air quality;
- impact on character and appearance of the conservation area;
- highway safety
- crime;
- contamination.

As such, the proposal complies with advice in Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing, Planning Policy Statement 5: Planning for the Historic Environment and Policies GP3, GP4A, GP4B, GP6, HE2, HE3, T4, H4A, H8, S9 and L1c of the City of York Development Control Local Plan.

Contact details:

Author: Hannah Blackburn Development Management Officer

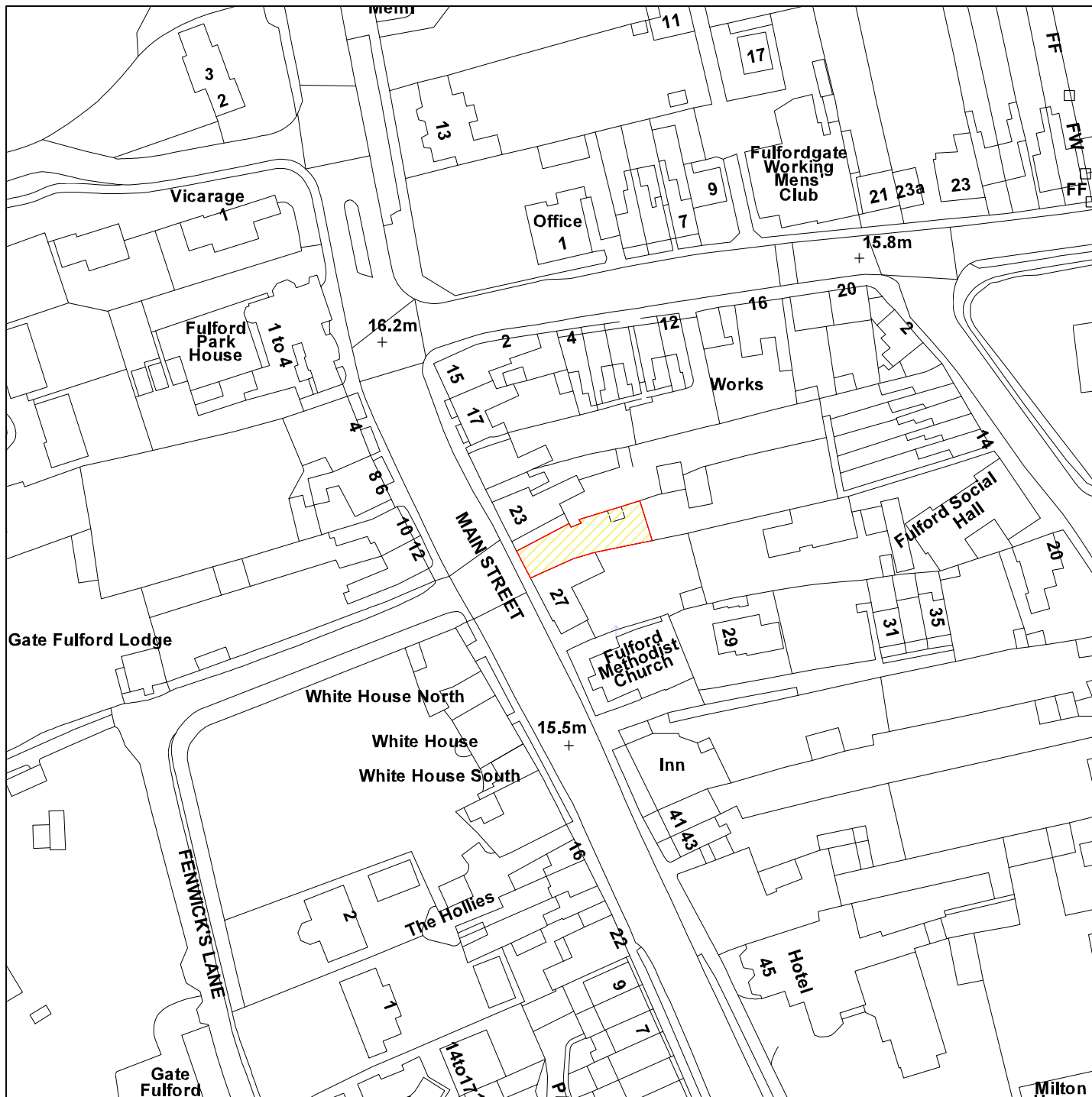
Tel No: 01904 551325

Fantasy World

11/00523/FUL



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	01 August 2011
SLA Number	Not Set

COMMITTEE REPORT

Date: 11 August 2011 **Ward:** Fishergate
Team: Householder and Small Scale Team **Parish:** Fishergate Panel Planning

Reference: 11/01547/FUL
Application at: 25 Derwent Road York YO10 4HQ
For: Two story front extension
By: Mr Andy Wilcock
Application Type: Full Application
Target Date: 2 September 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks permission for the erection of a two-storey pitched roof front extension, to provide enlarged hallway, study and bathroom. A matching brick and tile construction is proposed, including a large feature window to the first floor front elevation.

1.2 This modern two-storey dwelling is sited within a residential area, and is not within a Conservation Area. The surrounding dwellings are made up of much varying design of town houses, semi-detached and detached dwellings, mostly two-storey, but some bungalows.

1.3 The application has been brought to Committee for a decision as 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

Fishergate Planning Panel - No reply received.

Response to neighbour consultation letters which expired on 29/07/2011
- No replies received.

4.0 APPRAISAL

4.1 KEY ISSUES

- Visual impact on the dwelling and surrounding area;
- Impact on neighbouring properties

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

4.3 DRAFT LOCAL PLAN POLICY CYH7 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 states that development proposals will be expected to (i) respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features

and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

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

4.7 Relevant Planning History

Application No. 7/15/6772A/PA - Erection of dwelling. Approved 09.05.90.

Application No. 02/3615/FUL - Raising of roof. Approved 11.03.03.

ASSESSMENT

4.8 The proposed extension is relatively modest in scale, projecting forwards by approximately 1.1 metres. It would be set back behind the existing single storey front extension currently in place, and set back further from the highway than the adjacent dwelling at No. 44 Moorland Road. The extension would be set down from the ridge of the principal dwelling, giving a subservient appearance in accordance with CYC Supplementary Planning Guidance, and the gable feature relates well to the existing front dormer and also with the side elevation of No. 44 Moorland Road. The proposed feature window to the first floor will be prominent within the streetscene, although not considered to cause undue harm to the visual amenity of the area.

4.9 Sufficient car parking space will be retained within the driveway, along with sufficient amenity space to the rear.

4.10 Taking into account the modest scale of the front projection, it is not considered that any undue loss of amenity would occur as a result of loss of outlook, loss of light or overshadowing to the neighbouring bedroom window at No. 23 Derwent Road. The addition of the first floor

front window is not considered to result in any additional loss of privacy to neighbouring residents opposite at No. 22 Moorland Road, over and above the existing situation.

5.0 CONCLUSION

It is considered that the proposal would not harm the living conditions of nearby neighbours or the appearance of the dwelling within the surrounding area. Approval is recommended.

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 VISQ1 Matching materials
- 3 PLANS1 Approved plans - Y-AP/BSP-1966-203 Rev A and Y-AP/BSP-1966-204 Rev A

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

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

Contact details:

Author: Carolyn Howarth Development Management Assistant

Tel No: 01904 552405

25 Derwent Road

11/01547/FUL



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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	01 August 2011
SLA Number	Not Set

COMMITTEE REPORT

Date: 11 August 2011 **Ward:** Fulford
Team: Householder and **Parish:** Fulford Parish Council
Small Scale Team

Reference: 11/00993/FUL
Application at: 6 Dairy Farm Court Main Street Fulford York YO10
4PN
For: Single storey side extension (revised scheme)
By: Mr Derek Binns
Application Type: Full Application
Target Date: 7 July 2011
Recommendation: Approve

1.0 PROPOSAL

THE SITE:

1.1 The site forms part of a small development located behind 103 Main Street, Fulford. The site comprises of two - storey block of flats known as 1-5 Dairy Farm Court situated towards the front of the site with associated areas of vehicle parking and cycle and bin storage. The area behind accommodates two low level two storey houses incorporating pitched roof dormer windows known as 6 and 7 Dairy Farm Court. This application relates to 6 Dairy Farm Court. A separate application has been submitted for the erection of an extension at 7 Dairy Farm Court, which is also considered on this agenda.

THE PROPOSAL:

1.2 Planning permission is sought to erect a single storey pitched roof extension measuring 3.3 metres in length by 3.0 metres in width on the north (side gable) elevation of the property, set back from the principal elevation and extending behind the existing pitched roof porch. The total height would be approximately approx 3.7 metres reducing to approx 2.5 metres at the eaves level. The proposal is a revised submission of a previous application for a significantly larger two storey side extension (ref:10/01352/FUL), refused under delegated powers on 18.08.2010. The property is separated from the main open plan communal parking/turning areas provided for the flats and property at 7 Dairy Farm Court by a small 1.0 metre wooden fence which encloses a parking area at the side of the property and small area of open space to the front.

1.3 The agent has supplied a more recent site plan (Drwg No 1.60) which provides a clear indication of property ownership and other extensions adjacent to the site.

1.4 The application has been called in for determination by the East Area Planning Sub-Committee by Councillor Keith Aspden as the development has very limited space and is an overdevelopment of a small courtyard. There is already limited parking and amenity space for the number of flats and households in the area.

1.4 PROPERTY HISTORY:

Land to the Rear of 103 Main Street erection of part three and two storey block of flats (ref:7/501/00316/FUL - approved 14.06.1996).

Erection of a two bedroomed dwelling to the rear of 103 Main Street (ref:98/00825/FUL approved 08.04.1998).

Erection of a two bedroomed dwelling to the rear of 103 Main Street (ref: 02/03616/FUL approved 20.11.2002).

Two storey side extension (ref:10/01352/FUL) refused 18.08.2010

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Fulford CONF

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

CYHE3
Conservation Areas

3.0 CONSULTATIONS

INTERNAL:

3.1 Design Conservation and Sustainable Development - The extension would be subsidiary to the main house and its design would be in scale with the house. The proposal would not have any additional impact on the character and appearance of the conservation area as they are remote from the main road, behind the apartment block, and small in scale.

No objections to the development subject to material being conditioned.

3.1.1 Highway Regulations - No objections

EXTERNAL:

3.2 Fulford Parish Council - Objections:

Overdevelopment - would further erode the appearance and overall amenity of the courtyard.

Loss of amenity space

Inadequate parking arrangements.

PUBLICITY

3.3 Neighbours

One letter received from 5 The Old Orchard:

Loss of natural light to kitchen

An ugly lead flashing will replace the existing coping stones

4.0 APPRAISAL

4.1 Key Issue(s):

Design and visual amenity

Impact on amenity of neighbours.

Impact on character and appearance of Conservation Area.

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. Planning Policy Statement 5 provides advice on development proposals in historic environments and confirms the aim of conserving such environments and heritage assets.

4.3 Draft Local Plan Policy CYGP1 states that development proposals will be expected to (i) respect or enhance the local environment; (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials, and (iii) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

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

4.5 Draft Local Plan Policy CYHE3 reflects the statutory obligation of the Local Planning authority and states that within conservation areas, proposals for external alterations will only be permitted where there is no adverse effect on the character and appearance of the area.

4.6 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that (1.11 Design and Scale) The basic shape and size of the extension should be sympathetic to the design of the original house. (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.

DESIGN AND VISUAL AMENITY:

4.7 The proposed extension would be located on the side elevation of the host dwelling adjacent to the shared boundary with the dwelling at 5 The Old Orchard to the east of the property, and the dwelling at 7 Dairy Farm Court to the north. In terms of design the extension would incorporate a pitched roof with detailing and materials to match the main dwelling. The additional accommodation would provide an extension to an existing bedroom and a small en-suite bathroom. The window serving the bedroom would face west towards the block of flats at 1 - 5 Dairy Farm Court and the en-suite bathroom window would face towards the dwelling at 7 Dairy Farm Court. With a footprint of approximately 10 sq metres, the extension is considered to be of modest scale and being single storey would not have an overbearing or overdominant appearance. Therefore, it is not considered that the extended footprint, height or scale of the extension would be disproportionate to the host dwelling or surrounding residential area. For this reason, the proposal is considered to comply with Policies GP1 and H7 of the City of York Draft Local Plan.

IMPACT ON THE CONSERVATION AREA:

4.8 In terms of impact on the Conservation Area, the existing Dairy Farm Court development has been identified in the Fulford Conservation Area appraisal as being excessive in scale, to have inappropriate classical detailing and therefore largely detrimental to the character of the designated conservation area. However, within the context of this application the Conservation Officer states that the position of the development would be largely unseen from public views in the conservation area, located within a concealed courtyard, thus it is not considered the development will harm the setting or historic character of the conservation area.

HIGHWAY REGULATION COMMENTS:

4.9 Officers have no objections to the position of the proposed extension and comments that there is a distance of approximately 7.6 metres for turning and reversing, which is an additional 1.6 metres over and above the recommended distance of 6.0 metres. The location of the extension would not compromise the approved parking arrangements for the Dairy Farm Court development.

NEIGHBOUR AMENITY:

4.10 In terms of impact on the adjacent neighbours the main issue would be the impact on the dwellings at No 7 Dairy Farm Court. This property is situated to the north of the application site with its main habitable windows facing across its only amenity space towards the proposed extension. The proposed extension would move the property closer to the principal elevation of no7; however there would be a separation distance of approximately 6.0 metres. Notwithstanding the fact that the extension would result in a reduction of the existing open amenity space between the dwellings, it is not considered that this would have the potential to create an unduly oppressive and overbearing impact, by virtue of its modest size and scale and the closest window being a small en- suite bathroom window. Nor is it considered given the orientation and the relationship between the dwellings that there would be an unacceptable loss of light and overshadowing for the occupiers of 7 Dairy Farm Court.

NEIGHBOUR OBJECTIONS:

4.11 The objections received from the occupiers of 5 The Orchard relate to the loss of light into a kitchen area and the presence of lead flashing on the garden wall.

The rear garden of this property has been visited to assess the potential impact of the extension. In terms of the loss of light the extension would be screened from this property by established boundary wall exceeding 2.0 metres in height. On this basis it is unlikely that the extension due to the moderate roof height and orientation would result in an unacceptable loss of light or overshadowing. In addition the property is situated within an ample rear garden resulting in an acceptable separation distance from the extension. As such the proposal will not be significantly detrimental to the amenity of adjacent residents. The issue with the lead flashings on the rear elevation would not be a material consideration in terms of planning and would be covered under the Building Regulations and/or Party Wall Act.

5.0 CONCLUSION

It is considered that the proposed extension is acceptable in terms of size and scale in relation to the surrounding area, nor would undue harm

be caused to the living conditions of nearby neighbours. As such approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans - Drwg No 1.56 REV A received 03/05/2011
- 3 VISQ1 Matching materials

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to occupants of neighbouring properties. Nor is it considered that the size, scale or design of the extension would have any detrimental impact on the character or appearance of the Conservation Area. As such the proposal complies with policies H7, GP1 and HE3 of the City of York Draft Local Plan and with the Council's Supplementary Planning Guidance "Guide to extensions and alterations to private dwelling houses" (March 2001).

Contact details:

Author: Sharon Jackson Development Management Assistant

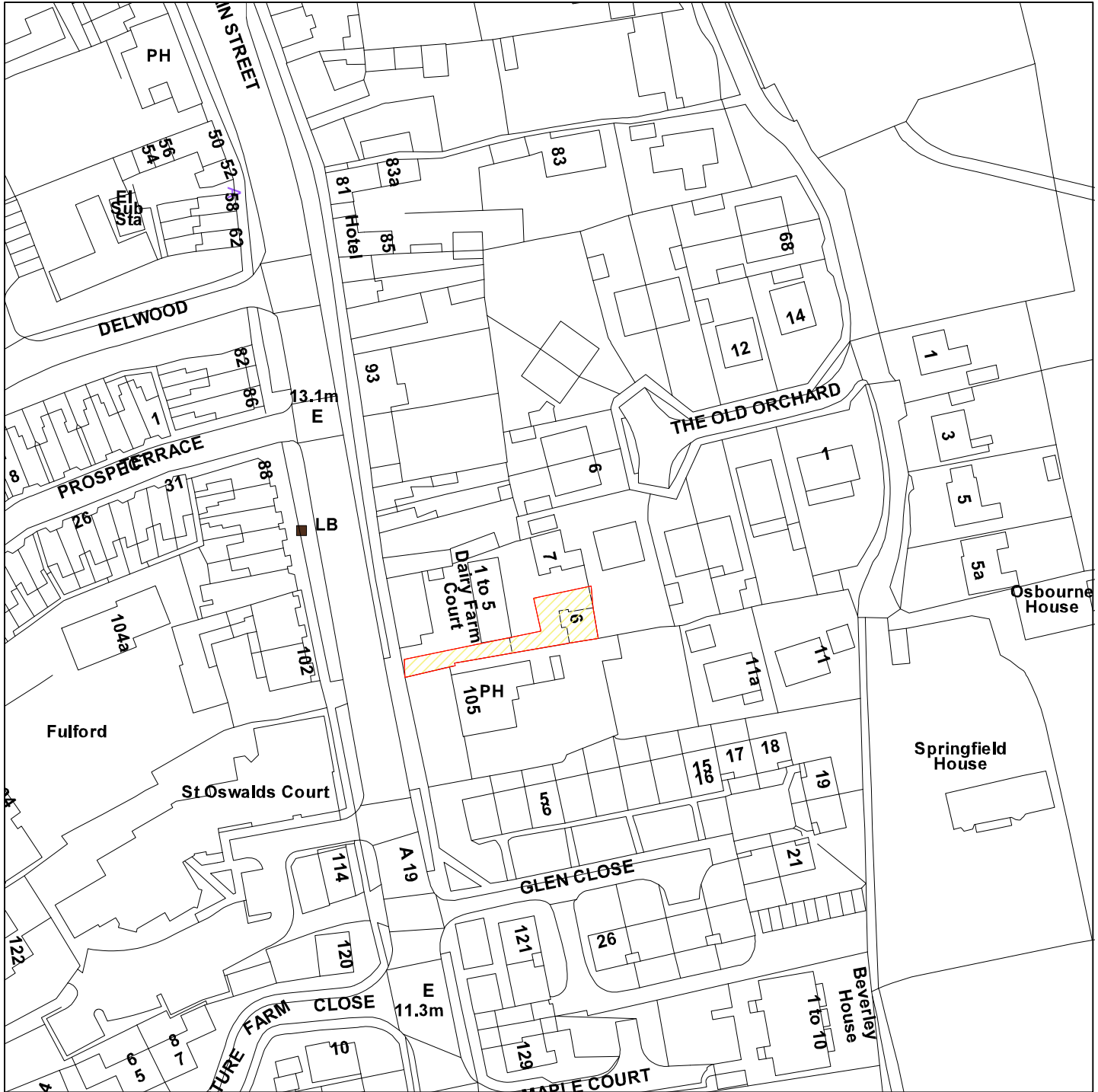
Tel No: 01904 551359

6 Dairy Farm Court

11/00993/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	01 August 2011
SLA Number	Not Set

COMMITTEE REPORT

Date: 11 August 2011 **Ward:** Fulford
Team: Householder and **Parish:** Fulford Parish Council
Small Scale Team

Reference: 11/00925/FUL
Application at: 7 Dairy Farm Court Main Street Fulford York YO10 4PN
For: Single storey side extension
By: Mr Derek Binns
Application Type: Full Application
Target Date: 7 July 2011
Recommendation: Approve

1.0 PROPOSAL

THE SITE:

1.1 The site forms part of a small development located behind 103 Main Street, Fulford. The site comprises of a two - storey block of flats known as 1-5 Dairy Farm Court situated towards the front of the site with associated areas of vehicle parking and cycle and bin storage. The area behind accommodates two low level two storey houses incorporating pitched roof dormer windows known as 6 and 7 Dairy Farm Court. This application relates to 7 Dairy Farm Court. A separate application has been submitted for the erection of an extension at 6 Dairy Farm Court, which is also considered on this agenda.

THE PROPOSAL:

1.2 Planning permission is sought to erect a single storey extension forward of the principal building line. The extension would measure 1.6 metres in length by 5.0 metres in width and would facilitate the formation of an additional bedroom. The total height would be approximately 3.8 metres reducing to approx 2.3 metres at eaves level. It would occupy part of the limited area of amenity space at the front of the principal dwelling.

1.3 The agent has submitted a revised location plan indicating the ownership of land and has confirmed that all buildings have been marked to overcome letters received by the occupiers of Hepworths Chemist in relation to the inaccurate location plan.

1.4 The application has been called in for determination by the East Area Planning sub-Committee by Councillor Keith Aspden as the development has very limited space and is an overdevelopment of a small courtyard. There is already limited parking and amenity space for the number of flats and households in the area.

1.5 PROPERTY HISTORY:

Land to the Rear of 103 Main Street erection of part three and two storey block of flats (ref:7/501/00316/FUL - approved 14.06.1996).

Erection of a two bedroomed dwelling to the rear of 103 Main Street (ref:98/00825/FUL approved 08.04.1998).

Erection of a two bedroomed dwelling to the rear of 103 Main Street (ref: 02/03616/FUL approved 20.11.2002).

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Fulford CONF

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

CYHE3
Conservation Areas

3.0 CONSULTATIONS

INTERNAL:

3.1 Design Conservation and Sustainable Development - The extension would be subsidiary to the main house and its design would be in scale with the house. Proposals would not have any additional impact on the character and appearance of the conservation area as they are remote from the main road, behind the apartment block, and small in scale.

The roof appears a little complicated but that is because it has been designed to keep the ridge line low in relation to the neighbouring site.

Please cover the following through conditions should the scheme be approved:

- 1) gutter detail against the rear wall
- 2) materials should match existing

3.1.1 Highway Regulation - No objections

EXTERNAL:

3.2 Fulford Parish Council - Objections:

Overdevelopment - would further erode the appearance and overall amenity of the courtyard
Loss of amenity space
Inadequate parking arrangements

PUBLICITY

3.3 Neighbours

One letter received from 5 The Old Orchard.

Loss of natural light to bedroom window

4.0 APPRAISAL

4.1 Key Issue(s):

Design and visual amenity

Impact on amenity of neighbours.

Impact on character and appearance of the Conservation Area.

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. Planning Policy Statement 5 provides advice on development proposals in historic environments and confirms the aim of conserving such environments and heritage assets

4.3 Draft Local Plan Policy CYGP1 states that development proposals will be expected to (i) respect or enhance the local environment; (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials, and (iii) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

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

4.5 Draft Local Plan Policy CYHE3 reflects the statutory obligation of the Local Planning authority and states that within conservation areas, proposals for external alterations will only be permitted where there is no adverse effect on the character and appearance of the area.

4.6 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that (1.11 Design and Scale) The basic shape and size of the extension should be sympathetic to the design of the original house. (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.

DESIGN AND VISUAL AMENITY:

4.7 The proposed extension would project forwards by approximately 1.6 metres into the small amenity area to the front of the dwelling and would incorporate a pitched roof in the design. It would facilitate the provision of an additional bedroom at the property, which would be partially formed from the existing kitchen/dining room. The bedroom window would face west towards the adjacent block of flats. It is proposed that the external materials would match the existing dwelling. Whilst the extension would reduce the private amenity space at the front of the dwelling, this is not considered to be so severe as to warrant refusal of the application, given its modest size. The proposed extension is considered to be a subordinate addition to the host property, in accordance with the Council's Supplementary Planning Guidance in relation to house extensions. Thus it is not considered that the extension would detract from the character or appearance of the existing area. For this reason, the proposal is considered to comply with Policies GP1 and H7 of the City of York Draft Local Plan.

IMPACT ON THE CONSERVATION AREA:

4.8 In terms of impact on the Conservation Area, the Dairy Farm Court development has been identified in the Fulford Conservation Area appraisal as being excessive in scale, to have inappropriate classical detailing and therefore largely detrimental to the character of the designated conservation area. However, within the context of this application the Conservation Officer states that the position of the development would be largely unseen from public views in the conservation area, located in a concealed courtyard, thus is not considered the development will harm the setting or historic character of the conservation area.

HIGHWAY REGULATION COMMENTS:

4.9 No highway objections are raised to the proposed extension. The location of the extension would not compromise the approved parking arrangements for the Dairy Farm Court development.

NEIGHBOUR AMENITY:

4.10 In terms of impact on the adjacent neighbours the main issue would be the impact on the dwellings at No 6 Dairy Farm Court. A separate application has been submitted for the erection of a single storey

extension on the side elevation of this property, also considered on this agenda. If both extensions are approved and erected, there would still be a separation distance of approximately 6 metres in-between. The side facing wall of the extension at no. 7 would be blank, whilst the opposing side facing wall of the extension at no. 6 would contain a window serving an en-suite bathroom. On this basis it is not considered that any significant amenity issues would arise, whether the extensions are erected in isolation or concurrently. In addition the development would use an appropriate style of materials in keeping with the character, design and external appearance of the existing property and the surrounding neighbouring dwellings.

NEIGHBOUR OBJECTIONS:

4.11 In the case of this application the objections received from the occupiers of 5 The Orchard relate to the loss of light into a bedroom.

The rear garden of this property has been visited to assess the potential impact of the extension. In terms of the loss of light the extension would be screened from this property by established boundary wall exceeding approximately 2.0 metres. The highest point of the extension would be 3.8 metres at ridge level, with the roof sloping down to a modest eaves height of approximately 2.3 metres. On this basis it is unlikely that the extension would significantly impede natural light or outlook from the adjacent bedroom window, which is located at first floor level. In addition the property is situated within an ample rear garden resulting in an acceptable separation distance from the extension. As such the proposal will not be significantly detrimental to the amenity of adjacent residents.

4.12 The letters received on the behalf of Hepworths Chemist (Mr and Mrs Hepworth) relate to the inaccurate details of the location plan and the omission of a new building attached to the rear of their establishment and issues of ownership of land. This is a civil issue and not a material planning consideration.

5.0 CONCLUSION

It is considered that the proposed extensions are acceptable in terms of size and scale in relation to the surrounding area, nor would undue harm be caused to the living conditions of nearby neighbours. As such approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans - Drwg No 1.51 received 03/05/2011
- 3 VISQ1 Matching materials

4 Details of the proposed guttering against the rear wall of the extension hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL:

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to occupants of neighbouring properties. Nor is it considered that the size, scale or design of the extensions would have any detrimental impact on the character and appearance of the Conservation Area. As such the proposal complies with policies H7, GP1 and HE3 of the City of York Draft Local Plan and with the Council's Supplementary Planning Guidance "Guide to extensions and alterations to private dwelling houses" (March 2001).

Contact details:

Author: Sharon Jackson Development Management Assistant

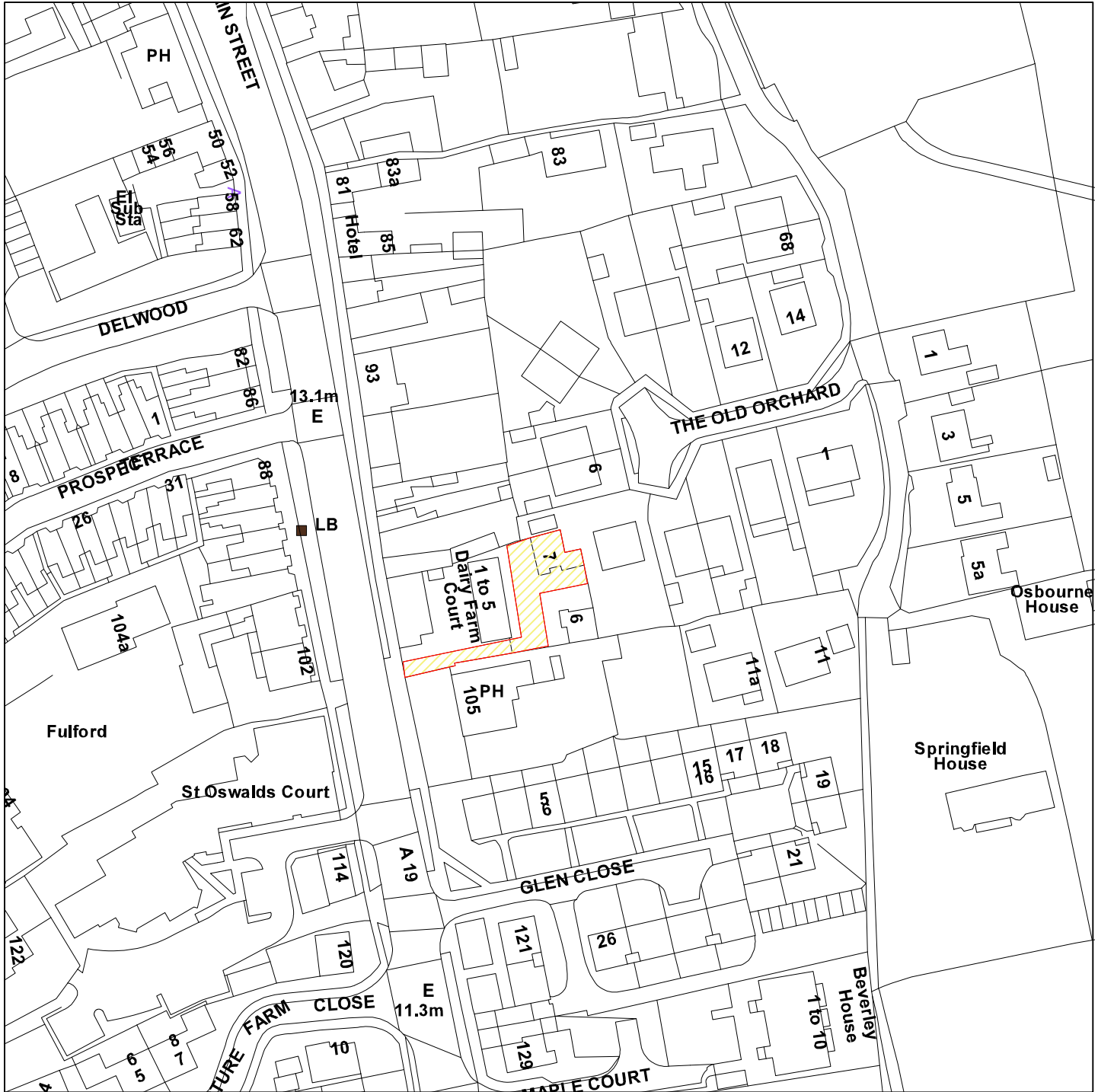
Tel No: 01904 551359

7 Dairy Farm Court

11/00925/FUL



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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	01 August 2011
SLA Number	Not Set

COMMITTEE REPORT

Date: 11 August 2011 **Ward:** Fishergate
Team: Householder and **Parish:** Fishergate Planning
 Small Scale Team Panel

Reference: 11/01296/FUL
Application at: 14 New Walk Terrace York YO10 4BG
For: Solar panels to rear (resubmission)
By: Mr And Mrs Scott
Application Type: Full Application
Target Date: 19 July 2011
Recommendation: Refuse

1.0 PROPOSAL

THE SITE:

1.1 The site is part of a terrace of "superior" dwellings constructed in 1825 (RCHME, York, Vol. IV, 1975) with coach houses to the rear. The buildings are listed at Grade II, and within the New Walk Terrace/Terry Avenue conservation area. The dwelling incorporates a large roof light on the rear roof slope, illuminating the stair well. Some of the dwellings have additional roof lights and there is one noticeable additional dormer window. The roof slope is prominent in views both into the conservation area, between buildings in Grange Garth, and from within the conservation area, in views across the river from Terry Avenue and from a passage leading to Grange Garth from New Walk.

THE PROPOSAL:

This application is a resubmission of a previous application (ref: 11/00099/FUL), refused under delegated powers on 9th March 2011. Planning permission is sought for the installation of 12 solar photo voltaic panels grouped as one unit measuring approx: 4.83 metres wide and 3.44 metres long on the rear roof slope of the property. The application is essentially the same as that which was refused previously, and since that time there have been no changes to national or local planning polices on heritage assets and renewable energy. The applicant has submitted the proposal in response to the Government`s "Feed-In Tariffs" (FITS) initiative.

1.3 A separate application for listed building consent has also been submitted (ref: 11/01298/LBC).

1.4 Supporting Information:

The applicant has submitted a letter which responds to the reasons for the previous application being refused (see main body of report).

A Design and Access Statement has been submitted in support of the application.

1.5 This application has been brought before East Area Planning Sub-Committee at the request of Councillor Taylor as it is an individual application but the wider context for the installation of solar panels in the City's Conservation Areas and on listed buildings needs to have some discussion by Members and for a local understanding of policy to emerge.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area New Walk / Terry Avenue CONF

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Listed Buildings Grade 2; 14 New Walk Terrace York YO1 4BG 0108

Schools St. George's RC Primary 0225

2.2 Policies:

CYGP1
Design

CYHE3
Conservation Areas

CYHE4
Listed Buildings

CYGP5
Renewable energy

3.0 CONSULTATIONS

3.1 INTERNAL:

Design, Conservation & Sustainable Development:

Confirmation sent from officer via email dated 29.07.11 states that as there is no material difference between the current applications and the original submissions, the previous comments still apply:

Objection on the basis that the panels project from the plane of the roof, and have a shiny flat surface, lacking the visual appeal of the traditional, natural material of the existing roof covering. They will appear as overtly modern additions, detracting from the contribution the roof covering makes to the historic character of the building, and the unity of the terrace. Whilst the harm to the significance of the heritage asset will be less than substantial, it would not be outweighed by the public benefit of mitigating climate change. Alternatives such as ground or air source heat pumps could provide an equal benefit without the negative effect on the significance of the heritage asset.

3.2 EXTERNAL:

Fishergate Planning Panel - no comments received at the time of writing. Consultation period expired 27.06.11

Conservation Area Advisory Panel - The panel feel that the roofscape of the whole terrace was too visually prominent to accept this proposal. The panel reiterated that their previous request for local guidance on this issue.

York Civic Trust - drawings and supporting information are not sufficient to make a judgement on the scheme. The trust are unable to take a view until we have fully worked up a set of drawings and photographs.

3.3 PUBLICITY:

Neighbour Consultation no objections received at time of writing. Consultation period expired 27.06.11

The application was published The Yorkshire Evening Press on 22.06.11 consultation expired 13.07.11 no objections received.

Site Notice posted 14.06.2011- no objections received.

4.0 APPRAISAL

4.1 Key Issue(s):

- impact on character and appearance of the conservation area
- impact on adjacent residents

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. Central Government advice contained within Planning Policy Statement 5 "Planning for the Historic Environment" (PPS5) confirms the aim of conserving such environments and heritage assets.

4.3 Draft Local Plan Policy GP1 states that development proposals will be expected to (i) respect or enhance the local environment; (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings. Policy GP5 states that proposals for the development of renewable energy facilities will be encouraged provided there is no significant adverse effect on the existing landscape, air quality, biodiversity, water resources, agricultural land (defined as grades 1, 2 or 3a) or sites of archaeological or historic importance.

4.4 Policy HE3 states that within conservation areas, proposals for external alterations will only be permitted where there is no adverse effect on the character and appearance of the area. Policy HE4 states that with regard to listed buildings, consent will only be granted for internal or external alterations where there is no adverse effect on the character, appearance or setting of the building.

ADDITIONAL INFORMATION

4.6 The applicant has responded to the comments of the Conservation Officer as follows:

- the property forms part of a terrace of 8 houses, not 5.
- the site is barely visible from Grange Garth, other than through a small gap between two houses.
- the site is visible from across the river in Terry Avenue only in winter, at a distance of approximately 250 metres.
- the passageway between Grange Garth and New Walk has very few users and the roof is not prominent. The view is dominated by a mix of pipework, aerials, fire escapes, velux windows, dormers and extensions.
- a substantial programme of energy saving measures has already been undertaken at the property, including roof insulation, double glazing, condenser boiler, light bulb replacement, new conservatory, re-instatement of original shutters, draft proofing and heavy curtains.
- heat pumps have been considered but space and access are limited and would require the mature front garden to be destroyed, causing more harm to the conservation area than the current proposals.
- photovoltaic slates have also been considered but have a very low output compared to the present proposal
- the totally reversible superimposition of PV panels is considered to be the least intrusive solution
- PPS 1 encourages the use of renewable resources (para 22)
- PPS 5 "recognises that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term". It also suggests that planning authorities should be prepared to see the modification of heritage assets in the pursuit of adaptation to the effects of climate change.
- there is nothing in Policies GP1 or GP5 which suggest refusal of this application
- Policies HE3 and HE4 give little guidance on what constitutes an "adverse effect"
- The City appears to have no specific policy regarding the effect on the character and appearance of a listed building or conservation area of fittings or incursions into the roof structure of listed houses, and the application should be determined on its own merits.
- there are a large number of veluxes in the area, few of which are on conservation standard, which have involved the removal of slates and cutting into roof timbers.
- the PV panels involve no change to the existing structure of the property, are confined to the back of the house, make no meaningful intrusion into views within the Conservation Area and help to deliver the Governments and Council's policies on renewable energy.

- The applicant has formally consulted the Civic Trust, who indicated that they did not object (N.B. Officer response - this does not correspond to the comments received by the Council - see "Consultations" above).

ASSESSMENT:

4.7 The solar PV panel system will be situated on the rear roof slope which faces due to south. The proposal relates to the installation of rectangular photovoltaic (PV) panels on the lower half of the roof slope measuring approx 4.83 metres wide and 3.44 metres deep, occupying an area bounded by two chimneys, a roof light and a line drawn 700mm up from the existing gutter. The applicant states that the installation would be totally reversible and would be of a similar blue/ grey colour to the existing slate roof installed on an aluminium and stainless steel frame. The panels have been designed to minimise cluttering of the roof and maximise the symmetry of the installation's appearance. Further details relating to specific fixings of the panels have not been included within the application.

IMPACT ON THE CONSERVATION AREA:

4.8 When determining planning applications within conservation areas, the Council has a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area. The proposed PV cells would cover a significant proportion of the rear roof slope of the host building. The supporting statement indicates that the proposed colour of the photovoltaic cells would be a close match to the original slate roof thus minimising the visual impact. However, the Council's Conservation Officer considers that the appearance of the roof would be changed substantially. The panels project from the plane of the roof, and have a shiny flat surface, lacking the visual appeal of the traditional, natural material of the existing roof covering. They would appear as overtly modern additions, detracting from the historic character of the building and the unity of the terrace.

4.9 The roof slope is visible in views both into the conservation area, between buildings in Grange Garth, and from within the conservation area, in views across the river from Terry Avenue and from a passage leading to Grange Garth from New Walk. In these views, the shiny surfaces of the cells would draw the eye, undermining the character of the host building, and its contribution to the special architectural and historic interest of the conservation area. Whilst some views would be

restricted during the summer months when trees are in leaf, others would be unimpeded.

4.10 In addressing the importance of climate change within the historic environment, PPS5 states that where proposals have a potentially negative effect on heritage assets, attempts should be made to identify feasible solutions that deliver similar climate change mitigation but with less or no harm to the significance of the heritage asset and its setting. Where conflict between climate change objectives and the conservation of heritage assets is unavoidable, the public benefit of mitigating the effects of climate change should be weighed against any harm to the significance of the heritage assets.

4.11 In this particular case it is not considered that the harm to the significance of the heritage asset would be outweighed by the public benefits in terms of mitigating climate change. It is considered that alternatives such as ground or air source heat pumps could provide similar benefits without the negative effect on the significance of the heritage asset.

5.0 CONCLUSION

It is considered that the proposal would be unduly harmful to the architectural and historic character of the listed building and the contribution it makes to the character and appearance of the conservation area. It is considered, therefore, that the proposal would conflict with national planning advice in relation to design contained within Planning Policy Statement 1("Delivering Sustainable Development"), Planning Policy Statement 5 ("Planning for the Historic Environment") and Policies GP1, GP5, HE3 and HE4 of the City of York Draft Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 It is considered that the proposed photovoltaic panels, by virtue of their visual appearance and materials of construction, would be unduly harmful to the architectural and historic character of the listed building and the contribution it makes to the character and appearance of the conservation area. It is considered, therefore, that the proposal would

conflict with national planning advice in relation to design contained within Planning Policy Statement 1("Delivering Sustainable Development"), Planning Policy Statement 5 ("Planning for the Historic Environment") and Policies GP1, GP5, HE3 and HE4 of the City of York Draft Local Plan.

Contact details:

Author: Sharon Jackson Development Management Assistant

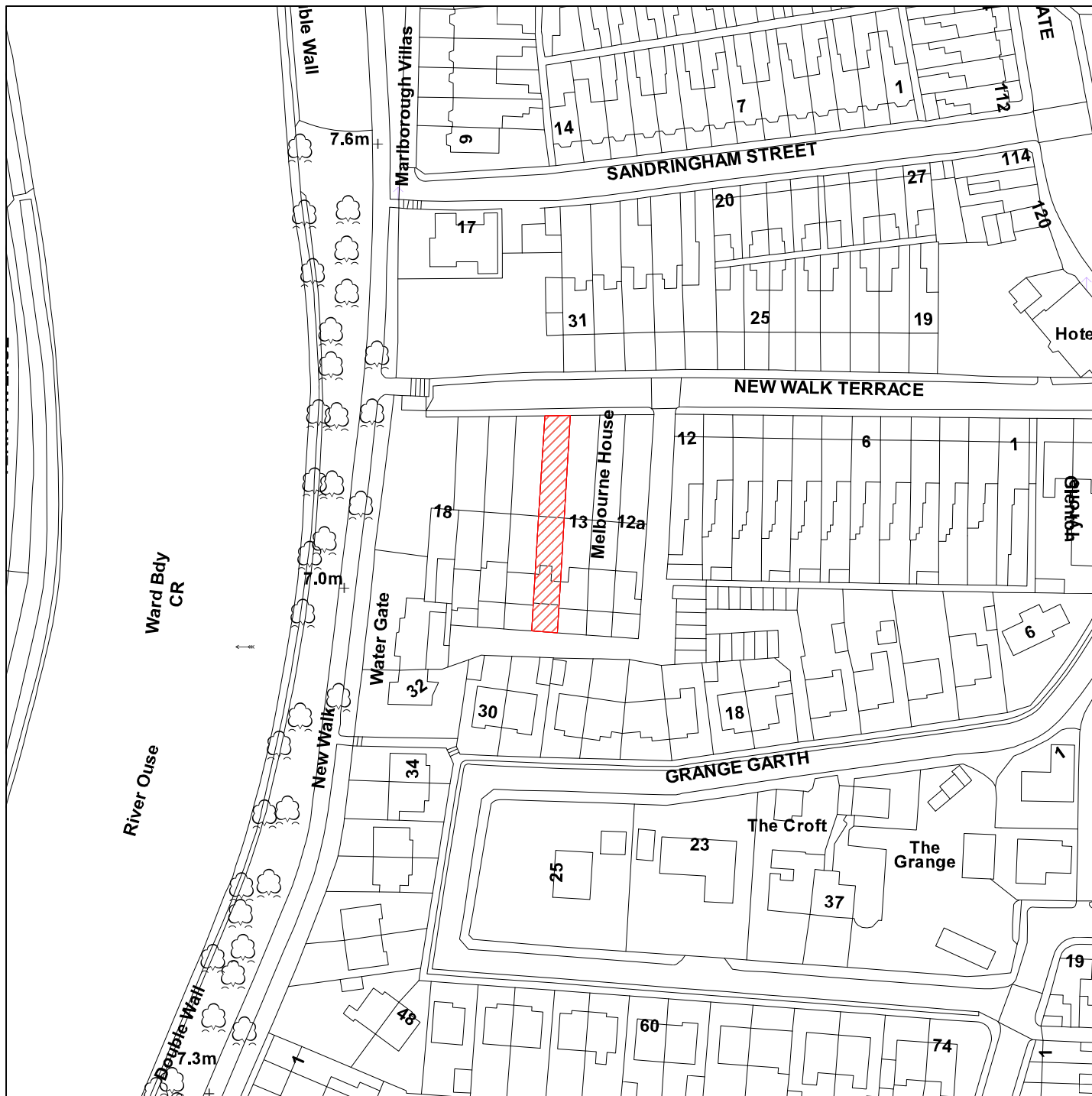
Tel No: 01904 551359

14 New Walk Terrace

11/01296/LBC



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	01 August 2011
SLA Number	Not Set

COMMITTEE REPORT

Date: 11 August 2011 **Ward:** Fishergate
Team: Householder and **Parish:** Fishergate Planning
 Small Scale Team Panel

Reference: 11/01298/LBC
Application at: 14 New Walk Terrace York YO10 4BG
For: Solar panels to rear (resubmission)
By: Mr And Mrs Scott
Application Type: Listed Building Consent
Target Date: 19 July 2011
Recommendation: Refuse

1.0 PROPOSAL**THE SITE:**

1.1 The site is part of a terrace of "superior" dwellings constructed in 1825 (RCHME, York, Vol. IV, 1975) with coach houses to the rear. The buildings are listed at Grade II, and within the New Walk Terrace/Terry Avenue conservation area. The dwelling incorporates a large roof light on the rear roof slope, illuminating the stair well. Some of the dwellings have additional roof lights and there is one noticeable additional dormer window. The roof slope is prominent in views both into the conservation area, between buildings in Grange Garth, and from within the conservation area, in views across the river from Terry Avenue and from a passage leading to Grange Garth from New Walk.

THE PROPOSAL:

This application is a resubmission of a previous (ref: 11/00098/LBC) refused under delegated powers on 9th March 2011. Planning permission is sought for the installation of 12 solar photo voltaic panels grouped as one unit measuring approx: 4.83 metres wide and 3.44 metres long on the rear roof slope of the property. The application is essentially the same as that which was refused previously, and since that time there have been no changes to national or local planning policies on heritage assets and renewable energy. The applicant has submitted the proposal in response to the Government's "Feed-In Tariffs" (FITS) initiative.

1.3 A separate application for planning permission has also been submitted (ref: 11/01296/FUL).

1.4 Supporting Information:

The applicant has submitted a letter which responds to the reasons for the previous application being refused (see main body of report).

A Design and Access Statement has been submitted in support of the application.

1.5 This application has been brought before East Area Planning Sub-Committee at the request of Councillor Taylor as it is an individual application but the wider context for the installation of solar panels in the City's Conservation Areas and on listed buildings needs to have some discussion by Members and for a local understanding of policy to emerge.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area New Walk / Terry Avenue CONF

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Listed Buildings Grade 2; 14 New Walk Terrace York YO1 4BG 0108

Schools St. George's RC Primary 0225

2.2 Policies:

CYGP1
Design

CYGP5
Renewable energy

CYHE4
Listed Buildings

3.0 CONSULTATIONS

3.1 INTERNAL:

Design, Conservation & Sustainable Development:

Confirmation sent from officer via email dated 29.07.11 states that as there is no material difference between the current applications and the original submissions, the previous comments still apply:

Objection on the basis that the panels project from the plane of the roof, and have a shiny flat surface, lacking the visual appeal of the traditional, natural material of the existing roof covering. They will appear as overtly modern additions, detracting from the contribution the roof covering makes to the historic character of the building, and the unity of the terrace. Whilst the harm to the significance of the heritage asset will be less than substantial, it would not be outweighed by the public benefit of mitigating climate change. Alternatives such as ground or air source heat pumps could provide an equal benefit without the negative effect on the significance of the heritage asset.

3.2 EXTERNAL:

Fishergate Planning Panel - no comments received at the time of writing. Consultation period expired 27.06.11

Conservation Area Advisory Panel - The panel feel that the roofscape of the whole terrace was too visually prominent to accept this proposal. The panel reiterated that their previous request for local guidance on this issue.

York Civic Trust - drawings and supporting information are not sufficient to make a judgement on the scheme. The trust are unable to take a view until we have fully worked up a set of drawings and photographs.

3.3 PUBLICITY:

Neighbour Consultation no objections received at time of writing. Consultation period expired 27.06.11

The application was published in the Yorkshire Evening Press on 22.06.11 consultation expired 13.07.11 no objections received.

Site Notice posted 14.06.2011- no objections received.

4.0 APPRAISAL

4.1 Key Issue(s):

- impact on the special architectural and historic interest of the listed building.

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. Central Government advice contained within Planning Policy Statement 5 "Planning for the Historic Environment" (PPS5) confirms the aim of conserving such environments and heritage assets.

4.3 Policy HE4 of the City of York Draft Local Plan states that with regard to listed buildings, consent will only be granted for internal or external alterations where there is no adverse effect on the character, appearance or setting of the building.

4.4 Policy GP5 states that proposals for the development of renewable energy facilities will be encouraged provided there is no significant adverse effect on the existing landscape, air quality, biodiversity, water resources, agricultural land (defined as grades 1, 2 or 3a) or sites of archaeological or historic importance.

ADDITIONAL INFORMATION

4.5 The applicant has responded to the comments of the Conservation Officer as follows:

- the property forms part of a terrace of 8 houses, not 5.
- the site is barely visible from Grange Garth, other than through a small gap between two houses.
- the site is visible from across the river in Terry Avenue only in winter, at a distance of approximately 250 metres.

- the passageway between Grange Garth and New Walk has very few users and the roof is not prominent. The view is dominated by a mix of pipework, aerials, fire escapes, velux windows, dormers and extensions.
- a substantial programme of energy saving measures has already been undertaken at the property, including roof insulation, double glazing, condenser boiler, light bulb replacement, new conservatory, re-instatement of original shutters, draft proofing and heavy curtains.
- heat pumps have been considered but space and access are limited and would require the mature front garden to be destroyed, causing more harm to the conservation area than the current proposals.
- Photovoltaic slates have also been considered but have a very low output compared to the present proposal
- the totally reversible superimposition of PV panels is considered to be the least intrusive solution
- PPS 1 encourages the use of renewable resources (para 22)
- PPS 5 "recognises that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term". It also suggests that planning authorities should be prepared to see the modification of heritage assets in the pursuit of adaptation to the effects of climate change.
- there is nothing in Policies GP1 or GP5 which suggest refusal of this application
- Policies HE3 and HE4 give little guidance on what constitutes an "adverse effect"
- The City appears to have no specific policy regarding the effect on the character and appearance of a listed building or conservation area of fittings or incursions into the roof structure of listed houses, and the application should be determined on its own merits.
- there are a large number of veluxes in the area, few of which are on conservation standard, which have involved the removal of slates and cutting into roof timbers.
- the PV panels involve no change to the existing structure of the property, are confined to the back of the house, make no meaningful intrusion into views within the Conservation Area and help to deliver the Governments and Council's policies on renewable energy.
- The applicant has formally consulted the Civic Trust, who indicated that they did not object (N.B. Officer response - this does not correspond to the comments received by the Council - see "Consultations" above).

ASSESSMENT:

4.6 The solar PV panel system will be situated on the rear roof slope which faces due to south. The proposal relates to the installation of

rectangular photovoltaic (PV) panels on the lower half of the roof slope measuring approx 4.83 metres wide and 3.44 metres deep, occupying an area bounded by two chimneys, a roof light and a line drawn 700mm up from the existing gutter. The applicant states that the installation would be totally reversible. The panels would be of a similar blue/ grey colour to the existing slate roof installed on an aluminium and stainless steel frame. The panels have been designed to minimise cluttering of the roof and maximise the symmetry of the installation's appearance. Further details relating to specific fixings of the panels have not been included within the application.

IMPACT ON THE ARCHITECTURAL AND HISTORIC INTEREST OF THE LISTED BUILDING

4.7 The proposed PV cells would cover a significant proportion of the rear roof slope of the host building. The supporting statement indicates that the proposed colour of the photovoltaic cells would be a close match to the original slate roof thus minimising the visual impact. However, the Council's Conservation Officer considers that the appearance of the roof would be changed substantially. The panels project from the plane of the roof, and have a shiny flat surface, lacking the visual appeal of the traditional, natural material of the existing roof covering. They would appear as overtly modern additions, detracting from the historic character of the building and the unity of the terrace.

4.8 The roof slope is visible in views both into the conservation area, between buildings in Grange Garth, and from within the conservation area, in views across the river from Terry Avenue and from a passage leading to Grange Garth from New Walk. In these views, the shiny surfaces of the cells would draw the eye, undermining the character of the host building, and its contribution to the special architectural and historic interest of the conservation area. Whilst some views would be restricted during the summer months when trees are in leaf, others would be unimpeded.

4.9 In addressing the importance of climate change within the historic environment, PPS5 states that where proposals have a potentially negative effect on heritage assets, attempts should be made to identify feasible solutions that deliver similar climate change mitigation but with less or no harm to the significance of the heritage asset and its setting. Where conflict between climate change objectives and the conservation of heritage assets is unavoidable, the public benefit of mitigating the

effects of climate change should be weighed against any harm to the significance of the heritage assets.

4.10 In this particular case it is not considered that the harm to the significance of the heritage asset would be outweighed by the public benefits in terms of mitigating climate change. It is considered that alternatives such as ground or air source heat pumps could provide similar benefits without the negative effect on the significance of the heritage asset.

5.0 CONCLUSION

The proposal would harm the architectural and historic interest of the listed building contrary to the policy guidance contained in Planning Policy Statement 5 "Planning for the Historic Environment" and Policies H4 and GP5 of the City of York Draft Local Plan (2005).

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 It is considered that the proposed photovoltaic panels, by virtue of their visual appearance and materials of construction, would be unduly harmful to the architectural and historic character of the listed building. It is considered, therefore, that the proposal would conflict with national planning advice contained within Planning Policy Statement 1("Delivering Sustainable Development"), Planning Policy Statement 5 ("Planning for the Historic Environment") and Policies HE4 and GP5 of the City of York Draft Local Plan.

Contact details:

Author: Sharon Jackson Development Management Assistant

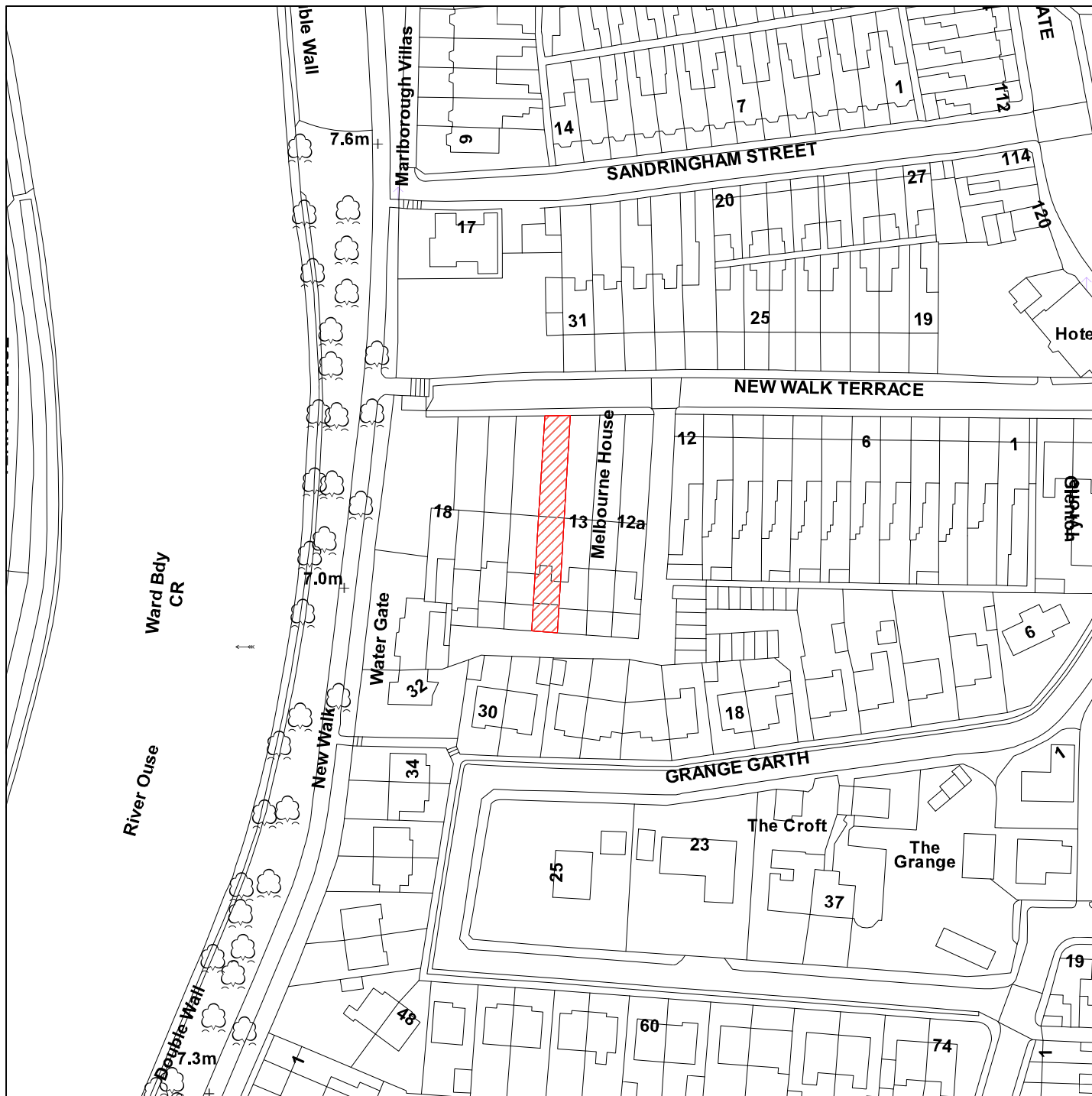
Tel No: 01904 551359

14 New Walk Terrace

11/01298/LBC



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	01 August 2011
SLA Number	Not Set