



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:** Wednesday, 9 October 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 Tuesday 8 October 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 Monday 7 October 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. Exclusion of Press and Public

To consider excluding the public and press from the meeting during consideration of annexes to agenda item 7 on the grounds that these are classed as exempt under Paragraphs 1,2 and 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

3. Minutes (Pages 5 - 24)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on Thursday 5 September 2013.

4. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **Tuesday 8 October 2013 at 5.00 pm.**

5. Plans List

To determine the following planning applications:

a) Harlestone, 14 York Road, Strensall, York. YO32 5UN [13/02383/FUL] (Pages 25 - 44)

Erection of dormer bungalow to rear (resubmission). *[Strensall]*
[Site Visit]

b) Fulford Grange, Grange Garth, York. YO10 4BS [13/02757/FUL] (Pages 45 - 54)

Single storey extension to northern elevation and conservatory to southern elevation of existing annexe within the grounds of Fulford Grange. *[Fishergate]* **[Site Visit]**

c) 40 Tranby Avenue, Osbaldwick, York. YO10 3NB [13/02931/FUL] (Pages 55 - 64)

Change of use from dwelling house (Use Class C3) to house in multiple occupation (Use Class C4) with single storey side extension and erection of cycle/bin store (resubmission).
[Osobaldwick] **[Site Visit]**

6. Appeals Performance and Decision Summaries (Pages 65 - 82)

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 July to 30th September 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.

7. Enforcement Cases Update (Pages 83 - 396)

Members will consider a report which provides a continuing quarterly update on the number of enforcement cases currently outstanding.

If Members have any specific queries or questions regarding enforcement cases, please e-mail or telephone Andy Blain or Matthew Parkinson by **5pm on Tuesday 8 October 2013** if possible so that Officers can bring any necessary information to the meeting.

8. 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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- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

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Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the 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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AREA PLANNING SUB COMMITTEE

SITE VISITS

Tuesday 8 October 2013

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

TIME (Approx)	SITE	ITEM
10.20	Harlestone 14 York Road, Strensall	5a)
11.00	40 Tranby Avenue	5c)
11.30	Fulford Grange, Grange Garth	5b)

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	5 September 2013
Present	Councillors McIlveen (Chair), Gillies (Vice-Chair), Douglas, Watson, Semlyen, Looker, Fitzpatrick, Galvin, Cuthbertson, Hyman and Warters

Site Visited	Attended by	Reason for Visit
Former Civic Amenity Site, Beckfield Lane	Councillors Cuthbertson Douglas, Fitzpatrick, Gillies, Hyman, McIlveen, Warters and Watson.	As objections had been received and the Officer's recommendation was to approve.
Wills and Ellis Garage, Boroughbridge Road	Councillors Cuthbertson Douglas, Fitzpatrick, Gillies, Hyman, McIlveen, Warters and Watson.	As objections had been received and the Officer's recommendation was to approve.
Great Outdoors, Stirling Road	Councillors Cuthbertson Douglas, Fitzpatrick, Gillies, Hyman, McIlveen, Warters and Watson.	As objections had been received and the Officer's recommendation was to approve.

18. Declarations of Interest

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

19. Minutes

Resolved: That the minutes of the meeting of the Area Planning Sub-Committee held on 8 August 2013 be approved and signed by the Chair as a correct record.

20. 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.

21. 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.

21a) 1 Foxthorn Paddock, York, YO10 5HJ (13/01327/FUL)

Members considered a full application by Mr N Malloy for a two storey side and single storey rear extensions.

Officers provided an update on the application. They reported that a written representation had been received from Cllr Barnes who had called in the original application which was deferred at the meeting on 8 August as Members wished to see a detailed shadow study before making a decision. In his written representation he asked the committee to ensure they had seen the comments on shadowing provided by Ormonde Architects and considered the oral representation to be made by Saad Ali of 71 Yarburgh Way and the written representation of Stephanie Leeman, another neighbour, all of which cast doubt on the shadow reports submitted by the applicant and raised the following concerns:

- The drawings were not accurate in their massing and appear to present misleading information.

- Reference to the BRE document “ Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice” part of which discusses the impact of badly planned developments.
- The reduction of overall depth of the extension does not in fact reduce the loss of light or overshadowing of the main living spaces.

His written representation drew Members attention to the two key aspects of the planning inspectors original refusal to uphold the applicants appeal (i.e. excessive size of the extension and resulting shadowing), and expressed the opinion that the resubmission still did not address these points so asked them not to approve the application.

A copy of a written representation submitted by Duncan Macleman or Ormonde Architects was also circulated to Members. This reiterated the concerns of Dr Ali as well as expressing concern regarding the lack of information on health and safety concerns raised with regard to the construction.

The Development Management Team Leader presented the results of the detailed shadow study, which had been submitted on behalf of the applicant by David Chapman Associates. This included 3D images showing the existing and proposed shadow pattern incorporating the proposed extension in terms of its impact on the closest neighbours. He explained that the most significant overshadowing occurred as the sun passes between the corridor between the two properties. He advised Members that this only provided a snapshot, and was only an aid to decision making. If Members were satisfied that the shadow study illustrated that the degree of overshadowing was satisfactory, they must then consider the issue of over dominance.

Representations were received from Leonardo Ali (on behalf of Dr Saad Ali). He stated that the reduced scale did not alleviate the reasons for the original refusal of the application and that the design and overshadowing caused by the planned extension would still reduce the amenity to his property. Furthermore he stated that the revised design conflicted with National Planning Framework and he raised concerns regarding health and safety during construction of the extension.

Representations were received from Colin Malloy, the applicant. He advised the Committee that the shadow report had been

submitted as requested and had been reviewed by Sharon Jackson, Development Management Assistant who had stated in her report that the extension would not harm the living conditions of nearby neighbours. He explained that the shadow report confirmed that any additional overshadowing caused by the extension would be confined to early morning and later on in the day it cast a shadow over his own garden. He assured Members that this report was accurate. With regards to concerns raised regarding safety during the construction, he advised Members that scaffolding would be erected on the inside of the new wall on his own land.

Members accepted that the main outstanding issue was that of overshadowing and agreed that the shadow report proved that the main impact of any overshadowing would be to the applicant himself and that the degree of overshadowing to the neighbouring property was not as extreme as Members had feared.

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

Reason: It was considered that the proposal would not unduly harm the living conditions of nearby neighbours at 71 Yarburgh Way and 6 Hesketh Bank, with particular reference to overdominance and overshadowing, or appear incongruous in the street scene.

**21b) Former Civic Amenity Site, Beckfield Lane, York
(13/01833/FULM)**

Members considered a full major application by City of York Council for the erection of 18 dwelling houses and nine apartments with associated works following demolition of existing buildings.

Officers provided a verbal update on the application. They reported that five further objections had been received from residents, the majority of which re-iterated concerns already expressed and included on the agenda. The main concerns related to the lack of on-site parking, the impact of additional parking and congestion in Old School Walk, particularly when the adjacent sports pitches were in use, the design of the

houses being out of keeping, and the proximity of unit 8 to the adjacent property to the south. An email had been received from the Ward Councillor, Tracey Simpson-Laing, requesting that parking restrictions and traffic calming measures be introduced in Old School Walk.

Officers reported that the Council's drainage engineers were satisfied that the site could be adequately drained using standard storage and attenuation methods. This could be covered by condition. The only outstanding issue was the decommissioning of the existing sewers on the site, which would require a separate agreement with Yorkshire water. As this was an entirely separate issue to the planning application, officers requested that the recommendation be changed from "delegated authority to approve" to "approve". A condition was also recommended to control additional windows being inserted in certain properties in order to protect the amenity and living conditions of neighbours.

Members asked that the applicant set an example and be requested to reuse as much of the existing materials as possible such as the pan tiles, old brick as rubble etc.

In response to a query from Members, the Council's Senior Flood Risk Engineer explained how the drainage scheme would work. He stated that the drainage scheme submitted by the applicant showed that they could achieve the necessary reduction in discharge rates through on site storage of surface water.

Members questioned whether discussion had taken place regarding the replanting of the existing yew tree at the front of the site. Officers advised they had liaised with the landscape architect who had raised concerns that if it was dug up, it could cause damage to the roots of the two adjacent large trees, but agreed they would look at the options further.

Representations were received from Robert Petyt, a neighbour living at 13 Turnberry Drive in objection to the application. He stated that he was not against development on the site but expressed the view that the proposals needed further changes due to the following concerns:

- proximity of unit 8 to his property. This is the smallest distance between the development and any of the existing

houses and it relates to the tallest property on the development.

- The development would cover 90% of the rear of his garden and would create a shadow and unpleasant outlook - this would have a negative effect on family life and affect the value of the property.
- Traffic on Beckfield Lane is very busy at times, particularly around the shops and when football matches take place. With additional housing and insufficient parking, this situation would get worse.

Representations were received from Mr Jordan Gill, the architect and agent, in support of the application. He made the following comments:

- Access from Old School Walk rather than Beckfield Lane had been agreed at pre-application submission stage through consultation with highways. The junction had been assessed and deemed adequate.
- Traffic regulations and traffic calming measures would control traffic speed and parking on the street.
- A public event had been held which provided local residents with information on the design of the development. A decision had subsequently been taken to reduce the number of properties by one.
- The final scheme represents a collaborative design with considerable input from all stakeholders.

Councillor Simpson Laing spoke in support of the application in her role as Ward Councillor for Acomb and Cabinet Member for Health, Housing and Adult Social Services. She made the following points:

- The site had been identified as a housing site a long time ago – pleased to see application for housing development
- The mix of properties were in line with the needs of the waiting list and follow policy guidelines
- Double yellow lines and other traffic regulations would control traffic and parking concerns. She suggested that chicanes were considered as traffic goes quite quickly down Old School Lane.
- The football club has a travel plan in place – she suggested officers contact the football club re parking arrangements on match days.

- These are the first council houses to actually be built by City of York Council.

Members discussed the following issues:

- Concerns over the limited parking available at the junior football club at the end of Old School Walk which leads to parking on the street when matches are played. Members acknowledged the need to find a solution to football club parking and the need for additional traffic regulations on the street.
- In response to question as to why the existing entrance from Beckfield Lane had been discounted in favour of an entrance from Old School Walk (bearing in mind that this the entrance to Old School Walk is opposite the shops and next to a pedestrian crossing) highway officers advised that this was considered better in terms of urban design and considered suitable as traffic generated would be very light. Furthermore the Old School Walk/Beckfield Lane junction offered adequate visibility in accordance with national guidance.
- Drainage – Members took into account information provided by officers in response to concerns raised.
- Members sought clarification on the distances between the existing houses and the proposed properties, in particular 13 Turnberry drive and unit 8 and considered the effect on residential amenity.
- Members requested that the condition controlling the insertion of new windows opening be extended to the whole development, to protect the privacy of neighbours.

Members accepted the need for additional housing, including affordable housing, in the city.

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

Additional Condition

Development shall not begin until details of foul and surface water drainage works have been submitted

to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

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

Additional condition

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 any of the dwellings to which this consent relates

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

Reason: The proposed development would deliver housing, including affordable housing which was the type and need required in the city. The site was suitable for housing and the scheme was acceptable on design grounds. The proposal would introduce a mixed residential scheme in a sustainable location. There would be no adverse effect on highway safety or the amenity of surrounding residents.

**21c) Great Outdoors, Stirling Road, York, YO30 4XY
(13/01670/FULM)**

Members considered a major full application by Mr David Anderson for a change of use from non food retail (use class A1) to a commercial gym (use class D2) and alterations to existing car park.

Representations were received from Mr Neil Stanton, Operations Director for Roko Health clubs, in objection to the application. He raised the following concerns:

- the proposed levels of vehicle and cycle parking were not sufficient for the projected numbers of customers.
- The bus service information in the report was misleading. The number 6 service stops too far away from the site and the number 20 service finishes at 6pm and does not operate on Sundays.

- Trip data had not been considered.
- There were no parking restrictions on the road itself, so if the car park was full, cars would spill out onto the road causing a potential hazard.

Representations were received from local resident Terry Kettle in objection to the application. He raised concerns regarding traffic volumes in the area and the number of other health clubs in the vicinity and made the following points:

- Traffic around Clifton Moor was already horrendous at peak times. This use would further exacerbate the problem.
- There were already three other health clubs in the vicinity – Roko (approx 50 yards away), Fitness First (approx 100 yards away) and Atlanta Gym (approx 200-300 yards away) – it was ridiculous that another health club was opening up so close.

Representations were received from Gerard Sweeney, a planning consultant and agent for the application. He advised Members that the gym would operate on a “no contract” basis. Members would pay per month and their membership would be renewable monthly. Therefore if members found problems with the parking they could chose not to renew their membership. With regard to other health clubs in the area, he advised Members that this was purely a gym and studio- with no pool, sauna, steam room facilities or cafe. This therefore provided a different offer to other gyms nearby.

Highways officers confirmed that the applicant had submitted a projected level of membership and their views had been based on these figures which envisaged that there would be approximately 100 members using the venue at any time. The parking provision was considered adequate for the projected level of usage.

Members noted that customer use would be spread throughout the day rather than all being on the premises at once, and that highways had commented and were happy with the proposals based on the projected numbers of customers. They acknowledged that the number of nearby gyms was an issue of commercial competition and not a planning issue which they could consider.

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

Reason: The building to which the application relates was initially constructed in the late 1990s as a night club. Planning permission had been sought for change of use of the building from its most recent use as a retail unit selling outdoor clothing and camping gear to a gym (Use Class D2). A sequential assessment had been submitted which clearly demonstrated that other more appropriate sites did not exist within or within the environs of the City Centre. At the same time despite concerns in respect of over-concentration of similar uses in the vicinity there was no evidence of a particular issue and it was not the role of the planning system to intervene in issues of commercial competition. Additional car and cycle parking would be provided within the adopted maximum standards and there was no evidence that this would not be sufficient to cater for the needs of the proposed use. A Transport Statement had been submitted which demonstrated that any increase in traffic flows to and from the site would not cause demonstrable harm to other road users in the locality. The proposal was therefore considered to be acceptable in planning terms.

21d) Wills and Ellis Garage, Boroughbridge Road, York, YO26 6QD (13/02439/OUT)

Members considered an outline application by Skelwith Group for the demolition of existing buildings and erection of replacement petrol station with shop and drive-thru restaurant with associated parking and access.

A copy of a letter from Langley's Solicitors, sent on behalf of the owner of one of the two houses immediately adjacent to the application site raising objections to the application, was circulated to Members of the Committee. A copy of a response to this letter from ID Planning on behalf of the applicant, was also circulated to Members.

Officers provided an update on the application. They advised that a Flood Risk Assessment had now been received in response to concerns relating to the level of information in

respect of surface water drainage submitted with the proposal. They noted that the application site lies within Flood Zone 1 which has the lowest defined risk of flooding and is defined within Environment Agency guidance as being for a "less vulnerable use". The built footprint of the site as re-developed would also not be materially different from the existing and any increase in surface water discharges would be minimal.

Officers also advised that seven further representations had been received from properties in the vicinity but that no new issues had been raised.

They also advised that Environmental Protection Unit (EPU) had provided further comments in respect of the air quality impact of the proposal and indicated that they felt the proposal would not give rise to any harm. In respect of the noise impact of the proposal, EPU have also indicated that subject to a number of detailed conditions to safeguard the amenity of the neighbouring property then the proposal would not give rise to any material harm. The following conditions were recommended (and would supersede the recommended conditions 5 and 6)

- Restriction of deliveries to 7:00 to 23:00 Mon – Sat with no deliveries on Sundays or bank holidays.
- Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted which are audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval.
- All such approved machinery, plant and equipment shall 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.
- Details of an acoustic noise barrier to protect the residential properties on the south and south eastern boundary of the site shall be submitted to and approved in writing by the local planning authority.

Officers advised that since the committee report was prepared it had been brought to their attention that the second bungalow within the site which had been identified for demolition if the proposals are implemented was in fact let on a six month lease

to a former employee of the garage. The applicant had confirmed that the tenant was aware of the proposed redevelopment and would be served with the appropriate legal notice to allow the proposal to be implemented.

They also advised that a further, more detailed, letter of objection has been submitted on behalf of the owner of the adjacent bungalow to be retained. This has been circulated separately to Members and raised the following additional issues which had been addressed further below:-

- Concern is expressed over a lack of justification for retention of the petrol station. *However, the petrol station use is historic and there is therefore no requirement to justify its continuance.*
- Concern is also expressed in respect of the impact of the proposal upon the residential amenity of the adjacent property, specifically in respect of noise, cooking smells and potential anti-social behaviour and the lack of mitigation of any impact along the site boundary. *These matters are however dealt with via recommended conditions 4, and 7 along with the recommended conditions from the Environmental Protection Unit.*
- Concern is expressed in relation to the need and justification for the development. *It is suggested that the proposal would give rise to a significant intensification of the use of the site with consequent congestion and impact upon pedestrians. A Transport Assessment has been submitted with the proposal which demonstrates that the proposal would not give rise to a material increase in congestion and there is limited scope for pedestrian access to the site. The proposal has been identified as ancillary to the existing motorist facility and as such the need or otherwise for the proposal is not a material planning consideration.*
- Concern has been expressed in respect of the appropriateness of the proposal within the Green Belt and its impact upon openness. *Within the terms of paragraph 89 of the NPPF the proposal falls within the category of*

partial or complete re-development of a previously developed site whether redundant or in continuing use. This is taken as appropriate development where it would not have a greater impact on the openness of the Green Belt or the purposes of including land within it than the existing. The proposal involves the removal of the existing car dealership and car repair functions and the erection of a drive-thru restaurant. The redeveloped site would not be materially different in extent than that existing. The proposed access from the A1237 would impact upon the openness of the Green Belt; however, a significant quantity of landscaping is suggested on the submitted plan.

Representations were received from Ms Carol Patten, a local resident of Cinder Lane, in objection to the application. She made the following points:

- The new enlarged roundabout should be moved slightly in order to give greater visibility to all properties
- The aim of enlarged roundabout and new Park and Ride was to ease traffic flow on the ring road. These proposals for a drive- thru restaurant would restrict traffic flow on the ring road as traffic entering and leaving the site would have to use the roundabout.
- The entrance to the site was so close to the roundabout it would be dangerous.
- The proposals would have a massive visual impact on a semi rural area.

Officers confirmed that the entry/exit arrangements met both City of York Council's and national standards and explained that these had already been subject to an audit and would be subject to a further audit.

Representations were received from Ms Gilly Adam, another local resident living opposite the garage, in objection to the application. She raised concerns in relation to traffic safety, anti social behaviour (ASB) and increased noise affecting local residents. She made the following points:

- local residents had suffered from ASB at night to a minor degree since the garage has been open 24 hours (as well as littering to her front garden).

- the proposals could lead to an increase in ASB due to the increased volume of customers using the site.

Representations were received from Steven Ellis, the owner of Wills and Ellis, in support of the application. He made the following points:

- The proposed changes would enable him to meet future business needs and provided a solution to guarantee business on the site for years to come.
- Wills and Ellis Service Centre would move to a new location a mile away.
- Car sales had reduced during the last year.
- The built form is much the same as what is currently on site.
- Access to the site needed to be altered due to the new road layout to ensure motorist and pedestrian safety.
- 20 new jobs would be created.
- New restaurant/drive thru and petrol facilities would enable the site to be modernised and visually improved.

Mr Ellis responded to a query from Members regarding incidences of ASB which he confirmed were irregular and provided examples of types of incidents occurring.

He explained that due to the new roundabout being closer to the site, without the altered entrance/exit arrangements, the petrol delivery tanker would not be able to traverse the traffic to enter/exit the site and if he lost the petrol aspect of the business, the entire business would be threatened with closure.

Highways Officers provided further information on the road layout in response to various questions asked by Members and in response to safety concerns which had been raised.

Members agreed that they had no concerns about the petrol station part of the proposal however they recognised concerns regarding proposals for the drive thru- restaurant and the effect on residential amenity. They suggested that the remaining bungalow be screened and security arrangements put in place to ensure the resident felt secure.

Members were reminded that this was an outline application. EPU officers views were that the opening hours of the restaurant would not affect residential amenity and the alternative wording proposed in relation to operating hours was contained in the officer update to committee. Further information would be available once an operator came forward. A further “reserved matters” application would allow members to regulate opening hours.

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

Amended Condition 5

No deliveries shall be taken at or despatched from the drive-thru restaurant or shop hereby authorised outside of the hours of 07:00 to 23:00 Monday to Saturday or at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of local residents and to secure compliance with Policy GP1 of the York Development Control Local Plan.

Amended Condition 6

Prior to the development hereby authorised being commenced details of an acoustic noise barrier to protect the residential properties on the south and south eastern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the construction method, height, thickness acoustic properties and the exact position of the barrier. The barrier shall be erected in accordance with the approval before the use hereby permitted first comes into use and shall be maintained thereafter.

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

Additional Condition

20 Prior to the commencement of the development hereby authorised details of all machinery, plant and equipment to be installed in or located on the development hereby authorised which shall be audible outside of the site boundary when in use, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the location, maximum sound levels (L_Amx(f)), average sound levels (L_Aeq), octave band noise levels and any proposed noise mitigation measures. The report shall be conducted in accordance with BS4142:1997. The report shall assess the impact of the additional noise sources on nearby residential properties and include any noise mitigation measures that are required. The approved mitigation measures shall be implemented prior to the commencement of the development hereby permitted.

NOTE:- The rating level of plant and machinery should not exceed 31dB(A) inclusive of a 5dB character correction if required under BS4142.

Reason:- To safeguard the residential amenity of neighbouring properties.

Additional Condition

21 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 development first opens and shall be appropriately maintained thereafter.

Reason:- To safeguard the residential amenity of neighbouring properties.

Reason: As a re-development and consolidation of the existing site it was considered that the proposal would be not be inappropriate development in the York Green Belt within the terms outlined in paragraph 89 of the NPPF. It would give rise to no greater impact than the current operation in terms of the residential development to the north. A bungalow did however remain to the south east in close proximity but conditions restricting the operating hours of the facility and requiring the reinforcement of the existing boundary treatment effectively mitigated any impact upon the residential amenity of that property At the same time the reconfiguration of the site access to gain entry from the A1237 Outer Ring Road and exit on to the A59 Boroughbridge Road would significantly improve conditions for local highway users when compared with the existing situation. The proposal was therefore considered to be acceptable in planning terms.

21e) 2-16 Piccadilly, York (13/02559/FULM)

Members considered a major full application by Mr and Mrs A Graham for a change of use of existing ground floor retail units to either retail (Class A1), office (class A2), restaurant/café (class A3) or drinking establishment (class A4) including extensions to the rear, change of use of upper floors from hotel to residential accommodation (class C3) to form 18 new apartments, external alterations and associated works.

Officers advised that an additional condition should be included to deal with screening to air-conditioning units, if these were needed on the rear roof.

With regard to proposed condition 7 (landscaping) officers advised the Committee that it was no longer proposed to have residential access to the flat roof area at the rear. The applicants would prefer not to be required to landscape this area due to costs (installation & maintenance). Officers noted that whilst landscaping of the area would be desirable for future residents the condition was not necessary (there would be no wider public benefit and the scheme would not be unacceptable

without landscaping). As such officers accepted that the condition could be deleted.

They also advised that they had received revised plans which included minor revisions which had been agreed detailing of the shop front (affecting unit 1). They advised that these changes would visually improve the shop front by reducing the amount of glazing around the ATM in order to discourage advertising posters from being displayed.

Members were advised that the variety of uses was in order to enable an element of flexibility and that these uses could be controlled by relevant conditions.

Resolved: That the application be approved subject to the conditions listed in the report, the amendment to condition 2 (plans), the deletion of condition 7 (landscaping) and the additional condition regarding screening of the air conditioning unit.

Amended Condition 2

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

Floor plans - 045A, 046C, 009D, 010D, 011E, 050C

Elevations - 051D, 052A, 053, 054A, 055A, 069

Large scale details 067B, 68B, 69A, 70A and 71

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

Additional Condition

External plant

Details of how any plant to be installed on the flat roof area at the rear shall be screened from view (from surrounding residential units) shall be approved by the Local Planning Authority prior to installation of the plant. The screening shall be installed in accordance with

the approved details and reasonably maintained at all times.

Reason: In the interests of visual amenity.

Reason: The proposals would help meet identified housing need, providing accommodation in a sustainable location and through conditions residential amenity for future occupants would be adequate. The proposals would bring the building back into use and improve the appearance of the conservation area.

21f) 1 Allendale, York, YO24 2SF

Members considered a full application by Mrs Margaret Gosling for a single storey side extension.

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

Reason: It was considered that the proposed extension would not have any detrimental impact upon the character of the area or neighbouring residential amenity.

22. Urgent Business

Further to concerns raised by Members at the meeting on 4 July 2013 (Minute 12 refers) with regard to the accuracy of information on Houses in multiple occupation (HMOs) which was available to them when considering planning applications. At this meeting it had been agreed that the chair of the Area Planning Sub-Committee should 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.

The Development Management Team Leader presented the following information to Members:

- A summary of HMO Decisions since Article 4 direction came into force (20/04/12)
- HMO Appeal Decisions
- Summary of Database now being used to calculate HMO concentrations for planning applications for changes of use from Class C3 (dwellinghouse) to houses in multiple occupation.

Members were advised that the Council Tax Student Exemptions database was updated on a yearly basis, and had been done so in May of this year, but that case officers were advised to contact Council Tax regarding any new planning applications in order to obtain the most up-to-date information.

Members agreed that the summary of HMO decisions was useful but asked that it be broken down to Ward level.

Resolved: That the information provided be noted.

Reason: In order that Members are kept informed regarding the collation of information on HMOs.

Councillor N McIlveen, Chair

[The meeting started at 2.00 pm and finished at 5.10 pm].

COMMITTEE REPORT

Date: 9 October 2013 **Ward:** Strensall
Team: Major and **Parish:** Strensall With Towthorpe
Commercial Team Parish Council

Reference: 13/02383/FUL
Application at: Harlestone 14 York Road Strensall York YO32 5UN
For: Erection of dormer bungalow to rear (resubmission)
By: Dr Malcolm Blacklee
Application Type: Full Application
Target Date: 10 September 2013
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 This application seeks planning permission for the erection of a detached dormer bungalow. The site is the back garden of 14 York Road in Strensall. The site is bounded by 4 and 5 St Mary's Close to the North, 14 York Road to the east, 16 and 18 York Road to the south and West End to the west. The proposed house would be accessed between 14 and 16 York Road utilising an existing access point.

1.2 This application is a re-submission of a refused application for a larger dormer bungalow with detached garage on this site which was refused at Planning Sub-Committee in May this year. The refused application is the subject of an appeal which is on-going. The two reasons for refusal were:

- 1) It is considered that the proposed development, by virtue of its siting, design, size and massing would harm the character and appearance of Strensall Conservation Area. The site is undeveloped and provides an open character and sense of space around existing dwellings which is considered the key characteristic of this part of Strensall Conservation Area. The proposed dwelling would erode this sense of space, particularly from views along West End, to the detriment of the character and appearance of the Conservation Area. Therefore, the application is considered to be contrary to Chapters 7 and 12 of the National Planning Policy Framework, and Development Control Local Plan Policies GP1 'Design' parts a), b), and c), GP10

'Subdivision of Gardens and Infill Development', H4a 'Housing Windfalls' part c), and HE2 'Development in Historic Locations'.

2) It is considered that the proposed development, by virtue of its siting, design, size and massing would harm the amenity of occupants of the adjacent residential dwellings. The size of the proposed dwelling and its close relationship with neighbouring dwellings would result in a development which appears dominant and overbearing when viewed from neighbouring houses and gardens and would result in a loss of outlook to the detriment of the amenity of local residents. Therefore, the application is considered to be contrary to the Core Principles (bullet point 4 of paragraph 17) of the National Planning Policy Framework, and Development Control Local Plan Policy GP1 'Design' part i)

1.3 This revised application seeks permission for a dormer bungalow of similar footprint but with a substantially smaller mass due to a reduction in height and introduction of a hipped roof. What is proposed within this application is a three bedroom bungalow with only one bedroom with an en-suite within the roof space. The proposed bungalow has a hipped roof with only one dormer and one roof light within the roof space. The previous proposal included three bedrooms, an en-suite and a bathroom within the roof space. The proposed bungalow has an eaves height of 2.4m and a ridge of 5.4m. The previously refused application had an eaves height of approximately 2.6m with the ridge sitting 6.1m above the ground. The proposed bungalow would be constructed of brickwork with a tiled roof. Windows and doors would be painted timber. When the revised application was submitted it originally included a detached garage, however this has now been removed from the application drawing and does not form part of this application.

1.4 The application site is within Flood Zone 1 which is the lowest category of flood risk. The whole of the site is within Strensall Conservation Area. Surface water drainage would be discharged into the main public sewer via an underground storage tank with a discharge flow restrictor.

1.5 This application has been called into Planning Committee by Cllr Doughty on the grounds that the proposal is only a lightly amended resubmission of the previously refused application.

A site visit is recommended to allow Planning Committee Members to assess the changes to the proposed development in terms the impact on the character and appearance of the conservation area and neighbouring residential amenity.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area: Strensall Village

2.2 Policies:

CYGP1 Design

CYHE2 Development in historic locations

CYGP10 Subdivision of gardens and infill devt

CYH4A Housing Windfalls

CGP15A Development and Flood Risk

CYL1C Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

Environmental Protection Unit

3.1 No objections subject to informatives regarding demolition and construction and the promotion of electric vehicle charge points.

Leisure

3.2 No on-site communal open space is proposed therefore a commuted sum should be sought for off-site open space provision/upgrade in the local area

Highway Network Management

3.3 No objections to the proposed development from a highways point of view. The proposal utilises an existing access and will not incur a material increase in vehicular movements onto the highway network. Car parking and turning meet the required standards.

Flood Risk Management

3.4 The application site is within Flood Zone 1 and should not suffer from river flooding. Full drainage details to be approved via condition.

Conservation Design and Sustainable Development

3.5 No comments received to consultation, however it should be noted that no objections were raised in respect of the previous application.

EXTERNAL

Julian Sturdy MP for York Outer

3.6 The application is a lightly amended resubmission of a previous application at this property. The proposal has the same footprint and therefore should be refused again.

Strensall Parish Council

3.7 Object as it is felt that the previous reasons for refusal by the City Council remain relevant (13/00474/FUL) as the footprint remains the same only the height has been slightly reduced

Foss Internal Drainage Board

3.8 Drainage details need to be approved via condition.

Local Residents

3.9 Eleven letters of objection have been received from the following addresses 2, 4, 6, and 8 West End Close, 4 and 5 St Mary's Close, and 12, 16, and 18 York Road. A summary of the comments made are below:

- the previous reasons for refusal still stand as the application is only a small amendment from that considered unacceptable previously;
- the dwelling would be very intrusive and overpowering and would harm the character and appearance of the Conservation Area
- infill in a conservation area should not be permitted
- the dwelling would appear intrusive when viewed from West End
- the access road would be from Strensall Road in the middle of a double S bend which is currently saturated with traffic, increasing traffic and access points would be extremely dangerous and irresponsible

- the proposed house will create more surface water which will affect surrounding properties and gardens
- the proposed development would overlook houses in West End Close
- the submitted supporting statement contains a number of errors, it states that the proposal is in accordance with local and national planning policies when it is in fact contrary to the policies and advice
- the proposal would dominate surrounding buildings, would result in the loss of open space between developments, would have a detrimental impact on landscape features and would appear cramped in
- the proposal will have a significant impact on the outlook and amount of light enjoyed from the rear of 16 York Road
- the proposed house provides no natural surveillance of public spaces or paths or even the proposed access drive
- the proposal would result in a loss of privacy in neighbouring houses
- the application is contrary to Local Plan Policies GP1, HE2, H4a, and GP10 as well as guidance within the NPPF
- there are historic foul drainage issues in the area and the proposal would add to these problems

4.0 APPRAISAL

4.1 The key issues are:

- Principle of residential development
- Impact on the character and appearance of Strensall Conservation Area
- Impact on neighbouring residential amenity
- Highways, car and cycle parking
- Drainage
- Open Space

PRINCIPLE OF RESIDENTIAL DEVELOPMENT

4.2 The National Planning Policy Framework (NPPF) states that 'housing applications should be considered in the context of the presumption in favour of sustainable development.' However, Paragraph 53 requires local planning authorities to consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Whilst written significantly before the NPPF the Development Control Local Plan Policy GP10 'Subdivision of Gardens and Infill Development' follows this theme by stating that planning permission will be granted for subdivision of existing garden areas or infilling where this would not be detrimental to the character and amenity of the local environment. Policy H4a 'Housing Windfalls' sets more detailed criteria for assessing applications for residential development on non-allocated sites (such as the application site) by stating that developments will be granted where:

- the site is in the urban area and is vacant or underused; and
- the site has good accessibility to jobs, shops and services by non-car modes; and
- it is of an appropriate scale and density to surrounding development; and
- it would not have a detrimental impact on existing landscape features.

4.3 The application site is within the settlement limit of Strensall. The occupants of the proposed house would have access to local services and facilities and also those within the wider City by non-car modes. Therefore, the proposed site is considered to be within a sustainable urban location. The application site consists of a section of the side and rear garden of 14 York Road. Although garden land is no longer classified as "previously developed (brownfield) land" there are no policies at a local or national level which state that such developments are unacceptable in principle. Each application must be assessed on a case by case basis to establish whether there would be any harm. This analysis is undertaken below when assessing the likely impact on the character and appearance of Strensall Conservation Area and neighbouring amenity. However, given the sustainability of the site, the City's need for new housing, and the presumption in favour of sustainable development set out in the NPPF, it is considered that the broad principle of development is acceptable.

IMPACT ON THE CHARACTER AND APPEARANCE OF STRENSALL CONSERVATION AREA

4.4 Policy HE2 'Development in Historic Locations' of the Development Control Local Plan states that within or adjoining conservation areas, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals should retain or enhance elements which contribute to the character or appearance of the area.

As stated above both Policy GP10 and H4a require new residential developments to not be detrimental to the character and appearance of the street scene. Policy GP1 'Design' further adds to this and states 'Developments which are considered to be likely to have a significant impact on the character and appearance of the area should be refused.'

4.5 The whole of the application site is within Strensall Conservation Area. Strensall Conservation Area was originally designated in 1979; the application site is thought to have been part of the extension of the Conservation Area in 2001. Each Conservation Area designation has supporting text which highlights the special qualities of these areas and picks out the key elements which it is particularly important to protect and preserve. The supporting text for Strensall Conservation Area does not make any reference to the application site or the land around it in terms of its special qualities. It is considered that the most prominent views of the proposed house would be from along West End. It is considered that only glimpsed views would be afforded from York Road and St Mary's Close.

4.6 Surrounding the application site are a variety of house types both in terms of height, footprint, design, and period of construction. The majority of dwellings in the area are relatively modern and no single style of design dominates. The proposed dwelling is a simple modest dormer bungalow. Dwellings along West End and York Road are predominantly two storey houses. It is therefore considered that the proposed dormer bungalow would appear secondary and generally subservient when seen from the west along West End. The current proposal has seen a reduction in both eaves and ridge height as well as a substantial reduction in the amount of first storey accommodation provided. This results in a proposal with significantly less massing and visual presence within the street scene than previously proposed. There would be some loss of space around dwellings; however the reduction in height and introduction of hipped roofs would allow more views to be retained towards other houses in the area. It is not considered that the proposed dormer bungalow would appear out of place on this site as it would be seen as a 'book end' to the cul-de-sac and seen in relation to the bungalows on St Marys Close. It is not considered that the proposed development would dominate views or create a cramped and overdeveloped appearance as seen within the context of existing twentieth century suburban housing which is the predominant character of the area as seen from West End.

It is considered that the revised proposal results in a development which would be much less visible within the surrounding area than that previously proposed. The removal of the garage from the plans also allows for a little more space around the proposed development.

4.7 Only glimpsed views of the proposed dormer bungalow would be afforded between existing houses on York Road and from St Mary's Close to the rear. It is not considered that the proposed dwelling would appear dominant or intrusive from any public vantage points in these areas. The proposed dormer bungalow is simple in design and modest in height. It is considered that the proposal generally respects the character of existing twentieth century suburban dwelling houses within the context of the application site.

4.8 Part of the proposed access would change an existing area of grass at the side of 14 York Road into hard standing for vehicular access. This will have some impact on public views of the site. However, the front of the proposed access which is closest to York Road is already hard standing so the immediate environment adjacent to the public footpath would not change. Additionally the access is proposed to contain 0.5m of green landscaping on both sides which would visually break up the amount of hard standing as well as retaining a reasonable level of green landscaping in the interests of visual amenity. It is considered that the proposed plans have overcome the previous reason for refusal relating to the impact on the character and appearance of Strensall Conservation Area.

IMPACT ON NEIGHBOURING RESIDENTIAL AMENITY

4.9 Development Control Local Plan Policy GP1 'Design' requires developments to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. The previous reason for refusal did not specify which address or addresses were of concern in respect of the impact on residential amenity. The main impact expressed in the previous Committee Report was on that of 12 York Road, it is considered that this is also the case within this application due to the siting of the proposed bungalow in approximately the same location as previously proposed. Applications such as this require a judgement to be made and the Local Planning Authority do not have specific guidance on acceptable separation distances.

It is an assessment as to whether the proposal significantly harms the amenity which a resident can reasonably expect to enjoy to an extent that it warrants refusal of the planning application. On balance the previous application was considered unacceptable and the applicants have revised the proposals in an attempt to overcome this reason for refusal.

4.10 The proposed bungalow sits on broadly the same footprint as the application which was previously proposed, therefore the separation distance remains approximately the same between the rear of 12 York Road and the proposed dwelling. This distance is approximately 12.6m on the proposed plans. The previously proposed garage which sat to the front and side of the proposed dwelling has been removed from the plans. This provides more space between the built development and the curtilage of 14 York Road. However, the most significant change is the reduction in height and the change in design with a gable end being changed into a hipped roof. This has the effect of moving the ridge 3.5 - 4m further away from the rear of 12 York Road. This combined with the hipped roof and 0.7m reduction in ridge height results in a significantly greater level of outlook from the rear of 12 York Road despite the building not being further away than previously proposed. It is considered that the proposed development retains an acceptable level of outlook within the rear windows and garden area of 12 York Road. There are no first storey windows within the south of the proposed bungalow and the bungalow is north west of 12 York Road meaning there would be no significant impact on natural light.

4.11 The proposed access to the dormer bungalow is between 14 and 16 York Road. Whilst access arrangements between existing houses are often unacceptable due to the impact this can have on neighbouring amenity, in this case it is considered that the separation distance between the side of 16 York Road and the access is sufficient to maintain a reasonable level of amenity. 16 York Road is approximately 3.2m from the shared curtilage boundary; beyond this a 0.5m wide landscaping strip would be retained to provide an additional visual buffer between the access and the side of number 16. It is considered that the 3.7m separation between the access drive and the side of 16 York Road is acceptable given the nature of the site adjacent to a busy road. It is not considered that the typical comings and goings associated with a three bedroom dwelling would harm residential amenity of this dwelling to an extent which would warrant refusal of the application.

Likewise it is considered that a reasonable level of separation is provided between the proposed access and 14 York Road, a 1.5m high boundary fence and a 0.5m landscaping strip would be created to the side of the access to provide privacy and some sound reduction for the residents of 14 York Road.

4.12 The nearest dwelling to the proposed dormer bungalow is 4 West End Close to the west. The proposed bungalow sits approximately 5.8m at the nearest point to the east side elevation of this dwelling. The rear of the proposed dormer bungalow faces towards the side and front of 4 West End. Any views from the rear window of the proposed dormer bungalow towards the front windows of 4 West End would be at an oblique angle and would not result in a significant loss of privacy. 4 West End only has two openings within its side elevation, these are considered to be secondary in nature and do not provide the main outlook or light to the house. It is considered that the proposed development would not dominate or overshadow 4 West End Close.

4.13 To the south of the proposed dormer bungalow is 18 West End. 18 West End is approximately 19.3m to the south of the proposed dormer bungalow. It is considered that this is sufficient to not significantly affect the amount of outlook and privacy enjoyed from rear windows and the rear garden of 18 West End. The proposed bungalow is set 9m back from the shared curtilage boundary. The existing 1.8m high boundary fence on this boundary is proposed to be retained.

4.14 It is not considered that the proposed development would appear dominant or overbearing when viewed from either 4 or 5 St Mary's Close to the north. Whilst the proposed dormer bungalow is only approximately 2.6m from the garden boundaries, the two bungalows to the north have fairly substantial gardens with the proposed dormer bungalow not being located directly in line with the rear elevations of these existing bungalows. Again the reduction in height of the proposed bungalow and the hipped roof design are considered to reduce any potential outlook or light issues within these dwellings and garden areas to an extent which make the application acceptable.

HIGHWAYS, CAR AND CYCLE PARKING

4.15 The proposal would create one three-bedroom dwelling within the garden of 14 York Road. The number of vehicle movements in and out of the site would therefore be small. The proposed development would utilise an existing vehicular access which serves the existing house at 14 York Road. Highway Network Management has no objections to this access being utilised for the new house. The site does sit between a number of bends in York Road; however the advice from Highway colleagues is that serving one additional dwelling at this location would not create a significant highway safety concern. Visibility at this access point is considered acceptable. There is space within the site for a vehicle to turn around and exit the site in a forward gear, which is considered important in this location.

4.16 Off road car parking is available within the site to ensure that there is not indiscriminate parking of vehicles on neighbouring streets. A condition is proposed requiring details of cycle parking to be agreed in order to promote sustainable transport choice.

DRAINAGE

4.17 Development Control Local Plan Policy GP15a 'Development and Flood Risk' promotes the use of sustainable drainage systems in order to reduce surface water runoff. Additionally it requires new developments on undeveloped land to not impede water flows and not increase flood risk elsewhere. The application site is within Flood Zone 1 which is the lowest flood risk category. The application proposes permeable surfaces to the access drive and vehicle parking/turning areas. However, clearly the house would reduce the amount of permeable land on site and therefore some form of attenuation is required. The applicants are proposing a drainage system which would store water and release it at a rate lower than existing. Therefore, the proposal will reduce the speed of surface water runoff from the site in accordance with the requirements of the Local Planning Authority. A condition is proposed to ensure full drainage details are agreed and that this drainage system is installed in accordance with these details.

OPEN SPACE

4.18 Policy L1c of the Development Control Local Plan seeks to ensure that new developments provide open space for the benefit of future occupiers of any new residential scheme. For small scale developments a commuted sum is sought for off-site provision/upgrade. For a three bedroom house such as that proposed here the latest Supplementary Planning Guidance seeks a sum of £2004. The applicants have agreed to this contribution to be secured through a Unilateral Undertaking.

5.0 CONCLUSION

5.1 The application site is within a sustainable urban location with good access to services and facilities by non-car modes. The city is considered to have a shortage of housing. The NPPF places a strong presumption in favour of sustainable development. Local Planning Authorities are required to demonstrate strong and clear reasons for refusing any planning application for sustainable development. Without such reasons, authorities are encouraged to approve applications without delay. Any potential reasons for refusal need to be strong, robust and clearly identified, particularly given the status of the existing Development Control Local Plan.

5.2 The proposed bungalow is simple in design and has an eaves and ridge height which is significantly below many dwellings within the immediate vicinity of the site. It is considered that the development would not be harmful to the character and appearance of the Conservation Area as it would appear secondary in height to taller houses and would be seen within the context of existing twentieth century suburban housing. The removal of the proposed garage, reduction in eaves and ridge height of the bungalow and the introduction of a hipped roof reduces the visual impact of the proposed development further.

5.3 The application site borders a number of existing residential gardens and will therefore have some impact on residential amenity. However, it is not considered that the impact is sufficient to warrant refusal of the application in terms of either loss of outlook, privacy or natural light. The revised plans within this application are considered significant and overcome the previous reason for refusal relating to the residential amenity of neighbours.

5.4 Therefore the application is recommended for approval subject to the following conditions and securing a commuted sum payment for the provision/upgrade of public open space.

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:-

Proposed Plans and Elevations - Drawing Number YEW-277-012 10
Revision B received 19/09/13

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

3 Notwithstanding the 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 (enlargement or improvement of dwellinghouse), B (enlargement of roof), C (alteration of roof), E (erection of outbuilding) 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.

4 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 into the property.

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

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

Reason: So as to achieve a visually acceptable appearance for this development within Strensall Conservation Area.

6 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

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

7 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs to be planted in the garden area and alongside the access. 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.

8 Before the commencement of and during building operations, adequate measures shall be taken to protect the existing Mountain Ash tree immediately to the north of the site. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials or the commencement of building works.

Reason: The existing tree is considered to make a positive contribution to the amenities of this area.

9 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 5.5 metres (excluding the chimney), as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

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

Details to include:

1. Peak surface water run-off from the proposed development must be restricted to a maximum 2.71 lit/sec.
2. Site specific details of the flow control device manhole limiting the surface water to the 2.71 lit/sec.
3. 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.
4. Details of connection into existing combined sewer.

Please note that the development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

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

11 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in complete accordance with the approved details.

Reason: To promote the use of cycles in the interests of sustainable development

7.0 INFORMATIVES: Notes to Applicant

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

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

- Provided pre-application advice regarding building height and design
- Sought the removal of the garage from the plans

3. INFORMATIVE:

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

Contact details:

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Tel No: 01904 551339

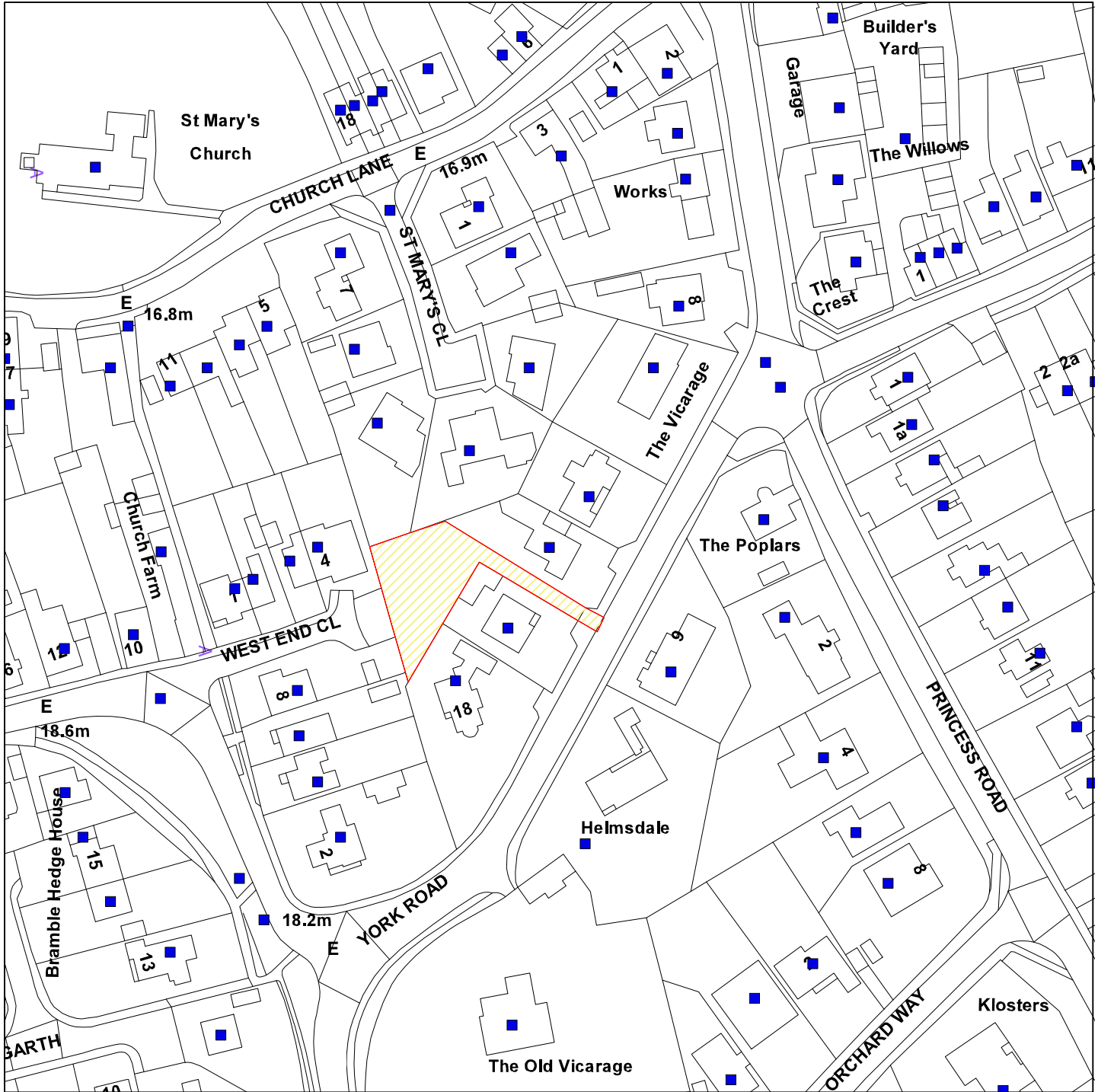
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Department	Not Set
Comments	Not Set
Date	30 September 2013
SLA Number	Not Set

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COMMITTEE REPORT

Date: 9 October 2013 **Ward:** Fishergate
Team: Householder and **Parish:** Fishergate Planning
Small Scale Team Panel

Reference: 13/02757/FUL
Application at: Fulford Grange Grange Garth York YO10 4BS
For: Single storey extension to northern elevation and conservatory to southern elevation of existing annexe within the grounds of Fulford Grange
By: Mr M Gibson
Application Type: Full Application
Target Date: 17 October 2013
Recommendation: Approve

1.0 PROPOSAL

1.1 Planning permission was granted in July 2013 for the use of an existing annexe building within the curtilage of Fulford Grange to use as a separate residential property. This application relates to the erection of extensions to the north and south of the annexe building to provide additional living accommodation. The approved scheme for the annexe has not yet been implemented.

1.2 The site is located between Grange Garth and Grange Street with access from both streets. The approval for the use of the annexe as a separate dwelling shows vehicular access to the annexe from Grange Street with a further pedestrian access from Grange Road. Fulford Grange, the grounds of which the annexe stands, is a grade II listed building (originally one building now split into three houses, this is the eastern most part of the building). Much of the list description relates to the qualities of the east elevation of the building. The annexe building, located on the eastern boundary of the site, was constructed circa. 1991 as a garage building and later converted (2007) into ancillary living accommodation providing downstairs kitchen shower room living room study and two first floor bedrooms and a bathroom. The approved scheme for the use of the annexe as a separate dwelling included a new porch to the front of the annexe measuring 3.7 metres by 2.4 metres with a height to apex of 4.4 metres and the existing garage /store converted into a living room. An area to the south of the annexe provides separate garden area and parking for the unit. The site is surrounded by existing residential development.

1.3 This application relates to the erection of two extensions to the building one on the north elevation and one on the south. The scheme has been amended since first submission to reduce the size of the northern extension by 0.5 metre change the pitch roof to a flat, parapet roof with glass insert and remove an external chimney.

1.4 The northern extension measures 4 metres out from the existing gable end of the building and is the full width of the structure. The structures stand 3.2 metres high with a flat parapet roof. The glass lantern in the roof projects above the parapet. The southern extension consists of a single storey conservatory structure projecting 2.8 metres out from the gable end with sloping roof. The structure stands between 2.8 and 3.2 metres high.

1.5 The application has been called into committee by Cllr Taylor who has concerns about the impact of the extension on adjacent occupiers and the adjacent listed building.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation: Schools GMS Constraints: St. George's RC Primary 0225

2.2 Policies:

CYH7 Residential extensions
CYGP1 Design
CYHE4 Listed Buildings

3.0 CONSULTATIONS

3.1 DCSD - Conservation Officer - Comments awaited

3.2 Six letters of objection have been received in respect of the original scheme covering the following points:-

- Permission for change of use of the garage was refused in 1988 because of concern about space around the listed building.
- The northern extension will severely restrict light into dining room and kitchen of 26 Grange Road
- Views of an attractive grade II listed building would be further obscured
- There are already limited views from 26 Grange Road, the extensions would complete block views to the north west
- reduce value of adjacent properties
- Will enclose another portion of 1 Grange Garth which is already enclosed to the south and east detracting from the amenities of the property
- The northern extension will severely restrict late afternoon sunlight to the patio of 1 Grange Road in the spring, summer and autumn. The sunlight assessment with the application ends at 16:00 and therefore does not take into account this loss of sunlight. Photographs illustrating the existing sunlight into the area are submitted with the objection.

- In 1988 the then planning officer said that any further development of the site would constitute overdevelopment of the site.
- Loss of ambience for 1 Grange Garth by blocking off views of the Grange.
- Concerned about loss of amenity during construction and that gains for applicant will mean losses for adjacent occupiers.

3.3 Any further comments on the amended scheme will be reported direct to committee.

4.0 APPRAISAL

4.1 Key Issues

- Policy background
- Background history
- Residential Amenity
- Relationship to existing listed building

POLICY BACKGROUND

4.2 The National Planning Policy Framework (NPPF) sets out the Government's overarching planning policies. The core principles set out in paragraph 17 of the NPPF include the principle 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 and should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraph 56 says 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. 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). Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. This assessment should be taken into account when considering the impact of a proposal on a heritage asset. (Para.129)

4.3 Development Control Local Plan (DCLP) Policies (2005) relevant to the consideration of the detail of this application are:-

- Policy H7 - says that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

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

- Policy HE4 'Listed Buildings' Development will only be granted within the vicinity of a listed building where there will be no adverse effect on the character, appearance or setting of the building.

4.4 Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities, in considering applications for planning permission which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

BACKGROUND

4.5 The planning permission for the annexe building to be converted into a dwelling was subject to a condition restricting the erection of extensions without planning permission. The reason for the condition was to ensure the protection the setting of the adjacent listed building and in the interests of the amenity of the adjacent residential properties. The details of the approved annexe scheme are currently being implemented but as the scheme is not substantially complete the extensions are not to an existing dwelling but form part of the scheme for the conversion. The approved conversion scheme in itself provides sufficient living accommodation, outside space and parking and access facilities to function as a separate dwelling.

RESIDENTIAL AMENITY

4.6 The proposed scheme consists of two distinct extensions one on the south and one on the north of the building. The boundary of the application site is the rear wall of the annexe and the boundary wall that runs along the rest of this boundary at a height varying between 2.25 metres and 1.8 metres. Beyond the wall and annexe building are two residential properties, one facing Grange Garth and one facing Grange Street. These properties were constructed in part of the former curtilage of Fulford Grange. Each property is detached but has limited overall curtilage and relatively tight garden space. The proposed northern extension will extend across the rear garden divide between the two houses so that in both garden areas there will be additional height and enclosure on the boundary caused by the increased

wall height providing the parapet roof for the extension. The wall height on the boundary will increase by 1.2 metres to 3.2 metres. The change of the design of the structure from pitched roof to parapet has increased the height of the wall on the boundary but has overall decreased the bulk of the structure thus allowing a greater amount of light and view to Fulford Grange to be maintained. The two adjacent properties, particularly 26 Grange Street already have a significant sense of enclosure as a result of the existing annexe building. The proposed additional height on the north side of the building whilst adding a degree of further enclosure to adjacent properties will not dominate windows in the properties or enclose the area to a significantly greater extent than at present and therefore in Officer's view there is no basis to resist the position of the northern extension from an amenity perspective.

4.7 On the southern side the proposal is to extend out from the gable end to provide conservatory 2.8 metres out from the elevation. Again this extension is on the joint boundary with 26 Grange Street. The boundary between the properties is a wall which stands 2.25 metres high from the application site side and less on the Grange Street side because of differences in ground level. The wall boundary is such that there is about 1 metre of the extension that will be adjacent to the joint boundary. The additional height on this wall (about 1 metre tapering away with the sloping roof) is to the front of 26 Grange Street. Given the sense of enclosure within the space and the relationship to existing windows in the house it is considered that the southern extension will not detract from the amenity of the adjacent property.

4.8 There will be no amenity issues between Fulford Grange and the extensions because of the orientation of the southern extension and because the northern extension is sufficient distance from the Grange for there to be privacy between the two properties.

4.9 In the context of advice within the NPPF and policies GP1 and H7 it is considered that this development is acceptable.

SETTING OF THE LISTED BUILDING

4.10 The original setting of the house, in large grounds, has been diminished by later development. Nevertheless, the house remains an imposing presence in views down Grange Street, terminating the vista, as it has done so since Grange Street was laid out. The brick gate piers with decorative stone capping and dwarf wall appear contemporary with this layout. The annexe is prominent in views of the house from Grange Garth, but is only seen in close views from Grange Street. The southern extension in views from Grange Street will be seen in the context of the existing boundary wall and vegetation. The projection of the extension at 2.8 metres and at a height maximum of 3.2 metres with a simple design is not considered to introduce a significant element into the main views of Fulford Grange and is considered to be acceptable.

4.11 The approach to the site from the east along Grange Garth is affected by a number of factors; the angle of the approach road, the position of 1 Grange Garth, the presence of flat roof structures to the front of Fulford Grange curtilage and existing tree cover. The main views of Fulford Grange from Grange Garth are therefore already set in the context of existing walled boundary treatment and existing buildings. The new extension will be another element of this context but the design is such that there will be little additional visual impact to the character, appearance or setting of the listed building.

4.14 The details of the scheme are considered to comply with the requirements of the 1990 Act (see paragraph 4.4 above), NPPF and policy HE4 of the DCLP.

5.0 CONCLUSION

5.1 The details of the extensions are considered to be acceptable and to comply with the policy requirements of the DCLP and advice within the NPPF and Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

Drawing no. 20:70:11 Rev. D

Drawing no. 20:70:10 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 VISQ8 Samples of exterior materials to be app -

4 Notwithstanding the details shown on the submitted plans, details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development and the works shall thereafter be carried out in accordance with the approved details;

- Roof lantern to north extension

- Detail of coping to parapet walls

Reason: So that the Local Planning Authority may be satisfied that these details are in the interests of the historic character of the listed building and to accord with advice contained within the National Planning Policy Framework, the Practice Guide to Planning Policy Statement 5 and the Policy HE4 of the City of York Draft Local Plan.

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:

-Sought amendments to the scheme to minimise impact on adjacent properties and the setting of the listed building.

Contact details:

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Tel No: 01904 551351

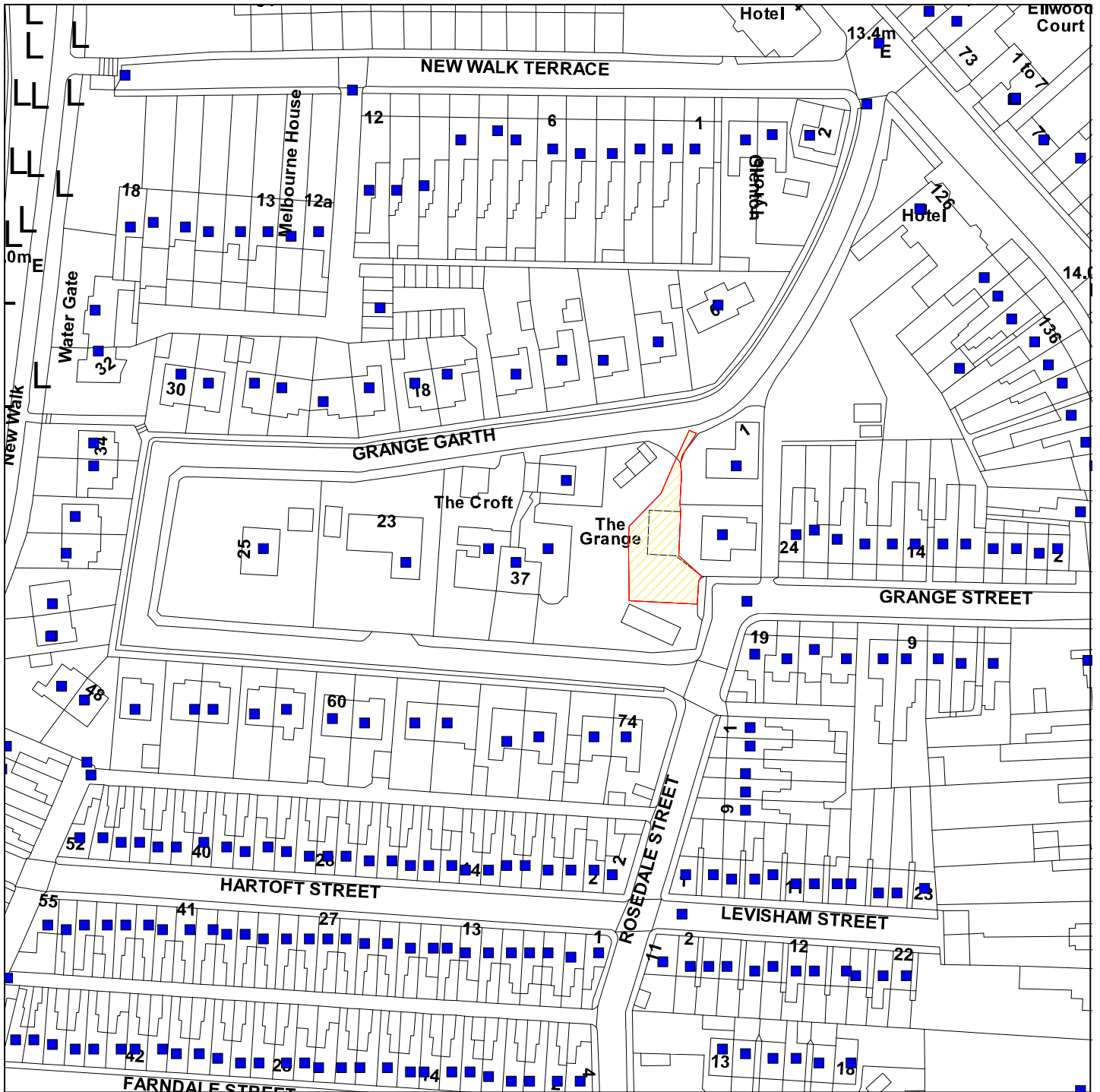
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Fulford Grange



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COMMITTEE REPORT

Date: 9 October 2013 **Ward:** Osbaldwick

Team: Householder and Small Scale Team **Parish:** Osbaldwick Parish Council

Reference: 13/02931/FUL

Application at: 40 Tranby Avenue Osbaldwick York YO10 3NB

For: Change of use from dwelling house (Use Class C3) to house in multiple occupation (Use Class C4) with single storey side extension and erection of cycle/bin store (resubmission)

By: Mr Henry Richardson

Application Type: Full Application

Target Date: 11 October 2013

Recommendation: Approve

1.0 PROPOSAL

1.1 The application property is a two storey semi-detached dwelling located in a residential area of Osbaldwick. It is proposed to change the use of the building to class C4 (House in Multiple Occupation (HMO)). It is also proposed to erect a single storey extension to the side to create an extra bedroom and bathroom. The House is intended to accommodate 4 people. A small shed for cycle storage is proposed in the rear garden.

1.2 The proposal needs planning permission because on 20 April 2012 an Article 4 direction came into force requiring planning permission for a change of use from Use Class C3 (dwelling house) to C4 (House in Multiple Occupation).

1.3 The City Council considers that no permitted development rights exist for properties in C4 use.

1.4 Earlier this year a proposal to create a 5 bed HMO with larger extension was withdrawn by the applicant.

1.5 The application is brought to Committee at the request of Cllr Warters because of concerns in respect to the loss of a family dwelling, the cumulative impact of HMO's, concerns in respect to the proximity of small gardens and because of parking issues.

2.0 POLICY CONTEXT

CYGP1 Design

CYH7 Residential extensions

CYH8 Conversion to flats/HMO/student accomm

3.0 CONSULTATIONS

Integrated Strategy Unit

3.1 40 Tranby Avenue falls within a neighbourhood area where 8.33% of properties are shared houses and within 100m of the property the proportion of shared houses is 1.96%. As such, in accordance with the provisions of the Draft HMO Supplementary Planning Document (SPD) neighbourhood and street level thresholds have not been breached and further change of use to HMO is likely to be acceptable. Albeit an assessment of residential amenity (bin storage, parking etc.) and the ability of the area to absorb further change of use should also be undertaken.

Osballdwick Parish Council

3.2 Object for the following reasons:

- If the HMO is occupied by students it will be a business property exempt from paying council tax.
- The plot is too small to avoid problems to neighbours and the streetscene.
- There is insufficient off-street car parking.
- Do not have confidence in the accuracy of the Council's HMO figures.

Neighbours.

3.3 Four Objections were received. The following concerns were raised:

- There are already too many HMO's in the area.

- There are many HMO's nearby but outside the 100m 'zone' that will not be included.
- The HMO figures are out of date.
- Students create problems such as noise, poor management of properties and car parking congestion.
- The property has inadequate car parking. As the home is on a corner it will create road safety problems.
- Students do not pay Council Tax.

4.0 APPRAISAL

4.1 The key issues in assessing the proposal are:

- Whether the accommodation is an appropriate standard and has an adverse impact on neighbours.
- Whether the change would lead to an unacceptable concentration of HMO's in a single location.

4.2 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 NPPF.

4.3 Policy H8 relates to conversions including changes to Houses in Multiple Occupation. The specific requirements of the policy are that:

- the dwelling is of sufficient size (min 4 bedrooms) (case officer - it is considered that the size criteria are not applicable to small HMO's) and the internal layout is shown to be suitable for the proposed number of households or occupants and will protect residential amenity for future residents;
- external alterations would not harm the appearance of the area;
- adequate on and off road parking and cycle parking is incorporated;
- it would not create an adverse impact on neighbouring amenity through noise disturbance or residential character by virtue of the conversion alone or cumulatively with a concentration of such uses;
- adequate provision is made for the storage and collection of refuse and recycling.

4.4 A supplementary planning document (SPD) entitled 'Controlling the concentration of Houses in Multiple Occupancy' was approved by the Council on 15th April 2012. The document expands upon policy for assessing applications for new small and large HMO's. The new SPD states that the change of use from dwellings to HMO's will be permitted where:

- a) The property is in a neighbourhood area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and
- b) Less than 10% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and
- c) The accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

WHETHER THE ACCOMMODATION IS AN APPROPRIATE STANDARD AND HAS AN ADVERSE IMPACT ON NEIGHBOURS

Impact of the extension on streetscene.

4.5 A similar extension of the scale and location to that proposed has been erected at number 27 across the street. It is considered that the scale and appearance is sensitive to the house. It would not overdevelop the site.

Impact of the extension on neighbours.

4.6 The extension and cycle shed would have little impact on neighbours as the side elevation of number 38 has no openings. The rear garden is relatively small; however, it is not considered that this is unacceptable for a shared house that would typically be occupied by 4 adults. There is space to sit out and also to dry washing. If the property were occupied by students it would normally be expected that the house would be empty, or have fewer people living in it during the summer months when the use of gardens would be highest.

Parking

4.7 Two off-road car parking spaces are proposed. This is considered acceptable for a 4 bedroom house. Cycle parking is also proposed in the shed to the rear. It is noted that the property is located close to a junction in the road. If at any time the off-street car parking could not accommodate all of the cars of visitors or residents it would be expected that they would park on the road and have regard to highway safety.

Quality of accommodation

4.8 It is considered that the accommodation is of a size and internal layout to comfortably accommodate 4 individuals. The lounge and kitchen are capable of meeting the residents' needs.

4.9 Although 4 adults living in a shared house has the potential to create more noise than many 'typical' families it is not considered that refusal of the proposal could be substantiated on these grounds. Any anti-social behaviour that results would need to be dealt with by the appropriate agencies and/or under the appropriate legislation. It is not considered that any site specific circumstances are such to make the use of the property as a small HMO unacceptable.

WHETHER THE CHANGE WOULD LEAD TO AN UNACCEPTABLE CONCENTRATION OF HMO'S IN A SINGLE LOCATION.

4.10 Paragraph 50 of the National Planning Policy Framework states that to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on future demographic trends and the need of different people in the community. The principal aim of the Council's SPD is to avoid situations where existing communities become unbalanced by an overconcentration of HMO's within a particular street or the wider area.

4.11 Within 100m of the property only 2% of properties are indicated as being HMO's. Within the neighbourhood the figure is 8.3%. The calculations date from May 2013 and have been updated to take account of any planning consents for HMO's within the immediate vicinity.

4.12 Paragraph 5.7 of the recently approved SPD on HMO's states that the change of use from Class C3 to Class C4 will only be permitted where less than 10% of properties within 100m of street length either side of the application are recorded as shared houses containing 3 or more individuals. The threshold figure for the neighbourhood is 20%. On the basis of these figures the principle of the proposal is considered acceptable and there would not be an undue concentration of HMO's in the vicinity.

5.0 CONCLUSION

5.1 Class C4 HMO's can typically accommodate between 3 and 6 people. The proposed property has 4 bedrooms and it is envisaged that it would accommodate 4 people. Two car parking spaces are considered adequate for the use. The number of existing HMO's within 100m and within the neighbourhood is significantly less than the threshold at which the proposal should be refused. It is recognised that the property has a small rear garden; however, it is considered suitable for a 4 bedroom HMO. The owner feels that the small rear garden has lessened the attractiveness of the house to families who may be considering moving to the area.

5.2 For the reasons set out in this report it is recommended that the application is approved subject to the suggested conditions and informatives.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 VISQ1 Matching materials -

3 Notwithstanding the approved drawings, details of the surface of the proposed parking area shall be submitted to and agreed in writing with the Local Planning Authority. The works shall be completed in accordance with the approved details in advance of the occupation of the extension.

Reason: It is considered that the surface shall be porous or drain to a permeable area of the garden.

Gravel is an inappropriate surface in the context; as such materials would be likely to end up on the public highway.

4 Prior to the dwelling being occupied as a House in Multiple Occupancy, a management plan shall be submitted to and agreed in writing by the Local Planning Authority and shall be implemented as agreed unless otherwise agreed in writing by the Local Planning Authority. The Management plan shall relate to the following areas:

- i) Information and advice to occupants
- ii) Garden maintenance
- iii) Refuse and recycling facilities
- iv) Property maintenance

Reason: In the interests of the proper management of the property and the amenity of adjacent residents.

5 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been 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.

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

Plans received by the Local Planning Authority on 15 August 2013.

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

7.0 INFORMATIVES: Notes to Applicant

1. 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 taken account of all relevant local policies, and 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 identify solutions to problems arising from the proposed development.

2. For Information ASBESTOS

To accommodate the development it will be necessary to remove the garage at the site which is partly constructed of asbestos. The owner should ensure that safety precautions are followed. Advice in respect to removing and disposing of asbestos is contained on the Council's website.

3. For Information - NOISE INSULATION

Neighbours have expressed concerns in respect to the internal transfer of noise between properties. In advance of the use of the property as a HMO it is recommended that the owner consider the benefits to all of upgrading the property's noise insulation along party walls.

Contact details:

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

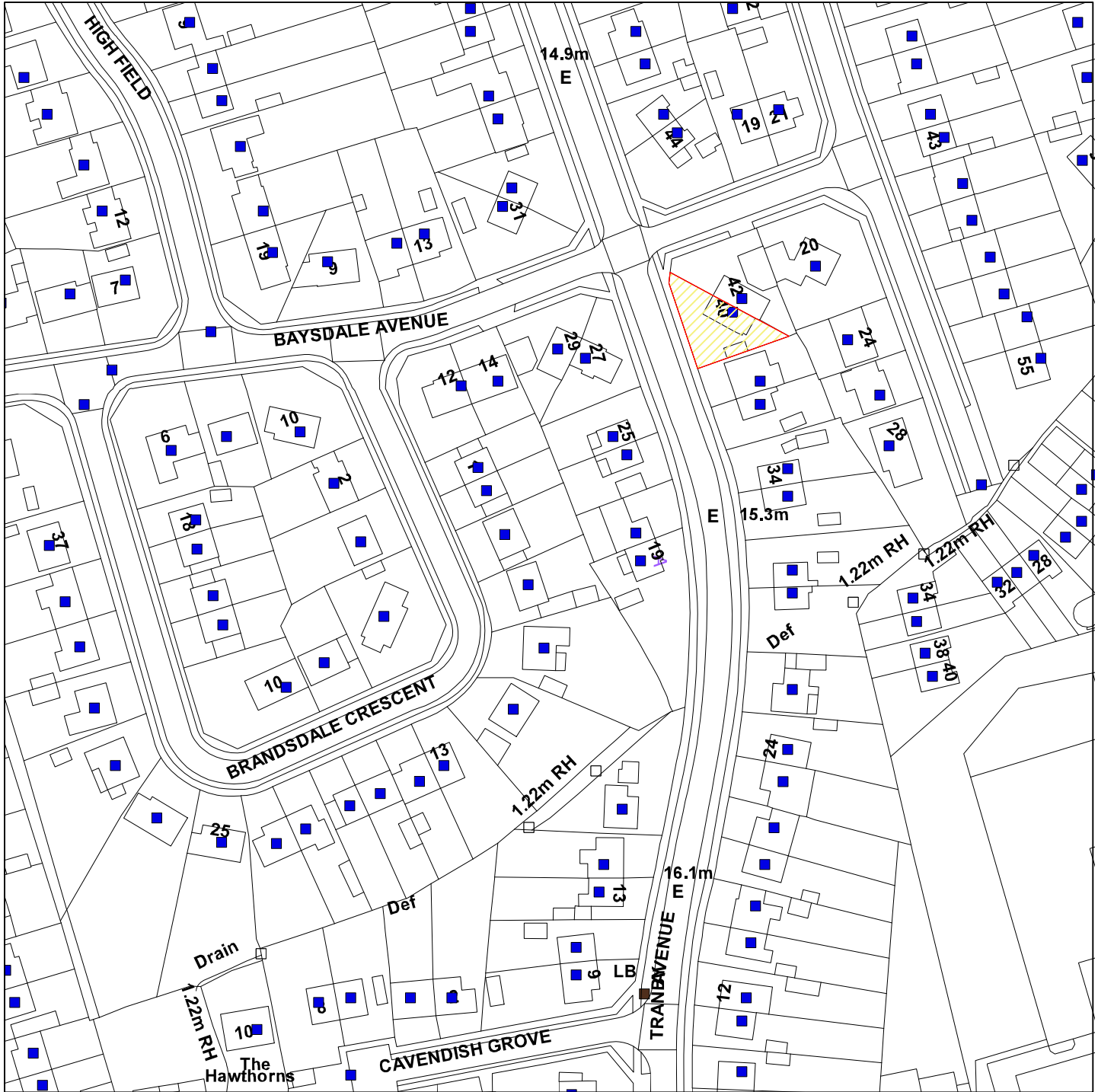
Tel No: 01904 551352

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40 Tranby Avenue



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Planning Sub Committee

9th October 2013

Planning Committee

24th October 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 July to 30th September 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. This is now in place for Planning Authorities where more than 70% of appeals against refusal of permission for major applications are allowed.
- 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 July to 30th September 2013, and for the full year to 30th September.

Fig 1: CYC Planning Appeals Performance

	1/7/13 to 30/9/13 (Last Quarter)	1/10/12 to 30/9/13 (Last 12 months)
Allowed	3	15
Part Allowed	1	2
Dismissed	3	26
Total Decided	7	44
% Allowed	42.86	34.09
% Part Allowed	0	4.54
Withdrawn	0	1

Analysis

- 4 The table shows that between 1st July and 30th September 2013, a total of 7 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 3 were allowed. At 42.86%, the rate of appeals allowed is higher than the national annual average of around 33%. By comparison, for the same period last year, 9 out of 20 appeals were allowed, i.e. 45%,
- 5 For the full year between 1st October 2012 and 30th September 2013, 34.09% of appeals decided were allowed, lower than the previously reported 12 month period of 36.84%.
- 6 The summaries of appeals determined since 1st July to 30th September 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, 3 appeals determined related to applications refused by Committee.
- 7 **Fig 2: Appeals Decided 1st July - 30th September 2013 following Refusal by Committee**

Ref No	Site	Proposal	Outcome	Officer Recom.
12/03436/FUL	Manor Farm Intake Lane, Acaster Malbis	Agricultural buildings to Office uses	Part allowed	Approve
12/01911/OUT	Land at Westview Close	8 Dwellings	Allowed	Refuse
12/03022/FUL	Lucia Bar & Grill Swinegate Ct East	Ext. Of Opening hrs	Allowed	Approve

- 8 The list of current appeals is attached at Annex B. There are 18 planning appeals (i.e. excluding tree preservation order appeals) lodged with the Planning Inspectorate. 14 are proposed to be dealt with by the Written Representation process (W), 2 by the householder procedure (H), and 2 by Public Inquiry (P).
- 9 The quarter performance at 42.86% allowed reflects the relatively small number of cases decided, with 3 appeals allowed. The current 12 month performance at 34.09% allowed is however an improvement on the previously reported 12 month figure, and continues the trend back towards the national 'benchmark' figure of 33% allowed. The initial impact of the publication of the NPPF (March 2012) on appeal outcomes (which saw many cases allowed) is receding, with 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.
- 10 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. This was demonstrated in the last quarter by the allowing with costs of the application to extend the opening hours at Lucia Bar and Grill. 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.
- 11 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) Where significant planning issues are identified early with applications, revisions are sought to ensure that they can be recommended for approval, even where some applications then take more than the 8 weeks target timescale to determine. This approach has improved customer satisfaction and speeded up the development process overall, and , CYC planning application performance still remains above the national performance indicators for Major, Minor and Other application categories.
 - iii). Additional scrutiny is being afforded to appeal evidence to ensure arguments are well documented, researched and argued.

Consultation

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

Council Plan

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

Implications

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

Risk Management

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

Recommendation

- 19 That Members note the content of this report.

Reason

- 20 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:

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01904 551303

**Chief Officer Responsible for the
report:**

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

**Report
Approved**



Date 1 October
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 July
and 30th September 2013**

Annex B – Outstanding Appeals at 1st October 2013

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Appeal Summaries for Cases Determined 01/07/2013 to 30/09/2013

Application No: 12/01205/FUL
Appeal by: Mr A Iqbal
Proposal: Dormer to rear
Address: Flat C 2 Marlborough Grove York YO10 4AY

Decision Level: DEL
Outcome: ALLOW

2 Marlborough Grove is set within a traditional terrace. Planning permission was originally refused under ref: 12/01205/FUL for 2 rear dormers. The reason for refusal was that the dormers, - by reason of their mass and scale, had an unsatisfactory and unsympathetic appearance which is out of character with the traditional row of terraces, to the detriment of the visual amenity of the locality. For some reason the applicant did not appeal the planning refusal. Following the refusal an enforcement notice was served seeking the removal of the dormers. The applicant then decided to appeal the enforcement notice on Ground A (That planning permission should be approved). Marlborough Grove has a number of dormer windows to both front and back. These do vary in size and scale but on the whole they are slim and neat in profile with pitched roofs which are well proportioned to the roof within which they sit. The appeal dormers were much wider and being 2 next to each other filled the width of the roof. They replaced 1 of the slim dormers referred to above. They were not PD as the property in question was flats (now an unlawful HMO). The application was part retrospective at the time of the submission. The issue centred on visual impact. The Inspector concluded that the Council had over-stated its case about the impact. He identified other, more dominant features including a rear offshoot next door. He also attached significant weight to the fact that the dormers were on the rear rather than on the, more visually important front. Also, the dormers in question were only visible from a not often used pedestrian path which runs to the rear of the terrace and down to the next street along. He also identified other rear roof extensions in the area which were flat roof box dormers and so more harmful to those which were the subject of the appeal, which at least had pitched roofs.

Application No: 12/01205/FUL
Appeal by: Mr A Iqbal
Proposal: Dormer to rear
Address: Flat C 2 Marlborough Grove York YO10 4AY

Decision Level: DEL

Outcome: ALLOW

He conceded that there was conflict with the SPD on House extensions in that the dormers in question extended over more than a third of the roof slope. He accepted the generality of the view of the Council but considered there were too many important qualifications to it and he concluded that the dormers did not harm the appearance of either the host house or the rest of the terrace and that, sufficient respect had been shown for the local environment, and there was, enough compatibility with the local area to avoid conflict... The appeal was therefore allowed and the Enforcement Notice quashed. I think this shows that we have to think very very carefully about refusing rear dormer windows. They were in conflict with the SPD re their size and scale but the Inspector essentially concluded that notwithstanding this they looked ok and were not harmful. They had pitched roofs and actually looked better than other features in the area, including a number of flat roof box dormers. Although we should not accept the lowest common denominator when assessing these things, it is probable that many of these were PD as they were on a house. The appeal dormers would have been PD had the property in question not being flats. I think this potential, fall-back, position is always very important to consider, whatever the circumstances. Note that the Inspector also very specifically referred to the fact that they were not very visible rear dormers as opposed to, the more visually important front,.

Application No: 12/01911/OUTM
Appeal by: Hogg Builders (York) Limited
Proposal: Erection of 8no. dwellings and associated infrastructure
Address: Land Between Sports Field And Westview Close York

Decision Level: CMV

Outcome: ALLOW

Application No: 12/01911/OUTM
Appeal by: Hogg Builders (York) Limited
Proposal: Erection of 8no. dwellings and associated infrastructure
Address: Land Between Sports Field And Westview Close York

Decision Level: CMV

Outcome: ALLOW

Planning permission was refused to put 8 houses on the appeal site as it was designated as green belt land in the 2005 Local Plan. Westview Close is a street with houses on one side at the edge of the cities built up area. The appeal related to the side of the street which is un-developed. There is a hedgerow and mature trees at the site boundary, beyond which is the former Civil Service Sports Club site. The Local Plan (1998) excluded the appeal site from the proposed Green Belt. This remained the case through several modifications until the 2005 version. There was a public enquiry in 1999 of the Local Plan. One of the topics of which were the cities green belt boundaries. The inspector determined that the Civil Service Sports Ground (which is next door to the appeal site) should be green belt land. When CYC re-drew the boundaries for the 2005 Local Plan, the part of Westview Close to which the appeal relates was included in the green belt also. The inspector considered that the key issue in this case was whether green belt policies should be applied to the site, given that the inner boundaries of Yorks Green Belt have not been defined in a formally adopted Local Plan. The inspector noted that the appeal site had not been identified as serving the purposes of the green belt by CYC in its green belt appraisal (2003). He added that in his opinion the appeal site served no green belt function and therefore it could be released for development. The inspector noted that his decision would not set a precedent in relation to similar small sites. However the decision suggests that, regardless of their designation in the current Local Plan, sites at the edge of the cities built up area should be assessed on their own merits as to whether they serve the purposes of the green belt.

Application No: 12/03022/FUL
Appeal by: Mr Osman Doganozu
Proposal: 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
Address: Lucia Bar And Grill 9 - 13 Swinegate Court East Grape
Lane York YO1 8AJ
Decision Level: COMM
Outcome: ALLOW

Appeal related to the operating hours of Lucias, which is located in Swinegate Court East. The premises wished to operate until 02.00, rather than midnight, as imposed by the Planning Committee. The site had a premises licence which allowed them to trade until 03.00 and this also imposed conditions in the interests of residential amenity (such as no amplified music audible outside the site). The Inspector noted that other conditions had been imposed on the planning permission which required a noise limiter to be installed, no amplified music to be played which was audible within neighbouring residential properties and the prevention of bottles and glass being placed in bottle bins between 24.00 and 08.00. He noted that despite noise complaints having been received into EPU about the premises these were all prior to the noise limiter being installed. EPU had been satisfied that this was successfully restricting noise into neighbours houses and did not object to the application. The inspector considered that the appeal site is in an area with a high concentration of late night drinking establishments and was a mixed use commercial/residential area, some of which had no control imposed by opening hours. He placed significant weight to the substantial degree of control the imposed conditions referred to above provided and also that local residents could not expect the same level of protection as those not living in the heart of a major tourist city. The inspector amended the condition so that the premises should close by 00.30 Sun-Thurs and 02.00 Fri and Sat. He also granted costs to the appellants. The decision confirms that decisions/use of conditions must be backed by demonstrable evidence of harm so demonstrating that they are relevant and necessary. In this case other conditions were imposed to protect neighbour amenity and together with the licensing regime meant that the midnight closure was not reasonable in this busy city centre commercial area.

Application No: 12/03436/FUL
Appeal by: Mr & Mrs Roger Raimes
Proposal: 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.
Address: Manor Farm Intake Lane Acaster Malbis York YO23 2PL
Decision Level: CMV
Outcome: PAD

The Site at Manor Farm Acaster Malbis is a complicated one. It consists of a farmstead containing a number of buildings which have become surplus as no longer suitable for Modern day agricultural needs and for which planning permission has previously been given for change of use. A visit to the site in connection with the determination of an Agricultural Notification application during the summer of 2012 revealed that a substantial part of the building complex was being used by Papakata , a Corporate Hospitality equipment hire company without the benefit of planning permission. A part retrospective application was submitted seeking regularisation of the activities at the site. This brought to light a number of serious concerns from neighbouring residential properties in respect of loading and unloading activities at the site at unsocial hours. Members duly considered the application and agreed with a recommended condition substantially restricting the hours and range of activities that may take place on site. At the same time they granted planning permission on the basis of a temporary permission for one year in order that the impact of activities at the site could be properly assessed. The two conditions were appealed and the Inspector indicated that he understood the rationale behind the temporary permission but felt it to be unnecessary in view of the length of time the operation had already been taking place. Instead he substituted a condition which forebade the undertaking of activities associated with the Business within the site in the outdoors to the north of the complex of buildings. In terms of the condition restricting hours and operations in order to deal with the concerns about activities taking place at anti-social times the Inspector supported the position of the Planning Authority and dismissed that element of the appeal.

Application No: 12/03467/FUL
Appeal by: Mr A Sullivan
Proposal: Erection of single storey 3 bedroom self-contained student dwelling to the rear
Address: 65 Wycliffe Avenue York YO10 3RH

Decision Level: DEL

Outcome: DISMIS

Planning permission was sought for the erection of a substantial three bed room detached bungalow within the rear garden of the property which was previously a Local Authority dwelling dating from the 1950s. The proposed bungalow would have no form of vehicular access and would have been directly adjacent to the rear garden of the next door property which remained in conventional residential use. A previous proposal for a similar scheme had been refused on the grounds of over-development and impact upon the visual amenity of the wider street scene. The current proposal was once again refused on the grounds of over-development and impact upon the residential amenity of the adjacent property. An appeal was submitted on the basis that there was felt to be a shortage of suitable student housing and that the development of the site would actually improve the visual amenity of the wider street scene. In considering the issues the Inspector discounted these arguments and agreed that the likely level of harm in terms of over-development, impact upon the residential amenity of neighbouring properties and also likely increases in anti-social behaviour would be severe. Unsurprisingly the appeal was dismissed.

Application No: 13/00786/FUL
Appeal by: Mr Colin Gardner
Proposal: Single storey rear extension
Address: 144 Fulford Road York YO10 4BE

Decision Level: DEL

Outcome: DISMIS

The appeal related to the refusal of planning permission for the erection of a single storey rear extension approx 5.3 metres in length by approx 3.48 metres in height. The application was refused on the basis that the extension would appear unduly oppressive and overbearing when viewed from the rear of the neighbouring property at 146 Fulford Road. The Inspector dismissed the appeal concluding that the massing and proximity of the extension would lead to an overbearing feature that would have a negative impact on the living conditions of both current and future occupants of No. 146 Fulford Road. This would not only be contrary to policy GP1(i) and H7(d) of the City of York Draft Development Control Local Plan 2005 (DDCLP) but also the core planning principles of the National Planning Policy Framework 2012 (NPPF)

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: 05/10/2011	Ref No: 11/00044/EN	Appeal Ref No: APP/C2741/F/11/2160562	Process: W	Site: 91 Micklegate York YO1 6LE	Description: Appeal against Enforcement Notice	
Officer: Diane Cragg					Total number of appeals:	1
Received on: 12/05/2013	Ref No: 13/00021/REF	Appeal Ref No: APP/C2741/A/13/2198026	Process: W	Site: 40 Fordlands Road York YO19 4QG	Description: Dormer bungalow to rear	
Officer: Esther Priestley					Total number of appeals:	2
Received on: 02/09/2013	Ref No: 13/00033/REF	Appeal Ref No: APP/TPO/C2741/3440	Process: W	Site: STREET RECORD Burton Court York	Description: Fell Lime (T5) Tree protected by Tree Preservation Order No 25	
Received on: 19/09/2013	Ref No: 13/00034/REF	Appeal Ref No: APP/TPO/C2741/3443	Process: W	Site: 23 North Lane Huntington York YO32 9RU	Description: Fell Sycamore (T11), Tree Protected by Tree Preservation Order No 49/67	
Officer: Gareth Arnold					Total number of appeals:	1
Received on: 04/06/2013	Ref No: 13/00022/EN	Appeal Ref No: APP/C2741/C/13/2199211	Process: P	Site: 1 Grays Court York YO1 7JH	Description: Appeal against Enforcement Notice dated 24 April 2013	
Officer: Kevin O'Connell					Total number of appeals:	2
Received on: 27/02/2012	Ref No: 12/00009/REF	Appeal Ref No: APP/C2741/X/12/2170664	Process: W	Site: 2 St Aubyns Place York YO24 1EQ	Description: Use of property as a House in Multiple Occupation	
Received on: 05/07/2013	Ref No: 13/00025/REF	Appeal Ref No: APP/C2741/A/13/2201146	Process: W	Site: Roko Health Club And Playfootball Stirling Road	Description: Change of use of part of the car park as a members only hand car wash and valeting business and siting of office/storage unit within a timber screen	
Officer: Michael Jones					Total number of appeals:	1
Received on: 14/08/2013	Ref No: 13/00031/REF	Appeal Ref No: APP/C2741/A/13/2203315	Process: W	Site: Harlestone 14 York Road Strensall York YO32 5UN	Description: Erection of dormer bungalow to rear (resubmission)	

Officer: Matthew Parkinson						Total number of appeals: 3
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	
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	
Officer: Neil Massey						Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
01/08/2013	13/00027/REF	APP/C2741/D/13/2202292	H	Rockstone Dauby Lane Kexby York YO41 5LH	Single storey side extension	
23/07/2013	13/00029/REF	APP/C2741/A/13/2199961	W	12 School Lane Heslington York YO10 5EE	Change of use from residential dwelling (use class C3) to House in Multiple Occupation (sui generis) (retrospective)	
Officer: Rachel Tyas						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
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: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
23/07/2013	13/00028/REF	APP/C2741/A/2201818	W	1 Burniston Grove York YO10 3RP	Two storey side and rear and single storey side extension in connection with change of use from house in multiple occupation (six bedrooms - Use Class C4) to large house in multiple occupation (eight bedrooms - sui generis) (resubmission)	
09/09/2013	13/00032/REF	APP/C2741/D/13/2204621	H	4 Gormire Avenue York YO31 9JB	Two storey side and single storey rear extension	
Officer: Tim Goodall						Total number of appeals: 4
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
02/07/2013	13/00024/EN	APP/C2741/C/13/2201065	W	34 Claremont Terrace York YO31 7EJ	Appeal against Enforcement Notice dated 13 June 2013	

02/07/2013	13/00024/EN	APP/C2741/C/13/2201066	W	34 Claremont Terrace York YO31 7EJ	Appeal against Enforcement Notice dated 13 June 2013
19/07/2013	13/00026/EN	APP/C2741/C/13/2202212	W	46 Wigginton Road York YO31 8HT	Appeal against Enforcement Notice dated 13 June 2013
30/07/2013	13/00030/EN	APP/C2741/C/13/2202704	W	Os Field 2217 Usher Lane Haxby York	Appeal against Enforcement Notice dated 28 June 2013

Total number of appeals: 20

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Planning Sub-Committee

9th October 2013

Enforcement Cases - Update

Summary

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

Background

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

Current Position

6. Across the City of York Council area 184 new investigation cases were received within the last quarter.

During the same period 132 cases were closed. A total of 479 ongoing investigations remain open.

There are also 172 Section 106 monitoring cases open. 9 such cases have been closed in this quarter as the contributions required through obligations contained in the S106 agreement have been received. These obligations total off-site financial contributions of £179 092.

In this quarter 2 enforcement notices and 1 Planning Contravention Notice have been served and 5 cases have received authority for Enforcement notices to be prepared. There is one case which is currently the subject of legal proceedings for the illegal display of an advertisement.

Consultation

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

Options

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

The Council Plan 2011-2015

9. The Council priorities for Building strong Communities and Protecting the Environment are relevant to the Planning Enforcement function. In particular enhancing the public realm by helping to maintain and improve the quality of York's streets and public spaces is an important part of the overall Development Management function, of which planning enforcement is part of.

10. Implications

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

Risk Management

11. There are no known risks.

Recommendations

12. That Members note the content of the report. Officers do try to update the individual reports and cases when necessary but it is not always possible to keep up with these straight away. Therefore if members have any additional queries or questions about cases on this enforcement report then please e-mail or telephone Matthew Parkinson before 5pm on Tuesday 8th October 2013. Please note that the cases are now presented in Parish order so hopefully this will make it easier for Members to reference cases in their respective areas.

Also, if Members identify any cases which they consider are not now expedient to pursue and / or they consider could now be closed, giving reasons, then if they could advise officers either at the meeting or in writing, then that would be very helpful in reducing the number of outstanding cases.

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

Contact Details

Author:

Matthew Parkinson
Planning Enforcement
Team Leader.

Tel. No: 551657

Dept Name: **City and
Environmental Services.**

Chief Officer Responsible for the report:

Michael Slater

Assistant Director (Planning and
Sustainable Development)

Report **Date** 27/9/2013

Approved
Michael Slater

*Assistant Director (Planning and
Sustainable Development).*

Report **Date** 27/9/2013

Approved

Specialist Implications Officer(s) *List information for all*

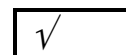
Implication ie Financial:

Name Patrick Looker.

Implication ie Legal:

Andrew Docherty.

Wards Affected: *All Wards*



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of the Local Government Act 1972.

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of the Local Government Act 1972.

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