



Notice of a public meeting of

Area Planning Sub-Committee

- To:** Councillors McIlveen (Chair), Gillies (Vice-Chair), Douglas, Watson, Semlyen, Looker, Fitzpatrick, Galvin, Cuthbertson, Hyman and Warters
- Date:** Thursday, 8 May 2014
- Time:** 2.00 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

The mini-bus for Members of the Sub-Committee will depart from Memorial Gardens at 10.00 am.

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. **Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **Wednesday 7 May 2014 at 5.00 pm.**

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3. Plans List

To determine the following planning applications:

- a) Royal Masonic Benevolent Institute, Connaught Court, St Oswalds Road, York YO10 4QA (13/03481/FULM) (Pages 3 - 30)**

Erection of 14no. dwellings following demolition of existing bowling clubhouse and garage block. [Fulford]

- b) Blue Bridge Hotel, 39 Fishergate, York. YO10 4AP (14/00169/FULM) (Pages 31 - 40)**

Conversion of hotel to 11no. flats and 1no. dwelling with part single/part two storey extension to rear. [Fishergate]

- c) Land at rear of 42 Oxford Street, York. YO24 4AW (14/00416/FUL) (Pages 41 - 48)**

First floor extension to detached garage. [Holgate] **[Site Visit]**

- d) Laurel House, The Village, Stockton on the Forest, York. YO32 9UW (14/00434/FUL) (Pages 49 - 62)**

Erection of a detached dwelling. [Strensall] **[Site Visit]**

- e) **3 Heslington Lane, York. YO10 4HN (14/00729/FUL)**
(Pages 63 - 68)

Single storey rear extension. [Fulford]

4. **Appeals Performance and Decision Summaries**

(Pages 69 - 84)

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

5. **Urgent Business**

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

Democracy Officer:

Name: Judith Betts

Contact Details:

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

For more information about any of the following please contact the 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 میا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

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PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 7 May 2014**

**The mini-bus for Members of the Sub-Committee will depart
Memorial Gardens at 10.00 am.**

TIME (Approx)	SITE	ITEM
10:20	Laurel House, The Village, Stockton On The Forest	4d)
11:10	Land at rear of 42 Oxford Street	4c)

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COMMITTEE REPORT

Date: 8 May 2014 **Ward:** Fulford
Team: Major and **Parish:** Fulford Parish Council
 Commercial Team

Reference: 13/03481/FULM
Application at: Royal Masonic Benevolent Institute Connaught Court St
 Oswalds Road York YO10 4QA
For: Erection of 14no. dwellings following demolition of existing
 bowling clubhouse and garage block
By: RMBI and Shepherd Homes Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 31 January 2014
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 Erection of 14 detached houses on two parcels of land (Area A and Area B) within the grounds of Connaught Court care home. Ten of the houses would have 2.5 storeys; the remaining four houses would have two storeys. The houses would have 4, 5 or 6 bedrooms. All units would have integral or detached garages. An existing internal access road from St Oswalds Road would be widened and the junction improved. The existing bowling green on the site would be removed and a bowling pavilion and greenhouse would be demolished.

1.2 At the committee meeting of 6 February 2014 Members found the layout of Area A unsatisfactory in terms of its impact on the trees and the adjacent listed building. Furthermore, the design of the rear parking and access were poor. The application was deferred in order to seek amendments to the design and layout of Area A.

1.3 The revisions since deferment amend the layout of Area A. In particular: plot 3 is now further from the listed cottage; plot 1 now faces St Oswalds Road; plots 2 and 3 are now detached; and the access road into the rear courtyard has been moved closer to St Oswalds Road enabling the adjacent Pear tree (T294) to be retained.

RELEVANT PLANNING HISTORY

1.4 In 2007 the Council refused outline planning permission for (principally) the erection of housing, extra care accommodation, an extension to the mentally frail unit, relocation of the bowling green on the site, a new access off Main Street and car parking (05/00022/OUTM). The subsequent appeal was dismissed due to impact on the character and appearance of the area, including the conservation area.

In the current proposal there is no access from Main Street, no replacement bowling green, the housing along the southern boundary of the site has been deleted and there are no proposals for extra care flats to the east of the existing care home. The current proposal is confined to the areas south and east of Atcherley Close.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Fulford CONF
City Boundary GMS Constraints: York City Boundary 0001
Floodzone 2 GMS Constraints: Floodzone 2
Floodzone 3 GMS Constraints: Floodzone 3

2.2 Policies:

CYGP1	Design
CYGP4A	Sustainability
CYGP9	Landscaping
CGP15A	Development and Flood Risk
CYNE1	Trees, woodlands, hedgerows
CYNE6	Species protected by law
CYHE2	Development in historic locations
CYHE3	Conservation Areas
CYHE10	Archaeology
CYT4	Cycle parking standards
CYED4	Developer contributions towards Educational facilities
CYL1C	Provision of New Open Space in Development

3.0 CONSULTATIONS

RESPONSES TO PROPOSALS AS INITIALLY SUBMITTED

INTERNAL

Highway Network Management

3.1 No objections subject to standard conditions and submission of a construction method of works statement.

Environmental Protection Unit

3.2 Add conditions re: unsuspected contamination, gas emissions from landfill sites, electrical recharging and hours of construction.

Design, Conservation and Sustainable Development (Landscape)

3.3 The building line of properties within Area A is just outside of the recommended root protection area (RPA) of the protected trees located along St. Oswalds Road; however construction operations such as scaffolding and excavations for footings would be within the RPA. Therefore an updated tree protection method statement to support this proposal should be submitted in order to illustrate that the development can be constructed without causing harm to tree roots. Pear trees of the stature of T294, which would be lost, are no longer commonplace so it would be preferable to retain this tree. New tree planting is suggested in the front gardens along the entrance into the site. The necessity of a temporary access route from St Oswalds Road between the trees is questionable. This would apparently also require crown lifting of the adjacent trees to 6m above ground level, which is deemed excessive; and would also look odd adjacent to the other trees. The planting proposals are fine and include a number of additional trees along the boundary with Area B.

Design, Conservation and Sustainable Development (Conservation)

3.4 The vehicular areas at plots 3 and 4 (Area A) are extensive and prevent the houses being moved further from the trees along St Oswalds Road. Nevertheless the impact on the conservation area is acceptable. The 2 ½ storey gable wall of the house at plot 9 (Area B) would have a rather overbearing impact on the occupiers of No. 26 Atcherley Close. The council's pre-application advice/guidance to the applicant has been consistent in requesting lower massing in this location. Details of the verge to St Oswalds Road and the proposed gates in the existing railings should be made conditions of approval.

Design, Conservation and Sustainable Development (Countryside)

3.5 I largely agree with the findings of the submitted bat survey report and have no objection in principle to the development. Despite its proximity to Fulford Ings SSSI, I do not consider that there will be any significant effect from the development on the wildlife interest of the designated site or to bats. However, with regard to the latter, a condition should be attached to any consent to cover the potential for bat roosts due to the presence of suitable roost features. I do not consider that a protected species licence is required.

Communities, Culture and the Public Realm

3.6 As there is no on-site open space commuted sums should be paid to the Council towards off-site provision of amenity open space, play space and sports pitches. Play and amenity open space payments will go toward facilities in Fulford Parish, sports pitch payments will be used within the south zone of the Sport and Active Leisure Strategy. The contribution is to be based on the latest York formula through a Section 106 Agreement. A contribution should also be paid towards the improvement of bowling facilities at Scarcroft Green, due to the permanent loss of the bowling green at Connaught Court. The investments reflect needs identified by existing and relocated bowlers.

EXTERNAL

York Natural Environment Panel

3.7 The Panel are glad to see the retention of an open corridor along the southern aspect of the site leading from Main Street down to the Ings. The proposals are contrary to policy GP10, converting what is essentially garden space into building land. The proposals represent a loss of green land when the priority should be for the development of brownfield sites, of which York has a significant provision. There is concern that the build line extends closer to the flood plain, an extent which is likely to expand over time given climate change and the associated increase in flooding incidence.

Police Architectural Liaison

3.8 No concerns or issues.

Natural England

3.9 Does not wish to comment on the details of the application as it does not pose any likely or significant risk to those features of the natural environment for which we would otherwise respond.

Ouse & Derwent Internal Drainage Board

3.10 No objections subject to drainage details, including attenuation, being submitted for approval.

Environment Agency

3.11 No objections subject to conditions requiring adherence to the submitted flood risk assessment, submission of drainage details (including attenuation) and no erection of structures within flood zone 3.

Conservation Area Advisory Panel

3.12 No objection. The panel commends this much improved scheme.

English Heritage

3.13 No comments.

Yorkshire Water Services

3.14 No response.

Fulford Parish Council

3.15 Objection on the following grounds:

- The principle of development on the site.
- The proposed housing would have a detrimental effect on Fulford Village Conservation Area and Fulford Road Conservation Area.

- The replacement and repositioning of railings along the highway verge would be harmful to the conservation area [Officers' response: The railings will now be refurbished instead].
- The appearance of the verge would be further changed by two footpaths crossing it.
- The position of houses 1, 3 and 4 forward of the building line formed by Sir John Hunt Homes would harm both conservation areas.
- Houses 1, 3 and 4 are too close to prominent trees that contribute positively to the character of the conservation area.
- All houses along St Oswald's Road should face onto it. The house at plot 1 does not.
- Plot 3 and 4 are connected by garages creating a terraced effect that is inappropriate for this location.
- The setting of The Cottage, which is a listed building, would be harmed because the house at plot 4 would have an overbearing effect on, due to its location and size.
- Several protected trees would be lost
- Several houses within area B are partly in floodzone 2. Sequential testing should be applied to this [Officers' response: Sequential testing is not required for housing in zone 2].
- Raising the level of private gardens would obstruct the floodplain, contrary to guidance.
- The houses at plots 10-14 (Area B) would be very conspicuous from the Ings, which is in the green belt
- No affordable homes are provided, contrary to local planning guidance.
- The submitted bat survey is deficient.
- The proposed site is immediately adjacent to Fulford Ings, an SSSI. The local authority should ensure that it fully understands the impact of the proposal on the local wildlife site, before it determines the application.
- EIA regulations apply to the development site and an EIA should be carried out.
- The site is not allocated for housing in the consultation draft of the local plan.

Fulford Friends

3.16 Objection on the following grounds:

- The iron railings and the verge contribute greatly to the rural character of the conservation area.
- The application should not include the line of trees or any part of the public verge within the curtilage of the new dwellings [Officers' response - The trees and railings will now remain outside the curtilage of the houses].
- Impact on the setting of the listed cottage.
- The number and height of dwellings at Area B should be reduced to minimise the impact on the local and wider environment.

- Three of the dwellings are located within flood zone 2, with some garden areas within zone 3. The sequential test has not been adequately applied to these areas.
- Loss of important trees/hedges, especially T294, T298 and T299, which have high amenity/wildlife value and contribute to the conservation area.
- Long-term risk to the trees along the St Oswalds Road frontage.
- Impact on bats should be fully assessed before any planning decision is taken.
- The need for the development does not outweigh the loss of the bowling green, which is a local community asset.
- The scale of development is just below that which would require the provision of affordable housing

Trustees for Sir John Hunt Memorial Homes

3.17 No objection providing the boundary trees are not adversely affected and that the distance of the nearest house to our mutual boundary is not reduced, nor the house developed with rooms in the roof space. This support is subject to the Highways Department confirming that there would be no noticeable increase in traffic flows that cannot be accommodated within the existing highway network.

Public Consultation

3.18 The consultation period expired on 30 December 2013. 14 objections have been received raising the following issues:

- Impact on the conservation areas
- Out of keeping with character of the area
- Increase in traffic along Main Street and St Oswalds Road
- Inadequate access
- Traffic calming required
- Verge should be kept to prevent kerbside parking in St Oswalds Road
- Would exacerbate parking problems in St Oswalds Road
- Loss of attractive open parkland
- Loss of trees
- Loss of open views from the river
- Removal of railings
- Bowling green should be retained as a community facility
- There is no oversupply of bowling greens
- Impact on the adjacent SSSI
- Increase in flood risk
- Impact of house 4 on the listed cottage
- The temporary construction road is unnecessary and would damage protected trees
- Insufficient mix of housing types
- Houses along Atcherley Close are too big and would result in overdevelopment, overshadowing and overbearing

- EIA needed.

RESPONSES TO RECONSULTATION

INTERNAL

Design, Conservation and Sustainable Development (Landscape)

3.19 The revision is a better scheme than that taken to planning committee in that it provides a better relationship between the houses and also the street. I would endorse a preference for this latest proposal.

EXTERNAL

Police Architectural Liaison

3.20 No concerns or issues about the revised scheme.

Natural England

3.21 Revisions would not have significantly different effects to the original proposal.

English Heritage

3.22 No comments.

Fulford Friends

3.23 Objection on the following grounds:

- The site should be treated as greenfield land not brownfield;
- The application should not be determined without a response from Yorkshire Water.
- The site should be fully assessed for allocation in the Draft Local Plan.
- The impact of the proposals on public views from or into the conservation area, particularly from the green belt, has not been taken into account.
- At the previous committee meeting the officers misled members by stating that the dwellings are all within flood zone 1. Some of the dwellings are located within flood zone 2. The sequential test has not been adequately applied to these areas. [Officers' response: Sequential testing is not required for housing in zone 2].

Public Consultation

3.24 The reconsultation period expired on 8 April 2014. Three objections have been received raising the following issues:

- Would exacerbate parking problems in St Oswalds Road including access to care home for emergency vehicles;
- Increase in traffic;
- Risk of flooding to the area and the trees along St Oswalds Road;

- Loss of natural sunlight/daylight;
- Overdevelopment;
- Flood risk.

4.0 APPRAISAL

4.1 MAIN ISSUES

- Principle of Development for Housing
- Trees and the Parkland Setting
- Heritage
- Recreation and Open Space
- Highways Issues
- Flood Risk and Drainage
- Neighbour Amenity
- Education Provision
- Bio-Diversity
- Archaeology
- Affordable Housing
- Environmental Impact Assessment

CONNAUGHT COURT AND THE APPLICATION SITE

4.2 Connaught Court is a 90-bed care home (4.86ha) in a parkland setting, which includes trees protected by Tree Protection Order (TPO). The site lies between Main Street, St.Oswalds Road, Atcherley Close, Fulford Park and Fulford Ings. The main vehicular access is from St. Oswalds Road. The site is dominated by a large 2 and 3 storey care home, with associated smaller buildings and dwellings grouped around it. The buildings are mainly grouped towards St. Oswalds Road and Atcherley Close. Most of the remainder of the site is private open space and includes a bowling green. The site contains large number of protected trees, in particular near Main Street.

4.3 The whole of the site lies within the settlement limit of York. The land is mainly flat except at the south-western corner where it falls steeply down towards Fulford Ings and the River Ouse beyond. This part of the site lies in the flood plain (flood zones 3a and 3b). The whole of the site is in Fulford Conservation Area and abuts, to the north, Fulford Road Conservation Area. The land at Fulford Ings, to the south-west is in an SSSI and the green belt.

4.4 The two parcels of land mainly comprise the current application total 1.28ha of private open space and lie to the east (Area A) and south (Area B) of Atcherley Close. The site area is significantly less than half of the site area of the previous application, which included land to the south and east of the care home buildings.

POLICY CONTEXT

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

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

PRINCIPLE OF DEVELOPMENT FOR HOUSING

4.7 The National Planning Policy Framework requires local planning authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. The application site is in a sustainable location within the settlement limit of York and with good access to public transport and local services.

4.8 Fulford Friends consider that the application site should be treated as part of the residential garden of the care home and as such not as previously developed land. The National Planning Policy Framework excludes private residential gardens from the definition of previously-developed ('brownfield') land. Furthermore it requires local planning authorities to consider policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. The exclusion of private gardens from the definition of previously-developed land was introduced in 2010 to prevent local authorities feeling forced to grant planning permission for unwanted development on garden land simply to reach the government's target for development on previously developed land.

4.9 Connaught Court has the character of a residential institution (Use class C2 of the Use Classes Order). Class C2 includes such uses as hospitals, nursing homes and residential schools. Whether the site should be considered previously-developed or not is a matter of judgment.

Nevertheless the designation of the land does not change Officers' consideration of the site's suitability for housing development. The removal of residential gardens from the definition has not introduced a general presumption against the development of gardens; it merely removes this as a positive factor in determining such applications. Local planning authorities are still expected to seek the efficient use of land, which focuses new residential development on sites in sustainable locations, such as Connaught Court. Any scheme still has to be judged against the impact on the character of an area, the impact on adjacent residents and any other material considerations. In this particular case, the change in the definition of previously developed land (which was introduced since the 2005 planning application) does not change officers' opinion that the principle of the use of the site for housing is acceptable.

4.10 Local planning authorities are required to demonstrate a five-year supply of deliverable housing sites. The Council does not currently have a five-year supply, which the Council expects to be able to identify as part of the local plan process.

4.11 All of the houses comprising the application have 5-6 bedrooms, which are larger than is typical for a housing development. In this case the development of a relatively-small number of large houses is preferable to a greater number of more varied houses because it would have less impact on the conservation areas, particularly the site's parkland setting. The site abuts housing in St Oswalds Road and Atcherley Close. Taken together the housing contains a range of house types and sizes. Overall, development accords with national planning policy as set out in section 6 of the National Planning Policy Framework.

TREES AND THE PARKLAND SETTING

4.12 The National Planning Policy Framework states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland unless the need for, and benefits of the development in that location clearly outweigh the loss (paragraph 118).

4.13 One of the key attributes of the care home's setting is the open swathe of parkland between Main Street and Fulford Ings. It helps to preserve the distinction between Fulford Village and the city suburbs. Unlike the 2005 planning application for Connaught Court, this part of the care home site would be left undeveloped. It does not form part of the current application.

4.14 The second key attribute of the parkland setting is the proliferation of mature trees of high amenity value. Most of these trees are at the eastern end of the Connaught Court site, near Main Street. This area is outside the application site. None of the trees in this part of the parkland setting would be affected by the application.

4.15 The application site does contain some attractive, mature trees, notably along the highway frontage facing St Oswalds Road. Whilst all of these frontage trees would abut plots 1, 3 and 4 of Area A they would all be retained. The application as first submitted had the three houses encroaching into the root protection area of these trees. Construction is likely to have caused them unacceptable damage. Furthermore, such close proximity of trees to houses frequently results in pressure on the local planning authority, from the occupiers of the houses, to agree to the trees' removal. Prior to the February committee revised plans were submitted showing the houses 2.5m further from the trees. This is the minimum distance that would be acceptable without resulting in damage to the trees. Nevertheless the trees will have to be properly protected during construction. A condition should be attached requiring adherence to the submitted construction method statement, including details of tree protection.

4.16 The applicant initially included a temporary construction access road between two of the trees for use whilst the existing access road into the site was being widened and improved. The proposed construction route has since been amended to avoid having to pass between the trees. It will now enter the site through the front gate before following a new alignment parallel to the internal access road.

4.17 Eight other trees and four sections of hedgerow would need to be removed, mainly along the perimeter of the bowling green. None of the trees are classed as aged or veteran, as described in the National Planning Policy Framework. Most of the nine trees are category C, of 'minor value'. The remaining two trees are category B, of 'moderate value'. The loss of trees would be compensated for by landscaping, including 60 replacement trees.

4.18 The layout as initially submitted included the loss of a further category C tree, a Pear, close to the private road through the site. The alterations to the layout since the application was deferred have enabled the tree to be retained, which is welcomed.

HERITAGE ISSUES

4.19 The whole of the site and its immediate surroundings lie within one or other of the Fulford conservation areas. The northern part of the site abuts the curtilage of The Cottage, a grade II listed building. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on local planning authorities to preserve or enhance the character or appearance of conservation areas. The current application should be assessed against this duty. The National Planning Policy Framework states that local planning authorities should recognize that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance (paragraph 126).

When considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation (paragraph 132). The Town and Country Planning Act regulations advise that in determining planning applications the local planning authority should have special regard to the desirability of preserving any listed building and its setting and any features of special architectural or historic interest. It must also pay special attention to the desirability of preserving or enhancing the character and appearance of any conservation area.

4.20 The Fulford Village Conservation Area Appraisal states that '20th Century development within the park has still left significant large areas of open space, including some fine mature trees and a margin of parkland between Main Street and Fulford Ings which helps to preserve the distinction between Fulford Village and the city suburbs and the open space which encircles the settlement'. Any proposals for the eastern end of Connaught Court are likely to have a significant impact on the character and appearance of the conservation area. However, the current application does not include this part of the conservation area, which lies to the east of the main care home buildings. Nor would the proposed houses be visible from Main Street. Furthermore, the application would maintain the functional and visual gap between Fulford village and the city suburbs. Whilst the houses at Area B would be partially visible from Fulford Ings they would be seen against a backdrop of the main care home buildings, which are taller than the proposed houses and set at a higher level. The impact of the scheme on the Fulford Village Conservation Area would not be sufficient to justify refusal of the application.

4.21 The proposals would have a greater impact on the Fulford Road Conservation Area (which starts along the centre line of St Oswalds Road) and on the listed cottage. The Fulford Road Conservation Area Appraisal describes St Oswald's Road as a spacious and quiet residential cul-de-sac with a very strong sense of identity, quite different in character to anything else in the area. It goes on to say that the street has considerable townscape and architectural interest and that most of the houses bordering the site are of positive value to the area.

4.22 The elements of the application that most affect the conservation area are the houses that would face St Oswalds Road. The numbering of these plots has changed since the February meeting. Previously the plots were numbered (from west to east) 1, 3 and 4. They are now numbered 1, 2 and 3. This report uses the current numbering. All three houses would be 2-storeys high, with brick walls, pitched roofs, traditional detailing and front gardens. The houses would be set back from the public highway and from the listed cottage. Two of the houses (at plots 2 and 3) would face the street, in keeping with most of the existing houses in St Oswalds Road. As initially submitted, these houses were linked giving the appearance of a short terrace. The two houses will now be detached.

The remaining house along the highway boundary (plot 1) was to have faced the access road into the site. The latest layout shows plot 1 rotated to face St Oswalds Road, in line with plots 2 and 3.

4.23 The house at plot 3 has been moved 2m further from the curtilage of the listed cottage (from 3.5m to 5.5m). This separation distance, together with the intervening 2m-high boundary wall, would be sufficient to prevent harm to the setting of the listed building.

4.24 The latest arrangement of houses in Area A improves the aspect onto St Oswalds Road, reduces the impact on Fulford Road Conservation Area, reduces the impact on the listed cottage and enables the adjacent Pear tree to be retained. Officers consider that the revisions satisfactorily address the concerns raised by members at the previous committee meeting.

RECREATION AND OPEN SPACE

4.25 The application requires a contribution of £48,856 towards open space in accordance with policy L1c of the local plan. Such contributions are calculated on the basis of each new dwelling approved. The applicant has agreed to make the contribution and is in the process of submitting a unilateral undertaking to that effect.

4.26 The application proposal would require an existing, but unused, bowling green at Connaught Court to be built over. Paragraph 74 of the National Planning Policy Framework allows existing open space to be built on where the land is surplus to requirements or would be replaced by equivalent or better provision or the development is for alternative sports and recreational provision that clearly outweighs the loss. The Connaught Court bowling green was constructed in the 1970s and was in regular use by care home members. More recently it was used by Connaught Court Bowling Club, which had a wider membership. The green has never been open to the public. For the past few years membership has been in decline so the green was opened to other clubs. Usage continued to decline so the green was closed at the end of 2012. By that time the green was in very poor condition. The Council's Leisure Officers acknowledge that demand for bowling is in general decline and that there is now an oversupply of bowling greens in the York area. Nevertheless the permanent closure of the Connaught Court green would be contrary to paragraph 74 of the National Planning Policy Framework unless it were to be replaced by equivalent or better provision. The Council's Leisure Officers consider that the best way of catering for the City's remaining bowling clubs is to provide suitable facilities at strategic locations throughout the city. Furthermore, that adequate provision could be made for the loss of the Connaught Court green by means of a financial contribution from the developer towards alternative facilities elsewhere. To this end the applicant has agreed to pay the council £19,381 (in addition to the contribution required under policy L1c), which would be used to improve the existing bowling green at Scarcroft Green.

Both open space payments would be enshrined in the same section 106 unilateral undertaking. Members will be updated at the meeting.

HIGHWAYS ISSUES

4.27 Access to the site would be via the existing access from St Oswalds Road. The care home's internal access road would be improved and widened as part of the proposals. Based upon experience of other sites around the city the level of development proposed can be expected to generate in the region of nine vehicle movements during the AM/PM peak network periods. This level of traffic will not have a material impact on the operation of the highway network and can be accommodated by adjacent junctions without detriment to the free flow of traffic or highway safety. The internal layout proposed is capable of being adopted as publicly maintainable highway and would provide turning facilities for servicing traffic. Car parking would be provided within the curtilage of each dwelling and it is not anticipated that the development would lead to a displacement of parking onto the adjacent highway. Sufficient areas exist within the internal layout to accommodate visitors/casual callers.

4.28 The accessible location of the site would encourage the use of sustainable modes of transport. Fulford Road is serviced by regular bus services to the city centre, and the area is well served by cycle routes along Fulford Road and both sides of the river.

The latest changes to the layout at Area A do not materially change the highway impacts of the development.

FLOOD RISK AND DRAINAGE

4.29 In terms of flood risk, housing is classed as a 'more vulnerable' use in technical guidance to the National Planning Policy Framework. Housing development is acceptable in zones 1 and 2; acceptable in zone 3a, subject to the exception test; and unacceptable in zone 3b, which is functional flood plain. All of the plots in Area A would lie in flood zone 1 so are acceptable. All of the houses in Area B would lie in zones 1 and 2 but part of the sloping rear gardens of plots 8-13 would be in zones 3a and 3b. A retaining wall would be built along the general alignment of zone 3a and would separate the occupiers' main amenity area from their garden land in zone 3. A planning condition should be attached to any planning permission preventing the construction of any structures beyond this line (i.e. in zones 3a or 3b) other than the proposed post and rail boundary fencing. Details of the fencing should be made a condition of approval.

4.30 The alignment of the proposed retaining wall, which would be straight for most of its length, does not follow exactly the zone 3 alignment. Nevertheless the variations (between the wall alignment and the zone 3 boundary) would balance and have been agreed with the Environment Agency and the Council's Flood Risk Officers. Finished floor levels of all the houses in Area B should also be made a condition of approval.

4.31 In summary, the whole of Area A and the houses at Area B are not at significant risk of flooding. There remains a risk of flooding to the undeveloped, low-lying garden areas of Area B but this residual risk would be managed by the mitigation measures outlined above.

4.32 Fulford Friends argue that the application should not be determined without the council first having received a response from Yorkshire Water because the drainage of the site is partly within the functional floodplain. In response, Yorkshire Water has no role in the surface water drainage of the site. Surface water would be attenuated to 5l/s/ha and discharge into the river Ouse via an existing connection. The proposals reduce the surface water run-off by 30 percent (in accordance with the council's Strategic Flood Risk Assessment) and provide further betterment by storing more water underground than required and applying further restrictions to its discharge. Details should be made a condition of approval.

NEIGHBOUR AMENITY

4.33 The development of Area A is unlikely to have any significant impact on neighbouring occupiers. The houses in Area B would lie behind houses in Atcherley Close, i.e. nos 11 and 26. Whilst the proposed houses would have two main storeys, additional floorspace would be provided in the roof space, lit by rooflights. Separation distances meet and exceed all normal requirements in relation to distances between habitable room windows, and distances between rear and gable elevations. In response to concern about overbearing impact raised by residents the house at plot 9 has been moved 6m from the site boundary. The separation distance between the gable wall of the proposed house at plot 9 and the main elevation of the nearest existing house (No.26 Atcheley Close) is now 20.7m. A proposed sewer would run under the 6m strip, requiring an easement which would prevent construction within it - as long as the sewer, as built, follows this alignment. In case it does not, officers recommended that a condition be attached removing permitted development rights in this area.

4.34 There would be no build up of existing ground levels and no significant overshadowing of rear gardens or dwellings.

EDUCATION PROVISION

4.35 The development would generate the need for four additional places at St Oswald's Junior School and two additional places at Fulford Secondary School. These schools are currently at capacity. Financial contributions totalling £84,053 would therefore be required under policy ED4 of the 2005 local plan. The applicant has agreed to make these contributions and is preparing the required s.106 agreement/undertaking. Members will be updated at the meeting.

BIO-DIVERSITY

4.36 The National Planning Policy Framework states that when determining planning applications local planning authorities should aim to conserve and enhance biodiversity. Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss.

4.37 The framework encourages opportunities to incorporate bio-diversity in and around developments. A bat survey was carried out in the Summer of 2012. In 2013 this was supplemented by: a phase 1 habitat assessment of the site; an external visual assessment for roosting bats of the two buildings to be demolished (bowling pavilion and garages); and a single nocturnal survey of the bowling pavilion. No evidence of bat roosting activity was found. The council's countryside officer agrees with the findings of the submitted bat survey report and has no objection in principle to the development. Despite its proximity to Fulford Ings SSSI he does not consider that there would be any significant effect from the development on the wildlife interest of the designated site or to bats. Nor does he consider that a protected species licence is required.

ARCHAEOLOGY

4.38 An archaeological evaluation of the site was carried out in 2004. It recorded a number of ditches, pits and postholes in Area A dating back to the 1st and 2nd centuries AD. Features of a later Roman date were also found but in less quantity. No archaeological features were found in Area B. In mitigation the applicant proposes to excavate a series of trenches (to coincide with the footprints of the new buildings) and record their findings. The remains would largely be preserved in-situ. A condition should be attached requiring a written scheme of investigation for Area A to be submitted for approval. An archaeological watching brief should be applied to Area B.

AFFORDABLE HOUSING

4.39 The National Planning Policy Framework states that local planning authorities should set policies for meeting identified need for affordable housing on site. To that end the Council seeks to ensure that new housing development of 15 dwellings or more in the urban area will include affordable housing. The current application is for 14 dwellings, thereby not triggering the need for affordable housing. Whilst the site is large enough to accommodate a greater number of dwellings a balance has to be struck between the provision of housing and protection of the conservation area, particularly its landscape setting. Officers consider that the application achieves this balance.

ENVIRONMENTAL IMPACT ASSESSMENT

4.40 The local planning authority has taken into account the EIA regulations, the advice in Circular 2/99, the documentation submitted with the application, consultation responses, the scale and characteristics of the development and knowledge of the site. The authority concludes that the development is unlikely to have significant environmental effects. Accordingly an EIA is not required.

COMMUNITY INVOLVEMENT

4.41 The application includes a statement of community involvement. It sets out how, following the appeal inspector's decision in 2008, the applicant set out its revised intentions for the site. Pre-application discussions were held with council officers followed by a range of public consultation exercises. The public response was lower than the applicant expected and some changes were made.

5.0 CONCLUSION

5.1 The application would provide 14 much-needed dwellings in a highly sustainable and accessible location. The proposals respect the character of the two affected conservation areas, in particular the parkland setting of the Connaught Court site and its mature protected trees. All other issues are satisfactorily addressed notably flood risk, neighbour amenity and the character of the area generally. The development would contribute £84,052 towards education, £48,856 towards open space and £19,381 towards improvements to bowling green facilities at Scarcroft Green. The application accords with national planning policy set out in the National Planning Policy Framework and local planning policy in the 2005 City of York Draft Local Plan.

5.2 The latest arrangement of houses in Area A improves the aspect onto St Oswalds Road, reduces the impact on Fulford Road Conservation Area, reduces the impact on the adjacent listed cottage and enables a Pear tree to be retained.

Officers consider that the revisions satisfactorily address the concerns raised by members at the previous committee meeting.

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out only in accordance with the following plans: Y81.822.02B, Y81.822.03M, Y81.822.05E, Y81.822.10C, Y81.822.11C, Y81.822.12C, Y81.822.13C, Y81.822.14C, Y81.822.15C, Y81.822.16D, Y81.822.17D, Y81.822.18C, Y81.822.19C, Y81.822.20B, Y81.822.21B, Y81.822.22B, Y81.822.23B, Y81.822.24C, Y81.822.25C, Y81.822.26, Y81.822.27A, R/1496/1C, H100/13/02/A and 34511_003F.

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

3 The development hereby approved shall not commence until details of the following matters have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

- Public verge along St Oswalds Road
- Alterations to the railings and gates along St Oswalds Road frontage
- Footpaths between the houses at plots 1, 3 and 4 and the public highway at St Oswalds Road
- Post and rail fencing to plots 9-14.

Reason: In the interests of the character and appearance of the conservation area, protected trees and mitigation of flood risk.

4 HWAY1 Details roads, footpaths, open spaces req. -

5 HWAY7 Const of Roads & Footways prior to occup -

6 HWAY18 Cycle parking details to be agreed -

7 HWAY19 Car and cycle parking laid out -

8 HWAY40 Dilapidation survey -

9 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in

writing by the local planning authority. Such a statement shall include at least the following information:

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- where contractors will park
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

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

10 The tree planting scheme shown on submitted plan numbered H100/13/02/A received by the council on 23 January 2013 shall be implemented within a period of six months from the completion of the development. Any plants which within a period of five years from the substantial completion of the planting and development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: In the interests of the character and appearance of the ca and to enhance the biodiversity of the area.

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

- A. Peak surface water run-off from the proposed development to a maximum 5.0 lit/sec.
- B. Consent should be sought from Yorkshire Water to connect additional foul water into their sewers and their easement requirements.
- C. Details of the future management and maintenance of the proposed drainage scheme.

Notwithstanding the drainage details submitted and approved under this condition the drainage works shall be carried out in accordance with the following plans:

- a. Flood Risk Assessment - PR/34511 005A
- b. Drainage Layout - 34511 003F

- c. Plot Drainage Layout - 34511 012B
- d. Catchment Area Plan - 34511 013A
- e. Flow Control Detail-Manhole S5 Sheet 1 of 2 - 34511 015A
- f. Flow Control Detail-Manhole S5 Sheet 2 of 2 - 34511 016A
- g. External Works Plan - Area B Sheet 2 of 2 - 3411 19B
- h. External Works Plan - Area A Sheet 1 of 2 - 3411 14B

The development shall not be raised above the level of the adjacent land.

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

12 The finished floor levels on the ground floor of the dwellings hereby approved shall not exceed those shown on plan 34511/019/B received 24 January 2014.

Reason: In the interests of the amenities of neighbouring occupiers and the character and appearance of the conservation areas.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that Order with or without modification, no structure shall be erected within Flood Zone 3 (as delineated on drawing no. 34511/004 Rev C) except the 1.2m-high post and rail fencing to plots 9, 10, 11, 12, 13 and 14 shown on approved plan Y81:822.03/M.

Reason: To ensure that there is no loss of flow and storage of floodwater.

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening shall at any time be inserted in the eastern elevation of the house at plot 3, the northern elevation of the house at plot 4 or the northern elevation of the house at plot 9 without the prior written consent of the local planning authority.

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

15 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.

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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.

16 The development hereby approved shall provide a minimum of 10% of expected energy demand from on-site renewable sources. Details of the proposed renewable energy systems to be installed in order to achieve this target shall be submitted to and approved in writing prior to the commencement of the development. The approved renewable energy systems shall be installed in their entirety and shall be fully operational prior to the first occupation of the development.

Reason: In order to achieve a sustainable form of development.

17 No development shall take place until full details of measures for bat mitigation and conservation have been submitted to and approved in writing by the local planning authority. The measures shall include:

- i. An emergent survey at the appropriate time of year, if the work is to be carried out between April and September, and submitted to the beforehand. This survey to be carried out no more than one month prior to work commencing.
- ii. Details of how the work, particularly demolition work, is to be implemented to take account of the possible presence of bats.
- iii. Details of provision to be made within the development to enhance or mitigate for loss of the features suitable for bat roosting. Features suitable for incorporation include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts.

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

Reason:

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

NOTE: The replacement/mitigation proposed should provide a net gain in wildlife value. If bats are discovered during the course of the work it should cease and Natural England consulted before continuing.

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

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

19 Prior to commencement of development: (a) gas monitoring and/or a risk assessment shall be carried out by a competent person to assess landfill gas generation and migration. The findings shall be submitted to and approved in writing by the local planning authority; (b) based on the results of the gas monitoring and/or risk assessment, the detailed design of a gas protection system shall be submitted to and approved by the local planning authority. Prior to occupation of the development, a verification report that demonstrates the effectiveness of the gas protection system shall be submitted to and approved in writing by the local planning authority.

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

20 For each dwelling the applicant shall install a three pin 13 amp electrical socket in the garage which is in a suitable location to enable the charging of an electric vehicle using a 3m length cable.

Note: Any socket provided must comply with BS1363 or an equivalent standard, Building Regulations, be suitable for charging electric vehicles and should have a weatherproof cover if place outside. Where charging point is located outside an internal switch should be provided in the property to enable the socket to be turned off.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles / bikes / scooters

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

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Monday to Friday 08.00 to 18.00
Saturday 09.00 to 13.00
Not at all on Sundays and Bank Holidays.

Reason: In the interests of the occupiers of neighbouring occupiers.

22 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (an archaeological excavation and subsequent programme of analysis and publication by an approved archaeological unit) in accordance with the specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded prior to destruction.

NOTE: For Area B a watching brief will suffice.

23 The works hereby approved shall be carried out in accordance with the tree protection measures within the Tree Survey report by CAPITA dated 20 September 2013 (including the construction access alignment shown at revised Appendix F dated 5 February 2014) and the CAPITA Arboricultural Method Statement dated 28 January 2014 submitted with the application. A copy of each of these documents will at all times be available for inspection on site.

Reason: To protect existing trees which are covered by a Tree Preservation Order and to protect the character and appearance of the Fulford and Fulford Road conservation areas and to enhance the biodiversity of the area.

24 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A (enlargements or extensions), B (additions or alterations to the roof) or E(a) (garden buildings or structures) of Schedule 2 Part 1 of that Order shall not be erected or constructed within the curtilage of the house at plot 9 without the prior written consent of the local planning authority.

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

7.0 INFORMATIVES: Notes to Applicant

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

In considering the application, the local planning authority implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) by seeking solutions to problems identified during the processing of the application. In order to achieve an acceptable outcome the local planning authority sought amendments to reduce the impact on the conservation area and applied appropriate conditions to the planning approval.

2. HIGHWAY WORKS

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980. For further information please contact the officer named:

Works to an adopted highway - Section 38 - Michael Kitchen (01904) 551336

3. STATUTORY UNDERTAKERS EQUIPMENT

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

4. CONTROL OF POLLUTION

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

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

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

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

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

(e) There shall be no bonfires on the site.

5. SECTION 106 OBLIGATION

The planning permission is accompanied by an undertaking/agreement by the applicant to contribute £84,052 towards education, £48,856 towards open space and £19,381 towards improvements to bowling green facilities in York.

Contact details:

Author: Kevin O'Connell Development Management Officer

Tel No: 01904 552830

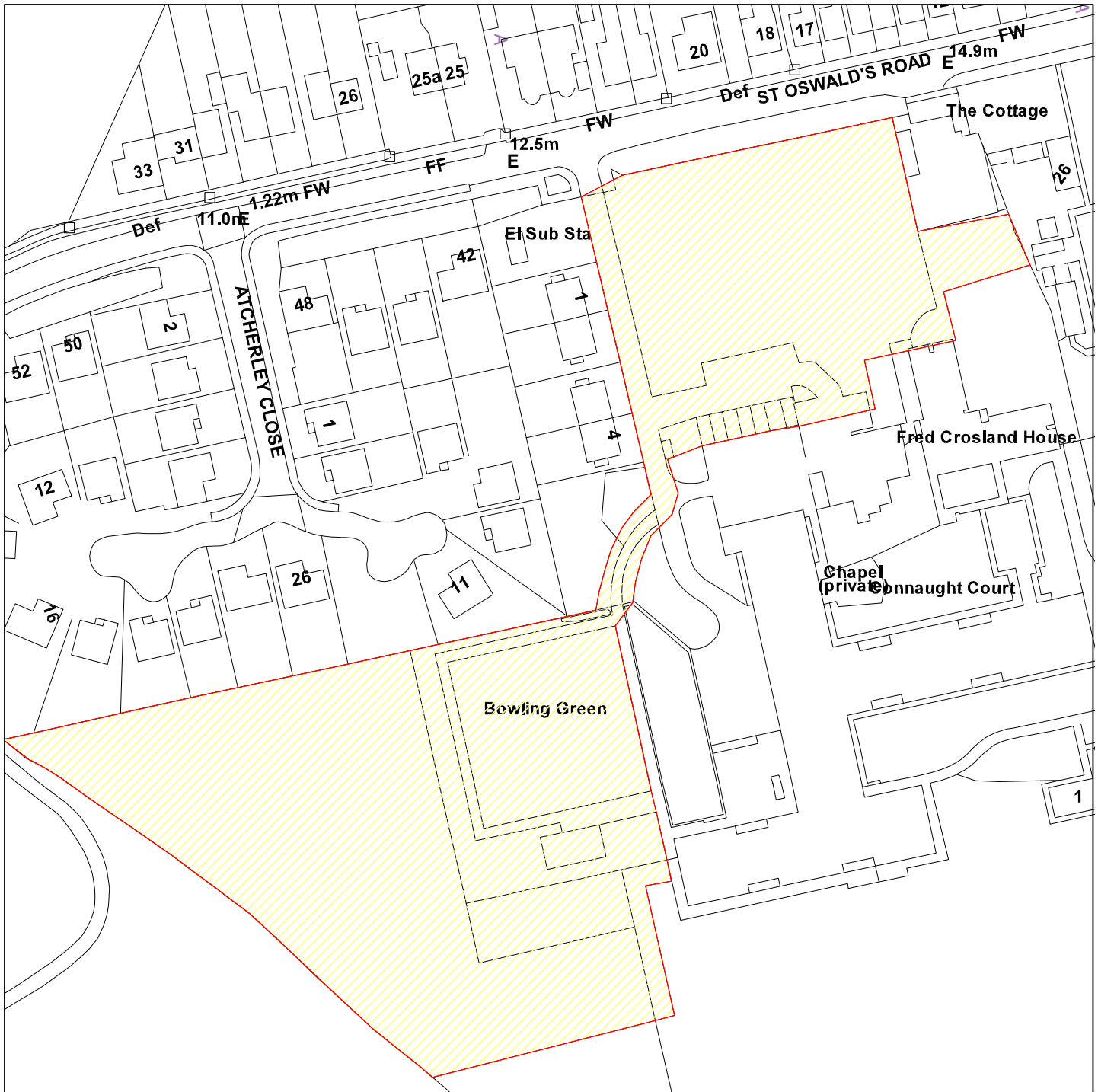
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13/03481/FULM

Royal Masonic Benevolent Institute



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	28 April 2014
SLA Number	Not Set

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COMMITTEE REPORT

Date: 8.5.2014
Team: Major and Commercial Team
Ward: Fishergate
Parish: Fishergate Planning Panel

Reference: 14/00169/FULM
Application at: Blue Bridge Hotel 39 Fishergate York YO10 4AP
For: Conversion of hotel to 11no. flats and 1no. dwelling with part single/part two storey extension to rear
By: Charles Asam Developments Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 16 May 2014
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to the Blue Bridge hotel, which is situated on the corner of Fishergate and Melbourne Street. The hotel occupies nos. 39 and 41 Fishergate and nos. 1 and 2 Melbourne Street. Nos. 37 and 39 Fishergate are a pair of 3-storey townhouses, with basements, of gaunt white brickwork and detailing. The remainder of the buildings are lower - 2/2.5 storey, and of a redder/orange brick which ties in with the terrace of houses along Melbourne Street. The covered entrance with rooms above, which connects nos. 1 and 2 Melbourne Street was added in the mid 1980's.

1.2 The site is within the Central Historic Core Conservation Area, where it has been extended out, to include the application site and the Tower House office building (identified as a landmark building of merit in the conservation area appraisal) on the opposite side of Melbourne Street. There is currently off street parking in front of the hotel along Melbourne Street.

1.3 Planning permission is sought to convert the buildings to residential. No.2 Melbourne Street would be restored as a single dwelling. There would be 11 flats within 39 Fishergate and 1 Melbourne Street, where a garden would be restored rather than car parking in the rear courtyard.

1.4 The application is reported to Sub-Committee for decision because it is a Major Application.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

2.2 Policies:

CYH4A Housing Windfalls

CYHE3 Conservation Areas

CYL1C Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

Communities, Culture and the Public Realm

3.1 As there is no on site open space ask commuted sums be paid to the Council for

-

- amenity open space - which would be used to improve a local site such as Low Moor allotments
- sports pitches - would be used to improve a facility within the South Zone of the Sport and Active Leisure Strategy.

Education Officers

3.2 No education contribution required.

Environmental Protection Unit

3.3 No objection. Recommend that an electric vehicle charging point be provided, in accordance with the Council's Low Emission Strategy and the National Planning Policy Framework (NPPF).

Highway Network Management

3.4 Officers recommended changes to the original scheme. It was asked parking in the courtyard be omitted; as this would lead to vehicles needing to reverse long distances onto the road and for omission of the parking spaces in front of the bay windows; the spaces are of inadequate length and would lead to parked cars blocking the footpath.

EXTERNAL

York Civic Trust

3.5 The Trust raised issue with the proposed use of Upvc windows, which would not be suitable to the host building, which is late C19, and would harm the appearance of the conservation area. There was also concern the roof-lights proposed would break-up the roofslope and thus have a detrimental impact on the building's appearance.

Publicity

3.6 One letter has been received in support of the application, which brings the building back into use. It is considered the development would enhance the appearance of the conservation area.

4.0 APPRAISAL

4.1 Key Issues

- Principle of the proposed use
- Impact on the conservation area
- Amenity of future and surrounding occupants
- Sustainability

Principle of the proposed use

4.2 The proposals in principle are compliant with national and local planning policy. The guest house was developed in the late 1970's and the proposals would restore the buildings to their original residential use. The thrust of the National Planning Policy Framework is to significantly boost housing supply, in particular in sustainable locations. The proposals are compliant with the National Planning Policy Framework in this respect. Local Plan policy H4a relates to housing windfalls. The proposals are compliant with the policy in so far as the location is sustainable and no works are proposed that would harm neighbours amenity. The visual impact is discussed in the following section.

Impact on the conservation area / visual amenity

4.3 The site is within a designated conservation area (Central Historic Core), which was recently extended out in this area to include Fishergate. Within such areas, the Council has a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area.

4.4 The guest house has replacement windows on the upper floors, and these are now outward opening Upvc types.

The ground floor windows are timber framed single glazed. The applicants wish to replace the windows with double glazed units. Upvc is the preference due to it being 'lower maintenance'.

4.5 Number 39 Fishergate is the grander of the houses within the site, being 3-storey and with decorative brickwork. It has been agreed that the Upvc windows on no.39 will be replaced with timber windows. On the lower building all the windows would be replaced by Upvc windows with a woodgrain finish. Whilst the Upvc windows do not have traditional characteristics and detailing of timber, overall it is considered there would not be harm to the conservation area. The more prominent building in the conservation area will be enhanced and the windows coherent in appearance. The replacement Upvc windows would be an improvement over the existing ones. This is the only building along this side of Melbourne Street in the conservation area, and there is a mix of windows, in style and material, along the street.

4.6 It is proposed to add two roof-lights on the front elevation (an existing one would be removed) and on the side (Melbourne Street) two of the roof-lights would be replaced. The roof-lights would be conservation types and recessed so they would not stand proud of the roof. The roof-lights would be around 140mm by 80mm. The plans have been revised since the initial submission, with the number of roof-lights on the front elevation reduced by two. The roof-lights would not dominate or unduly detract from the roofscape.

4.7 The off street parking area currently detracts from the conservation area, characteristic garden areas and boundary treatment has been removed to accommodate cars. The area will be improved by the introduction of landscaping in front of the bay windows, where there is inadequate length to accommodate a typical car, and the re-instatement of a front garden at No. 2 Melbourne Street.

4.8 The car park to the rear will be replaced by a courtyard/garden for residents. Whilst this will not affect the public realm it will improve the amenity of the site.

Residential Amenity

4.9 The National Planning Policy Framework asks that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Local Plan policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.10 There would be a part single/part two storey extension at the rear of 2 Melbourne Street.

The original rear building line of No.3 (next door) is around 1m further back than no.2. No.3 also has a 2-storey rear extension, of a similar scale to that proposed, and a single storey extension beyond, which sit next to the boundary.

Consequently the proposed extension would not have a material impact over the neighbour. The external environment would be enhanced and this would improve the overall amenity of the area.

4.11 The covered arch would accommodate bin enclosures and cycles. The arch would have a gate and railings, which would provide security and act as a visual screen.

4.12 In accordance with Local Plan policy L1c, a contribution towards open space has been agreed. The contribution of £4,724 would be secured through a unilateral undertaking. A contribution towards education is not required.

Sustainability

4.13 In accordance with the NPPF the applicants can be asked to install an electric vehicle charging point. This is not recommended as a planning condition, as conditions may only be applied if the development would be unacceptable otherwise. This is not the case here as the NPPF recommends the promotion and facilitation where practical of electric vehicle charging points.

5.0 CONCLUSION

5.1 The proposals are acceptable in principle, providing needed housing in a sustainable location accords with the thrust of national planning policy. The scheme has been revised and now would not harm the appearance of the conservation area and highways issues have been addressed.

5.2 Approval is recommended subject to the completion of a planning obligation under s106 of the Act securing a contribution of £4,724 towards off-site open space.

6.0 RECOMMENDATION: Approve subject to S106 Agreement

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out in accordance with the following plans: - revised scheme as shown on 17.2013 – PA 02B, 03A, 04A

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

3 The timber windows hereby approved on the front elevation on no.39 shall be installed prior to the replacement of any timber windows currently in situ on-site.

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The timber windows shall match the existing timber windows on the front elevation of nos. 37 and 39 in all respects.

Reason: To preserve the character and appearance of the conservation area.

4 The hard and soft landscaping measures as shown on the approved plans (including a front boundary wall at 2 Melbourne Street) shall be implemented in accordance with the approved plans prior to occupation of the development hereby approved. Cars shall not park on areas identified as 'landscaping'.

A detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs to be planted in the front garden areas shall be approved by the Local Planning Authority prior to occupation of the development hereby approved. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

5 Cycle/bin storage

The cycle and bin storage as shown on the approved drawings shall be provided prior to occupation of the development hereby approved and retained for such use at all times, unless otherwise agreed in writing by the Local Planning Authority. There shall be secure parking for cycles, using Sheffield type stands or similar.

Reason: To ensure adequate space for such storage, and to promote recycling and sustainable modes of transport in accordance with policies GP4a and T4 of the City of York Draft Local Plan and the National Planning Policy Framework.

6 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.

- a) Replacement windows
- b) Railings to boundary walls (to show relationship with adjacent railings at no.37)
- c) Metal gate and 'screen' to covered way

Reason: To preserve the character and appearance of the conservation area and in

the interests of visual amenity.

7 Materials

The roof-lights hereby approved shall be conservation type with recessed installation. The rear extension at 2 Melbourne Street and the brick infill shall be in materials which reasonably match the existing in all respects.

Reason: In the interests of visual amenity.

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 revised plans in order to make the scheme acceptable and through the use of planning conditions.

2. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development.

3. ELECTRIC VEHICLE RECHARGING FACILITIES

It is recommended the developer considers the installation of an Electric Vehicle Recharging Point on-site.

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

For further information on how to comply with this condition please contact City of York Council's Low Emission Officer Derek McCreadie.

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

Application Reference Number: 14/00169/FULM

Item No: 3b

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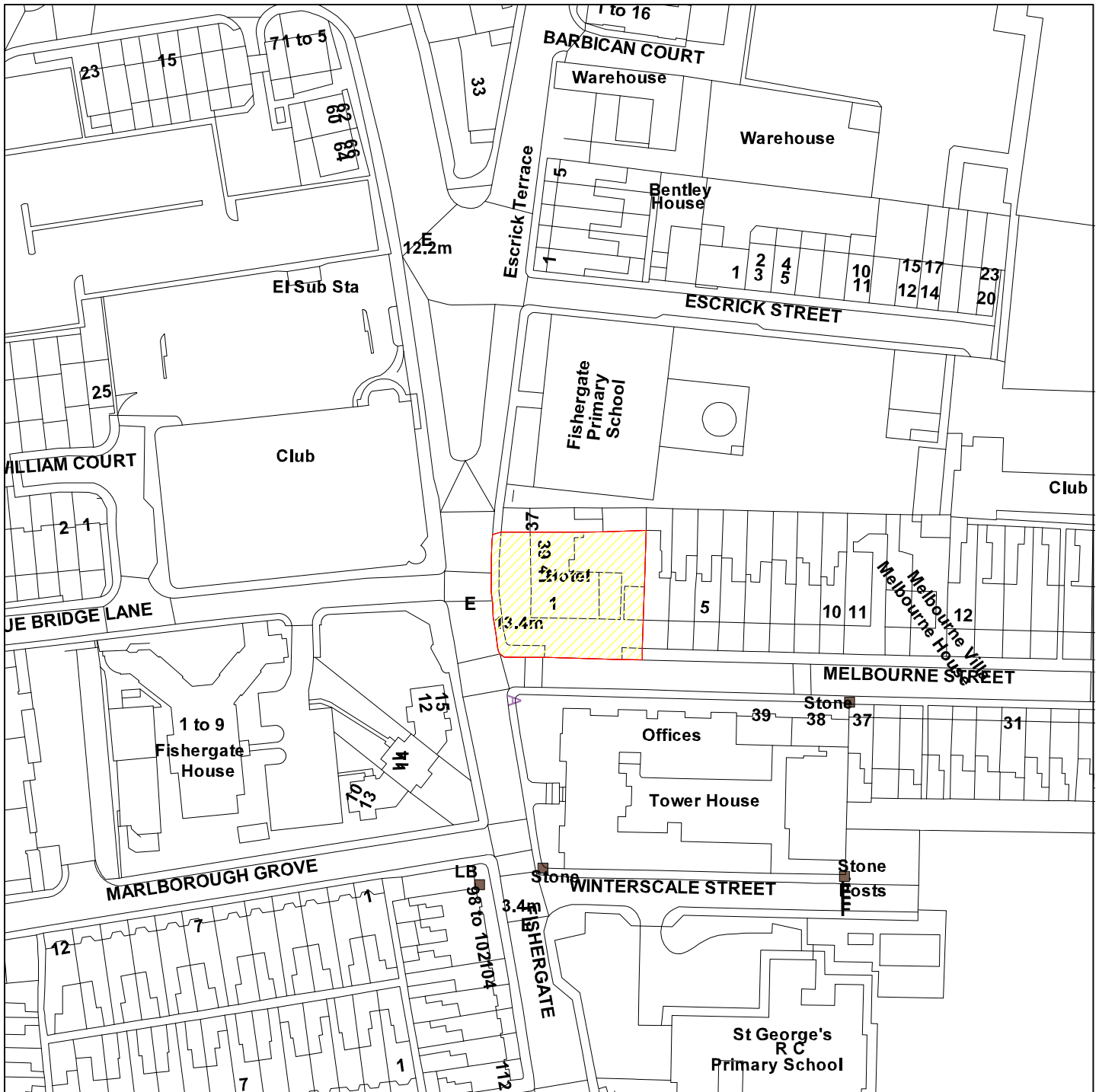
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14/00169/FULM

Blue Bridge Hotel



GIS by ESRI (UK)



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Department	Not Set
Comments	Not Set
Date	28 April 2014
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COMMITTEE REPORT

Date: 8 May 2014 **Ward:** Holgate
Team: Major and **Parish:** Micklegate Planning Panel
Commercial Team

Reference: 14/00416/FUL
Application at: (land at the rear of) 42 Oxford Street York YO24 4AW
For: First floor extension to detached garage
By: Mr Mike Nicholas
Application Type: Full Application
Target Date: 22 April 2014
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site, 42 Oxford Street, is located at the end of a terrace and fronts onto Holgate Road. The main building is 2.5 storey and occupied as offices. There is a single storey double garage towards the back of the plot. It is proposed to add a first floor to the garage, with pitched roof; to provide storage space.

1.2 There is a house next door at 50 Holgate Road which has a part single, part two storey rear extension. The house has an external balcony at first floor level, but the main amenity space is the rear garden which is to the north-east of the garage it is proposed to extend. Residential uses surround the application site in other directions; at 52 Holgate Road and the 3-storey flats to the north at Catesby House, Cambridge Street.

1.3 The site is within the Central Historic Core Conservation Area, which includes the properties on northern side of Holgate Road.

1.4 The application has been called-in for determination by Sub-Committee at the request of Councillor Gunnell on the grounds of over-development.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:
Areas of Archaeological Interest: City Centre Area
Conservation Area: Central Historic Core

2.2 Policies:
CYHE3 Conservation Areas
CYGP1 Design

Application Reference Number: 14/00416/FUL

Item No: 3c

3.0 CONSULTATIONS

Micklegate Planning Panel

3.1 Do not object but noted that the application site was inaccurate and asked that the impact on the neighbours be assessed.

Publicity

3.2 The application was publicised by letters to the immediate neighbours and a site notice. Objections have been received from neighbours at 50 and 52 Holgate Road. Grounds for objection are as follows -

Visual Impact

- The proposed windows would be featureless and uncharacteristic of the conservation area.
- It was asked if a roof-light was shown on the plans?

Harmful impact on residential amenity

- The main concern is the affect on the garden at no.50. The proposed structure would be over-bearing and over-dominant and would lead to an unacceptable loss of sunlight/natural light, both in the garden and in the rear room of the house. The objections make reference to other schemes which have had a similar impact and been refused at appeal.

3.3 The scheme has been revised since the initial submission. The neighbours at no.50 have confirmed that they still object to the proposals, on the grounds that the extension would be taller than the existing wall and would lead to a loss of sunlight in the rear garden.

4.0 APPRAISAL

4.1 Key Issues

- Impact on the character and appearance of the conservation area
- Residential amenity

Impact on the character and appearance of the conservation area

4.2 The National Planning Policy Framework advises it is desirable that development sustains or enhances heritage assets. Where development will lead to harm, it will only be acceptable if the harm is out-weighed by any public benefits the proposals would bring. Local Policy HE3: Conservation Areas requires development proposals preserve or enhance such designated areas.

4.3 The site is within the Central Historic Core Conservation Area, the boundary line extends to include the properties on this side of Holgate Road, to preserve the setting of the street. The development to the north dates from the C20 and is outside the conservation area.

4.4 The existing double garage on site is single storey with a flat roof. There are outbuildings of varying scale and design at the rear of the terrace in which the application site is located. The proposed structure would be taller than the existing, with an asymmetrical pitched roof, with slate tiles. The structure proposed, considering its shape, scale and materials would not be out of character with the area and would not detract from the appearance of the conservation area. In this respect the proposals are compliant with national policy and Local Plan policies HE3: Conservation Areas and GP1: Design.

Residential amenity

4.5 The National Planning Policy Framework requires that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Local Plan policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

Overlooking

4.6 Three windows are proposed on the building, facing west. The windows would look beyond the rear of 52 Holgate and toward the rear garden of No 54, some 13m away. The rear garden is already overlooked from the upper floor windows of neighbour's windows. Bearing in mind the proposed storage use, the proposed development would not unduly add to overlooking.

Overshadowing

4.7 The adjoining property at 50 Holgate Road has a yard to the rear adjacent to the proposal, accessed through patio doors into a living area. The proposal is to the south-west of the yard. As such there is potential for the raised height of the building to impact upon afternoon sunlight.

4.8 Due to the eaves of the proposed building being set away from the boundary wall and the scale and shape of the proposed extension, there would not be a material impact on the amount of direct sunlight no.50 would receive compared to the existing situation. The applicant has submitted a sunlight assessment. This demonstrates that the impact on the yard as a result of the proposal would not be unduly harmful. Since the submission of these drawings the proposal has been further lowered in height. Updated shadowing drawings have been requested.

Over-dominance

4.9 The rear garden of no.50 is enclosed by a 2.8m high wall. The proposed structure would exceed the height of the wall by no more than 500mm, for a length of 3.5m. It would be built on the opposite side of the wall, thus offset from the boundary. The roof would slope away. The rear garden is already enclosed by the boundary walls and the rear elevation of no.50 which is part single, part two storey. The additional development would not appear over-dominant in this context.

Other cases

4.10 The refused applications referred to by the neighbours differ in circumstances to the extension proposed, primarily because of the extent the neighbour's garden in this case is already enclosed. One was a 2-storey extension on a semi-detached house along Millfield Lane (11/01311/FUL). The second was a 5.3m long 3.5m high (flat roof) extension immediately against the boundary, which was previously only demarked with a low 1.5m high fence, at 144 Fulford Road (13/00786/FUL).

5.0 CONCLUSION

5.1 The proposed structure would not harm the character and appearance of the conservation area, being of appropriate scale, shape and materials for its setting. The revised plans show the extension would be no more than 500mm higher than the boundary wall. Considering the extent which the neighbour's garden is already enclosed the additional structure would not be unduly overbearing and it would not have an undue impact on outlook. There would not be a material change in levels of light or direct sunlight in the back garden. Overall there would be no undue impact on residential amenity.

5.2 Approval is recommended as the scheme would not conflict with national planning policy and Local Plan policies GP1: Design and HE3: Conservation Areas.

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: - 618-P31 rev D.

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

3 The development hereby approved shall be constructed using bricks that reasonably match the existing structure in all respects and slate roof tiles, to reasonably match those on 42 Oxford Street.

Reason: In the interests of visual amenity and to preserve the character and appearance of the conservation area.

4 The development hereby approved shall be used for storage only and shall not be altered or extended in any way without a further grant of planning permission.

Reason: For the avoidance of doubt and to ensure the impact of any changes to the development can be assessed considering its impact on the conservation area and amenity.

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 revised plans to mitigate the impact on residential amenity.

Contact details:

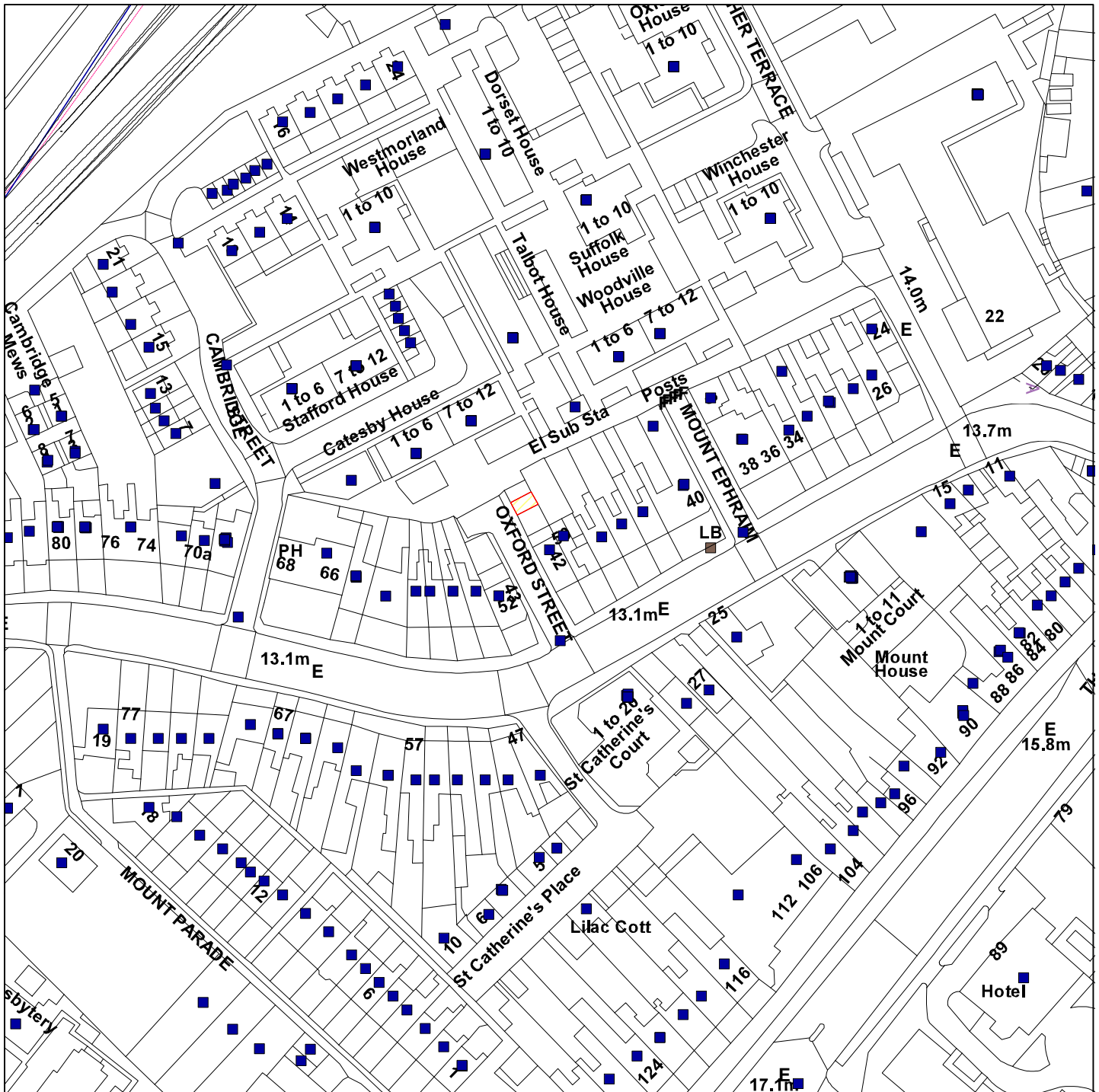
Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

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14/00416/FUL

42 Oxford Street



Scale : 1:1250

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Department	Not Set
Comments	Not Set
Date	28 April 2014
SLA Number	Not Set

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COMMITTEE REPORT

Date: 8 May 2014 **Ward:** Strensall
Team: Major and **Parish:** Stockton-on-the-Forest
Commercial Team Parish Council

Reference: 14/00434/FUL
Application at: Laurel House, The Village Stockton on the Forest York YO32
9UW
For: Erection of a detached dwelling
By: Mr and Mrs B Robson
Application Type: Full Application
Target Date: 23 April 2014
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 The application site comprises a backland site within the development limits of Stockton on the Forest, within the Conservation Area. The site was formerly part of the garden and orchard of Stockton Grange, a Grade II listed, early 20th Century building of high evidential and aesthetic interest designed by Walter Brierley in 1907.

1.2 Permission is sought to erect a detached one and a half storey dwelling with three bedrooms and an integral double garage. Vehicular access would be provided via the existing private drive, which currently provides access to Stockton Grange, Lyngarth Cottage and Laurel House.

1.3 Located to the north of the application site is Elm Tree Farmhouse, a Grade II listed building; to the east is Yew Tree House (5 The Elms); to the south east Laurel House; to the south Stockton Grange and to the north west is the Methodist Chapel. Planning permission was granted for the redevelopment of the Methodist Chapel site to provide a seven bedroomed dwelling with integral garage in April 2012. This permission has yet to be implemented.

1.4 The application has been called-in for determination at sub-committee at the request of Councillor Doughty because of concerns over loss of amenity.

Relevant Planning History

1.4 In September 2007, permission was granted for a detached dwelling to the south east of the application site, on land also formerly comprising part of the domestic curtilage of Stockton Grange. A subsequent application to revise the location of the dwelling house, was approved in 2010. This permission has been implemented with the dwelling known as Laurel House.

New timber gates with brick flanking walls, piers and copings have been erected at the entrance to the driveway to Laurel House, which also serves as the access to the application site.

1.5 In April 2012 an application for the erection of a two storey dwelling on the application site was refused for the reason that the siting, design, scale and mass of the proposed dwelling, together with the cumulative change to the setting of the Grade II listed Stockton Grange and the loss of open character, would cause substantial harm to the significance of Stockton Grange.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation: Conservation Area: Stockton on Forest

2.2 Policies:

CYGP1	Design
CYGP10	Subdivision of gardens and infill devt
CYHE2	Development in historic locations
CYH4A	Housing Windfalls
CYGP15	Protection from flooding
CYL1C	Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

3.1 The location, form and comparatively low height of the new house would be such that the prominence of Stockton Grange, with its open setting and views towards the main facade, would be maintained. The aesthetic of the new house would be complimentary to the special character of the listed building.

3.2 The new house would have a neutral effect on the character and appearance of the conservation area:- due to its location and massing it would not be seen from public locations and so it would not interrupt important views; also it would be disposed along the linear grain of the site which is characteristic of the wider conservation area; its character would respect the special aesthetic of the wider site.

Environmental Protection Unit

3.3 No objections

Highway Network Management

3.4 No objections.

Communities, Culture and the Public Realm

3.5 As there is no on site open space commuted sums should be paid to the Council for;

- a) amenity open space - which would be used to improve a local site within the Parish
- b) play space - which would be used to improve a local site within the Parish
- c) sports pitches - would be used to improve a facility within the East Zone of the Sport and Active Leisure Strategy.

Flood Risk Management Team

3.6 Comments awaited

EXTERNAL

Third Party Representations

3.7 Five letters of objection have been received raising the following concerns;

- (i) Harmful to the setting of the Grade II listed Stockton Grange and to the Conservation Area.
- (ii) Following the approval for the development of the Methodist Chapel site, the dwelling would overcrowd the site; its wild life and green oasis is disappearing.
- (iii) The proposed dwelling is larger in scale and in closer proximity to Stockton Grange than the previous refused application. The new development has increased in size by 25% and would cause even more impact on Stockton Grange being in so close proximity. The reasons for refusing the previous application should be reapplied.
- (iv) There will be further impact on the already over used shared access lane serving Lyngarth Cottage and Stockton Grange. Since the development of Laurel House, the road has remained in a poor state with no proper road surface. The increase in car and delivery traffic has not only caused more noise but has been detrimental to the condition of the lane. To add another dwelling, with substantial garaging, will only add to the noise and make the access even more useable causing possible highway issues. There have already been incidents with a number of near misses and one collision; adding a further property will only increase the potential for more serious accidents.
- (v) Loss of privacy to 5 The Elms from overlooking windows, notably, the window on the south east elevation. Frosted glass could be used.

- (vi) Increased noise levels, mainly due to traffic generated by the new development. Suggested that the gravel driveway be replaced with tarmac.
- (vii) Owner of the Methodist chapel site notes that the nearest gable end separation distances are below the 14 m recommendation and the proposed building is on the southerly aspect of the chapel plot leading to a loss of daylight and sunlight. The window would cause loss of privacy. Would be supportive of a single storey dwelling.

3.8 Two letters of support have been received commenting as follows;

- (i) The siting, size and design of the proposed house fits in well with the other properties nearby. It is noted that with the hedging and screening there is on the site, it is hard to see how any other property would be adversely affected
- (ii) For villages like this to survive and evolve, the village should be developed with well designed homes such as this, which will fit in with the conservation area and its character.

3.9 A further letter of support has been received from the owners of Laurel House, which explains that the applicants are their parents, who have lived at Laurel House for several months and wish to build a home to be near their family. The letter seeks to address statements contained within one of the objection letters relating to the access road, as follows;

- (i) The dwelling would not add to traffic issues as the applicants already live at Laurel House.
- (ii) The access off the main road was widened and visibility splay was achieved. There is no blind spot.
- (iii) The driveway and access to the 3 existing properties is in our ownership and we are not aware of any near misses or collisions. It is rare to pass another vehicle on the drive. There is an adequate passing place on the drive should this rare occurrence happen.

4.0 APPRAISAL

4.1 The key issues are considered to be:

- principle of residential development
- impact on the conservation area
- design, scale and mass /impact on setting of adjacent listed buildings
- neighbour amenity
- highway issues
- flood risk and drainage

POLICY CONTEXT

4.2 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development and a set of twelve core land-use planning principles to underpin plan-making and decision-taking. These principles include the advice that planning should secure a high quality design and a good standard of amenity for all 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.

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

THE PROPOSAL AND ITS SETTING

4.4 The central core of the Stockton on the Forest Conservation Area is characterised by the linear form of the village street with its informal mix of traditional brick 18th and 19th Century farmhouses and cottages and by the narrow plots extending back from the street. Stockton Grange departs from this pattern in that it was built towards the back of an unusually extensive site and is approx 75m away from the village street. Further to a planning approval in 2007, the grounds of Stockton Grange were subdivided to generate a separate long plot behind the Methodist Chapel for the development of Laurel House, a two storey detached house. Permission is now sought to add a second, one and a half storey dwelling with three bedrooms and an integral double garage, between the Methodist Chapel and Laurel House.

4.5 The 2007 permission for the detached dwelling within the former curtilage of Stockton Grange, as referred to in paragraph 1.4, had sited the dwelling towards the centre of the plot, immediately adjacent to Stockton Grange. The revised scheme in 2010, resited the dwelling, now known as Laurel House, further to the rear of the site, such that it left a greater area of land towards the front of the plot free of development. This is the site to which this application relates.

4.6 The proposed dwelling would be located entirely to the east of the access driveway and hedge separating Laurel House from Stockton Grange and behind the Methodist Church. It would have a linear form to respond to the direction of the plot and, though the living room would break forward, a clear distance of over 20m would be maintained between the proposed dwelling and Laurel House. At 1 ½ storeys high (with bedrooms in the roof space) and 6.9m to the ridge, the new house would be lower in height than surrounding development and lower than both Stockton Grange and Laurel House.

PRINCIPLE OF RESIDENTIAL DEVELOPMENT

4.7 Paragraph 49 of the National Planning Policy Framework (NPPF) states that 'housing applications should be considered in the context of the presumption in favour of sustainable development.' However, Paragraph 53 requires local planning authorities to consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Whilst written significantly before the NPPF the Development Control Local Plan Policy GP10 'Subdivision of Gardens and Infill Development' follows this theme by stating that planning permission will be granted for sub-division of existing garden areas or infilling where this would not be detrimental to the character and amenity of the local environment. Policy H4a 'Housing Windfalls' sets more detailed criteria for assessing applications for residential development on non-allocated sites (such as the application site) by stating that developments will be granted where;

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

4.8 The application site is within the settlement limit of Stockton on the Forest. It is therefore considered to be within a sustainable location and has good access to services and facilities by non-car modes. Given the need for new housing within York and the sustainability of the site and the NPPF's presumption in favour of sustainable development, it is considered that the broad principle of new residential development on this site is acceptable.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

4.9 The National Planning Policy Framework advises that it is desirable that proposals sustain or enhance the significance of heritage assets and put them to viable uses, consistent with their conservation. Any loss or harm to conservation areas requires clear and convincing justification. Policy HE2 refers to development in historic locations and requires proposals to respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Local Plan policy HE3 states that within Conservation Areas, proposals will only be permitted where there is no adverse effect on the character or appearance of the area.

4.10 In terms of views from public vantage points and in particular from the public highway, The Village, the proposed dwelling would be sited to the rear of the Methodist Chapel and therefore would be significantly obscured from view. A public footpath, Beanland Lane, runs alongside the access to the application site offering views back to the village, however mature trees which line the public footpath, limit views of the application site. At one and a half storeys high, the proposed dwelling would be lower in height than surrounding development and lower than both Stockton Grange and Laurel House. The rising nature of the ground and the orientation of the facade towards the approach from the street also gives prominence to Stockton Grange and this view would not be interrupted by the proposed house.

4.11 Due to its location and massing, it is considered that the proposal would have a neutral effect on the character and appearance of the conservation area. It would not interrupt important views and would be disposed along the linear grain of the site which is characteristic of the wider conservation area

DESIGN, SCALE AND MASSING AND IMPACT ON THE SETTING OF STOCKTON GRANGE

4.12 As detailed in paragraph 1.5 of the report, in 2012 an application for the erection of a two storey dwelling on this site was refused for the reason that the siting, design, scale and mass of the proposed dwelling would cause substantial harm to the significance of Stockton Grange. Officers consider that this scheme addresses this reason for refusal.

4.13 As detailed previously, the dwelling would have a linear form to respond to the direction of the plot and its massing has been reduced to a one and half storey dwelling with a ridge height of 6.9 metres, such that it would now be lower in height than surrounding development. The proposed house has also been designed to respond to the Arts and Crafts character of Stockton Grange by exaggerating the gabled roofline, copying the bracketed eaves and the chimney form, and using hipped dormers with swept valleys. The ridge line has also been broken by lowering the garage block. A request has been made to remove the dormer from the garage and Members will be updated at the Meeting as to whether the plans have been revised accordingly.

4.14 It is therefore considered that the location, form and comparatively low height of the new house would be such that the prominence of Stockton Grange, with its open setting and views towards the main facade, would be maintained. Furthermore Officers are of the view that the aesthetic of the new house would be complimentary to the special character of the listed building.

NEIGHBOUR AMENITY

4.15 The National Planning Policy Framework requires that proposals secure a good standard of amenity for existing or future occupants of land or buildings. Local Plan Policy GP1 seeks to ensure that residents living nearby development proposals are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.16 The proposed dwelling would be orientated to look over the access drive to the south west of the site with a second principal elevation facing Laurel House, between which there is a 28 metre separation distance. On the rear elevation (the boundary with Elm Tree Farmhouse and a small section with 5 The Elms), there would be a stairs window at one and half storey level and a number of rooflights. Given the mature vegetation which exists on this boundary, it is not considered that the proposed dwelling would give rise to a significant loss of amenity to residents of these properties in terms of overlooking, a sense of overbearing or loss of light.

4.17 The Methodist Chapel, for which there is an unimplemented permission for a new dwelling, would be the closest property to the proposed dwelling. However, the orientation and design of the property is such that it would be the lowest part of the development (the 6.1 metre high gable end of the double garage) which would be closest to the site of the Methodist Chapel. The gable end of the garage is 6 metres from the site boundary and although there is a small window in this elevation, it would serve the stairs which access the loft space above the garage and therefore it is considered unreasonable to require that this window be deleted or obscure glazed. Furthermore, given the height of the proposed dwelling and the distances involved, it is not considered that significant weight can be attached to the concerns of the owner of this building relating to the overshadowing of the garden.

HIGHWAY ISSUES

4.18 The visibility splay at the junction with the public highway has been improved as required by a condition on the 2007 permission for Laurel House. Given that the visibility splay has been improved, Officers do not consider that the vehicular movements associated with one additional dwelling would be detrimental to the safety of highway users.

FLOOD RISK AND DRAINAGE

4.19 Policy GP15a: Development and Flood Risk requires that sustainable drainage is encouraged. Otherwise discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced.

4.20 The proposed method of surface water drainage is via soakaways and drainage calculations have been provided to demonstrate that the ground has sufficient capacity to accept surface water discharge to prevent flooding of the

surrounding land and the site itself. Comments from the Council's Drainage Engineer with respects to these calculations are awaited and Members will be updated at the Meeting.

4.21 The development is in low risk Flood Zone 1 and should not suffer from river flooding

SPORTS, PLAY AND OPEN SPACE FACILITIES

4.22 In accordance with policy L1c of the Draft Local Plan, the applicant would be required to make a contribution towards children's equipped play space, informal amenity open space and outdoor sports facilities. Based upon the City of York Commuted Sum Payments document, the contribution for this development would be £2,004.

4.23 The applicant has agreed to provide this contribution.

5.0 CONCLUSION

5.1 It is considered that the principle of development is acceptable as the proposed dwelling is located in a sustainable location and would contribute to meeting the housing needs of the City. The location of the proposed dwelling and its massing is such that Officers consider that the proposal would have a neutral effect on the character and appearance of the conservation area and the revised scale, massing and design of the dwelling is considered to overcome the previous reason for refusal in terms of the impact on the setting of the listed Stockton Grange. Furthermore, it is not considered that the proposed dwelling would give rise to a significant loss of amenity to residents of neighbouring properties in terms of overlooking, a sense of overbearing or loss of light.

5.2 Therefore the application for a new dwelling at Laurel House, Stockton on the Forest, is considered to accord with the National Planning Framework and Policies GP1, GP10, HE2, H4A, GP15A, HE3 and L1C of the Local Plan. Approval is recommended subject to the following conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

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

Application Reference Number: 14/00434/FUL

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Drawings received 25 February 2014;

1310.5 (Site Plan), 1310.6 (Ground Floor), 1310.7 (First Floor _ Sections), 1310.8 (Elevations), 1310.9 (Block Plan), 1310.10 (Elevation to Driveway).

C-50 (Drainage Proposals)

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The external materials should match as closely as possible those of Stockton Grange. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

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

(i) typical windows, dormer windows and external doors. Details should show these components within the context of their reveals or surrounding frameworks.

(ii) verge and open eaves details. "Barge" boards should finish straight ie omit the boxing. The tile/brick corbelling or kneeler detail should be revealed in the gable ends.

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

5 Notwithstanding the submitted plans, full details of the boundary treatment 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. The boundary treatment shall consist of fencing and planting and not walling as detailed on the submitted plans.

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

6 A soft porous material shall be used for the new access and courtyard.

Reason: In the interests of visual amenity.

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

Reason: In the interests of highway safety.

8 PD1A - IN Rem of specific Perm Dev rights Classes A, B, C and E

7.0 INFORMATIVES: Notes to Applicant

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

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

- pre-application discussions
- the use of conditions

2. INFORMATIVE:

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

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

Monday to Friday 08.00 to 18.00
Saturday 09.00 to 13.00
Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general

Application Reference Number: 14/00434/FUL

Item No: 3d

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recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

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

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

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

(f) There shall be no bonfires on the site

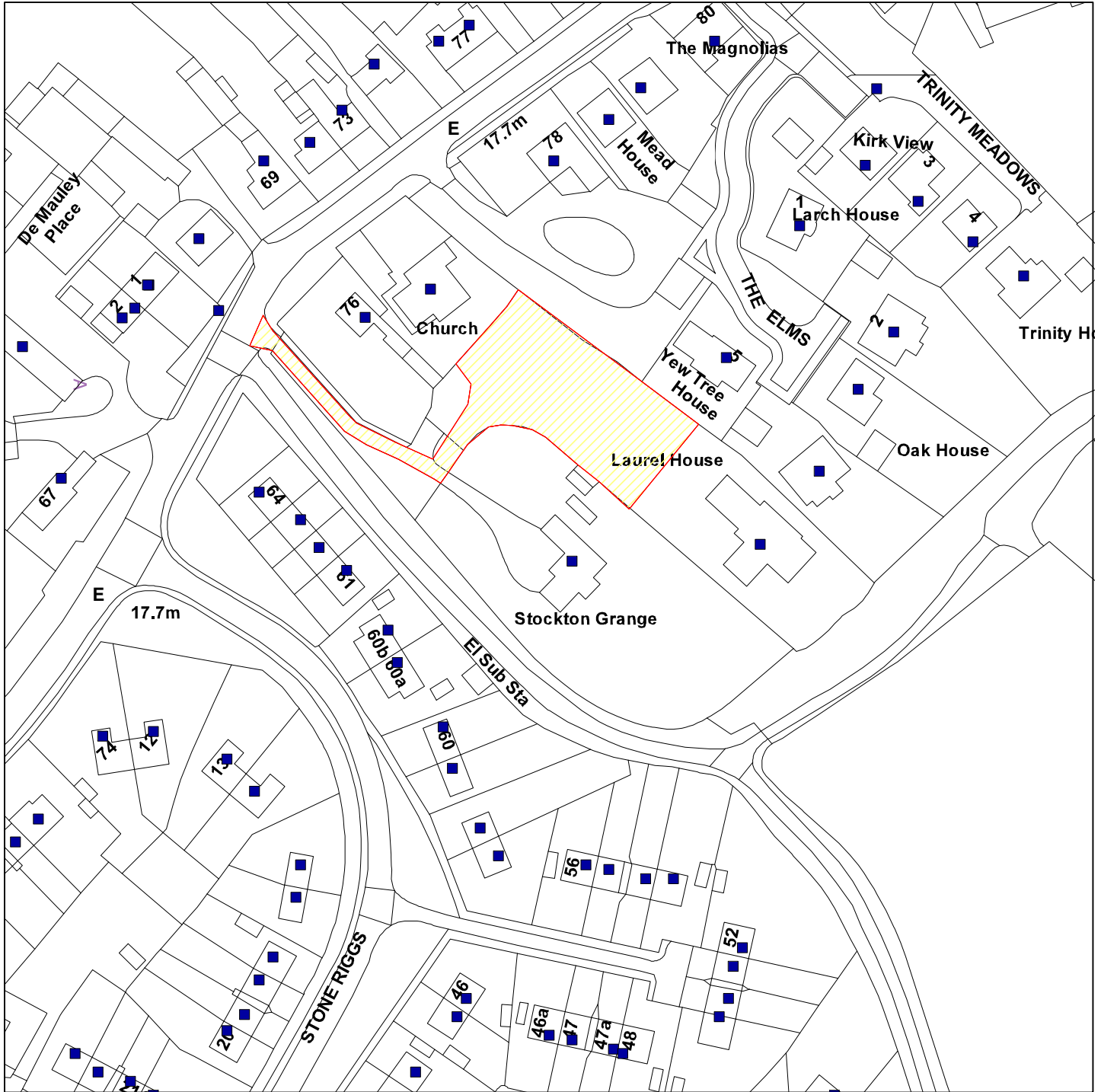
Contact details:

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

Tel No: 01904 551610

14/00434/FUL

Laurel House, The Village, Stockton On The Forest



Scale : 1:1250

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Department	Not Set
Comments	Not Set
Date	28 April 2014
SLA Number	Not Set

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COMMITTEE REPORT

Date: 8 May 2014 **Ward:** Fulford
Team: Householder and **Parish:** Fulford Parish Council
 Small Scale Team

Reference: 14/00729/FUL
Application at: 3 Heslington Lane York YO10 4HN
For: Single storey rear extension
By: Mrs Carolyn Howarth
Application Type: Full Application
Target Date: 23 May 2014
Recommendation: Householder Approval

1.0 PROPOSAL

1.1 The application site forms part of a short row of terraced Victorian houses located within the Heslington Conservation Area. This application seeks planning permission for the erection of a single storey flat roof rear extension sited on an area of existing hard standing, located between a double storey rear return and the common boundary. The maximum height would be approximately 2.8 metres incorporating a total length of approximately 5.0 metres and approximately 3.0 metres in width. The proposal includes raising the height of the original side boundary wall from approximately 2.2 metres to approximately 2.9 metres.

1.2 This application is to be determined by the Area Planning Sub Committee because the applicant is a Council employee working within Development and Regeneration.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation: Conservation Area: Fulford

2.2 Policies:

CYH7 Residential extensions
CYHE3 Conservation Areas

3.0 CONSULTATIONS

Heslington Parish Council

3.1 No objections.

Publicity

3.2 No objections received at the time of writing (21 days expires on 30 April). Any further comments will be reported verbally.

4.0 APPRAISAL

4.1 Key issue(s):

- Impact on the character and appearance of the Conservation Area.
- Impact on the amenity of neighbours.

Planning Policy

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. On the subject of development within conservation areas it states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. It states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64).

4.3 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF'. Policy H7 - "Residential Extensions" states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours. Policy HE3 reflects the statutory obligation of the Local Planning authority and states that within conservation areas, proposals for external alterations will only be permitted where there is no adverse effect on the character and appearance of the area.

4.4 The City Of York Council Supplementary Planning Guidance (2012) – "A Guide To Extensions And Alterations To Private Dwelling Houses." This document states, amongst other things, that the basic shape and size of the extension should be sympathetic to the design of the original dwelling.

Impact on the Conservation Area:

4.5 The extension would be located in a recessed area of the rear garden enclosed by an existing double storey rear return and the original boundary wall. The garden facing elevation would be formed of glass and timber; the raised boundary wall would use matching brickwork. Its design is sympathetic to the original layout and appearance of the building the impact on the conservation area would be neutral.

Neighbour Amenity

4.6 The proposed extension would involve raising the original boundary wall with the office building at no.1 Heslington Lane. The area adjacent to the wall is used as the access to the building's car park. Whilst there are windows in the wall of the office facing the proposed extension they would not be unduly affected by the proposal. There would be no impact on the attached dwelling at 5 Heslington Lane.

5.0 CONCLUSION

5.1 The proposal would comply with national planning policy in relation to design and heritage assets contained within the National Planning Policy Framework and policies HE3 and H7 of the Development Control Local Plan (April 2005). There would be no harmful impact on the character and appearance of the conservation area or the amenities of neighbouring properties.

6.0 RECOMMENDATION: Householder Approval

- 1 TIME2 Development start within three years -
- 2 PLANS1 Approved plans - Plans received on 24th March 2011
- 3 VISQ1 Matching materials -

**7.0 INFORMATIVES:
Notes to Applicant**

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

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

Contact details:

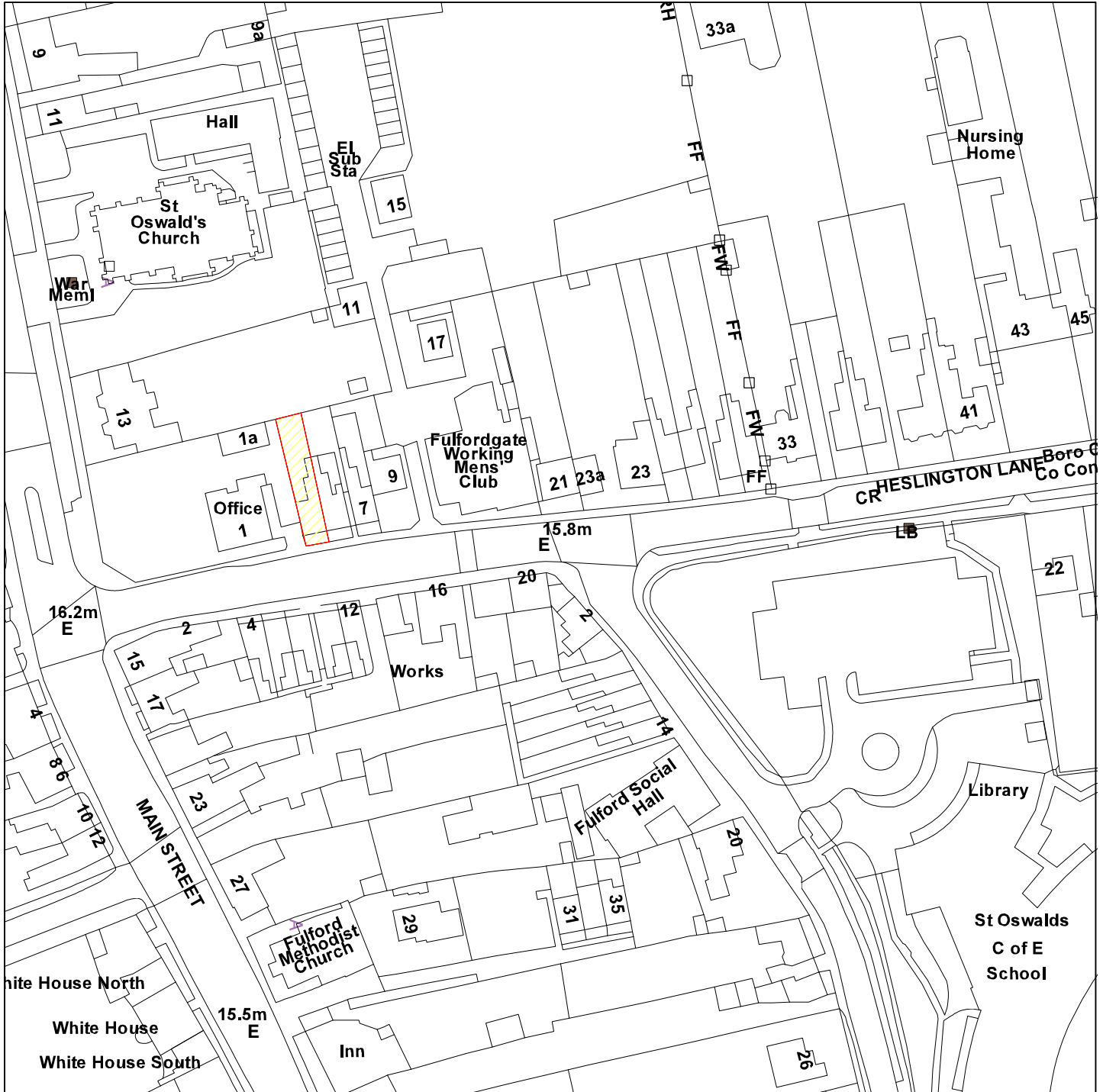
Author: Sharon Jackson Development Management Assistant

Tel No: 01904 551359

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14/00729/FUL

3 Heslington Lane



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Date	28 April 2014
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Area Planning Sub Committee

8 May 2014

Planning Committee

15 May 2014

Appeals Performance and Decision Summaries

Summary

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

Background

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

Fig 1: CYC Planning Appeals Performance

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

Analysis

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

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

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

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

Consultation

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

Council Plan

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

Implications

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

Risk Management

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

Recommendation

That Members note the content of this report.

Reason

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

Contact Details

Author:

Gareth Arnold
Development Manager,
Directorate of City and
Environmental Services

01904 551320

Chief Officer Responsible for the report:

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

Report Approved



Date 25 April 2014

Specialist Implications Officer(s) None.

Wards Affected:

All Y

Annexes

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

Annex B – Outstanding Appeals at 25 April 2014

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

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

Decision Level: CMV
Outcome: DISMIS

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

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

Decision Level: CMV
Outcome: DISMIS

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

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

Decision Level: CMV
Outcome: ALLOW

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

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

Decision Level: DEL
Outcome: ALLOW

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

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

Decision Level: DEL
Outcome: DISMIS

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

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

Decision Level: DEL

Outcome: DISMIS

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

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

Decision Level: DEL
Outcome: DISMIS

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

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

Decision Level: DEL

Outcome: ALLOW

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

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

Decision Level: DEL

Outcome: ALLOW

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

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

Decision Level: DEL
Outcome: DISMIS

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

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

Decision Level: DEL
Outcome: DISMIS

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

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

Decision Level: DEL

Outcome: ALLOW

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

Decision Level:

DEL = Delegated Decision

COMM = Sub-Committee Decision

COMP = Main Committee Decision

Outcome:

ALLOW = Appeal Allowed

DISMIS = Appeal Dismissed

PAD = Appeal part dismissed/part allowed

Outstanding appeals

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

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

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

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

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

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

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

Total number of appeals: 15
