



**Notice of a public meeting of  
Planning Committee**

- To:** Councillors Horton (Chair), Galvin (Vice-Chair), Ayre, Boyce, Burton, Crisp, D'Agorne, Doughty, Firth, King, McIlveen, Reid, Riches, Simpson-Laing, Watt and Williams
- Date:** Thursday, 15 May 2014
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

**AGENDA**

Would Members please note that the mini-bus for the Site Visits for this meeting will depart Memorial Gardens at 12:30 on Tuesday 13<sup>th</sup> May.

**1. Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

**2. Minutes (Pages 3 - 6)**

To approve and sign the minutes of the meeting of the Planning Committee held on 20<sup>th</sup> March 2014.

**3. Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5pm on Wednesday 14<sup>th</sup> May 2014**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

### **Filming, Recording or Webcasting Meetings**

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#### **4. Plans List**

This item invites Members to determine the following planning applications:

**a) Land Adjacent to Hopgrove Roundabout, Beechwood, York (14/00672/OUTM) (Pages 7 - 18)**

A major outline application with all matters reserved for the erection of a petrol filling station, restaurant and 50 bedroom lodge accommodation with associated access, car parking and landscaping. [Huntington and New Earswick Ward] [Site Visit].

**b) Block B Vanbrugh College, Wentworth Way, Heslington, York (14/00363/FULM) (Pages 19 - 32)**

A major full application for the erection of a 4 storey research office and teaching building for the Environment Department following the demolition of existing residential building. [Heslington Ward] [Site Visit].

c) **Proposed University Campus Lying Between Field Lane and Low Lane, A64 Trunk Road and Hull Road, York (14/00633/REMM)** (Pages 33 - 44)

A major reserved matters application for approval of a 3 storey education, social and catering building (Piazza Learning Centre) following outline permissions 04/01700/OUT and 08/00005/OUT. [Heslington Ward].

5. **Appeals Performance and Decision Summaries.** (Pages 45 - 60)

This report (presented to both Planning Committee and the Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 January to 31 March 2014, and provides a summary of the salient points from appeals determined in that period.

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

Democracy Officer:

Name: Laura Bootland

Contact Details:

- Telephone – (01904) 552062
- E-mail – laura.bootland@york.gov.uk

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

**This information can be provided in your own language.**

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جا سکتی ہیں۔ (Urdu)

 **(01904) 551550**

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**PLANNING COMMITTEE****SITE VISITS****Tuesday 13<sup>th</sup> May 2014.**

<b>TIME</b>	<b>SITE</b>	<b>ITEM</b>
<b>12:30</b>	<b>Coach leaves Memorial Gardens</b>	
<b>12:50</b>	<b>Block D, Vanbrugh College, University of York.</b>	<b>4b</b>
<b>13:25</b>	<b>Land at Hopgrove Roundabout.</b>	<b>4a</b>

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City of York Council

Committee Minutes

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Meeting	Planning Committee
Date	20 March 2014
Present	Councillors Galvin (Vice-Chair), Ayre, Boyce, Burton, D'Agorne, Doughty, Douglas (Substitute), Firth, McIlveen, Reid, Richardson (Substitute), Riches, Simpson-Laing, Watson (Substitute) and Williams
Apologies	Councillors Horton, Crisp, King and Watt

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**60. Declarations of Interest**

At this point in the meeting, Members were asked to declare any personal, prejudicial or pecuniary interests they may have in the business on the agenda. None were declared.

**61. Minutes**

Resolved: That the minutes of the last meeting held on 20<sup>th</sup> February 2014 be approved and signed by the Chair as a correct record.

**62. Public Participation**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

**63. Plans List**

Members then considered a report of the Assistant Director (Development Services, Planning and Regeneration) relating to the following planning application, which outlined the proposals and relevant planning considerations and set out the views of the consultees and officers.

**64. Pikehills Golf Club, Tadcaster Road, Copmanthorpe, York, YO23 3UW (14/00113/FULM)**

Consideration was given to a major full application by Pike Hills Golf Club for the change of use of 7.7 hectares of agricultural land (O.S Field 4223 and 5014) to golf course.

Officers gave a brief update to advise that an additional condition was being proposed in order to ensure that the current policies and practices relating to the prevention of pesticides and fertilisers entering Askham Bog continue. The condition is as follows:

Prior to first use of the hereby approved development, a land and drainage management plan for the golf course and extension, incorporating details to ensure the prevention of fertilisers and pesticides used at the course (as extended) from entering the adjacent Askham Bog Site of Special Scientific Interest, shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall thereafter be implemented fully in accordance with the agreed details.

Reason: To safeguard the habitat and ecology of the adjacent Site of Special Scientific Interest.

David Chapman was in attendance on behalf of Pikehills Golf Club. He advised that the land in question had been purchased 10 years ago by the Club but it had continued to be worked on as agricultural land. The planning application was being renewed as the previous permission granted in 2004 had lapsed. The Golf Club will develop the land for use as a golf course once funding permits.

In response to members questions, Officers confirmed that the application had to be reconsidered as per the committee report despite being previously approved, but the proposal is considered to be beneficial as it would have minimal ecological impact.

Following further discussion it was:

Resolved: That delegated authority be given to approve the application subject to the ecological survey requested being acceptable and conditions



outlined in the officers report and the additional condition outlined above.

Reason: It is considered that the proposed change of use of the existing arable land to golf course is acceptable in principle within the Green Belt, constituting appropriate development, subject to the requested survey confirming the anticipated minimal ecological impact on the site.

Cllr J Galvin, Chair

[The meeting started at 4.30 pm and finished at 4.45 pm].

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**COMMITTEE REPORT**

**Date:** 15<sup>th</sup> May 2014      **Ward:** Huntington/New Earswick  
**Team:** Major and Commercial Team      **Parish:** Huntington Parish Council

**Reference:** 14/00672/OUTM

**Application at:** Land Adjacent Hopgrove Roundabout Beechwood Hopgrove York  
**For:** Outline planning application with all matters reserved for erection of petrol filling station, restaurant and 50-bedroom lodge accommodation with associated access, car parking and landscaping

**By:** Enita Europe Limited

**Application Type:** Major Outline Application (13 weeks)

**Target Date:** 24 June 2014

**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 Beechwood, Hopgrove Roundabout Malton Road comprises a large partially secluded area currently in pasture use circumscribed by the A64 and A1237 York Outer Ring Road . The site is well landscaped along the eastern, south western and southern edges with residential properties set within large grounds adjacent to the former Malton Road to the north. The site is accessed from the A1237 and lies within the York Green Belt as well as being partially within Flood Zone 3. Outline planning permission is sought with all matters reserved for erection of a "signed" trunk road service area comprising a petrol filling station, restaurant/cafe, 50 bedroom lodge accommodation and a range of ancillary works.

1.2 A Screening Request under The Town and Country Planning(Environmental Impact Assessment) Regulations 2011 has previously been received in respect of the proposal ref:- 13/00651/EIASN.

**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:

CGP15A - Development and Flood Risk

CYGB1 - Development within the Green Belt

CYGP1 - Design

CYGP4A - Sustainability

CYNE6 - Species protected by law

**3.0 CONSULTATIONS**

INTERNAL:-

3.1 Design, Conservation and Sustainable Development express concern in respect of the impact of the proposal upon water vole and bat habitat and the lack of information submitted with the proposal relating to sustainability.

3.2 Highway Network Management were consulted in respect of the proposal on 31st March 2014. Views will be reported orally if available.

3.3 Environmental Protection Unit object to the proposal on the grounds of adverse impact upon residential amenity by virtue of increased noise, light pollution and odour from cooking equipment. Serious concern is also expressed in relation to the possibility of land contamination being present in the area.

EXTERNAL:-

3.3 The Environment Agency were consulted on 31st March 2014. Views will be reported orally if available.

3.4 Huntington Parish Council object to the proposal on the grounds that it fails to respect official Highways Agency Guidelines in respect of motorist facilities, it would cause a harmful build up of traffic on the local highway network and it would seriously harm the residential amenity of neighbouring properties by virtue of noise and light pollution.

3.5 The Foss (2008) Internal Drainage Board object to the proposal on the grounds it lies partially within Flood Zone 3 and that it would seriously exacerbate issues of flood risk in the surrounding area.

3.6 Yorkshire Water Services Ltd raises no objection to the proposal.

3.7 The Highways Agency raises no objection to the proposal.

3.8 One letter of objection has been received in respect of the proposal expressing concern in relation to its impact upon the open character and purposes of designation of the Green Belt along with increased traffic levels on the surrounding highway network.

3.9 A further detailed letter of objection has also been received on behalf of a Local Resident's Action Group living directly adjacent to the proposal. The following is a summary of its contents:-

- Serious concern in respect of the inappropriate nature of the development within the Green Belt and its associated detrimental impact upon its open character and the reasons for its designation;
- Concern in respect of the complete absence of a case for "very special circumstances" to overcome the usual presumption against inappropriate development within the Green Belt and to justify the intended location of the proposal;
- Serious concern in respect of the impact of the proposal upon the residential amenity of neighbouring properties by virtue of noise, light pollution and very substantial increases in traffic levels;
- Serious concern in respect of the impact of the proposal upon the level of flood risk to properties down stream in Hopgrove village;
- Serious concern in respect of the impact of the proposal upon the habitat of the water vole; a protected species.

Accompanying the letter of objection is a detailed critique of the submitted Transport Assessment.

## **4.0 APPRAISAL**

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the open character and purposes of designation of the York Green Belt;
- Impact upon the residential amenity of neighbouring properties;
- Impact upon the level of flood risk in the locality;
- Impact upon the habitat of a protected species;
- Impact upon traffic levels on the surrounding highway network;
- Sustainability of the proposal.

## STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN:-

4.2 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations in arriving at Development Management decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

## POLICY BACKGROUND:-

4.3 Paragraph 17 of the National Planning Policy Framework, "Key Planning Principles", is of particular relevance in considering this application. This urges Local Planning Authorities to give significant weight to securing a good standard of amenity for all existing occupants of land and buildings.

4.4 Paragraphs 87 -90 of the National Planning Policy Framework are of particular relevance in considering the proposal. Paragraph 87 identifies that inappropriate development within the Green Belt should not be approved except in "very special circumstances". Paragraph 88 indicates that substantial weight should be given to any harm to the Green Belt. "Very special circumstances will not be deemed to exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations. Paragraph 89 , meanwhile identifies the construction of new building within the Green Belt as automatically inappropriate unless it falls within one of a number of specific categories deemed to be appropriate and paragraph 90 identifies certain other forms of development including local transport infrastructure that can demonstrate the need for a Green Belt location as being not inappropriate providing it preserves the open character of the Green Belt and does not conflict with the purposes of including land within it.

4.5 Paragraph 103 of the National Planning Policy Framework urges that significant weight should be afforded to ensuring that flood risk is not increased else where and only consider development as appropriate in areas at risk of flooding where informed by a site specific risk assessment and following a Sequential Test.

4.6 Paragraph 118 of the National Planning Policy Framework is of relevance in that it urges Local Planning Authorities to refuse planning applications which would result in harm to or the loss of important areas of wildlife habitat.

## IMPACT UPON THE OPEN CHARACTER AND PURPOSES OF DESIGNATION OF THE YORK GREEN BELT:-

4.7 The application site comprises a partially secluded area presently used for pasture to the north east of Hopgrove village within the York Green Belt. The proposal envisages the erection of a 50 bed room hotel, a restaurant and a petrol filling station with substantial associated areas of hard surfacing, which would be accessed from the Old Malton Road connected with the A1237 Outer Ring Road a short distance away. It comprises inappropriate development within the Green Belt

as the absence of an access direct from the A64 Trunk Road invalidates the concession in respect of transport infrastructure included within paragraph 90 of the NPPF. The proposal does therefore comprise inappropriate development within the Green Belt, whereby "very special circumstances" would need to be demonstrated to outweigh the presumption against inappropriate development within the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is outweighed by other considerations.

4.8 No case for "very special circumstances" has been put forward to justify the location of the proposal in the Green Belt; indeed the submitted application details fail to address the presence of the proposal within the Green Belt at all. The purposes of including land within the Green Belt include the prevention of encroachment into open countryside, the protection of the setting of historic towns and cities and the prevention of coalescence of built up areas. The application site makes a significant contribution to the fulfilment of Green Belt purposes as so defined which would be substantially prejudiced by the implementation of the proposal. The application site makes a significant contribution with its lightly landscaped fringes to the open character and setting of the north eastern approach to York. This character would be substantially compromised by the implementation of the proposal.

4.9 The development has been justified by the applicant primarily on the basis of an absence of defined motorist services comprising hotel accommodation, petrol and a restaurant in combination along the route of the A64 between Bilbrough and Staxton Wold; a distance of 41.9 miles. The application site is not however along the alignment of the A64 and it is accessed from the A64 through two signal controlled roundabouts causing traffic to leave the Trunk Road for an average of 10 minutes at a time in order to access it. The Highways Agency drew attention to this situation in response to the earlier EIA Screening Application and indicated that the proposal would not have their support as a signed facility. The submitted information furthermore fails to address the presence of each of the identified facilities singly located adjacent to the A64 in the near vicinity or within Hopgrove village or the Monks Cross Retail Park both of which are within a 10 minute drive time. No justification is also given for a Green Belt location per se. As such the submitted case for the development can be afforded very little material weight and the proposal can be seen as contrary to Central Government Planning Policy as outlined in paragraphs 87 to 90 of the National Planning Policy Framework.

#### IMPACT OF THE PROPOSAL UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES:-

4.10 Paragraph 17 of the NPPF "Core Planning Principles" urges Local Planning Authorities to give significant weight to the provision and safeguarding of a good standard of amenity for all new and existing occupants of land and buildings. Policy GP1 of the York Development Control Local Plan at the same time establishes a

firm policy presumption that new developments should ensure that residents living nearby are not unduly affected by noise or disturbance. The application site comprises a relatively quiet and tranquil area of pasture land partially circumscribed by a landscaped bund and accessed from a very lightly trafficked section of Malton Road. The adjacent highway provides access to a number of residential properties, some of which are set a significant distance back from the road frontage. Two properties, Beechwood Cottage and Beechwood Lodge are however directly on the road frontage in the vicinity of the proposed access points to the proposal. In marked contrast to the existing situation, the occupants of the two properties would be subject to significant volumes of traffic at regular intervals throughout the day and night.

4.11 The indicative site plans also indicate that the majority of the built development and parking area would be in close proximity to the road frontage in order to mitigate for the location of the application site partially within Flood Zone 3. Little if any opportunity is thereby afforded to lessen the potential impact in terms of noise and light pollution on the adjacent residential properties. The submitted application fails to take any account of impacts upon the residential amenity of nearby properties or indeed acknowledge that there are nearby residential properties. A road traffic noise assessment has been submitted but that solely addresses the impact of traffic on the A64 and within the site on the occupants of the hotel bedrooms. The proposal therefore fails to comply with the requirements of paragraph 17 of the NPPF or Policy GP1 of the York Development Control Local Plan.

#### IMPACT UPON THE LEVEL OF FLOODRISK IN THE LOCALITY:-

4.12 Policy GP15a) of the York Development Control Local Plan sets out a clear policy presumption that developers must satisfy the Local Planning Authority that any flood risk will be successfully managed with the minimum environmental effect and ensure that the site can be developed, serviced and occupied safely. The application site lies across the boundaries of Flood Zones 1 and 3 although the proposed buildings are illustrated as being within Flood Zone 1. A water course crosses the site before draining to the south west through Hopgrove village into the River Foss. A detailed Flood Risk assessment has been submitted. This recommends the controlled closure of the hard surfaced parking areas in the event of a severe rainfall or flooding event and the provision of a separate system of attenuation for the petrol filling station which gives rise to a higher risk of pollution to surrounding water courses. However, the consequence of controlled closure of the parking areas which may in all likelihood be at short notice, would be significant additional parking along Old Malton Road seriously exacerbating the previously identified concerns in relation to impact upon residential amenity.

4.13 The Foss IDB has raised serious concerns in respect of the substantially increased areas of hard surfacing exacerbating flood risk to properties a short distance away in Hopgrove village. The submitted Flood Risk assessment simply fails to address this issue and as a consequence the proposal fails to comply with



the requirements of Policy GP15a) of the York Development Control Local Plan or paragraph 103 of the National Planning Policy Framework.

#### IMPACT UPON THE HABITAT OF A PROTECTED SPECIES:-

4.14 Paragraph 118 of the National Planning Policy Framework urges Local Planning Authorities to refuse planning permission if significant harm to biodiversity resulting from a development cannot be avoided, mitigated or compensated for. A water course draining south west wards Hopgrove village and the River Foss crosses the site. This has been identified as being a habitat for water voles a species protected by the 1981 Wildlife and Countryside Act. Serious concerns have been expressed in respect of the physical destruction of the water vole habitat through the proposal, the encouragement of water vole predators such as the brown rat and adverse consequences to water quality as a result of the proposed foul water treatment facilities. The application fails to recognise the presence of the water vole habitat or to mitigate against the significant harm that the proposal would generate. The scheme is therefore contrary to the requirements of paragraph 118 of the National Planning Policy Framework.

#### IMPACT UPON THE LEVELS OF TRAFFIC USING THE SURROUNDING HIGHWAY NETWORK:-

4.15 The proposal has been justified on the basis of being a signed Trunk Road MSA in relation to the A64 which links West Yorkshire conurbation with Scarborough. Notwithstanding that the proposal is not accessed from the Trunk Road or even directly related to it but accessed from a short section of unclassified road linked by a signal controlled roundabout to the A1237 Outer Ring Road. As a consequence, significant volumes of traffic would be flowing backwards on to the local highway network from the A64 including onto a section of road not designed to cope with it. A detailed Transport Assessment has been submitted with the proposal. This identifies only a modest impact upon local traffic levels arising from the proposal. However, the assumptions behind the study fail to take account of the degree of functional disassociation between the application site and the A64 Trunk Road and fails to take account of potential cumulative impacts resulting from recent developments at the nearby Monks Cross Retail Park including the impending relocation of the York City Football Club, issues picked up by the Consultant acting on behalf of the Local Resident's Action Group. As such the Assessment can only be afforded little weight.

#### SUSTAINABILITY OF THE PROPOSAL:-

4.16 Policy GP4a) of the York Development Control Local Plan sets out a firm policy presumption that new developments must demonstrate how they comply with the principles of sustainable development including the usage of sustainably sourced materials, the use of recycling and access by non-car modes of transport. At the same time the associated Supplementary Planning Guidance covering Sustainable

Construction sets out a clear requirement for new commercial developments to achieve a BREEAM standard of "Very Good". The submitted planning application fails to address the sustainability of the proposal in any way and as such falls below an acceptable standard. As a consequence the requirements of Policy GP4a) of the York Development Control Local Plan would not be complied with.

#### ENVIRONMENTAL IMPACT ASSESSMENT:-

4.17 The proposal has previously been the subject of a formal Screening Request to determine whether or not an Environmental Impact Assessment in line with Schedule 2 of the 2011 Town and Country Planning (Environmental Impact Assessment) Regulations was required. It was concluded that the environmental impacts could properly be addressed through the conventional planning application process and that a formal Environmental Impact Assessment was not required, notwithstanding the very clear and substantial concerns in respect of the proposal

### 5.0 CONCLUSION

5.1 Beechwood, Old Malton Road, Hopgrove, comprises a large partially secluded area presently in pasture use within the Green Belt to the north east of the City Centre. The proposal fails to acknowledge and address the Green Belt location of the site and the fact that it is inappropriate development, the significant adverse impact of the development upon the residential amenity of neighbouring properties, the potential impact of the development upon the habitat of the water vole, a protected species, or the impact of the development upon the level of flood risk to properties in the vicinity. As such the development is considered to be unacceptable and it is recommended that planning permission be refused.

### COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Refuse

1 The proposed development is inappropriate within the Green Belt within the definition outlined in paragraphs 89 and 90 of the National Planning Policy Framework and therefore by definition materially harmful to its openness. The proposal is contrary to the principles of including land within the Green Belt namely the prevention of encroachment into open countryside and the safeguarding of the setting of historic towns and cities. No case for "very special circumstances" has been brought forward to overcome the policy presumption against inappropriate development within the Green Belt and to justify the clear harm that the development would cause to the character and openness of the Green Belt.

2 The proposed development would give rise to a significant and on-going harmful impact to the residential amenity of occupants of the adjacent residential properties Beechwood Lodge and Beechwood Cottage in terms of light pollution, noise and general disturbance contrary to paragraph 17 of the National Planning Policy Framework "Core Planning Principles" and Policy GP1 of the York Development Control Local Plan.

3 The development site lies partially within Flood Zone 3 and is therefore defined as being at a high risk of flooding. The applicant has failed to demonstrate that the proposed development by its nature involving substantial increases in the areas of hard paved surface, would not materially increase the level of flood risk to neighbouring properties in Hopgrove village, contrary to paragraph 103 of the National Planning Policy Framework and Policy GP15(a) of the York Development Control Local Plan.

4 The application site forms part of the habitat of a group of water voles, a protected species. The planning application fails to demonstrate how the very significant harm to the water vole habitat can be effectively mitigated within the context of the development proposal contrary to the requirements of paragraph 118 of the National Planning Policy Framework.

5 The submitted planning application fail to demonstrate how the proposal would address the principles of Sustainable Development and ensure that the development achieves a minimum standard of BREEAM "very good" contrary to Policy GP4a) of the York Development Control Local Plan and the Adopted Interim Policy Guidance on Sustainable Design and Construction(2007).

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH**

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in an attempt to achieve a positive outcome:

Sought clarification of the case for "very special circumstances" justifying the location of the site within the Green Belt.

However, no very special circumstances were brought forward and the Council's suggestion to withdraw the application and enter into further discussions was declined, resulting in planning permission being recommended for refusal for the reasons stated.

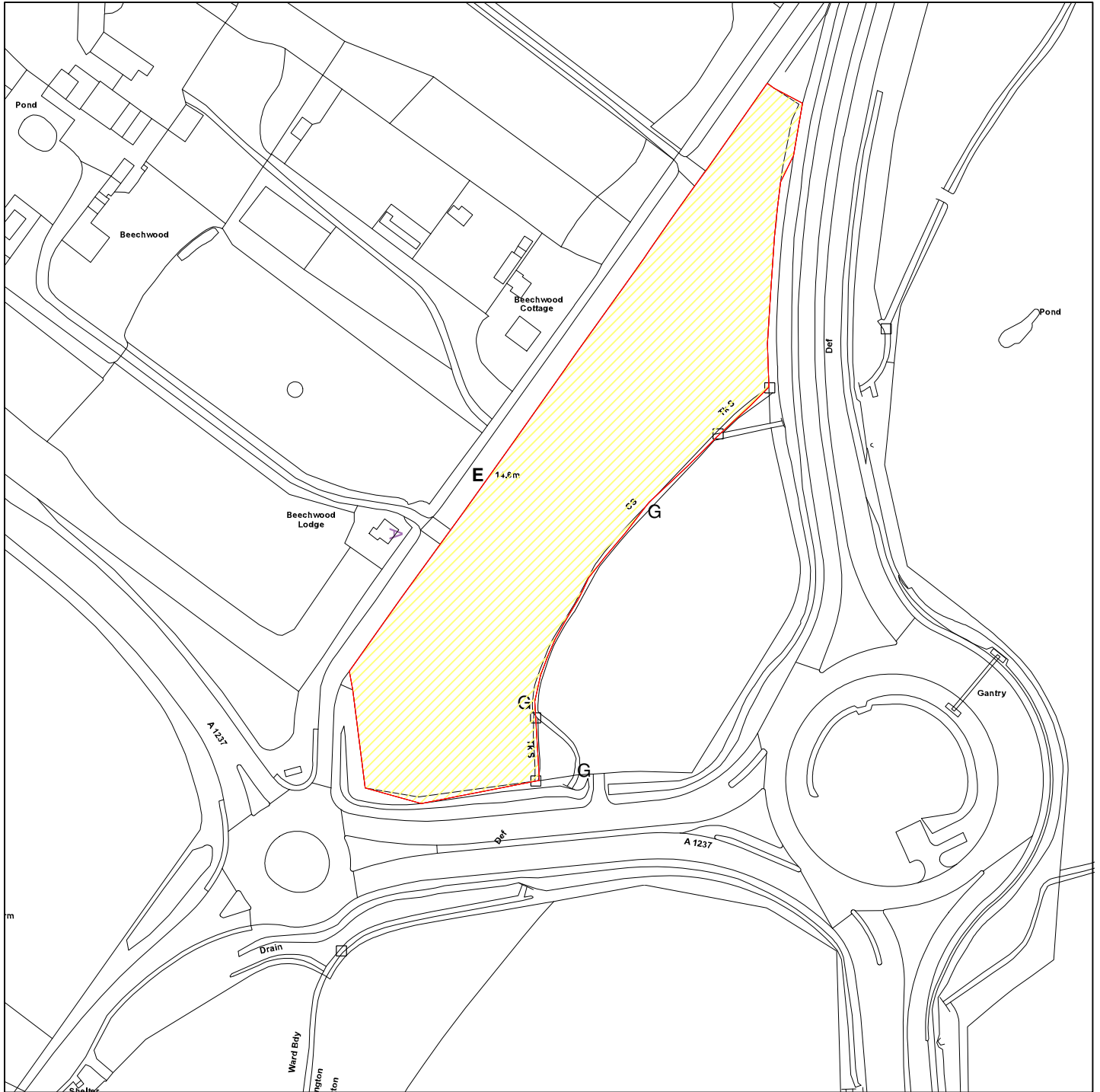
**Contact details:**

**Author:** Erik Matthews Development Management Officer

**Tel No:** 01904 551416

# 14/00672/OUTM

## Land Adjacent Hopgrove Roundabout



Scale : 1:2500

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	06 May 2014
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 15 May 2014                      **Ward:** Heslington  
**Team:** Major                      and **Parish:** Heslington                      Parish  
Commercial Team                      Council

**Reference:** 14/00363/FULM

**Application at:** Block D Vanbrugh College Wentworth Way Heslington York  
**For:** Erection of 4no. storey research, office and teaching building for Environment Department following demolition of existing residential building

**By:** Mr Jon Meacock

**Application Type:** Major Full Application (13 weeks)

**Target Date:** 20 May 2014

**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 Block D Vanbrugh College comprises a three storey brick built accommodation block dating from the early 1960s and in poor decorative condition lying to the west of the principal Heslington West Campus of York University. Planning permission is sought for the redevelopment of the site cleared site to provide a four storey Environment Teaching Facility associated with the Applied Biology Faculty to the north west. This forms part of the University's on-going programme to expand the range and quality of science teaching and research on offer and to replace the older and poorer quality accommodation within the Heslington West campus. It is envisaged that the proposal would result in the creation of an additional 66 full time jobs. Subsequent to submission of the proposal the scheme has been amended to relocate the proposed south west stair turret away from the lake side and to provide details of an individual bespoke surface water drainage solution for the site.

**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:

CGP15A -Development and Flood Risk

CYGP1 - Design

CYGP4A - Sustainability

Application Reference Number: 14/00363/FULM

Item No: 4b

CYGP9 - Landscaping

CYNE8 - Green corridors

CYED6 - University of York Heslington Campus

### **3.0 CONSULTATIONS**

#### **INTERNAL:-**

3.1 Environmental Protection Unit raise no objection to the proposal but wish to see any approval conditioned to require the submission and prior approval of a CEMP( Construction Environmental Management Plan) in addition to conditions covering working hours, audible equipment and unexpected contamination.

3.2 Highway Network Management raise no objection to the proposal subject to details of additional cycle parking being conditioned for further approval as part of any planning permission.

3.3 Strategic Flood Risk Management raised no objection in principle to the proposal subject to an individual scheme of attenuation being provided to deal with the surface water generated by the development. An indicative bespoke scheme of surface water attenuation has subsequently been submitted in respect of the proposal.

3.4 Design, Conservation and Sustainable Development raise no objection in principle to the proposal but express concern with regard to the relationship of the proposal to the habitat provided by the adjacent lake. Significant concern is also expressed in terms of the impact of the proposal upon the landscape setting of the Central Lake and the fringing trees by taking the proposed new teaching block to such a close proximity to the lake edge.

#### **EXTERNAL:-**

3.5 The Ouse and Derwent Internal Drainage Board were consulted with regard to the proposal on 4th March 2014. Views will be reported orally if available.

3.6 Heslington Parish Council object to the proposal on the grounds that it would result in the loss of a 93 bed space accommodation block which should be replaced on a like-for-like basis within the Heslington West Campus.

3.7 One letter of support has been received in respect of the proposed development.



## 4.0 APPRAISAL

### KEY CONSIDERATIONS:-

#### 4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the visual amenity of the wider street scene;
- Impact upon the local pattern of surface water drainage;
- Impact upon local biodiversity;
- Loss of accommodation bed spaces;
- Sustainability of the proposal;
- Provision for Cyclists.

### STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN:-

4.2 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in arriving at Development Management decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

### PLANNING POLICY CONTEXT:-

4.3 The planning policy context for the proposal is set by paragraph 17 "Core Planning Principles" of the National Planning Policy Framework. This sets out a requirement for Local Planning Authorities to proactively support sustainable economic development including the provision of such necessary infrastructure to support the needs of their locality. At the same time paragraph 70 of the NPPF urges Local Planning Authorities to plan positively to secure local services to enhance the sustainability of local communities.

### IMPACT UPON THE VISUAL AMENITY OF THE WIDER ENVIRONMENT:-

4.4 Policy ED6 of the York Development Control Local Plan sets out a firm policy presumption in favour of new development involving specific sites highlighted in the development brief whilst ensuring that the developed footprint of the campus is not materially increased, the height of the new building would be appropriate to the location and the standard of design would be appropriate to the setting of the University. The proposal envisages the erection of a four storey building with a flat green roof incorporating a parapet with a mix of curtain wall and brick cladding with a green "living wall" adjacent to the principal entrance. The proposal forms part of a long term investment plan to expand and re-construct the applied science research and teaching facilities at the site and is closely related to the expanded Biology faculty which is presently under construction. It would incorporate teaching and research facilities for the Environmental Science, Environmental Geography,

Ecology and Conservation and Bio-archaeology departments which are presently widely dispersed throughout the campus without a clear and readily identifiable focus, which would provide a basis for growth and to develop new research links.

4.5 The new building would sit broadly within the footprint of the pre-existing accommodation block which is to be demolished, to allow the site to develop and would reflect the recently approved Biology block in terms of its scale, massing and palette of materials. The proposed building would be a storey higher than the existing however this would reflect the pattern of development to the north. The visual emphasis of the building would also be reversed from the existing with the principal elevation facing the Lake to the south east. Whilst there are outstanding concerns from the landscape architect regarding the impact of the development being closer to the lake and against previous landscape guidance, the development is on balance felt to be acceptable as it reflects the pattern of a number of buildings to the east whose principal elevations are aligned on the Lake.

4.6 The proposed external staircase at the south eastern elevation of the proposal adjacent to the Lake was felt to be too close and to create a visual "pinch point". The developer has amended the design to remove the perceived pinch point creating an even elevational treatment to the Lake.

4.7 Concern has also been expressed in respect of the visual relationship of the new building to the trees surrounding the Lake and its wider landscape setting. It is however felt that the visual relationship between the new building and the landscape setting of the Lake would be acceptable and that the principles of the original layout of the site would not be compromised. The proposal is therefore felt to be suitable in 'street scene' terms and to comply with Policy ED6 of the Development Control Local Plan.

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

4.8 Policy GP15a) of the York Development Control Local Plan sets out a firm policy requirement for developers to satisfy the Local Planning Authority that any flood risk will be successfully managed with the minimum environmental effect and ensure that the site can be developed, serviced and occupied safely. Central Government planning policy in respect of planning and flood control as outlined in paragraph 103 of the National Planning Policy Framework indicates that in dealing with development flood risk should not be increased elsewhere.

4.9 The application site lies within Flood Zone 1 and is therefore deemed to be at the lowest risk of flooding. The proposal envisages the incorporation of a rain water harvesting system although that would not be sufficient to mitigate any impact outside of the site. The proposed development would bring the built foot print at the Heslington West Campus up to the maximum level for the existing surface water drainage system, involving the usage of the lake and its ancillary water courses as

an outfall; to operate effectively. A report has been submitted which recommends alterations to the level of the lake by adjusting the height and position of associated weirs to the north and south of the application site. However, concerns have been expressed in relation to the impact of this upon the behaviour of the lake with implications for its ecology and biodiversity and also for flood risk elsewhere in the system. This impact would be exacerbated by the proposed usage of the lake as a means to cool the building which would result in small but significant changes to its water temperature. It is recommended that in order to resolve the situation satisfactorily, individual attenuation at 70% of the existing discharge rate is provided for the new building and made the subject of a condition on any planning permission.

#### IMPACT UPON LOCAL BIODIVERSITY:-

4.10 Policy NE8 of the York Development Control Local Plan sets out a firm policy presumption that planning permission will not be granted for new development which would destroy or impair the integrity of green corridors or stepping stones. Central Government planning policy in respect of biodiversity as outlined in paragraph 118 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to conserving and enhancing local biodiversity with developments which can not adequately mitigate against significant harm being refused. Concern had been expressed in relation to the usage of the lake as a "heat sink" to cool the building and the potential for the presence of water voles along the lake edges. In light of the amended details agreed relating to drainage, these concerns are not felt to be sufficient as to warrant refusal of the proposal in itself and in order in part to further offset them it is recommended that any permission be conditioned to require further prior approval of the proposed green roof and green walling adjacent to the building entrance in order to maximise the opportunities to enhance local habitat.

#### LOSS OF ACCOMMODATION BED SPACES:-

4.11 Serious concerns have been expressed in relation to the loss of the existing accommodation bed spaces from the site and their potential replacement with alternative spaces in off-site locations at a much higher cost for the student thereby putting pressure on private sector accommodation. The applicant has confirmed that a 620 bed residential college within the nearby Heslington East Campus will be made available from September 2014 which will provide a net increase of 500 spaces over and above the existing situation. The students displaced from the current site have been relocated to vacant spaces within existing on campus University accommodation primarily within Heslington West and none have moved out into the private sector. The displaced students have therefore be adequately catered for.

## SUSTAINABILITY OF THE PROPOSAL:-

4.12 Policy GP4a) of the York Development Control Local Plan sets out a clear policy presumption that all new development should clearly address the principles of sustainable development in terms of its design, construction and management. The current proposal has been designed to a standard of BREEAM Excellent. The proposal would involve the usage of "green walls" and a "green roof" and has been deliberately aligned so as to make the maximum possible use of solar gain with as mentioned the adjacent lake, in part being used as a "heat sink" to cool the building in periods of particularly hot weather. The proposed palette of materials would be sustainably sourced and the building has been designed to reduce the demand for potable water by 40%. In terms of energy demand the building has been designed to maximise natural ventilation whilst reducing heat loss. The design will furthermore incorporate mechanical heat recovery, with a mix of ground source heat pumps and roof mounted photovoltaic cells to achieve a proportion of the energy demand of the building by renewable means. The proposal therefore complies with the terms of Policy GP4a) of the Development Control Local Plan.

## PROVISION FOR CYCLISTS:-

4.13 Concern has been expressed in relation to the relation of the proposed building to a desire line for cyclists crossing the site from north east to south west. In response the University has indicated that they will improve signage for cyclists travelling though the area of the proposal and at the same time a revised Cycling Strategy for the wider Campus is to be prepared over the coming months. In the context of this standalone application this is considered to be acceptable.

## ENVIRONMENTAL IMPACT ASSESSMENT:-

4.14 The proposed development covers an area of some 0.43 hectares and as such falls below the minimum thresh hold within Schedule 2 to the 2011 Town and Country Planning (Environmental Impact Assessment) Regulations in terms of Screening as to whether or not a formal Environmental Impact Assessment is required.

## **5.0 CONCLUSION**

5.1 The proposed building would be designed to blend in with the recently constructed Biological Sciences building to the north west, which it would match in terms of its scale, massing and palette of materials. It has also been designed to achieve a high degree of sustainability with the aim of achieving a BREEAM standard of Excellent.

5.2 Concerns have been expressed in terms of the proposed surface water drainage arrangements and the proposed replacement bed spaces for the accommodation lost. In terms of surface water drainage, it would be possible to effectively drain the site by means of a bespoke attenuation scheme which can be secured by condition. Subject to inclusion of such a condition the development as amended is felt to be acceptable and approval is therefore recommended. The applicant has indicated that a replacement accommodation block would be brought on stream within the Heslington East Campus a short distance away in September 2014.

## 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 Ref:- YOR BBA ZO ZZ DR A 01003 D5 P2; YOR BBA ZO ZZ DR A 01001 D5 P2; YOR BBA ZO ZZ DR A 03001 D5 P2; YOR BBA ZO ZZ DR A 01002; YOR BBA ZO ZZ DR A 01101 D5 P3 ; YOR BBA ZO ZZ DR A 01055 D5 B2; XYZ BBA ZO 03 DR A 02004 D5 P2; XYZ BBA ZO 02 DR A 02003 D5 P2; XYZ BBA ZO 01 DR A 02002 D5 P2; XYZ BBA ZO 04 DR A 02005 D5 P2; YOR BBA ZO ZZ DR A 01052 D5 P2; YOR BBA ZO ZZ DR A 04001 D5 P2; XYZ BBA ZO 00 DR A 02001 D5 P2; YOR BBA ZO ZZ DR A 01702 D5 P2; YOR BBA ZO ZZ DR A 01701 D5 P2; YOR BBA ZO ZZ DR A 04100 D5 P2; YOR BBA ZO ZZ DR A 03002 D5 P2; YOR BBA ZO ZZ DR A 01004 D5 P2. YOR BBA 02101 D5 P1.

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

3 VISQ8 Samples of exterior materials to be app -

4 VISQ7 Sample panel ext materials to be approv -

5 NOISE7 Restricted hours of construction -

6 LC4 Land contamination - unexpected contam -

7 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 16.5 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level.

Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

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

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

9 Trees shown as being retained on the approved plans shall be protected in accordance with BS: 5837 Trees in relation to construction.

Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and surfaces shall also be included.

The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

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

10 Unless otherwise agreed in writing with the Local Planning Authority, prior to commencement of development the developer shall submit in writing and be approved by the local planning authority a formal pre-design BREEAM assessment for the design and procurement stages of the development. The developer shall submit a further BREEAM assessment after construction, at a time to be agreed in writing by the local planning authority. The developer shall submit a completion assessment when issued by the BRE. All assessments shall confirm the minimum 'Very Good' rating anticipated in the preliminary BREEAM assessment submitted with the application

Reason - To ensure the development complies with the principles of sustainable development

11 HWAY18 Cycle parking details to be agreed -

12 Prior to the commencement of the development hereby authorised full details of the proposed surface water drainage arrangements for the development hereby authorised shall be submitted to and approved in writing by the Local Planning Authority. Such details shall allow for the site to be attenuated to a maximum of 70% of existing flows and include full details of the size and location of the proposed outfall. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason:- To safeguard the water environment and to comply with Policy GP15a) of the York Development Control Local Plan.

13 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

The CEMP shall agree that all demolition and construction works and ancillary operations which are audible beyond site boundary or at the nearest noise sensitive dwelling, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 08:00 to 18:00

Saturday 09:00 to 13:00

Not at all on Sundays and Bank Holidays.

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (2009) Code of Practice; 'Noise Control on Construction and Open Sites'.

Reason: To protect the amenity of the area

NOTE: The CEMP should detail measures which will be implemented to control noise, vibration, dust and light from the development and should consider the following.

NOISE - details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situations, including the location of positions, recording of results and identification of mitigation measures required.

VIBRATION - details should be provided on any activities which may results in excessive vibration, e.g. demolition, piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration experienced. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

DUST - details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stockpiles, used of barriers, use of water bowsers and spraying, location of stockpiles and position on site. In addition I would anticipate that details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any).

COMPLAINTS - In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been



received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

Any information submitted must be site specific and should consider the impact of the development on the surrounding area, rather than being a submission of the health and safety assessments which primarily consider the health and safety of employees on the site itself.

14 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels (LA max(f)) and average sound levels (LA eq), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

NOTE: The rating level of building service noise associated with plant or equipment at the site should not exceed 5dB(A) below the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 1997.

REASON: To safeguard the amenity of occupants of neighbouring premises

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH**

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- i) Detail of the location of the replacement for the student bed spaces lost for the approved development;
- ii) An amended location for the south eastern, lake side external staircase.

## 2. CONTROL OF POLLUTION ACT 1974:-

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

### **Contact details:**

**Author:** Erik Matthews Development Management Officer

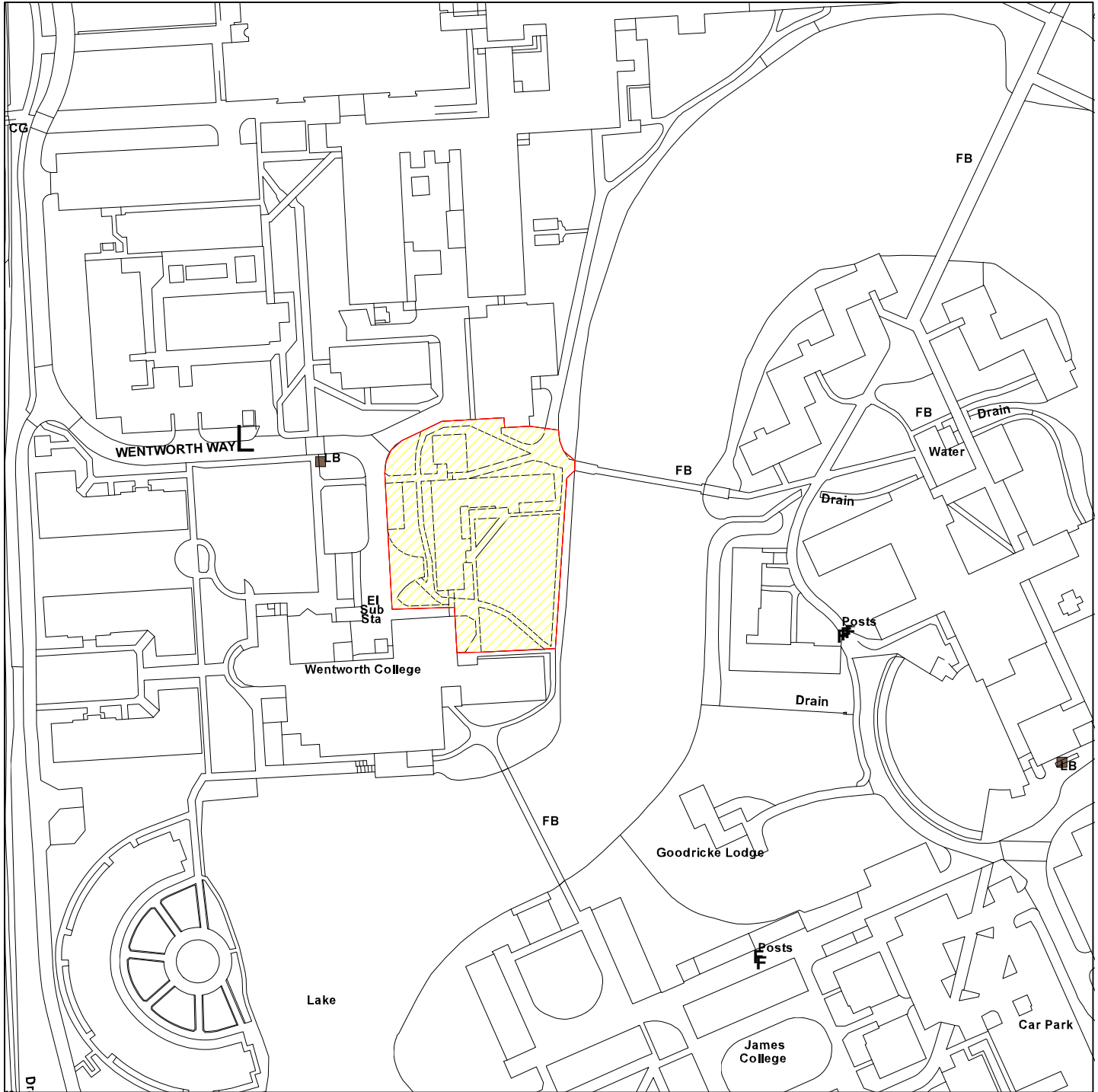
**Tel No:** 01904 551416

# 14/00363/FULM

## Block D Vanbrugh College



GIS by ESRI (UK)



Scale : 1:1700

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	06 May 2014
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 15 May 2014                      **Ward:** Heslington  
**Team:** Major and                      **Parish:** Heslington Parish  
                    Commercial Team                      Council

**Reference:** 14/00633/REMM  
**Application at:** Proposed University Campus Lying Between Field Lane And Low Lane A64 Trunk Road And Hull Road York  
**For:** Reserved matters application for approval of a three-storey education, social and catering building (Piazza Learning Centre) following outline permissions 04/01700/OUT and 08/00005/OUT  
**By:** University Of York  
**Application Type:** Major Reserved Matters Application (13w)  
**Target Date:** 18 June 2014  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 Reserved matters application for the erection of a 3-storey, detached, university building, to be known as the Piazza Learning Centre, at Heslington East campus. The campus was granted outline planning permission by the Secretary of State in June 2007 (04/01700/OUT) and varied in 2008 (08/00005/OUT). The proposals would provide teaching accommodation (including a 350-seat lecture theatre), library, study areas, 200-seat restaurant and social space. The building footprint would be 2450sqm and total floorspace would be 6238sqm. The matters submitted for consideration are appearance, landscaping, layout and scale.

1.2 The application is the result of pre-application discussions with officers. It was initially submitted as a teaching venture in partnership with a private provider. The University has since decided not to proceed with the venture on the precise model set out in the planning application. Nevertheless, the proposed works and the description of development have not changed.

1.3 Officers are satisfied that the environmental information already submitted in respect of the development of the Heslington East campus is sufficient to assess the environmental effects of this development. As such no addendum to the Environmental Statement has been sought. Nor does the submission include further information or any other substantive information that would require further publicity under the. Environmental Impact Assessment Regulations 2011.

## 2.0 POLICY CONTEXT

### 2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

### 2.2 Policies:

CYGP1 -Design

CYGP4A - Sustainability

CYGP9 - Landscaping

CGP15A - Development and Flood Risk

CYED9 - University of York New Campus

CYT4 - Cycle parking standards

## 3.0 CONSULTATIONS

### INTERNAL

#### Design, Conservation and Sustainable Development (Design)

3.1 Supports the site layout, building design and massing. There is a clear hierarchy of approach routes to which the ground floor functions respond well. The landscape terrace and swales in front of the building help buffer it from the very-public piazza. The elevational treatment is interesting and refined, all harmonised under a massive, gently undulating roof. The approved masterplan for Cluster 2 should be amended to show the narrowing of the southern end of the Central Vista.

#### Design, Conservation and Sustainable Development (Landscape)

3.2 The one mature Oak tree within the site boundary is attractive and its retention within the scheme is welcome. It is essential that it is adequately protected during construction. Whilst the building encroaches into the Central Vista the building acts as a focal point in itself and the retained width of the vista would be substantial. The central vista and the lake are very broad in scale, and to a degree exposed to the elements, therefore a reasonable closing-in of the central piazza provides a subtle contrast to this. The semi-intensive green roof to the cycle stands and main theatre is welcome. Whilst the central Oak is to be the large highlight tree, it would be appropriate to include occasional larger species trees around the courtyard given the scale of the building. Add conditions requiring submission of a landscape scheme, tree protection method statement and lighting.

Flood Risk Management

3.3 No objections. Add standard drainage condition.

Environmental Protection Unit

3.4 No objections. Environmental issues are covered by various conditions of the outline consent.

EXTERNAL

Heslington Forum including Heslington Parish Council

3.5 In accordance with the established protocol the proposals were presented to the community forum on 24 March 2014. No formal representations have been made by forum organisations.

Police Architectural Liaison

3.6 No issues or concerns.

Public Consultation

3.7 The consultation period expired on 22 April 2014. No representations have been received.

**4.0 APPRAISAL**

4.1 KEY ISSUES

- Principle of the Use
- Scale and Appearance
- Landscape
- Movement and Access
- Sustainability
- Drainage
- Cumulative Development

THE APPLICATION SITE

4.2 The site of the outline consent comprises 116ha of former farmland between Field Lane/Hull Road and Low Lane. The site is being developed as a university campus. 65ha of the site is allocated for development. Most of the remainder of the site is being landscaped. The site slopes down gradually from north to south.

4.3 The site of the current proposal lies within Cluster 2 and is at the south-east corner of the Central Vista. To the north is Langwith College. To the west is the Central Vista with the Hub Building beyond. To the south is movement spine (Lakeside Way). The site is currently undeveloped and largely devoid of vegetation except for a mature Oak tree at its centre.

## POLICY CONTEXT

4.4 National planning policy is set out in the National Planning Policy Framework (NPPF). The essence of the framework is the presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or (2) specific policies in the framework indicate development should be restricted (paragraph 14). Local planning authorities should seek to approve applications for sustainable development where possible and work with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 187).

4.5 The National Planning Policy Framework states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (paragraph 56). Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative (paragraph 60). Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64).

4.6 The City of York Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework. Relevant local plan policies are listed in section 2.2 of the report.

## PRINCIPLE OF THE USE

4.7 The matters submitted for consideration here are the appearance, landscaping, layout and scale of the development. The principle of the use of the site as part of a new campus was accepted when the Secretary of State granted outline consent in 2007. The proposal conforms with the land use plan C(i) approved as part of the outline consent. It also conforms with the approved masterplan for the campus, except that the building would project into the piazza at the southern end of the Central Vista (discussed below). The masterplan should be revised to incorporate the change. Such changes were expected to be needed from time to time when outline planning permission was granted by the Secretary of State in 2007.



## SCALE AND APPEARANCE

4.8 The building would occupy a landmark position at the heart of the campus. At an appropriate distance it would wrap around the mature Oak tree in the centre of the site, and have a curved roof. The main elevations would be to the south and west and project into the piazza at the southern end of the Central Vista. The lecture theatre would be oval-shaped and from the outside of the building would be a distinctive feature facing the Hub building on the opposite side of the piazza. Main materials would comprise large areas of glazing, copper or brass panelling, hardwood framing and brickwork.

4.9 The scale, design and appearance are in keeping with the adjacent buildings and the masterplan for the campus. Whilst the new building would encroach part-way into the original width of Central Vista, the scale of the nearby open spaces (vista, hub basin, piazza and lake) are such that the partial closing-in of views from the north would not be detrimental to the character of the area. A condition could be attached to prevent the attractive curve of the roof being diminished by rooftop plant and equipment. Samples of all external materials should be made a further condition of approval.

## LANDSCAPE

4.10 The building's main concourse would wrap around the south-west side of the building and be surfaced in hardwood decking. It would contain outdoor seating and incorporate a stepped lawn terrace. The piazza would be surfaced in resin bound gravel up to the boundary of the Hub building. The Oak tree at the rear of the building would be the central feature of a circular lawn with decking and a small feature garden. The garden would be surrounded by clusters of native woodland with ornamental and wildflower planting along the periphery. The proposals are in keeping with the building's surroundings and the approved landscape masterplan for the campus.

4.11 Due to the importance of the Oak tree to the building and courtyard design, protection measures should be made a condition of approval, including an instruction not to strip the soil within the root protection area.

4.12 In previous iterations of the master plan, the grand central vista broadens out towards the hub basin and lake, providing wide views of the lake and the landscape beyond. The current application pinches the end vista by bringing the proposed building forward, marked in particular by the oval theatre feature, which faces the Hub building. Whilst this reduces the expansive width at the end of the vista as viewed from further north, it acts as a focal point in itself and still retains a substantial width between the two buildings, which in effect frame the view towards the lake. Once in the lower piazza the view opens out again across the lake. The central vista and the lake are very broad in scale, and to a degree exposed to the elements, therefore a reasonable closing-in of the central piazza provides a subtle

contrast to this. The courtyard garden to the rear is a more intimate space, specific to the learning centre.

## MOVEMENT AND ACCESS

4.13 Vehicular access to the site would be restricted to service traffic, emergency vehicles and students with a disabled parking permit. Three disabled spaces would be provided, to the west of the building. Service traffic would access the building from the east. The building would be easily accessible by public transport along Lakeside Way and at the transport interchange. 136 secure cycle parking spaces would be provided in two cycle roundels to the east of the building. This equates to one space for every three members of staff and one space for every 10 students/visitors. Pedestrian and cycle routes would link to other routes already constructed on the campus.

## SUSTAINABILITY

4.14 As a minimum, developments of this scale are required to achieve at least a 'very good' BREEAM rating and for at least 10% of energy demand to come from renewable sources. The applicant has committed to achieving these requirements. Condition could be attached to secure the BREAMM rating.

## DRAINAGE

4.15 The surface water drainage routes and design follow the principles established for clusters 1 and 2. Water from the building would drain via swales into the wider drainage network for Heslington East before discharging into the lake to the south of the site. Details could be sought as a condition of approval.

## CUMULATIVE DEVELOPMENT

4.16 Condition 4 of the outline consent restricts the developed footprint (including buildings car parks and access roads) to 23% of the allocated area. The cumulative total to date, including the Learning Centre and previously-approved applications, is 10.98% of the allocated area.

## 5.0 CONCLUSION

5.1 The Learning Centre is intended to be one of the principal buildings of Cluster 2 on one of the most prominent sites of the campus. The proposal complies with the National Planning Policy Framework and policies of the local plan, particularly GP1 (Design)n GP4A (Sustainability) and ED9 (New campus at Heslington East).

**6.0 RECOMMENDATION:** Approve

1 The development hereby permitted shall be carried out only in accordance with the approved plans numbered PL(00)AP\_001, PL(00)AP\_003, PL(00)AP\_004, PL(20)AP\_001, PL(20)AP\_002, PL(20)AP\_003, PL(20)AP\_004, PL(20)AE\_001, PL(20)AE\_002, PL(20)AE\_003, PL(20)AE\_004.

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

2 Notwithstanding the approved plans details and samples of external materials to be used shall be submitted to and approved in writing by the Local Planning Authority within three months of commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

3 Within 3 months of commencement plans showing detailed sections through external wall treatments shall be submitted for the written approval of the local planning authority. The works shall be carried out in accordance with the submitted details.

Reason: In the interests of design and the external appearance of the building.

4 Within three months of the commencement of development, a detailed landscape scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall include the species, density (spacing), and position of trees, shrubs and other plants, seeding mix, sowing rate, ground levels and swales, hard landscaping materials, lighting, litter/recycling bins and street furniture. The proposals shall also include the species mix for the green roof to the building and cycle stands, and the swale planting and wildflower areas. Where appropriate reference shall be made to the relevant sections of the Environmental Site Management Plan and/or the Landscape Management Plan. Where required it will also include details of ground preparation. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

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

5 Before the commencement of development, including the importing of materials, excavations and or utility works, a method statement regarding protection

measures for the existing Oak tree shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing, phasing of works, site access during development operations, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials, location of marketing cabin. It shall also include an instruction not to strip the soil within the root protection area of the tree.

Reason: To protect the existing Oak tree on the site as it is integral to the amenity of the development.

6 The building shall not be occupied until the cycle parking areas and means of enclosure shown on the submitted plans have been provided within the site. The facilities 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 Within three months of commencement of the development details of foul and surface water drainage works shall be submitted for the written approval of the Local Planning Authority and carried out in accordance with these approved details.

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

8 No mechanical, electrical, telecommunications or other plant, equipment or apparatus shall be installed on the roof of the building hereby approved without the prior written consent of the local planning authority.

Reason: In the interests of the design and external appearance of the building.

9 The developer shall submit a BREEAM assessment after construction, at a time to be agreed in writing by the Local Planning Authority, and a completion assessment when issued by the BRE. The assessments shall confirm a minimum rating of 'Very Good'.

Reason - To ensure the development complies with the principles of sustainable development

10 10% of the energy requirements of the development hereby approved shall be provided from renewable energy resources on land under the control of the applicant, in accordance with the Progress Report on the Renewables Strategy submitted with the application. The development shall not be occupied until works have been carried out in accordance with the submitted report, unless otherwise agreed in writing by the Local Planning Authority. Not later than 12 months after the

building has first been brought into use the applicant shall submit an Energy Statement to the Local Planning Authority, which details the percentage of the building's energy consumption that has been derived from renewable sources. Thereafter the Energy Statement shall be submitted on an annual basis unless otherwise agreed in writing with the Local Planning Authority

Reason: In the interests of sustainable development.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH**

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve an acceptable outcome: Advised the applicant on the proposal prior to the application being submitted and attached appropriate conditions to the planning permission.

#### **Contact details:**

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**Tel No:** 01904 552830

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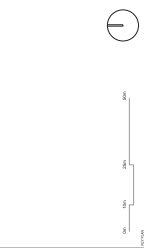
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Project: Plaza Learning Centre  
 Client: The University of York  
 Drawing No: P22000062  
 Drawing Title: Location Plan

DATE	BY	CHKD	APPD
11/06/14			
12/06/14			
13/07/14			

PL(00) AP\_001

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**Planning Committee****15 May 2014****Appeals Performance and Decision Summaries****Summary**

- 1 This report (presented to both Planning Committee and the Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 January to 31 March 2014, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing is also included.

**Background**

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. Whilst the percentage of appeals allowed against the Council's decision is no longer a National Performance Indicator, it has in the past been used to abate the amount of Housing and Planning Delivery Grant (HPDG) received by an Authority performing badly against the average appeals performance. The Government announced last year that it will use appeals performance in identifying poor performing planning authorities, with a view to the introduction of special measures and direct intervention in planning matters within the worst performing authorities. This is now in place for Planning Authorities where more than 70% of appeals against refusal of permission for major applications are allowed.
- 3 For a number of recent years, until the publication of the National Planning Policy Framework (NPPF) in March 2012, appeal performance in York was close to (and usually better than) the national average. Following the publication of the NPPF our appeal performance declined.
- 4 The table below includes all types of appeals such as those against refusal of planning permission, against conditions of approval, enforcement notices, listed building applications and lawful development certificates. Figure 1 shows performance on appeals decided by the Inspectorate, for the last quarter 1 January to 31 March 2014, and for the 12 months 1 April 2013 to 31 March 2014.

**Fig 1: CYC Planning Appeals Performance**

	<b>01/01/14 to 31/03/14 (Last Quarter)</b>	<b>01/04/13 to 31/03/14 ( Last 12 months)</b>
Allowed	5	9
Part Allowed	0	2
Dismissed	7	22
Total Decided	12	33
<b>% Allowed</b>	<b>42%</b>	<b>27%</b>
<b>% Part Allowed</b>	<b>0%</b>	<b>6%</b>

## Analysis

- 5 The table shows that between 1 January and 31 March 2014, a total of 12 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 5 were allowed. At 42% the rate of appeals allowed is above the national annual average of around 33% and higher than our previous quarter figure of 18%. By comparison, for the same period last year, 6 out of 15 appeals were allowed, i.e.40%.
- 6 For the 12 months between 1 April 2013 and 31 March 2014, 27% of appeals decided were allowed, lower than the previous corresponding 12 month period of 42%.
- 7 The summaries of appeals determined between 1 January and 31 March 2014 are included at Annex A. Details as to whether the application was dealt with under delegated powers or by committee (and in those cases, the original officer recommendation) are included with each summary. In the period covered, three of the appeals determined related to applications refused by committee.

**Fig 2: Appeals Decided 1 January to 31 March 2014 following Refusal by Committee**

Ref No	Site	Proposal	Outcome	Officer Recom.
<b>12/03690/FUL</b>	<b>Chowdene, Malton Rd, Huntington</b>	<b>Pitches for 20 touring caravans and toilet block</b>	<b>Dismissed</b>	<b>Refuse</b>
<b>13/00455/FUL</b>	<b>15 Moor Lane, Haxby</b>	<b>Bungalow to side</b>	<b>Dismissed</b>	<b>Approve</b>
<b>13/00474/FUL</b>	<b>14 York Road, Strensall</b>	<b>Dormer bungalow to rear</b>	<b>Allowed</b>	<b>Approve</b>

- 8 The list of current appeals is attached at Annex B. There are 14 planning appeals lodged with the Planning Inspectorate. Also in the table is the Public Inquiry for the application for 102 houses at Land to the North of Brecks Lane, Strensall which has been called-in for determination by the Secretary of State.
- 9 The quarter performance at 42% allowed is higher than for recent quarters. The current 12 month performance at 27% allowed is a significant improvement on the figure for April 2012 – March 2013 (42%), and is a continuation of the trend back towards the national ‘benchmark’ figure of 33% allowed. The initial impact of the publication of the NPPF (March 2012) on appeal outcomes (which saw many cases allowed) appears to have receded, with the trend in CYC performance continuing to improve as the use and interpretation of policy and guidance within the NPPF (by both the Council and the Planning Inspectorate) has become more consistent.
- 9 The main measures successfully employed to regain the previous performance levels have been as follows:-
- i) Officers have continued to impose high standards of design and visual treatment in the assessment of applications provided it is consistent with Paragraph 56 of the NPPF and Development Control Local Plan Policy.
  - ii) Where significant planning issues are identified early with applications, revisions are sought to ensure that they can be recommended for approval, even where some applications then take more than the 8 weeks target timescale to determine. This approach is reflected in the reduction in the number appeals overall. This approach has improved customer satisfaction and speeded up the development process, and, CYC planning application performance still remains above the national performance indicators for Major, Minor and Other application categories.
  - iii). Additional scrutiny is being afforded to appeal evidence to ensure arguments are well documented, researched and argued.

### **Consultation**

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

### **Council Plan**

- 13 The report is most relevant to the “Building Stronger Communities” and “Protecting the Environment” strands of the Council Plan.

**Implications**

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

**Risk Management**

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

**Recommendation**

That Members note the content of this report.

**Reason**

To inform Members of the current position in relation to planning appeals against the Council’s decisions as determined by the Planning Inspectorate.

**Contact Details**

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Directorate of City and  
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01904 551320

**Chief Officer Responsible for the report:**

Mike Slater  
Assistant Director Planning &  
Sustainability, Directorate of City and  
Environmental Services

**Report  
Approved**



**Date** 25 April  
2014

**Specialist Implications Officer(s)** None.

**Wards Affected:**

All  Y

**Annexes**

**Annex A – Summaries of Appeals Determined between 1 January 2014 and 31 March 2014**

**Annex B – Outstanding Appeals at 25 April 2014**

## Appeal Summaries for Cases Determined 01/01/2014 to 31/03/2014

**Application No:** 12/03690/FUL  
**Appeal by:** Mr David Wardell  
**Proposal:** Change of use of land to permit the creation of 20 pitches for touring caravans or tents and erection of toilet block (resubmission)  
**Address:** Chowdene Malton Road Huntington York YO32 9TD

**Decision Level:** CMV  
**Outcome:** DISMIS

Permission was refused for the use of land as a 20 pitch caravan site on highway grounds (likely to intensify the use of a substandard access of restricted width) and because of lack of details relating to drainage which is non-mains. The site is a 5 certified caravan site through the caravan and camping club. The certification also allows the pitching of unlimited tents and operates year round. The Inspector found that the development was inappropriate development in the green belt. He did not consider that the new toilet block facilities could be considered appropriate facilities for outdoor recreation because their permanent nature would reduce openness but more importantly he was not clear that caravan and camping could be considered as recreation activity ( he said the extent to which caravanning can be considered outdoor recreation is equivocal to my mind ). The Inspector also considered that the change of use of land to a caravan site does not fall within Paragraph 90 ( recent case law supports this) and thus as no very special circumstances have been put forward by the applicant the development was inappropriate and was by definition harmful (the applicant had been asked during the appeal process if there were any very special circumstances but did not put any forward). In relation to highway safety the Inspector concluded that moderate harm would be caused to the safe and efficient operation of the A1036 and thus conflict with policies T2a and V5h of the DDCLP that seek to ensure the safety of all road users and pedestrians. The Inspector considered that the lack of drainage information could be covered by a Grampian condition were permission being granted. The site is proposed to be allocated as a gypsy caravan site in the emerging local plan ( with a different access arrangement) no weight could be attached to this.

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**Application No:** 13/00455/FUL  
**Appeal by:** Mr Jacob Verhoef  
**Proposal:** Erection of bungalow to side  
**Address:** 15 Moor Lane Haxby York YO32 2PQ

**Decision Level:** CMV  
**Outcome:** DISMIS

The appeal decision relates to a small site on Moor Lane Haxby. There had been a previous refusal on the site for a bigger unit and this smaller unit was recommended for approval and overturned by committee. The Inspector concluded that while the area features a mix of dwelling types, the immediate vicinity of the proposed development is characterised by dwellings on large plots, set well back from the road behind driveways and, in many cases, mature front gardens. This gives the Lane a sense of spaciousness, to which the large side garden of No 15 makes an important contribution. The Inspector concluded that the proposal would have an adverse impact upon the character and appearance of the area.

---

**Application No:** 13/00474/FUL  
**Appeal by:** Dr Malcolm Blacklee  
**Proposal:** Erection of dormer bungalow to rear (resubmission)  
**Address:** Harlestone 14 York Road Strensall York YO32 5UN

**Decision Level:** CMV  
**Outcome:** ALLOW

The application was for the erection of a dormer bungalow with detached garage within the back and side garden of 14 York Road in Strensall. The garden area is enclosed by neighbouring houses and bungalows which back onto the site. Access to the site is between 14 and 16 York Road. The application was recommended for approval but was called into committee and refused on the grounds of the visual impact on the Conservation Area and the impact on neighbouring amenity, with most concern about the relationship between the proposed dwelling and the back of 16 York Road. The separation distance is just under 14m. The application attracted significant local opposition. The Inspector overturned the Councils decision. He noted that whilst in the Conservation Area there are a variety of dwelling designs and types in the area and that these only have a neutral impact on the character and appearance of the area. The most significant view of the proposed house is from along West End which is a modern cul de sac and it is considered that the proposed dwelling would appear as a natural end of the street and would therefore not be out of keeping. It was felt the dwelling did not significantly diminish the sense of space between dwellings which was the most important visual characteristic of this part of the Conservation Area. In terms of neighbouring amenity, the Inspector concluded that the separation distances were sufficient given the size of the proposed dwelling and the fact the roof slopes away. There were no overlooking windows and the house was north of 16 York Road therefore not significantly impacting on sunlight.

---

**Application No:** 13/00586/FUL  
**Appeal by:** Mr Oliver Richardson  
**Proposal:** Change of use from dwelling house (Use Class C3) to house in multiple occupation (C4)  
**Address:** 37 Fishergate York YO10 4AP

**Decision Level:** DEL  
**Outcome:** ALLOW

The application sought to change the use of the property from residential (C3) to a small House in Multiple Occupation (C4) The context of the appeal was that the street level threshold had already been breached (17.02%) but the neighbourhood level (14.2%) had not. The key to the inspector's decision was the location of the application property, in a mixed use area, on a busy main road, rather than an exclusively residential enclave. He cited the large bingo hall opposite, two primary schools, an adjoining Bed and Breakfast, and local shops immediately to the south east. He argued that using comparable percentage figures, the impact on the living conditions on an area where there was a high level housing density would be far greater than on a mixed use area, such as this part of Fishergate.

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**Application No:** 13/01983/FUL  
**Appeal by:** Mr And Mrs Shields  
**Proposal:** Two storey side extension  
**Address:** 11 Caldbeck Close York YO30 5QZ

**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal related to the refusal of an application for a one and a half storey side extension to a suburban semi-detached dwelling. The application was refused for the following reason: The side elevation of the proposed extension would be within 7m of the rear elevation of 7 Belmont Close and the structure would be in close proximity to approximately half of the rear boundary of the very short rear garden. It is considered that the scale of development exceeds that which can normally be expected within such close proximity to a house and small garden in an established suburban location. The Inspector dismissed the appeal noting the overbearing impact it would have on the rear ground floor windows and garden of number 7

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**Application No:** 13/02331/FUL  
**Appeal by:** Mr And Mrs M Walker  
**Proposal:** Erection of 3no. two-storey houses (resubmission)  
**Address:** Holly Corner 52 North Lane Haxby York YO32 3JP

**Decision Level:** DEL

**Outcome:** DISMIS

There had been a previous dismissed appeal on the site for three houses where the Inspector expressed his concern regarding the impact on the streetscene specifically from the large unbroken side elevations and the loss of trees to the western boundary. The Inspector was also concerned regarding the impact to the residential amenity of the occupants of the host dwelling. The appellant subsequently submitted a new application for three dwellings altering the roofstyle although the scale of the housing remained that same as the previous application and would result in the same loss of trees as the previous application. The Council requested alterations however the appellant decided to appeal on non-determination rather than enter into negotiation. The Inspector for this appeal differed from the previous Inspector in their assessment of the side elevations and the loss of trees and considered that the development was acceptable. The Council made the case that there was a demonstrable need of open space in the local area and the Inspector agreed and dismissed the appeal on the lack of a S106 agreement.

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**Application No:** 13/02381/FUL  
**Appeal by:** Mr Mike Green  
**Proposal:** Creation of 1 no. additional car parking space  
**Address:** STREET RECORD The Purey Cust York

**Decision Level:** DEL  
**Outcome:** DISMIS

The proposal was to create 1 extra car parking space within the Purey Cust site which is now a gated residential development on the North side of Precentor's Court. The buildings are listed and the site is in the Central Historic Core Conservation Area. The site was previously a hospital with a large car park in front of the building. However on the opposite side of the internal access road there was a garden, which provided amenity to the grade 2 listed lodge, which is in residential use. Permission had been granted for a (part subterranean) house next to the lodge. The car parking space would have been on land that was previously landscaped. Permission was refused as it was felt that no more car parking could be accommodated without harming the setting of the building and adversely affecting occupants of the lodge and the recently approved house. The inspector dismissed the appeal on the grounds that there would be harm to occupants of the new house currently under construction. This would be in conflict with the National Planning Policy Framework in terms of securing a good standard of amenity for existing and future occupants. The new buildings main outlook would be over the car parking area and around 3m away. It was felt that comings and goings of vehicles and headlights would have an adverse impact. The lodge has smaller windows and was 5m away - the inspector was of the opinion the impact on the lodge would be acceptable.

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**Application No:** 13/02899/FUL  
**Appeal by:** Sainsbury's Supermarkets Limited  
**Proposal:** Variation of condition 1 of permitted application  
13/01840/FUL to amend design of door  
**Address:** Queens House Micklegate York

**Decision Level:** DEL

**Outcome:** ALLOW

The appeal site previously accommodated 3 retail units which were merged. Planning permission was granted for a replacement shop front, with a single entrance. The applicants wanted to install a sliding door which would be uncharacteristically large - 1.8m wide and 2.8m high. Typically in the conservation area entrances are designed to traditional proportions. Doors are single or in pairs, with a fanlight above. The plans were amended, with a more traditional approach, and the application approved. The applicants subsequently installed a large sliding door and submitted a retrospective application which was refused. The inspector allowed the appeal. In his view due to the extent the door is setback, it is not prominent in the street. As such there was no harm to the conservation area.

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**Application No:** 13/02988/LBC  
**Appeal by:** Mr D Coidan  
**Proposal:** Cleaning of external walls and railings  
**Address:** Penn House 38 St Marys York YO30 7DD

**Decision Level:** DEL

**Outcome:** ALLOW

Penn House is a substantial Grade II Listed brick built Victorian villa on the corner of Bootham and St Marys. It had previously been used as a Boarding House for Bootham School before being sold for conversion back to a single dwelling incorporating two flats. The building as originally constructed had been in a buff brick but had progressively weathered to a grey/blue colour. Listed Building Consent had been sought for cleaning to return it to a version of the original appearance. No technical justification had however been submitted. The proposal was refused on the grounds of potential harm to the structure arising from the proposed process, harm to the visual relationship with its neighbours and a precedent for other similarly harmful developments in the near vicinity. The applicant appealed citing other buildings in the vicinity that he felt, had been successfully cleaned, although in only one case was any cleaning work actually authorised. The Appeal Inspector considered that whilst there were a number of valid concerns in respect of what was being brought forward, the returning of the building to something approaching its original design concept was worthy of support and the appeal was allowed.

---

**Application No:** 13/03037/FUL  
**Appeal by:** Mr And Mrs Tse  
**Proposal:** Two storey side and rear extension (resubmission)  
**Address:** 161 Bishopthorpe Road York YO23 1PA

**Decision Level:** DEL  
**Outcome:** DISMIS

The host dwelling is a traditional style two-storey semi-detached dwelling sited on a corner location, outside of Conservation Area. A revised and reduced scheme for a two-storey side and rear extension was proposed, further to a previous refusal for a two-storey side extension. Both the applications were refused on the grounds that they would appear obtrusive within the surrounding area, particularly from Bishopthorpe Road, with particular regard to the strong building line in place between the host dwelling and dwellings along Rectory Gardens. Both CYC and the inspector agreed that the design of the proposed addition was in keeping with the host dwelling. The inspector noted that other examples already in place within the area were not necessarily a desirable precedent to follow; and also that the proposed extension would erode the space around the adjacent junction.

---

**Application No:** 13/03057/FUL  
**Appeal by:** Mr W Jones  
**Proposal:** Two storey side extension (amended scheme)  
**Address:** 1 Dringthorpe Road York YO24 1NF

**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal was against the refusal of a proposed two storey side extension. The site lies at the junction of Dringthorpe Road and Lycett Road and is positioned at an angle. The large two storey extension would run parallel to Dringthorpe Road. The two storey hipped roof extension would run to the boundary with 3 Dringthorpe Road which had previously been extended to provide a garage with rooms in the roof and dormers to front and rear. The Inspector agreed that the proposed extension would result in an awkward juxtaposition of building and rooflines and contrasting roof forms, all in close proximity and that the arrangement would be uneasy on the eye and obtrusive in the local street scene.

---

**Application No:** 13/03180/FUL  
**Appeal by:** Mr Michael Chamberlan  
**Proposal:** First and second floor rear extension  
**Address:** 4 The Horseshoe York YO24 1LX

**Decision Level:** DEL

**Outcome:** ALLOW

The application sought permission for a 6m first floor rear extension above an existing single storey flat roof element. The application was refused on the impact upon the living conditions of the property which backed onto the site (112 Tadcaster Road), in particular the overdominance and blank side elevation which would be presented to the rear rooms of this property and the scale of the extension being a disproportionate addition. In allowing the appeal the Inspector concluded that the extension would sit comfortably on the substantial host dwelling and would not be unduly large or bulky. Whilst it would be visible, as it would only project along part of the rear boundary of 112 Tadcaster Road and would be at a distance it would not appear unduly oppressive or overbearing or result in a sense of enclosure.

---

Decision Level:

DEL = Delegated Decision

COMM = Sub-Committee Decision

COMP = Main Committee Decision

Outcome:

ALLOW = Appeal Allowed

DISMIS = Appeal Dismissed

PAD = Appeal part dismissed/part allowed



## Outstanding appeals

<b>Officer: Andy Blain</b>						<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
05/10/2011	11/00044/EN	APP/C2741/F/11/2160562	W	91 Micklegate York YO1 6LE	Appeal against Enforcement Notice	
<b>Officer: Diane Cragg</b>						<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
14/04/2014	14/00014/CALL	APP/C2741/V/14/2216946	P	Land Lying To The North Of Brecks Lane Strensall York	Residential development of 102 dwellings with associated highways infrastructure, landscaping and public open space	
<b>Officer: Erik Matthews</b>						<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
03/12/2013	13/00047/REF	APP/C2741/A/13/2209861	W	Country Park Pottery Lane Strensall York YO32 5TJ	Use of land for winter storage of up to 30 touring caravans	
<b>Officer: Elizabeth Potter</b>						<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
21/03/2014	14/00011/REF	APP/02741/D/14/2214522	H	2 Bridge Road Bishopthorpe York YO23 2RR	Installation of rear balcony to existing dormer	
<b>Officer: Kevin O'Connell</b>						<b>Total number of appeals: 2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
10/04/2014	14/00013/REF	APP/C2741/A/14/2216840	W	285 Huntington Road York YO31 9BR	Erection of two storey dwelling, 2no. double garages and associated access	
07/02/2014	14/00007/REF	APP/C2741/A/14/2213267	W	Fair Oaks Sandy Lane Stockton On The Forest	Erection of single storey dwelling to rear	
<b>Officer: Matthew Parkinson</b>						<b>Total number of appeals: 2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
17/06/2011	11/00026/EN	APP/C2741/C/11/2154734	P	North Selby Mine New Road To North Selby Mine	Appeal against Enforcement Notice	
20/03/2013	13/00020/EN	APP/C2741/C/13/2197855	W	Lucia Bar And Grill 9 - 13 Swinegate Court East	Appeal against Enforcement Notice dated 8 April 2013	

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**Officer: Neil Massey** **Total number of appeals: 1**

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Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
13/03/2014	14/00009/REF	APP/C2741/D/14/2214883	H	34 Eastward Avenue York YO10 4LZ	Porch to front with glazed juliet balcony screen above (resubmission)

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**Officer: Paul Edwards** **Total number of appeals: 1**

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Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
20/01/2014	14/00001/REF	APP/C2741/A/14/2211897	W	5 Lund Close Wigginton York YO32 2WU	Single storey side extension forming domestic utility room and hairdressing salon (retrospective)

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**Officer: Sharon Jackson** **Total number of appeals: 5**

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Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
19/03/2014	14/00010/REF	APP/C2741/D/14/2214910	H	5 Netherwindings Haxby York YO32 3FB	Two storey side extension and single storey rear extension
21/01/2014	14/00002/REF	APP/C2741/A/14/2212129	W	7 Abbotsford Road York YO10 3EE	Change of use from residential (use class C3) to house in multiple occupation (use class C4) (retrospective)
14/01/2014	14/00005/REF	APP/C2741/A/14/2211944	W	Sainsbury At Jacksons 212 - 214 Fulford Road York	Installation of a replacement door and glazing
27/03/2014	14/00012/REF	APP/C2741/D/14/2215114	H	8 Ryecroft Strensall York YO32 5AG	Replacement 6ft rear boundary fence (retrospective)
14/01/2014	14/00006/REF	APP/C2741/H/14/2211949	W	Sainsbury At Jacksons 212 - 214 Fulford Road York	Display of 2no. externally illuminated fascia signs and 1no. externally illuminated hanging sign

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**Total number of appeals: 15**

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