



**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, 10 April 2014
- Time:** 2.00 pm
- Venue:** The George Hudson Board Room - 1st Floor, West Offices (F045)

A G E N D A

Site Visits for this meeting will commence on Wednesday 9 April 2014. The minibus for Members of the Sub-Committee will depart from Memorial Gardens at 10.00am

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 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 3 - 42)
To approve and sign the minutes of the meetings of the Area Planning Sub-Committee held on 6 February 2014 and 6 March 2014.

- 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 Officers on the contact details listed at the foot of this agenda. The deadline for registering is **Wednesday 9 April 2014 at 5.00 pm**.

Filming, Recording or Webcasting Meetings

"Please note this meeting will be filmed and webcast and that includes any registered public speakers, who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at http://www.york.gov.uk/downloads/download/3130/protocol_for_webcasting_filming_and_recording_of_council_meetings

- 5. Plans List**
To determine the following planning applications:
- a) **Middlethorpe Manor, Middlethorpe, York, YO23** (Pages 43 - 64)
2QB (13/03864/FUL)
Conversion of stable block to 4no. holiday cottages and 2no. holiday or staff cottages. *[Bishopthorpe Ward]* **[Site Visit]**

- b) **Middlethorpe Manor, Middlethorpe, York,** (Pages 65 - 76)
YO23 2QB (13/03865/LBC)

Conversion of stable block to 4no. holiday cottages and 2no. holiday or staff cottages. *[Bishopthorpe Ward]* **[Site Visit]**

- c) **Hilary House, St Saviours Place, York,** (Pages 77 - 84)
YO1 7PL (13/03816/FUL)

External alterations to building including replacement windows, doors and spandrel panels. *[Guildhall Ward]* **[Site Visit]**

6. Enforcement Cases Update (Pages 85 - 398)

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 Officers:

Name: Contact Details: Catherine Clarke/Louise Cook (job-share)

- Telephone – (01904) 551088
- E-mail – catherine.clarke@york.gov.uk and louise.cook@york.gov.uk

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.


我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**

AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 9 April 2014**

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

Time	Site	Item
(Approx)		
10:15am	Middlethorpe Manor, Middlethorpe	5a & 5b
11:00am	Hilary House, St. Saviours Place	5c

This page is intentionally left blank

City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	6 February 2014
Present	Councillors McIlveen (Chair), Gillies (Vice-Chair), Douglas, Watson, Semlyen, Looker, Fitzpatrick, Galvin, Cuthbertson, Hyman and Warters

Site Visit	Attended by	Reason for Visit
Fox and Hounds, 39 Top Lane, Copmanthorpe.	Councillors Cuthbertson, Fitzpatrick, Galvin, Gillies, McIlveen and Watson	As the officer's recommendation was for approval and objections had been received.
34 Eastward Avenue.	Councillors Cuthbertson, Fitzpatrick, Galvin, Gillies, McIlveen, Warters and Watson	As the officer's recommendation was for approval and objections had been received.
Royal Masonic Benevolent Institute, Connaught Court, St. Oswalds Road.	Councillors, Cuthbertson, Fitzpatrick, Galvin, Gillies, McIlveen, Warters and Watson	As the officer's recommendation was for approval and objections had been received.
Health Centre, 1 North Lane, Huntington.	Councillors Cuthbertson, Fitzpatrick, Galvin, Gillies, McIlveen, Warters and Watson	As the officer's recommendation was for approval and objections had been received.
10 Shilton Garth Close, Earswick	Councillors Cuthbertson, Fitzpatrick, Galvin, McIlveen, Warters and Watson	As the officer's recommendation was for approval and objections had been received.

Manor Park, Sheriff Hutton Road, Strensall.	Councillors Cuthbertson, Fitzpatrick, Galvin, Gillies, McIlveen and Watson	As the officer's recommendation was for approval and objections had been received.
122 York Road, Haxby.	Councillors Cuthbertson, Fitzpatrick, Galvin, Gillies, McIlveen, Warters and Watson	As the officer's recommendation was for approval and objections had been received.
Westholme, 200 York Road, Haxby.	Councillors Cuthbertson, Fitzpatrick, Galvin, Gillies, McIlveen, Warters and Watson	As the officer's recommendation was for approval and objections had been received.
4 Hilbra Avenue, Haxby.	Councillors Cuthbertson, Galvin, Gillies, McIlveen, Warters and Watson	As the officer's recommendation was for approval and objections had been received.

42. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests that they may have in the business on the agenda.

Councillor Semlyen declared a personal and prejudicial interest in plans item 4g (The Blind Swine, Unit 3, 24 Swinegate) as she knew the owner's business partner. She also declared a personal and prejudicial interest in plans item 4f (Royal Masonic Benevolent Institute, Connaught Court, St Oswalds) as she knew Mr David Wilkinson who had registered to speak on behalf of Fulford Friends in objection to the scheme. She left the room during discussion of both these item and took no part in the debate or vote on either application.

Councillor Galvin declared a personal non prejudicial interest in plans item 4h(9 Maple Avenue, Bishopthorpe) as he was a

trustee of the Old School, Bishopthorpe which owns land adjacent to the application site.

Councillor Gillies declared a personal and prejudicial interest in plans item 4l (10 Shilton Garth Close, Earswick) as Councillor Wiseman was formerly a member of his political group and his son in law had undertaken work at the premises in the past. He left the room during discussion of the item and took no part in the debate or vote on this application.

Councillor Cuthbertson declared a personal non prejudicial interest in plans item 4j(Health Centre, 1 North Lane, Huntington) as he was a patient at the practice but advised that he used the services at Wigginton rather than Huntington.

43. Minutes

Resolved: That the minutes of the last meeting held on Thursday 9 January 2014 be approved and signed by the Chair as a correct record.

44. 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.

45. 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.

45a) 122 York Road, Haxby, York, YO32 3EG (13/02280/FUL)

Consideration was given to a full application by Mrs T Devlin for the erection of two new dwellings and garages to the rear of 122 York Road with access from Old Orchard (resubmission).

Officers circulated an written update to the committee and advised that since publication of the report, a revised layout

(12:39:03 Rev.F) had been submitted which showed that the width of the shared drive through the site had been reduced by 1m to 3.1m thereby enabling more screening to be planted along the northern boundary with Old Orchard.

David Farnsworth had registered to speak in objection to the application. He urged the committee to refuse the application due to the numerous objections received. He expressed concerns about some of the information contained in the committee report which he felt was flawed and misleading as it appeared to be based on an earlier design which had substantially changed. He expressed disappointment that no attempt had been made by the site owner or agent to liaise with the local community with regard to the application. In response, officers confirmed that the information contained in the report was correct and based on the correct set of plans.

Father Kevin Trehy, of St Margaret Clitherow Church, had also registered to speak in objection. He voiced his concern about the impact on drainage of the grounds and the additional pressure on the pumping station. He advised Members that the proposed house on plot 2 would be seen through the window behind the altar in the church. He explained that that altar was central to the worship at Mass and that as the windows were translucent, the introduction of a fixed permanent structure would be invasive and would distract from worship. He stated that he would welcome discussion with the developer on the scheme. In response, Officers advised that the proposed house on plot 2 would be 12 metres from the window in question and 16 metres away from the first pew in the church and the building. Officers confirmed that as this window was not south facing, there would be no overshadowing effect on the church.

The agent for the applicant had registered to speak in support of the application. He stated that the scale and massing of the proposed houses were typical of any dwelling in the area and the reduction in mass of the house at plot 1 would reduce the impact on trees. He questioned the loss of light to the church pointing out that the boundary was sufficiently tree lined.

Members raised concerns that traffic moving south accelerating round the bend may not be aware that there was access on the corner. They suggested that a warning sign might be required to warn drivers of the access.

Members discussed the effect of the proposed house on plot 2 on worship during church services. They considered whether it was significant enough to refuse the application but noted the distance from the church window.

Members noted that the proposed plans showed the removal of an existing tree close to the boundary of 109 Old Orchard and questioned whether it was possible to retain this tree for the amenity of residents. Officers confirmed that the tree was not suitable for a tree preservation order due to its proximity to the garage and warned against adding a condition regarding the tree without knowing what the implications of retaining the tree would be for the retention of another important tree on the site frontage.

Resolved: That delegated authority be given to officers to approve the application (in consultation with the Chair and Vice Chair of the committee) following discussions with the applicant regarding the implications of the possibility of the retention of the oak tree adjacent to the garage of number 109 Old Orchard.

Reason: The proposal accords with national and local planning policy and is considered to be acceptable however it was agreed that there should be an opportunity to discuss with the applicant whether the oak tree adjacent to the garage to number 109 Old Orchard could be retained for the amenity of local residents.

45b) Fox And Hounds, 39 Top Lane, Copmanthorpe, York, YO23 3UH (13/03099/FULM)

Consideration was given to a major full application by McCarthy and Stone Retirement Lifestyles Ltd for the erection of a 3 storey building comprising 28 later living retirement housing units, communal facilities, landscaping and car parking.

Officers circulated an update to the committee report and advised that following further negotiations, the applicant and officers had agreed a developer contribution of £365,000 which would be split as follows: Affordable Housing (£350,604); Highways (£9000); and Public Open Space (£5396). They informed Members that the highway contribution was sufficient

to implement the “real-time” bus information system at the nearby bus stop, however the costs of a Traffic Regulation Order, should waiting restrictions need to be introduced, would not be funded from the development.

Officers advised that the recommendation should be amended to “approve subject to a Section 106 Agreement”.

Officers suggested the following amendments to proposed conditions.

- Condition 14 - Amend to require Code for Sustainable Homes level 3-star rather than BREEAM ‘Very Good’.
- Condition 17 - Amend to include details of the acoustic fence, the glazing of the living room windows and bedroom windows.
- Condition 5 – Delete as officers are now in receipt of details of cycle parking.

Members questioned what value had been attributed to the Copmanthorpe Village Design Statement (VDS) in coming to the recommendation to approve the application. Officers confirmed they had taken the VDS into account and explained that the site was on a slope therefore the 3 storey building across the site was mitigated by a change in ground levels. They advised Members that in the past planning permission (now lapsed) had been granted for a 3 storey development on the site and officers felt that this was an appropriate location within the village.

Members raised concerns that no condition was included to control working hours during development. Officers advised that this was implied in condition 16 but that Members could add specific hours if they wished.

Mr Chris Butt, the agent for the applicant, had registered to speak in support of the application. He explained that the applicants had been looking for a site in York for a number of years and had identified this site in Copmanthorpe which they felt suited the needs of elderly occupiers. Furthermore the accommodation would meet the profile of the Copmanthorpe’s aging population. The accommodation would comprise a mix of 1 and 2 bed apartments, communal facilities, landscaping and car parking. In response to a question from a member, he

confirmed that there would be charging facilities for mobility scooters. Whilst the minimum age of residents would be 60, it was envisaged that the average occupier would be in their late seventies. This age range coincided with a drop off in car ownership.

Members welcomed the extensive consultation which had taken place within the village. They sought assurance that the development would be no higher than that of other properties on Top Lane. The agent advised that the development had been carefully modelled by the architect to ensure a relationship with other nearby buildings but was unable to give a definitive answer but confirmed it would be of similar height to existing properties. Members were happy that it would not be out of context with other buildings.

Members discussed whether there was adequate parking for visitors noting that on street parking on Top Lane was difficult. The agent advised Members that the development would provide three times the level of parking to some similar schemes across the city but assured them that levels of parking would be kept under review

Resolved: That the application be approved subject to a Section 106 Agreement and subject to the conditions listed in the report, the amended and additional conditions below and the deletion of proposed condition 5.

Amended Condition 14

Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. Unless otherwise agreed in writing with the Local Planning Authority, this shall indicate that at least the minimum code level 3-star rating will be achieved. This shall be followed by the submission of a CSH Post Construction Stage assessment, and a CSH Final Certificate (issued at post construction stage). These documents shall be submitted to the Local Planning Authority after completion and before first occupation of the building.

Both documents submitted shall confirm that the code rating agreed in the initial CSH Design Stage assessment has been achieved.

Reason: In the interests of sustainable development.

Amended Condition 17

The development hereby approved shall be implemented in full accordance with the submitted Noise Assessment, by SRL Technical Services dated 23rd August 2013:-

- The Acoustic Fence indicated on Site Plan(drawing no.1919-01-02 REV A) will be a close boarded timber fence(2m in height) to meet requirements of BS8233;
- Living Room Windows Glazing: 10mm glass, 12mm air cavity, 6mm glass to the northern elevation and 4mm glass,12mm air cavity, 4mm glass in all other elevations.
- Bedroom Windows Glazing: 10mm glass, 12mm air cavity, 6mm glass to the Northern elevation, 10mm glass, 12mm air cavity, 6.4 mm glass(laminated) to the Southern elevation, and 4mm glass 12mm air cavity, 4mm glass installed in all other elevations.

Reason: To safeguard the amenities of occupants of the development hereby approved and to secure compliance with Policy GP1 of the York Development Control Local Plan.

Additional Condition

The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

Reason: It is felt that the proposed design is acceptable in the context of the site and that no significant adverse impact would be caused to the residential amenity of neighbouring properties. At the same time it is felt that any impact upon the local highway network would be acceptable subject to the payment of the appropriate commuted sum in respect of sustainable transport. The site can be effectively drained and it is felt overall that the development is acceptable providing the requisite commuted payments are given in respect of the provision of affordable housing, open space and sustainable transport.

45c) Westholme, 200 York Road, Haxby, York (13/03168/FUL)

Consideration was given to a full application by Mr. Daniel Gath for the erection of 4 detached two storey dwellings with associated garages, access and landscaping (resubmission).

Officers provided an update to Members. They explained that the proposals showed attenuated surface water draining to a manhole at the south west corner of the application site and onwards to a Yorkshire Water public surface water sewer in Sunnydale. They advised that on 31st January the council's drainage engineer witnessed a test demonstrating that surface water discharge from the manhole did indeed connect to the surface water sewer in Sunnydale and ultimately discharged into Westfield Beck, which was controlled by the York Consortium of Internal Drainage Boards. The council's drainage officers were satisfied that the surface water drainage measures proposed by the applicant, for draining the whole of the application site and including attenuation, were acceptable.

John Howlett, the agent for the applicant, spoke in support of the application. He advised Members that in response to concerns that the high density of the original scheme would have resulted in a cramped development, the number of houses had been reduced from 5 to 4, which along with a different composition of house types, allowed for greater landscaping.

Members agreed that the changes in layout was a considerable improvement and asked the applicant to maintain as much planting on the outer side of the site as possible.

Resolved: That the application be approved subject to a Section 106 agreement.

Reason: The proposal accords with national and local planning policy and is considered to be acceptable. The applicant has agreed to pay the required contribution towards open space and education totalling £23,328.

45d) Manor Park, Sheriff Hutton Road, Strensall, York, YO32 5TL (13/03299/FUL)

It was reported that this application had been withdrawn by the applicant prior to the meeting.

45e) Manor Park, Sheriff Hutton Road, Strensall, York, YO32 5TL (13/03303/FUL)

Members considered a full application from Nelson Park Lodges for the conversion of existing offices to two holiday cottages.

John Chapman from Strensall and Towthorpe Parish Council expressed the concerns about the operation of the site and drainage arrangements. He stated that there was no indication that concerns raised by officers in the Flood Risk Management Team had been addressed. He advised that the previous approval for the office block was conditioned to be used only in conjunction with the caravan park. He asked that the issue of drainage provision be revisited and that current enforcement action be allowed to reach its conclusion before a decision is made on this application.

With regard to ongoing enforcement action, officers reminded the committee that enforcement issues elsewhere on the site could not be taken into account when determining this application which must be considered on its own merits. They also advised that the issue of surface water drainage has been addressed to the satisfaction of the planning officer.

Members expressed concerns that the proposed change of use to two holiday cottages would impact on the amount of surface

water as well as the amount of foul water created, in comparison to that associated with its current use. Officers advised that the change of use would not lead to any increase in surface water and advised that they would not normally comment on foul water, explaining that the Environment Agency grant the permit to discharge foul water. Members were informed that the applicant had confirmed that there was adequate capacity for the treatment of any increase in foul water on site. Members accepted that if the amount of foul water was to increase this would just require the owner to empty the cesspool on a more regular basis.

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

Reason: The proposed conversion would involve minimal external works and would be consistent in land use terms with the other activities taking place on the site. Subject to occupation of the cottages being controlled by condition on any permission to require their retention in holiday use then the proposal would comply with the terms of Policy GB3 of the York Development Control Local Plan along with the requirements of paragraph 28 of the National Planning Policy Framework.

45f) Royal Masonic Benevolent Institute, Connaught Court, St Oswalds, York (13/03481/FULM)

Consideration was given to a major full application (13 weeks) by RMBI and Shepherd Homes Ltd for the erection of 14 new dwellings following the demolition of an existing bowling clubhouse and garage block.

Officers circulated an update to the committee report, full details of which are attached to the online agenda, which highlighted that:

- Comments had been received from the Conservation Area Advisory Panel, who raised no objections and commended what they felt was a much improved scheme.
- Four further objections had been received from local residents but that all issues raised had already been covered in their report.

- Further comments had been received from Fulford Parish Council who raised no new issues except that whilst the site was put forward as part of the call for sites it was not allocated for housing in the consultation draft of the local plan. In response officers advised that the site was small and was being treated as a windfall site, and therefore not specifically allocated for housing. They confirmed that the current application accorded with the council's criteria for determining such windfall sites therefore the proposal could be determined in advance of the local plan process.
- Further comments had also been received (and distributed to members in advance of the meeting) from Fulford Friends and all issues raised had been addressed in the officers' report. Nevertheless the council's countryside officer had responded to the argument that the submitted bat survey was inadequate and advised that the areas to be developed were both amenity grassland with few trees and scrub. As such they had limited potential for bats either for roosting or foraging. Their locations were also likely to reduce any impact on the use of the area as a corridor. Connaught Court was likely to be a good foraging and corridor route but this was limited to the areas of suitable habitat, predominantly in the corridor of mature trees running from Fulford Road through to the Ings between Fulford Park and the Connaught Court buildings. The legislation mainly referred to the likely presence of roosts and the likelihood that development would affect roosts or have a significant impact on the local population. The Countryside Officer's view was that it was unlikely to affect any roosts directly or have a significant impact on the bat population and felt that a bat forage survey would be unnecessary and unreasonable. He confirmed that the surveys of the buildings to be demolished were valid and showed no use by bats and this coupled with the unsuitability of the habitat for foraging meant that there was no reason not to consider this application.
- Fulford Friends also argued that the flooding risks of Area B should undergo further scrutiny. Flood risk issues were covered in the officer's report. Nevertheless officers agreed with the objection that the proposed fencing between the curtilages in flood zone 3, if close-boarded, could inhibit movement of flood water. Officers

recommended that details of fencing were made a condition of approval.

- The applicant had agreed to change the route of the temporary access road so that it would not go between the trees along the St Oswalds Road frontage but instead would now enter the site through the front gate before following a new alignment parallel to the internal access road. Officers welcomed the new alignment.
- Tree protection measures had now been received therefore the tree protection condition (16) should be amended accordingly.
- The latest proposals showed the house at plot 9 being 6m from the boundary with the rear garden of 26 Atcherley Close. A proposed sewer would run under the strip, requiring an easement which would prevent construction – as long as the sewer, as built, followed this alignment. In case it did not, officers recommended that a condition be attached removing permitted development rights in this area.
- The proposed Section 106 unilateral undertaking for financial contributions was still awaited.

Mary Urmston spoke on behalf of Fulford Friends. She commented that:

- The principle for building on Area B was not supported by planning policy
- The green space separating Fulford Village from York was important. If existing gaps were replaced with views of buildings this space would be spoilt forever. Heritage assets were irreplaceable and any harm or loss must have convincing justification.
- Areas in Zone 1 should be developed first as access was already in place. Approving development in a higher risk zone when areas in Zone 1 were available, would conflict with planning policy.
- There were concerns over drainage which raised uncertainty as to whether sewers could cope with demand.
- The application required a comprehensive bat survey

Members noted that Yorkshire Water had not submitted a formal response. Officers explained that surface water from the site was attenuated then discharged into water courses that were not the responsibility of Yorkshire Water. An officer from the Flood Risk Management Team advised that the applicant had not only agreed to reducing the run-off by 30 percent (in accordance with the council's Strategic Flood Risk Assessment) but had also offered betterment by storing more water underground and applying further restrictions to its discharge than they had been asked to. With regard to foul water, Yorkshire Water had been consulted as the applicant wanted to divert this. City of York Council has no control over this issue.

One Member stated that in the draft local plan the area in question had been allocated as a green corridor. Officers advised that the site was a small site and was being treated as a windfall site and that, according to current local and national policy, housing was justifiable on these two sites. Officers stressed that Members should not use the draft position in the draft local plan to make this decision.

David Wilkinson also spoke on behalf of Fulford Friends. He circulated a handout to Members which provided a summary from their response report which had been circulated to Members and plans showing Area A on the latest revision of plan K as well as a suggested layout of Area A produced by the Fulford Friends Group and a number of photographs. He made the following points:

- Proposed houses in Area A were out of character – single storey houses would be more appropriate.
- In the latest revision of plan K, houses 1, 3 and 4 were out of line and too close to boundary trees. The road into Area A would destroy the rare pear tree. The applicant stated it was not possible to retain this tree without losing a dwelling but the suggested layout retained this tree.

Cliff Caruthers of O'Neill Associates, the agent for the applicant, spoke in support of the application. He made the following points:

- The report explained differences between the current proposal and the previous scheme.
- RMBI were owners of the site who were undertaking a countrywide upgrade of their homes. There had been no updating to Connaught Court since the 1970s.

- The current proposals reflected comments of the Planning Inspectorate appeal decision.
- Pre-application and post submission consultations had been undertaken and concerns raised had been responded to where possible.
- Construction routes would be constructed at the earliest possibility in order to minimise disturbance.

Karin de Vries had registered to speak on behalf of Fulford Parish Council. She raised the following issues:

- The application was on historic parkland.
- Fulford Parish Council wrote to City of York Council on 15 January objecting to the principle of development of the site – this was not referred to in the committee report.
- The proposed housing would have an impact on Fulford Park House which was a major feature.
- Lack of affordable homes – these houses would be out of reach for local residents.
- The proposed development would lead to a loss of open space and would impact on trees.

Councillor Aspden had registered to speak as Fulford Ward Councillor on behalf of local residents. He raised the following concerns:

- Flooding - some houses are located in flood zone 2 and the gardens (with retaining walls) of other houses lie within flood zone 3.
- Traffic issues
- impact on wildlife
- impact on landmark trees
- Lack of affordable housing
- Harm to parkland setting
- Harm to setting of listed building

He asked why the drainage conditions had not been amended to 1.4 litres per second as agreed.

Officers explained the 1.4 litre per second per hectare was based on greenfield run off but on brownfield sites this is 140 litres/sec/hectare. This is a brownfield site so, in drainage terms, brownfield run off (restricted to 70% of the existing rate) applies. They advised that they had spoken to the Internal Drainage Board who had agreed to 5 litres/sec/hectare.

Officers advised that all dwellings were located in flood zone 1 (all set above the 1 in 100 year + 20% climate change allowance flood zone level), but that the rear gardens of 10, 11, 12 and 14 encroach into flood zone 2 (but with means of escape within flood zone 1 to the front of the property).

Some Members acknowledged that they would have to accept some development on this land at some point (due to the inspector's decision) but did not feel that the design and layout of the proposed housing was right. They expressed the opinion that if it was not possible to have houses fronting onto St Oswalds Road due to the trees, it may be more sensible to come further away from the trees and look at something similar to what had been proposed by Fulford Friends. They also noted that they would have liked to have an affordable element to the scheme. They stated that the design of Area B needed to be more sympathetic as it backed onto the Ings and agreed with the views expressed by one speaker of the importance that the new homes fitted with the existing John Hunt homes. They suggested that Parish Council and Fulford Friends were involved in drawing up the scheme.

Other Members confirmed that they were relatively happy with the proposals. They accepted that there would be a loss of open space but noted that this was private open space. With regard to the layout, they acknowledged that people would always be able to come up with different layouts. They did not feel there was a need to be concerned about a flood risk.

Councillor Galvin moved and Councillor Gillies seconded a motion to approve the application subject to the conditions listed in the report and the additional/amended conditions proposed by officers in their update. On being put to the vote, the motion fell.

Councillor Reid moved and Councillor Cuthbertson seconded a motion to defer the application on the grounds of the design and layout of Area A and the effect on the conservation area and the listed building. On being put to the vote, this motion was carried.

Resolved: That the application be deferred.

Reason: Seek amendments to the design and layout of Area A. The current layout is unsatisfactory in terms of its

impact on the trees and the adjacent listed building the rear parking and access is poor.

**45g) The Blind Swine, Unit 3, 24 Swinegate, York, YO1 8AZ
(13/03503/FUL)**

Members considered a full application from Mr Joseph Moore for a change of use from restaurant (use class A3) to mixed use restaurant and bar (use class A3/A4) with alterations to the front to form terraced dining.

Officers provided an update to the application. They advised that two objections had been received from residents of Lund's Court where there are five flats. The grounds for objection were as follows:

- There was already noise disturbance from the application site and this could increase.
- How would the condition of the premises licence, which required windows and doors be kept shut after 23:00, be enforced? The kitchen door was already left open at night and adding a window on the alleyway side would result in more noise breakout from the premises.
- Music from the application site had previously been audible at Lund's Court.
- Residential amenity levels had worsened in recent years now there was a proliferation of bars in the area – due to cooking smells, loud music, litter creation and crime and disorder.
- It is noted the police are looking to include the Swinegate area in their Cumulative Impact Zone due to crime and disorder issues. Restricting the opening hours of the application site would presumably assist the police in fulfilling their objectives.

Officers informed Members that the Environmental Protection Unit advised that they had not received any complaints about the premises. They had also confirmed they did not object to the application and that in their opinion much of the amplified music audible in the area did not originate from the application site.

Officers advised that conditions would control amplified and recorded music and also the equipment installed including air conditioning.

Hilary Ramili, the agent, had registered to speak in support of the application. She reminded Members that the proposed extension of the Cumulative Impact Zone was only a proposal at this stage and had not yet been agreed so should not have any bearing on this decision. She explained that the premises had had a late licence since 2005 and its occupancy and opening times had remained the same with no breach of the licence. The premises did not cause any additional impact on the area. She explained that the proposed alteration would allow a more continental style of dining with no intention to operate as a drinking bar, but mainly as a food led business. She advised that the Blind Swine was not responsible for the cooking smells or litter and there was no evidence that the use of the site gave rise to undue noise or disturbance.

Members noted that the previous planning permission for the property 00/00136/FUL which granted permission for a restaurant included a condition which specified the closing time as 23:30 however the premises had liquor licence to 03:00. It was acknowledged by the agent that by had been operating in line with the times specified on the liquor licence and that this was in conflict with existing planning permission. Members noted that this application if granted, as well as allowing an extension and change of use, would bring the operating times in line with the liquor licence.

Some Members advised that they had received emails from anxious residents regarding the potential for an increase in noise and disturbance and acknowledged that while it was not possible to pinpoint individual premises, the problem was the cumulative impact caused by the proliferation of bars in the area.

They noted that the Environmental Protection Unit had not received any complaints about the operation of these premises, and while they had been operating outside the times specified on the previously granted planning permission, this was an indication that increasing the hours on the planning permission would not give rise for concern.

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

Amended Condition 7

Noise from any amplified or recorded music shall not exceed lowest measured background noise levels (LA90), taken at neighbouring buildings (with includes the offices upstairs and retail unit next door).

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

Additional Condition 8

Prior to installation details of any machinery, plant and equipment, which would be audible outside the site, and any proposed noise mitigation measures, shall be approved by the local planning authority, implemented in accordance with the approved details, and appropriately maintained thereafter.

These details shall include maximum (LA_{max}(f)) and average (LA_{eq}) sound levels (A weighted), and octave band noise levels they produce. The report shall be undertaken by a specialist noise consultant or suitably qualified person and conducted in accordance with BS4142:1997. The report shall assess the impact of the additional noise sources on nearby residential properties and include any mitigation measures that are required.

Reason: In the interests of amenity.

INFORMATIVE: To achieve compliance with this condition details should demonstrate that the noise levels at the properties comply with the requirements of the World Health Organisation Guidelines on Community Noise and BS5228 as follows:-

Day time internal noise level in living rooms of 35 dB(A) Leq 16 hour (07:00 to 23:00)
Night time internal noise level in bedrooms of 30 dB(A) Leq 8 hour (23:00 to 07:00)
Night time internal maximum noise level in bedrooms of 45 dB(A) L_{max}

Reason: The proposed variation in use of the premises would have no undue impact on the vitality and the amenity of surrounding occupants can reasonably be controlled through the imposition of conditions. The external changes proposed, as shown on the revised plans, will not have an undue adverse impact on the host building and there will be no undue impact on the character and appearance of the conservation area.

**45h) 9 Maple Avenue, Bishopthorpe, York, YO23 2RG
(13/03602/FUL)**

Members considered a full application from Mr Craig Delorenzo for a two storey side and single storey rear extension (revised plans).

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

Reason: It is considered that the proposal will not harm the living conditions of nearby neighbours or the appearance of the dwelling within the surrounding area. It is in compliance with the NPPF, policy H7 of the local plan and the SPD on house extensions and alterations.

45i) 34 Eastward Avenue, York, YO10 4LZ (13/03642/FUL)

Members considered a full application from Mr Ahmed Karbani for a porch to the front with glazed Juliet balcony screen above.

Vivienne Clare, a neighbour, spoke in objection to the application on behalf of residents of Eastward Avenue. She advised Members that these proposals contained only minor amendments to an application which had been refused previously. She expressed the view that there was a notable difference between a glazed door and a window in terms of overlooking onto neighbouring properties and questioned the need for a flat roofed porch to act as a disabled refuge.

Karin de Vries spoke on behalf of Fulford Parish Council. She stated that the reasons for refusing the application previously still stood and the proposals fell short of the supplementary guidance requirements. She advised Members that the

proposed extension, if granted, would affect residents unduly but asked that if Members were minded to grant the application, that a condition be attached to withdraw permitted development rights in order that no further openings were permitted.

Councillor Aspden spoke on behalf of local residents as Ward Member for Fulford. He drew Members attention to the concerns raised by residents. He stated that the house had already been extended in front of its building line and that this porch would bring it even further forward. He expressed the view that the porch would be a prominent and incongruous addition to the building and impact negatively on the street scene.

Officers reminded Members that the fact that this application is part retrospective should not impact on members judgement of the scheme.

Members felt that very little had changed from the previously refused application and agreed that the proposed flat roof extension and door at first floor level would appear incongruous in the street scene.

Resolved: That the application be refused.

Reason: It is considered that the additional forward extension of the front porch coupled with its flat roof design and the addition of the door at first floor level would appear as an unduly prominent, incongruous and uncharacteristic addition which would be harmful to the appearance of the property and wider street scene. As such the proposal conflicts with Government advice in relation to design contained within the National Planning Policy Framework (paragraphs 17 and 56), policy GP1 (criterion a and b), and H7 (criterion a) of the 2005 Development Control Local Plan and guidance contained in paragraph 11.3 and paragraph 7.4 (c) and 7.5 of the House Extensions and Alterations Supplementary Planning Document, approved in December 2012.

**45j) Health Centre, 1 North Lane, Huntington, York
(13/03659/ADV)**

Members considered an advert application from Mr J McEvoy for the display of four externally illuminated fascia signs.

Members noted that the applicant had agreed that the illuminated signs would be turned off when the building was not in use.

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

Additional Condition

The lighting to the approved advertisements shall be turned off when the premises are closed to the public.

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

Reason: It is considered that the proposed advertisements would not have an adverse impact on visual amenity or public safety therefore the proposals comply with local and national planning policy.

45k) 4 Hilbra Avenue, Haxby, York, YO32 3HD (13/03768/FUL)

Members considered a full application from Mr and Mrs Greenway for a single storey side extension incorporating a front dormer window, a side roof extension and dormer window to the rear (resubmission).

Officers informed Members that at the site visit the question had been asked as to whether there was potential for a side rather than a hipped gable. However the applicants took the view that as other hipped roof extensions had previously been approved in the same street, they would like to pursue their plans for a hipped roof.

Ian Robinson, the agent, spoke in support of the application. He confirmed his applicant would like the committee to consider the application as it stood. He expressed surprise that Haxby Town Council had not objected to the previously withdrawn application but had objected to the resubmitted scheme. He advised Members that the only other objection was from the applicant's next door neighbour whose reasons for objecting were not valid in his opinion. He explained that the single storey pitched roof extension would be set back and the removal of existing garage

would open up the back garden of no 2 Hilbra Avenue to more light.

Some members expressed concerns about a lack of conformity in the street scene stating they would prefer a sloped gable roof.

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

Reason: It is considered that the proposal would not unduly harm the living conditions of nearby neighbours with particular reference to 2 Hilbra Avenue or appear incongruous and over developed when viewed within the street scene. As such it would comply with the council's Draft Local Plan Policy relating to design (CYGP1) and residential extensions (CYH7).

**45I) 10 Shilton Garth Close, Earswick, York, YO32 9SQ
(13/03862/FUL)**

Members considered a full application from Mr and Mrs Wiseman for a single storey rear extension.

Officers advised that Earswick Parish Council had responded to the consultation and confirmed they had no objections to the scheme.

Resolved: That delegated authority be given to officers (in conjunction with the Chair and Vice Chair) to approve the application following the end of the consultation period and subject to the conditions listed in the report.

Reason: The proposed extension has been well designed and is relatively modest in scale, in relation to the host property. It is not considered that it conflicts with the policies and design guidance detailed above. The proposal is considered to be acceptable.

46. Appeals Performance and Decision Summaries

Members received a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 October 2013 to 31 December 2013 and provided a summary of the salient points from appeals

determined in that period. The report also included a list of outstanding appeals to date.

Resolved: That the report be noted.

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

Cllr McIlveen, Chair

[The meeting started at 2.00 pm and finished at 6.30 pm].

Meeting	Area Planning Sub-Committee
Date	6 March 2014
Present	Councillors McIlveen (Chair), Gillies (Vice-Chair), Douglas, Watson, Semlyen, Looker, Fitzpatrick, Galvin, Cuthbertson and Hyman

Site Visited	Attended by	Reason for Visit
25 Garden Flats Lane, Dunnington, York. YO19 5NB (13/01960/OUT)	Councillors Fitzpatrick, Galvin, McIlveen, Semlyen, Warters and Watson.	As the recommendation was for approval and objections had been received.
Monk Bar Garage, Lord Mayors Walk, York. YO31 7HB (13/03338/FUL)	Councillors Fitzpatrick, Galvin, McIlveen, Semlyen and Watson.	As the recommendation was for approval and objections had been received.
May Gurney Limited, 312 Tadcaster Road, York. YO24 1HF (14/00285/FUL)	Councillors Fitzpatrick, Galvin, McIlveen, Semlyen and Watson.	At the request of the Ward Member.

47. Declarations of Interest

At this point in the meeting, Members were invited to declare any personal, prejudicial or disclosable pecuniary interests that they might have had in the business on the agenda. None were declared.

48. 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.

49. 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.

49a) 25 Garden Flats Lane, Dunnington, York. YO19 5NB (13/01960/OUT)

Members considered an outline application by Ms Anna Craven for the erection of a detached dwelling and garage with room in roof to rear.

In their update to Members Officers reported that the published map of the site was incorrect and that the application site would included the house at 25 Garden Flats Lane.

In response to questions from Members, Officers confirmed that;

- The Conservation Area started further to the south and across the road from the site.
- Drainage wise they felt that the development would comply with current established standards.
- That in reference to a previous application on the site, the Planning Inspector had refused the appeal on the grounds of the impact on the neighbours of the proposed driveway and because of the impact of the proposal on the character of the area.

Representations in objection were received from Mr Preece, an adjacent neighbour to the application site. His comments to the Committee included;

- The National Planning Policy Framework (NPPF) stated that Local Authorities should resist developments in gardens.
- Dunnington's Village Design Statement (VDS) also stated that larger garden plots in the village should be protected.
- That the development would be visually prominent.

- That associated noise from vehicles using the driveway, which was close to the boundary of the site would affect the tranquil environment.

Some Members asked the speaker if previous applications had been submitted from adjacent properties. The speaker informed the Committee that an application from 23 Garden Flats Lane had included a development in their back garden. He reported that this application had been refused and that the Secretary of State had upheld this decision.

Officers clarified to Members that the NPPF did not say that Local Authorities should resist granting planning permission for development in gardens but that local planning authorities should 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. Policy GP10 was considered to be in line with the NPPF.

Representations in support of the application were received from Jenny Hubbard, a planning consultant. She commented that;

- That the application was a sustainable development.
- That the site was large but the visual impact on neighbouring properties would be reduced through boundary treatment.

In relation to if the application would conflict with the VDS, the planning consultant responded that there would not be a material impact on the adjacent property, the density of the site. She added that the development of different styles of buildings in the village was encouraged in the Statement.

Representations in objection were received from Stuart Kay, the Vice Chairman of Dunnington Parish Council. He explained his reasons for objection. These were;

- He felt the context of the part of the village, that the property would be located in, had not been considered by the applicant. In his view, the new building would be out of keeping with the existing buildings.
- He felt the VDS had not been taken into account.
- He felt that the loss of amenity to the adjacent property had not been considered.

- That the current infrastructure of the village, and that flooding occurred had not been considered.

When asked to expand on why he felt the application conflicted with the VDS, Mr Kay felt that it was uncertain what materials would be used for the building and wanted to protect trees.

Discussion between Members took place. Some Members felt that the VDS should not be disregarded when making a decision on the application. In addition, they felt that there were practical concerns of inserting driveways in at a different level and there was a need for an acoustic barrier. Furthermore, some felt that there had not been significant changes to a previous application on the site.

Other Members felt that the property's garden was larger in comparison to other properties in the village and so the development would be acceptable in the space.

Councillor Warters moved and Councillor Douglas seconded a motion to refuse the application. On being put to the vote this motion fell.

Councillor Hyman moved and Councillor Galvin seconded a motion to approve the application. On being put the vote this motion was carried.

Resolved: That the application be approved subject to a Section 106 agreement.

Reason: Members felt that the benefit of the development outweighed any adverse impact, it was in a sustainable location with good access to local services and public transport and that it would be in keeping with the residential area and would not be prominent from any public viewpoint. The proposal would also not be detrimental to the character of the local environment and the amenity of neighbouring occupiers and on balance accords with the National Planning Policy Framework and policy GP10 of the 2005 Local Plan.

**49b) Monk Bar Garage, Lord Mayors Walk, York. YO31 7HB
(13/03338/FUL)**

Members considered a full application by Mr and Mrs Plowman for the erection of 2no. dwellings and garage block with 1no. residential flat following demolition of existing buildings.

Officers suggested that if Members were minded to approve the application that a number of conditions be attached to permission, such as;

- That details of railings be agreed.
- That trees be protected during construction works.
- That surfacing for car and cycle parking be laid out before occupation.

It was noted that comments had not been received from Guildhall Planning Panel. A model of the development was provided by the applicant and appeared at the bottom of the table for Members to view.

Officers informed Members that;

- The eaves level of the development would be lower than what was currently on the site.
- The buildings would be lower than the city walls.
- The main living rooms of the two storey dwellings would be on the top floor and would have access outside and bedrooms located on the ground floor.

Representations in support were received from the applicant, Mr Tony Plowman. He commented that he was in attendance to answer questions that Members might have had.

Questions from Members included;

- As the Council's Environmental Protection Unit felt there were difficulties, would noise from the vicinity affect the use of the garden space.
- Why were the two roofs on the two storey building and garage block designed to have contradictory bowed roofs.
- Had other design options other than that of a contemporary design, been considered.
- If the bricks used in construction would be recycled or new.

- What would be the energy rating for the development.

The applicant reported that;

- In relation to noise affecting the use of the garden space, 80% of the site would be landscaped to avoid this.
- There were two bowed roofs because the development dropped down from a two storey building to a one storey building. The levels of the eaves would be at the same height.
- Regarding design, a blend of contemporary and traditional styles were considered between the applicant, the Council and English Heritage. Comments had also been received from the Civic Trust.
- Recycled bricks could be used in the construction, but there was a quality control issue with this and the applicant felt it was felt that new bricks would be better.
- In regards to the energy rating that the buildings would have, windows could be inserted at a deeper level to allow for a great level of insulation.

Councillor Watson who had called in the application raised concerns about the application, including that he felt the development would detract from the views of the Minster.

During discussion some points were raised by Members were;

- That although the development might detract from some views of the Minster, the existing view of the site was unattractive.
- That although the design of the buildings proposed were modern, it did not appear to be too oppressive.
- That although this would give Lord Mayors Walk a mixture of building styles, other streets in the city centre included a similar mix of styles.
- That some felt it was the wrong scheme, in the wrong place and that the plans should be withdrawn.
- That the views from the walls towards the site should be taken into consideration, not just the views towards the Minster from the site.
- That although it was disappointing that no comments had been received from Guildhall Planning Panel, English Heritage had offered their support.

- Although the site would be lost as a business space, the area would be enhanced by the green space provided by the development.

Councillor Warters requested that his vote against approval be recorded.

Resolved: That the application be approved with the following additional condition;

17. Tree Protection

Trees shown as being retained on the approved plans shall be protected in accordance with BS: 5837. Trees in relation to construction (and as recommended in section 6 of the JCA Arboricultural Report 11298/SR).

Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and surfaces shall also be included. The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

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

Reason: Members felt that as the scheme was well considered and proposed high quality materials, the conservation area would be enhanced and there would be no undue effect with regards amenity and highway safety.

**49c) Country Park, Pottery Lane, Strensall, York. YO32 5TJ
(14/00096/FUL)**

Members considered a full application by Miss Raquel Nelson for a change of use of part of caravan site to display and sell caravans.

In response to a question from Members, Officers confirmed that pitches for touring caravans were considered to be appropriate development under the National Planning Policy Framework and Council Planning Policy.

However, if the pitches were being used for the retail sale of caravans, the applicant needed to demonstrate very special circumstances as to why the proposal should be approved contrary to the NPPF or Council Policy. No very special circumstances had been submitted.

Representations were received from John Chapman of Strensall with Towthorpe Parish Council. He supported the Officer's recommendation of refusal and highlighted that the applicant had not given a description of the type of caravan being sold.

Resolved: That the application be refused.

Reason: The proposal by virtue of extending the developed area of the site and by introducing an element of outdoor retail use throughout the calendar year would materially harm the open character of the Green Belt and the purposes of including land within it by introducing a land use more appropriately located within the urban area contrary to Policy GB1 of the York Development Control Local Plan and paragraph 89 of the National Planning Policy Framework.

**49d) May Gurney Limited, 312 Tadcaster Road, York. YO24 1HF
(14/00285/FUL)**

Members considered a full application by Mrs Vanessa Warn for a change of use from office to private day nursery (use class D1) (resubmission).

In their update to Members, Officers reported that;

- The description of the development had been amended to include covered decking to the rear of the building.
- That two additional letters of objection had been received which highlighted a number of traffic and transport concerns.
- That one further letter of objection raised concerns about the limited car space on the site and possible congestion.
- That twenty one letters of support had been received which highlighted the need for a facility of this nature in the area and the increased accessibility for parents and children.
- That a letter had been received from Julian Sturdy MP which stated that;
 - The applicant had strong links with York College where she had taken apprentices on for her existing nursery.
 - The previous business that was based at the site had 62 employees working there.
 - There appeared to be a considerable demand for nurseries within the area.
 - He accepted that there were concerns over the application, however he believed any problems could be overcome by approving the application and attaching conditions which must be met in order to limit the impact on local traffic and parking issues.
- The Council's Economy and Enterprise Manager said, "The proposed creation of 47 jobs, and Little Green Rascals reputation as an Investors in People employer, meets the Council's objectives to create jobs and grow the economy. York requires a full range of nursery provision and this would provide facilities in an area where demand clearly outweighs supply. Further, we would not want to see a lack of suitable nursery care in this area to act as barrier to residents' access to employment and training."

- That the applicant had provided Officers with the following additional information;
- York Racecourse had agreed in principle to allow staff to park on racecourse land (including Tadcaster Road stables) on non-racedays.
- That Yorkshire Tourist Board stated that when they occupied the building with around 50 staff plus regular visitors there was never to their knowledge any issue over parking or entering/exiting the property.
- Revised drawings showing the area of the access within the applicant's control, this had reduced the width of the access to a single car width.

Representations in objection were received from Jill Morris, a local resident. Her concerns about the application related to;

- The size of site and the small number of parking spaces. She felt that it would have a detrimental impact on the access road.
- That parents would use the driveways of neighbouring properties to park. This had apparently happened during the building's previous use as offices. This would lead to an increased cost in maintenance of driveways for the owners of the neighbouring properties.
- Safety concerns for vehicles, cyclists and pedestrians.

Members asked if a wall could be built between the nursery ownership and the adjacent neighbouring property. Officers advised that this would be permitted development and that it would limit the width of the access road to only allow one car in and one car out at a time.

Representations in support were received from the applicant, Vanessa Warn. She spoke about transport issues, interest from families in the nursery, and employment opportunities. It was reported that;

- There would be free bus passes and pooled bikes for staff to travel to the nursery to reduce car usage.
- The owner of the Marriott Hotel would be happy to help out in providing additional parking space for parents to use.
- There would be staggered pick up and drop off times, so this would reduce congestion occurring.

- Deliveries to the nursery would happen outside of operation times.
- There had been significant interest from families (80 families) in sending their children to attend the nursery.
- Two free nursery places would be offered.
- The nursery would create 25 full time and 20 part time jobs and four apprentices would be trained a year.
- The nursery would be willing to pay for parking measures.

In response to questions from Members, the applicant stated that the busiest time of drop offs and pick ups would be 8 am- 9 am and 5pm- 6pm. She added that a minibus would also pick up members of staff from the Park and Ride site, service vehicle deliveries would take place between 10 am- 4pm and that the location of the fire drill evacuation point from the nursery would be assessed. Additionally, the only point at which all children in the nursery would be gathered in one place would be in the event of a fire drill.

Representations were received from the Ward Member, Councillor Reid. She explained how she was in support of the application as she felt it was a good use of the building and that parking concerns would be worse if the building was returned to its former use as offices.

Discussion took place between Members. Some Members felt that there was a need for a nursery in the area, particularly following the closure of the nursery at York College. Others felt it was reassuring that the Ward Members were supportive of the application. They felt confident that the quality of the service provided by the nursery would be high, as this had been demonstrated at another nursery in Elvington also owned by the applicants. They added that they appreciated the additional parking and travel options suggested by the applicant.

Other Members felt that highway concerns still remained, particularly given the access and egress to the site. Officers advised that the access to the site could be widened, but this would reduce the number of parking spaces. Finally, they felt that the facility was needed in the local area.

Officers highlighted to Members that the agreement in principle from York Racecourse to allow parents to park on their land on non racedays would probably only be short term and would not be enforceable by the council. They were satisfied that an acceptable access could be provided, but reiterated that this would reduce the number of overall parking spaces for the nursery.

Members suggested that the conditions attached to planning permission be delegated to the Chair and Vice Chair of the Committee to agree.

Councillor Semlyen moved a motion to approve the application. This was seconded by Councillor Looker. On being put the vote this motion was carried.

Councillor Warters asked that his vote for refusal be recorded.

Resolved: That the application be approved with the following conditions;

1 The development shall be begun not later than the expiration of three years from the date of this permission.

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.

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

Site Location plan - Y-3550-AP/BSP-13-01 Rev A received 5th March 2013

Existing Site Plan Y-3550-AP/BSP-13-02 Rev B received 5th March 2014

Drawing number 'As Existing' - Y-3550-AP/BSP-13-03 Rev A, Y-3550-AP/BSP-13-04 Rev A, Y-3550-AP/BSP-13-05 Rev A and Y-3550-AP/BSP-13-06 received 6th February 2014

Drawing numbers 'As Proposed' - Y-3550-AP/BSP-13-09 Rev A, Y-3550-AP/BSP-13-10 Rev A, Y-3550-AP/BSP-13-11 Rev A and Y-3550-AP/BSP-13-12 Rev B received 6th February 2014

Proposed Site Plan is subject to amendments in connection with parking, turning and access and is covered by condition 7

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

3 No more than 30 children shall be permitted within the gardens at any one time.

Reason: to protect the amenity of neighbouring residents and to protect the health and recovery of patients in near by hospital.

4 Details of an acoustic noise barrier to protect adjoining properties to the Southern and Western boundaries of the rear garden 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 have a sound reduction index of at least 10dB. The barrier shall be erected in accordance with the approval before the use hereby permitted first comes into use and maintained thereafter.

Reason: to protect the amenity of the local residents and patients from noise

5 The development shall not be begun until details of the junction between the internal access and the highway have been approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans. The width of the access adjacent to the back of the footway should be a minimum of 4.5m wide to allow two-way traffic.

Reason: In the interests of road safety.

6 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 building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

7 Prior to the development commencing a drawing containing details of car parking and turning areas shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the car parking and turning areas have been provided within the site in accordance with such approved details, and these areas shall be used solely for their intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

8 Prior to first occupation, a Full Travel Plan should be submitted and approved in writing by the LPA. The travel plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan. In formulating the Travel Plan consideration should be given to the following options, and used in connection with information contained within the itravelyork website and in consultation with the iTravel York Programme Manager:

Staff

- A policy of no parking on site or on neighbouring streets
- Provide an information pack on sustainable travel options to and from the site prior to commencement of employment
- Free bus pass (3 months) for all new staff
- Company interest free loan for cycle purchase
- Monthly promotion of walking, cycling for the health benefits
- Staff incentives for cycling or using the bus
- Identify opportunities for staff to car share
- Minibus service - to collect and drop off staff from pre-agreed points

Customers

- Information pack for parents in connection with sustainable travel options
- Promotion of walking and cycling with monthly cycle or walk to Nursery days
- Car sharing database for customers
- Timetable for drop off and collection times

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

Reason: To ensure the development complies with advice contained in local and national planning and transportation policy, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

9 All deliveries associated with the use shall be confined to between the hours of 10:00 and 15:00 Monday to Friday

Reason: To prevent conflict with vehicles, pedestrians and cyclists dropping children off at the nursery during peak hours and vehicles delivering goods to the site

Reason: Members considered that the measures put forward by the applicant to address the issue of staff parking combined with amendments to the submitted plans to secure alterations to the parking layout and access to be secured through planning conditions were sufficient to alleviate concerns regarding highway safety. As such the proposal would comply with the requirements of the NPPF and Policy C7 of the Development Control Local Plan.

50. Any Other Business

One Member raised a comment about the method of voting during planning meetings. He suggested that for a greater level of transparency, that named votes should take place. Some Members disagreed with the process of named voting, namely because it was time consuming not that Members wanted to preserve anonymity. The Chair stated that he would meet with other Committee Chairs to discuss this.

Councillor N McIlveen, Chair
[The meeting started at 2.00 pm and finished at 4.40 pm].

This page is intentionally left blank

COMMITTEE REPORT

Date: 10 April 2014
Team: Major and Commercial Team
Ward: Bishopthorpe
Parish: Bishopthorpe Parish Council

Reference: 13/03864/FUL
Application at: Middlethorpe Manor Middlethorpe York YO23 2QB
For: Conversion of stable block to 4no. holiday cottages and 2no. holiday or staff cottages
By: Mr Steven Davis
Application Type: Full Application
Target Date: 10 March 2014
Recommendation: Approve

1.0 PROPOSAL

1.1 This is an application for the conversion of existing buildings, formerly used as stables and cottage, into 4 holiday lets with 2 additional units which could also be used as staff accommodation (6 units in total) in connection with the occupancy of Middlethorpe Manor, at Middlethorpe Manor, Middlethorpe (there is an associated listed building application reference 13/03865/LBC).

1.2 The buildings are located to the south-west of Middlethorpe Manor within the small hamlet of Middlethorpe on the south side of York, between York and Bishopthorpe. The buildings form part of the curtilage of Middlethorpe Manor, a grade II listed building, located within Middlethorpe Conservation Area and within an Area of Archaeological Importance (AAI). The buildings are a Victorian addition to the site and are grade II listed by virtue of their association with Middlethorpe Manor. The existing structures are in a poor state of repair, some areas being in a state of dilapidation and covered in ivy. The area adjacent to the buildings provides a well landscaped setting with a significant number of mature trees.

1.3 The proposal is to form 6 two bedroomed dwelling units within the existing structures to be used for holiday let and, in relation to two units, for staff accommodation associated with the Manor. The proposal will necessitate the rebuild of areas which have collapsed, insertion of new floors, doors and windows, mostly in existing openings. Vehicular access to the site is from the existing access that serves Middlethorpe Manor, a separate pedestrian entrance is provided along the northern elevation of the building to provide direct access to Green Lane. The area to the south of the buildings (adjacent to the access drive to the Manor), including an existing wooden garage, will be used to provide parking, cycle parking and bin storage.

1.4 A significant number of trees are located adjacent to the buildings which are afforded protection by virtue of their location within the conservation area.

1.5 The application is supported by a Heritage Statement, Structural Report, Flood Risk Assessment, Design Statement, Bat Survey, Planning Statement and Tree Survey.

1.6 The Development Control Local Plan identifies the site as being within the Green Belt.

PLANNING HISTORY

1.7 Planning permission was refused and dismissed on appeal for the refurbishment of the existing buildings into 6 dwellings in July 2005 (Planning ref: 03/02042/FUL). The reason for the appeal being dismissed related to the insertion of a large opening in the northern range of the building affecting the continuity of the building along this elevation, the creation of segregation between the buildings and the access drive to the Manor, and concerns in relation to the impact of the position of the new vehicular access on Lady Wortley Place. Concerns were also raised about the proximity of windows between 2 Lady Wortley Place and the proposed development.

1.8 A scheme has recently been approved, and listed building consent granted, for the erection of an extension to the rear of Middlethorpe Manor (Planning Ref: 13/03251/FUL and 13/03252/LBC)

1.9 The application has been referred to the Planning sub-Committee for a decision due to the appeal history of the site and the level of public interest within the small hamlet of Middlethorpe.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: Middlethorpe Area 0009

Conservation Area GMS Constraints: Middlethorpe CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

Floodzone 2 GMS Constraints: Floodzone 2

2.2 Policies:

CYGB3

Reuse of buildings

CYHE2

Development in historic locations

CYHE3

Conservation Areas

CYHE4

Listed Buildings

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - No objections

3.2 Yorkshire Water Authority - A water supply can be provided to the site. The area is not served by the public sewerage network.

3.3 Environment Agency - This site lies in Flood Zone 2 (medium flood risk) on the Flood Map. The change of use proposed would result in an increase to the sensitivity of the development, placing it in the 'more vulnerable' category. They note that in the submitted Flood Risk Assessment, the developer has proposed the implementation of flood mitigation measures to reduce the potential impact of flooding to the development and the inclusion of safe access and egress routes to the site. It may be appropriate to apply conditions securing any flood risk mitigation measures recommended in the Flood Risk Assessment. The Environment Agency do not provide advice on emergency planning in the event of flood.

3.4 Ainsty Internal Drainage Board - No comments to make.

3.5 Flood Risk Management Team - Insufficient information as been received to assess the application.

3.6 Countryside Officer - After initially requiring additional bat survey work the Countryside Officer is now satisfied, following further information submitted by the applicant, that the bat survey supporting the application is acceptable subject to a condition requiring bat mitigation and conservation measures.

3.7 Environmental Protection - in accordance with the requirements of the NPPF electric charging points should be provided as part of the development. There are no concerns about potential land contamination.

3.8 Design, Conservation and Sustainable development - Landscape Architect - No objections in principle. A reduced number of dwellings would allow for larger gardens and the reduction in hard surfacing for car parking and would provide a better entrance to the site.

3.9 DCSD - Conservation Officer - The Conservation Officer is supportive of the application given its dilapidated state subject to appropriate conditions controlling the detail of the scheme.

3.10 DCSC - City Archaeologist - No objections subject to a watching brief condition being attached to any grant of permission.

EXTERNAL

3.11 Bishopthorpe Parish Council - The Parish Council support all the concerns raised by residents. In particular the possibility that "residents" of the cottages and visitors will use Green Lane to park. The abandonment of the pedestrian access should alleviate this providing sufficient spaces were available in the parking area inside. One space per bedroom should be the minimum.

3.12 The applicant should consider the reduction to only four cottages. This will reduce the increase of windows in the wall which was a concern. They should also all be holiday lets then traffic will only be the persons temporarily using the cottages. Permanent residents would encourage more traffic such as mail, courier deliveries etc.

3.13 Eighteen letters of objection have been received covering the following points:-

- There are too many new/small units which will change the unique rural and conservation nature of the community
- Significant increase in numbers of dwellings in Middlethorpe
- Ensuring that access and windows provide the minimum disturbance to our neighbours in Lady Wortley Place
- There is insufficient car parking space within the development which will lead to increased traffic and parking on Green Lane. This likelihood is exacerbated by having direct pedestrian access to the lane.
- The increase in parking on the Lane will lead to deliveries and services being unable to access the other properties on the Lane
- The Manor should remain in use as a single residence

- There is a need to develop the Coachman's House and Stables in line with the historical context of this rural conservation area. However, concerned about the size of the development (number of units) and the extra use of the Lane.
- There are 8 houses on Green Lane along with the Stables/Coach House's 6 dwellings; this will increase by 75%.
- The historic access to The Stables/Coach House is surely no basis for future access rights?

The dwellings in Lady Wortley Place did not exist as such when The Stables/Coach House was used for its original purpose; the circumstances have changed.

- Inadequate bin storage within the site.
- Currently, this causes traffic blockages and congestion when deliveries are made and refuse is collected for example. Therefore, any further usage and parking on this lane should be prevented to allow adequate access for emergency vehicles, utility vehicles and the present residents.
- Car needs to be able to use the far side of the lane to access Lady Wortley Place and the racecourse nurseries.
- Thought must be given to existing resident's amenity and children playing out in the lane.
- The Inspector considering the appeal on this site in 2004 said that the large new opening in the north range would have a significant adverse effect on the historic interest of the listed building the current opening albeit smaller would have a similar adverse effect.
- The pedestrian entrance is unnecessary the current entrance is perfectly adequate for all pedestrian, vehicular and cycle movements.
- The rural setting of the wall is considerably enhanced by the grass verge and is an integral part of the rural ambience and makes an important contribution to surface water management the removal of the pedestrian access would take away the necessity for hard surfacing
- The number of units proposed conflicts with the character of the conservation area the increase in traffic will detract from the rural character
- There is no mains drainage poor siting of any effluent treatment plant will be a potentially serious health hazard.
- New materials should match existing
- Concerned that holiday makers may choose to park on the Lane rather than in the site this should be controlled by condition.
- Concerned about the impact of additional parking will have on the character of the conservation area.
- This application is for commercial development the previous appeal decision related to a residential scheme and can not be used in the assessment of this commercial scheme.
- The scheme creates new and blocking up of window openings in the existing walls and is therefore not acceptable.
- Double yellow lines should be painted on the road outside the cottages to prevent parking on the road.

3.14 Additional letters have been received following the re-consultation on amendments to the proposals. The letters welcome the increase in parking within the site but that express concern that the reduction in the size of the opening of the pedestrian access does not remove objections to the formation of this access point. All other points remain as per the original objections. Additional photographs have been submitted which show the difficulty of parking on Green Lane

3.15 1 letter of support has been received which welcomes the renovation of the derelict buildings which it is considered will make a positive contribution to the setting of the Manor House.

4.0 APPRAISAL

4.1 Key Issues:

- Green belt
- Conversion details
- Landscaping/external areas
- Conservation Area
- Listed building
- Highway considerations
- Residential amenity
- Archaeology
- Ecology
- Drainage and flood risk

Policy Background

4.2 Middlethorpe Manor is located within the Green Belt, and is a grade II listed building within a conservation area and an area of archaeological importance. The stable buildings, which form part of the overall history of the site, are within the curtilage of the listed building and as such their association with the history of Middlethorpe Manor and their siting within the curtilage of the Manor affords them listed status.

4.3 Paragraph 14 of the National Planning Policy Framework (NPPF) states at the heart of the NPPF is a presumption in favour of sustainable development.

4.4 Paragraph 17 of the NPPF sets out the Government's core planning principles. These 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.

4.5 Section 3 'Supporting a prosperous rural economy' supports sustainable rural tourism and leisure developments that benefit business in rural areas, communities and visitors where developments respect the character of the countryside.

4.6 Section 7 of the NPPF requires good design. Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (Para 61).

4.7 Section 9 'Protecting Green Belt Land' (paragraph 88) states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The re-use of buildings is not inappropriate in the Green Belt provided that the buildings are of permanent and substantial construction and provided they preserve the openness of the Green Belt and do not conflict with the purposes of including and in it (Paragraph 90).

4.8 Section 11 states at paragraph 118 that new developments should seek to conserve and enhance biodiversity; if significant harm cannot be mitigated or as a last resort compensated then permission should be refused.

4.9 Section 12 of the NPPF relates to conserving and enhancing the historic environment. In determining applications paragraph 128 states that Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected including any contribution made by their setting. Local Planning Authorities should take account of, among other things, 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. 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use' (para. 134).

4.10 Development Control Local Plan Policies (DCLP) relevant to this development are GB3 'reuse of buildings', HE2 'Development in Historic Locations', HE3 'Conservation Areas and HE4 'Listed buildings'. These policies are broadly in accordance with the approach taken within the NPPF.

4.11 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining whether to grant listed building consent for any works the Local Authority shall 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 and section 72 of the 1990 Act places a duty on Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

GREEN BELT

4.12 The NPPF acknowledges that the essential characteristics of Green Belts are their openness and their permanence. The reuse of buildings that are of permanent and substantial construction is not inappropriate development provided openness is preserved and proposals do not conflict with the purposes of including land in the Green Belt. The buildings have been in a state of dilapidation for a considerable amount of time. They are nevertheless afforded protection from loss through conservation area legislation and through their status as listed buildings. Furthermore the application is supported by a structural report which concludes that 'although the buildings are in a dilapidated state they are not yet unstable. It is considered that with the careful removal of the decayed elements and vegetation and by a system of designed scaffolding giving full support to areas that give concern, it would be possible to reinstate and renovate the properties to a high standard to accommodate the 6 proposed holiday units'.

4.13 In terms of the impact on openness, the buildings already form a prominent element in the street. The buildings are however partly camouflaged by the extent of ivy that has grown over them and the total mass of the buildings has been reduced by the loss of some of the roof structure. These elements would, however, be altered by any decision to maintain the structures and are not considered relevant to the consideration of greater impact on openness. The new elements consist of the intensification of the use of the buildings by the introduction of 6 units and the formation of the necessary facilities to sustain such a use such as car parking, bin storage and identification of garden boundaries. In this respect the scheme has been amended since first submission, and a re-assessment of the use of the outside area has taken place. Car parking is provided by the use of the existing hard surfaced areas within the site, bin storage and further car parking is provided within the existing wooden garage located immediately adjacent to the stable buildings and, because of the nature of the use as holiday lets, little in the way of external subdivision between units is being provided. Demarcation between the access drive to the Manor and the buildings has been removed. The external facilities associated with the development are located in close proximity to the building. Set amongst trees and away from the Green Lane frontage they do not reduce openness as they seek to use the existing curtilage structures and surfacing to provide for the residential use and the less intensive nature of holiday use in terms of need for private space and long term storage means that openness will not be affected. For

the same reasons, the purposes of including land within the Green Belt will not be affected and as such the principle of the development is considered to be appropriate within the Green Belt, and supported by paragraph 90 of the NPPF and by Policy GB3 of the DCLP, which is considered to be consistent with the requirements of the NPPF.

CONVERSION DETAILS

4.14 The existing structures have formerly been used both as living accommodation and stables. To the western end of the range of buildings is a cottage which is relatively well intact, and the areas adjacent to the cottage also show significant evidence of having been previously used for residential purposes at ground floor level. The area to the east has more clearly been used for stabling. The buildings, although in a dilapidated state, have a significant amount of existing openings and the scheme for six units can be achieved with very minimal changes to their number. There is clear evidence of the shape and detailing of the majority of windows and doors. The number of units can comfortably be accommodated within the buildings without compromising the elevations of the buildings and are considered acceptable. Conditions will be needed to ensure appropriately detailed windows and doors. The details are considered to comply with the requirements of GB3 of the DCLP.

LANDSCAPING/EXTERNAL AREAS

4.15 The application is supported by an arboricultural report. The existing driveway beyond the gates in to the grounds of Middlethorpe Manor, consists of a pea gravel wearing course, probably on a hardcore base, with a timber edge, supported with large-section, timber square pegs. The tree cover within the vicinity of the old stable block essentially consists of tall, mature canopy species, Sycamore, Lime and Poplar, accompanied by an evergreen under-storey of Yew, Holly and Laurel. The tall, canopy species are clearly visible from Middlethorpe Drive and at a greater distance from Bishopthorpe Road, thereby contributing to the attractive setting of the street and the Middlethorpe estate. A group of tall Lime trees with narrow crowns are located between the entrance gates and the stable block. Some of the Laurel and Yew are smothering the timber shed/garage and parts of the stable block. As one enters the stable courtyard there is one Lime to the left and one large, mature Sycamore to the right, the canopies of which overhang the buildings. A concrete surface has been historically laid down in front of the timber building, with the remainder of the courtyard being gravelled. The gravel drive extends up to the base of the Lime, but has no constructed kerb edge in this location. The Sycamore stands within soil and planted surrounds. The Poplar is very prominent by way of its height, but unsuitable in such close proximity to a building. The adjacent Horse Chestnut is in reasonable form and would benefit from removal of the Poplar. At its current size the Horse Chestnut could be reasonably accommodated alongside the building. The proposals include removal of a number of the under storey species. The removal of these is considered reasonable to enable restoration of the building. A significant

portion of under-storey would remain and the integrity of the vegetation cover as viewed from the street would not be significantly compromised. The Sycamore would have to be crown-lifted to clear the height of the new roof. This is considered acceptable; in fact some of the lower limbs would benefit from reduction works anyway.

4.16 The Council's Landscape Architect considers that a reduction in the number of car parking spaces would be preferable and that if the number of units were reduced the gardens could be made larger. Whilst appreciating these points it is important to note that the use is for holiday lets and no formal demarcation is to be created between units. The scheme will be conditioned as such. Car parking is provided on existing hard surface areas so there will be little change to the environment of the surrounding trees. It is considered that the landscape proposals can be accommodated without detracting from the setting of the listed buildings or the quality of the conservation area subject to appropriate conditions.

CONSERVATION AREA

4.17 In describing the character of Middlethorpe, the conservation area statement refers to the area as relatively low lying, surrounded by fields- the old water meadows or 'ings' separate it from the River/Ouse. The two large houses which dominate the settlement dwarf the scale of the remaining buildings and add to the feeling of an 'estate village'. The mature trees and high walls contribute to a feeling of enclosure along part of the lane, hiding views into and out of the lane. The continuity in use of materials, brick for buildings, outbuildings and walls, slate for roofs (Westmoreland slate on Middlethorpe Hall), iron gates and rails, contribute to give some feeling of cohesion to a diverse group of buildings, ancillary to the country house.

The main elements of the character and appearance of the area are:

- (1) Middlethorpe, which retains a separate rural character, completely outside that of urban and suburban York, and lies within the City of York Green Belt;
- (2) The feeling of an 'estate village' created by the juxtaposition of the two large buildings and the surrounding smaller ones, with their consistent use of materials;
- (3) The relationship of the settlement with the open countryside around which contributes towards the setting of the conservation area'.

4.18 The house and its grounds are key components in the Middlethorpe Conservation area, the conservation area being focused on the Manor, the estate village, and Middlethorpe Hall, a high status house, listed grade II*, at the other end of the lane through the settlement. The conservation area has a distinct rural character, enhanced by its open setting and the extensive tree cover within the settlement. The reinstatement of roofs of the building, their reuse for a beneficial purpose and removal of ivy from the buildings will enhance the overall appearance of the conservation area. The provision of the associated facilities with the residential use will not be a significant element of the change to the site being

located behind a substantial wall and within the curtilage of the Manor. The minimisation of the external changes described above and their proximity to the buildings will not be significant to the conservation area.

4.19 The appeal that was dismissed in July 2005 referred to in paragraph 1.7 above sought a similar conversion to 6 separate dwellings. The appeal Inspector found that the scheme had much to commend it, being well integrated into the existing structure and offering sympathetic use. In the Inspector's assessment 'the building is a principal feature of the vista along Green Lane and makes a positive contribution, which would be enhanced by its reinstatement, to the appearance of the conservation area'. The two reasons for not allowing the appeal arose from the intention to repair and convert the stable block for disposal as 6 separate dwellings in which the design sought to physically separate the block from the driveway of the Manor, which would conflict with the historic association between the two. It would also have required a new pedestrian and vehicular access off Green Lane within the north range which the Inspector considered would damage both the building and the character and appearance of the conservation area. As described above the minimal external changes associated with this new scheme are not considered to harm the character or appearance of the conservation area. The pedestrian access in the north range consists of a typical door opening formed in an existing window opening. Such a change to the structure will not be visually significant and will not affect the quality of the conversion scheme or impact on the conservation area (see paragraph below for the consideration of amenity in relation to the pedestrian access). Overall the development is considered to accord with the requirement of Section 72 of the Act which seeks to preserve or enhance the character or appearance of conservation area and this is similarly supported by Policies HE2 and HE3 of the DCLP.

LISTED BUILDING STATUS

4.20 The buildings are not listed in their own right, but are within the curtilage of Middlethorpe Manor. Although currently derelict, the buildings have aesthetic value, and are of illustrative value, as a tangible evidence of the social status of the owners and occupants of the Manor House. As such, they contribute positively to the heritage value of the listed Manor. The range of buildings are prominent in the street scene, and make a positive contribution to the character of the conservation area as one of special architectural or historic interest.

4.21 The proposals seek, in the main, to retain the external envelope, and re-instate the roofs. There is some alteration to the existing external envelope, and the interiors would be substantially altered. The alterations would result in some harm to the heritage value of the range of service buildings (loss of primary fabric, evidence for the purpose of the building and how the building was used, for example, the loss of the stalls), but the value of the interior is diminished by subsequent alteration and the dilapidated condition; consequently the harm is considered less than substantial.

This harm in Officers opinion is outweighed by the public benefit of enabling an economically sustainable use of the heritage asset, and enhancing its contribution to the setting of the Manor, and the historic character and appearance of the conservation area.

4.22 The detailed design of external windows and doors requires further revision so that the historic function of the three distinct buildings is clearly conveyed; that is, they need to reflect the design of the existing windows on a window by window basis using evidence available on site; As suggested above this can be addressed through an appropriate condition. The proposed surfacing to the former stable yard requires further consideration to better reflect the original function and a condition is proposed to ensure an appropriate material and the plan has been amended to show a single material for the whole courtyard area.

4.23 The details of the scheme are considered to comply with the policy guidance within section 12 of the NPPF, s.16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and HE4 of the DCLP.

HIGHWAY CONSIDERATIONS

4.24 The application proposes that all vehicular traffic will use the existing access to Middlethorpe Manor. This access point is located to the west of the buildings. The access driveway to the Manor runs past the southern side of the buildings. This is a controlled entrance. Objectors raise concerns about the access. There is a concern that the need to stop and gain access to the site via either intercom or some form of key pad will reduce accessibility to the site thus leading to additional parking on Green Lane. Green Lane is the lane immediately adjacent to the northern elevation of the building; it is a public highway. The verge up to the front of the building which is currently grassed is part of the highway. Parking on the lane to any significant degree, objectors consider, will lead to existing properties being less able to manoeuvre into their own accesses and will make accessing the lane by larger vehicles, such as bin lorries, difficult. Parking on the lane is currently not restricted. It is likely that visitors to the holiday lets will receive instructions on how to get to the site and how to access the facilities. Staff who occupy any of the units will be familiar with the access arrangements to the site. On balance, officers do not consider that new arrivals would be likely to cause parking or access problems on the adjacent Lane. There are, however, no restrictions on parking on the highway and if problems occur limitations could be placed on parking within the highway. Highway Network Management do not raise any objections to the application.

4.25 As amended, the proposal provides for 10 parking spaces for the 6 units with space for additional informal parking adjacent to the buildings. The level of parking proposed accords with parking standards for permanent dwellings set out in the DCLP, and in officers view there is no sound basis to suggest that car parking is inadequate.

4.26 The application proposes a pedestrian access from the courtyard side of the buildings on to Green Lane. The details of the pedestrian access have been amended reducing the size of the opening and forming the opening from an existing window on the elevation facing Green Lane. The existing door and window arrangement also being retained on the forecourt entrance side of the buildings. The pedestrian access allows visitors to access the lane from the court yard and vice versa. There is a significant level of objection to this arrangement, the main concern being that this pedestrian access point will encourage parking on the lane which will be a more convenient access to the properties particularly with the vehicular entrance point being controlled. In terms of accessibility and the encouragement of non- car use the pedestrian access will provide a convenient short cut for visitors for walking and cycling in the local area. The lane outside the site is a public highway with no parking restrictions and the short term parking of vehicles cannot be controlled through this planning application. There are two existing access points on to Green Lane retained as part of the scheme; one from the entrance door to the cottage and one to an existing side access which serves the cottage. Middlethorpe Manor House itself also has a pedestrian access point on to the lane and Officers are not aware of this increasing car parking along the lane and no objector makes reference to this. The new pedestrian access point is considered to be acceptable, a condition is proposed that would seek, as part of a management plan, details of how the holiday cottages will be managed to ensure new arrivals are aware of the access and parking arrangements.

RESIDENTIAL AMENITY

4.27 The consideration of the previous appeal on this site addresses residential amenity. It raised a significant concern about the position of the vehicular access which was proposed to be from Green Lane via a new arched entrance in the northern range of the building opposite Lady Wortley Place. The Inspectors view was that the vehicular movements to an access point within the north range would mean that the potential for overlooking into ground floor habitable room windows would be seriously exacerbated resulting in a significant loss of privacy for existing residents. The Inspector also acknowledged that the distance between habitable room windows on the proposed development and 2 Lady Wortley place at 11 metres would lead to overlooking but that the size of the windows in the development would mean the potential loss of privacy would probably not, for this reason alone, be significant.

4.28 Number 2 Lady Wortley Place has a lounge and dining room bay window at ground floor level which have a close relationship to the adjacent footpath, and from within feel relatively exposed to the outside surroundings and the various movements along the lane. The windows in closest proximity are those in the former cottage at the west end of the range of buildings. These windows directly face the lounge bay window of 2 Lady Wortley Place. Taking the Inspectors

comments into account and having regard to the fact that western structure was last used as a dwelling, albeit some considerable time ago, officers consider the proximity between windows could not be resisted.

4.29 The proposed vehicular movements will be via the existing drive which will mean that the harm identified by the Inspector on the appeal proposal through the siting of the vehicular access in the northern range will be eliminated. Although it is acknowledged that holiday makers who come to the site may marginally increase traffic along the lane, this will not result in the volume of traffic movements described as harmful in the appeal decision. The pedestrian link from the buildings on to the lane is sited so that it is not directly opposite the main habitable rooms of the adjacent properties. Whilst the occupiers of 2 Lady Wortley place will be aware of additional activity, as a result of the buildings being brought back into use and because of the nature of the design of their windows and their proximity to the street, the development will not result in harm to amenity that would be sufficient to warrant refusal of the scheme.

4.30 In general terms the scheme will increase the numbers of occupants within the hamlet and will increase the comings and goings in the area. In Officers view, however, the restriction of occupancy to holiday use and staff accommodation will have a lesser degree of visitor and general vehicular and pedestrian movements associated with it than would be expected for six permanent residential properties and strikes the balance between providing for the retention and renovation of the listed buildings whilst protecting the amenity of existing residential properties.

ARCHAEOLOGY

4.31 The site is located within an area of archaeological importance. The Council's Archaeologist is satisfied with the scheme subject to a watching brief condition being attached to any approval of planning permission.

ECOLOGY

4.32 The application is supported by a bat survey. The Countryside Officer although initially concerned about the extent of the survey now considers the survey work to be adequate subject to a condition covering a mitigation strategy. In light of the comments of the Countryside Officer and subject to conditions the proposal is considered to meet the biodiversity requirements of the NPPF (paragraph 118).

DRAINAGE AND FLOOD RISK

4.33 The site lies within medium flood risk zone 2. The Environment Agency states that the scheme would result in an increase to the sensitivity of the development, placing it in the 'more vulnerable' category. The Flood Risk Assessment supporting the application proposes the implementation of flood mitigation measures to reduce

the potential impact of flooding to the development and the inclusion of safe access and egress routes to the site. The measures within the flood risk assessment will be conditioned. A requirement to put an evacuation procedure in place in case of flooding will also be conditioned.

4.34 The site is not served via main drainage. The Flood Risk Management Team raises no objections to the application subject to a condition requiring additional surface water details.

5.0 CONCLUSION

5.1 The development is considered to be appropriate within the Green Belt and is supported by paragraph 90 of the NPPF and by Policy GB3 of the DCLP, which is considered to be consistent with the requirements of the NPPF.

5.2 The details of the scheme are considered to comply with the policy guidance within section 12 of the NPPF, s.16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is similarly supported by policies HE2, HE3 and HE4 of the DCLP.

5.3 The conversion work in both its design and relationship to adjacent development is considered to overcome the concerns raised by the Inspector in relation to the dismissed appeal in 2005.

5.4 The numbers of occupants within the hamlet will be increased and the development will increase the comings and goings in the area. In Officers view, however, the restriction of occupancy to holiday use, and staff accommodation will have a lesser degree of visitor and general vehicular and pedestrian movements associated with it than would be expected for six permanent residential properties and strikes the balance between providing for the retention and renovation of the listed buildings whilst protecting the amenity of existing residential properties.

5.5 In all other respects the application is considered to be acceptable subject to appropriate conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

Application Reference Number: 13/03864/FUL

Item No: 5a

Page 15 of 20

Drawing no.1110_03_AR50_01_ N

Drawing no.1110_03_AR50_02_A

Drawing no. 4754 - 302 rev.F

(additional plans to add)

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

3 Before the commencement of development, including the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include sufficient information to ensure the safe retention and sound protection of the trees. It shall include details and locations of protective fencing, phasing of works, type of construction machinery/vehicles to be used, arrangements for loading/off-loading, parking arrangements for site vehicles and visitors, locations for stored materials, and location of marketing cabin. It shall include construction details and methodology for paved areas that may encroach into the root protection area of the trees. It shall include contact details for the arboriculture consultant or other suitably qualified person whom shall be overseeing protection of the trees for the duration of the development process.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of the area and the development.

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

Reason: To protect the amenity of occupants of adjacent and adjoining properties during the development of the premises.

5 Prior to the commencement of the development or within such longer period as may be approved in writing prior to development materials and construction details of all external hard surfacing areas and retaining walls shall be submitted to

and approved by the Local Planning Authority thereafter the approved details shall be implemented to the satisfaction of the Local Planning Authority before the accommodation is first brought into use.

Reason: In order to protect the existing trees and in the interests of the visual amenity and quality of the setting of the listed buildings and the conservation area.

6 The applicant shall install 2 three pin 13 amp external electrical sockets which are suitable for outdoor use. The sockets shall be located in a suitable position to enable the charging of 2 electric vehicle in the parking spaces provided using a 3m length cable.

Reason: To accord with the requirements of the National Planning Policy Framework as it relates to low emissions and sustainable transport

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

Monday to Friday 08:00 to 18:00

Saturday 09:00 to 13:00

Not at all on Sundays and Bank Holidays.

REASON: To protect the amenities of adjacent residents

8 No development shall take place until full details of what measures for bat mitigation and conservation are proposed and have been submitted to and approved by the Council. The measures should include:

i. A plan of how work is to be carried out to accommodate the possibility of bats being present.

ii. Details of what provision is to be made within the restored building to replace the features lost through renovation of the original structures. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts and should at least replace or substitute for what exists.

The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Council.

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

9 The conversion scheme for six dwelling units hereby approved shall be used for holiday purposes only except that a maximum of two properties at any one time can be occupied by staff who are employed in connection with the maintenance and up keep of Middlethorpe Manor or any domestic duties undertaken within Middlethorpe Manor.

Reason: In order to avoid a permanent residential use in this location, which would be contrary to the aims and objectives of the City of York Green Belt contained in Development Control Local Plan Policies GB1 and GB3. The use of the site for permanent accommodation reduces the need for segregation between plots and reduces the need for domestic paraphernalia which it is considered would be detrimental to the character and appearance of the conservation area and detrimental to the association the buildings have with the principal listed building Middlethorpe Manor

10 The building shall not be occupied as a person's sole or main place of residence except that a maximum of two properties at any one time can be occupied by staff who are employed in connection with the maintenance and up keep of Middlethorpe Manor or any domestic duties undertaken within Middlethorpe Manor.

Reason In order to avoid a permanent residential use in this location, which would be contrary to the aims and objectives of the City of York Green Belt contained in Development Control Local Plan Policies GB1 and GB3. The use of the site for permanent accommodation reduces the need for segregation between plots and reduces the need for domestic paraphernalia which it is considered would be detrimental to the character and appearance of the conservation area and detrimental to the association the buildings have with the principal listed building Middlethorpe Manor

11 The owners/operators shall maintain an up-to-date register of the names of all occupiers of the holiday accommodation on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority. Details of the staff occupation and the purpose of their employment shall be maintained and the owners/employers shall make this information available at all reasonable times to the local planning authority.

Reason: In order to avoid a permanent residential use in this location, which would be contrary to the aims and objectives of the City of York Green Belt contained in Development Control Local Plan Policies GB1 and GB3. The use of the site for permanent accommodation reduces the need for segregation between plots and reduces the need for domestic paraphernalia which it is considered would be detrimental to the character and appearance of the conservation area and detrimental to the association the buildings have with the principal listed building Middlethorpe Manor.

12 ARCH2 Watching brief required -

13 Prior to the occupation of any unit at the site a management plan shall be submitted to and approved in writing by the Local Planning Authority setting out how new arrivals to the holiday accommodation shall be informed of the access and parking arrangements prior to their arrival. Thereafter the holiday accommodation shall be operated in accordance with the submitted management plan. The management plan shall remain operative at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity of the Conservation area, setting of the listed buildings and to protect residential amenity.

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

Details to include:

- (i) Cross section detail of perforated piped outfall between SWMH 158-159.
- (ii) Grass swale cross section detail to include levels to Ordnance Datum.
- (iii) Connection to existing ditch detail.

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

15 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;

- Extent of demolition/ rebuilding to be indicated on elevation drawings at 1:100
- Samples for all new external materials
- Sample panel for brickwork and details of pointing of existing brickwork
- proposed window, detailed replacement window and door schedule.
- Elevation drawings of windows and doors at 1:10 including sills
- Cross section through front and side elevations of dormers at 1:10
- Vertical cross section through all elevations illustrating eaves, window heads, window/door position in reveal, and sills where present at 1:20
- Horizontal and vertical cross sections through door and window joinery at 1:1
- Cross section through stacks at 1:5. Number and design of chimney pots to be approved. (This is intended to encourage a design more in keeping with the design of the host buildings)
- Full details for conservation roof lights. Roof light to be flush fitted.

Reason: So that the Local Planning Authority may be satisfied that these details would protect the architectural and historic interest of the listed building and to accord with advice contained within the National Planning Policy Framework and Policy HE4 of the City of York Development Control Local Plan.

16. A photographic record of the interior and exterior of the buildings shall be carried out prior to the commencement of any development at the site. Two hard copies of the document shall be sent to the local planning authority for records purposes.

Reason: In order to ensure that historic features that would be lost as part of the proposal are properly recorded

17 The development shall be carried out in accordance with the mitigation measures set out in the submitted Flood Risk Assessment produced by AECOM dated October 2013.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

7.0 INFORMATIVES: Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) 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:

Discussions about the details of the scheme. Amendments secured to the submitted details.

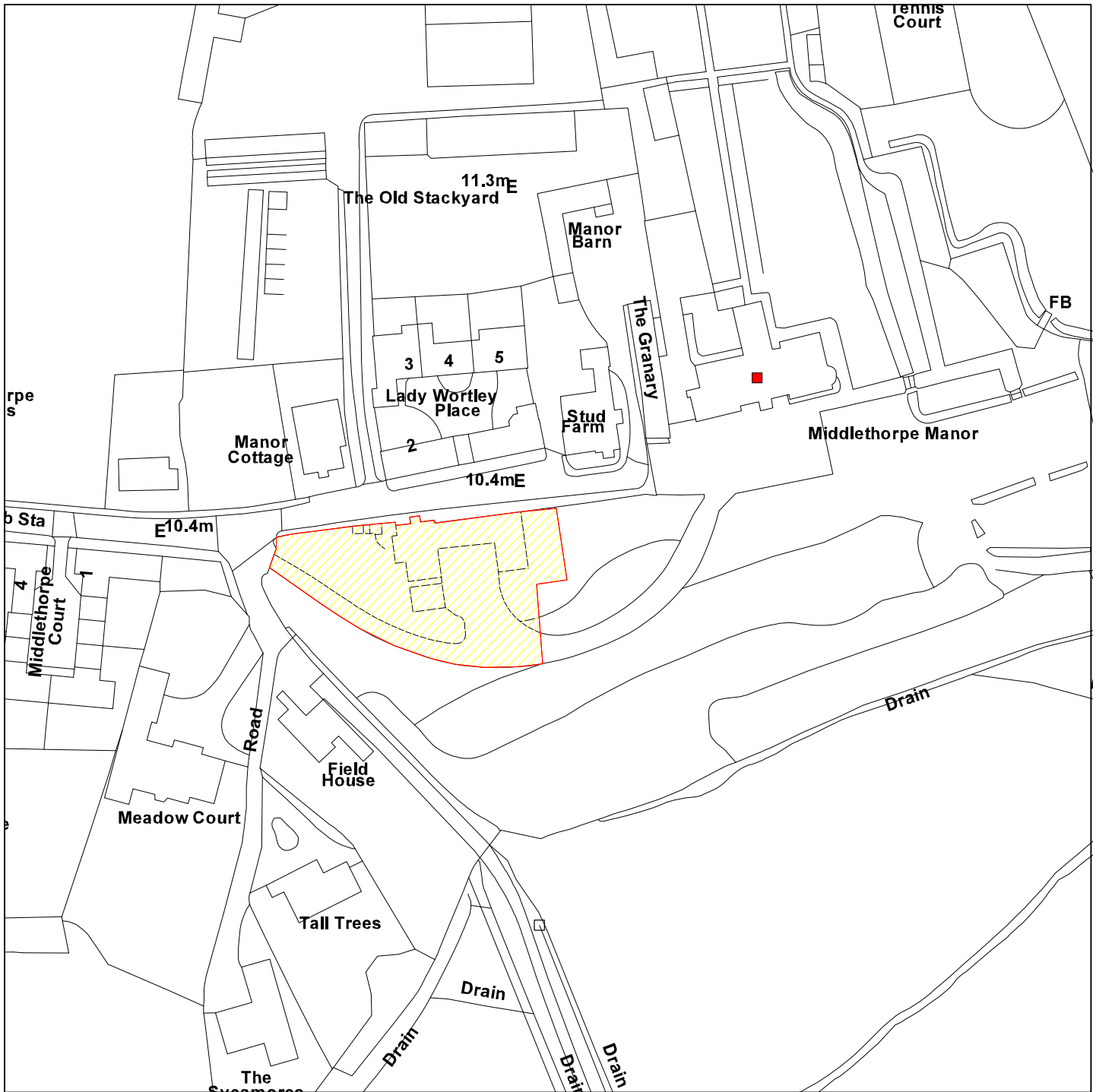
Contact details:

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

Tel No: 01904 551351

Middlethorpe Manor Middlethorpe

13/03864/FUL



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	31 March 2014
SLA Number	Not Set

This page is intentionally left blank

1.4 A significant number of trees are located adjacent to the buildings which are afforded protection by virtue of their location within the conservation area.

1.5 The application is supported by a Heritage Statement, Structural Report, Flood Risk Assessment, Design Statement, Bat Survey, Planning Statement and Tree Survey.

1.6 The Development Control Local Plan identifies the site as being within the Green Belt.

PLANNING HISTORY

1.7 Planning permission was refused and dismissed on appeal for the refurbishment of the existing buildings into 6 dwellings in July 2005 (Planning ref: 03/02042/FUL). The reasons for the appeal being dismissed related to the insertion of a large opening in the northern range of the building which would have adversely affected the continuity of the building along this elevation, the creation of segregation between the buildings and the access drive to the Manor, and concerns about the impact of the position of the new vehicular access on Lady Wortley Place. Concerns were also raised about the proximity of windows between 2 Lady Wortley Place and the proposed development.

1.8 A scheme has recently been approved, and listed building consent granted, for the erection of an extension to the rear of Middlethorpe Manor (Planning Ref: 13/03251/FUL and 13/03252/LBC)

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: Middlethorpe Area 0009

Conservation Area GMS Constraints: Middlethorpe CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

Floodzone 2 GMS Constraints: Floodzone 2

2.2 Policies:

CYHE4

Listed Buildings

Application Reference Number: 13/03865/LBC

Item No: 5b

Page 2 of 10

3.0 CONSULTATIONS

INTERNAL

3.1 Design, Conservation and Sustainable Development (DCSD) - Landscape Architect - No objections in principle. A reduced number of dwellings would allow for larger gardens and the reduction in hard surfacing for car parking would provide a better entrance to the site.

3.2 DCSD - Conservation Officer - The Conservation Officer is supportive of the application given its dilapidated state subject to appropriate conditions controlling the detail of the scheme.

EXTERNAL

3.3 Bishopthorpe Parish Council - The Parish Council support all the concerns raised by residents. In particular the possibility that "residents" of the cottages and visitors will use Green Lane to park. The abandonment of the pedestrian access should alleviate this providing sufficient spaces were available in the parking area inside. One space per bedroom should be the minimum.

3.4 The applicant should consider the reduction to only four cottages. This will reduce the increase of windows in the wall which was a concern. They should also all be holiday lets then traffic will only be the persons temporary using the cottages. Permanent residents would encourage more traffic such as mail, courier deliveries etc.

3.5 Letters of objection are précised on the planning application 13/003864/FUL. There is some support for the principle of the scheme but there are concerns about the details of the particular proposals.

4.0 APPRAISAL

4.1 Key Issues:-

- Conversion details
- Landscaping/external areas
- Conservation Area
- Listed building

Policy Background

4.2 Middlethorpe Manor is located within the Green Belt, and is a grade II listed building within a conservation area and an area of archaeological importance. The stable buildings, which form part of the overall history of the site, are within the curtilage of the listed building and as such their association with the history of Middlethorpe Manor and their siting within the curtilage of the Manor affords them listed status.

4.3 Paragraph 14 of the National Planning Policy Framework (NPPF) states at the heart of the NPPF is a presumption in favour of sustainable development.

4.4 Paragraph 17 of the NPPF sets out the Governments core planning principles. These 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.

4.5 Section 3 'Supporting a prosperous rural economy' supports sustainable rural tourism and leisure developments that benefit business in rural areas, communities and visitors where developments respect the character of the countryside.

4.6 Section 7 of the NPPF requires good design. Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (Para 61).

4.7 Section 12 of the NPPF is concerned with conserving and enhancing the historic environment. In determining applications paragraph 128 says that Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected including any contribution made by their setting. Local Planning Authorities should take account of, among other things, 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. 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use' (para. 134).

4.8 Development Control Local Plan (DCLP) Policies HE3 'Conservation Areas' and HE4 'Listed buildings' are relevant to this listed building application. These policies are broadly in line with the approach taken within the NPPF.

4.9 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining whether to grant listed building consent for any works the Local Authority shall 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 and section 72 of the 1990 Act places a duty on Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

CONVERSION DETAILS

4.10 The existing structures have formerly been both living accommodation and stables. To the western end of the range of buildings is a relatively well intact cottage, and the areas adjacent to the cottage also show significant evidence of having been previously used for residential purposes at ground floor level. The area to the east has more clearly been used for stabling. The buildings, although in a dilapidated state have a significant number of existing openings and the scheme for six units can be achieved with very minimal changes to their number. There is clear evidence of the shape and detailing of the majority of windows and doors. The number of units can be comfortably accommodated within the buildings without compromising the elevations of the buildings. Conditions are recommended to ensure appropriately detailed windows and doors. The details are considered to comply with the requirements of GB3 of the DCLP

LANDSCAPING/EXTERNAL AREAS

4.11 The application is supported by an Arboricultural report. The existing driveway beyond the gates in to the grounds of Middlethorpe Manor, consists of a pea gravel wearing course, probably on a hardcore base, with a timber edge, supported with large-section, timber square pegs. The tree cover within the vicinity of the old stable block essentially consists of tall, mature canopy species, Sycamore, Lime and Poplar, accompanied by an evergreen under-storey of Yew, Holly and Laurel. The tall, canopy species are clearly visible from Middlethorpe Drive and at a greater distance from Bishopthorpe Road, thereby contributing to the attractive setting of the street and the Middlethorpe estate. A group of tall Lime trees with narrow crowns are located between the entrance gates and the stable block. Some of the Laurel and Yew are smothering the timber shed/garage and parts of the stable block. As one enters the stable courtyard there is one Lime to the left and one large, mature Sycamore to the right, the canopies of which overhang the buildings. A concrete surface has been historically laid down in front of the timber building; the remainder of the courtyard is gravelled. The gravel drive extends up to the base of the Lime, but has no constructed kerb edge in this location. The Sycamore stands within soil and planted surrounds. The Poplar is very prominent by way of its height, but unsuitable in such close proximity to a building. The adjacent Horse chestnut is in reasonable form and would benefit from removal of the Poplar. At its current size the

Horse Chestnut could be reasonably accommodated alongside the building. The proposals include removal of a number of the under storey species. The removal of these is reasonable to enable restoration of the building. A significant portion of under-storey would remain and the integrity of the vegetation cover as viewed from the street would not be significantly compromised. The Sycamore would have to be crown-lifted to clear the height of the new roof. This is acceptable; in fact some of the lower limbs would benefit from reduction works anyway.

4.12 The Landscape Architect considers that a reduction in the number of car parking spaces would be preferable and that if the number of units were reduced the gardens could be made larger. However, this issue does not raise significant concern, as given that the proposed use is for holiday lets, there would be no formal demarcation between the units. The scheme will be conditioned as such. Car parking is provided on existing hard surface areas so there will be little change to the environment of the surrounding trees. It is considered that the landscape proposals can be accommodated without detracting from the setting of the listed buildings or the quality of the conservation area subject to appropriate conditions.

CONSERVATION AREA

4.13 In describing the character of Middlethorpe, the conservation area statement contains the following 'the area is relatively low lying, surrounded by fields- the old water meadows or 'ings' separate it from the River/Ouse. The two large houses which dominate the settlement dwarf the scale of the remaining buildings and add to the feeling of an 'estate village'. The mature trees and high walls contribute to a feeling of enclosure along part of the lane, screening views into and out of the lane. The continuity in use of materials, brick for buildings, outbuildings and walls, slate for roofs (Westmoreland slate on the splendid Middlethorpe Hall), iron gates and rails, contribute to give some feeling of cohesion to a diverse group of buildings, ancillary to the country house. The main elements of the character and appearance of the area are:

- (1) Middlethorpe, which retains a separate rural character, completely outside that of urban and suburban York, and lies within the City of York Green Belt;
- (2) The feeling of an 'estate village' created by the juxtaposition of the two large buildings and the surrounding smaller ones, with their consistent use of materials;
- (3) The relationship of the settlement with the open countryside around which contributes towards the setting of the conservation area'.

4.14 The house and its grounds are key components in the Middlethorpe Conservation area, the conservation area being focused on the Manor, the estate village, and Middlethorpe Hall, a high status house, listed grade II*, at the other end of the lane through the settlement. The conservation area has a distinct rural character, enhanced by its open setting and the extensive tree cover within the settlement. The reinstatement of roofs of the building, their reuse for a beneficial purpose and removal of ivy from the buildings will enhance the overall appearance

of the conservation area. The provision of the associated facilities with the residential use will not be a significant element of the change to the site being located behind a substantial wall and within the curtilage of the Manor. The minimisation of the external changes described above and their proximity to the buildings will not have a significant impact on the conservation area.

4.15 The appeal dismissal on the site in July 2005 referred to in paragraph 1.7 above sought a conversion to 6 separate dwellings. The appeal Inspector found that the scheme had much to commend it being well integrated into the existing structure and offering sympathetic use. In the Inspector's assessment 'the building is a principal feature of the vista along Green Lane and makes a positive contribution, which would be enhanced by its reinstatement, to the appearance of the conservation area'. The two reasons for not allowing the appeal arose from the intention to repair and convert the stable block for disposal as 6 separate dwellings in which the design sought to physically separate the block from the driveway of the Manor, which would conflict with the historic association between the two. It would also have required a new pedestrian and vehicular access off Green Lane within the north range which the Inspector considered would damage both the building and the character and appearance of the conservation area. As described above the minimal external changes proposed within this new scheme are not considered significant to the character and appearance of the conservation area. The pedestrian access in the north range consists of a typical door opening formed from an existing window opening. Such a change to the structure will not be visually significant and will not affect the quality of the conversion scheme or impact on the conservation area. Overall the development is considered to accord with the requirement of S.72 of the Act which seeks to preserve or enhance the character or appearance of conservation area and this is similarly supported by HE2 and HE3 of the DCLP.

LISTED BUILDING STATUS

4.16 The buildings are not listed in their own right, but are within the curtilage of Middlethorpe Manor. Although currently derelict, the buildings have aesthetic value, and are of illustrative value, as a tangible evidence of the social status of the owners and occupants of the manor house. As such, they contribute positively to the heritage value of the listed manor. The range of buildings are prominent in the street scene, and make a positive contribution to the character of the conservation area as one of special architectural or historic interest.

4.17 The proposals seek, in the main, to retain the external envelope, and re-instate the roofs. There is some alteration to the existing external envelope, and the interiors would be substantially altered. The alterations would result in some harm to the heritage value of the range of service buildings (loss of primary fabric, evidence for the purpose of the building and how the building was used (for example, the loss of the stalls), but the value of the interior is diminished by subsequent alteration and

the dilapidated condition; consequently the harm is considered less than substantial. In the view of officers, this harm is outweighed by the public benefit of enabling an economically sustainable use of the heritage asset, and enhancing its contribution to the setting of the manor, and the historic character and appearance of the conservation area.

4.18 The detailed design of external windows and doors requires further revision so that the historic function of the three distinct buildings is clearly conveyed; that is, they need to reflect the design of the existing windows on a window by window basis using evidence available on site. As suggested above this can be addressed by attaching an appropriate condition. The proposed surfacing to the former stable yard requires further consideration to better reflect the original function; a condition is proposed to ensure an appropriate material and the plan has been amended to show a single material for the whole courtyard area.

4.19 The details of the scheme are considered to comply with the policy guidance within section 12 of the NPPF, s.16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and HE4 of the DCLP.

5.0 CONCLUSION

5.1 The details of the scheme are considered to comply with the policy guidance within section 12 of the NPPF, s.16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is similarly supported by policies HE2, HE3 and HE4 of the DCLP subject to appropriate conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

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

Drawing no.1110_03_AR50_01_N

Drawing no.1110_03_AR50_02_A

Drawing no. 4754 - 302 rev.F

(additional plans to add)

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

3 Prior to the commencement of the development or within such longer period as may be approved in writing prior to development materials and construction details of

all external hard surfacing areas and retaining walls shall be submitted to and approved by the Local Planning Authority thereafter the approved details shall be implemented to the satisfaction of the Local Planning Authority before the accommodation is first brought into use.

Reason: In order to protect the existing trees and in the interests of the visual amenity and quality of the setting of the listed buildings and the conservation area.

4 Notwithstanding the details shown on the submitted plans, details of the item 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;

- Extent of demolition/ rebuilding to be indicated on elevation drawings at 1:100
- Samples for all new external materials
- Sample panel for brickwork and details of pointing of existing brickwork
- proposed window, detailed replacement window and door schedule.
- Elevation drawings of windows and doors at 1:10 including sills
- Cross section through front and side elevations of dormers at 1:10
- Vertical cross section through all elevations illustrating eaves, window heads, window/door position in reveal, and sills where present at 1:20
- Horizontal and vertical cross sections through door and window joinery at 1:1
- Cross section through stacks at 1:5. Number and design of chimney pots.
(This is intended to encourage a design more in keeping with the design of the host buildings)
- Full details for conservation roof lights. Roof light to be flush fitted.

Reason: So that the Local Planning Authority may be satisfied that these details would protect the architectural and historic interest of the listed building and to accord with advice contained within the National Planning Policy Framework and Policy HE4 of the City of York Development Control Local Plan.

5 A photographic record of the interior and exterior of the buildings shall be carried out prior to the commencement of any development at the site. Two hard copies of the document shall be sent to the local planning authority for record purposes.

Reason: In order to ensure that historic features that would be lost as part of the proposal are properly recorded

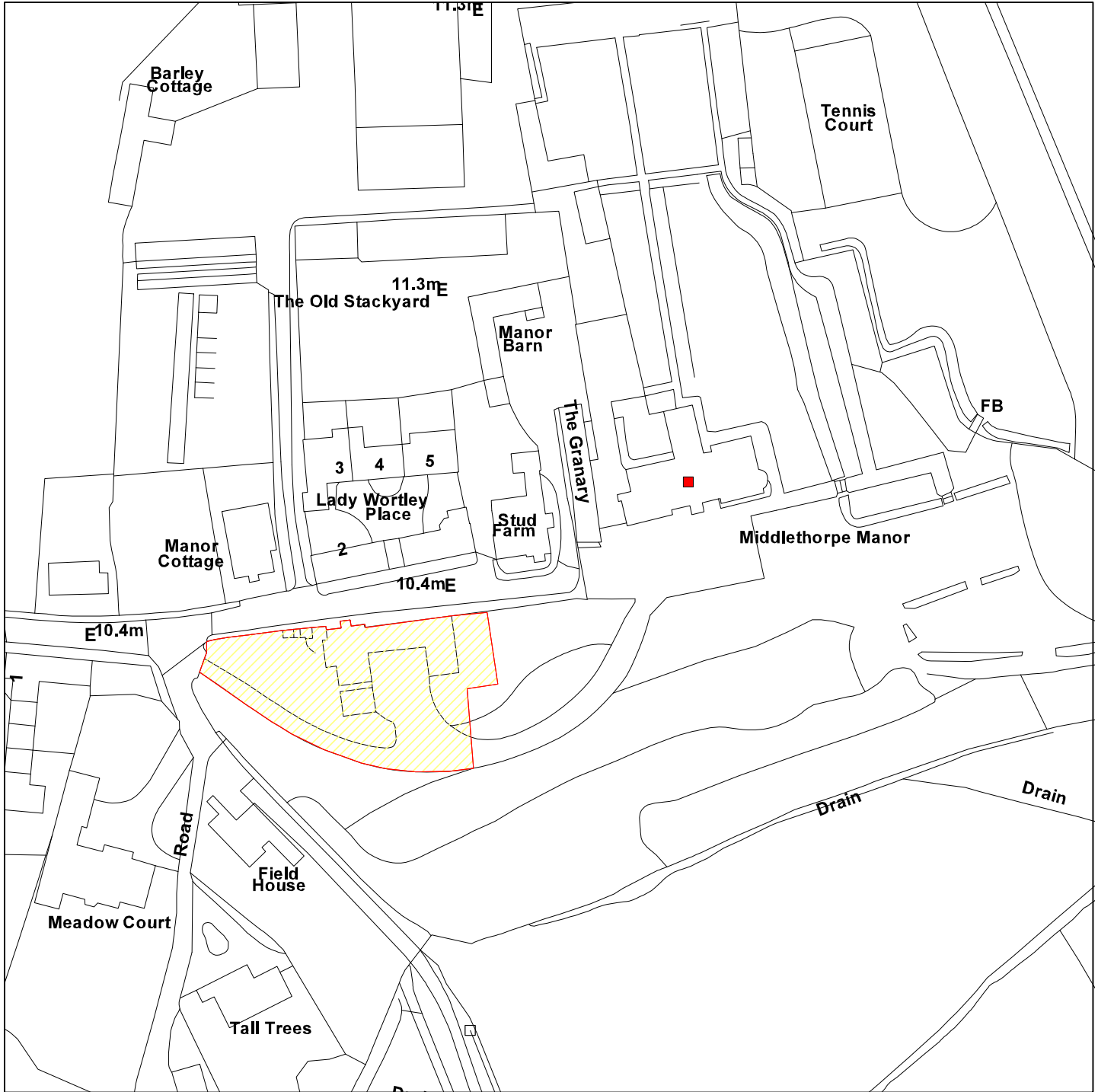
Contact details:

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

Tel No: 01904 551351

Middlethorpe Manor Middlethorpe

13/03865/LBC



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	31 March 2014
SLA Number	Not Set

This page is intentionally left blank

COMMITTEE REPORT

Date: 10.4.2014 Ward: Guildhall
Team: Major and Parish: Guildhall Planning Panel
 Commercial Team

Reference: 13/03816/FUL
Application at: Hilary House St Saviours Place York YO1 7PL
For: External alterations to building including replacement windows,
 doors and spandrel panels
By: St Catherines Developments Ltd
Application Type: Full Application
Target Date: 21 February 2014
Recommendation: Approve

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to Hilary House, a 5-storey office building, above a semi-basement car park which dates from the 1960's. The property is in the process of undergoing conversion, to be used as a medical centre at ground floor level with residential apartments above.

1.2 The site is within the Central Historic Core Conservation Area. In the conservation area appraisal the host building is identified as a detractor.

PROPOSALS

1.3 This application is for changes to the external appearance of the building. It is proposed to replace the windows and the concrete (spandrel) panels in-between. The alterations are necessary to improve the environmental performance of the building. The replacement windows would have beige grey coloured frames and the concrete aggregate panels would be replaced with Marley Equitone fibre cement panels.

1.4 The application has been called in for a decision by the Planning sub - Committee at the request of Councillor Watson, on the grounds that the proposal may impact on the conservation area and views of The Minster.

RELEVANT PLANNING HISTORY

13/03444/ORC - Prior notification for use of the upper floors as residential. Under recent legislation the change of use constitutes permitted development and does not require planning permission.

13/03491/FUL - Change of use of ground floor to surgery with 11 consulting rooms. Application was approved in January 2014.

13/03824/FUL - Roof extension to provide additional apartment. Application withdrawn.

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

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2; 60-62 Aldwark York YO1 2BU 0832

2.2 Policies:

GP1 Design

HE3 Conservation Areas

3.0 CONSULTATIONS

Countryside Officer

3.1 Based upon the survey submitted by the applicants, officers agree there is likely to be a very small bat roost present, possibly in various parts of the building.

3.2 It will be very difficult for the proposals to be implemented and the existing features retained. As such officers recommend a planning condition to ensure that care is taken during works and the provision of replacement roost features where it is not feasible to retain existing.

Design, Conservation and Sustainable Development

3.3 Officers made the following comments on the original scheme

- The entrance steps and decorative concrete block at low level are characteristic of their time and are positive aspects of the building. It was asked if these could be retained.
- There was concern that full height windows would cause overlooking and light pollution. The latter would have a harmful impact on the conservation area.
- Concern that over-simplification of the facade would have a harmful impact. It was asked that the scheme be re-thought, with a more orderly and well

proportioned facade with some refinement of detail, use of better quality materials and no loss of depth.

Guildhall Planning Panel

3.4 Object to the proposal and consider it conflicts with Local Plan policy GP1. The design is already out of scale with the rest of the area. If the building were increased in size, this would contravene policy GP1, as are the proposed materials as most of the neighbouring buildings are of brick construction. The development would also harm the residential nature of the area with a considerable extra traffic from both the medical practice and the residences.

Publicity

3.5 Objections (14 in total) make the following points -

- The Council should acquire the building and demolish it, as it visually harms the conservation area. The cosmetic changes proposed will not make a significant difference to the harm created by the building.
- The original scheme was deemed not to be an enhancement to the conservation area. Objection was raised to the full height windows – which would cause light pollution, and noise pollution if windows were left open.
- The existing building is an eyesore due to its design and scale being out of context. This would not be alleviated by the scheme.
- Overlooking over neighbours - in particular 31 Spen Lane next door.
- More dense tree planting to screen the building would be preferred.

4.0 APPRAISAL

KEY ISSUES

4.1 The site is within a designated conservation area (Central Historic Core). Within such areas, the Council has a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area.

ASSESSMENT

4.2 The scheme has been revised since the initial submission. As requested by the Conservation Officer, the entrance steps and blockwork panels to the semi-basement car park would be retained. The changes to the elevations have been refined. It is no longer proposed to add full height windows and balconies. The windows would retain their existing size (approx 1.8m high).

4.3 To accommodate residential use and comply with Building Regulations the building needs to upgrade its thermal performance. The proposals include double glazing, and the cladding panels would allow for increased insulation. Repair and re-use of the existing panels has been investigated, but has been discounted for the reasons that their depth allows no space for adding insulation, and due to their variable condition and finishes. The replacement panelling can be thinner, and it can therefore accommodate insulation and project no further than the existing panels.

4.4 The proposed changes retain the architectural integrity of the current building, reasonably maintaining its proportions and level of detail.

- The vertical fins would remain the dominant feature on the facade, as the cladding panels and new windows would maintain their existing depth. The proportions of the glazing and the solid panels would be retained. The solid panels would be slightly lower on the building, around 300mm - which is necessary to hide the building services (installed at ceiling level, as shown on the section drawings).
- The panels proposed are Marley Eternit Equitone, tectiva version, coloured Hessian. These panels have some variation/texture and are considered reasonably appropriate to the residential setting, in comparison to other materials such as aluminium which would appear less decorative.
- The replacement windows would be aluminium rather than timber. Aluminium frames are appropriate to the building style. The change to the glazing pattern, using one full height window in each reveal adds some variety to the elevations and this change is regarded as an improvement.
- Doors which would be replaced are of no architectural merit.

4.5 Objections have been made regarding overlooking of neighbouring properties. The residential use of the building may occur without planning permission under permitted development rights, subject to prior approval being obtained. This was granted on 12 December 2013. The windows are not being increased in size or amount, there would be no difference in overlooking between the building as existing and as proposed.

5.0 CONCLUSION

5.1 In determining planning applications within conservation areas, the Council has a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area. Thus in order for the scheme to be unacceptable it would need to be determined that the proposals are harmful to the character and appearance of the conservation area. The scheme as revised is for replacement

windows and cladding panels only. The products proposed are of reasonable quality. Overall the proposals would at least maintain the character and appearance of the conservation area. Approval is therefore recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

Proposed drawings

Elevations STC/344/001 201B
Sections 301

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

3 Materials

The proposed external materials shall be as shown on the approved plans unless otherwise agreed in writing by the Local Planning Authority

Windows - Velfac powder coated RAL 7006 Beige Grey
Cladding / spandrel panels - Marley Equitone tectivia (hessian coloured)

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

4 Large scale details

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

Typical section drawings of the stairwell and ground floor windows (to show relationship between the windows, cladding panels and their surrounds.

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

5 Bat mitigation

No development shall take place until the following bat mitigation and conservation measures have been submitted to and approved by the Local Planning Authority. Development shall commence in accordance with the approved details.

a) An emergence survey at the appropriate time of year, if the work is to be carried out between April and September. The survey shall be carried out no more than 1 month prior to work commencing.

b) Details of how the work is to be implemented to take account of the possible presence of bats.

c) Details of what provision will be made within the development to enhance the features suitable for bat roosting. Features suitable for incorporation include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts. Proposals must demonstrate a net gain in provision.

Reason: To take account of and enhance habitat for a protected species.

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:

Requested alterations to the scheme in order to address concerns and improve the visual appearance of the scheme.

Contact details:

Author: Jonathan Kenyon Development Management Officer

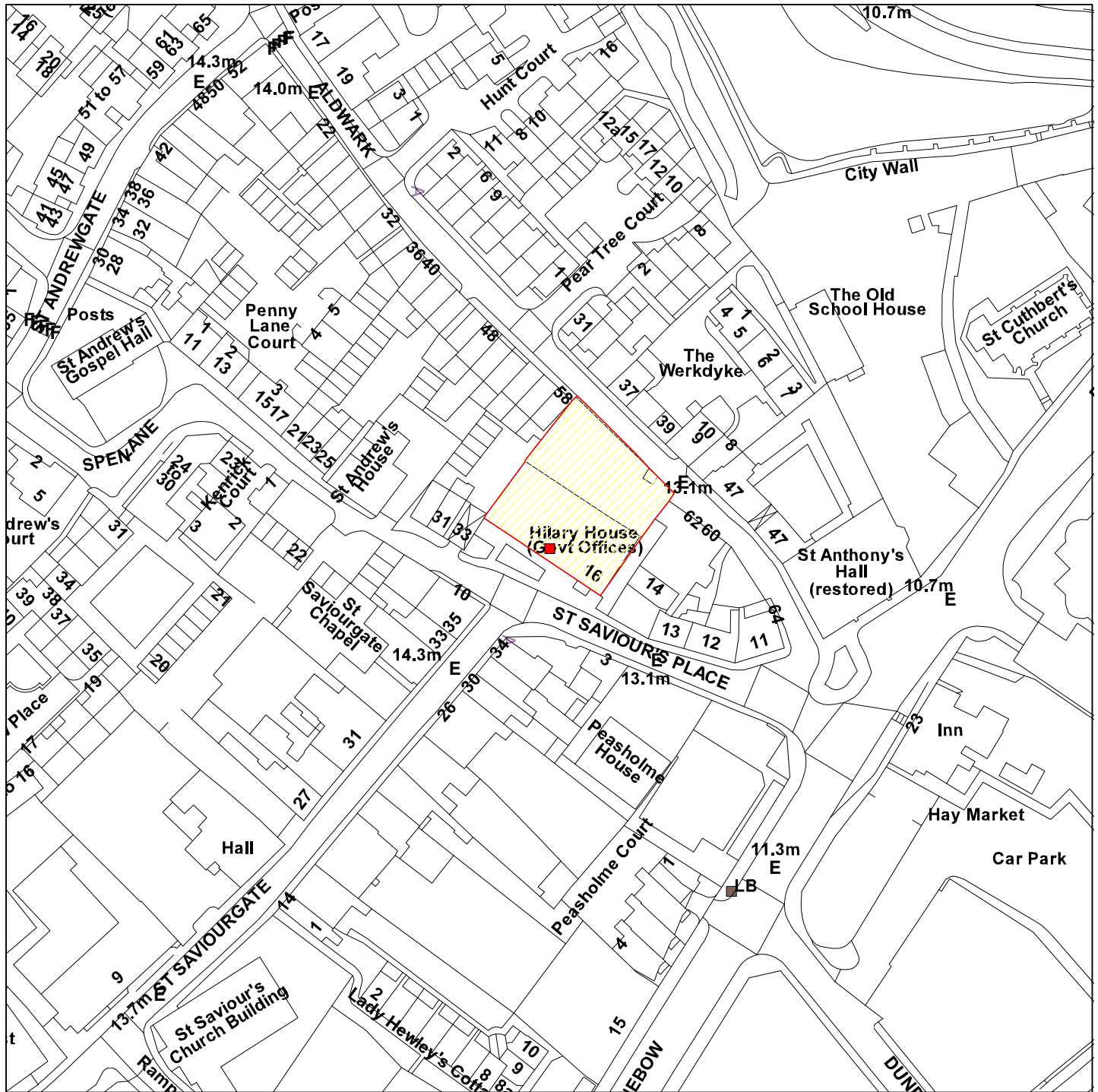
Tel No: 01904 551323

Mapeley Steps Ltd Hilary House St Saviours Place

13/03816/FUL



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	31 March 2014
SLA Number	Not Set

This page is intentionally left blank



Area Planning Sub-Committee

10 April 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 91 new investigation cases were received within the last quarter. During the same period 111 cases were closed. A total of 474 ongoing investigations remain open.

There are also 195 Section 106 monitoring cases ongoing following the closure of 30 cases this quarter. Financial contributions received through the s106 cases that have been closed amount to a total of £102 876.

In this quarter 2 Enforcement Notices, 1 Section 215 (Untidy Land) Notice and 1 Planning Contravention Notice have been served. There has also been 1 prosecution in the Magistrates Court for the breach of an Enforcement Notice relating to car repairs, which is due to go to trial following two adjournments. There are 3 further cases which have authority for 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 8th April 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:

Author's name
Simon Glazier
Principal Development
Management Officer

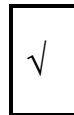
Tel. No: 551322

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

**Chief Officer Responsible for the
report:**

Chief Officer's name
Michael Slater
Assistant Director (Planning and
Sustainable Development)

**Report
Approved**



Date 28/03/2014.

Chief Officer's name: Michael Slater
Title: Assistant Director (Planning and
Sustainable Development).

**Report
Approved**



Date 28/03/2014

Specialist Implications Officer(s) List information for all

Implication ie 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) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank