



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

To: Councillors McIlveen (Chair), Douglas, Horton, King, Looker, Fitzpatrick, Galvin (Vice-Chair), Watt, Cuthbertson, Hyman and Warters

Date: Thursday, 7 August 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 on Wednesday 6 August 2014 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. Minutes (Pages 3 - 12)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 3 July 2014.

3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so.

Anyone who wishes to register or requires further information is requested to contact the Democracy Officers on the contact details listed at the foot of this agenda.

The deadline for registering is on **Wednesday 6 August 2014** at **5.00 pm**.

Filming, Recording or Webcasting Meetings

Please note this meeting may be filmed and webcast or audio recorded and that includes any registered public speakers, who have given their permission. The broadcast can be viewed at <http://www.york.gov.uk/webcasts> or, if sound recorded, this will be uploaded onto the Council's website following the meeting.

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

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

4. Plans List

To determine the following planning applications:

a) Bert Keech Bowling Club, Sycamore Place, York. YO30 7DW (13/03727/FUL) (Pages 13 - 34)

Erection of 4no. two storey dwellings and 1no. three storey dwelling. [Clifton] **[Site Visit]**

b) Public Convenience, Exhibition Square, York (Pages 35 - 44)

Single storey building to provide retail unit (use Class A1) and replacement public conveniences. [Guildhall] **[Site Visit]**

c) Spar Stores, Turner Close, York. YO31 9FD (14/01039/FULM) (Pages 45 - 54)

Variation of condition 14 of permitted application 11/03269/FULM to allow deliveries to the retail store from 07.00hours. [Heworth]

d) Matmer House, Hull Road, York. (14/01149/FUL)

(Pages 55 - 64)

Single storey rear extension to retail units 1, 2, 3, 5, 6 and 7 (resubmission) [Hull Road] **[Site Visit]**

e) Acomb Wood, Acomb Wood Drive, York (14/00790/GRG3)

(Pages 65 - 72)

Construction of additional footpath from Ashbourne Way to Quaker Wood Pub and extension of existing path from Girvan Close to Lomond Ginnel. [Dringhouses and Woodthorpe] **[Site Visit]**

f) Garage Court Site at Chaloners Road, York (14/01191/FUL)

(Pages 73 - 90)

Residential development to include 6no. apartments and 2no. houses with associated parking and landscaping. [Dringhouses and Woodthorpe] **[Site Visit]**

5. Appeals Performance and Decision Summaries

(Pages 91 - 108)

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 April to 30 June 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.

6. Urgent Business

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

Democracy Officers:

Louise Cook/Catherine Clarke (job share)

Contact details:

- Telephone- (01904) 551031
- E-mail: louise.cook@york.gov.uk / catherine.clarke@york.gov.uk (when emailing please send to both addresses)

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 6 August 2014****The mini-bus for Members of the sub-committee will depart
Memorial Gardens at 10.00**

TIME (Approx)	SITE	ITEM
10:10	Bert Keech Bowling Club Sycamore Place	4a)
10:50	Garage Court Site At Chaloners Road	4f)
11:10	Acomb Wood Acomb Wood Drive (Ashbourne Way entrance)	4e)
11:30	Matmer House Hull Road	4d)
12:00	Public Convenience Exhibition Square	4b)

This page is intentionally left blank

City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	3 July 2014
Present	Councillors McIlveen (Chair), Douglas, King, Looker, Fitzpatrick, Galvin (Vice-Chair), Watt, Cuthbertson, Warters, Funnell (Substitute for Councillor Horton) and Reid (Substitute for Councillor Hyman)
Apologies	Councillors Horton and Hyman

Site	Visited by	Reason for Visit
Pack of Cards, 164 Lindsey Avenue	Councillors McIlveen and Watt	As the recommendation was for approval and objections had been received.
39 Goodramgate	Councillors McIlveen and Watt	As the recommendation was for approval and objections had been received.
Laura Ashley Ltd, 11 Little Stonegate	Councillors McIlveen and Watt	At the request of Councillor Watson.
York College, Sim Balk Lane	Councillors McIlveen and Watt	To familiarise Members with the site.

6. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests not included on the Register of Interests that they might have had in the business on the agenda.

Councillor Looker declared a personal interest in Agenda Item 5d (York College) as she was a co-opted member of a York College Sub Committee. She clarified that this committee only oversaw the curriculum and so was not prejudicial in relation to this application.

No other interests were declared.

7. Exclusion of Press and Public

Resolved: That the press and public be excluded during the consideration of Annexes to Agenda Item 6 (Planning Enforcement Cases Update) on the grounds that they are classed as exempt under Paragraphs 1, 2 and 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

8. Minutes

Resolved: That the minutes of the meeting of the Area Planning Sub-Committee held on 5 June 2014 be approved and signed by the Chair as a correct record.

9. Public Participation

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

10. Plans List

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

10a) Pack of Cards, 164 Lindsey Avenue, York. YO26 4RL (14/00763/FULM)

Members considered a major full application by Mr Peter Atkinson for the erection of 14no. flats with associated parking following the demolition of a public house.

Questions and comments to Officers included;

- Would the parking for the flats be overlooked?
- In relation to the Construction Environmental Management Plan;
- There were no details included in the plan for the public to contact Council Enforcement Officers.
- No working hours of operation were specified.
- Who was responsible for dust prevention on the site? Was it the Council or the developers?
- Who was responsible for recording and monitoring?

In response, Officers stated that;

- The parking on site was gated.
- That the developers would be responsible for dust prevention.
- That the Council's Environmental Health Team required the developers to record and monitor for them, so that the Council could approach the developers for this information.

During discussion, some Members commented that;

- The properties to the back of the site would not be overlooked by the flats as they had long gardens.
- The application would provide much needed social housing.
- The height of the flats would not have a detrimental impact as there were a variety of buildings with different heights in the local area.
- The public house had not been well used.

Officers confirmed that the standard construction hours were 8 am- 6 pm on Mondays- Fridays, 9 am- 1 pm on Saturdays and no working on Sundays and Bank Holidays.

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

Reason: There would not be an undue loss of public facilities, as required by local planning policy and paragraph 70 of the NPPF and the site is suitable for housing, which national policy seeks to promote. As such proposals in principle are policy compliant. There would be no undue impact, as required by Local Plan policy GP1; the design is suitable for the locality and there would be no undue effect on residential amenity and highway safety.

10b) 39 Goodramgate, York. YO1 7LS (14/01089/FUL)

Members considered a full application by Ms FM Abelidis for a change of use from public highway to customer seating area in connection with existing café use at 39 Goodramgate.

In their update to Members Officers reported that they had received the following comments from the Civic Trust;

The Civic Trust felt that the application it was inappropriate in this location as Goodramgate was a narrow street much used by Blue Badge Holders.

Representations in support were received from the applicant's partner. He felt that the traffic flows on Goodramgate were sparse and informed Members that if blue badge owners parked their vehicles in the space occupied by the tables before the café's operating hours (11 am- 4 pm) then café staff would have to wait until the blue badged vehicles had moved. It was noted that the tables would only be used during fine weather and would not be in place when blue badged vehicles were parked. Finally, the applicant's partner felt that the length of the tables to be used (which were 3 metres long) would provide sufficient space for a vehicle to reverse out into the road.

Representations were received from the Ward Member, Councillor Watson. He informed the Committee that Goodramgate was used frequently for illegal parking. He felt that it would be dangerous to approve the application due to the possibility of accidents occurring and that it would be unclear as to who would be responsible for this.

During discussion Members raised the following points;

- For those with guide dogs or used a stick, it would be difficult to predict if someone was coming out of the café with hot food.
- There were too many obstructions to people walking along the street.
- That pavement seating existed in the city in roads where vehicles were restricted and also where the seating area was not adjacent to the café.

Councillor Galvin questioned how many days a year the customer seating area would be used and whether it should be approved with twelve month's temporary planning permission in order to monitor any problems.

Councillor Galvin moved a motion to approve the application with a temporary twelve month permission. Councillor Watt seconded this.

On being put to the vote this motion was lost.

Councillor Douglas moved a motion to refuse the application, this was seconded by Councillor Fitzpatrick.

On being put to the vote this motion passed.

Resolved: That the application be refused.

Reason: The proposed development would have an undue detrimental impact on highway safety and would also impede pedestrian movement. The pavement is only approximately 1m wide in this area and the street is heavily used by vehicles throughout the daytime. As such the proposed outside seating area would be a hazard for users of the facility and pedestrians and detrimental to the vitality of the street. The proposal would conflict with paragraph 35 of the National Planning Policy Framework, which requires developments create safe and secure layouts which minimise conflicts between traffic, cyclists and pedestrians and avoid street clutter.

**10c) Laura Ashley Ltd, 11 Little Stonegate, York. YO1 8AX
(14/01133/FUL)**

Members considered a full application by Rushbond Plc for a change of use to restaurant and/or drinking establishment (A3 and/or A4 use class) and associated external alterations.

In their update to Members Officers reported that;

- The National Planning Policy Framework (England) paragraphs 58 and 69, state that planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. The practice guidance states designing out crime and designing in community safety should be central to the planning and delivery of new development.
- The proposed use would also require a premises license. Officers note that the site is situated within the City of York Cumulative Impact Zone. City of York Council as Licensing Authority under the Licensing Act 2003, now have in place a special cumulative impact policy for the area. This policy clearly identifies the area as being under 'stress', because the cumulative effect of the concentration of late night and entertainment premises has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

Representations in support were received from the agent for the applicant. He felt that the application should be approved as it would lead to increased employment opportunities in the area. He also believed that it would have no impact on the Conservation Area. The agent outlined that the shop located at the front of the building was under a separate lease with a separate owner. The current lease on the Laura Ashley shop on the ground floor had expired. He clarified that the applicants had received interest from potential operators in occupying the whole of the building.

Representations were received from the Ward Member Councillor Watson. He objected to the applications on the following grounds;

- Loss of retail opportunities.
- That the area was rapidly being occupied by drinking establishments.
- That residents did live in the area, and that it was becoming marked by high crime levels.
- Noise levels were created during the week as well as at the weekend.
- That this area was currently under greater amounts of stress, which was why the licensing Cumulative Impact Zone (CIZ) had been extended.

During discussion Members made the following comments;

- That the Laura Ashley unit would be cut in half and would not survive if the application was approved.
- That if a person lived in town then they must expect to hear some noise.
- That Members could not do much with the Laura Ashley retail unit if the lease had expired.
- That although the CIZ was not a planning matter mention of how the application was located within it did demonstrate local concerns.
- If the full building was in use it might increase the vitality of the street.
- However, there was a low interest in retail properties on the street, as empty shops were located directly opposite the site.

Some Members moved refused on the ground that there was an overprovision of bars in the area, the loss of retail opportunities and the amenity of residents in the wider area. Other Members added that there was the risk of problems of public nuisance and disorder on the area that would be caused by the approval of the application.

Other Members questioned if the application was rejected whether the Council would lose a planning appeal. Officers advised that Members needed to be clearer on their concerns when giving reasons for refusal, for example if Members had concerns over the both restaurant and bar uses.

Resolved: That the application be refused.

Reason: The proposed change of use would lead to the loss of a retail premises and the introduction of a further bar/restaurant. There would consequently be an undue concentration and dominance of restaurants and drinking establishments in the street. There would be an undue detrimental effect on the character of the area, its retail offer and the vitality of the street, contrary to Local Plan policy S5: "Non-Retail Uses in other Shopping Streets" which requires that proposals do not harm the vitality of individual streets and which is considered to be in accordance with section 2 of the National Planning Policy Framework.

**10d) York College, Sim Balk Lane, York. YO23 2BB
(14/00899/FULM)**

Members considered a major full application by Ms Louise Lawrence-Crockford for the erection of a two storey building to accommodate a construction skills centre (use class D1) following the demolition of existing meeting centre.

Officers confirmed that the proposed removal in regards to disabled car parking spaces would not have a detrimental impact as the remaining provision of spaces would still meet local plan standards. They pointed out that the college had control over the parking areas within the site but that the applicants recognised that they still had to work on refining their travel plan. Due to the nature of the courses at the campus, spaces were not always needed and had been underused at times. In response to questions from Members, Officers advised that an Environmental Management Plan had not been recommended as the effect on residential amenity would be limited by the location of the proposed development.

Representations in support were received from the Deputy Principal of Resources at York College. She explained that the proposals had been submitted as some students had been taught at another location in the city and this was felt to not be conducive to learning. She confirmed that many options had been considered in extending the site, including into the Green Belt, but it was felt that the timescales and funding faced by the college in order to do this were not suitable.

It was reported that the following skills would be taught at the construction skills centre were; plastering, bricklaying, site and bench joinery.

During debate Members raised the following points;

- That the support given by the college to the development of trades supported disadvantaged children in the city.
- Parking concerns expressed were not always about the spaces themselves but about people not paying for York College permits.
- That the college provides bus transport for those attending who lived outside of York.
- That the skills that would be taught in the centre were needed.
- The conditions in which students had been working in the buildings off the campus were not suitable and it had been difficult to maintain a collegiate feeling because of the distance between the two.
- Construction skills were also difficult to teach away from the main campus.

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

Reason: The proposed building has been designed according to sustainable principles and would closely match the existing building complex to the north in terms of its scale and palette of materials. As a consequence of the existing nature of the site it is unlikely that there would be a materially harmful increase in the level of surface water discharges and the loss of the car parking spaces can be effectively mitigated by the submission of a Sustainable Travel Plan for the proposed development. The proposal is therefore felt to be acceptable in planning terms and approval is therefore recommended.

11. Planning Enforcement Cases-Update

Members received a report which provided them with a quarterly update on planning enforcement cases.

One Member commented and suggested that if Officers felt that mental health issues could have contributed to an enforcement case that they should work with Health and Social Care partners in the city to share information in order to have greater awareness.

Resolved: That the report be noted.

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

Councillor N McIlveen, Chair

[The meeting started at 2.00 pm and finished at 4.30 pm].

COMMITTEE REPORT

Date: 7 August 2014 **Ward:** Clifton
Team: Major and **Parish:** Clifton Planning Panel
 Commercial Team

Reference: 13/03727/FUL
Application at: Bert Keech Bowling Club Sycamore Place York YO30 7DW
For: Erection of 4no. two storey dwellings and 1no. three storey dwelling
By: Mr David Brown
Application Type: Full Application
Target Date: 28 January 2014
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL**APPLICATION SITE**

1.1 The application relates to a vacant parcel of land located on the north side of Sycamore Place, between Elliott's hotel at 2-4 Sycamore Place and St Olave's School. There is an alleyway to the north, and the back gardens of houses along Bootham Terrace and Queen Anne's Road beyond. The surrounding houses are predominantly terraced, the houses to the south, along Sycamore Place and Sycamore Terrace, date from the early C20, although there is a group of mid C20 3-storey houses with integral garages on the south side of Sycamore Place (at nos. 3-11).

1.2 The site is presently vacant. It is privately owned and was previously the Bert Keech Bowling Club. The bowling facility has not been used since 2008. The club-house buildings were demolished in 2012. The site is designated as open space in the 2005 Local Plan and it is within the Clifton Conservation Area.

PROPOSALS

1.3 The application is for 5 houses; a 3-storey house attached to the side of no.4 and a terrace of 4 houses which would be lower at 2.5 storey. The houses would respect the existing building line and building heights would be comparable to the hotel at 2-4 Sycamore Place and 2a on the opposite side of Sycamore Place. Each house would have its own garage and car parking spaces. Vehicular access would be from Sycamore Place and Queen Anne's Road.

BACKGROUND

1.4 The proposal was subject to a public exhibition held in May 2013. The plans were altered following the consultation. The main design alterations being that the houses have adopted a more traditional approach, considering the use of materials and form. The rear outshots were originally timber clad with green roofs and there was more glass and zinc cladding on the front elevation. The building proposed next door to the hotel was to be flats and this has been altered to a single dwelling with garden.

1.5 The application has been referred to the Sub-Committee by the Assistant Director (Development Services, Planning and Regeneration) under paragraph 8(f) of the delegation scheme due to the policy issues involved and the volume of public representations made.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Clifton CONF

DC Area Teams GMS Constraints: East Area (2) 0005

Schools GMS Constraints: Queen Anne 0253

2.2 Policies:

CYH4A Housing Windfalls

CYGP1 Design

CYGP15 Protection from flooding

CYGP7 Open Space

CYGP10 Subdivision of gardens and infill development

CYHE2 Development in historic locations

CYHE3 Conservation Areas

CYHE10 Archaeology

CYL1C Provision of New Open Space in Development

CYL1B Loss of local leisure facilities

CYED4 Developer contributions towards Educational facilities

3.0 CONSULTATIONS

INTERNAL CONSULTEES

Archaeology

3.1 The City Archaeologist has recommended conditions; for a watching brief, archaeological investigation and to agree the foundation design, as the proposals will impact on archaeological deposits.

3.2 In order to understand the archaeology of the site and to facilitate development of the site, the applicant has commissioned a desk based assessment and an evaluation on the site. The archaeological evaluation in 2013 identified deposits associated with Roman metal working in the southeast area of the site. Pottery associated with the deposits shows that the industry was established by the 3rd century AD and had continued up until the late 3rd - 4th century AD.

Education Officer

3.3 A contribution of £23,968 for this development is requested, for two places at the local primary school which is oversubscribed.

Flood Risk Management

3.4 Officers raised objection to the original scheme, it was considered the proposed development would be unsafe, due to the proposed finished floor levels and there would be a loss in on-site flood water storage, which would increase flood risk elsewhere.

3.5 Officers are content that the revised plans address these issues. Planning conditions can be used to deal with flood risk and drainage.

Highway Network Management

3.6 Officers raised the following points when considering the original plans-

- The proposed access onto Sycamore Place will require a number of amendments to the traffic orders for the parking bays which would need to be funded by the developers.
- The development would require a traffic order to exclude future occupants of the proposed houses from the over subscribed residents parking zone.
- There was concern not all of the car parking spaces/garages were workable. This has been addressed with the revised plans.
- A construction management plan should be sought to manage the impact on the highway network, considering the surrounding narrow streets and varying parking restrictions.

Sport & Active Leisure

3.7 Officers recognise that this was a private facility and there is no obligation for it to become public open space. The bowlers from this site were relocated to alternative facilities (Clarence Gardens), as the green closed over 5 years ago.

3.8 Officers would be against the loss of open space in this residential area, as there is a shortage of children's play, amenity and sports provision in the locality. If this scheme is approved an off site contribution for amenity, children's play and outdoor sports provision would be required.

Based on current requirements, the contribution would be £18,340. This would be spent on sites within walking distance of the development. Current projects in the area include the provision of a junior football pitch, a youth bike track and enhancements to play facilities at Water End, which has been designed in response to local community consultation.

EXTERNAL COMMENTS

Environment Agency

3.9 The EA have no objection to the scheme, based on the revised flood risk assessment. The EA have recommended a condition that requires the development to be carried out in accordance with the FRA. The have also requested that if the scheme is supported, the LPA clearly demonstrate that the sequential and exceptions tests have been passed. It is noted that the LPA are also expected to assess whether the means of escape would be acceptable.

Clifton Planning Panel

3.10 The planning panel welcomes the proposal, which would make good and effective use of what has become a somewhat derelict area.

3.11 The panel notes that there is also a technical objection regarding the status of the site (it is designated open space in the Local Plan), which will have to be resolved if the proposed development is to proceed. The panel does not regard it as within its remit to advise on this aspect.

Publicity

3.12 There have been 16 Objectors to the scheme, two comments in support and one neutral. Comments are summarised as follows -

Loss of open space

3.13 The 2005 Local Plan designates the application site as open space. The loss of the space, without alternative provision, or demonstration that there are adequate open space typologies in the area, would be contrary to policy.

3.14 The development will result in the loss of a sports facility. Even if a bowling green isn't a viable use, there are other sports uses that the site could be put to - children's play, sports facilities for the school, etc. The plan put forward by St Olave's school to use the site as a sports facility would be consistent with the Active York Pitch Strategy document which identified that there are not enough high quality community accessible venues for the 62 Netball teams as well as other school teams that exist in York. There are also other uses to which the site could be put to. such as a community garden or allotments, which would also address the recognised shortage of open space in the Clifton Ward.

Flood risk

3.15 The site is in Flood Zone 3. The site shouldn't be developed, as there are a number of alternative sites for housing that are unaffected by potential flooding. There is therefore no pressing need for this site to be developed.

3.16 According to the National Planning Policy Framework (NPPF) the proposed development is inappropriate. The NPPF stipulates that only 'water-compatible' and 'less vulnerable' uses of land are appropriate in flood zone 3, where the site is located. Dwelling houses are within the 'more vulnerable' classification of land and are therefore not appropriate for this site. This is particularly relevant when there is not a permanent safe route to evacuate the properties in flood events.

3.17 There is a chance that future occupants would be stranded in their houses in a flooding event, as there is not an adequate means of escape to safe ground. This would put the emergency services at risk.

3.18 As development would reduce the ability of the site to store surface water, it becomes necessary to provide compensatory storage for the water on site (to avoid increased flood risk off-site). There is no indication in the FRA of how this is to be achieved and there is no apparent location on the site where it would be possible to create the necessary compensatory storage volumes at appropriate levels.

Amenity of neighbours

3.19 The Sycamore Guest House opposite will be overlooked, especially from the top floor windows.

3.20 The ability to ventilate the bathrooms at the neighbouring house (vents currently on side wall) and access would be lost.

Highway safety

3.21 The properties are 5 bed, but only have 2 off street parking spaces each. There is potential for an increase in on-street parking as a result. It is noted that the site access would lead to the loss of one or two parking spaces and there would be further loss in car parking spaces during construction.

3.22 No cycle storage is shown - it is unlikely that sufficient space will be available within the proposed garages for a car and for bicycles which can be accessed easily and conveniently.

3.23 Concern over more traffic and on-street parking in what is already a congested area, due to the narrow streets, density of development and also the nearby schools. There is also concern as to how construction traffic would gain entry, in particular as Bootham Terrace and Queen Anne's Street are very narrow.

Design

3.24 The side extension to house 1 does not appear integrated into the street scene. White aluminium window frames are proposed and these would be out of character with the conservation area.

4.0 APPRAISAL

4.1 Key Issues

- Principle of the proposed use
- Impact on heritage assets - the conservation area and archaeology
- Flood risk
- Residential Amenity
- Highway safety
- Open Space and Education contributions

Principle of the proposed use

4.2 The site is designated as public open space in the Local Plan 2005. The National Planning Policy Framework, in paragraph 74, advises that existing open space should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements (previous planning guidance advised such a test should consider any open space functions the space could provide); or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

4.3 There is a reasonable argument that the proposals would not conflict with paragraph 74 of the National Planning Policy Framework. The site is surplus to requirements in so far as there is no longer a need for the bowling green and its former users have been relocated.

4.4 O'Neill Associates have advised that the neighbouring St Peters school are willing to acquire the space and that they would use it as netball and tennis courts. A plan has been provided showing how two courts would fit onto the site. It is considered this planning application needs to be determined on its own merits.

There is no guarantee the school would acquire the site and as noted, the landowners do not appear to be willing to agree to this proposal.

4.5 Local Plan policies L1b: Loss of Local Leisure Facilities and GP7: Open Space and are applicable. L1b advises that the loss of leisure facilities will only be permitted when it can be demonstrated that either a need for the leisure facility no longer exists, or where there are appropriate alternative facilities in the catchment area. In order for proposals to comply with the GP7 it must be satisfied that there will be no detrimental effect on local amenity and nature conservation and compensatory provision in the locality must be provided.

4.6 The previous use of the site, as a bowling green, is surplus to requirements and there is no conflict with Local Plan policy L1b. The demand for bowling greens is in decline; this has been confirmed by the Sport and Active Leisure Team. The closest bowling green facilities are at Clarence Gardens, Wigginton Road and Haxby Road, where there is capacity. The application site is privately owned and there is no public access. It has been vacant / closed for over 5 years, and the bowlers were re-located to Clarence Gardens.

4.7 The background text to policy GP7 notes that designated open space can serve various functions, providing recreation, amenity, nature conservation. The application site is private and does not provide recreational or amenity space. The site has a boundary hedge but has no significant value in terms of biodiversity.

4.8 Policy L1c states developments for all housing sites will be required to make provision for the open space needs of future occupiers. A contribution has been agreed with the applicants towards facilities in the locality. The contribution would be £18,340. This would be secured via a legal agreement. The immediate locality has a healthy supply of public amenity / open space due to the proximity of Clifton Ings and Museum Gardens. There is a lack of children's and young peoples play facilities in the area and this was identified in the 2008 Open Space and Recreation Study. The closest current Council project is at Water End, for a youth sport facility - including a junior football pitch, bike track and upgrading existing play facilities. The financial contribution towards open space, should the development go ahead, would likely be towards this.

4.9 The application site is suitable for housing in so far as the proposals are compliant with Local Plan H4a which relates to windfall housing sites (which is consistent with national planning policy). The policy requires consideration is given to the character of the existing site, location, whether the replacement scheme is appropriate in scale and density to its surrounds and impact on landscape. The scheme is in accordance with H4a because -

- The development would be on a vacant site in the urban area, which is within walking distance of the city centre.
- The proposed scale and density is relevant to the setting.

- There would not be undue harm to landscape features; openness will be maintained at the rear of the houses, and a vista through the site from Sycamore Terrace.
- The ecological value of the site could be enhanced through the planting of trees and introduction of domestic gardens.

Impact on the conservation area

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

4.11 The pertinent design guidance is contained within Local Plan policy HE2: Development within Historic Locations. HE2 states that within conservation areas development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regards to local scale, proportions, details and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character or appearance of the area. On design, National Planning Policy Guidance advises that a well designed place is one that re-enforces local distinctiveness, giving consideration to the local pattern of street blocks and plots; building forms; details and materials; style and vernacular.

4.12 The appraisal for the Clifton Conservation Area identifies one of the positive aspects of the area as being the 'Victorian and Edwardian terraces and semis in the new suburban residential streets often developed in the garden grounds of frontage properties'.

4.13 The application site, along with the land on the opposite side of the street, where there are now later C20 3-storey houses, was left open as terraced housing was developed to the south at the turn of the C20. Whilst the openness provides relief and a wider outlook, it exposes the rear elevations of the houses to the north, and it is not fundamental to the wider setting that the site remains un-developed. Appropriate development of the site would maintain the character and appearance of the conservation area and enhance biodiversity.

4.14 The scheme would be compliant with relevant design based policies, both national and those in the Local Plan - GP1: Design, GP10: Infill development and HE2: Development in Historic Locations.

- The layout would respect local character. The houses would follow the existing building line and layout along this side of the street. There would be deep gardens at the rear, which would maintain openness along the alleyway, and the gap in the development would preserve open views from along Sycamore

Terrace, whilst removing views of the rears of terraces (Bootham Terrace and Queen Anne's Road), which are not typically exposed in the locality.

- The houses would be of appropriate shape and scale, with the building heights being comparable to neighbours. House 1 would be attached to 4 Sycamore Place and would be of comparable massing, the rest of the houses would be lower and of a similar scale to the houses opposite. Their lower scale would also be appropriate in relation to the school buildings at the end of the street.
- The scheme has been developed to be contemporary and in-keeping with its setting. It complies with the principles established in policy HE2; characteristic materials are proposed as main elements - red brick walls and slate roofs. The detailing, design features and their scale - the use of bay windows, identifiable entrances and dormers represent a contemporary interpretation of the historic townscape which dominates the area; an approach advocated in the background text to policy HE2, which recommends high quality contemporary design that respects its context, rather than being a 'pale reflection' of the existing built environment.

Archaeology

4.15 The site is within the City Centre of Archaeological Importance. A desk based assessment and evaluation of the site has been undertaken which has identified deposits associated with Roman metal working in the southeast area of the site, dating from the 3rd and 4th centuries. Conditions will be required to ensure that the development accords with Local Plan policy HE10; Archaeology. It will be required that a watching brief on groundworks be undertaken and that the foundation design does not damage over 5% of archaeology (it would either be preserved in-situ or excavated).

Flood risk

4.16 The site is in Flood Zone 3. In accordance with the National Planning Policy Framework in order for the proposals to be acceptable it must be demonstrated (in a site specific Flood Risk Assessment (FRA)) the development will be safe for its lifetime and not increase flood risk elsewhere (paragraphs 102 & 103). The development should also pass the sequential and exception tests.

Flood risk elsewhere

4.17 Following revisions to the proposals there would be no loss of flood water storage on site, and consequently no increase in flood risk elsewhere. The scheme has been designed so there would be floodable voids below the houses, and flood water would flow into these areas. The storage area would provide space up to the

1 in 100 year flood level. No raising of ground levels would be permitted and ground levels would be lowered in parts of the rear gardens.

4.18 An underground storage tank would be installed on site, which would store water and restrict its flow rate into the drainage system, thus reducing surface water run-off in relation to existing rates. This would be compliant with York's Strategic Flood Risk Assessment.

Flood resilience

4.19 The houses would be reasonably protected from flooding. The site is in Flood Zone 3. The 2013 York FRA requires in such cases that development is protected from 1 in 100 year floods, finished floor levels of dwellings should either be above the existing ground level or 600mm above the 1 in 100-year (1%) flood level (11.46m AOD in this case), whichever is the higher. The proposals have a finished floor level of 10.86m AOD which is the 1 in 100 year flood level and around 1m higher than surrounding ground levels. Flood gates could be provided, to protect up to the desired 11.46 AOD level, and the buildings would have flood resilient construction. Overall officers and the Environment Agency are content that the houses would be reasonably safe from flooding.

4.20 It would be required future residents sign up to the Environment Agency Flood Warning Service.

4.21 The means of escape would be from the rear of the houses, occupants would be aware of flood events given the amount of housing in this area already in Flood Zone 3 and closer to the river and via the Environment Agency flood warning service. The means of escape off-site would not be at the desired AOD level. However, there was a similar scenario at a site on Dennison Street (off Huntington Road) where residential development was allowed on appeal (planning application 11/01981/FUL), despite no safe means of escape. The appeal was allowed on the grounds that the dwelling(s) themselves would be adequately protected, as would be the case here.

4.22 Planning conditions would be necessary to secure the proposed measures in respect of flood risk and drainage.

Sequential / Exception tests

4.23 The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding, however where development is necessary, it must be made safe without increasing flood risk elsewhere. National Planning Practice Guidance gives advice on the sequential test and concludes that "ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere".

4.24 To pass the Exception Test it is required there are wider sustainability benefits to the community, which out-weigh the flood risk and there should be an appropriate site specific FRA.

Sequential test

4.25 The National Planning Policy Framework (paragraph 49) requires that planning enables a significant boost to housing supply, which means a presumption in favour of applications where housing development would be sustainable. The city has recently under-delivered on its annual housing targets and although housing sites have been allocated in the new Local Plan, these are subject to consultation and review before the plan is adopted. Many of the allocations are not deliverable in the short-term, only when the new plan is adopted. Recent appeal decisions have suggested the city does not have a deliverable 5 year housing supply; a national requirement.

4.26 There are other examples where residential development has been permitted in urban areas in flood zone 3 due to a combination of housing need and when site specific FRA's have been acceptable, for example at 34 and 36-44 Piccadilly and Student Accommodation schemes behind Walmgate, next to the River Foss.

4.27 Given the current lack of housing supply, as the proposed development is regarded as being acceptable in terms of flood risk and as the site is within an urban area rather than a less sustainable or green belt site, no objections are raised to the proposal in terms of the sequential test.

Exception test

4.28 The other sites referred to where housing has been permitted in Flood Zone 3 had considerable sustainability benefits in that derelict sites were regenerated and the vitality of the city centre enhanced. That needed houses are being supplied in a sustainable location is a sustainability benefit in this case. The development is associated with an acceptable site specific FRA which demonstrates that the proposed houses can be protected from flooding and flood risk will not be increased elsewhere, as flood water storage would be provided on site. On balance the scheme is considered to pass the exception test.

Residential Amenity

4.29 The National Planning Policy Framework requires that planning should 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.

4.30 The proposed development predominantly maintains the character of the area, considering building lines and massing, and consequently would not have an undue impact on its neighbours.

4.31 The rear building line would extend beyond no.4 (which is a guesthouse) by 3m but this element of the building would be single storey with flat roof. Previously the pavilion to the bowling club, which was single storey with a low pitched roof, sat against this boundary. The upper floors would not extend beyond the original rear building line of no.4.

4.32 The rear windows to upper floors of plot 1 would indirectly overlook the rear yard of no.4. The yard is a small area, which is all hard-standing; much of the rear plot has already been built over. There would be no undue overlooking in this respect. A planning condition can ensure that the flat roof first floor area to plot 1, which would be next door to 4 Sycamore Place, is not used as an outside amenity space as this would lead to overlooking between properties.

4.33 The occupants of no.4 raised concern that the proposed development would block outlets on their side elevation; vents for bathrooms etc. There would be a nominal gap between plot 1 and no.4 (shown on the proposed ground floor plan) to retain space for such vents.

Highway Network Management

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

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

4.35 The proposals comply with the National Planning Policy Framework in this respect as -

- The houses are in a sustainable location, within walking distance of the city centre
- Garages are proposed and are adequate size (6m by 3.5m internal) to store car and cycles.
- A condition can secure the provision of electric vehicle charging points at each dwelling.

- The layout has been revised to improve the accessibility of the parking spaces and there would be no material impact on the highway. The amount of car parking proposed is compliant with Local Plan standards. There would be no significant additional pressure on car parking on-street, as there are at least 2 off-street car parking spaces for each new house proposed. Also, it will be agreed through a legal agreement that future residents may not apply for res-park permits. The new access would lead to the loss of one on-street parking space; this is not regarded as a significant impact that would justify refusing the application.

Education provision

4.36 Policy ED4 advises that in considering proposals for residential development any consequences for existing schools will be assessed. When additional provision is required as a result of the proposals, developers will be required to make appropriate financial contributions. There is no capacity at the local primary school. As such a contribution of £23,968 has been agreed.

5.0 CONCLUSION

5.1 The scheme would assist with housing supply in the city, which is a Government priority, and there are no significant adverse effects which would conflict with planning policy. Although the site is designated as green space in the 2005 Local Plan, it has not been used in such a way for the past 5 years. The scheme has been designed to mitigate against flood risk, and there would not be undue effects upon the character and appearance of the conservation area, residential amenity and highway safety. Approval is recommended, subject to completion of a legal agreement to secure -

- Open Space contribution - £18,340
- Secondary school provision - £23,968
- Funding of traffic orders, to amend res-parking in the area - £5k

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years

2 PLANS1 Approved plans -

Drawings 2270 02, 100, 101, 102, 103, 104, 105, 106, 107, 108 (revision B)

3 Materials

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 development shall be carried out using the approved materials.

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

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 and in the interests of the appearance of the conservation area.

4 Large scale details

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

- Eaves
- Dormers
- Roof-lights - manufacturers' literature. To be conservation type with recessed fittings
- Any hand-rails / guarding to first floor terraces
- Front doors and their surrounds
- Windows and their surrounds
- Flood gates (illustrating how any housing for demountable flood barriers can be installed without detriment to the overall appearance).

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

5 Landscaping

Prior to occupation of the development hereby approved the hard and soft landscaping proposals and highways works, as shown on drawing 2270-100 REV A shall be implemented.

A detailed soft landscaping scheme (to include the number, species, height and position of trees and shrubs) shall be approved by the Local Planning Authority prior to completion of construction. The approved soft landscaping 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 the character and appearance of the area and to enhance biodiversity in accordance with paragraphs 58 and 109 of the National Planning Policy Framework.

6 ARCH1 Archaeological programme required -

7 ARCH2 Watching brief required -

8 ARCH3 Foundation design required -

9 Flood risk management

The proposed finished floor levels shall be 10.86 AOD, as shown on the approved plans.

The following measures to manage flood risk, as established in the revised AAH Flood Risk Assessment AAH/0111/12FRA dated April 2014, shall be installed/undertaken prior to occupation and maintained for the lifetime of the development -

- Provision of demountable flood gates at entrances to the houses.
- No sleeping accommodation at ground floor level.
- Residents sign up to the Environment Agency flood warning service.
- The creation of a floodable void/compensatory flood storage under the houses. There shall be no loss of flood water storage on site and calculations shall be provided to demonstrate such prior to commencement of the development.
- A maintenance agreement shall be put in place, and adhered to at all times, to ensure that the proposed floodable voids do not become blocked with silts or stagnant water and therefore remain available for the storage of flood water for the lifetime of the development.
- On-site surface water drainage storage capacity with restricted run-off rates.

Reason: To prevent flood risk.

10 Foul and surface water drainage

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

Details to include:

- Peak surface water run-off from the proposed development must be restricted to a maximum 5.5 lit/sec.
- Site specific details of the flow control device manhole limiting the surface water to the 5.5 lit/sec.
- Storage volume calculations, using computer modelling must be provided, and must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. The full range of modelling should be provided.
- Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.
- Proposed ground and finished floor levels to Ordnance Datum shall be shown on plans. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Reason: To reduce flood risk and to ensure the proper drainage of the site.

INFORMATIVE: Consent should be sought from Yorkshire Water to connect additional foul and surface water into their sewers.

11 Electric Vehicle Charging Points

Prior to occupation of the houses hereby approved at least one electric vehicle charging point shall be provided within the curtilage of each unit.

Reason: to promote and facilitate the uptake of electric vehicles / scooters on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF). In particular in this case given the likelihood that future occupants would own private cars.

INFORMATIVE: Electric Vehicle Recharging Point means a free-standing waterproof 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.

12 Highway Management

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

- The routing that will be promoted by the contractors to minimise disruption to the highway network.
- Where contractors will park.
- 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 unduly be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

13 Construction Environmental Management Plan

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

Reason: To protect the amenity of local residents from noise dust and vibration.

14 NOISE7

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

Reason: To protect the amenities of adjacent residents.

15 The garages hereby approved shall be used for domestic vehicles / cycles and storage only and shall not be converted or altered in any way without planning permission.

Reason: To ensure that adequate storage and secure cycle parking provision is retained in accordance with policies GP1 and T4 of the City of York Draft Local Plan, and to provide space for floodwater storage.

16 Permitted development rights

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

There shall be no changes to the design of the front boundary gates and railings.

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

17 The flat roof area to house 1 (at first floor level) shall not be used as an outside amenity area.

Reason: To ensure no undue impact on neighbour's 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: pre-application advice, requested revised plans, 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. CONTROL OF POLLUTION ACT

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.

4. RESIDENTS PARKING

The applicant is asked to note that the development/property (as proposed), is not considered eligible for inclusion within the Residents Parking Zone, and it will be removed from such under the Traffic Regulations 1984.

Upon commencement of development on the site the applicant is requested to contact the Council's Network Management Section (tel 01904 551450), in order that the amendments to the Residents Parking Scheme can be implemented prior to the occupation of the development.

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

This page is intentionally left blank

13/03727/FUL

Bert Keech Bowling Club Sycamore Place



Scale : 1:1059

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

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

Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	28 July 2014
SLA Number	Not Set

This page is intentionally left blank

COMMITTEE REPORT

Date: 7 August 2014 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
 Commercial Team

Reference: 14/01198/FUL
Application at: Public Convenience Exhibition Square York
For: Single storey building to provide retail unit (use Class A1)
 and replacement public conveniences
By: Healthmatic
Application Type: Full Application
Target Date: 13 August 2014
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to the site where public toilets were recently accommodated on the corner of Petergate and Exhibition Square. The toilets were recently demolished. Demolition was granted planning permission (14/00794/FUL) and Scheduled Monument Consent has been granted by English Heritage for the demolition and rebuilding of the public conveniences, subject to conditions to protect archaeology.

1.2 This application seeks planning permission for the replacement facility. The proposed development would have 7 w/c's. The building would also accommodate a 48 sq m retail unit. The toilets recently demolished had 3 male toilets (plus urinals), 9 female toilets, a disabled toilet and 2 night toilets.

1.3 The building would be U- shaped in plan, based around the existing arched opening. The built envelope would be formed by an inverted roof and walls of pre-patinated copper cladding, which would have a brown texture. The retail unit would be accessed through the stone arch and the WCs through the door to its south. A blocked entrance arch in the wall running east from Bootham Bar would be unblocked and a window inserted. As with the previous building, the structure would be lower than the surrounding walls.

1.4 The application has been called to planning committee by Councillor Brian Watson, to assess the impact on listed buildings and to consider the proposed retail development.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Listed Buildings GMS Constraints:

- Grade 1; City Walls Bootham Bar To Monk Bar 0577
- Grade 2; 1a & 1b High Petergate York YO1 2EN 0672

2.2 Policies:

CYGP1 Design

CYHE4 Listed Buildings

CYHE3 Conservation Areas

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development

3.1 Officers support the works, advising that in principle they could improve the setting. Comments were as follows -

- The existing door under the steps (male w/c entrance) should be retained and blocked, rather than the addition of a window. A window would weaken the appearance of the walls, whilst the door, although C20 is of appropriate design.
- The metal gates in the arch should be adapted and re-used, not replaced.
- The stone blocking of the entrance arch to the side of Bootham Bar is relatively recent; so its careful removal would be justified by the need to provide a window into the new retail unit. The aluminium frame should not be visible.
- Works to the side wall with 1 High Petergate should use reclaimed bricks.

Environmental Protection Unit

3.2 Note that noise from the development may affect neighbouring residents.

Recommend conditions that the hours of operation and delivery times are restricted and that details of any plant or machinery are submitted for approval.

English Heritage

3.3 Recommend that the scheme be approved. Note that Scheduled Monument Consent has been granted for the works.

Guildhall Planning Panel

3.4 Support the proposals.

Publicity

3.5 One comment has been received that suggests the structure should be of stone and lead, rather than copper, to respect the setting.

4.0 APPRAISAL

4.1 Key Issues

- Principle of the proposed uses
- Impact on heritage assets / design
- Residential Amenity

Principle of the proposed uses

4.2 The site is within the city centre as defined in the Local Plan. The retail element of the proposal is consistent with the NPPF which states LPA's should promote competitive city centres and enhance existing markets, and Local Plan policy SP7b which promotes commercial development in the city centre.

4.3 Section 70 of the NPPF advises that planning decisions should aim to achieve places where there is no unnecessary loss of public facilities, and ensure facilities are able to develop and modernise in a sustainable way, so they are retained for community benefit.

4.4 The amount and type of toilet facilities was agreed at procurement stage by the City Council. The public consultation for public realm improvements in Exhibition Square raised the need for improved toilet facilities. The proposed facilities would improve the quality of the previous provision. The number of toilet cubicles would reduce from 13 down to 7. The proposed operators – Healthmatic, consider and the City Council as client have not disagreed, that the amount provided is reasonable. The provision of retail within the buildings would potentially assist with revenue for ongoing management and maintenance, and is compliant with the NPPF statements set out in 4.2 and 4.3.

Impact on heritage assets / design

4.5 The application site is within the Central Historic Core Conservation Area and by the grade 1 Listed City Walls. No. 1 High Petergate adjacent the site is grade 2 listed.

4.6 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall pay special regard to the desirability of preserving the building or its setting or exercise of any features of special architectural or historic interest which it possesses.

Within conservation areas, the Council has a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area. The NPPF advises that 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

4.7 The proposed development would be under the height of the surrounding walls and as such views of the development would be from on the city walls and through the arch only. When viewed through the arch the simpler form of the proposed building and use of pre-oxidized copper would make a minor improvement to views in this direction. From the walls the proposed development would be of similar scale to the former structure. The building would have a simpler form and be contemporary in its use of materials and detailing. The materials would respect the setting and the detailing can be agreed through a planning condition. Overall this form of the development would maintain the historic setting and heritage assets and be compliant with policy in this respect.

4.8 The blocking of the entrance arch to the side of Bootham Bar is a relatively recent alteration. It is proposed to open up the arch, and introduce a window for the retail unit. The alteration is justified. Subject to detailing, so the aluminium window frame would not be visible and the stonework remain dominant, the works would cause no harm to the architectural and historic importance of this area.

4.9 The existing metal gates to the arch are of a simple robust design. Preference is for these to be adapted rather than replaced. A revision to the scheme has been requested in this respect and a response is pending.

4.10 Replacing the door under the steps with a window will weaken the appearance of this defensive gateway. The door should be retained and blocked from behind. It appears to date from the early C20th and its design is well considered for its location. As with the gates, a revision has been sought in this respect.

4.11 Preference is for the replacement facilities to have inclusive access, at all times. Clarification has been sought from the applicants that there will be a level entrance to the toilets and that the night toilets are of adequate standard.

Residential Amenity

4.12 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.

4.13 The elevation of the toilets which previously faced the side wall of 1 High Petergate was of variable height, due to the roof form (this is outlined on drawing 102), ranging from 2m to 4.7m. The wall to be retained at the side boundary is 2m high. The elevation of the proposed toilet would be 3.7m high; terminating between ground and first floor windows and to the west side of the rear garden.

4.14 The ground floor of 1 High Petergate is in commercial use and the rear garden is enclosed by surrounding structures, the De Grey Rooms to the immediate south and the part of the City Wall that encloses the toilet block site. The proposed building would make the rear garden of 1 High Petergate feel slightly more enclosed due to its consistent height. The impact over 1 High Petergate would be mitigated however, as the new building would sit 800mm away from the retained boundary wall. Overall the garden area and rear room would not suffer an undue loss of amenity.

4.15 A condition can be used to control amenity in case any plant/equipment is proposed. Because of the city centre location, where there are many other shops, without any such restrictions, and given the size of the premises, it is not necessary to restrict opening or delivery times.

5.0 CONCLUSION

5.1 The proposal in principle is compliant with planning policy. Subject to planning conditions, the development would be of acceptable appearance; the character and appearance of the conservation area would be preserved, and there would be no undue effect on amenity. Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out in accordance with the following plans:- Drawings A158 - 110, 111, 113, 114, 115

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

3 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

Application Reference Number: 14/01198/FUL

Item No: 4b

the development and the works shall be carried out in accordance with the approved details.

- Sections and plans through the cladding and glazing, to include connections to the stone walls
- New doors (shown in context)
- Glazed window within the stone arch (the framing shall be hidden from external view)
- Alterations to the gates
- Paving pattern (including relationship to existing)
- External lighting
- Signage

Reason: To sustain the significance of heritage assets in accordance with section 12 of the National Planning Policy Framework.

4 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 development shall be carried out using the approved materials.

Reason: To sustain the significance of heritage assets in accordance with section 12 of the National Planning Policy Framework.

5 The infill brickwork shall match the existing brickwork in all respects ie, bonding, size, colour and texture of bricks and the colour and finished treatment of mortar joints, using reclaimed brick where possible, to the satisfaction of the Local Planning Authority.

Reason: To sustain the significance of heritage assets in accordance with section 12 of the NPPF.

6 Notwithstanding the approved plans the existing door under the stone steps shall be retained, repaired and blocked from behind. It shall not be changed to a window for the retail unit.

Reason: In the interests of the appearance of the listed City Walls.

7 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum (L_{Amax}(f)) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the

prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of occupants of the nearby properties from noise.

STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

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

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

This page is intentionally left blank

14/01198/FUL

Public Convenience Exhibition Square



Scale : 1:529

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

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

Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	28 July 2014
SLA Number	Not Set

This page is intentionally left blank

COMMITTEE REPORT

Date: 7 August 2014 **Ward:** Heworth
Team: Major and **Parish:** Heworth Planning Panel
 Commercial Team

Reference: 14/01039/FULM
Application at: Spar Stores Turner Close York YO31 9FD
For: Variation of condition 14 of permitted application
11/03269/FULM to allow deliveries to the retail store from
07.00hours
By: James Hall & Co Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 6 August 2014
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 The application relates to the retail unit, approved as part of application 11/01039/FULM, which was for the retail unit and a vets at the front of the site, and houses behind. There are now 5 houses which have boundaries with the car park and service yard area to the retail premises. 196 Huntington Road also has a rear garden by the service yard.

1.2 The Spar convenience store is to re-locate to the retail unit and the application is to vary the allowed delivery times. The applicants wish to receive deliveries as of 07.00 Mondays to Saturdays. A time of 08.00 was imposed at planning committee when the scheme was determined. Sunday and bank holiday delivery times would remain at 10.00. The shop is permitted to open between 07.00 and 22.00 each day of the week (condition 23 of permission 11/01039/FULM).

1.3 The application is brought to sub-committee, as the permitted delivery hours were imposed by Members at the East Area Sub-committee.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001
DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies: GP1 Design

3.0 CONSULTATIONS

Environmental Protection Unit

3.1 Object. Time restrictions are placed on deliveries and collections from retail stores to prevent a loss of amenity to residents, I am concern a variation of condition 14 to allow deliveries to the store from 07:00 a.m. rather than 08:00 a.m. will cause a loss of amenity for the residents in houses numbered 1 - 6, closest to the loading bay area.

Highway Network Management

3.2 No objection

Planning Panel

3.3 No comment received.

Neighbour Notification and Publicity

3.4 No written representations have been made.

4.0 APPRAISAL

Key Issue

- Impact on residential amenity

Relevant Planning Policy

4.1 The NPPF states planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. DEFRA guidance referred to in the NPPF advises that it is not possible to have a single objective noise-based measure that defines significant impact. Impact is likely to be different for different noise sources, for different receptors and at different times.

4.2 The relevant Local Plan policy is GP1:Design. GP1 is consistent with the NPPF in that it requires proposals ensure no undue adverse impact from noise disturbance.

Assessment

4.3 The proposals are to allow deliveries to the store from 07.00 Monday to Saturday to correspond with the shop opening time. The Environmental Protection Unit have objected to this proposal on the grounds of harm to residential amenity, and this is consistent with their advice provided in 2011, when they asked for delivery times to be as of 08.00.

4.4 The applicant's case is that it would be beneficial to have the store stocked as early as possible, in particular with fresh goods and newspapers, in the interests of their viability and to avoid conflict with other traffic. They state that other Spar stores receive deliveries as of 07.00 and there is no undue noise disturbance. The Spar store opposite is directly next door to residential and opens at 06.00. There are no restrictions on delivery times.

4.5 The store has approximately 200 sq m net retail floor space. The 2011 permission was considered at the May 2012 Sub-Committee. At the meeting members were advised that the applicants wished for deliveries to be allowed from 07.00 and that planning officers did not object to this request. However Members considered that due to the size of delivery vehicles there could be disturbance to the nearby residents and varied the condition so that deliveries were not allowed before 08.00 Monday-Saturday and 10.00 on Sundays.

4.6 In assessment of noise impact, daytime is typically considered to be between 07.00 and 23.00. It is officer opinion that to allow deliveries to be from 07.00, which was previously specified as 'daytime' in national planning guidance, and would be in line with the permitted opening times, when there could be a degree of disturbance from customers, would not cause a significant adverse impact. As such the proposal would not conflict with the NPPF.

5.0 CONCLUSION

5.1 The proposal is to allow delivery times to be consistent with the store opening times between Mondays and Saturdays. The 07.00 opening time is regarded as day-time and there would not be an undue impact on residential amenity.

5.2 If planning permission were granted, it would replace the 2011 permission. As such the previous legal agreement will need to be updated and the relevant planning conditions re-applied.

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

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

Site layout - 1286/06/01 Q

Landscaping plan - Popplewells drawing 2282/3 B

House types:

Contemporary Sutton - AS 1286 06 11

Contemporary Fulstow - 1286 06 11E revision A and 11P

Contemporary Welton - 1286 06 08 Welton (con)

Contemporary Marston - AS 1286 06 08

Garages - G100, G200

Application Reference Number: 14/01039/FULM

Item No: 4c

Page 3 of 7

Retail premises - 1308 001 001 B

Veterinary unit - 1308 001 004 D

Bat mitigation as shown drawing 843/CSH/01b

Large scale drawings of commercial premises as agreed under AOD/13/00584

Materials and details of the boundary treatment as shown on drawing 843 MBP 01 revision B.

Houses to be insulated in accordance with Acoustic report PC-11-0273-RP1

Drainage details - Alan wood drawings 31541 203E, 205G, 207B, 209D, 211, 212B, 214B, 215C.

Dilapidation survey agreed under AOD/13/00584

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

2 Code for Sustainable Homes

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

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan.

3 Landscaping

The landscaping scheme shown on Popplewells drawing 2282/4C shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site and its overall appearance.

4 Tree Protection

All trees shown as being retained on Popplewells drawing 2282/3 C shall be protected during construction works in accordance with BS 5837 2005: Trees in relation to construction and details approved under application AOD/12/00282.

Reason: to ensure trees to be retained are appropriately protected in the interests of amenity.

5 Highway construction

Prior to completion of the development, the areas to be used by pedestrians and vehicles shall be constructed in accordance with the approved plans and are surfaced, sealed and positively drained and street lighting has been provided on site.

Reason: To ensure appropriate access and egress to the properties, in the interests of visual amenity, highway safety and the convenience of prospective residents.

6 Cycle storage

There shall be covered and secure cycle storage (at least 1 space per house) for each dwelling which shall be provided prior to occupation and retained at all times. For houses without garages cycle storage shall be provided within the rear garden areas. The storage spaces shall be at least 1.8m by 0.7m.

Reason: To ensure adequate space for such storage, and to promote 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.

7 Removal of PD rights

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

The garages shall be retained for storage use and shall not be converted into living accommodation.

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

8 Details of all machinery, plant and equipment to be installed at the commercial premises, which is audible at any residential accommodation, shall be submitted to the local planning authority for written approval. These details shall include maximum (L_{Amax}(f)) and average sound levels (L_{Aeq}), octave band noise levels and predicted noise levels at the nearest noise sensitive receivers. Details of any proposed noise mitigation measures, if required, should also be provided. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The

machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenities of adjacent residents

9 Reporting of Unexpected Contamination

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

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

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

10 Flood Risk

The dwellings within Flood Zone 2 shall have finished floor levels set a minimum of 300mm above ground level.

INFORMATIVE: It is also recommended that flood resilient measures are considered in the construction of dwellings in flood zone 2. Further information is available from the Planning Portal. See Guidance on flood resilient design and construction.

Reason: To protect the houses from flooding in accordance with paragraph 103 of the National Planning Policy Framework.

11 The retail premises hereby approved shall only be open to customers between the hours of 07:00 and 22:00 each day of the week.

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

12 Deliveries to commercial premises

The hours of delivery to and dispatch from each commercial premises shall be confined to the following times:

Monday - Saturday 07:00 - 18:00

Application Reference Number: 14/01039/FULM

Item No: 4c

Page 6 of 7

Sundays & Bank Holidays 10:00 - 18:00

REASON: To protect the amenities of adjacent residents

7.0 INFORMATIVES:

Notes to Applicant

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

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

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

This page is intentionally left blank

14/01039/FULM

Spar Stores Turner Close



Scale : 1:529

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

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

Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	28 July 2014
SLA Number	Not Set

This page is intentionally left blank

3.0 CONSULTATIONS

INTERNAL:-

Environmental Protection Unit

3.1 No objection to the proposal providing replacement odour extraction plant is provided for the units presently in take-away use.

Highway Network Management

3.2 Express concerns with regard to the parking layout within the rear yard and requested the submission of a revised layout increasing the allocated spaces by 4. This has now been done.

EXTERNAL:-

Hull Road Planning Panel

3.3 Object to the proposal on the grounds of impact upon the amenity of neighbouring business and residential occupiers and the potential precedent for further even more damaging development.

Neighbour Notification and Publicity

3.4 Four letters of objection and one letter of support have been submitted in respect of the proposal:-

- Concern in respect of the availability of parking and service access for neighbouring businesses;
- Concern over impact upon the operation of existing business occupiers within the building;
- Concern in respect of the impact upon the residential amenity of neighbouring occupiers;
- Concern over impact of the construction process upon neighbouring occupiers;
- Concern in respect of potential increases in anti-social behaviour arising from the proposal;
- Concern in respect of the lack of bin storage for neighbouring businesses;
- Concern in respect of the potential precedent for further damaging development.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

* Impact upon the residential amenity of existing occupiers;

- * layout and usage of rear parking area;
- * impact upon the operation of existing businesses;
- * impacts arising from construction of the proposal.

STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN:-

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

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING OCCUPIERS:-

4.3 Policy GP1 of the York Development Control Local Plan sets out a firm policy presumption in favour of new development which respects or enhances the local environment, is of a density, layout, scale and mass that is compatible with neighbouring buildings, spaces and the character of the area and ensures that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing. Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to the safeguarding and provision of a good standard of amenity for all existing and future occupants of land and buildings.

4.4 The application site presently comprises the poorly maintained parking area and service yard associated with the units directly fronting on to Hull Road. A complex of sheltered housing lies directly to the north and a number of the properties backing on to the site from Melrosegate, notably 277 Melrosegate incorporate some residential accommodation overlooking the rear yard. The yard is presently in a poor state of maintenance with open storage of bins associated with the units facing Hull Road detracting from the amenity of neighbouring properties.

4.5 The ground floor of 277 Melrosegate has two windows overlooking the yard in the vicinity of the proposed extension which would be separated from it by a distance of 3.5 metres, although there is no evidence of it being presently occupied for residential purposes. The scheme as originally submitted would have resulted in a significant and detrimental impact in terms of loss of daylight and loss of aspect. The scheme as amended envisages the formation of a splay at the north western corner of the extension and a sun path diagram has been submitted by the applicant which indicates that any harm can be reduced to an acceptable level providing any extension remains single storey.

4.6 In terms of wider impact concern has been raised in respect of the lack of lighting and a clear storage area for bins associated with the retail units. The proposed works provide the opportunity to create dedicated bin storage within the area of each unit whilst providing a formal layout for the parking and service area. The opportunity arises to provide formal lighting to the rear area at the same time which would lessen the potential for anti-social behaviour and improve the standard of amenity for neighbouring occupiers. It is therefore recommended that any permission be conditioned accordingly. The terms of Policy GP1 of the Development Control Local Plan and paragraph 17 of the National Planning Policy Framework can therefore be complied for.

LAYOUT AND USAGE OF THE REAR PARKING AREA:-

4.7 The rear yard is presently used as a service area for the adjacent units together with limited parking for the units together with contract parking for others. The yard is presently poorly maintained with the location of parking spaces and service bays poorly defined. There is no specific parking allocated for local residents within the site. Concern has been expressed in terms of the loss of parking space within the site arising from the proposal and the potential for displacement on to adjoining side streets. However, the allocated parking level is within the adopted maximum parking standard and the poor standard of maintenance of the site has resulted in an inefficient use of the site to the detriment of the servicing of the adjacent businesses. At the same time there is limited scope for on-street parking in the locality. A formalised parking layout has been submitted by the applicant and providing any permission is conditioned to secure compliance and a formalised bin storage area is provided then the layout and usage of the rear parking area is felt to be acceptable.

IMPACT UPON THE OPERATION OF THE EXISTING BUSINESSES:-

4.8 Concern has been expressed about the impact of the proposed extensions upon the operation of the existing Hull Road units specifically those used for the sale of take away hot food. The proposal is however for the extension of the units and not to create an area of separate use. As such any units remaining in hot food take away use would need to either modify or relocate their existing odour mitigation measures which could be conditioned as part of any permission.

IMPACTS ARISING FROM THE CONSTRUCTION OF THE PROPOSAL:-

4.9 Concern has been expressed in relation to the impact of the construction of the proposed extensions on the residential amenity of neighbouring properties and the operation of the surrounding businesses. It is not within the remit of planning control to resist development because of the impact of construction activity. The Control of Pollution Act 1974 exists to protect residents from the harmful effects of activities including construction. A condition is recommended that would restrict development place to the standard working day.

OTHER ISSUES:-

4.10 Concern has been expressed in respect of the potential of the proposal to increase crime and anti-social behaviour in the locality following on from concerns previously expressed in relation to a proposal to erect student housing at the site(ref:12/01338/FUL) which was subsequently withdrawn. That was however a fundamentally different proposal envisaging the erection of 46 residential units. The current proposal is simply to extend the existing ground floor retail units. The re-ordering of the yard area would at the same time create the opportunity for the provision of lighting and also for a formalised bin store that would to an extent lessen the opportunities for crime and anti-social behaviour.

4.11 Concern has also been expressed that the proposal would set a precedent for other more damaging development within the yard including the resubmission of the previous proposal for student housing. The proposal being considered relates solely to the provision of additional space for the existing business activities and the applicant's reported intentions towards the upper floors of the existing building are not material to the determination of the proposal.

5.0 CONCLUSION

5.1 Matmer House comprises a two storey curtain wall clad development comprising retail units with offices above lying to the north of Hull Road and to the south east of the City Centre. Planning permission is sought for a single storey rear extension to the existing retail units 1 to 7 in to the existing parking and service yard. Each extension would be some 4 metres wide and extend back some 6 metres from the rear of the existing premises. The existing parking and servicing yard is poorly maintained and detracts from the wider amenity of the area. Concern has been expressed in terms of the impact of the proposal upon the residential amenity of nearby properties. The proposal is however single storey and has been amended to ensure that the impact upon adjacent properties notably 277 Melrosegate can be restricted to an acceptable level. At the same time the proposal creates the opportunity to regularise the layout of the yard whilst providing formal bin storage and lighting.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

Drawing Refs: - MATMER 005 REV and MATMER 002 REV A Date Stamped 23rd July 2014

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

3 VISQ1 Matching materials -

4 All demolition, construction works and other ancillary activities 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.

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

5 Details of all machinery, plant and equipment to be located within the extensions hereby permitted which is audible outside of the boundary when in use shall be submitted to the Local Planning Authority for approval. These details shall include maximum (LA max (f)) average sound levels (LA eq) and octave band noise levels along with any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site otherwise than in accordance with the written approval of the Local Planning Authority. The machinery, plant and equipment and any noise mitigation measures shall be fully implemented and operational prior to the extension hereby authorised being first occupied and shall be maintained as such thereafter.

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

6 There shall be adequate facilities for the treatment and extraction of cooking and other odours. Full details of the extraction machinery, plant and filtration systems shall be submitted to and approved in writing before the development hereby authorised is commenced. Once approved it shall be fully installed and operational prior to the extensions hereby authorised being first brought into use and shall be maintained as such thereafter.

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

7 HWAY18 Cycle parking details to be agreed -

8 HWAY19 Car and cycle parking laid out -

Application Reference Number: 14/01149/FUL

Item No: 4d

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 LPA. Such a statement shall include the following information;

- Traffic Management Plan to demonstrate how it is proposed to ensure the continued flow and safety of lawful users of the highway.
- 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.
- How the car parking will be managed throughout the construction to retain adequate car parking for residents if applicable, staff and customers of the buildings currently utilising the car park.

Reason: - To safeguard residential amenity, highway safety and the free flow of traffic and to secure compliance with Policy GP1 of the York Development Control Local Plan

10 Prior to the commencement of the development hereby authorised full details of the proposed bin stores including details of the means of enclosure and any gates shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

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

11 Prior to the commencement of the development hereby authorised full details of any lighting including security lighting with details of numbers, locations and design of fittings to be erected within the rear car park and passage way shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

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

**7.0 INFORMATIVES:
Notes to Applicant**

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

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

- i) Clarification of the proposed car parking layout to the rear yard;
- ii) Amendment to the design of the proposed extension to Unit 1;
- iii) The submission of a sun path diagram in respect of the relationship with 277 Melrosegate.

Contact details:

Author: Erik Matthews Development Management Officer
Tel No: 01904 551416

14/01149/FUL

Matmer House Hull Road



Scale : 1:529

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

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

Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	28 July 2014
SLA Number	Not Set

This page is intentionally left blank

COMMITTEE REPORT

Date: 7 August 2014 **Ward:** Dringhouses and Woodthorpe
Team: Major and Commercial Team **Parish:** Dringhouses/Woodthorpe Planning Panel

Reference: 14/00790/GRG3
Application at: Acomb Wood Acomb Wood Drive York
For: Construction of additional footpath from Ashbourne Way to Quaker Wood Pub and extension of existing path from Girvan Close to Lomond Ginnel
By: City of York Council
Application Type: General Regulations (Reg3)
Target Date: 29 May 2014
Recommendation: Approve under General Regs 3 Council Dev

1.0 PROPOSAL

1.1 The application seeks permission to form a new pedestrian footpath through Acomb Wood to link Ashbourne Way and The Quaker Wood PH entrance and to extend the existing path from the Given Close entrance to Lomond Ginnel.

1.2 The application is reported to Sub-Committee because it has been submitted by the City Council and an objection has been received.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175
Schools GMS Constraints: Woodthorpe Primary 0239

2.2 Policies:

CYGP1 Design
CYT2 Cycle pedestrian network
CYNE1 Trees, woodlands, hedgerows
CYGP15 Protection from flooding

3.0 CONSULTATIONS

INTERNAL

Flood Risk Management Team

3.1 The development is in low risk Flood Zone 1 on the basis the footpath is constructed of porous materials no objections are raised.

Design, Conservation and Sustainability

3.2 No objections but request a construction detail condition

EXTERNAL

Dringhouses/Woodthorpe Planning Panel

3.3 No objections

Neighbour Notification/Publicity

3.4 One letter of objection on the grounds that the path is not of a natural material and would disfigure the wood. It would also lead to drunken revellers returning from the Quaker Wood and cyclists and motorcyclists using it as a race track. It will also give better access to fly tippers.

4.0 APPRAISAL

4.1 Key issues:

- Visual impact
- Neighbouring amenity
- Trees
- Drainage

4.2 The National Planning Policy Framework (NPPF) (March 2012) sets out the Government's overarching planning policies. It sets out the importance of good design in making places better for people and emphasises that development that is inappropriate in context or fails to take the opportunities available for improving an area should not be accepted. High quality and inclusive design should create well-mixed and integrated developments which avoid segregation and have well planned public spaces that bring people together and provide opportunities for physical activity and recreation.

4.3 The York Development Control draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF.

4.4 The relevant City of York Council Policies are GP1, T2, NE1 and GP15a. Policy GP1 states that development proposals will be expected to (i) respect or enhance the local environment; (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.5 Policy T2B states that consistent well connected cycle routes and dedicated pedestrian and cycle route networks are supported in accordance with both the City Of York Highway Design Guide and the Intuition of Highways and Transportation, "Providing for Journeys on Foot".

4.6 Policy NE1 seeks to protect trees, woodlands and hedgerows which are of landscape, amenity, nature conservation or historical value by refusing development proposals which will result in their loss or damage.

4.7 Policy GP15a amongst other criteria states that all applications in the low to medium risk(2) or high risk(3) areas should submit a Flood Risk Assessment (FRA) providing an assessment of additional risk arising from the proposal and the measures proposed to deal with these effects. Developers must satisfy the Local Planning Authority that any flood risk will be successfully managed with the minimum environmental effect and ensure that the site can be developed, serviced and occupied safely.

SCHEME

4.8 The application seeks permission to create a new pedestrian footpath through Acomb Wood and extend an existing one. The new path would follow an existing desire line which has been created by pedestrians using the wood as a cut through from Ashbourne Way and the Quaker Wood Public House. The path would measure approximately 370m in length. It would run under the canopy of the existing trees but would only run in close proximity to the rear boundary of approximately 6 dwellings.

4.9 The extension to the existing footpath would only run for approximately 45m and again would follow the route of an existing desire line which is clearly visible on site and runs through an open grass area.

4.10 The footpath would be formed of a geotextile membrane which will be laid on top of the existing ground level. Up to 150mm of porous crushed recycled building material will be laid on top and held in place by timber edging. The edging will be held in place by metal or wooden stakes. The surrounding ground level would be re-profiled to the timber edging to prevent a trip hazard.

4.11 At present, whilst the path is established, it is very damp and muddy under foot. The area is extensively used as a cut through and by dog walkers. The raising of the path and the formation of a hard surface would enable the route to be more accessible and easier to negotiate when the weather is inclement.

TREES

4.12 The proposed footpath will follow the route of the existing desire line through the wood. As the route is already well trodden the land is relatively well compacted and follows a natural route avoiding low branches and low lying foliage. As a result there will be no requirement to lop any branches or remove any of the trees from site in order to facilitate the footpath.

4.13 The construction method of the footpath also means that there will be no impact upon the rootzone of the existing trees on site and there would be no excavation works involved.

DRAINAGE

4.14 The proposed development is in a low risk of flood Zone 1. The site is relatively flat in nature and is served by a number of field drains which run through the site. As the proposed surface is to be porous there would be no surface run off and as such no issues are raised.

RESIDENTIAL AMENITY

4.15 In terms of residential amenity the proposed foot path would be separated from the rear boundaries of the dwellings at a distance of approximately 8m. High timber fences and retained vegetation are present to these rear boundaries. It is considered that there would be little impact upon residential amenity particularly bearing in mind that the route where the footpath would be located is already heavily used as a cut through by pedestrians and the surfacing of the path would be unlikely to attract additional visitors.

4.16 Concerns have been expressed that the path would encourage motorcyclists to use the woods as an amenity area.

However, it is considered that as the route is already present and well established and the land is already compacted, making riding easy, the laying of a loose gravel path would be unlikely to attract users to the area.

In addition the access to the path close to Ashbouorne Way, closest to the residential properties, is not sufficiently wide enough to allow for a motorcycle to access the site.

5.0 CONCLUSION

5.1 It is considered that the proposed path would not have any detrimental impact upon the amenities of nearby residential properties and the surfacing would not have any detrimental impact upon the character of the area.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve under General Regs 3 Council Dev

1 TIME2 Development start within three years -

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

Drawing 'Proposed Path Acomb Wood, Method Statement for Acomb Wood Footpath and Flood Risk Assessment

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

3 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a construction detail for the no-dig footpath with special regard to the protection of the existing trees.

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

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH
In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application.

In order to achieve a positive outcome The Local Planning Authority attached appropriate conditions to the planning permission.

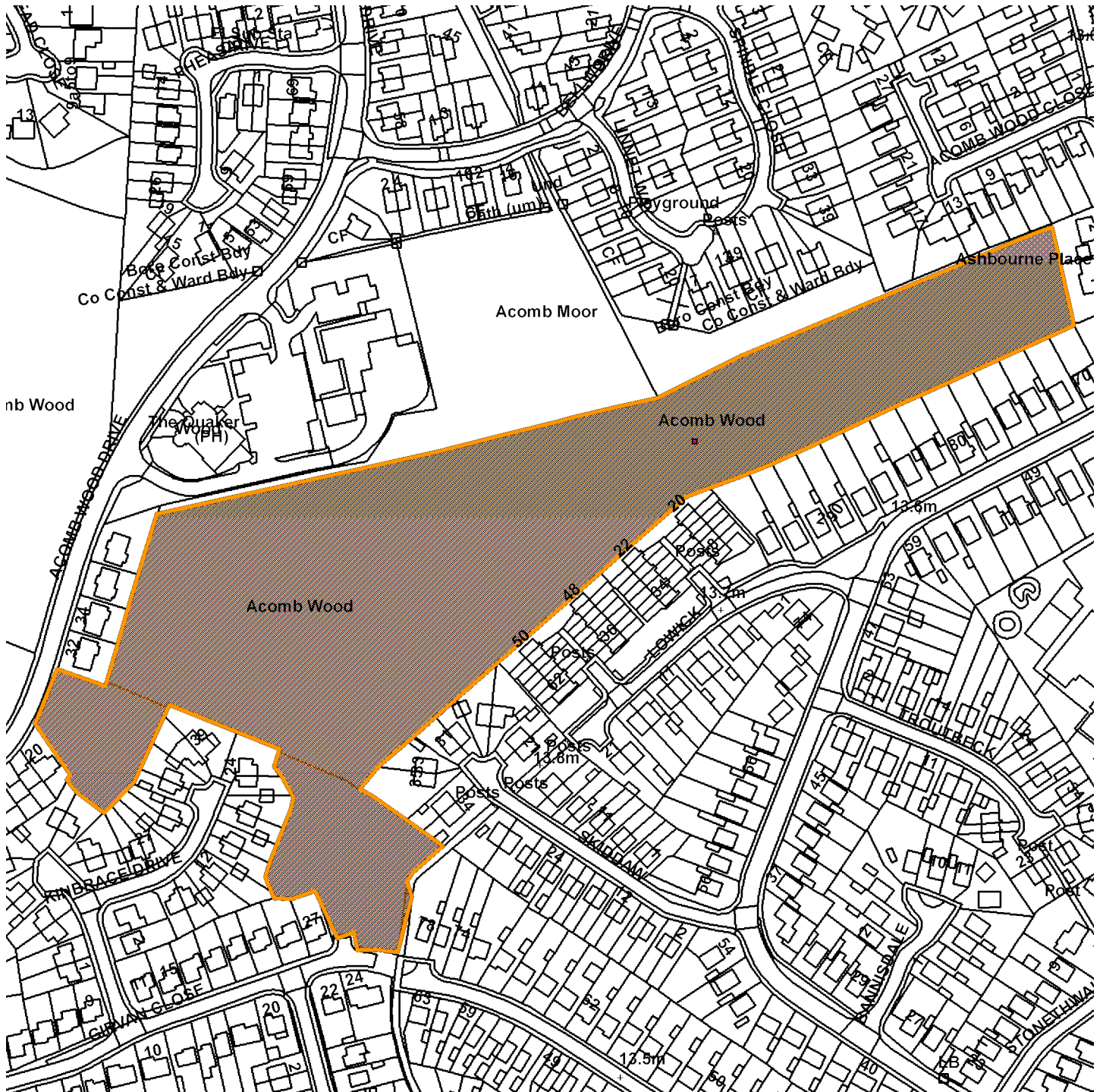
Contact details:

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

Tel No: 01904 552217

14/00790/GRG3

Acomb Wood Acomb Wood Drive



Scale : 1:2451

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

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

Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	28 July 2014
SLA Number	Not Set

This page is intentionally left blank

COMMITTEE REPORT

Date: 7 August 2014 **Ward:** Dringhouses and Woodthorpe
Team: Major and Commercial Team **Parish:** Dringhouses/Woodthorpe Planning Panel

Reference: 14/01191/FUL
Application at: Garage Court Site at Chaloners Road York
For: Residential development to include 6no. apartments and 2no. houses with associated parking and landscaping
By: City Of York Council
Application Type: Full Application
Target Date: 17 July 2014
Recommendation: Approve

1.0 PROPOSAL

1.1 The site is a garage site situated between existing two storey residential properties on Chaloners Road. It contains 15 no. garages set back within the site behind a grassed and tarmac forecourt. The rear of the site and the northern boundary are overgrown and there is an electricity sub station in the north east corner. The site is situated in a residential area and is bounded to the rear by Hogg's Pond.

1.2 The proposal seeks to demolish the garages and erect a residential development containing 2 no. two bed houses and 6 no. 2 bed apartments. The application is made by Housing Services and the apartments would all be for social rent (although Housing Services do not know if they will form part of the downsizing provision for the over 55s as yet). 6 no. car parking spaces would be provided. Amenity space would be provided to the rear; including gardens for the houses and shared amenity space for the apartments. The sub station would be relocated to the front (south west) corner of the site.

1.3 Consultation was undertaken at a Public Information Event on 16th April, prior to the application being submitted. There was general support for the scheme and comments made on the loss of the tarmac area for overspill parking and a reduction in roof height of the proposal. Attendees were advised that comments could be made through the formal planning process.

1.4 The site is not allocated in the City of York Development Control Local Plan. The proposal represents a housing windfall and Policy H4a applies. The site falls within Flood Zone 3.

1.5 A revised site plan has been submitted showing the sub station set back slightly within the site, so that the door would not open onto the footpath.

1.6 The application is reported to Sub-committee as the City Council is the applicant and an objection has been received.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

Floodzone 2 GMS Constraints: Flood zone 2

Floodzone 3 GMS Constraints: Flood zone 3

2.2 Policies:

CYGP1	Design
CYGP3	Planning against crime
CYGP4A	Sustainability
CYGP9	Landscaping
CYH4A	Housing Windfalls
CYT4	Cycle parking standards
CYED4	Developer contributions towards Educational facilities
CYL1C	Provision of New Open Space in Development
CGP15A	Development and Flood Risk

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highways Network Management

3.1 No objections. We do not expect a material increase in traffic generation following the change of use. Car parking for 6 off street spaces will be provided as part of the scheme. In addition there is unrestricted parking on the carriageway fronting the development for 3 cars. Car parking satisfies CYC's Annex E standards. Cycle parking has not been fully detailed, but may be conditioned.

3.2 Parking for the substation maintenance vehicles will be accommodated on the public highway verge due to the infrequent nature of the access to the sub station. We require the developer to provide permanent reinforcement of the highway verge fronting the new sub station to protect the grass and tree. Details of the reinforcement/tree protection will need to be conditioned and to the satisfaction of our landscape architect due to the proximity of the street tree.

Landscape Architect

3.3 Any comments will be reported verbally.

Flood Risk Management Team

3.4 Raise no objections, but require the imposition of conditions. The site is within Flood Zone 3, and a Flood Risk Assessment (FRA) has been submitted for approval to the Environment Agency (EA). Based on the submitted FRA the Environment Agency raise no objections. Conditions should be applied in respect of foul and surface water drainage works, including piped surface water discharge prior to the completion of works.

Environmental Protection Unit (EPU)

3.5 Do not object but raise concerns in respect of land contamination and require a number of conditions regarding investigation, remediation, verification and dealing with unexpected contamination. Concerns are also raised in relation to construction and the impact upon neighbours and the demolition and construction informative should be applied.

Educational Planning

3.6 This development is in the catchment area for Woodthorpe Primary and York High. Both schools have capacity available and a contribution in line with Policy ED4 is not required.

Communities Culture and the Public Realm

3.7 As there is no on site open space provided with the proposal, a commuted sum of £7,524 should be paid to the Council to improve amenity space at a local site such as Chapmans Pond; play space at a local site such as Woodthorpe Green And sports pitches, to improve a facility within the West Zone of the Sport and Active Leisure Strategy.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Dringhouses and Woodthorpe Planning Panel

3.8 Support the scheme.

Environment Agency

3.9 Based on the information submitted we have no objections to the application. The application site is currently located in Flood Zone 3 on our flood maps, but we are satisfied with the information submitted, which can allow us to consider the site at having a low probability of flooding from rivers and sea. We have checked the topographical survey against our data for the area and we are confident that it is accurate. All surface water drainage details must be agreed with City of York Council's Drainage Engineers. If discharging to a Yorkshire Water Sewer then the applicant must also agree surface water drainage details with Yorkshire Water. If the proposals lead to an input of surface water into a watercourse under the control of the Internal Drainage Board (IDB), the surface water discharge rate and associated attenuation must also be agreed with the IDB.

3.10 A formal flood map challenge would be needed in order for us to take the site out of Flood Zone 3 in our flood maps. Nonetheless the submitted information with the application demonstrates the site to be at low probability of flooding from rivers and sea, therefore this should be taken into consideration as part of any sequential test. Yorkshire Water should be consulted in respect of the foul drainage connection, however, if a non-mains solution is to be considered we should be re-consulted.

Yorkshire Water

3.11 Comment that drainage details as submitted are not currently acceptable, but this can be dealt with by condition. Details of foul and surface water disposal should be submitted for approval, there should be no piped discharge from the site and no dwelling occupied until approved works have been implemented.

Ainsty Internal Drainage Board (IDB)

3.12 Object to the application as the level of information is insufficient to consider the proposal. Should the Local Planning Authority be minded to approve the application, a condition regarding surface water disposal is recommended.

Police Architectural Liaison Officer

3.13 Ongoing discussions have been held with the applicant. No concerns are raised, the proposal will easily achieve the Secured by Design Award. A buffer zone of 'defensible space' planting should be provided to the front of the two storey dwellings. The electricity sub station building could be protected from damage (graffiti) by providing a buffer zone around it using defensive planting. The planting of a natural hedge along the Hogg's Pond boundary would be more in keeping with

the setting, but a temporary protective fence should be provided until this hedging becomes established.

Northern Power Grid

3.14 No response to date.

National Grid Transco

3.15 No response to date.

Publicity and Neighbour Notification

3.16 One objection has been received. The redevelopment of the site for housing is supported, but the scale, layout and design including roof shape of the proposal would be at odds with the area which is represented by traditional two-storey brick buildings. The footprint of the building does not follow the building line.

4.0 APPRAISAL

4.1 KEY ISSUES

- The principle of development
- Design and visual appearance
- Residential amenity of surrounding and future occupants
- Highways
- Flood Risk and drainage
- Sustainability
- Open space and education provision

PLANNING POLICY

4.2 The York Development Control draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF.

4.3 The National Planning Policy Framework (NPPF) indicates a strong presumption in favour of sustainable development and at para 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social, and environmental.

These roles should not be undertaken in isolation, because they are mutually dependent.

4.4 The core principles within the NPPF states always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; use of previously developed land is encouraged. The Framework places strong importance on significantly improving the supply of quality affordable and market housing to meet needs.

PRINCIPLE OF THE PROPOSED DEVELOPMENT

4.5 National policy requires Local Planning Authorities to significantly boost housing supply and to meet the need for affordable housing. The application has been made by Housing Services and the 6 no. apartments and 2 no. houses would be for social rent and it is recognised that they would contribute to meeting the identified need for affordable homes across the City.

4.6 The site is located in a sustainable location suitable for the development of residential properties as it is situated within an existing residential area with links to shops, amenities and public transport. As a garage site, it is also classed as previously developed land, where policy steers new development. The site is not allocated in the York Development Control draft Local Plan and therefore Policy H4a, Housing Windfalls, applies. This Policy seeks to ensure that windfall housing development is located within the urban area and in a sustainable location. These expectations are met and in principle, the proposed use is compliant with both national and local policy. The detailed requirements of Policy H4a, in terms of context and landscape, and other national and local policy expectations are considered below.

DESIGN AND VISUAL APPEARANCE

4.7 The NPPF advises that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. In terms of housing design and layout the NPPF requires development that is safe, accessible, fit for purpose, responds to local character and context and/or is of innovative design. York Development Control draft Local Plan policy GP1 refers to design, for all types of development. It states that development proposals will be expected to, respect or enhance the local environment.

4.8 A Supporting Design Statement has been supplied with the application and it is noted that the Housing Team state that they are keen to pursue a contemporary design whilst also meeting functional requirements.

4.9 The surrounding context is generally characterised by traditional two-storey brick dwellings, however, there are a small number of 3 storey properties within the locality, for example apartments on Chaloners Road to the north, and at the shop near to the roundabout on Moor Lane. Properties in the vicinity have a variety of roof styles including pitched roofs (varying in steepness) and roofs with gable features. Dwellings are mainly constructed in brick, with some stone cladding and render. Chaloners Road itself is characterised by wide grassed verges containing mature street trees, dwellings have gardens fronting the road and it is noted that the building line is not rigidly uniform.

4.10 The proposed development would fit within the site between the gable ends of existing properties with acceptable separation distances (2 m and 5.8 m) meaning that the resultant layout would not appear cramped. The two proposed dwelling houses at either side of the apartments would have traditional pitched roofs and the ridge heights would be of a similar scale to the existing adjacent two-storey properties. The additional storey of the apartments at the centre of the block would have a low mansard roof, reducing the impact of the overall scale of the block so that it would read more as a two and half storey development and as such it would not appear over dominant within the context. Moreover, the building would be set back behind the existing building line and as a result it would not be unduly prominent within the streetscene. The sub station would be moved to the front of the site and it is considered that it could be successfully integrated into the scheme with appropriate landscaping.

4.11 The appearance of the apartment block would be contemporary. The apartment building would have a staggered footprint and it would be sub divided vertically with materials, breaking up the mass of the building. Proposed materials include red and brown terracotta cladding and render. Detailing includes grey clad feature entrance canopies. Roof materials would be grey roof tiles to match existing. Details of materials and samples should be conditioned to ensure assimilation into the wider area.

4.12 Three trees in the highway verge at the front of the site will be retained as part of the scheme and one in the forecourt area would be removed to make way for the sub station. A number of trees would be removed from the overgrown rear of the site, although two mature trees on the boundary would be retained. A hedge would be planted to the rear boundary to integrate with the more rural Hogg's Pond area and additional hedge planting would be required to integrate the sub-station into the scheme to create defensible space. To this end a landscaping scheme should be conditioned. Although a number of trees would be removed as part of the scheme, in the main amenity trees that will soften the development within its setting will be

retained, and it is considered that the proposals meet requirements of national and local policies.

4.13 The development adheres to secure by design principles for residential developments and no concerns have been raised by the Police Architectural Liaison Officer. A number of conditions are proposed relating to boundary treatments, to ensure the site is secure whilst hedging becomes established. Policy GP1 is satisfied in this respect.

4.14 The proposal would be of innovative design, adding interest to the street scene without being unduly prominent within its context. Taking the above into account, the proposals would accord with local policies GP1, H4a and with national requirements as outlined by the NPPF.

THE AMENITY OF SURROUNDING AND FUTURE OCCUPIERS

4.15 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. Planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. York Development Control draft Local Plan policy GP1 requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.16 The nearest neighbours to the site are 24 Chaloners Road to the north and apartments numbered 4-10 Chaloners Road to the south. It is noted that no objections have been received from any of these occupiers.

4.17 Both of the existing properties are two-storey and the scheme proposes that the two-storey houses with traditional pitched roofs of similar ridge height would be sited adjacent to these properties. The footprint of the proposed building would be sited in a similar position to the apartments at 4 - 10 with a separation gap of 5.8 metres. Due to this and the position to the north it is not considered that the building would be overbearing, nor would it cause overshadowing. There would be no windows in gable elevations and the rear balconies of the apartments in the middle of the block would have side privacy screens.

4.18 The proposed development would be set back from the frontage of Number 24 and the foot print of the proposed two storey house would extend some 5 metres behind the original rear elevation of that property. It is noted that Number 24 has a two storey extension built to the boundary and there would be a 2 metre separation distance from this extension to the two-storey element of the scheme, and a 5 metre separation distance to the original house. The extension has a garage on the ground floor and there is a large single storey timber outbuilding behind it tight up to the boundary. The outbuilding would reduce the impact of the proposal and there is a

wide useable garden area north and east of this outbuilding which would not be significantly affected by the scheme.

The proposed residential development would be sited to the south of number 24, however, it is noted that 24 is already significantly shaded by large trees/over grown hedging to this boundary and that they would be removed as part of the scheme creating a more open outlook. There are no windows proposed in the gable elevations and balconies proposed to the apartments would have side privacy screens. It is not therefore considered the proposal would have a significant adverse impact upon number 24 in terms of over dominance, overshadowing or loss of privacy.

4.19 In terms of the amenity of future occupiers, each property would have access to sufficient amenity space at the rear and there would be a refuse storage area on the southern boundary.

4.20 Taking the above into account it is not considered that the amenity of existing or future occupiers would be adversely affected by the proposals and the scheme complies with national and local policy requirements.

HIGHWAYS

4.21 Access to the site would be taken from two points on Chaloners Road which would lead directly to 6 no. parking spaces set in two blocks of 3 parking spaces.

4.22 The scheme seeks to demolish 15 no. garages. A survey of the garages revealed that 3 are vacant and 6 are occupied by people living between 0.4 and 2.2 miles away which would be unlikely to result in displacement onto adjacent roads. Housing Services state that they will seek to re-provide garages in the local area for owners who still require them. It is also noted that there is unrestricted carriageway parking in the vicinity. Following an assessment of this information, no objections have been raised by Highways Network Management to the loss of the garages. Highways Network Management note that the scheme would not result in a material increase in traffic and that level of car parking proposed within the development is in accordance with CYC Annex E maximum standards.

4.23 Cycle parking spaces are proposed inline with requirements, 6 for the apartments and separate spaces for each house. Details of the provision including the design of the units should be conditioned. The proposal meets the requirements of Policy T4 in this respect.

4.24 Subject to the imposition of conditions as requested by Highways the proposal is considered to comply with national and local requirements contained in the City of York Local Plan.

FLOOD RISK

4.25 In terms of flood risk the NPPF adopts a sequential approach where development is steered away from areas of high flood risk to areas of lower risk. It is noted that current Environment Agency plans show that the site lies within Flood Zone 3 and in accordance with guidance the applicant has undertaken Sequential and Exception Tests. However, modelling has been undertaken by Atkins which demonstrates that the site should in fact be in Flood Zone 1 and this has been accepted by the Environment Agency. Furthermore the submitted Sequential Test demonstrates that Housing Services have assessed numerous sites City wide in order to identify deliverable development sites for social housing purposes, (this site being one) and The Exception Test outlines the modelling which demonstrates that the site is in fact at a low risk of flooding.

4.26 No objections have been raised by the Flood Risk Management Team and they recommend that the foul and surface water drainage schemes be agreed. This can be dealt with by condition. Taking the above into account the proposal is in accordance with the provisions of the NPPF.

SUSTAINABLE DESIGN AND CONSTRUCTION

4.27 Although the proposal falls out side the requirements of the York's Design and Construction document (IPS) due to its size, Housing Services have committed to design and construct homes to Level 4 of the Code for Sustainable Homes which is welcomed.

OPEN SPACE AND EDUCATION PROVISION

4.28 Policy L1c of the York Development Control draft Local Plan states developments for all housing sites will be required to make provision for the open space needs of future occupiers. Policy ED4 advises that in considering proposals for residential development any consequences for existing schools will be assessed. Educational Planning state that places are available at catchment schools and therefore a contribution would not be required to local schools. Communities Culture and the Public Realm require a contribution of £7, 524 to be made towards open space, play and sports facilities. A letter has been received from Head of Housing Services confirming provision.

5.0 CONCLUSION

5.1 The site is brown field site in a sustainable location near to local shops, amenities and public transport links and it would, in principle, be suitable for redevelopment for housing purposes. It is noted that the Environment Agency accepts the submitted modelling demonstrating that the site is in fact at a low risk of flooding. The proposal would deliver affordable homes (built to Code Level 4) of the type needed within the City. In design terms, the scheme would be contemporary

and it is considered that it would be of innovative design adding interest to the streetscene. There would be no adverse effect on highway safety and no significant adverse effects upon the amenity of surrounding residents.

5.2 Because the City Council can not enter into a Section 106 Agreement with itself, a letter has been provided by the Head of Housing Services confirming that the a contribution of £ 7,524 towards amenity space and sports facilities in the locality will be made.

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:-

5124500-ATK-DWG-(20)-ARC-012 proposed elevations

5124500-ATK-DWG-90-ARC-001 existing site plan

5124500-ATK-DWG-90-ARC-002 Rev C proposed site plan

5124500-ATK-XX-XX-DWG-(20)-ARC-011 proposed floor plans

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

3 Prior to the commencement of development, a Phase 2 Land Contamination Report and risk assessment shall be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons. A written report of the findings, including remediation measures where necessary, shall be produced, submitted to and approved in writing of the Local Planning Authority. The report shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Prior to the first occupation of the apartments agreed remediation measures shall be carried out and a verification report demonstrating the effectiveness of the remediation carried out must be produced and approved in writing by 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.

4 Prior to the commencement of development, details of foul and surface water

Application Reference Number: 14/01191/FUL

Item No: 4f

Page 11 of 15

drainage works shall be submitted to and approved in writing by the Local Planning Authority and the subsequent drainage schemes shall be carried out in accordance with these approved details prior to first occupation.

- i. In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency, Yorkshire Water and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on l/s/ha of proven connected impermeable areas).
- ii. Storage volume calculations, using computer modelling must be provided, and must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. The full range of modelling should be provided.
- iii. Site specific details of the flow control device manhole limiting the surface water to the above rate.
- iv. Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.
- v. Proposed ground and finished floor levels to Ordnance Datum shall be shown on plans. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.
- vi. Details of any off-site works.

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

5 Unless otherwise approved in writing by the Local Planning Authority there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: So that the Local Planning Authority may be satisfied that no surface water discharges take place until proper provision has been made for their disposal.

6 Prior to the development commencing details of the cycle parking and refuse storage areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking, refuse storage areas and means of enclosure have been provided

within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles and refuse storage.

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

7 HWAY17 IN Removal of redundant crossing -

8 HWAY19 Car and cycle parking laid out -

9 HWAY40 Dilapidation survey -

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

Monday to Friday 08:00 to 18:00

Saturday 09:00 to 13:00

Not at all on Sundays and Bank Holidays.

REASON: To protect the amenities of adjacent residents

11 VISQ8 Samples of exterior materials to be app -

12 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

13 Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles

and storage of materials, location of marketing cabin. It shall also include construction details and existing and proposed levels, where a change in surface material is proposed within the canopy spread and likely root zone of a tree.

Reason: To protect existing trees which make a significant contribution to the amenity of this area.

14 VISQ4 Boundary details to be supplied -

15 Detailed drawing of the balconies to the apartments showing the privacy screens shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be implemented in accordance with the written approval before the development is occupied.

Reason: To prevent loss of privacy in the interests of the residential amenity of adjacent neighbours.

16 Details of the permanent reinforcement of the highway verge fronting the new sub station shall be submitted to and approved in writing by the Local Planning Authority. Details shall include protection measures for the adjacent tree. The scheme shall then be implemented in accordance with the written approval, prior to first occupation of the dwellings.

Reason to ensure that the grass verge can accommodate parking for sub station access in the interests of highway safety.

17 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 LPA. The statement shall include the following information:

- Traffic Management Plan to demonstrate how it is proposed to ensure the continued
- flow and safety of lawful users of the footpath/ highway;
- 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
- public right of way.

The method of works shall then be implemented in accordance with approved details.

Reason in the interests of pedestrian and highway safety.

**7.0 INFORMATIVES:
Notes to Applicant**

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

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

2. 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 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Section 184 - Stuart Partington (01904) 551361

3. INFORMATIVE Control of Pollution Act 1974

Contact details:

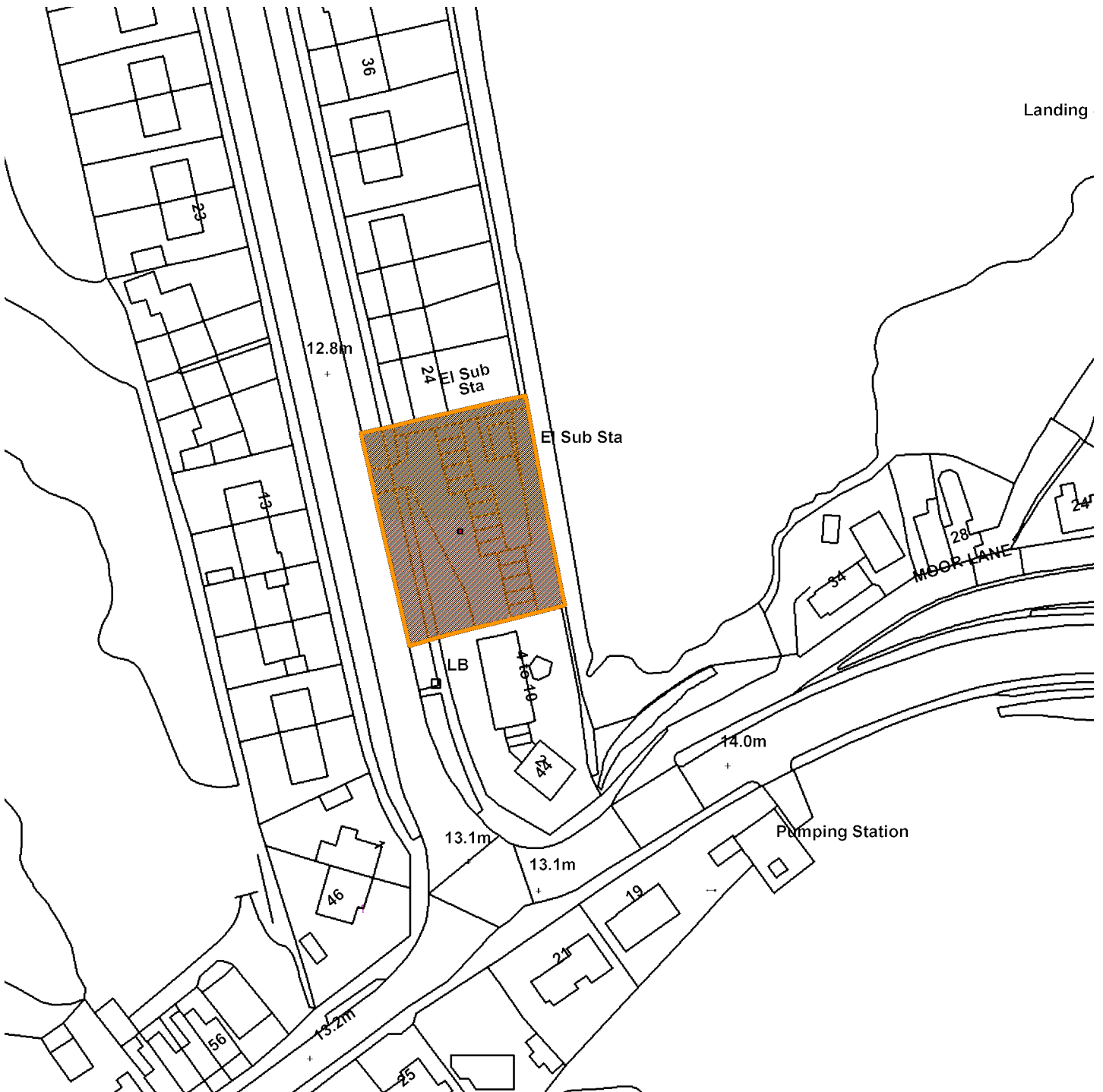
Author: Clare Davies Development Control Officer

Tel No: 01904 553738

This page is intentionally left blank

14/01191/FUL

Garage Court site at Chaloners Road



Landing

Scale : 1:1059

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

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

Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	28 July 2014
SLA Number	Not Set

This page is intentionally left blank



Planning Sub Committee

7 August 2014

Planning Committee

28 August 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 April to 30 June 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 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 April to 30 June 2014, and for the 12 months 1 July 2013 to 30 June 2014.

Fig 1: CYC Planning Appeals Performance

	01/04/14 to 30/06/14 (Last Quarter)	01/07/13 to 30/06/14 (Last 12 months)
Allowed	2	10
Part Allowed	2	4
Dismissed	7	23
Total Decided	11	37
% Allowed	18%	27%
% Part Allowed	18%	11%

Analysis

- 5 The table shows that between 1 April and 30 June 2014, a total of 11 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 2 were allowed. At 18% the rate of appeals allowed is below the national annual average of around 33% and lower than our previous quarter figure of 42%. By comparison, for the same period last year, 1 out of 7 appeals were allowed.
- 6 For the 12 months between 1 July 2013 and 30 June 2014, 27% of appeals decided were allowed, lower than the previous corresponding 12 month period of 36%.
- 7 The summaries of appeals determined between 1 April and 30 June 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, two appeals related to applications refused by committee.

Fig 2: Appeals Decided 1 April to 30 July 2014 following Refusal by Committee

Ref No	Site	Proposal	Outcome	Officer Recom.
13/00760/FUL	Country Park, Pottery Lane, Strensall	Winter storage of up to 30 touring caravans	Dismissed	Refuse
13/03642/FUL	34 Eastward Avenue	Porch to front with Juliette balcony screen above	Dismissed	Approve

- 8 The list of current appeals is attached at Annex B. There are 13 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. The Public Inquiry is due to start on 14 October 2014.
- 9 The quarter performance at 18% allowed is lower than for recent quarters. The current 12 month performance at 27% allowed is a significant improvement on the figure for July 2012 – June 2013 (36%), and is a continuation of the trend back towards the national ‘benchmark’ figure of 33% allowed and is better than the National average. 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.
- 10 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

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

Council Plan

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

Implications

- 13 Financial – There are no financial implications directly arising from the report.
- 14 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.
- 15 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 16 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

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

Recommendation

- 18 That Members note the content of this report.

Reason

- 19 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 July 2014

Specialist Implications Officer(s) None.

Wards Affected:

All Y

For further information please contact the author of the report.

Annexes

**Annex A – Summaries of Appeals Determined between 1 April 2014
and 30 June 2014**

Annex B – Outstanding Appeals at 27 July 2014

This page is intentionally left blank

Appeal Summaries for Cases Determined 01/04/2014 to 30/06/2014

Application No: 13/00760/FUL
Appeal by: Miss Raquel Nelson
Proposal: Use of land for winter storage of up to 30 touring caravans
Address: Country Park Pottery Lane Strensall York YO32 5TJ

Decision Level: CMV
Outcome: DISMIS

The application site comprises a large touring caravan site with a seasonal restriction that was initially given planning permission in 2005 within the Green Belt to the north of Strensall village. The caravan use has not been fully implemented and the site has been the subject of a number of applications in recent years. On this occasion planning permission was sought for the usage of the southern section of the site for storage of caravans ostensibly in association with the principle caravan site use. It was argued that the proposed caravan storage use including maintenance and valeting would be ancillary and that the southern section of the site would be more sheltered in long and short distance views from outside of the site. It was felt that the proposal amounted to inappropriate development within the Green Belt and in the complete absence of any case for "very special circumstances" the proposal was refused. The Appeal Inspector carefully noted that the caravan site had not been fully implemented and that the proposal could not therefore plausibly be argued as ancillary to its operation. At the same time he agreed that the proposal constituted inappropriate development within the Green Belt and that it would cause significant harm to its openness. No detailed case to support the proposal had been brought forward and it was felt that no clear functional link had been established with the caravan site use. It was noted that no evidence of commercial need for the proposal had been brought forward based upon the viability of the site and whilst the potential benefits in terms of retaining summer staff all year had been highlighted no support had been given to justify this. Overall it was felt that insufficient justification had been brought forward to outweigh the harm caused by the inappropriateness of the development to the open character of the Green Belt and the appeal was therefore dismissed.

Application No: 13/02607/FUL
Appeal by: Mrs V Dobson
Proposal: Single storey side extension forming domestic utility room and hairdressing salon (retrospective)
Address: 5 Lund Close Wigginton York YO32 2WU

Decision Level: DEL

Outcome: PAD

The appeal was part allowed / part dismissed, with the extension itself, which the LPA did not object to, being given retrospective consent, but the use as a hair dressing salon being refused. The Inspector considered that one of the key issues was the impact on the living conditions of the neighbouring property of No.7 Lund Close. The inspector noted the shared driveway into this small cul-de-sac, which runs directly past the front elevation of No.7 Lund Close, in order to access the application property. The inspector cited visual intrusion, disturbance from engine noise, car headlights from approaching vehicles (during winter months) He considered that even if the number of appointments were limited, it would result in significantly more disturbance than could be reasonably expected from normal residential use.

Application No: 13/03083/FUL
Appeal by: Sainsbury's Supermarkets Ltd
Proposal: Installation of a replacement door and glazing
Address: Sainsbury At Jacksons 212 - 214 Fulford Road York YO10 4DX

Decision Level: DEL

Outcome: ALLOW

The appeal related to the refusal of planning permission for installation of a replacement door and glazing. The application was seen in connection with proposed signage on the site (ref:13/03085/ADV) The Conservation Officer stated the alignment of the proposed sliding door and glazed panels forward of the existing entrance would flatten the elevation by creating one continuous length of glazing which would make this arrangement much more prominent in the street scene. This was further reiterated by the poor quality of the design of the entrance. The Inspector allowed the appeal on the basis that the significance of the building relates to its first, second and third floor architectural detailing and not its shop front. The Inspector appreciated that the proposed doorway would in effect infill the majority of the recessed entrance to the store this would be sited behind the pilasters thereby retaining the vertical rhythm and emphasis of the existing shop front. As a result of this it would not flatten the elevation or create a continuous length of glazing as the pilasters would interrupt it. The Inspector further justified that the proposed door would also be of a sympathetic timber construction, and the proportions of this and the glazed screens would largely reflect the existing entrance arrangement, and that of the individual bays within the shop front.

Application No: 13/03085/ADV
Appeal by: Sainsbury's Supermarkets Ltd
Proposal: Display of 2no. externally illuminated fascia signs and 1no. externally illuminated hanging sign
Address: Sainsbury At Jacksons 212 - 214 Fulford Road York YO10 4DX
Decision Level: DEL
Outcome: PAD

The appeal related to the part approval and apart refusal of Advert Consent . The application was seen in connection with the proposed installation of a replacement shop front (ref: 13/03083/FUL. The signage included an aluminium fascia box located above the glazed panels. Officers considered that this would sit uncomfortably with the design and materials of the shop front and fail to sit comfortably within the fascia mouldings. In addition it was considered that the trough lighting would project extensively off the fascia and runs along the full length of both signs, which essentially equates to the entire length of the elevation. This was considered to be at odds with the relative simplicity of the fascia and further results in a cluttered, intrusive appearance which adds to the harm already caused by the signs themselves. The Inspector allowed the appeal insofar that the proposed fascia signs would overhang the lower moulding of the original fascia. This would be similar to the size, scale, design and materials of the existing fascia signs on this property and their current relationship with the existing shop front. However, the Inspector dismissed the proposed hanging sign and its double sided external light fittings would appear bulky and prominent along the street scene. The Inspector concluded that it would also be poorly proportioned in relation to the proposed fascia signs, and awkwardly juxtaposed to it. Although it would not be of a substantial scale in relation to that of the appeal building as a whole, it would appear conspicuous and unsympathetic in relation to its facade.

Application No: 13/03216/FUL
Appeal by: Mr N Hare
Proposal: Erection of two storey dwelling, 2no. double garages and associated access
Address: 285 Huntington Road York YO31 9BR

Decision Level: DEL
Outcome: DISMIS

The proposed house would be located in a long rear garden which would be reached down the side of the existing house (No.285). The Inspector concluded that although the amount of traffic generated by the proposal would not be large, the comings and goings of vehicles and pedestrians would be significantly greater than is currently the case and would be very close to No.285s flank windows and garden areas giving rise to unacceptable noise and disturbance for the occupiers, compared to the existing arrangement. The inspector was not persuaded that a fence between the drive and the existing house would significantly mitigate against this noise and disturbance. That the appellant owned No.285 did not alter her view.Regarding the requirement for an open space contribution, the inspector considered that the sum requested was necessary and related in scale and kind to the development. Whilst the appellant indicated that he was willing to pay the sum no obligation had been provided so she could not be satisfied that the monies would be paid.

Application No: 13/03424/FUL
Appeal by: Mr Paul Gurden
Proposal: Replacement 6ft rear boundary fence (retrospective)
Address: 8 Ryecroft Strensall York YO32 5AG

Decision Level: DEL
Outcome: DISMIS

The appeal property has a long rear garden extending down towards the River Foss, a public footpath runs alongside the opposite bank of the river. The Inspector noted that boundary treatments to rear gardens largely comprise hedges and fencing and that such treatment contributes to the green, open and spacious character of the area. The Inspector considered that the fence appeared to jut out towards the Foss and appeared as a stark feature out of keeping with the area and its harsh appearance was not lessened by its green colour. He concluded that the development harmed the character and appearance of the area, contrary to the NPPF and local plan policy GP1.

Application No: 13/03480/FUL
Appeal by: Mr Xiaoping Zha
Proposal: Change of use from residential (use class C3) to house in multiple occupation (use class C4) (retrospective)
Address: 7 Abbotsford Road York YO10 3EE

Decision Level: DEL

Outcome: DISMIS

The appeal related to the refusal of planning permission for a change of use from a dwelling house C3 to a house in multiple occupation HMO C4. property are HMOs. The Council refused the application because records indicated that within 100m of the dwelling, 40% of properties are already in use as Houses in Multiple Occupation and within the designated neighbourhood area 20.48% are in such a use. On this basis a further HMO would therefore have a detrimental impact on the character of the area with particular regard to housing mix and ensuring a mixed community prevails. The Inspector agreed with the decision of the Council and further reiterated that on the basis of the already a high concentration of houses in multiple occupation in the locality detracted from its character and contributes to an imbalance in the make up of the local community. The Inspector concluded that the development causes significant harm to the residential character of the local area. It is therefore contrary to paragraph 50 of the National Planning Policy Framework 2012 which seeks to create sustainable, inclusive and mixed local communities. It also conflicts with Local Plan policy H8 and fails to meet the standards set out in the SPD. The Inspector also dismissed the arguments put forward by the appellant which stated that the property had undergone alterations to accommodate multiple occupancy

Application No: 13/03546/FUL
Appeal by: Mr Richard Boast
Proposal: Installation of rear balcony to existing dormer
Address: 2 Bridge Road Bishopthorpe York YO23 2RR

Decision Level: DEL

Outcome: DISMIS

Planning permission was refused on the grounds the balcony in very close proximity to neighbouring houses and gardens would result in an unacceptable loss of privacy and additional noise and disturbance. The Inspector, whilst noting that the existing rear dormer of the appeal property already overlooked adjacent rear gardens, concluded that the presence of the balcony significantly exacerbated this and would extend views over these gardens from a dominant position. He further concluded that the proposal, by its very use, would lead to noise and disturbance arising from users talking, listening to the radio or simply moving around and that the dominant position of the balcony would further emphasise this. The appellant cited that neither neighbour had objected to the proposal. The Inspector said that the absence of objections could be 'for any number of reasons and does not, in itself, equate to support'. The appellant offered a condition to erect a privacy screen and restrict the playing of music on the balcony. The Inspector said that noise and disturbance could still arise from other factors and that there was no substantive evidence that the view could be obstructed in such a way as to protect the privacy of the neighbours.

Application No: 13/03642/FUL
Appeal by: Mr Ahmed Karbani
Proposal: Porch to front with glazed juliet balcony screen above (resubmission)
Address: 34 Eastward Avenue York YO10 4LZ

Decision Level: COMM

Outcome: DISMIS

The application was for alterations to an approved extension to a semi-detached house in a residential street in Fulford. The main changes proposed in the part-retrospective application were the insertion of a glazed door (with Juliette balcony) in the already extended first floor front elevation and the erection of a flat roof 1.8m deep porch below (permission had been granted for a 1.5m pitched roof porch). The flat roofed porch was not designed to be used as a balcony, though could be used as a means of escape if necessary. The applicant stated that the changes related to the desire to accommodate a mobility scooter in the porch and create a fire escape from the first floor. The case officer considered that although the proposals were unusual, the intention accorded with the social aspects of the National Planning Policy Framework. As the works (or a similar scheme) would typically be permitted development in a completed extension he felt that a pragmatic approach should be taken. This would help to draw a line under the long drawn out scheme and ensure that controls could be exerted over the changes. The application was written up for approval, however, the recommendation was overturned at Sub-Committee. It was felt that the development would be an unduly prominent, incongruous and uncharacteristic addition which would be harmful to the appearance of the property and wider streetscene. The Inspector dismissed the appeal agreeing that the development would appear incongruous. He did not feel that providing accommodation for a mobility scooter outweighed these concerns.

Application No: 13/03721/FUL
Appeal by: Mr Paul Jacobs
Proposal: Two storey side extension and single storey rear extension
Address: 5 Netherwindings Haxby York YO32 3FB

Decision Level: DEL

Outcome: ALLOW

The appeal related to the refusal of planning permission for a two storey side and rear extension at 5 Netherwindings. The extension was refused on the grounds that because of its size, scale and design, it would constitute an over development of the site resulting in a cramped, incongruous appearance. By building right up to the side boundary with the neighbouring property at no.7 the development will also result in the loss of the established gap between the houses, which is a characteristic of the street. The Inspector allowed the appeal on the basis that because it would be set back from the front face of the original building and have a hipped roof design. The design would ensure that the size, scale and massing of the proposed side extension would be subordinate to and in keeping with the character and appearance of the existing dwelling. The Inspector also noted that the house next door has a pitched roof design and is offset from the shared boundary with No 5 by approximately 1 metre. The resultant separation between the proposal and No 7 would therefore be a similar distance to that which currently exists between No 5 and 3 Netherwindings. The contrasting roof styles would also ensure that a visual break and degree of openness between these neighbouring properties would be maintained.

Application No: 14/00183/FUL
Appeal by: Mr Joseph Spavin
Proposal: First floor rear extension
Address: 85 Fordlands Road York YO19 4QR

Decision Level: DEL

Outcome: DISMIS

The Inspector noted that as the application property is set significantly further up the building plot than its neighbour (No.87 Fordlands Road) the two storey extension would be clearly visible from this property. As a consequence of the above, he considered the extension would appear as a 'large, solid mass' which would be 'overbearing' and 'unduly dominant.' He also considered it would 'severely reduce' the outlook currently enjoyed by the adjoining property's occupants. He also noted that the extension would fail the 45 degree test (narrowly) in terms of its impact on the adjoining property's principal ground floor rear window. PE

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

This page is intentionally left blank

Outstanding appeals

Officer: Diane Cragg						Total number of appeals:	2
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		
27/06/2014	14/00023/REF	APP/C2741/A/14/2221021	W	Blue Coat Farm Murton Lane Murton York YO19	Outline application for 9no. dwellings with associated garages and parking		
Officer: Erik Matthews						Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
28/05/2014	14/00019/REF	APP/C2741/A/14/2219120	W	105 Temple Lane Copmanthorpe York YO23	Conversion of detached garage to 1no. dwelling		
Officer: Esther Priestley						Total number of appeals:	2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
12/05/2014	14/00017/TPO	APP/TPO/C2741/3909	W	14 Sails Drive York YO10 3LR	Fell Silver Brch (T3,T11), Mountain Ash (T5), Oak (T8), Trees protected by Tree Preservation Order CYC15		
09/05/2014	14/00015/TPO	APP/TPO/C2741/3907	W	7 Quant Mews York YO10 3LT	Crown Reduce Silver Birch (T1,T2), Trees protected by Tree Preservation Order CYC 15		
Officer: Fiona Mackay						Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
04/06/2014	14/00020/REF	APP/C2741/H/14/2219346	W	Lady Anne Middletons Hotel Skeldergate York YO1 6DS	Display of 1no. internally illuminated fascia sign (retrospective)		
Officer: Heather Fairy (Mon - Wed)						Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
07/07/2014	14/00026/REF	APP/C2741/D/14/2221759	H	Holmedene Intake Lane Acaster Malbis York YO23	Two storey front, first floor side, single storey front extensions and balcony to side		

Officer: Jonathan Kenyon					Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
17/07/2014	14/00027/REF	APP/C2741/A/14/2222238	W	Laura Ashley Ltd 11 Little Stonegate York YO1 8AX	Change of use to a restaurant and/or drinking establishment (A3 and/or A4 use class) and associated external alterations	
Officer: Kevin O'Connell					Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
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	
17/06/2014	14/00024/REF	APP/C2741/D/14/2220688	H	2 Almsford Road York YO26 5HZ	Two storey side extension and porch to front	
Officer: Rachel Tyas					Total number of appeals:	2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
18/06/2014	14/00021/REF	APP/C2741/A/2220088	W	Johnson Cleaners Uk Ltd 5 Low Ousegate York YO1	Alterations to shopfront	
26/06/2014	14/00022/REF	APP/C2741/A/14/2220939	W	Tui Uk Ltd 14 Low Ousegate York YO1 9QU	Change of use from travel agents (use class A1) to financial and professional service (use class A2)	
Officer: Will Steel					Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
30/06/2014	14/00025/REF	APP/C2741/D/14/2221273	H	18 Milson Grove York YO10 3AG	First floor extension to side	
Total number of appeals:					14	