



Notice of a public meeting of

Area Planning Sub-Committee

- To:** Councillors McIlveen (Chair), Gillies (Vice-Chair), Douglas, Watson, Semlyen, Looker, Fitzpatrick, Galvin, Cuthbertson, Hyman and Warters
- Date:** Thursday, 9 January 2014
- Time:** 2.00 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

Site Visits for this meeting will commence on Wednesday 8 January 2014. The mini-bus for Members of the Sub-Committee will depart from Memorial Gardens at 10.00 am.

Members are advised to note that if they are planning to make their own way to the Site Visits please could they let Democratic Services know by **5pm on Tuesday 7 January 2014 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 6 (Enforcement Cases Update) 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 - 8)

To approve and sign the minutes of the last meeting of the Planning Sub-Committee held on Thursday 5 December 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 **Wednesday 8 January 2014 at 5.00 pm**.

5. Plans List

To determine the following planning applications:

a) The Ruins, 32a Dale Street, York YO23 1AE (Pages 9 - 20)
(13/03275/FUL)

Erection of two storey building comprising of a new dwelling and an extension to 34 Dale Street, and change of use of 32a Dale Street to residential accommodation - Variation/removal of conditions of permission 10/02792/FUL under Section 73 of the Town and Country Planning Act 1990. [Micklegate] **[Site Visit]**

b) Rear of The Lindens, Sandy Lane, Stockton (Pages 21 - 32)
on the Forest, York (13/03256/FULM)

Erection of workshop and storage building for steel coils.[Strensall]

c) Shepherd Group Social Club, 131 Holgate Road YO24 4AZ (13/02712/FULM) (Pages 33 - 46)

Conversion of social club and four storey side extension to create 12no. one bedroom flats. [Holgate] **[Site Visit]**

6. Enforcement Cases Update (Pages 47 - 376)

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.

7. Urgent Business

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

Democracy Officer:

Name: Judith Betts

- 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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- 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.**

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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.

Every effort will also be made to make information available in another language, either by providing translated information or an

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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

Wednesday 8 January 2014

**The mini-bus for Members of the sub-committee will depart
Memorial Gardens at 10.00**

TIME (Approx)	SITE	ITEM
10.10	The Ruins, 32A Dale Street	5a)
10.30	Shepherd Group Social Club, 131 Holgate Road	5c)

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City of York Council

Committee Minutes

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

31. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests not included on the Register of Interests that they might have had in the business on the agenda. None were declared.

32. Minutes

Resolved: That the minutes of the Area Planning Sub-Committee held on 9 October 2013 be approved subject to Minute 23 (Declarations of Interest) being amended to show that Councillor Semlyen declared a personal and prejudicial interest in plans item 5b (Fulford Grange, Grange Garth) as the applicant was a neighbour of hers. She left the room during discussion of this item and took no part in the debate or vote on this application.

33. 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.

34. 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.

**34a) Middleton House, 38 Monkgate, York. YO31 7PD
(13/03305/FUL)**

Members considered a full application by Mr Philip Thake of York Conservation Trust for the installation of a dormer window on the south facing roof.

Officers advised that Members needed to take a balanced decision on the application, taking into account the extra head height and useable space which would be created in the kitchen by the introduction of the dormer window, but also giving regard to preserving the historic building. Officers acknowledged that while the conservation officer and case officer's view fell on the side of recommending refusal, planning officers also accepted that as the roof purlin was being retained and moved only 200mm from its original location, in this case it would be an equally reasonable decision for Members to take the view that there was sufficient justification to approve the applications.

Representations were received from Mr Guy Bowyer, the architect, in support of the scheme. He acknowledged that space in the kitchen was currently very tight. He stated that the proposed alterations would enhance the original scheme and create a more useable kitchen with better headroom and more useable width.

Representations were also received from Mr Philip Thake, the applicant, from York Conservation Trust. He stressed that York Conservation Trust would not do anything to damage the historic building but asked Members to take into account the need to consider the long term agenda for the building. He explained that York Conservation Trust relied on regular returns from short term lets. He explained that small rooms and, in particular, small narrow kitchens were not popular and that their letting agents had advised them to maximise the available space in the building. He told Members that the wider

community would benefit from the scheme as the rental income would provide funds which would be used by York Conservation Trust to continue their work to restore and conserve other buildings in the city for the benefit of York residents. The applicant confirmed that a photographic record was being kept of the scheme, as with any all schemes undertaken by York Conservation Trust.

Members acknowledged the need to consider the Local Plan Policy HE4 and National Planning Policy Framework 2012 but agreed that any building needed to be flexible enough to meet a variety of uses during its lifetime.

They accepted that the introduction of the dormer window would create more useable space in the kitchen for the benefit of the occupant. They did not believe that a significant heritage argument had been put forward to support refusing the application and agreed that while the benefit was largely private to the occupant of the flat, the proposed amendments would also benefit the wider public through the work of York Conservation Trust.

Resolved: That the application be approved subject to the relevant conditions to include the standard conditions stipulating that the development must commence within 3 years and must be carried out in accordance with the approved plans. It was noted that large scale drawings of the dormer window had already been received from York Conservation Trust.

Reason: Members felt that the proposals would result in less than substantial harm to the significance of the listed building and that that the harm was justified by the public benefits of the scheme which included securing the optimum viable use of the building. As such the proposal complied with the requirements of National Planning Policy Framework.

**34b) Middleton House, 38 Monkgate, York YO31 7PD
(13/03306/LBC)**

Members considered an application for listed building consent for the installation of a dormer window on the south facing roof.

Resolved: That the application be approved subject to conditions stipulating that the development must commence within three years and must be carried out in accordance with the approved plans in addition to further conditions to cover the requirement for a method statement and large scale details for the fixing of the purlin as well as the submission of a photographic record.

Reason: Members felt that the proposals would result in less than substantial harm to the significance of the listed building and that that the harm was justified by the public benefits of the scheme which included securing the optimum viable use of the building. As such the proposal complied with the requirements of National Planning Policy Framework.

35. Other Remarks

Councillor Warters asked to be provided with the following information:

- a record of applications for Houses in Multiple Occupation (HMO) broken down by ward
- a breakdown of Member requests to call-in planning applications for decision by committee, and the number of these applications which had been approved and refused by Committee.

He also requested that the Assistant Director, Development Services, Planning and Regeneration and the Cabinet Member for Transport, Planning and Sustainability attend a future meeting of the committee.

Councillor McIlveen, Chair
[The meeting started at 2.00 pm and finished at 2.30 pm].

COMMITTEE REPORT

Date: 9 January 2014 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 13/03275/FUL
Application at: The Ruins 32A Dale Street York YO23 1AE
For: Erection of two storey building comprising of a new dwelling and an extension to 34 Dale Street, and change of use of 32a Dale Street to residential accommodation - Variation/removal of conditions of permission 10/02792/FUL under Section 73 of the Town and Country Planning Act 1990
By: Ms Isobel Rhodes Bernays
Application Type: Full Application
Target Date: 28 November 2013
Recommendation: Approve

1.0 PROPOSAL

1.1 The application seeks the removal of Conditions 5 (to be constructed to Code for Sustainable Homes level 3), 6 (5% on-site renewables), 8 (drainage information), and 10 (vertical sections through eaves, windows, door), and the variation of Conditions 1 and 7 of planning permission 10/02792/FUL. The request to vary of condition 1 is to change the windows in the proposed side elevation from timber to UPVC, in addition to use standard rooflights rather than conservation roof lights. The request to vary of Condition 7 is to change three windows into the ground floor passageway and the second floor bedroom window from obscurely glazed windows to clear glazed, the other proposed windows in this elevation would be retained as obscurely glazed.

1.2 Planning permission 10/02972/FUL sought consent for a dwelling to the front of the building known as 32 Dale Street, included in this proposed building would be a one bedroomed dwelling towards the front and an additional space/extension to provide a boot room and a bedroom for 34 Dale Street. The application was also to regularise the use of 32a Dale Street as residential accommodation for 34 Dale Street.

1.3 The site is within the Central Historic Core Conservation Area. In the original application the site was outside the conservation area adjacent to the boundary, however the conservation area was extended in 2011 to include Dale Street.

1.4 The proposed dwelling would be an end of terrace. There is a mixture of styles on the street including 19th century terraces, and mid 20th century flats.

To the north east of the proposed dwelling are the gardens of the flats surrounding 18 to 32 Dale Street. The street is relatively modest in character and proportion.

1.5 The application is brought to committee at the request of Councillor Watson on the grounds of the number of alterations proposed to the conditions.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

2.2 Policies:

CYGP1 Design

CYGP4A Sustainability

CGP15A Development and Flood Risk

CYHE2 Development in historic locations

CYHE3 Conservation Areas

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - No objections

CONSERVATION OFFICER - No comment

FLOOD RISK MANAGEMENT TEAM - Object

- Condition 8 requested details of the existing drainage arrangements together with details of the proposed drainage as there was insufficient information provided for during the application to determine the potential impact of the proposals on the existing drainage system and downstream watercourse. This remains the same.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

MICKLEGATE PLANNING PANEL

- The panel supports the request to remove condition 6 regarding renewable energy.
- The panel does not agree that sufficient evidence has been provided for the removal of the other conditions.

3 LETTERS OF COMMENTS

- Concerned that the builder has fenced off the neighbouring garden area to the flats, the trees and shrubs have environmental value and would like this area to be protected
- Concerned from loss of privacy from the windows in the side elevation, request obscure glazing
- Would the back gate to the communal gardens (which the builders are to use) be secured daily for security reasons? Will the gate be removed following the finish of the project?
- Request that the neighbouring flats communal garden is not used as a site store/compound

4.0 APPRAISAL

4.1 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. The framework states that the Government attaches great importance to the design of the built environment.

4.2 Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. In considering proposals for new or improved residential accommodation, the benefits from meeting people's housing needs and promoting the economy will be balanced against any negative impacts on the environment and neighbours' living conditions.

Removal of Conditions 5(Code for Sustainable Homes) and 6 (Renewable Energy)

4.3 The National Planning Policy Framework puts emphasis on sustainable development, one of the Frameworks' core principles being to support the transition to a low carbon future and encourage the use of renewable resources. The Frameworks states that local policies should set the requirements.

4.4 Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) sets out what proposals should take account of and what should be included within the proposal with regards to the principles of sustainable development. The proposal is considered to be in a sustainable location close to public transport and the nearby shopping area. The CYC Interim Planning Statement on Sustainable Design and Construction gives more specific guidance for developments, such as constructing dwellings to (the minimum) Level 3 of the Code for Sustainable Homes, and provision of on-site renewable energy for all proposed dwellings.

In recognition of Policy CS21 of the Core Strategy (that was subsequently withdrawn), in January 2012 a change was made to the Council's Interim Planning Statement such that there is no longer a requirement for new residential developments of less than 10 dwellings to achieve the Code for Sustainable Homes Level 3 rating. In addition, there is no longer the requirement for such developments to achieve at least 10% of the developments' energy demand from renewable technologies. Whilst the Core Strategy has been withdrawn the alterations to the Interim Planning Statement still stand pending the progression of the new local plan.

4.5 Central Government advice contained within Circular 11/95 states that a condition should not be retained unless there are sound and clear cut reasons for doing so. By virtue of the change in the Council's policy, it is considered that Conditions 5 and 6 can no longer be reasonably applied or enforced and their removal is considered acceptable.

Removal of Condition 8 (Drainage Details)

4.6 The NPPF states that Local Plans should be supported by Strategic Flood Risk Assessment (SFRA) and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. The City of York Council Strategic Flood Risk Assessment (Appendix 6, Section 4.1.c) sets out the information that should accompany an application regarding surface water drainage that is sufficient for the Council to assess whether there may be an issue or not regarding surface water drainage.

4.7 The condition was added to the original application as the method of surface water drainage was not detailed in the application, as such it was considered prudent that further details be submitted via condition to ensure the method of surface water drainage was sufficient and prevent flooding elsewhere. The applicant in their justification for the removal of the conditions states that there is currently no drainage arrangements for the existing yard and that foul and surface water drainage will be via the sewer in Dale Street and would be no different from the other dwellings in Dale Street.

4.8 One aim of the SFRA is to reduce the existing surface water run-off rates. However in this case the site is too small to for the run-off to be successfully attenuated. As such it is considered that details of the drainage for the development can be reasonably dealt with under the Building Regulations and the condition can be removed.

Removal Of Condition 10 (Vertical Sections Through The Front And Side Elevation Illustrating Eaves, Wall, Window/Door Heads, Window Joinery, Set Back Of Window In Reveal And Sill Profile)

4.9 This condition was added as the plans and elevations had inaccuracies for example the elevations showed the doors being recessed in keeping with the rest of the terrace however in the plans showed the front entrance door and the windows flush with the brick elevation and no door surround. Part of the appeal of the terrace are the repeated design elements throughout such as the doors set back within the timber feature surrounds, the windows set back in the openings with the brick detail headers. The requested sections were to ensure that the proposed dwellings also repeated these details.

4.10 Since the original planning permission the conservation area has been extended to include this terrace the reason given in the Central Historic Core Conservation Area Appraisal "in order to better manage future alteration and development" This terrace is specifically mentioned in the appraisal "Nos. 34-46 are the most attractive, built 1823-8. They are two storey red brick cottages with tiled roofs and sit directly on the pavement...." The terrace is also specified as buildings of merit within the appraisal.

4.11 Whilst no plans have been provided showing further detail of the front elevation it is considered that a variation of the condition to require that the front windows and doors are recessed by 100mm would be reasonable. Approved plans show that the doors and windows will be timber and match the existing.

Variation of Condition 1 (Plans)

4.12 The plans submitted in the original application indicated timber framed windows and conservation roof lights. The application has requested to vary condition 1 of the original planning permission so upvc window can be used in the side elevation, and standard (Velux) rooflights can be used. The use of standard rooflights rather than conservation rooflights, despite the proposed dwelling being sited within a conservation area, is considered to be acceptable. However it is considered prudent that details of the rooflights to the front roofslope are submitted to ensure the type of rooflight is appropriate to this location and its appearance within the streetscene.

4.13 The applicant has confirmed that they intend to used timber framed windows to the front elevation, and request UPVC windows to the side elevation facing 30 and 32 Dale Street. Whilst the proposed UPVC windows would not be in keeping with the character of the property they are not considered to result in sufficient harm to warrant refusal. It is recommended that the wording of Condition 1 be amended clarifying that rooflights (of the same size) and UPVC windows in the side elevation would be permitted.

Variation of Condition 7 (Obscure Glazing to All Windows in the Proposed Side Elevation Facing 30 And 32 Dale Street)

4.14 The applicant has requested that the three windows into the ground floor passageway and the second floor bedroomed window be clearly glazed; the other proposed windows in this elevation would be retained as obscurely glazed. It is not considered that there would be a loss of privacy from the passageway windows or the bedroom window, as they are secondary rooms rather than primary accommodation. By virtue of the size or siting within the development there is little potential for these rooms to change to primary accommodation.

5.0 CONCLUSION

5.1 For the above reasons is reasonable for Conditions 5 (Code for Sustainable Homes), 6 (Renewable Energy) and 8 (Drainage details) to be removed and conditions 1 (approved plans), 7 (obscure glazing) and 10 (large scale details) to be varied.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Drawing Number 002 received 13 December 2010;

Notwithstanding the approved drawing, UPVC windows can be used in the side/north east elevation facing 30 and 32 Dale Street and non-conservation style rooflights may be used.

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

2 The development shall be begin no later than 14 March 2013

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

3 The materials and mortar treatment to be used externally shall match those of the side elevation of 34 Dale Street in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any order revoking or re-enacting that Order), the windows in the north east elevation (with the exception of the windows to the ground floor passage way and the second floor bedroom) facing 30 and 32 Dale Street shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above.

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

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any order revoking or re-enacting that order) no additional windows, doors or other openings other than those shown on the approved plans shall be constructed in the north east elevation facing 30 and 32 Dale Street.

Reason: As the insertion of additional windows could have a serious impact on the privacy of neighbours and should therefore be controlled.

6 The front windows and doors shall be recessed by 100mm behind the elevation.

Reason: To achieve a visually acceptable form of development, in keeping with the character of the terrace and this part of the Central Historic Core Conservation Area, and the designation of the terrace as buildings of merit in the Central Historic Core Conservation Area Appraisal, and to comply with paragraph 135 of the NPPF.

7 Details of the rooflights to the front roof slope shall be submitted to and approved in writing prior to the construction of the roof. The rooflights shall be no larger than those shown in the approved plan (Drawing Number 002 received 13 December 2010).

Reason: To ensure the appearance of the rooflights are in keeping with the building character and the designation of the terrace as buildings of merit in the Central Historic Core Conservation Area Appraisal, and to comply with paragraph 135 of the NPPF.

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:

- Use of conditions

2. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available at:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

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

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:

Author: Victoria Bell Development Management Officer **Tel No:**01904 551347

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The Ruins 32A Dale Street

13/03275/FUL



Scale : 1:1000

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	27 December 2013
SLA Number	Not Set

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COMMITTEE REPORT

Date: 9 January 2014 **Ward:** Strensall
Team: Major and **Parish:** Stockton-on-the-Forest
Commercial Team Parish Council

Reference: 13/03256/FULM
Application at: Rear of The Lindens Sandy Lane Stockton On The Forest
York
For: Erection of workshop and storage building for steel coils
By: Mr J Jackson
Application Type: Major Full Application (13 weeks)
Target Date: 24 January 2014
Recommendation: Approve

1.0 PROPOSAL

1.1 Linden's Sandy Lane Stockton on the Forest comprises a substantial partially open air/partially enclosed storage facility for a specialist metal fencing and building product manufacturer. The site lies to the north east of the village centre which is inset within the York Green Belt. Planning permission is sought for the erection of a profile steel clad portal framed building some 7.8 metres high to the ridge and some 1,140 sq metres in area to house a workshop and storage area for steel coil and other metal products presently stored outside, prior to dispatch. The walls of the building would be coloured Juniper Green and the roof would be colour coated Goose Wing Grey.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001
DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYGP1 Design
CYE3B Existing and Proposed Employment Sites
GP15A Development and Flood Risk

3.0 CONSULTATIONS

INTERNAL

3.1 Environmental Protection Unit raise no objection in principle to the proposal but express some concern with regard to the potential of noise from the operation to impact upon the residential amenity of neighbouring properties.

3.2 Strategic Flood Risk Management express concern in respect of the level of information submitted with the application in relation to surface water drainage.

EXTERNAL

3.3 Stockton on the Forest Parish Council were consulted in respect of the proposal on 31st October 2013. Views will be reported verbally if available.

3.4 The Foss Internal Drainage Board were consulted in respect of the proposal on 31st October 2013. Views will be reported verbally if available.

4.0 APPRAISAL

KEY CONSIDERATIONS

4.1 KEY CONSIDERATIONS INCLUDE

- * Impact upon the visual amenity of the wider street scene;
- * Impact upon the residential amenity of neighbouring properties;
- * Impact upon the local surface water drainage network.

STATUS OF THE DRAFT LOCAL PLAN

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

IMPACT UPON THE VISUAL AMENITY OF THE WIDER STREET SCENE

4.3 Policy GP1 of the York Development Control Local Plan sets out a firm policy presumption in favour of new development proposals which respect or enhance the local environment, are of a layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area and ensure that residents living nearby are not unduly affected by noise or disturbance. Central Government Planning Policy in respect of Planning and Economic Development as outlined in paragraph 21 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to supporting existing Business Sectors taking account of their requirements for expansion.

4.4 The current proposal relates to a well established structural steelwork pre-fabricator and wholesaler operating from two site in Stockton on the Forest. The application site comprises a large elongated yard with two 7.8 metre high green powder coated industrial units along the street frontage and a substantial open storage area to the rear containing raw materials and finished structural components. The site boundaries are well sheltered with mature landscaping to the west, a storage yard in different ownership to the south and an operational farmyard directly to the east. The proposal envisages the erection of a substantial building which would house the existing range of activities that take place within the existing open yard. It would match closely the existing units along the site frontage in terms of its height, scale, massing and overall external appearance. As a consequence of its location it would not be readily perceptible in long or short distance views from outside of the site and any impact upon the visual amenity of the wider street scene would be minimal. The terms of Policy GP1 of the York Development Control Local Plan would therefore be complied with.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES

4.5 Concern has been expressed by the Environmental Protection Unit in relation to the impact of the proposed building upon the residential amenity of neighbouring properties. However, the proposal solely relates to the erection of a building albeit a substantial one to house an operation presently taking place at the site. The nearest residential property is also some 140 metres to the north east and sheltered by the existing units to the north in terms of its relationship to the application site. Any impact upon the residential amenity of neighbouring properties would therefore be negligible.

IMPACT UPON THE LOCAL SURFACE WATER DRAINAGE NETWORK

4.6 Policy GP15a) of the York Development Control Local Plan sets down a firm policy requirement that developers must satisfy the Local Planning Authority that any flood risk will be successfully managed with the minimum environmental effect whilst ensuring that the site can be developed, serviced and occupied safely. The application site consists of the construction of a building to house an existing operation taking place in the open air within a yard surfaced with compacted gravel. The application site lies within Flood Zone 1 and therefore has the lowest defined level of flood risk. The application site is presently drained by soak away and the proposal would not lead to any material impact upon the local pattern of surface water drainage by reason of increased hard surfaced area, increased flows or significantly re-directed flows. The proposal is therefore felt to be acceptable subject to the final detail of the surface water drainage scheme being conditioned as part of any permission.

5.0 CONCLUSION

5.1 Linden's Sandy Lane Stockton comprises a substantial partially enclosed/partially open air storage facility operated by a manufacturer and wholesaler of specialist metal building products. Planning permission is sought for the erection of a 1,140 sq metre industrial unit to house a range of workshop and storage activities presently undertaken in the open air. The proposed unit would closely match the existing units at the site in terms of scale, massing and appearance and would have minimal impact upon the visual amenity of the wider street scene. The proposal is therefore felt to be acceptable in planning terms and approval is recommended.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 PLANS1 Drawing Refs: - 11-861-1; 11-861-2 and 11-861-3.

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

Reason: So as to achieve a visually cohesive appearance.

4 Development shall not begin until details 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.

7.0 INFORMATIVES: Notes to Applicant

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:

Imposition of reasonable conditions to ensure an appropriate design and flood risk management.

Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

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Sub-Committee Update

Item 5 b)

13/03256/FULM

Rear of Linden's Sandy Lane, Stockton on the Forest

Insert Additional Paragraphs for the Report (these paragraphs do not replace any existing paragraphs)

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

4.3 Policy GB1 of the York Development Control Local Plan sets out a firm policy presumption that within the Green Belt planning permission will only be given for development of a scale, location and design which would not detract from the open character of the Green Belt and would not conflict with the purposes of including land within it and be for one of a number of purposes deemed to be appropriate within it. The Adopted Development Plan Context for the Green Belt which is relevant in the current context consists of saved Policies YH9C and Y1c(1) and (2) of the Yorkshire and Humber Regional Spatial Strategy which seek to define long term and sustainable inner and outer boundaries to the Green Belt.

4.4 Central Government Planning Policy in respect of the Green Belt as outlined in paragraph 89 of the National Planning Policy Framework identifies all new built development within the Green Belt as inappropriate and therefore harmful to its character unless it comes within one of a number of specified categories deemed to be appropriate including, the partial re-development of previously developed sites when redundant or in continuing use which would not have a greater impact on the openness of the Green Belt or the purposes of including land within it than the existing development. In order to overcome the usual presumption against inappropriate development a clear case of "very special circumstances" would need to be forthcoming but none has been received.

4.5 The application site lies outside of, but close to the defined settlement limit of Stockton on the Forest. However, within the emerging Preferred Options Draft Local Plan the site has been excluded from the

Green Belt and incorporated within the village envelope. The formal inner boundary of the Green Belt has also not been precisely defined in this location. The appropriateness of the development within the Green Belt needs therefore to be assessed in terms of compliance with the tests for including land within the Green Belt and the impact of the proposal upon the openness of the Green Belt when set against that of the existing development.

4.6 The two tests of particular relevance in the current context are the need to safeguard the countryside from encroachment and the need to preserve the special character of historic towns and cities. In terms of the tests the proposal seeks permission to erect a building to house a range of existing activities taking place at the site in the open air. It would be of identical height and a comparable scale and massing to the two existing buildings lying at the street frontage of the site. The site is presently within a mixed storage/industrial use with a storage use taking place on the site directly to the south. To east and west lie a series of farmyards running back from the street frontage, with the site boundaries sheltered by mature landscaping to the west and a substantial range of farm buildings to the east. It is felt that the proposed building would not in view of the nature of the surroundings and the current usage of the site encroach upon the countryside with resulting harm to the character of the Green Belt to a greater extent than the existing buildings at the site. At the same time any impact upon the setting and historic character of the City arising out of the proposal would be modest.

4.7 In terms of the impact of the proposal upon the openness of the Green Belt the site comprises an established operational industrial site with substantial buildings visible from the street frontage in storage and workshop use with a large yard behind. The site has a wider linear nature stretching back from the Sandy Lane frontage with clearly defined boundaries. The yard to the rear of the site is not readily perceptible in views from outside of the site and the proposed building would match the existing in terms of its scale, massing and height. It is not felt therefore that the proposed building would have a materially greater impact upon the openness of the Green Belt than the existing.

4.8 Assessing the site against the purposes of including land within the Green Belt and the contribution of the site to its open character, taking

account of the non-adopted nature of the Green Belt boundary, it is felt that the contribution of the site to the character of the Green Belt in this area is modest and that any impact arising from the proposal would be similarly modest. Taking account of the nature of the built development at the site frontage together with the nature of the boundaries it is felt that any impact arising from the development on the openness of the Green Belt would be acceptable and that the requirements of paragraph 89 of the National Planning Policy Framework have been complied with. The development is therefore felt to be acceptable in Green Belt terms.

Additional Paragraph for Conclusion

5.2 In terms of its impact upon the Green Belt, the site lies in close proximity to the edge of the defined village envelope, indeed in the Preferred Options Draft Local Plan it is within village envelope and outside of the Green Belt . Taking account of the lack of definition of the inner Green Belt boundary it is necessary to assess the site characteristics against the reasons for including land within the Green Belt along with the impact of the proposed development on openness. On the basis of that examination it is felt that the proposal would not give rise to any greater impact than the existing buildings and other activity taking place at the site. The proposal is therefore felt to be acceptable in terms of paragraph 89 of the National Planning Policy Framework. The proposal is therefore felt to be acceptable in planning terms and approval is recommended.

Amended Recommendation

RECOMMENDATION: Approve after referral to the Secretary of State

Additional Condition

5. Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 7.8 metres, as measured from existing ground level. Before any works commence on the site a means of identifying the existing ground level on the site shall be agreed in writing and any works required 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 on site for the duration of construction works.

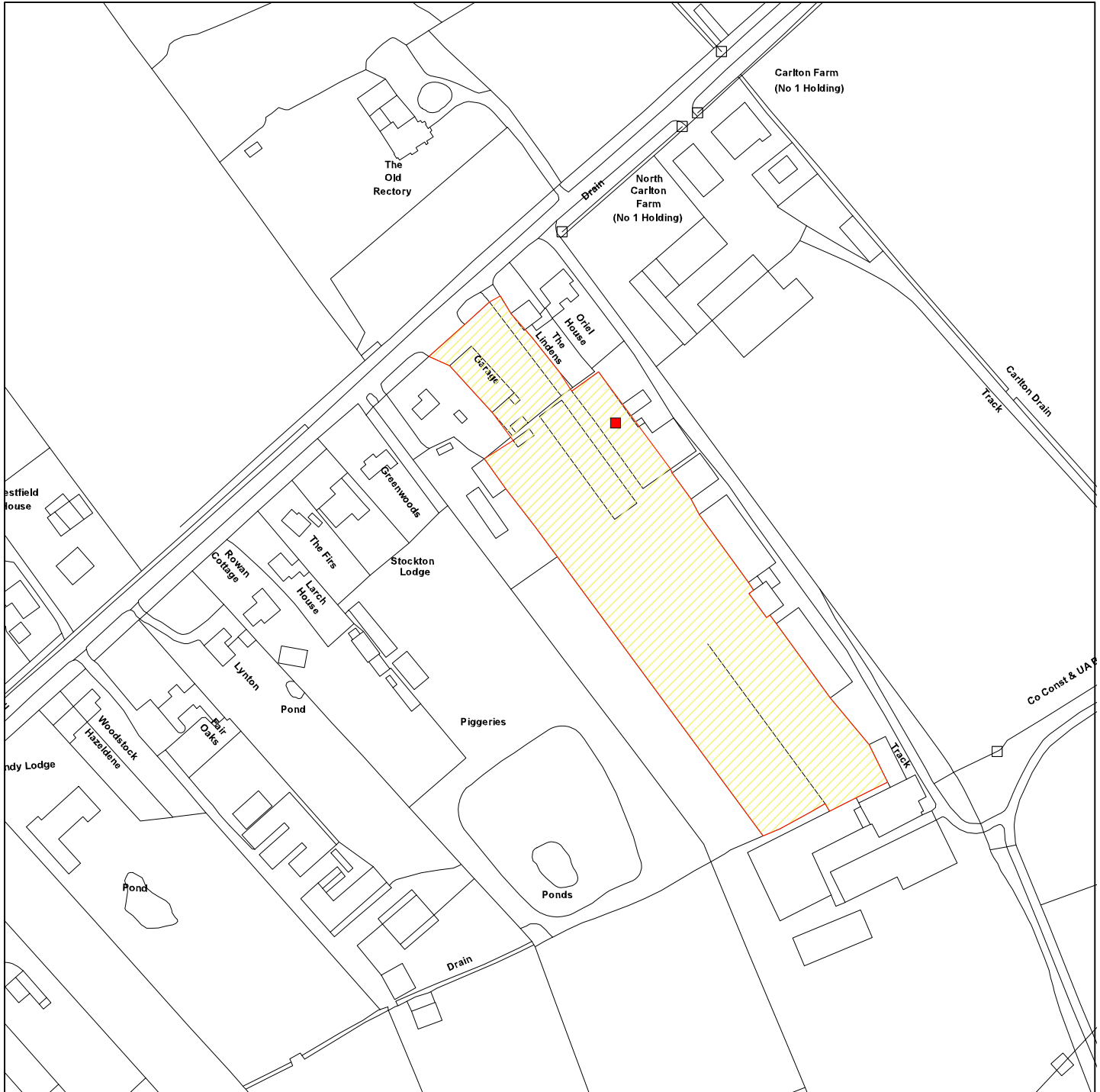
Reason:- To safeguard the character of the site and to secure open character of the Green Belt.

Rear Of The Lindens Sandy Lane Stockton On The

13/03256/FULM



GIS by ESRI (UK)



Scale : 1:2222

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	27 December 2013
SLA Number	Not Set

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COMMITTEE REPORT

Date: 9 January 2014 **Ward:** Holgate
Team: Major and **Parish:** Holgate Planning Panel
Commercial Team

Reference: 13/02712/FULM
Application at: Shepherd Group Social Club 131 Holgate Road York YO24 4AZ
For: Conversion of social club and four storey side extension to create 12no. one bedroom flats
By: Mr T Allison
Application Type: Major Full Application (13 weeks)
Target Date: 14 January 2014
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 The application seeks permission for a change of use of a company social club plus the construction of a pitch-roofed, 4-storey side/rear extension to create a total of 12no. 1-bedroom flats with car parking, cycle storage and amenity space. A single-storey, hip-roofed side extension would be demolished.

1.2 The application site comprises a vacant, 2-storey social club at the corner of Holgate Road and Hamilton Drive East. The site, which is in the St Paul's Square/Holgate Road conservation area, slopes down from the Holgate Road frontage. The main pedestrian entrance to the building is at ground floor level, from Holgate Road. The main vehicular access is at lower ground floor level at the rear of the building, from Hamilton Drive East. A car park at the rear has spaces for approximately eight cars. There is a secondary vehicular access at the side of the building serving two further car parking spaces. The area is mainly residential comprising dwellings, hotels and guesthouses.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Conservation Area GMS Constraints: St Paul's Square / Holgate Road CONF

2.2 Policies:

CYGP4A Sustainability
CYGP1 Design
CYL1C Provision of New Open Space in Development

Application Reference Number: 13/02712/FULM Item No: 5c
Page 1 of 9

CYH4A	Housing Windfalls
CYT4	Cycle parking standards
CYHE2	Development in historic locations

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - No objections. There would be no material impact on traffic generation. Two vehicular accesses already exist. The proposed level of car parking (8 spaces) is acceptable given the close proximity to the city centre and provided there is a sufficient good quality covered secure cycle parking. We require a minimum of 1 cycle space per flat. Add standard conditions regarding access, car parking and cycle storage.

3.2 Flood Risk Management - No objections in principle. Add a condition requiring drainage details to be submitted.

3.3 Communities, Culture and Public Realm - Commuted sums should be paid to the Council for provision of off-site amenity open space and sports pitches. The contribution is to be based on the latest York formula through a Section 106 Agreement.

3.4 Environmental Protection Unit - No objections. There is a possibility that land contamination may be present. Add standard contamination and remediation conditions.

EXTERNAL

3.5 Holgate Planning Panel - Supports the application.

3.6 Conservation Area Advisory Panel - No objection in principle. Use of high quality materials to match and timber windows would be important in securing an appropriate standard of development.

3.7 Police Architectural Liaison - No concerns or issues.

3.8 Public Consultation - The consultation period expired on 30 December 2013. One response has been received, in support commenting that the development would go some way towards addressing the great need for smaller properties for singles and couples whilst also returning the building to use.

4.0 APPRAISAL

4.1 KEY ISSUES

- Visual impact
- Conservation area
- Occupier and neighbour amenity
- Access and parking
- Public open space.

POLICY CONTEXT

4.2 The National Planning Policy Framework (General) - There is a presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan (paragraph 14). Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or (2) specific policies in the Framework indicate development should be restricted.

4.3 National Planning Policy Framework (Housing) - Local planning authorities should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

4.4 National Planning Policy Framework (Historic Environment) - Local planning authorities should recognize that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance (paragraph 126). In determining planning applications local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable use consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness (paragraph 131). When considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation (paragraph 132).

4.5 National Planning Policy Framework (Design) - Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (paragraph 56). Planning policies and decisions should not attempt to impose architectural styles or particular tastes but it is proper to seek to promote or reinforce local distinctiveness (paragraph 60).

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64).

4.6 National Planning Policy Framework (Sustainable Transport) - Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore developments should be located and designed where practical to: accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, and have access to high quality public transport facilities; create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones; incorporate facilities for charging plug-in and other ultra-low emission vehicles; and consider the needs of people with disabilities by all modes of transport (paragraph 35).

4.7 The City of York Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations although it is considered that their weight is limited except where in accordance with the NPPF. The following local plan policies are still applicable:

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

4.9 GP4a - All proposals should have regard to the principles of sustainable development, including accessibility by means other than the private car.

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

4.11 HE2 - Within or adjoining conservation areas and in locations that affect the setting of listed buildings, scheduled monuments or archaeological remains, development proposals must respect adjacent buildings open spaces, landmarks, and settings and have regard to local scale, proportion, design and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landscapes and other townscape elements that contribute to the character or appearance of the area.

4.12 L1c - Requires that all housing sites make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted payment will be required towards off site provision.

APPRAISAL

4.13 The site is in a sustainable location with good access to shops, services and public transport. The proposal would provide 12 much-needed housing units and would bring a redundant building back to profitable use.

4.14 The proposed extension would step down to the rear to reflect the gradient of Hamilton Drive East. The design of the extension would match the existing building and would not look out of place in the immediate area. The extension and the other alterations to the existing building would not have a significant impact on the conservation area. The existing extension to be demolished is of no historic or architectural importance.

4.15 The vehicular accesses already exist and are adequate for the forecast level of traffic. Car and cycle parking comply with council standards. Drainage can be dealt with by a condition of approval.

4.16 A financial contribution of £4080 is required for the provision of amenity space and sports pitches. The money would be used to improve a local site such as West Bank Park or Holgate allotments and to improve a sports facility within the West Zone of the Sport and Active Leisure Strategy. Such contributions are normally secured by a s.106 unilateral undertaking. The applicant has agreed to make the contribution but at the time of writing the council has not received a unilateral undertaking to this effect. Members will be updated at the meeting.

5.0 CONCLUSION

5.1 The application accords with national and local planning policy and is acceptable subject to conditions. The application is recommended for approval subject to the council receiving, by the target date (14 January 2014), a unilateral undertaking to pay the required financial contribution of £4080 towards 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 not be carried otherwise than in complete accordance with the approved plans numbered BS3132-09/A, BS3132-10/A, BS3132-11/A, BS3132-12/A, BS3132-13/B, BS3132-14/A, BS3132-15/A, BS3132-16/A and BS3132-18 all received 20 December 2013.

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

3 The materials to be used externally for the extension and other alterations shall match those of the existing building in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

4 All new and replacement windows and external doors shall be made of timber with a microporous paint finish in a colour to be agreed with the local planning authority, unless otherwise agreed in writing by the Local Planning Authority .

Reason: In the interests of the character and appearance of the conservation area.

5 The development shall not be begun until details of alterations to the access(es) onto Hamilton Drive East have been submitted to and approved in writing by the Local Planning Authority. The development shall not come into use until the alterations have been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

6 HWAY18 Cycle parking details to be agreed -

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

Reason: In the interests of highway safety.

8 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, including:

- (a) Peak surface water run-off from the proposed development restricted to a maximum 3.0 lit/sec.
- (b) Site specific details of the flow control device manhole limiting the surface water to the 3.0 lit/sec.
- (c) Storage volume calculations, using computer modelling must be provided, and must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. The full range of modelling should be provided.
- (d) Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.
- (e) Existing and proposed ground and finished floor levels to Ordnance Datum shown on plans. The development shall not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.
- (f) Details for the future management / maintenance of the proposed drainage scheme.

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

9 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,

- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

10 Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

11 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

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

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

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

13 The development hereby approved shall not commence until details of refuse/recycling facilities have been submitted to and approved in writing by the local planning authority. The facilities shall be provided in accordance with the approved details prior to occupation of the development.

Reason: In the interests of sustainability and the character and appearance of the conservation area.

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 Planning Authority invited revised drawings to improve car parking layout and amenity space and attached appropriate conditions to the planning approval.

2. Informative - LOW EMISSION STRATEGY- facilities for recharging electric vehicles

3. Informative - CONTROL OF POLLUTION ACT 1974

4. Informative - HIGHWAYS ACT Vehicle Crossings

Contact details:

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Tel No: 01904 552830

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13/02712/FULM – 131 Holgate Road, York

Committee Update

9 January 2014

1. The required financial contribution of £4080 for the provision of open space has been received in full (thereby removing the need for a unilateral undertaking to that effect). The applicant has been made aware that the contribution would be returned if planning permission were not granted.
2. As a result of continuing negotiations minor revisions have been submitted. Condition 2 now reads:

The development hereby permitted shall not be carried otherwise than in complete accordance with the approved plans numbered BS3132-09/B, BS3132-10/A, BS3132-11/A, BS3132-12/A, BS3132-13/C, BS3132-14/B, BS3132-15/B, BS3132-16/B and BS3132-18/B.

3. The applicant has agreed that replacement windows and external doors shall be made of timber. Officers have agreed that details can be made a condition of approval. Condition 4 now reads:

All new and replacement windows and external doors shall be made of timber with a microporous paint finish. The development shall not commence until details of windows and external doors have been submitted to the local planning authority and approved in writing. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

4. Officers have agreed that details of the proposed safety fence between the front garden and the two-bay parking area (which is at a lower level) can be made a condition of approval. A new condition, 14, reads:

The development shall not commence until details of the proposed safety fence between the front garden and the two-bay parking area have been submitted to the local planning authority and approved in writing. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the conservation area.

Kevin O'Connell
Development Management Officer

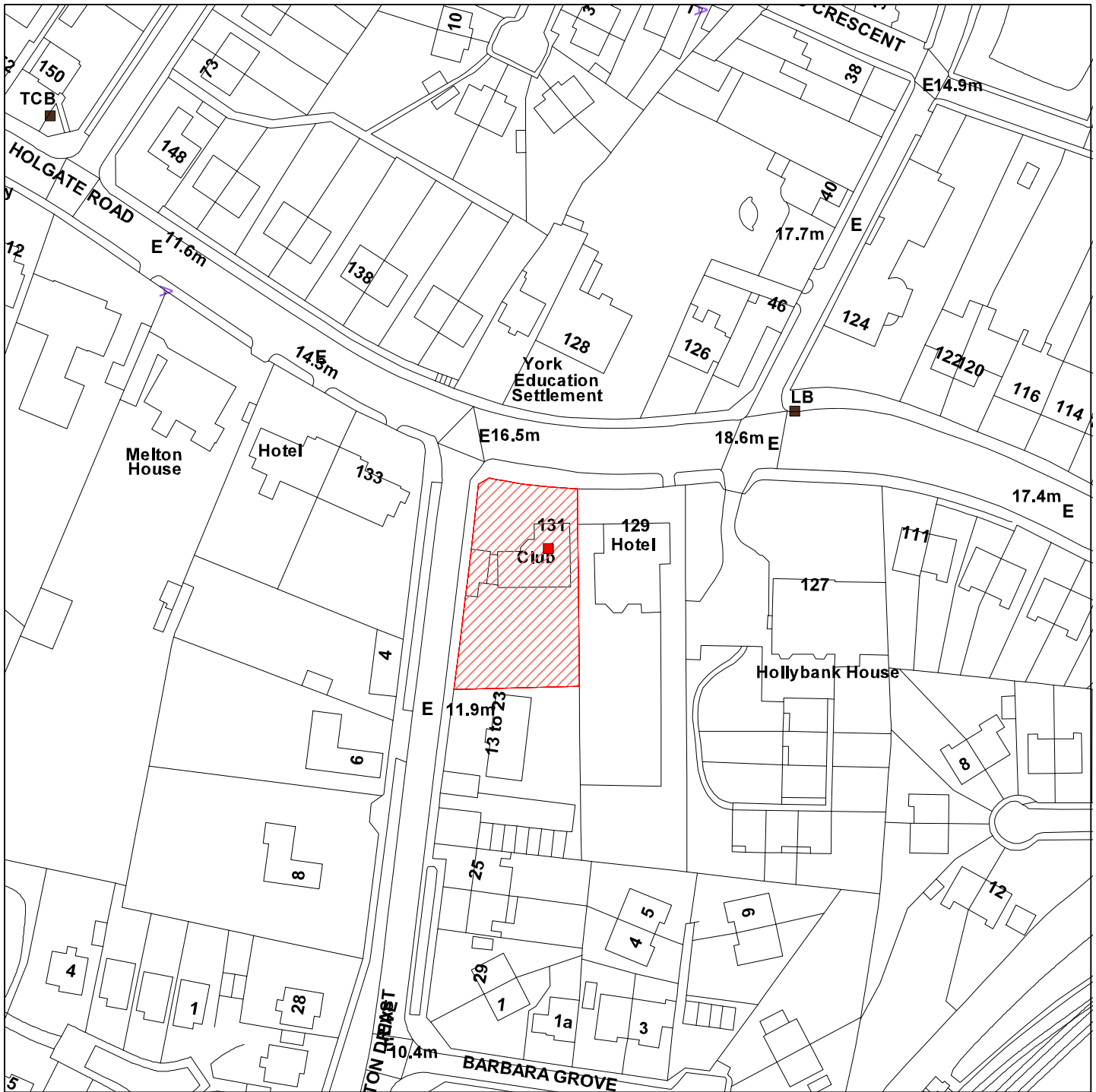
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Shepherd Group Social Club 131 Holgate Road

13/02712/FULM



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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	27 December 2013
SLA Number	Not Set

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Planning Sub-Committee

9th January 2014

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 102 new investigation cases were received within the last quarter.

During the same period 103 cases were closed. A total of 483 ongoing investigations remain open.

There are also 173 Section 106 monitoring cases open. 33 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 £151 042.

In this quarter 1 enforcement notice, 2 Section 215 (Untidy Land) Notices and 3 Planning Contravention Notices have been served. There has been 1 prosecution in the Magistrates Court for the illegal display of an advertisement and 4 further cases which are currently the subject of legal proceedings. There are 3 further cases which have authority for Enforcement Notices and 2 for S215 Notices to be served and work is continuing on these.

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 the case officers before 5pm on Tuesday 7th January 2014. 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, particularly older ones.

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.

551657

Chief Officer Responsible for the report:

Michael Slater

Assistant Director (Planning and Sustainable Development)

City and Environmental Services.

Report Approved **Date** 27/12/2013.

*Michael Slater
Assistant Director (Planning and Sustainable Development).*

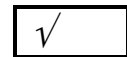
Report Approved **Date** 27/12/2013

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

Financial:
Name Patrick Looker.

Implication ie Legal:
Andrew Docherty.

Wards Affected: *All Wards*



Annexes

Annex A- Enforcement Cases- Update (Confidential)

By virtue of paragraph(s) 6 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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