



**Notice of a public meeting of
Area Planning Sub-Committee**

- To:** Councillors McIlveen (Chair), Gillies (Vice-Chair), Douglas, Watson, Semlyen, Looker, Fitzpatrick, Galvin, Cuthbertson, Hyman and Warters
- Date:** Thursday, 8 August 2013
- Time:** 2.00 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

Site visits for this meeting will commence on Wednesday 7 August 2013 meeting at Memorial Gardens at 10.00am

Members are advised to note that if they are planning to make their own way to the Site Visits please could they let Democratic Services know by **5pm on Tuesday 6 August 2013** on **(01904) 551078**.

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 5 - 20)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on Thursday 4 July 2013.

3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **5:00pm on Wednesday 7 August 2013**.

4. Plans List

To determine the following planning applications:

- a) **Ashbank, 1 Shipton Road, Clifton, York.** (Pages 21 - 34)
YO30 5RE (12/02491/FULM)

Change of use and conversion of building to form 5 no. apartments, construction of 4 no. 2.5 storey dwellings to rear, highways works, landscaping and associated infrastructure.
[Clifton] **[Site Visit]**

- b) **1 Foxthorn Paddock, York, YO10 5HJ** (Pages 35 - 44)
(13/01327/FUL)

Two storey side and single storey rear extensions (resubmission) [Hull Road Ward] **[Site Visit]**

- c) **Burnholme Social Club, Burnholme Drive,** (Pages 45 - 68)
York. YO31 0LL (13/01538/FULM)

Erection of 28 two and three storey dwellings, three storey block of 9 apartments, new social club with associated access, parking and landscaping together with children's play area. [Heworth] **[Site Visit]**

- d) **9 Precentors Court, York. YO1 7EJ** (Pages 69 - 74)
(13/01547/FUL)

Replacement boundary wall with vehicle access gates.[Guildhall] **[Site Visit]**

- e) **9 Precentors Court, York. YO1 7EJ** (Pages 75 - 80)
(13/01560/LBC)

Replacement boundary wall with vehicle access gates. [Guildhall] **[Site Visit]**

- f) **Site of Yearsley Grove Hotel, Huntington** (Pages 81 - 94)
Road, York. YO31 9BY (13/00982/FULM)

Erection of 12 no. two storey dwellings. [Huntington/New Earswick] **[Site Visit]**

**g) The Yorkshire Pantry, 18 High Petergate, (Pages 95 - 102)
York. YO1 7EH (13/01977/FUL)**

Change of use from shop (use class A1) to cafe/ restaurant (use class A3). [Guildhall] **[Site Visit]**

**5. Appeals Performance and Decision (Pages 103 - 118)
Summaries**

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 1st April to 30th June 2013, 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.

6. Urgent Business

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

Democracy Officer:

Name: Judith Betts

Contact Details:

- Telephone – (01904) 551078
- E-mail judith.betts@york.gov.uk

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

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

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Further information about what's being discussed at this meeting

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The majority of councillors are not appointed to the Cabinet (39 out of 47). Any 3 non-Cabinet councillors can 'call-in' an item of business following a Cabinet meeting or publication of a Cabinet Member decision. A specially convened Corporate and Scrutiny Management Committee (CSMC) will then make its recommendations to the next scheduled Cabinet meeting, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

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

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

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PLANNING SUB COMMITTEE

SITE VISITS

Wednesday 7 August 2013

Members using the mini-bus meet at Memorial Gardens at 10.00 am

TIME (Approx)	SITE	ITEM
10.15	1 Foxthorn Paddock	4b)
10.45	Burnholme Social Club, Burnholme Drive	4c)
11.30	Site of Yearsley Grove Hotel, Huntington Road	4f)
12.00	Ashbank, 1 Shipton Road	4a)
12.30	9 Precentors Court	4d) & 4e)
12.45	18 High Petergate	4g)

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	4 July 2013
Present	Councillors McIlveen (Chair), Gillies (Vice-Chair), Douglas, Semlyen, Looker, Fitzpatrick, Galvin, Hyman, Warters and Reid (Substitute for Councillor Cuthbertson)
Apologies	Councillors Watson and Cuthbertson

Site Visited	Attended by	Reason for Visit
48-50 Beaconsfield Street	Councillors McIlveen, Gillies, Douglas, Looker, Galvin and Hyman	As objections had been received and the officer recommendation was to approve.
The Bonding Warehouse, Terry Avenue	Councillors McIlveen, Semlyen, Gillies, Douglas, Fitzpatrick, Galvin and Hyman	As objections had been received and the officer recommendation was to approve.
Coppergate Shopping Centre	Councillors McIlveen, Semlyen, Gillies, Douglas, Fitzpatrick and Galvin.	To enable Members to view the development in context given the complex nature of the proposal.

6. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests, not included on the Register of Interests, that they might have in the business on the agenda. No interests were declared.

7. Exclusion of Press and Public

Resolved: That Members of the Press and Public be excluded from the meeting during the consideration of the annexes to Agenda item 6

(Enforcement Cases Update) (Minute 11 refers) on the grounds that they contain information that if disclosed to the public, would reveal that the Authority proposes to give, under any enactment or notice by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment. This information is classed as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

8. Minutes

Resolved: That the minutes of the meeting of the Area Planning Sub Committee held on 6 June 2013 be approved and signed by the Chair as a correct record subject to the following amendments:

(a) The second paragraph of Minute Item 4s (3 Fourth Avenue) being amended to read *“Officers recommended to Members that they defer a decision on the application due to concerns raised over discrepancies in the Council’s HMO Database”*

(b) Minute Item 1 (Declarations of Interest) being amended to show that the first declaration regarding Agenda Item 4f (St Trinity House) was made by Councillor Cuthbertson not Councillor Gillies.

9. Public Participation

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

10. Plans List

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

10a) Coppergate Shopping Centre, Coppergate Walk, York (13/01318/FULM)

Members considered a major full application (13 weeks) from Mr G Chalk for an extension at ground to third floor levels to units 19/20 and 22.

Officers drew Members attention to paragraph 4.8 of the report which provided details of roof plant enclosure and advised them that the material used would be a metal screen and not solid zinc.

Members questioned whether English Heritage's concerns, that the enclosure to the air conditioning units would be visible from Cliffords Tower, had been addressed. Officers advised that they were happy with the minimal impact it would have as it was 100m from the Tower and stated that only 1m would be visible. They felt it would fit in well with the roofscape.

Representations were received from Ms Gillian Kyle, the applicant's agent in support of the application. She advised Members that the proposed extension was in keeping with the form and style of existing buildings and York's historic landscape. She pointed out that this unit was an anchor store in Coppergate and stressed that when M & S vacate the building it is important the unit is reoccupied without delay in order to continue to bring in shoppers into Coppergate. She explained that as a new occupier had been identified, it was important that the unit was adapted to meet their needs and if left empty, it would have a detrimental effect on the area.

Members queried whether noise levels would be less with the new air conditioning plant and were advised that a noise assessment had been submitted with the planning application and a condition was included in the report.

Members agreed that the design and mass of the proposed extension was acceptable and felt that the impact of the new building work would be minimal. They noted that there were no objections from residents. Additionally the city centre was lacking in department stores. They stressed the importance of maintaining occupation of this site which was on the corner of Piccadilly and agreed it would enhance the development of the Coppergate/Piccadilly area .

Resolved: That the application be approved subject to the conditions listed in the report.

Reason: The proposals bring significant benefit as the scheme will enhance the retail offer available in the city centre, enabling a retail premises of around 5,250 sq m, which would create around 170 jobs. The application therefore should be supported, considering policy within the NPPF, which advises that LPA's should promote competitive city centres and that it is important that the need for retail and city centre uses are met in full and are not compromised by limited site availability. This policy also accords with existing and emerging Local Plan policies which seek to enhance the vitality and viability of the city centre and focus major new retail development and investment within the City Centre.

There is no identified harm which outweighs the benefits of the proposals, considering the impact on heritage assets, residential amenity and highway safety.

10b) Tote Bookmakers, 48 - 50 Beaconsfield Street, York, YO24 4ND (12/02558/FUL)

Members considered a full application from Tote Bookmakers Limited for the conversion of a betting shop (use class A2) to a house and four flats (use class C3)

Councillor Williams had registered to speak at the meeting but was unable to attend. A copy of his written representation had been circulated to Members. He expressed the view that the

conversion of the building to residential use would be a good idea if it was done more in keeping with the character of other houses in the street and on a smaller scale. However this proposal was for too many properties and this would create a strain on local infrastructure. He raised concern that the shortage of available parking, worsened by the close proximity of Acomb Shopping Parade, would become even more problematic by increasing the number of properties in the street. Furthermore, the character of Beaconsfield Street was predominantly for family homes.

Representations were received from Mr Richard Irving, the applicant's agent, in support of the application. He explained that the applicant had approached him in order to review the representations made. He stated that he had met with Councillor Williams to discuss residents concerns. He advised Members that the main issue appeared to be the perception of the lack of car parking spaces and that a parking capacity analysis had been undertaken, details of which were included in the report. He pointed out that the site was adjacent to Acomb shopping centre, with facilities available, and was in a sustainable location. In response to a request to increase the bin storage area this had now been incorporated in the scheme.

Some Members expressed concerns about the lack of amenity space for the residents of the flats. Others acknowledged that many flats and houses in the area had little or no amenity space and accepted that as the building filled the site completely there was no option to include amenity space. Members accepted that there were some concerns with regard to parking but not sufficient to turn down the application.

Resolved: That the application be approved subject to the conditions listed in the report.

Reason: The proposed change of use of the end of terrace two storey building for the reasons listed in the report is not considered to result in undue harm to the residential amenity of the occupants of the neighbouring dwellings nor cause harm to the appearance of the streetscene or the character of the area. The proposal is considered to comply with local and national policy.

**10c) Plot 15, Great North Way, Nether Poppleton, York
(13/00785/REMM)**

Members considered a major reserved matters application (13w) from Mr Garry Barker for the approval of access, appearance, landscaping, layout and scale of the erection of eight industrial and storage and distribution units following the grant of outline permission 06/00518/FUL (Phase 2).

Officers advised that a revised landscaping plan had been submitted - Drawing Number YBP/PP15A (02.07.2013) and the Landscape Architect had confirmed that she had no objections to the scheme. Therefore officers advised that condition 1 be amended to include the revised landscaping plan.

Resolved: That the application be approved subject to the conditions listed in the report and the amended condition below.

Amended Condition 1

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

Drawing Number YBP/PP11 received 25
March 2013

Drawing Number YBP/PP12 received 25
March 2013

Drawing Number YBP/PP13 received 25
March 2013

Drawing Number YBP/PP14 received 25
March 2013

~~Drawing Number YBP/PP15 received 25
March 2013~~

**Drawing Number YBP/PP15A received 02
July 2013**

Drawing Number YBP/PP16 received 25
March 2013

Drawing Number YBP/PP17 received 25
March 2013

Drawing Number YBP/PP18 received 25
March 2013

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

Reason: The proposal, subject to the conditions listed in the report and the amended condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to siting, access, appearance, landscaping, layout, and scale. As such the proposal complies with Policies GP1, E3b, T4, and GP9 of the City of York Development Control Local Plan; and national planning guidance set out in the National Planning Policy Framework.

10d) The Bonding Warehouse, Terry Avenue, York, YO1 6DH (13/00929/FULM)

Members considered a major full application (13 weeks) from Mr Peter Callaghan for the conversion of the ground floor to a restaurant (class A3) and/or offices (Class B1), first floor to offices (Class B1) and upper floors to four apartments, the erection of an external access tower and bridge link to Skeldergate and a new mansard roof to southern building.

Officers advised the committee that the agent had submitted a response to a number of issues raised by consultees and residents as follows:

- *Use* - It is confirmed that the applicants seek consent only for a Class A3 use (as one of the two alternative uses for the ground floor of the southern building). There would be no objections to a condition which restricted the playing of amplified music.
- *Closing Time* - The applicant can accept the recommended restriction of hours on the basis that this closing time allows for a clear up period by staff after the restaurant formerly closes to customers.
- *Parking*- There would be no car parking on the grassed area on Terry Avenue

- *Sustainable Design and Construction* - It is confirmed that a “Very Good” BREEAM rating will be sought for the offices and that the developers will work with the occupant of the restaurant use (when known) to achieve a “Very Good” rating for this part of the scheme. Code for sustainable Homes Level 3 will be sought for the four flats. In relation to the use of renewable energy technologies, it is proposed to use air source heat pumps.

Officers advised that further representations had also been received. A local resident had expressed concern with respects to the complete removal of the broad holly and the mature lime and sought reassurances that any trees removed would be replaced. It was pointed out that the removal of the holly, which currently provided an all year round visual barrier between the Lady Anne Court Flats and the Bonding Warehouse, would also expose more the balconies/windows of the proposed offices/restaurant and flats, thereby reducing the privacy of existing residents.

Officers advised that their recommendation was now that the application be approved subject to a s106 agreement and to receipt of final comments of the Ecologist with respect to Condition 23 (bats).

Officers advised the following revised and additional conditions:

Revised Condition 18 – remove (h) location and details of bat boxes (now a separate condition)

Additional Condition 22 – to prevent playing of amplified, recorded or live music associated with the restaurant

Additional Condition 23 – require locations and details of bat boxes to be submitted to and approved by the local planning authority.

Representations were received from Sarah Doyle. She asked the committee to take the amenity of local residents into account when considering the application. She raised concerns about noise disturbance including noise from customers, noise of wagons reversing, music and disturbance from people leaving the premises late at night/in the early hours of the morning. She asked that the restaurant remained as a restaurant and not become a bar in future. She requested that the building’s uses be restricted to flats, offices and A3 restaurant use and asked

that conditions were added to cover the playing of music and opening hours. She raised concerns about pigeons living under the proposed bridge walkway and suggested that the additional cycle parking could encourage anti social behaviour. She requested that pruning of the evergreen holly tree was kept to a minimum in order that it retained its purpose as a sound barrier.

Representations were received from Mr Peter Callaghan, the applicant, in support of the application. He advised the committee that he had worked with consultees towards creating a modern living/working environment within a building which had been empty for 12 years and was at risk of deteriorating further if not redeveloped. He stressed the importance of finding occupiers for all the space in order for the building to work and explained that the flexibility offered by the proposals would help manage the occupation of the building. He stated that sustainability was embedded in the design. He noted that the opening hours will be revised to reflect restaurant use and told Members that Grantside's offices would be based within the building next to the restaurant, which he hoped would demonstrate their commitment to the success of the development.

In response to a question as to whether facilities were provided for smokers, the applicant advised that a smoking shelter could be provided in the courtyard area if required. Members acknowledged that this would require a separate planning application.

Members took assurances from the fact that Grantside intended to base themselves within the building from a point of view of management of the building. They agreed it was a good scheme which would bring the building back into use. They did not feel that there was a need for a 12 cycle stand on the opposite side of the road. Members agreed that nets should be put under the bridge to prevent pigeons nesting.

Resolved: That the application be approved subject to the conditions listed in the report and the amended and additional conditions below, a section 106 agreement and on receipt of final comments of the Ecologist with respect to Condition 23 (bats).

Amended Condition 18

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

(a) Stair tower (including sections through the external wall at 1:20 and 1:5 details of the junctions with the existing building)

(b) Amended balconies, including details of any replacement balustrades

(c) Adaptations to external doors (proposals for the adaptation of the taking in doors on the river frontage as detailed on Drawings 17801-3-016/017/18 are unacceptable).

(d) New windows (pattern to be based on originals)

(e) Typical dormer window

(f) Rooflights. These should be conservation type with recessed flashings

(g) Any additional flood measures such as flood gates located outside of existing ground floor doors and windows

(h) Sections across the bridge and ramp at 1:20 and details of the balustrade and supports

(i) Details and location of the platform lift (referred to in the Planning Statement as being attached to the stepped part of the ramp)

(j) The new opening and gate in the existing bridge walls

(k) Details of anti-crime measures in relation to the bridge

(l) pigeon netting to underside of bridge

Reason: Because of the special interest of the listed building and the character and appearance of the conservation area in accordance with policy HE2 and HE4 of the Local Plan.

Additional Condition 22

No amplified, recorded or live music in association with the restaurant shall be played which is audible within nearby residential properties.

Reason: In order to protect the amenity of residents and in the interests of the character of the Conservation Area.

Additional Condition 23

No development shall take place until the locations and details of bat boxes have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority and shall be retained unless otherwise agreed in writing with the Local Planning Authority.

Reason: To take account of and enhance the habitat for a protected species. It should be noted that under National Planning Policy Framework the replacement/mitigation proposed should provide a net gain in wildlife value.

Reason: The proposal, subject to a Section 106 agreement, the conditions listed in the report and the amended and additional conditions above, would not cause undue harm to interests of acknowledged importance, with particular reference to the special interest of the listed building, the character and appearance of the conservation area, the living conditions of nearby residents, flood risk, protected species, highway safety and the provision of leisure, open space and education facilities. As such the proposal complies with Policies GP1, GP15a, HE2, HE4, HE10, HE11, T4, H1, E7, ED4, L1c and NE6 of the City of York Local Plan Deposit Draft and the guidance contained in the National Planning Policy Framework (March 2012).

**10e) The Bonding Warehouse, Terry Avenue, York, YO1 6DH
(13/00930/LBC)**

Members considered an application for listed building consent from Mr Peter Callaghan for internal and external alterations in connection with the proposed use as a restaurant and/or offices with apartments in the upper floors including a new mansard roof to the southern building, the erection of stair and lift access to the tower in the courtyard and a bridge link to Skeldergate.

Resolved: That the application be approved subject to the conditions listed in the report.

Reason: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the character and appearance of the listed building. As such the proposal complies with the National Planning Policy Framework and Policy HE4 of the City of York Development Control Local Plan.

10f) 96 Dodsworth Avenue, York, YO31 8UD (13/00001/FUL)

Members considered a full application from Mr Tom Shepherd for the installation of an air source heat pump. This application had been deferred at the meeting of East Area Planning Committee on 2 May 2013 in order that additional information on noise levels could be provided to enable Members to assess the revised noise conditions and ensure that the proposals would not impact unacceptably on residents amenity.

Resolved: That the application be approved subject to the conditions listed in the report.

Reason: The air source heat pump is physically a small piece of apparatus and will be located against the ground floor rear elevation of the terraced house.

Officers from the Council's Environmental Protection Unit are satisfied that, providing the equipment is properly maintained, it will not harm neighbours living conditions.

10g) 12 Whitelands, Earswick, York, YO32 9FX (13/00876/FUL)

Members considered a full application from Mr Chowdhury for a two storey rear and single storey front and rear extensions (revised scheme).

Officers notified Members of an error in the report stating that on page 121 in paragraph 4.9 (p 121) "south side elevation" should read "north side elevation" and in paragraph 4.10 "north side elevation" should read "south side elevation". They also advised that condition 4 should be amended to require that the windows on the south elevation have obscure glazing.

Representations were received from Parish Councillor Pat Leveson of Earswick Parish Council in objection to the application. She explained that the Parish Council had raised concerns about the original application which had subsequently been approved at committee. Since then however, the applicants had altered every single aspect of the development. She explained that the housing developments in Earswick had intentionally been built to avoid overlooking but a lot of current extensions didn't take this into consideration. She advised Members that there were five ongoing extensions in the village and she was concerned that others may follow likewise. She stated that the owners of 11 and 13 Whitelands had not objected as they were worried that if the applicant was asked to remove the additional windows, these would be blocked up and look worse than at present. She circulated photographs of the house to the Committee.

Members acknowledged that the bulk of what had been built was what had been approved but with the addition of skylights and additional windows. They also noted that there was a large amount of space around the building.

Resolved: That the application be approved subject to the conditions listed in the report and the amended condition below.

Amended Condition 4

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the additional windows at first floor level *on the south side elevation* shown on the approved drawings shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 4 or above and be non-opening below a height of 1.5 m measured from the internal floor level. No additional windows or other openings shall be inserted in this elevation without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenity and privacy of occupants of the adjacent residential property.

Reason: The proposal, subject to the conditions listed in the report and the amended condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to the effect on residential amenity and the impact on the street scene. As such the proposal complies with Central Government advice contained within the National Planning Policy Framework (March 2012), policies GP1 and H7 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

11. Enforcement Cases Update

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

Resolved: That the report be noted.

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

12. Urgent Business

Members raised concerns about the accuracy of information about houses in multiple occupation (HMOs) which was available to them when considering applications for a change of use from residential to HMO.

Officers acknowledged the concerns raised and advised that planning officers based their recommendations on the information available to them. They explained that the HMO database was the starting point for finding information but that officers were also advised to check council tax records and not rely solely on the HMO database.

Resolved: That the chair of the Area Planning Sub-Committee liaise with the Assistant Director for City Development and Sustainability and the Cabinet Member for Transport, Planning and Sustainability with regard to the collation of HMO information.

Reason: In order that Officers and Planning Committee Members have the most up to date, comprehensive and accurate information possible on HMOs on which to base their consideration of planning applications.

Cllr N McIlveen, Chair

[The meeting started at 2.00 pm and finished at 4.00 pm].

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COMMITTEE REPORT

Date: 8 August 2013 **Ward:** Clifton
Team: Major and **Parish:** Clifton Planning Panel
 Commercial Team

Reference: 12/02491/FULM
Application at: Ashbank 1 Shipton Road Clifton York YO30 5RE
For: Change of use and conversion of building to form 5 no. apartments, construction of 4 no. 2.5 storey dwellings to rear, highways works, landscaping and associated infrastructure
By: Mr Graham Hogben, City of York Council
Application Type: Major Full Application (13 weeks)
Target Date: 2 November 2012
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

APPLICATION SITE

1.1 The host building is occupied by City of York Council and used for offices and as a care facility.

1.2 The building dates from the C19 and has flat roof extensions to each side which were added in the 1960's. There is a sunken garden behind the main building and an access road to the side which leads to a car park at the south end of the Ashbank site, Barleyfields and a private dwelling (3 Shipton Road).

1.3 The site is within the Clifton conservation area.

1.4 Barleyfields, a care home for persons over 55 which provides 26 units within a 3-storey building constructed in the 1970's is located to the western side of the site. To the east of the site is a detached building of comparable scale to Ashbank (prior to extensions) with a garden behind. There is green-field land to the south which is unallocated in the Local Plan.

PROPOSALS

1.5 Planning permission is sought for residential development at the site. It is proposed to convert the existing building into 5 flats - 1 x 1-bed, 4 x 2-bed. The C20 extensions to the building which detract from its appearance would be removed. The garden would be retained and 4 x 4-bed 2.5 storey houses are proposed where the car park presently is. The scheme has been revised. Previously 5 houses were proposed, which were 3-storey.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Clifton CONF

Floodzone 2 GMS Constraints: Floodzone 2

2.2 Policies:

H4A Housing Windfalls

HE2 & HE3 Development in historic locations & Conservation Areas

CYGP1 Design

CYHE10 Archaeology

CYHE11 Trees and landscape

CYNE6 Species protected by law

CYED4 Developer contributions towards Educational facilities

L1c Open space

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

Archaeology

3.1 The site lies immediately to the north of the Area of Archaeological Importance. The area along Clifton has produced evidence for Roman cemeteries scattered along the line of the Roman road from the fortress. It is possible that there may be Roman burials located within this site. It will be necessary for a watching brief to be kept on all ground disturbances for this development.

Countryside officer

3.2 Emergence surveys carried out in June 2012 found a number of Common Pipistrelle Bats to be roosting in various locations around existing building (around the timber window frames). No major roosts were identified.

3.3 In order to avoid disturbance and damage to the bat roosts, the Method Statement included within the Final Bat Survey Report must be adhered to. Provided this occurs there should not be an impact on the roosts and a European Protected Species Licence would not be required for the work. If any work is proposed to the window frames (now or in the future) or in the immediate area which may impact on bats or the roost then an EPS Licence will likely be required and further advice should be sought.

Landscape Architect

3.4 The Lime tree at the front of the site and the pine and Horse Chestnut trees in the sunken garden behind the main building are worthy of TPO (Tree Preservation Order) status. The trees are shown as retained. With regards the proposed scheme the following points are made:

- The front boundary treatment must avoid any root damage to the Lime tree.
- It was asked that the car parking configuration provide less hard landscaping around the Pine tree and the proposed tree (between the proposed houses and the existing garden) and that the shared surface in front of the houses be a bound-gravel or similar to respect the setting. These requests have been addressed in the revised plan.

Flood Risk Management Team

3.5 Officers will require existing and proposed drainage details to ensure that surface water run-off from the site is reduced from the existing rate by 30%. If soakaways are to be used, these will need to be demonstrate to work to BRE standards.

Adults Children and Education

3.6 Require a contribution toward 2 primary school places. The contribution would be £23,968 as there is inadequate capacity at the school within the catchment area (Clifton Green School).

Economic Development Unit

3.7 No objection.

Environmental Protection Unit

3.8 No objections. However as the noise report concludes that noise from road traffic could affect the amenity of occupiers of the proposed dwellings a condition is recommended to secure appropriate sound insulation. As this is a large development and close to other residential properties a Noise Management Plan for construction is recommended.

EXTERNAL

Yorkshire Water

3.9 Require that sustainable drainage be considered and only if this is not feasible should other drainage methods be allowed.

Clifton Planning Panel

3.10 The panel request that there is adequate car parking and access arrangements for the proposed development.

Publicity and Neighbour Notification

3.11 Comments have been received from no.3 Shipton Road and on behalf of Barleyfields, both of whom use the same access road as the application site. Comments are as follows:

- Barleyfields confirm that they have no objection to the revised plan. It is asked that construction times be controlled to avoid undue disturbance to residents.
- The occupant of 3 Shipton Road are concerned that the access road will be blocked by parked cars/delivery vehicles and emergency access to the property may be compromised.

4.0 APPRAISAL

Key Issues

- Principle of the proposed use
- Visual impact / impact n conservation area
- Residential amenity
- Highway network management
- Drainage
- Ecology
- Archaeology
- Open space and education provision

PRINCIPLE OF THE PROPOSED USE

4.1 The host building will become redundant as the Council facilities are to be relocated. The city is in need of housing in sustainable locations and the National Planning Policy Framework advises that Local Planning Authorities deliver a wide choice of high quality homes. It recommends that empty buildings be brought into residential use, in particular offices. This has been re-enforced in recent policy which has made the conversion of offices to residential permitted development. The site is within the urban area; a sustainable location and the proposals are consistent with national and local policy.

VISUAL IMPACT, AND THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

4.2 Policy HE2 states that within conservation areas, or locations which affect the setting of listed buildings development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regards to local scale, proportions, details and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character or appearance of the area.

4.3 The Clifton Conservation Area description notes that one of the defining characteristics of the area is the important Victorian and Edwardian villas, which are set in substantial grounds. The proposals are considered to enhance the conservation area setting and therefore comply with policy.

- The C20 extensions to the main building, in particular the 3-storey side extension detract from the appearance of the host building setting. The extensions will be removed and the setting of the building restored.
- In accordance with Local Plan HE11 trees and landscaping on the site of value (the trees in front of the building and the sunken garden) will be retained and protected during construction.
- The development at the rear (where the car park is presently) will not detract from the conservation area setting, or urban grain/townscape, considering the development that has occurred in the C20 to the western side of the site (Barleyfields and Ouse Lea) in particular which have altered the character of the conservation area.
- The proposed houses are of a contemporary design which will add to the overall quality of the area, as recommended in the National Planning Policy Framework. The detailing on the buildings is contemporary but the design principles - the use of traditional materials (brick and slate), the building form and vertical emphasis within the elevations respect the local vernacular of buildings which are recognised as making a positive contribution to the areas character and appearance. The new houses are subordinate in scale to Ashbank and are of a scale and location to respect their neighbours.

RESIDENTIAL AMENITY

4.4 The National Planning Policy Framework asks that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Local Plan policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.5 The proposed houses would have reasonable space standards and storage areas are provided for bins and cycles. All the units have outside amenity space.

4.6 The side elevation to plot 4 would be around 10m from the elevation of Barleyfields which looks onto the application site. There would also be a bedroom (dormer) window on this elevation (the other windows on the elevation are to circulation space). The separation in this case is deemed to be acceptable. There would not be undue overlooking from the single dormer window. The proposed building would not be over-dominant. The Barleyfields elevation is slightly angled therefore the windows look towards the gardens on the site and the access road, rather than directly at the proposed building.

4.7 Plot 1 on the eastern side of the site will be between 1m to 2m away from the side boundary and there would be no windows on the side elevation. The building would be visually dominant from the adjacent garden, but as this is toward the end of the garden and over 50m from the rear elevation of the neighbour, no.139, the impact would be acceptable.

HIGHWAY NETWORK MANAGEMENT

4.8 The access road is between 4 and 4.8m wide. There is adequate space for emergency access and vehicle manoeuvring (including waste collection). The vehicle entrance to Barleyfields would be improved (considering safety and traffic flow) by the proposal to set it further back from Shipton Road.

4.9 There would be 1 parking space for each apartment, 2 for each dwelling and 2 visitor spaces. The parking provision accords with parking standards established in the Local Plan.

4.10 Overall there are no objections on highway safety grounds and Barleyfields, who would gain 4 visitor parking spaces within the site, are content with the scheme.

DRAINAGE

4.11 In accordance with York's Strategic Flood Risk Assessment surface water run-off as a consequence of the proposed development will not be increased. A reduction in run-off will be possible as the area to be developed is currently all hard-landscaped and soft landscaping will be introduced.

ECOLOGY

4.12 NE6 relates to species protected by law. It states that where a proposal may have a significant effect on protected species or habitats, applicants will be expected to undertake an appropriate assessment demonstrating proposed mitigation measures.

4.13 The main building has suitable crevices that could provide access for bats, between roof slates, in soffits and fascias and around the windows. Emergence surveys located bats roosting in gaps between the brickwork and window frames. The buildings to be demolished have flat roofs and do not provide suitable habitat areas for bats.

4.14 Mitigation is required to ensure bats/bat habitats are protected during works. The proposed strategy set out in section 10 of the Final Bat Survey Report dated June 2012 is acceptable. This includes further survey work before works commence, no demolition during the breeding season or hibernation period and that no works occur to the roof and windows on the part of the building which is to be retained.

ARCHAEOLOGY

4.15 The area is just outside the City Centre Area of Archaeological Importance (which roughly terminates along the rear of the plots which face Clifton green) but it is possible that there may be Roman burials located within the site. As such a condition is necessary for a watching brief on all ground disturbances.

OPEN SPACE AND EDUCATION

4.16 Policy ED4 advises that in considering proposals for residential development any consequences for existing schools will be assessed. When additional provision is required as a result of the proposals, developers will be required to make appropriate financial contributions. Policy L1c asks for a contribution towards open space provision, where this is not provided on site.

4.17 The local primary school - Clifton Green is at capacity and therefore a contribution of £23,968 has been requested. There is no children's play or sports facilities on site. A contribution of £12,847 has been requested which would go towards facilities in the locality. A legal agreement will secure these contributions.

5.0 CONCLUSION

5.1 The proposed housing accords with national policy and will make a positive contribution to the cities housing stock, providing a mix of house types, including family houses in a sustainable location.

The scheme will enhance the conservation area setting and cause no undue harm, considering residential amenity, highway safety and flood risk.

5.2 Approval is recommended subject to a unilateral undertaking agreement, which would secure the following contributions -

- Education - £23,968
- Open space - £12,847 (off site children's play and sports provision)

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

2 APPROVED PLANS

The development hereby permitted shall be carried out in accordance with the following plans:- Drawings 0200

Proposed site plan	300 F
Demolition plan	200
Plans of Ashbank	400 and 401
Plans of new houses	301 A, 302 B, 303 A, 304 C
Bin and cycle store	403

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

3 MATERIALS

The materials used shall be as annotated on the approved elevation drawings. Samples of the external materials to be used shall be approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials (samples to be provided on site for inspection).

A Sample panel of the brickwork to be used on the buildings (new houses and storage buildings) shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. The panel(s) shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

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

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

a) typical window details and their surrounds (including section to show windows set in their reveals).

b) dormers

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

5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes a, b, and c; of Schedule 2 Part 1 of that Order and Part 2 Class A (walls or fences) shall not be erected or constructed (apart from to side boundaries at the rear between the houses hereby approved).

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

6 No new openings shall be added to the east facing side elevation of plot 1.

Reason: To prevent overlooking of neighbouring property.

7 LANDSCAPING

The development take place in accordance with the landscaping scheme (hard and soft measures) shown on the approved site plan.

The approved details 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: In the interests of visual amenity.

8 TREE PROTECTION DURING CONSTRUCTION

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 maneuvering 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.

9 NEW WINDOWS TO ASHBANK

New windows to Ashbank shall be of a matching type and materials to the existing windows. The existing windows shall be retained.

Reason: In the interests of the appearance of the host building and the conservation area.

10 NOISE INSULATION

Prior to occupation of the residential units in Ashbank a scheme to provide adequate noise levels within the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out accordingly.

Noise levels shall comply with the following World Health Organisation Standard BS5228 as follows:-

- Day time internal noise level in living rooms to be less than 35 dB(A) Leq 16 hour (07:00 to 23:00)
- Night time internal noise level in bedrooms to be less than 30 dB(A) Leq 8 hour (23:00 to 07:00)

Reason: To ensure adequate levels of amenity for future occupants.

11 AIR QUALITY

Ventilation to habitable rooms (bedrooms and living areas) in Ashbank, which face onto Shipton Road, shall be provided through continuous mechanical supply and extract (with heat recovery) away from the roadside (i.e. ideally to the rear of the property).

Reason: to protect the health of residents.

12 CYCLE STORAGE

The cycle parking shall be provided as shown on the approved plans and retained as such for the lifetime of the development. The cycle store shall be secured and the stands within shall be sheffield type.

Reason: To encourage sustainable modes of transport in accordance with policies GP1, and T4 of the City of York Draft Local Plan and section 3 of the National Planning Policy Framework.

13 DRAINAGE

Details of drainage shall be approved in writing by the Local Planning Authority prior to development commencing and the scheme shall be carried out in accordance with the approved details.

INFORMATIVE

The proposed soakaways shall be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to except surface water discharge, and to prevent flooding of the surrounding land and the site itself. If soakaways prove to be unsuitable then alternative proposals shall be submitted which demonstrate peak run-off from the development will be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas).

Reason: To ensure the site is correctly drained and to prevent increased flood risk elsewhere, in accordance with City of York Councils Strategic Flood Risk Assessment.

14 BATS

The development shall be undertaken in accordance with the mitigation measures proposed in section 10.2 of the Final Bat survey by John Drewitt, dated June 2012.

Reason: To ensure no undue harm to species protected by law.

15 ARCH2 Watching brief required

16 NOISE7 Restricted hours of construction

17 HWAY31 No mud on highway during construction

18 HWAY40 Dilapidation Survey

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: pre application meetings, secured revised plans and through the use of planning conditions and agreements.

Contact details:

Author: Jonathan Kenyon Development Management Officer

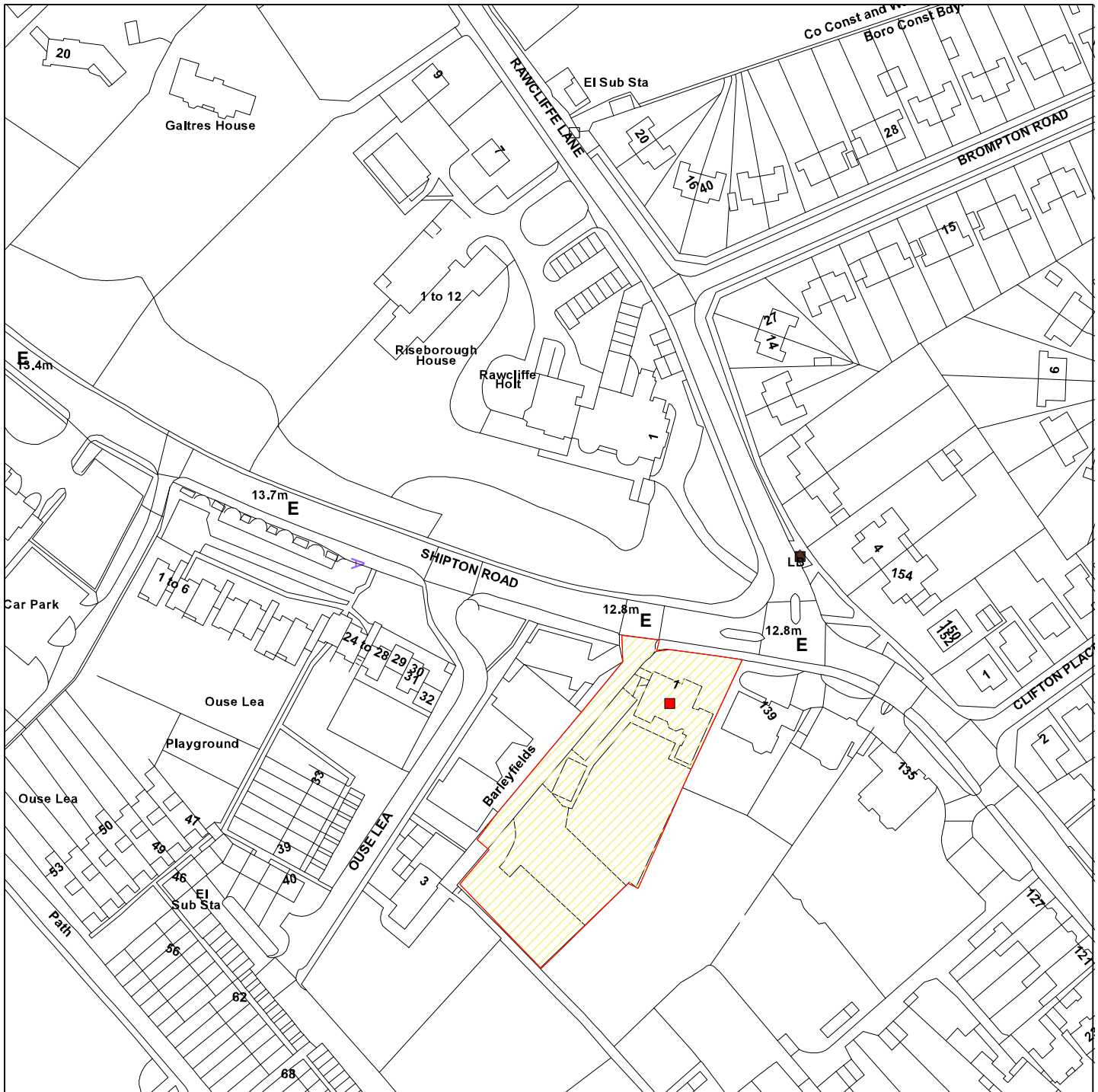
Tel No: 01904 551323

Ashbank 1 Shipton Road

12/02491/FULM



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Scale : 1:1667

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	29 July 2013
SLA Number	Not Set

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1.3 The remainder of the application would be unchanged and would create a single storey side and rear "wraparound" extension. The side extension would project beyond the rear of the dwelling by approximately 8.3 metres, incorporating the existing detached garage within the footprint, with a total height of approx 3.6 metres reducing to approximately 2.2 metres at the eaves. The single storey rear extension would project from the rear wall of the dwelling by 3.6 metres and would be set in from the shared boundary with the dwelling at 3 Foxthorn Paddock by approx 0.2 metres.

1.4 The application has been called to Committee for consideration by Councillor Neil Barnes in order that the impact on neighbour amenity can be considered.

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:

CYGP1Design

CYH7 Residential extensions

3.0 CONSULTATIONS

Foss Internal Drainage Board

3.1 The nature of the application would increase the surface water 'run off' from the site into watercourses that are already at full capacity. The Board would wish to ensure that the application is viewed in conjunction with policy GP15A and that the applicant takes steps to ensure the surface water discharge does not exceed the existing discharge rate. Subject to this being achieved the Board would have no objections to the application.

Hull Road Planning Panel

3.2 No objections.

Councillor Neil Barnes

3.3 Objects to application because of the loss of quality living conditions for the occupants of 71 Yarburgh Way. The overall mass and bulk of the extension is not substantially reduced and in relation to the proximity to 71 Yarburgh Way. No shadow report submitted to indicate impact on 71 Yarburgh Way.

Third Party comments

3.4 Objections received from 71 Yarburgh Way and 6 Hesketh Bank stating that the revised proposal has not addressed the previous concerns relating to:

- over development,
- loss of privacy
- loss of light/ outlook
- size and scale of the proposed extension
- blocking the corner view resulting in a claustrophobic outlook from the rear windows of the properties
- the design of the roof is alien to the design of the estate.

4.0 APPRAISAL

4.1 KEY ISSUES:

- Impact on amenity of neighbours.
- Impact on street scene.

THE RELEVANT POLICES AND GUIDANCE

4.2 Planning Policy Frame Work (2012) sets out the Government's overarching planning policies. As one of 12 core planning principles, it states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17). It states that the Government attaches great importance to the design of the built environment. 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). It states that 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).

4.3 Draft Local Plan Policy CYH7 - states that residential extensions will be permitted where (a) the design and materials are sympathetic to the main dwelling and the locality (b) the design and scale are appropriate to the main building (d) there is no adverse effect upon the amenities of neighbours and (e) proposals respect the spaces between dwellings.

4.4 Draft Local Plan Policy CYGP1 - sets out a series of criteria that the design of development proposals are expected to meet. These include requirements to (a) respect or enhance the local environment, (b) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (c) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features

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

4.5 City of York Council: House Extensions and Alterations Draft Supplementary Planning Document (December 2012) states that the basic shape and size of the extension should be sympathetic to the design of the original dwelling and should also appear subservient. The appearance of the side extension will be improved if it is set back from the main building. The scale of the new extension should not dominate the original building, it should be set back by at least 0.5m and have a lower ridge height than the main dwelling. Proposed extensions should have pitched roofs and the materials should match those of the main property.

DESIGN & VISUAL AMENITY

4.6 In terms of design the introduction of the pitched roof connecting to the existing gable would appear slightly at odds with the appearance of the original roof. However because the proposal incorporates a significant set down of approximately 1.0 metres and is set back from the principal elevation, it is not considered that the design would detract unduly from the property or wider street scene. Overall, it is considered that the appearance of the extension would incorporate an appropriate degree of subservience. Furthermore, the applicant intends to use materials match the host dwelling, as well as the character and appearance of the street scene. It is noted that the appeal Inspector considered that, on balance, the design of the previous proposal with a similar pitched roof would respect the character and appearance of the surrounding area.

4.7 The single storey extensions to the side and rear would be screened from the public domain by the height and massing of the first floor extension. The size and scale is in proportion with the host property and rear garden, therefore considered acceptable.

RESIDENTIAL AMENITY

4.8 When considering the previous appeal proposal, the Inspector stated that the main issue is the effect of the proposed two storey extension on living conditions at 71 Yarburgh Way. From this it would be reasonable to deduce that the single storey elements of the extension were considered to be satisfactory. The occupiers of no. 71 have objected to the proposal and the impact on the living conditions of this property has been carefully assessed.

4.9 The property at no 71 is located away from the shared boundary but is angled towards the application property. However, in the revised proposal, the two storey extension has been set well forward of the rear wall of the application property. Whilst this would still project slightly beyond the rear wall of no. 71, it is considered that a reasonable outlook would be maintained from the rear of this property. As a result of the reduction the massing, the main impact of the extension would be generally confined to the neighbour's side garden where the distance between the two dwellings gradually increases. The extension would be located to the east of no. 71 and whilst some additional overshadowing of the garden areas may occur, particularly during the mornings, it is not considered that this would be so severe, or would occur for such long periods, that the refusal of planning permission would be justified. On balance, whilst the two storey extension would be visible from the neighbouring gardens, the revised design has reduced the overall scale of the first floor to a degree that is considered to address the previous concerns relating to its dominant/overbearing appearance, overshadowing, and loss of outlook.

4.10 It is considered that there is adequate separation between the single storey side/rear extension and the properties to the rear in Hesketh Bank. So far as the impact on no. 3 Foxthorn Paddock is concerned, the extension would have a relatively modest projection of 3.6 metres and incorporates a mono pitch roof that reduces to 2.4 metres in height at the eaves. In dismissing the appeal relating to the previous proposal, the Inspector stated "..... I am not convinced that the proposal would be close enough to any other existing dwellings (other than no. 71) to harm living conditions. Also, in terms of the design of the proposal, I consider that, on balance, it would respect the character and appearance of the surrounding area." Furthermore, it is also the case that a similar single storey development could be erected by extending separately on the side and rear elevations under permitted development tolerances without the requirement of planning permission. In addition permitted development would also cover detached structures in the rear garden providing the height remained under 2.5 metres within 2.0 metres of a boundary.

4.11 In view of the above assessment the revised application is considered acceptable and would comply with policies H7 (Residential Extensions) and GP1 (Design) of the Draft Local Plan.

DRAINAGE:

4.12 The Internal drainage Board's concern about the proximity of the application property to watercourses currently operating at capacity, and the risk of potential flooding as a consequence of additional run off, are noted. However, from an engineering perspective it is very difficult to attenuate surface water flows from small extensions such as that proposed. This is recognised by the IDB. In the absence of an Article 4 Directive bringing all residential extensions within planning control and in the absence of any such engineering solution, the cumulative impact of small residential extensions on surface flooding is difficult to manage. Under current

legislation, significant areas of side and rear garden, can be hard-surfaced or built upon, using permitted development rights, without planning permission being required. Therefore, it is not possible, at the present time, to apply such recommendations consistently and fairly. It should be noted that provision for hard-surfacing, within domestic curtilages forward of the principal elevation, is now applied consistently, under Class F of the General Permitted Development Order (2008).

5.0 CONCLUSION

It is considered that the revised proposal would not unduly harm the living conditions of nearby neighbours with particular reference to 71 Yarburgh Way and 6 Hesketh Bank or appear incongruous in the street scene. As such approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years -

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

Drawing no. 12.41.2 Rev 'B' received 17.05.2013

Drawing no. 12.41.3 Rev 'A' received 17.05.2013

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

3 VISQ1 Matching materials -

4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no additional windows shall be inserted into the side elevation adjacent to the property at 71 Yarburgh Way.

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

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:

The Local Planning Authority had pre-application discussions with the applicant which resulted in the submission of a revised application for an extension with a reduced length at first floor.

Contact details:

Author: Sharon Jackson Development Management Assistant

Tel No: 01904 551359

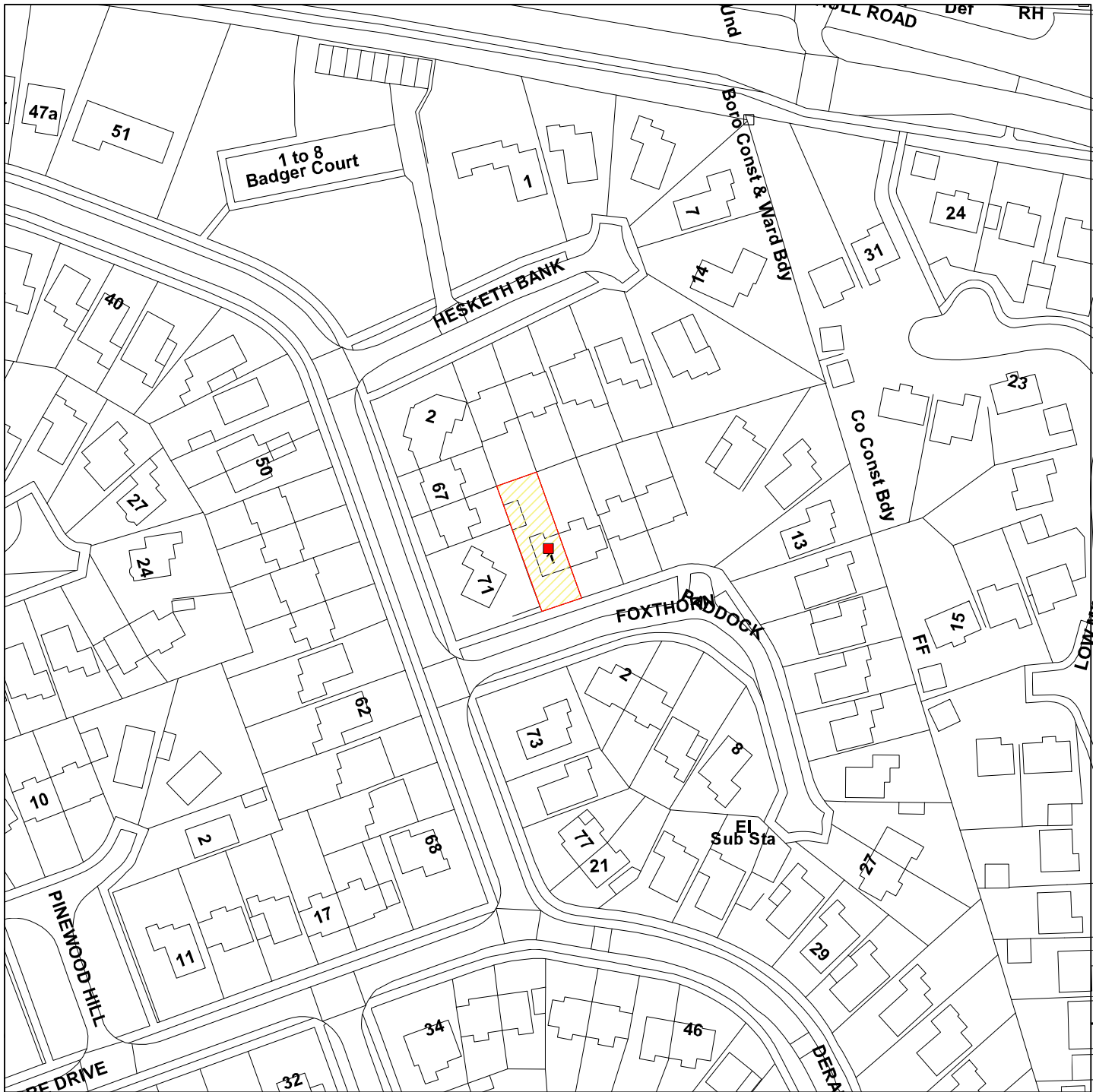
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1 Foxthorn Paddock

13/01327/FUL



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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	29 July 2013
SLA Number	Not Set

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COMMITTEE REPORT

Date: 8 August 2013 **Ward:** Heworth
Team: Major and **Parish:** Heworth Planning Panel
Commercial Team

Reference: 13/01538/FULM
Application at: Burnholme Social Club Burnholme Drive York YO31 0LL
For: Erection of 28 two and three storey dwellings, three storey block of 9 apartments, new social club with associated access, parking and landscaping together with children's play area
By: RHW Developments Limited
Application Type: Major Full Application (13 weeks)
Target Date: 16 August 2013
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL**APPLICATION SITE**

1.1 The application site is on the corner of Burnholme Drive and Burnholme Avenue, some 50m north of Bad Bargain Lane and Burnholme Community College. The site presently accommodates the Burnholme Social Club building. The building was designed by WG Penty, built in 1880 for John Bellerby, who was Lord Mayor of York in 1877/78. It has been occupied as a social club since the 1930's when the surrounding houses began to be developed. The building is in the Victorian Gothic Style. It is not listed, but it is a landmark building in the locality. The club's car park is to the NE corner of the site, the southern half of the site is presently grassed over and there are a group of protected trees along the western side of the boundary. The site is bound by back gardens to semi-detached houses to the east and the south, and the highway otherwise. The surrounding houses are typically C20 semi-detached.

PROPOSALS

1.2 The club building is considered by the applicants to be no longer fit for purpose. The proposals are to demolish the building and provide a replacement social club with 14 parking spaces. 37 dwellings would be provided in the remainder of the site

-
12 x 3-bed
25 x 2-bed

1.3 The dwellings would be 2-storey where they run along the edge of the application site, within the centre of the site would be a 3-storey block of flats and six 3-storey town houses. The group of trees on the western side of the site would remain and a children's play area would be provided.

1.4 A Public consultation was undertaken by the applicants in April 2013. 74 comments were received. Only 6 comments were against the proposals.

PLANNING ALLOCATION

1.5 The southern half of the site was allocated for housing in the 2005 Local Plan. The allocation has been carried forward in the preferred options document for the new Local Plan (policy H3).

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

Schools GMS Constraints: Burnholme Community College 0244

2.2 Policies:

CYGP1 Design

CYGP3 Planning against crime

CYGP4A Sustainability

CYGP9 Landscaping

CYH1 Housing Allocations

CYH2A Affordable Housing

CYNE6 Species protected by law

CYNE7 Habitat protection and creation

CYED4 Developer contributions towards Educational facilities

CYL1C Provision of New Open Space in Development

CYC1 Criteria for community facilities

3.0 CONSULTATIONS

INTERNAL

Adults Children And Education

3.1 Seek a contribution towards primary school places of £47,937. This is to fund 4 additional places at Hempland Primary School.

Environmental Protection Unit

3.2 EPU has only received one complaint about noise associated with the club, in 2012 regarding noise from people attending a charity event. No further action was necessary. The existing club operates under a Club Premises Certificate issued under the Licensing Act 2003, which currently regulates the days and times when regulated entertainment such as live music or recorded music can take place. This is currently restricted to Friday to Sunday nights from 20:00 to 23:30, and on Tuesday nights from 18:30 to 20:30.

In addition further controls are placed on the certificate such that regulated entertainment shall be inaudible at the nearest noise sensitive premises, all windows and doors shall be kept closed during regulated entertainment, and all external drinking areas shall be vacated, cleared and cleaned by 22:00 on each and every day. As a result officers consider that adequate controls already exist to ensure that noise from regulated entertainment will not result in loss of amenity.

3.3 Officers do not object to the proposals, but recommend the following conditions in the interests of the amenity of surrounding occupants and in line with the council's low emission strategy -

- Construction management plan and the control of construction times.
- Noise levels of any external plant is agreed.
- If unexpected contamination is found, it is reported.
- Electric vehicle charging points are provided at the WMC and within the residential development

Flood Risk Management

3.4 Officers are content with the proposed site drainage arrangements. A condition has been requested to agree the full details.

Highway Network Management

3.5 Officers do not object to the proposals. It is asked that the developers offer either a free bus pass or cycle to future occupants. Comments on the scheme are as follows:

- The residential development is predominantly to be served via a new vehicular access onto Burnholme Drive. Visibility at the proposed access is in accordance with the relevant national guidance.
- The internal layout has been designed as a shared space with features to restrain vehicle speeds and manage on-street parking. Vehicle swept paths have demonstrated that a refuse vehicle can enter, turn and leave the site in a forward gear.
- The level of traffic that can be reasonably expected to be generated by the development is negligible (in the region of 23 two-way vehicle movements during the AM/PM peak periods) and will not have a material impact on the adjacent highway.

Housing Strategy

3.6 Officers support the application. It complies with the council's interim affordable housing approach by providing a minimum of 20% affordable housing on a brownfield site. The affordable homes are pepper-potted throughout the site in runs of no more than two affordable homes. The scheme proposes 3 x 2-bed houses - all social rent;

2 x 3-bed - 1 social rent, 1 discounted sale; and 2 x 2-bed flats - discounted sale.

3.7 The potential for all the units to be let at Affordable Rent (defined by the government as up to 80% of market rent) has also been investigated by the applicants, and it is proposed the potential for such is contained within the legal agreement.

Design Conservation and Sustainable Development (Sustainability Officer)

3.8 The preferred option to meet the 10% on site renewables council target for the houses is PV panels. Officers recommend a condition to demonstrate the targets are met. The applicants have not committed to reaching Code for Sustainable Homes Level 3 and this should also be required, in line with current policy.

Communities and Neighbourhoods (Public Realm / Open Space)

3.9 The site is on the margins of the 480 m catchment distance for the Stray Road Play area. As such, and given the number of dwellings, officers would like to see a young person's play area within the on-site open space.

EXTERNAL

Police Architectural Liaison Officer

3.10 The Architectural Liaison Officer has recommended that the public open space provides a more natural environment of play for children. The use of mounds, logs, tree trunks, boulders etc interspersed throughout the space are recommended, rather than the proposal to concentrate traditional play equipment in one specific area of the site where, in officer's opinion, anti-social behaviour will be an issue for residents. It is suggested the play area is gated to restrict access at night-time.

3.11 It is noted that as recommended gates have been installed to prevent access to rear garden areas. A gate was recommended to prevent access to the side of the WMC, by the bin/cycle stores and the use of planting to provide defensible space to facades –both these items have been included in the revised site plan. In addition lighting was recommended, in the interests of security, in particular to entrances.

Heworth Planning Panel

3.12 Do not object but raise concerns over the lack of visitor parking for the houses.

Publicity And Neighbour Notification

3.13 Eight objections have been made to the planning application. The objections raised as a result of consultation are summarised as follows -

- The site should be developed as a facility for the locality, such as a school,

Highway safety

- Lack of car parking for the club. The existing arrangement frequently leads to on street parking, which can have an adverse impact on highway safety. The concern is that the proposed development would provide fewer car parking spaces for the club, which would lead to increased on street parking.
- The site would be over-developed, - too many houses and a lack of car parking. There would be an undue increase in traffic and on-street parking in the locality. This will have an adverse impact on highway safety and the quality of the road surfacing will deteriorate. Residents have concern that Burnholme Avenue will be damaged. The road is not adopted highway and residents are responsible for the roads upkeep.

Crime and disorder / residential amenity

- Anti-social behaviour, noise disturbance and increased litter as a consequence of the play space, which will be accessible all the time, without supervision.
- Moving the club closer to residential properties will increase noise and disturbance. It should be adequately sound-proofed. There will also be disturbance with people coming and going at night-time.

Design

- Three storey buildings would be out of character with the area, which is characterised by 2-storey houses.
- The development would have poor levels of natural surveillance.
- The existing building is on the local list as a building of local and historical interest. It is also of architectural interest and makes a valuable contribution to the identity of the area. The building exterior has many interesting features that could be maintained and a new development could enhance these. The preference is for refurbishment of the building and re-use. This would be better for the area and a more sustainable option.

Drainage

- Increased flood risk/surface water run-off over surrounding properties.

4.0 APPRAISAL

4.1 The key issues are:

- Principle of the proposed development
- Visual impact
- Issues regarding the proposed children's play area

- The amenity of surrounding occupiers
- Sustainable design and construction
- Highway Network Management
- Open space and education provision
- Protected species
- Drainage

PRINCIPLE OF THE PROPOSED DEVELOPMENT

4.2 In principle, the proposed uses are compliant with both national and local policy. National policy requires Local Planning Authorities to significantly boost housing supply. The site is in an appropriate location for residential development; within the urban area, and it is classed as previously developed land, where policy steers new development. The site has been identified as being appropriate for housing by the Local Planning Authority; the undeveloped area of the site is designated for housing in the current and proposed Local Plans. The National Planning Policy Framework requires planning to be positive in the provision of community facilities; to enhance the sustainability of communities and neighbourhoods. Chapter 11 of the Local Plan seeks to retain community facilities and provide new recreational facilities where possible. The proposals are compliant with policy in this respect as a social club will be retained on site and a children's play area will be gained.

4.3 The loss of the existing building, which is a local landmark, is regrettable. However the building is not listed and not in a conservation area and it could be demolished under the prior notification procedure, which would not allow the Local Planning Authority to regard its local importance (the building is on the draft Local List prepared by the Open Planning Forum but this document does not yet carry any weight in the decision making process). Officers have advised that the preference would be retention of the building, but it is in a poor condition and inefficient, and the applicants advise it is not economically viable to continue to use the building as a social club or refurbish it for housing. There are no planning grounds on which demolition itself can be resisted. Conditions can require that the building is recorded before it is demolished and that demolition does not take place before evidence is provided there is contract in place for the re-development proposed including the replacement club facility.

4.4 There would be no loss of a community facility as the social club will be replaced. In addition children's play space will be provided on site and amenity open space is retained, with increased accessibility.

Affordable housing / house types

4.5 The NPPF requires LPA's identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified.

4.6 York's current policy is that on brownfield sites such as this the affordable housing on-site requirement is 20%. The target would be met in this case. This is explained in paragraph 3.6. The development is predominantly for 2 and 3 bed houses, which are the house types in most need in the city, according to York's Strategic Housing Market Assessment.

Residential density

4.7 Unlike previous national policy, the NPPF does not impose any density targets; it requires that LPA's 'set out their own approach to housing density to reflect local circumstances'. The NPPF does ask that developments 'optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks'. Local Plan policy H5a seeks that residential density is at least 40 units per hectare in urban areas such as this.

4.8 The development would deliver a density of 46 units per hectare and there is amenity open space and children's play space proposed on site. The density could be considered high given that the social club and its car park are also accommodated within the site. However, rather than consider density alone, the proposals must be assessed considering whether the scheme is of appropriate design and respects the setting, in line with the thrust of the NPPF.

VISUAL IMPACT

4.9 The NPPF advises 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. 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. In terms of housing design and layout the NPPF requires development is safe, accessible, fit for purpose, responds to local character and context and/or is of innovative design. Local Plan policy GP1 refers to design, for all types of development. It states that development proposals will be expected to, respect or enhance the local environment. The proposals reasonably comply with these policy requirements.

4.10 The surrounding area typically comprises of semi-detached housing which fronts onto the street and where gardens back onto each other, the latter being recognised as a good means of providing security to private garden areas. The houses are from the first half of the C20 and have generous sized gardens, those which back onto the application site typically being over 20m in length.

4.11 The proposed development maintains the existing vehicle access point for the social club. Two-storey houses with back gardens wrap around the edge of the site and in the centre taller 3-storey buildings are proposed. The taller buildings will be screened by the surrounding proposed buildings and the trees, which are of amenity value, will be retained. A high quality landscaped setting is proposed. The proposals include new planting/landscaping and a paved public realm, which will give the feel of an area where pedestrians, rather than cars, have priority.

4.12 The two-storey houses adhere to the urban grain, although the back gardens are not as long as those on the earlier houses that surround the site, they are at least 6m in length, which is (just) reasonable for 2-bed houses. The houses will not be over-dominant over their neighbours given the separation between buildings.

4.13 The site can take the taller 3-storey development in the centre, considering the height of the building that will be replaced and the screening that would be in place. The houses in this area are orientated so they face onto the amenity area, to provide outlook over the space, activity and natural surveillance.

4.14 The proposed buildings would have red tiled roofs and in part be red brick, in keeping with the area. They would also be clad in render on the upper floors, incorporate timber entrance areas, and the 3-storey buildings have metal clad oriel (projecting windows). The houses proposed are of their time and differ to the street scenes of Burnholme Drive and Burnholme Avenue. The use of render can be accepted in this case as apart from the pairs of houses at each corner of the site (plots 1 and 2, 36 and 37) and the replacement social club, the buildings are set back from the street scene. These pairs of houses at the site access points would allude to the new development within the site, rather than unduly impose a different style which would unduly damage the street scene. The replacement social club is a community building, with a different use to the surrounding buildings, and therefore it is reasonable for this building to be of a different design to give it identity.

Secure by design

4.15 The houses have defensible space around them and secured/defined private rear areas. Security will also be improved for surrounding occupants, whose rear gardens will no longer be exposed. In this respect the development adheres to secure by design principles for residential developments. A lighting scheme can be agreed through condition.

THE CHILDREN'S PLAY AREA

4.16 The Police Architectural Liaison Officer has raised issues with the type of play space proposed and notes that similar play spaces elsewhere have become areas where persons congregate in the evenings. This causes concern for residents.

4.17 There is a desire to accommodate a play space on site, due to the amount of houses proposed and due to the shortfall of such facilities in the locality. As such the play area remains part of the proposals. The facility will be for young children, requiring parental supervision. The type of play equipment will be as recommended by the Police Architectural Liaison Officer, more natural, rather than typical manufactured equipment. The amount of seating has been reduced and is no longer near the proposed houses. The detailing is to be agreed as part of the landscaping condition, and in consultation with the PALO.

4.18 It is not proposed to provide a means of enclosure for the play area, because this would have an adverse visual impact on the setting. The PALO recommended spacing the equipment over the open space. However as the facility is for young children, who require adult supervision, it is considered beneficial for the equipment to remain concentrated to a specific area. Additionally the proposed area has been chosen as it is open and overlooked, as recommended in Safer Places (national planning guidance), whilst other areas of the landscaped area would be under the cover of trees. The landscaped amenity space is intended to be used by the community for recreation, which will further assist with surveillance and discourage anti-social behaviour.

THE AMENITY OF SURROUNDING OCCUPIERS

4.19 The National Planning Policy Framework asks that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. "Planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development". Local Plan policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

Over-bearing/overlooking

4.20 Two-storey development is concentrated towards the edge of the site. Whilst the houses would be close to the site boundary (typically 6-8m) and resident's gardens would now be over-looked by upper floor windows, the new houses would be at least 30m from the existing and on this basis it is considered there would not be an unduly harmful impact.

Noise and disturbance from replacement social club

4.21 As with the previous building the social club will be subject to controls through the Licensing Act. Environmental Protection Officers are content that the amenity of neighbours can be reasonably controlled through licensing and the planning system need not duplicate licensing legislation.

SUSTAINABLE DESIGN AND CONSTRUCTION

4.22 In accordance with York's Design and Construction document the residential buildings will be required to achieve BREEAM Very Good. It is proposed at least 10% of their energy demand will be obtained by PV panels. These items will be secured through planning conditions. It is also proposed that the social club uses low/zero carbon technology and air-sourced heat pumps will be installed on this building.

HIGHWAY NETWORK MANAGEMENT

4.23 The intention of the National Planning Policy Framework is to encourage sustainable modes of transportation. The NPPF advises that larger scale residential developments should be located within walking distance of schools and shops and developments should be designed where practical to -

- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities
- establish home zones
- incorporate facilities for charging plug-in and other ultra-low emission vehicles

4.24 In terms of car parking the NPPF advises that LPA's can impose their own targets, the provision of parking on sites should consider -

- the accessibility of the development;
- type, mix and use of development;
- the availability of public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles.

4.25 CYC car parking standards are set out in the Local Plan, which sets the maximum standards of 1 car parking space for 2-bed units and 2-cars for 3-bed or larger units. There should be a visitor space per 4 units, which can be accommodated on street.

4.26 The location is appropriate for housing as it is within walking distance of public transport, education facilities and amenities within Heworth Village.

Cycle storage is provided for each dwelling and there would be approx 18 cycle spaces for the social club. A condition will require that electric vehicle charging points are provided within the residential area and these have been indicated on plan at the visitor parking spaces.

4.27 The level of car parking that is provided on site is in accordance with CYC Annex E maximum standards. Typically there is 1 space per dwelling, although 7 of the units have 2 spaces. There are 5 visitor spaces, less than the recommended 1 space per 4 units, but there is space for on street parking in the surrounding streets.

4.28 The development would have a home zone type public realm where pedestrians would have priority. This will be achieved through the informal, rather than engineered, layout and the high quality surfacing proposed.

4.29 The residential access road would have adequate visibility. The level of traffic expected to be generated by the development would be negligible (in the region of 23 two-way vehicle movements during the AM/PM peak periods) and will not have a material impact on the highway network.

4.30 The applicant has advised the car parking provision for the social club (14 spaces) will be appropriate, and typically it would be expected the majority of trade is from persons based in the locality. There are no standards in the Local Plan for social clubs. For information, a community centre would be expected to provide around 1 space per 20 sq m. The social club proposed has 350 sq m floor space, thus the provision would be broadly adequate for a community facility. On occasions when events were to take place or if clubs use the facility over-spill parking could occur on street (as will happen in other social clubs that are within high density residential locations).

4.31 A financial contribution is sought from the developers which will be spent in future, if necessary, on measures to control on street parking, if following monitoring this were to adversely impact upon highway safety.

OPEN SPACE AND EDUCATION PROVISION

4.32 Policy L1c of the Local Plan states developments for all housing sites will be required to make provision for the open space needs of future occupiers. Policy ED4 advises that in considering proposals for residential development any consequences for existing schools will be assessed. When additional provision is required as a result of the proposals, developers will be required to make appropriate financial contributions.

4.33 Open space - in accordance with policy L1c the applicant will make a contribution towards off-site provision of amenity open space and sports facilities within the area. Children's play space will be provided on-site. The space will be managed by the developer.

4.34 Education - a contribution of £47,937 towards education provision has been agreed. This is required to fund 4 additional places at the local primary school (Hempland Primary).

PROTECTED SPECIES

4.35 Local Plan policy NE6 relates to species protected by law. It states that where a proposal may have a significant effect on protected species or habitats, applicants will be expected to undertake an appropriate assessment demonstrating proposed mitigation measures. Policy NE7 relates to habitat creation and protection. It states that development proposals will be required to retain important natural habitats and where possible include measures to enhance or supplement these. In new developments, measurements to encourage the establishment of new habitats should be included as part of the overall scheme. The policies accord with the thrust of the NPPF.

4.36 A bat survey undertaken at the site found no evidence of bat roosts within the building which is to be demolished. However it notes that the building has features that could attract bats. It is recommended further survey work is undertaken immediately prior to demolition, in case bats have taken up residence in the intervening period. A condition is recommended to require such, and that due care is taken during demolition (i.e. removing roof tiles by hand).

DRAINAGE

4.37 The site is in flood zone 1, where flood risk is low. The site will be safe from flooding due to ground levels. Surface water run-off from the site will be controlled and consequently there will not be increased flood risk elsewhere. The drainage strategy has been agreed with officers and a condition is recommended to deal with the detailed design.

5.0 CONCLUSION

5.1 The proposals have officer support, this development would deliver housing, including affordable housing which is of the type and need required in the city. The site is suitable for housing; the scheme is acceptable on design grounds and retains trees of amenity value, and a community facility. There would be no undue adverse effect on highway safety and the amenity of surrounding residents.

5.2 Approval is recommended subject to a legal agreement which would secure -

- A contribution of £13,940 towards amenity space and sports facilities in the locality.
- A contribution of £47,937 towards education. To fund 4 additional places at the local primary school (Hemland Primary).
- Affordable housing - Either the proposed affordable housing provision (20%), or the alternative provision that all the houses are developed by a housing association and provided for affordable rent.
- £2k to be used as necessary towards the introduction of waiting restrictions in the vicinity of the site if necessary.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

2 APPROVED PLANS

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

Proposed site plan
R100.01.01 Revision G

Plans of replacement social club
01 08

Houses
01 02
01 03
01 04
01 06
01 07 rev B

Sections
01 05 rev C

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

3 RECORDING OF BUILDING / DEMOLITION

No demolition or alteration shall take place until the applicant has submitted a complete Level 3 Building Record of the standing building (Burnholme, subsequently the Burnholme Social Club) to the Local Planning Authority and the City of York Historic Environment Record and the submitted Building Record has been agreed in writing by the Local Planning Authority.

The demolition shall not take place until a legally binding contract for the development hereby approved is made and evidence of the contract has been produced to and agreed in writing by the Local Planning Authority, or in the absence of such a contract an alternative confirmation of commencement of the development has been submitted to and agreed in writing with the Local Planning Authority.

Reason: The building is of local importance and considering its historic and architectural interest

4 MATERIALS

The materials used shall be as annotated on the approved drawings. Samples of the external materials to be used shall be approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials (samples to be provided on site for inspection).

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

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

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

- a) entrances/porches and their surrounds, to include notes on materials.
- b) typical bay window details.
- c) windows (to be set in their reveal). Windows shall have timber or aluminium frames as detailed in the application and approved drawings.

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

6 LANDSCAPING

The development shall occur in accordance with the approved site plan. A detailed hard and soft landscaping plan shall be approved in writing by the Local Planning Authority and the development carried out in accordance with the approved details.

The plan shall also include the following -

- a) Details of all walls and fences - to include location and design (note it has been agreed the block boundary wall along Burnholme Drive will be removed and replaced with soft landscaping).
- b) Protective measures for trees in the highway.
- c) Layout and type of equipment to be provided as part of the young children's play area (including seating).
- d) Lighting proposals (to include street-lighting and security lighting to entrance doors).

The approved details 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.

The play space shall be provided for the lifetime of the development and appropriately maintained at all times.

Reason: In the interests of visual amenity and to encourage sustainable travel.

7 TREE PROTECTION DURING CONSTRUCTION

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.

8 CODE FOR SUSTAINABLE HOMES

The development shall be constructed to at least Level 3 of the BRE Code for Sustainable Homes (CSH). A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Should the development fail to achieve level 3 of the Code a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve level 3 of the code. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and Paragraphs 4.1 to 4.6 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

9 RENEWABLES

No building work on the houses shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate that no less than 10% of their predicted energy requirements will be provided from low or zero carbon technology. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development. The site thereafter must be maintained to the required level of generation.

Reason: In the interests of achieving a sustainable development in accordance with the requirement of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

INFORMATIVE: Evidence should be provided in the form of SAP worksheets to demonstrate the requirement will be met. PV panels have been proposed as the preferred option for meeting this requirement.

10 DRAINAGE

The site shall be developed in accordance with the Drainage Statement & Flood Risk Assessment by Dosser Group Report no. 5464 and Peak surface water run-off from the proposed development must be restricted to a maximum 21.7 lit/sec.

Development shall not begin until the following foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- a) Full drainage layout and sections.
- b) Site specific details of the flow control devise manhole limiting the surface water to the 21.7 lit/sec.
- c) Storage volume calculations, using computer modelling, which accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. The full range of modelling shall be provided.
- d) Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.
- e) Proposed ground and finished floor levels to Ordnance Datum shown on plan. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.
- f) Details of the surface water connection into the existing sewer.
- g) Details of the future management / maintenance of the proposed drainage scheme.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain it.

11 PROTECTED SPECIES

The development shall commence in accordance with the following measures to protect bats and mitigate for the loss of habitat -

- a) Prior to demolition of the building on site a final emergence and dawn survey shall be carried out to ensure bats are absent from the building. If bats are found then Natural England shall be contacted for further advice.

- b) Roof coverings and eaves boards shall be removed by hand.
- c) Details of what provision is to be made within the new buildings to replace the bat features lost through the demolition of the original structures shall be approved by the LPA prior to construction work commencing. The works shall occur in accordance with the approved details. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts and should at least replace or substitute for what is existing.

Reason: To take account of and enhance habitat for a protected species in accordance with Local Plan policies NE1, NE6 and NE7.

12 CONSTRUCTION MANAGEMENT

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 amenities of adjacent residents

13 CONSTRUCTION MANAGEMENT

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

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours

- where contractors will park
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

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

14 LAND CONTAMINATION

In the event that contamination is found at any time when carrying out the approved development, the findings shall be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment shall be

undertaken, and where remediation (clean-up) is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part 2A of the Environmental Protection Act 1990.

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

15 ELECTRIC VEHICLE CHARGING POINTS

Before the occupation of the development, three Electric Vehicle Recharging Points shall be provided in accordance with the approved site plan. Within 3 months of the first occupation of the respective accommodation, the Owner will submit to the Council for approval in writing an Electric Vehicle Recharging Point Maintenance Plan that will detail the maintenance, servicing and networking arrangements for each Electric Vehicle Recharging Point for a period of 25 years.

REASON: To promote and facilitate the uptake of electric vehicles / bikes / scooters on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

INFORMATIVE: Electric Vehicle Recharging Point means a free-standing, weatherproof, outdoor recharging unit for electric vehicles with the capacity to charge at both 3kw (13A) and 7kw (32A) that has sufficient enabling cabling to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point.

16 REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

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

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Development Order 1995), (or any Order revoking or re-enacting that Order), no fences, gates, walls or other means of enclosure shall be erected other than those which would be to the rear of plots 3-20.

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

17 PLANT & MACHINERY

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

Reason: to protect the amenity of neighbouring residents from noise.

18 Prior to first occupation of the hereby approved replacement Burnholme Social Club, the following highway works shall have been completed in accordance with drawing(s) which have been submitted to and approved in writing by the Local Planning Authority;

a) Provision of a pedestrian footpath on the Eastern side of Burnholme Avenue from the junction of Burnholme Drive to the vehicular access to the replacement Burnholme Social Club car park together with associated ancillary works as may be required including dropped kerbs and tactile paving.

Reason: In the interests of providing a safe means of access to the site by all modes of transport and to promote sustainable travel.

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: Pre-application meetings, the securing of revised plans and the use of planning conditions.

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

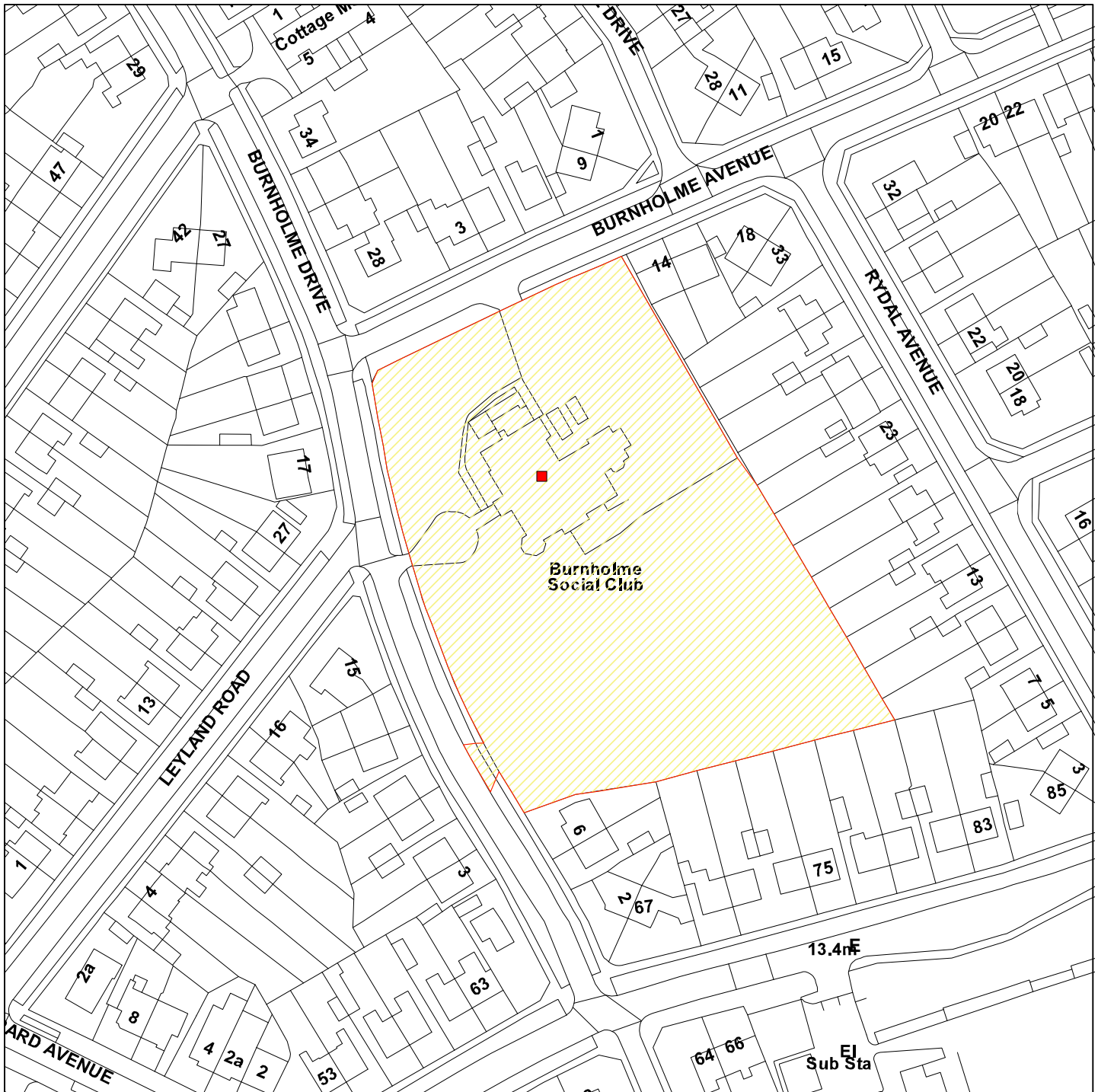
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Burnholme Social Club

13/01538/FULM



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CYHE2Development in historic locations
CYHE3Conservation Areas

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 No objections as the area outside is a turning area protected by parking restrictions. The doors should open into the site.

EXTERNAL

Guildhall Planning Panel

3.2 No objections but feel the doors should be made of a more traditional material such as wrought iron or timber

4.0 APPRAISAL

4.1 Key Issues

- Design
- Impact upon amenity
- Highway Safety

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. The framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. A principle set out in paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.3 Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. The NPPF states that there are three dimensions to sustainable development - an economic role, a social role and an environmental role. In considering proposals for new or improved residential accommodation, the benefits from meeting peoples housing needs and promoting the economy will be balanced against any negative impacts on the environment and neighbours' living conditions.

4.4 The 2005 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 content of the NPPF.

4.5 The relevant City of York Council Local Plan Policies are GP1, HE2 and HE3. Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.6 Policies HE2 'Development within Historic Locations' and HE3 'Conservation Areas' of the City of York Local Plan Deposit Draft are also relevant to this proposal. These policies expect proposals to maintain or enhance existing urban spaces, views, landmarks and other townscape elements and not to have an adverse effect on the character or appearance of the Conservation Area.

SCHEME

4.7 The existing high section of wall would be increased in width, using reclaimed bricks, and a 2.4m wide by 2.25m high opening would be created centrally. The remaining brick wall and railings would be retained. An area measuring 5.2m deep and 3.6m wide laid with Yorkshire Paving slabs would be created within the site. The proposed timber doors would open into the site.

AMENITY

4.8 It is considered that there would be no detrimental impact as a result of the proposed works. The highway to the front of the site has existing parking restrictions in place and as such the access would not be blocked or result in any conflict with other highway users. The proposed opening is considered to be of an acceptable design and materials that does not detract from the character of the conservation area or the setting of the listed building. The opening has been kept to a minimum and sits well within the confines of the boundary wall.

5.0 CONCLUSION

5.1 It is considered that the proposed creation of a vehicular access would not have any detrimental impact upon the character of the conservation area, neighbours amenity, highway safety or the setting of the listed building.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

Drawing number 744.006 Rev B received 19th July 2013

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

3 Prior to commencement of works, a 1m sq (or greater) sample panel of main walling brickwork shall be constructed on site for approval in writing and to be retained in situ for the duration of the works. The following shall also be provided for approval:

New bricks to make up shortfall

Brick coping, which shall exactly match existing detail

Bricks for proposed relieving arch

Mortar mix to be approved prior to commencement of works (attention is drawn to the consultation response from English Heritage suggesting a lime mortar)

Reason: To preserve the appearance of the listed building.

7.0 INFORMATIVES:

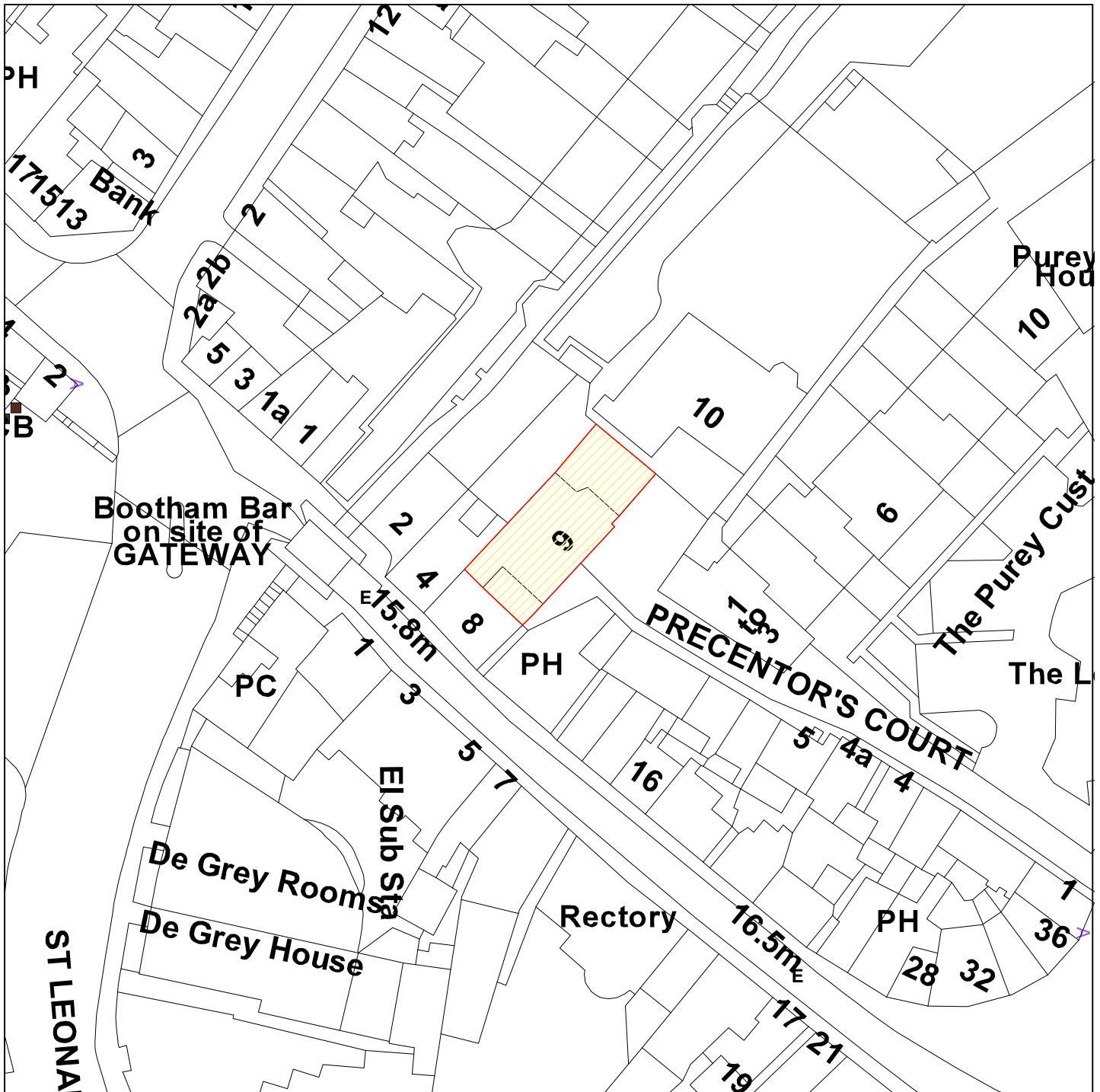
Contact details:

Author: Heather Fairy (Mon - Wed) Development Management Officer

Tel No: 01904 552217

9 Precentors Court

13/01547/FUL



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3.0 CONSULTATIONS

INTERNAL

Conservation, Design and Sustainable Development

3.1 The wall is attached to, and forms the front boundary wall of the garden to 9 Precentors Court, a house of early 18th century origin. It is listed grade II* as a building of special architectural or historic interest. The site is within a small enclosed court within the heart of the Central Historic Core conservation area. The rebuilding a limited section of the wall to form a vehicular access could be supported. The existing brickwork should be carefully taken down (this would have to be done by hand) and reused, bedded in a lime mortar. The larger bricks forming the curved wall end should be retained to re-create this feature. The existing railings should be retained and cut down to size.

EXTERNAL

Guildhall Planning Panel

3.2 No objections but feel the doors should be made of a more traditional material such as wrought iron or timber

English Heritage

3.3 No objections but recommend that the existing bricks are re-used where possible and lime mortar should be used. The remaining section of railings shall remain in situ.

4.0 APPRAISAL

KEY ISSUES

- Impact upon the special architectural and historic interest of the listed building.

4.1 The National Planning Policy Framework (NPPF), March 2012, sets out 12 core planning principles that should underpin both plan-making and decision-taking. Of particular relevance is that planning should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

4.2 The National Planning Policy Framework (NPPF), March 2012, Chapter 12, Paragraph 132 states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting.

4.3 The National Planning Policy Framework (NPPF) March 2012, Chapter 12 Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.4 Development Control Local Plan 2005. Policy CYHE4 states that with regard to listed buildings consent will only be granted for development in the immediate vicinity of, demolition, internal or external alterations, changes of use or for the erection of satellite antenna where there is no adverse effect on the character, appearance or setting of the listed building.

SCHEME

4.5 The existing high section of wall would be increased in width, using reclaimed bricks, and a 2.4m wide by 2.25m high opening would be created centrally. The remaining brick wall and railings would be retained. An area measuring 5.2m deep and 3.6m wide laid with Yorkshire Paving slabs would be created within the site. The proposed timber doors would open into the site.

ASSESSMENT

4.6 The proposed works would not appear to have any detrimental impact upon the architectural or historic interest of the listed building. The existing bricks will be retained and re-used in the reconstruction of the wall. Likewise the existing railings will also retained and reused within the narrow section of wall. The insertion of the larger doorway does not appear to have any detrimental impact upon the heritage asset of the listed building and subject to conditions appears acceptable.

5.0 CONCLUSION

5.1 The proposed works are not considered to detract from the special historic and architectural importance of the building. Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIMEL2 Development start within 3 yrs (LBC/CAC) -

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

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Drawing number 744.006 Rev B received 19th July 2013

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

3 The existing railings shall be retained and cut to fit the reduced width and made good

Reason: To preserve the appearance of the listed building.

4 Prior to any work commencing to demolish any part of the wall, the applicant shall take such steps and carry out such work as shall, during the progress of the works permitted by this consent, secure the safety and stability of that part of the wall which is to be retained.

Reason: To preserve the appearance of the listed building.

5 Prior to works commencing on site the extent of the demolition shall be defined on an elevation drawing. The demolition of this approved section of walling shall be carried out by hand and the materials retained for re-use.

Reason: To preserve the appearance of the listed building.

6 Prior to commencement of works, a 1m sq (or greater) sample panel of main walling brickwork shall be constructed on site for approval in writing and to be retained in situ for the duration of the works. The following shall also be provided for approval:

New bricks to make up shortfall

Brick coping, which shall exactly match existing detail

Bricks for proposed relieving arch

Mortar mix to be approved prior to commencement of works (attention is drawn to the consultation response from English Heritage suggesting a lime mortar)

Reason: To preserve the appearance of the listed building.

7 A 1:2 part horizontal cross section illustrating door frame section, position of door frame in relation to the thickness of the wall, and door cross section. The garage doors to be painted in a colour and finish to be approved

7.0 INFORMATIVES:

Contact details:

Author: Heather Fairy (Mon - Wed) Development Management Officer

Tel No: 01904 552217

Application Reference Number: 13/01560/LBC

Item No: 4e

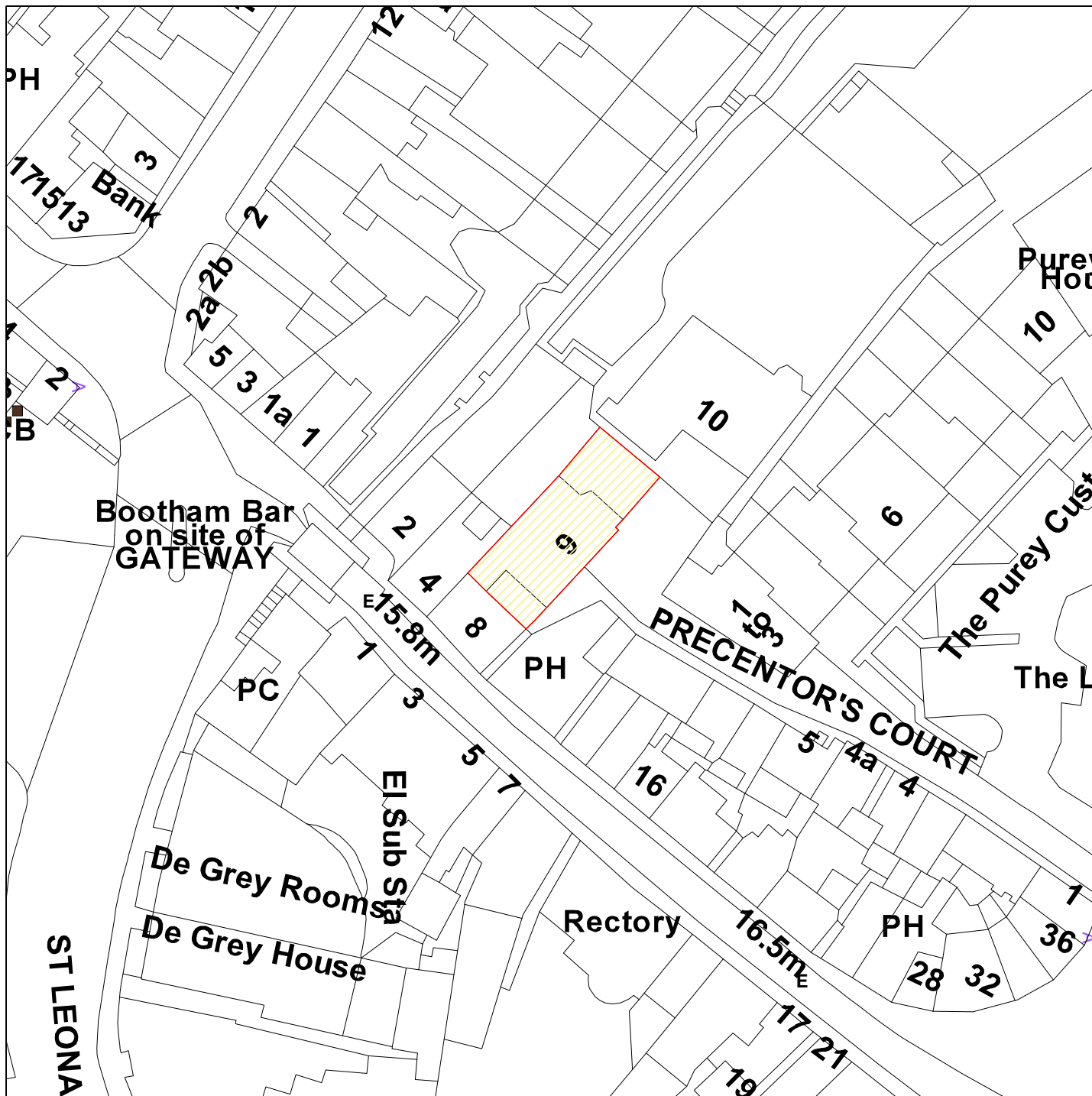
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9 Precentors Court

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COMMITTEE REPORT

Date: 8 August 2013 **Ward:** Huntington/New Earswick
Team: Major and Commercial Team **Parish:** Huntington Parish Council

Reference: 13/00982/FULM
Application at: Site of Yearsley Grove Hotel Huntington Road York YO31 9BY
For: Erection of 12 no. two storey dwellings
By: Moorside Developments Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 16 August 2013
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 The Yearsley Grove Hotel comprised a two storey brick and render built pub occupying a prominent location on the eastern side of Huntington Road adjacent to an area of open space at the junction with Yearsley Grove, to the north of the City Centre. The pub has been disused for a period of approximately three years and has recently been demolished. Planning permission is sought for the development of 12 two storey houses adopting a traditional architectural style, comprising 10 two and two three bedroom properties on the cleared site. The surrounding area comprises a broad mix of predominantly two storey brick built dwelling houses of recent construction together with Yearsley Grove to the north east which dates from the immediate Post War period.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001
DC Area Teams GMS Constraints: East Area (2) 0005
Schools GMS Constraints: Yearsley Grove Infant 0240

2.2 Policies:

CGP15A Development and Flood Risk
CYGP1 Design
CYGP4A Sustainability
CYL1C Provision of New Open Space in Development
CYH4A Housing Windfalls
CYL1B Loss of local leisure facilities

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CYGP3 Planning against crime

3.0 CONSULTATIONS

INTERNAL

Environmental Protection Unit

3.1 Raise no objection to the proposal subject to any permission being conditioned to require adequate measures being put in place to prevent gas migration from a former landfill site nearby.

Adults Children and Education Directorate

3.2 Raise no objection to the proposal.

Design, Conservation and Sustainable Development

3.3 Raise no objection to the proposal subject to any permission being conditioned to require details of how the development would meet the BREEAM Code for Sustainable Homes Level 3 and provide for a minimum of 10% of its energy needs by renewable means, to be submitted for further approval.

Strategic Flood Risk Management Team

3.4 Any views will be reported verbally at the meeting.

Highway Network Management

3.5 Any views will be reported verbally at the meeting.

Lifelong Learning and Leisure

3.6 Raise no objection to the proposal subject to a commuted sum payment being made in lieu of the provision of on-site open space.

EXTERNAL

Huntington Parish Council

3.7 Raise no objection to the proposal subject to additional traffic calming measures being put in place in respect of the adjacent highway and the recommendations of the Safer York Partnership being implemented.

The Foss (2008) Internal Drainage Board

3.8 Raise no objection to the proposal subject to any permission being conditioned to require a surface water drainage scheme be submitted for further approval.

Safer York Partnership

3.9 Raise no objection in principle to the proposal but raise concerns in respect of the need to properly gate the rear access way to the properties in the centre of the site, the need to provide adequate rear fencing to the adjacent property and the need to secure adequate visibility of the garages to be constructed at the north eastern edge of the site. Each of these items it is felt could be reserved for further approval by condition attached to any permission.

Publicity and Neighbour Notification

3.10 Three letters of representation have been received in respect of the proposal. Two support the proposed development as an enhancement of the wider street scene over and above the previous pub use. One letter however expresses concern in respect of the loss of the existing trees within the site.

4.0 APPRAISAL

KEY CONSIDERATIONS

4.1 KEY CONSIDERATIONS INCLUDE

- * Impact upon the visual amenity of the wider street scene;
- * Impact upon the residential amenity of neighbouring properties;
- * Sustainability of the proposal.

STATUS OF THE DRAFT LOCAL PLAN

4.2 The 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.

IMPACT UPON THE VISUAL AMENITY OF THE STREET SCENE

4.3 Policy H4a) of the York Development Control Local Plan sets a firm policy presumption in favour of new residential development on land not previously allocated where the site lies within the urban area and is vacant, derelict or underused and it involves infilling or re-development, the site has good accessibility to jobs and services by non-car modes of transport and it is of an appropriate scale and density to surrounding development.

The application site comprises a substantial plot occupying a prominent position on one of the principal arterial routes into the City Centre. It was formerly occupied by a pub and its ancillary structures dating from the late 19th Century. The scheme envisages the erection of 12 houses arranged in a series of short terraces with one block of six properties parallel to the small area of open space at the junction of Yearsley Grove and Huntington Road and the other two (one of two and one of four) lying parallel with Huntington Road. The former pub lay centrally within the site and was surrounded by substantial tarmac areas of hard-standing, together with being elevated relative to the area of open space directly to the north. This gave a rigidly formal and urban aspect to the local street scene which related poorly to the grain of development surrounding it, which whilst fairly dense and of recent construction adopts a uniform pattern of scale and massing. The site is particularly prominent in views looking to the south along Huntington Road across the area of open space at the junction with Yearsley Grove. The proposal adopts a traditional architectural style with a mix of brick and render together with the use of a uniform pattern of scale and massing. The scheme as proposed would blend in with the Birch Park development directly to the south and more closely still with the recently completed development to the west. Overall it is felt that the proposed development would represent an enhancement of the site and the wider street scene.

4.4 Concern has been expressed in relation to the loss of mature trees at the boundary of the site with the Birch Park development to the south. These consist of two groups, one mid-way along the southern boundary of the site and one at the south eastern boundary of the site and in close proximity to one of the adjacent properties within Birch Park. It is proposed to retain the principal grouping of trees in the central section of the boundary in order to soften views into the site from Birch Park. The tree at the south eastern corner of the site is in overall poor health and has a poor relationship both with the adjacent property in Birch Park and with the proposed southern terrace. It is therefore proposed to be removed. The submitted application details do indicate a degree of additional landscape planting forming part of the layout. It is recommended that further detail of this be conditioned as part of any permission.

4.5 The key visual relationships in terms of the site lie in relation to the Birch Park development to the south and the recent residential development to the west. The proposed layout would lie broadly parallel to and to the rear of the earlier development in Yearsley Grove to which it would appear complementary in longer distance views. The relationship of Plot 6 to 44 Yearsley Grove would to an extent appear awkward although as a consequence of the distance between this would not be such as to warrant refusal of permission. The terms of Policy H4a) of the Draft Local Plan can therefore be complied with.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES

4.6 Policy GP1 of the York Development Control Local Plan sets a firm policy presumption in favour of new development which respects or enhances the local environment, is of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area whilst ensuring that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. The development envisages the erection of a pattern of small regularly laid out terraces with modest front and rear gardens. Other residential development lies directly to the west across Huntington Road and to the south and south east with Birch Park, with rather older residential development to the north east in Yearsley Grove. A modest area of open space, laid down to grass lies directly to the north of the site at the junction of Yearsley Grove and Huntington Road. As a function of the density of development proposed along with the configuration of the site the distances between the principal living areas of the facing properties are close to the minimum acceptable. The proposed properties are laid out to respect Huntington Road with gables of the two southerly terraces facing properties in Birch Park to the south. The adjacent properties would be some 12.2 and 12.8 metres away at their closest points respectively. Both proposed properties contain stair landing windows in the gable ends which may give rise to an issue of overlooking of gardens in Birch Park. As both do not require to be conventionally glazed it is therefore recommended that any permission be conditioned to require that they be obscure glazed and non opening.

4.7 In terms of the relationship of the proposed eastern terrace with properties in Birch Park the properties sit within substantial rear gardens varying in length from 8.4 to 10.8 metres with garden lengths in the adjacent section of Birch Park of 12 to 13 metres. In view of the distances involved any impact in terms of loss of privacy and overlooking would be minimal and there would be little if any resulting loss of residential amenity.

4.8 In terms of relationships within the development plots 1 and 12 and 6 and 7 are in relatively close proximity. The frontage of plot 1 is some 12.8 metres from a high level gable window within plot 12. The window lights a stair landing rather than a principal living area any issue of overlooking and loss of privacy would therefore be minimal and there would be no real demonstrable loss of residential amenity. In terms of plots 6 and 7, a gable stair window in plot 7 would overlook the frontage of plot 6 at a distance of 12.6 metres. Providing any permission is conditioned to ensure that the window is obscure glazed and not capable of opening then any impact upon residential amenity should be reduced to an acceptable level.

4.9 The closest property in Yearsley Grove, No 44 lies approximately 20 metres away to the north east of Plot 6.

The relationship in terms of overlooking is not however a direct one with the principal windows on the rear elevation of Plot 6 overlooking the area of open space at the junction of Yearsley Grove with Huntington Road. The rear and west side elevations of 44 are also substantially sheltered at the site boundary by a belt of mature coniferous trees. The terms of Policy GP1 of the Draft Local Plan can therefore be complied with.

SUSTAINABILITY OF THE PROPOSAL

4.10 Central Government Planning Policy outlined in paragraph 17 "Core Planning Principles", of the NPPF urges Local Planning Authorities to encourage the effective use of land by using land that had previously been developed providing it is not of high environmental value. At the same time paragraph 49 of the NPPF urges Local Planning Authorities to consider applications for new housing in the context of the firm presumption in favour of sustainable development. The current proposal by virtue of making intensive use of the site of a former pub with a form of development compatible with the immediately surrounding area seeks to comply with these requirements. In addition to the use of previously developed land in accordance with the requirements of the NPPF the proposal makes active use of the area of open space to the north with access ways created on to it from the northern terrace of properties. Each terrace has been aligned to gain the maximum benefit from solar gain and the development lies adjacent to one of the principal public transport corridors into the City Centre as well as lying in close proximity to a network of cycle routes.

4.11 Policy GP4a) of the York Development Control Local Plan sets out a firm policy requirement for new proposals for commercial and residential development to demonstrate how they would adhere to the principles of sustainable development. Associated with this an Interim Policy on Sustainable Construction has been adopted. This requires that new residential developments of 10 properties or more should demonstrate being able to achieve a BREEAM Code for Sustainable Homes Level 3 and at the same time be able to provide for a minimum of 10% of their energy use by renewable sources. The applicant has not provided details of how these might be achieved although negotiations have been on-going and it is recommended that any permission be conditioned to ensure that these details are submitted for further prior approval.

OTHER ISSUES

4.12 Concern has been expressed in relation to a number of aspects of the design in terms of designing out crime. These notably include the need for the construction of substantial rear fences, the need to secure the rear access pathways by appropriate gating and the location of the block of garages designed to serve the northern terrace of properties. The issue of the use of appropriate boundary treatments and gating can be dealt with condition as part of any approval.

It is felt that whilst the block of garages may not be subject to direct surveillance themselves the approach to them is by plots 6 and 7 therefore any risk is felt to be acceptable.

4.13 The proposal falls to be assessed against Policy L1c) of the Draft Local Plan. This creates a requirement for the payment of a commuted sum in lieu of the provision of on-site open space of £17,392. This may be secured by means of a Unilateral Obligation.

4.14 Prior to demolition and clearance the Yearsley Grove Public House had been vacant and marketed unsuccessfully for a period of two years. Other alternative facilities exist along Huntington Road within a 20 minute walking distance.

5.0 CONCLUSION

5.1 The Yearsley Grove Public House comprised a substantial brick built late 19th Century Public House occupying a prominent location to the east of Huntington Road on the north eastern approach to the City Centre. Planning permission is sought for the erection of development of 12 houses with a mix of two and three bedroom properties on the cleared site adopting a traditional architectural metaphor. It is felt that the proposed layout would enhance the contribution of the site to the character and appearance of the wider street scene over and above the previous pub use. Whilst the distances with adjacent properties are closely they are felt to be broadly acceptable in terms of their impact upon residential amenity. Subject to any permission being appropriately conditioned to deal with issues arising from the density of development then any impact upon residential amenity is felt to be acceptable and the development is furthermore felt to comply with the sustainability requirements of the NPPF. The development is felt to be broadly acceptable in planning terms and approval is therefore recommended subject to the prior completion of a unilateral undertaking under s.106 of the Town and Country Planning Act 1990 for the payment of a commuted sum in lieu of the provision of on-site open space of £17,392.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

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

Drawing Refs: - SO27/11 2; SO27/11 3; SO27/11 4; SO27-11 6 Rev B. Date Stamped 25th April 2013.

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 VISQ4 Boundary details to be supplied -

5 DRAIN1 Drainage details to be agreed -

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

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

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted in the side elevations of the properties hereby authorised

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

8 NOISE7 Restricted hours of construction -

9 Prior to the commencement of the development hereby authorised: a) gas monitoring and/or a risk assessment shall be undertaken to assess landfill gas generation and migration. The findings shall be submitted to and approved in writing by the Local Planning Authority; b) based upon the results of the gas monitoring and/or risk assessment, the detailed design of a gas protection system shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reasons:- To ensure that risks from landfill gas to future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

10 Prior to the development hereby authorised being first occupied, a verification report that demonstrates the effectiveness of the gas protection system shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from landfill gas to future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other off site receptors.

11 Trees shown as being retained on the approved drawing SO27-11 Rev B 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.

12 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 other planting. 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.

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

Reason: In the interests of highway safety.

14 The parking and garaging shown on the approved plans shall be kept free of obstructions at all times so that they can be used for the primary purpose of parking motor vehicles and bicycles.

Reason: In order that cars, motor-cycles and bicycles can be parked off the public highway, in the interests of the safe and free flow of traffic.

15 HWAY31 No mud on highway during construction -

16 Fully detailed drawing illustrating the design and materials of roads, footpaths and other adoptable open spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the start of construction on site.

Reason: In the interests of highway safety.

17 The development shall not be first occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the verge and pavement to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

18 Prior to the commencement of the development hereby authorised full details of the proposed rear access gates to plots 1 to 6 together with a gate giving access to the pathway to the rear of plots 7 to 9 shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, material and means of locking and shall be implemented prior to the development hereby authorised being first occupied.

Reason: - To minimise opportunities for crime in the locality and to secure compliance with Policy GP3 of the York Development Control Local Plan.

19 The first floor stair landing windows to Plots 7, 10 and 11 shall be obscured glazed and fixed non-opening.

Reason: - To secure the residential amenity of neighbouring properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

20 Prior to the commencement of the development hereby authorised a detailed strategy outlining how a minimum of 10% of the energy requirements of the development shall be achieved by renewable means shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason: - To secure compliance with the Adopted Interim Planning Statement on Sustainable Design and Construction (IPS) (2007) and Policy GP4a) of the York Development Control Local Plan.

21 Prior to the commencement of the development hereby authorised a detailed statement outlining the manner in which the development will achieve a minimum standard of Code Level 3 within the BREEAM Code for Sustainable Homes at design, procurement and post construction phases shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason: - To comply with the Adopted Interim Planning Statement on Sustainable Design and Construction (IPS) (2007) and Policy GP4a) of the York Development Control Local Plan.

7.0 INFORMATIVES:

Notes to Applicant

1. 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

2. 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:

Details of how the proposed development would incorporate the principles of sustainable development.

Contact details:

Author: Erik Matthews Development Management Officer

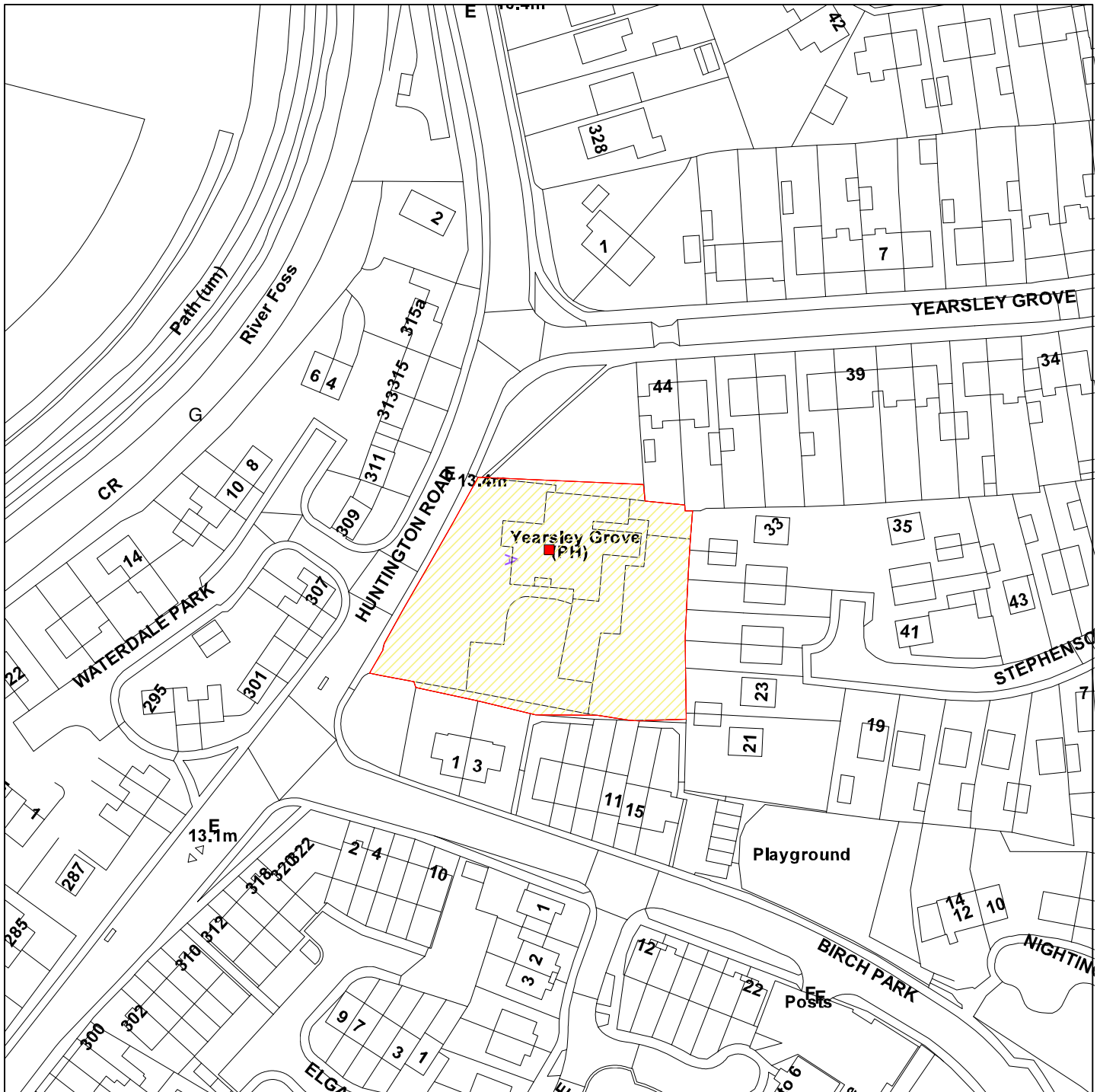
Tel No: 01904 551416

Yearsley Grove Hotel

13/00982/FULM



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	29 July 2013
SLA Number	Not Set

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COMMITTEE REPORT

Date: 8 August 2013 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
 Commercial Team

Reference: 13/01977/FUL
Application at: The Yorkshire Pantry 18 High Petergate York YO1 7EH
For: Change of use from shop (use class A1) to cafe/ restaurant
(use class A3)
By: Mr Andrew Simpson
Application Type: Full Application
Target Date: 26 August 2013
Recommendation: Approve

1.0 PROPOSAL

1.1 Planning permission is sought for the change of use of a Class A1 retail unit to a cafe /restaurant (Use Class A3) at 18 High Petergate, a Grade II listed building located within the Central Historic Core Conservation Area. The building is one of a terrace of four that are split between residential and retail usage. With probable fifteenth century origins, these buildings were reconstructed in 1905. Formerly occupied by the Yorkshire Pantry, an A1 retail unit selling packaged foods and speciality teas, the property is currently vacant.

1.2 The proposal would involve the use of the ground floor of the property as a cafe/restaurant with approximately 4 tables. The applicant confirms that 91% of the menu would consist of cold foods with the remaining 9% comprising soup and panini grills. Neither a kitchen extract nor external ducting would therefore be required.

1.3 This application seeks permission for the change of use of the unit only with no internal or external alterations proposed. There is an associated listed building application which seeks consent to repaint the shopfront a deep grey colour.

1.4 The proposed business is to be named the "Hollie Wood", which the applicant explains would be an intimate and inviting cafe styled around the Golden Age of Hollywood. Amongst its Deco and Regency inspired decor will be an array of original memorabilia on display from the MGM archive. The light food menu will consist of recipes and fresh baking (baked off the premises) sourced and inspired from 1930s and 1940s Hollywood and it is intended to serve York's finest Afternoon Tea. There would be ancillary retail sales of books, gift cards and memorabilia.

1.5 The planning history for 18 High Petergate reveals that prior to 2001 the building was used as a doctor's surgery.

It was then converted to an A1 retail unit and in 2003, permission was granted to change it to an A2 use. Since then the property reverted to an A1 use.

1.6 The application has been brought to Committee at the request of Cllr Watson due to concerns relating to the loss of retail space in the City Centre.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Listed Buildings: Grade 2; 16 High Petergate York YO1 2EH 0692

Listed Buildings: Grade 2; Maisonette 18 High Petergate York YO1 2EH 0693

2.2 Policies:

CYS5 Non-retail uses in shopping streets

CYHE3 Conservation Areas

CYS6 Control of food and drink (A3) uses

CYHE4 Listed Buildings

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

3.1 To determine on policy grounds. No physical changes shown to listed building.

EXTERNAL

Guildhall Planning Panel

3.2 Object. A change of use from retail to non retail would undermine the character of the street.

Third Party Representations

3.3 Eleven representations received supporting the proposal for the following reasons;

- (i) The business will enhance the area and bring a different type of visitor to York
- (ii) It will attract new business to the area.

(iii) The Hollie Wood offers the opportunity for a novel, original dining experience, while remaining committed to the streets atmosphere of independent business.

4.0 APPRAISAL

4.1 The key issues are:

- Vitality and viability of the city centre
- The amenity of surrounding occupants.
- Any impact on heritage assets - the listed building and the Central Historic Core conservation area.

The vitality and viability of the street and the city centre as a whole

4.2 The National Planning Policy Framework stipulates that local planning authorities should define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations. Restaurants / Cafes are classed as a main town centre use, which should be located in existing centres according to the National Planning Policy Framework.

4.3 The 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.

4.4 High Petergate is not a Primary Shopping Streets as identified by the City of York Deposit Development Control Local Plan (2005) and therefore Policy S5 is relevant. Policy S5 states that in shopping streets not defined as Primary Shopping Streets, planning permission will be granted for restaurants at ground floor level where this would not harm the vitality of individual streets or the vitality and viability of the City Centre as a whole.

4.5 The frontage of High Petergate includes 4 no. pubs and a hotel, 4 no. cafe/restaurants (Class A3), 2 no. estate agents(Class A2), 7 no. Retail shops (Class A1), the Christian Science Reading Rooms and the Vicarage associated with St. Wilfrids church. In addition to the application property, there are currently 2 No. vacant units.

4.6 It is considered that High Petergate exhibits a good mix of uses with the existing A3/A4 units well spaced out along both sides of the street and it is not considered that the change again from a retail use would harm the vitality and viability of High Petergate.

This is not a Primary Shopping Street and in accordance with the NPPF, the occupation of the premises would be considered to assist in boosting economic activity in a currently vacant property, in a street where there are two other vacant properties, in a sustainable location.

Neighbouring Amenity

4.7 Policy S6 states that planning permission for the extension, alteration or development of premises for food and drink uses will only be granted provided:

- There is no unacceptable impact on the amenities of surrounding occupiers as a result of traffic, noise, smell or litter.
- The opening hours are restricted where this is necessary to protect the amenity of surrounding occupiers.
- Car and cycle parking meets the standards defined in the Local Plan.
- Acceptable external flues and means of extraction have been proposed.
- Where security issues have been addressed.

4.8 Given the size of the premises, the amount of activity and established uses in the area and the fact that no extraction is required with the menu being limited in scope, it is not considered that the proposal would give rise to undue nuisance in terms of noise, smell or litter. The application proposes daytime hours only and consequently, in this City Centre location, this would not be considered to impact on neighbouring residential amenity.

4.9 There is a rear yard with a covered bin (and cycle) store and on the basis that the use is a cafe with predominantly sandwiches being sold, it is not considered that the storage of waste associated with this A3 use would be harmful to the historic and architectural importance of the listed building, and the character and appearance of the conservation area. The applicant states that waste will be transferred to the external bins at closing time and will be documented in their food management diary. This is to limit waste disposal once daily so as to avoid disruption to local residents

4.10 Litter would not be an issue as the application is for a café rather than a takeaway. With reference to cooking smells, a condition requiring no primary cooking of raw ingredients on the premises is recommended. This is for the reason that whilst the current limited hot food menu avoids the requirement for kitchen extraction and external ducting, should the tenant change or more cooking be proposed which requires an external extraction system, the applicant would need to demonstrate that this could be accommodated on the premises without causing harm to the character and appearance of the listed building and conservation area.

Impact on heritage assets

4.11 The site is listed and located within the Central Historic Core Conservation Area. Local Plan policy HE3 states that within Conservation Areas, proposals will only be permitted where there is no adverse effect on the character or appearance of the area and HE4 requires alterations to have no adverse effect on the character and appearance of the listed building.

4.12 No external alterations are currently proposed such that there would be no impact on the character or appearance of the conservation area at this stage. Any future alterations or new signage may require separate listed building consent, planning permission and or advertisement consent.

5.0 CONCLUSION

5.1 Officers do not consider that the proposal would cause harm to the vitality and viability of High Petergate and the wider city centre or to the character and appearance of the Conservation Area. Therefore the application for the change of use of 18 High Petergate is considered to accord with the National Planning Framework and Policies S5 and HE3 of the Local Plan. Approval is recommended subject to the following conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

Proposed Ground Floor Shop Plans received 28 June 2013

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

3 There shall be no primary cooking of raw ingredients on the premises unless otherwise approved in writing by the local planning authority.

Reason: To protect the amenity of the local residents as no kitchen extraction system is proposed and the local planning authority would need to be satisfied that this could be accommodated on the premises without causing harm to the character and appearance of the listed building and conservation area.

4 The cafe use shall be confined to the part of the building shown on the approved floor plan and shall not be open to customers outside the hours of 08:00

and 18:00 on Mondays to Saturdays and 10:00 and 18:00 on Sundays and Bank Holidays.

Reason: In the interests of the amenity of surrounding occupants.

**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) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

Contact details:

Author: Rachel Tyas Development Management Officer (Tues - Fri)

Tel No: 01904 551610

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Planning Committee

25th July 2013

Planning Sub Committee

8th August 2013

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 1st April to 30th June 2013, 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. For a number of recent years, until the publication of the National Planning Policy Framework in March 2012, appeals performance in York was close to (and usually better than) the national average. 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.
- 3 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 i.e. 1st April to 30th June 2013, and for the full year to 30th June.

Fig 1: CYC Planning Appeals Performance

	1/4/13 to 30/6/13 (Last Quarter)	1/7/12 to 30/6/13 (Last 12 months)
Allowed	1	21
Part Allowed	0	1
Dismissed	6	34
Total Decided	7	57
% Allowed	14.29	36.84
% Part Allowed	0	1.75
Withdrawn	0	1

Analysis

- 4 The table shows that between 1st April and 30th June 2013, a total of 7 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 1 was allowed. At 14.29%, the rate of appeals allowed is much lower than the national annual average of around 33%. By comparison, for the same period last year, 7 out of 13 appeals were allowed, i.e. 53.85%,
- 5 For the full year between 1st July 2012 and 31st June 2013, 36.84% of appeals decided were allowed, lower than the previously reported 12 month period of 43.55%.
- 6 The summaries of appeals determined since 1st April to 30th June are included at Annex A. Details as to whether the application was dealt with under delegated powers or Committee (and in those cases, the original officer recommendation) are included with each summary. Figure 2 below shows that in the period covered, 2 appeals determined related to applications refused by Committee. The first was an appeal against non determination of the application after it had been deferred from a Committee, and the other had been recommended for approval.
- 7 **Fig 2: Appeals Decided 1st April - 30th June 2013 following Refusal by Committee**

Ref No	Site	Proposal	Outcome	Officer Recomm.
12/02930/FUL	Market Garden Eastfield Lane, Dunnington	Agricultural building	Dismissed	Appeal against non-determination

12/03390/FUL	36 The Manor Beeches, Dunnington	Granny Annex and extensions	Dismissed	Approve
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- 8 The list of current appeals is attached at Annex B. There are 21 appeals lodged with the Planning Inspectorate. 17 are proposed to be dealt with by the Written Representation process (W), 1 by the householder procedure (H), 1 via an Informal Hearing and 2 by Public Inquiry (P).
- 9 The much higher percentage of appeals allowed soon after April 2012 had raised certain issues:-
- 10 As has previously been previously reported, the Council decided a proportion of the related applications prior to the publication of the National Planning Policy Framework. The presumption in favour of sustainable development in the NPPF development (and the interpretation of sustainable development) appears to have been a significant factor in consideration of appeals. However since the initial impact of the NPPF on appeal outcomes, CYC performance has continued 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. The current 12 month performance at 36.84% is moving back towards the previous national benchmark figure of 33% allowed. Furthermore in the 6 months to 30th June, only 7 out of 24 appeals were allowed i.e. 29.17%.
- 11 Inspectors have continued to highlight the need for a strong evidence base to demonstrate significant harm will result from a development before it should be refused. The NPPF states refusal is a last resort and that every effort should be made to work with developers to look for solutions to planning problems, and that Councils should look for reasons for approving development rather than reasons for refusal.
- 12 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 Draft Local Plan Policy.
 - ii) Officers are ensuring that 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. From the applicants' perspective, an approval after 9 or 10 weeks following amendments is preferable to a refusal before 8 weeks and then a

resubmission or appeal process. This approach has improved customer satisfaction and speeded up the development process overall, but has affected the Council's performance against the national application targets. Nevertheless, CYC planning application performance currently remains above the national performance indicators for Major, Minor and Other application categories.

ii). Additional scrutiny is being afforded to appeal evidence to ensure arguments are well documented, researched and argued.

Consultation

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

Council Plan

- 14 The report is most relevant to the "Building Stronger Communities" and "Protecting the Environment" strands of the Council Plan.

Implications

- 15 Financial – There are no financial implications directly arising from the report.
- 16 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.
- 17 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 18 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

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

Recommendation

- 20 That Members note the content of this report.

Reason

- 21 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

Author:

Jonathan Carr,
Head of Development
Management,
Directorate of City Strategy

**Chief Officer Responsible for the
report:**

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

01904 551303

**Report
Approved**



Date

16th July
2013

Specialist Implications Officer(s) None.

Wards Affected:

All Y

For further information please contact the author of the report.

Annexes

**Annex A – Summaries of Appeals Determined between 1st April
and 30th June 2013**

Annex B – Outstanding Appeals at 15th July 2013

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Appeal Summaries for Cases Determined 01/04/2013 to 30/06/2013

Application No: 12/02421/LBC
Appeal by: Miss Kate Holden
Proposal: Replace existing advertising posters with 2 no. digital advertising units in the outer concourse
Address: Railway Station Station Road York

Decision Level: DEL
Outcome: ALLOW

The appeal related to erection of two digital LED-illuminated 'six-sheet' signboards set within steel frames and supported on steel legs within the outer concourse of the station, and the removal of a range of wall-mounted signboards together with a high-level banner sign. The application was refused as it was considered the boards, to be placed on opposite sides of the concourse, would be too bulky and detrimentally affect the appearance and character of the concourse. The inspector concluded that the location of the signs adjacent to modern openings at either side of the space would not however be harmful provided there was a restriction on the brightness of the displays to further ensure the signs would not be 'stark, intrusive or unduly assertive' as had been argued by the Council. The removal of existing signs would result in a tidier appearance to the station. He stated the signs would be an 'appropriate contemporary response using modern materials and technology which would serve to preserve the special architectural and historic interest of this listed building'.

Application No: 12/02674/FUL
Appeal by: Mr And Mrs M Walker
Proposal: Erection of 3no. two-storey houses
Address: Holly Corner 52 North Lane Haxby York YO32 3JP

Decision Level: DEL
Outcome: DISMIS

The application was for three dwellings within the garden to the side of 52 North Lane, with access to North Lane. The appeal was dismissed. The Inspector agreed with the Council regarding the starkness of the side elevation to both plots, that it would result in a significant and uncomfortable prominence in the streetscene and would result in harm to the conservation area and the streetscene. The Inspector also concluded that the impact of Plot 1 on 52 North Lane would have an unacceptable impact to the residential amenity of the occupants of the host dwelling. The Inspector gave little weight to the parking area that was too small to accommodate turning cars and the lack of drainage information, he considered that if the scheme was considered reasonable that these issues could have been overcome.

Application No: 12/02745/FUL
Appeal by: Planusual Projects Ltd
Proposal: Change of use from dwelling house (Use Class C3) to 7 bedroom house in multiple occupation
Address: 224 Melrosegate York YO10 3SW

Decision Level: DEL

Outcome: DISMIS

The application related to a proposal to change the use of a detached property from a 5 bedroom dwelling to a 7 bedroom HMO at 226 Melrosegate. It should be noted that there were no neighbour objections to the proposal and the property was located on a relatively busy road. The application was refused for the following reason: The Council's records indicate that within 100m of the house 19.2 percent of the properties are already in use as Houses in Multiple Occupation (HMO). The Council's Approved Supplementary Planning Document (SPD) Controlling the Concentration of Houses in Multiple Occupation (HMO) states (paragraph 5.7) that permission for additional HMO uses will only be granted where less than 10 percent of properties within 100m of the site are shared houses. A further HMO would be likely to have a detrimental impact on the character of the area. As such to allow the proposal would be contrary to Development Control Local Plan policy H8 (Conversions), the Council's Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document (April 2012) and also paragraph 50 of the National Planning Policy Framework (NPPF) which advocates the creation of sustainable, inclusive and mixed communities. The Inspector dismissed the appeal. In doing so he gave considerable weight to the approved SPD which he stated had a sensible and pragmatic approach to meeting the objectives of paragraph 50 of the NPPF. He concluded that to allow the proposal that runs counter to an objective that has been subject of very recent consultation would undermine the Council's position for the future.

Application No: 12/02930/FUL
Appeal by: Mr Tim Graves
Proposal: Agricultural building
Address: The Market Garden Eastfield Lane Dunnington York YO19 5ND
Decision Level: COMM
Outcome: DISMIS

The application relates to a site with a long and complicated planning history stretching back into Selby District Council days. It lies in a visually prominent location close to residential development within the Green Belt to the north east of Dunnington village. The applicant applied for permission to erect a substantial open sided barn to house straw for his pig breeding operation , in a particularly prominent portion of the site. Providing it could be demonstrated as having a functional agricultural need and not harmful to the openness of the Green Belt it would constitute appropriate development in terms of the NPPF and the Draft Local Plan. Consideration of the proposal was deferred from Committee when it became clear that a computer failure had inadvertently closed the consultation period on the proposal early. Notwithstanding that the recommendation was to approve the applicant decided to appeal non-determination three days before it was due to be re-considered by Committee. After due deliberation and in view of a lack of information on how the barn related to the agricultural operation Members decided to overturn the recommendation raising concerns in respect of lack of evidence of functional need and impact upon openness, when giving their view for on-ward submission to the Inspectorate. The Inspector duly assessed the proposal and dismissed the appeal highlighting the applicant's refusal to divulge any information in respect of the nature of the agricultural operation at the site.

Application No: 12/03111/ADV
Appeal by: Brighthouse
Proposal: Display of internally illuminated fascia sign and externally illuminated hanging sign
Address: Multiyork Furniture Ltd 15 Piccadilly York YO1 9PB

Decision Level: DEL

Outcome: DISMIS

Application was refused on the basis that 'the fascia sign and hanging sign when viewed within the context of existing signage and the neighbouring Grade 1 listed building harm the visual amenity of the area and are unsympathetic to the historic character of the adjacent site'. The refusal also stated 'The illuminated fascia lettering is overly large, unsympathetic, and unduly strident on the deep white fascia panel. The scale and the proposed illumination of the presently large hanging sign is at odds with neighbouring hanging signs and similarly has an adverse impact on the character and appearance of the conservation area and the visually important street setting of the adjacent Grade 1, Merchant Adventurers Hall.'The Inspector agreed with this positions, stating the fascia sign height and coverage of the lettering on the fascia sign appears to be much greater than that of the neighbouring advertisements contrasting white fascia with bright red and yellow illuminated letters only. He stated that the low position of the sign succeeded in accentuating the visual impact and size of the fascia lettering. Although the projecting sign was similar in size to adjacent ones than existing projecting sign he considered it to be visually intrusive particularly in relation to the setting of the Merchant Adventurers Hall and so failed to preserve the setting of the listed building. He was not persuaded that removal of illumination would overcome the concerns over the size of the hanging sign.

Application No: 12/03390/FUL
Appeal by: Mr & Mrs Jawad Kadhim
Proposal: Two storey granny annex to side and single storey side and rear extension
Address: 36 The Manor Beeches Dunnington York YO19 5PX

Decision Level: CMV

Outcome: DISMIS

This application was to erect a two-storey side extension and single storey rear extension which was recommended for approval. The East Area Planning sub-Committee refused the application because of the oppressive and overbearing impact on the adjacent neighbour at 38 Manor Beeches. The inspector dismissed the appeal on the basis that the area would be significantly harmed by the presence of the extension, which would be overbearing, oppressive and unneighbourly. The result would be unacceptably harmful to the living conditions which the occupants of that property can reasonably expect to enjoy.

Application No: 12/03776/FUL
Appeal by: Mr Nik Malloy
Proposal: Two storey side and single storey rear extensions
Address: 1 Foxthorn Paddock York YO10 5HJ

Decision Level: DEL

Outcome: DISMIS

The appeal related to a 2x storey side extension and single storey rear extension which would be built up to the rear boundary of the property at 71 Yarburgh Way. This property is located on the corner of Foxthorn Paddock and Yarburgh Way and hosts a double storey extension on the opposite boundary to the applicant site, which has increased the amount of windows over looking the rear garden. The application was refused on the basis that the size and scale of the extension would appear oppressive and overbearing when viewed from the rear garden of (no71). There was various correspondence with the applicant and agent with regards to revising the original submission due to the potential impact on the neighbour at (71). However, the applicant did not accept the options provided by the planning department to reduce the height and width of the extension to a degree that would overcome the impact at (no71). The inspector agreed with the CYC decision and confirmed that regardless of the extension at (No 71) the application would affect such a large part of the garden as well as windows in the original part of the dwelling and dismissed the appeal.

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

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Outstanding appeals

Officer: Andy Blain						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
05/10/2011	11/00044/EN	APP/C2741/F/11/2160562	W	91 Micklegate York YO1 6LE	Appeal against Enforcement Notice	
Officer: Diane Cragg						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
12/05/2013	13/00021/REF	APP/C2741/A/13/2198026	W	40 Fordlands Road York YO19 4QG	Dormer bungalow to rear	
Officer: Erik Matthews						Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
02/04/2013	13/00013/REF	APP/C2741/A/13/2195044	W	65 Wycliffe Avenue York YO10 3RH	Erection of single storey 3 bedroom self-contained student dwelling to the rear	
21/03/2013	13/00012/CON	APP/C2741/A/13/2194305	W	Manor Farm Intake Lane Acaaster Malbis York YO23	Change of Use of three agricultural buildings to light industrial (Class B1c) and installation of portable office building (retrospective) and (Proposed) Change of Use of 1 agricultural building to light industrial (class B1c), and installation of second portable office building.	
Officer: Esther Priestley						Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
09/05/2013	13/00019/TPO	APP/TPO/C2741/3211	W	11 Belvoir Avenue Elvington York YO41 4DS	Fell Horsechestnut Trees (T1, T2), Trees protected y Tree Preservation Order 4-1992	
19/04/2013	13/00017/TPO	APP/TPO/C2741/3192	W	18 Ropers Court Copmanthorpe York YO23	Crown reduce by 30% (T1) Tree Preservation Order 2/1972	
Officer: Gareth Arnold						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
04/06/2013	13/00022/EN	APP/C2741/C/13/2199211	P	1 Grays Court York YO1 7JH	Appeal against Enforcement Notice dated 24 April 2013	

Officer: Jonathan Kenyon					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
21/03/2013	13/00011/REF	APP/C2741/A/13/2191767	I	Land Between Sports Field And Westview Close York	Erection of 8no. dwellings and associated infrastructure
Officer: Kevin O'Connell					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
27/02/2012	12/00009/REF	APP/C2741/X/12/2170664	W	2 St Aubyns Place York YO24 1EQ	Use of property as a House in Multiple Occupation
Officer: Matthew Parkinson					Total number of appeals: 6
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
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
01/10/2012	12/00061/EN	APP/C2741/C/12/2184900	W	18 Feversham Crescent York YO31 8HQ	Appeal against Enforcement Notice dated 31 August 2012
18/04/2013	13/00018/EN	APP/C2741/C/13/2196724	W	OS Field 8138 Narrow Lane Wigginton York	Appeal against Enforcement Notice dated 27 March 2013
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
28/02/2013	13/00008/EN	APP/C2741/C/13/2193156	W	Flat C 2 Marlborough Grove York YO10 4AY	Appeal against Enforcement Notice Dormer to rear see 13/00007/EN
25/02/2013	13/00007/EN	APP/C2741/C/13/2193157	W	Flat C 2 Marlborough Grove York YO10 4AY	Appeal against Enforcement Notice dated 15 January 2013
Officer: Paul Edwards					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
21/03/2013	13/00010/REF	APP/C2741/A/13/2194388	W	80 Marygate York YO30 7BH	Part demolition of existing rear extensions and erection of three storey rear extension including creation of roof terrace (Resubmission)

Officer: Rachel Tyas					Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
05/02/2013	13/00016/REF	APP/C2741/A/13/2192153	W	Lucia Bar And Grill 9 - 13 Swinegate Court East	Variation of condition 5 of planning permission 12/01910/FUL for restaurant/bar to extend opening hours to allow premises to open until 02:00 every day
05/02/2013	13/00005/CON	APP/C2741/A/13/2192153	W	Lucia Bar And Grill 9 - 13 Swinegate Court East	Change of use to mixed use ground floor restaurant and first floor bar (retrospective)
Officer: Sharon Jackson					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
25/06/2013	13/00023/REF	APP/C2741/D/13/2200100	H	144 Fulford Road York YO10 4BE	Single storey rear extension
Officer: Tim Goodall					Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
15/03/2013	13/00009/EN	APP/C2741/C/13/2194657	W	87 Newland Park Drive York YO10 3HR	Appeal against Enforcement Notice dated 6 February 2013
02/07/2013	13/00024/EN	APP/C2741/C/13/2201065	W	34 Claremont Terrace York YO31 7EJ	Appeal against
Total number of appeals: 21					

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