



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

- To:** Councillors McIlveen (Chair), Cuthbertson, Douglas, Fitzpatrick, Galvin (Vice-Chair), Horton, Hyman, King, Looker, Warters and Watt
- Date:** Wednesday, 8 October 2014
- Time:** 2.00 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

A G E N D A

The mini-bus for Members of the Sub-Committee will depart from Memorial Gardens on Tuesday 7 October 2014 at 10.00am

1. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Exclusion of Press and Public

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

- 3. Minutes** (Pages 3 - 8)
To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on Thursday 4 September 2014.

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

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 Officers (whose contact details are at the foot of this agenda) in advance of the meeting.

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

5. Plans List

To determine the following planning applications:

- a) **Rodgers of York, Julia Avenue, Huntington, (Pages 9 - 16)
York, YO32 9JR (14/01551/FULM)**

Change of use from use class B8 (warehouse) to restricted use class A1 (retail) with insertion of additional mezzanine floor space. [*Huntington/New Earswick Ward*]

- b) **Garage Court rear of 10-16 Newbury Avenue, (Pages 17 - 34)
York (14/01517/GRG3)**

Erection of 9no. apartments with associated parking and landscaping following demolition of garages. [*Westfield Ward*]
[Site Visit]

- c) **Land lying to the South of Centurion Office (Pages 35 - 50)
Park, Tribune Way, York (14/01550/FULM)**

Erection of 13 no. dwellings with access from Hornbeam Close. Two storey side extensions to 11 and 12 Hornbeam Close. [*Skelton, Rawcliffe, Clifton Without Ward*] **[Site Visit]**

- d) **9 Helmsdale, York, YO24 2XW (14/01608/OUT) (Pages 51 - 62)**

Erection of detached dwelling with associated garage and parking. [*Dringhouses and Woodthorpe Ward*] **[Site Visit]**

6. **Planning Enforcement Cases Update (Pages 63 - 406)**

The purpose of this report is to provide Members with a continuing quarterly update on planning enforcement cases.

7. **Urgent Business**

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

Democracy Officers:

Name: Louise Cook/Catherine Clarke (job share)

Contact Details:

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

For more information about any of the following please contact the Democratic Services 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

PLANNING SUB COMMITTEE**SITE VISITS****Tuesday 7 October 2014**

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

TIME (Approx)	SITE	ITEM
10:15	Garage Court rear of 10-16 Newbury Avenue	5b
11.00	9 Helmsdale	5d
11:40	Land lying to the South of Centurion Office Park Tribune Way (Meet adj. to 11 and 12 Hornbeam Close)	5c

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	4 September 2014
Present	Councillors McIlveen (Chair), Douglas, Galvin (apart from Minute Items 20c and 21) (Vice-Chair), Horton, Hyman (apart from Minute Items 20c and 21), King, Looker, Warters, Orrell (Substitute for Councillor Cuthbertson), Doughty (Substitute for Councillor Watt) and Boyce (Substitute for Councillor Fitzpatrick)
Apologies	Councillors Cuthbertson, Fitzpatrick and Watt

Site	Visited by	Reason for Visit
Land Rear of 51-57 Fenwick Street	Councillors Boyce, Doughty, McIlveen and Warters	As the recommendation was for approval and objections had been received.
Public Conveniences	Councillors Boyce, Doughty and McIlveen	As the recommendation was for approval and objections had been received.

17. 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 King declared a personal non prejudicial interest in Agenda Item 4a) (Minute Item 20 a) refers) (Land Rear of 51-57 Fenwick Street) as the Ward Member who had registered to speak was his daughter.

Councillor Looker also declared a personal non prejudicial interest in the same item as a Cabinet Member. She clarified that the Cabinet had considered a report regarding the potential of development on a number of Council owned sites such as the one under consideration. She stated that this would not influence her decision on whether to grant permission.

No other interests were declared.

18. Minutes

Resolved: That the minutes of the meeting of the Area Planning Sub-Committee held on 7 August 2014 be approved and signed by the Chair as a correct record.

19. 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.

20. 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.

20a) Land Rear of 51-57 Fenwick Street, York. (14/00713/FUL)

Members considered a full application by City of York Council for the erection of 8 no. two bedroom apartments with associated car parking.

In their update to Members Officers informed Members that;

- The address for the application as stated on the agenda papers was incorrect- it should have read "Land to the East of 51-57 Fenwick Street". However, legal advice given stated that this would not prejudice any decision made by Members.
- The application site formed part of an area that was formerly in industrial use as an engineering works.
- The application site forms part of the larger planning approval for the Clementhorpe Housing development by City of York Council which had been granted planning permission on 19 May 1977. (LPA ref. 7/00/1867/PA).
- The planning permission in 1977 granted consent for 12 no. apartments and 4 no. houses on the current application site.
- This part of the scheme did not proceed due to problems experienced on foundation work and the site was laid out as a grassed area. Legally therefore it was likely that there remained an extant planning permission for the development of the land and Members would have to give due

weight to this fall back position balanced against the likelihood of that permission being implemented.

- A further petition has been received with 62 signatures objecting to the proposal as it was felt that it would result in the loss of a valuable local asset, negatively impact on residents, destroy a green space, add pressure to an already built up area. They also felt that there were alternative brown field sites away from flood risk which the Council should be developing before the application site.
- In relation to a Traffic Regulation Order, Paragraph 4.29 of the report should read £2000 and not £5000 and the final bullet point of the conclusion should be deleted.

Representations in objection were received from a local resident, Mr Wade. He informed the Committee that local residents had paid for improvements out of community funding to the open space such as tree planting, the erection of a steel fence and a light. He stated that the green space was used on a daily basis by the local community and it provided a safe place for children to play due to its close location to local houses.

Mr Wade confirmed that a community management committee had allocated money for improvements to the open space and this had been provided by the Council, on the back of suggestions from local residents.

Further representations in objection were received from a local resident Nicola Thomas. She mentioned to the Committee that a petition had been signed against development on the site. She commented that it was felt that Rowntree Park would not be a suitable alternative for the loss of the open space. She commented that a car parking survey had been undertaken during hours when most residents were at work. Finally she felt that other sites could have been considered for development and that bat roosts were present on the site.

The speaker felt that although the site did not flood to the same extent as Rowntree Park it was on an area located between Flood zones 1 and 2. She added that there was a difference in height between the site and Rowntree Park and that she had seen flood water present. The open space did not close when flooded unlike Rowntree Park.

Discussion took place around the comments raised. It was reported that a resident consultation event had taken place and when plans had been submitted that amendments suggested by residents had not been included. Officers informed Members that Council policy stated that development was preferable in Flood Zone 2 and that the Environment Agency had confirmed the site safe for development.

Representations were received from a representative of the applicant, Mike Jones. He explained that the apartments were used by those who wanted to downsize and were aged 55 or over. They would be wheelchair accessible and have lifts and storage space for mobility scooters. The development would also free up family homes elsewhere in the city. He added that one parking space would be provided per apartment.

In response to a Member's comment about a Cabinet decision on development of the site, the Committee were told that 175 sites owned by the Council had been examined for development but that six were presented to Cabinet. The applicant confirmed that the site under consideration was one of them. However, the decision to start the process of applying for planning permission was taken after the Cabinet meeting.

Members asked the applicant whether a redesign of the buildings had been considered as a result of comments received from the local MP.

In response the applicant stated that smaller sized buildings had been considered but that they did not deem this suitable for the site. The height of the development at its northern end had also been reduced from 2 and a half storeys to 2 storeys.

It was also noted that the Environment Agency had accepted the Flood Risk Assessment submitted in respect of the site.

Representations were received from the Ward Member, Councillor Gunnell. She felt that permission should not be granted as the development would detrimentally affect the ambiance of the local area. She commented that she was concerned that extant planning permission could be legally used to build on the site. She added that local residents had also assumed that the open space was publicly accessible. She felt that the application should be rejected as the land was used regularly by the local community.

Discussion took place between Members during which the following questions and comments were raised;

- Had an assessment been undertaken to see whether the open space had been deemed surplus to the Council's requirements (for green spaces??)
- That this type of proposed housing was needed in the city.
- That it was a brownfield site due to its old industrial use and that if there was contaminated land this could be removed.
- 8 parking spaces would be provided with a loss of only one on street parking space.

- That the loss of an open space in a built up area which was cramped was a concern.
- The close location of Rowntree Park meant that local residents could have easy access to a green space.

Resolved: That the application be approved subject to the following condition regarding drainage details;

Reason: The site is in a sustainable location near to local shops, amenities and public transport links and in principle would be suitable for redevelopment for housing purposes. The proposal would deliver much needed affordable homes within the city. In design terms, on balance, the scheme as a whole is considered to respect the character of the surrounding pattern of built development in the area, landscaping within the site, and the important tree belt within Rowntree Park. The development would result in the loss of a much valued local informal amenity area. The loss of an open green space and trees, and result in further built development and activity in the area that would considerably alter its character. However, given the proximity to Rowntree Park with its range of facilities for formal and informal play, it is considered that the need for affordable housing would outweigh the level of harm to local amenity.

20b) 1 Northfield Terrace, York YO24 2HT (14/01480/FUL) WITHDRAWN

This application was withdrawn by the applicant and as a result was not considered by Members.

20c) Public Conveniences, Tanner Row, York (14/01574/FUL)

Members considered a full application from Mr Ben Pilgrim for the demolition of existing toilet block and relocation of services within Roman House and the construction of a wall along Tanner Row with associated landscaping and amenities (bin store and cycle store).

In response to a Member's question about the use of the courtyard for parking, it was confirmed that this would be an extension to current parking arrangements at Roman House, which would be developed as a residential property.

Discussion between Members took place. Some felt that the existing facility was located 'out of the way' for policing purposes and the new location for the public toilets would enable public observation. Others pointed out the need for maintenance and security of the services provided.

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

6. Large scale details of the front elevation of the replacement public conveniences shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction and the works shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

Reason: The proposed development would accord with the National Planning Policy Framework. There would be no harm to the appearance of the conservation area, no adverse effect in terms of crime and disorder and the amenity of neighbours and no loss of public facilities.

21. Urgent Business

Councillor Warters raised concerns about waterlogged properties at the Burnholme Club site. An application for development on this site had been previously approved by the Committee.

Councillor McIlveen, Chair

[The meeting started at 2.00 pm and finished at 3.40 pm].

COMMITTEE REPORT

Date: 8 October 2014 **Ward:** Huntington/New Earswick
Team: Major and Commercial Team **Parish:** Huntington Parish Council

Reference: 14/01551/FULM
Application at: Rodgers of York Julia Avenue Huntington York YO32 9JR
For: Change of use from use class B8 (warehouse) to restricted use class A1 (retail) with insertion of additional mezzanine floor space
By: Mr James Browne
Application Type: Major Full Application (13 weeks)
Target Date: 15 October 2014
Recommendation: Approve

1.0 PROPOSAL

1.1 Rodgers of York comprises a bulky furniture retailer occupying a medium sized show room dating to the late 1980s with an attached warehouse directly to the south of the Monk's Cross Retail Park. Planning permission is sought for the change of use of the warehousing unit from Use Class B8 to A1 (retail subject to a bulky goods restriction) in order to facilitate the extension of the floor area devoted to furniture retailing by some 2,998 sq metres (including the provision of a mezzanine). The warehousing associated with the retailing function would in future take place off site. A detailed retail assessment has been submitted in respect of the proposal.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYS2 Out of centre retail warehouse criteria

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 No objection.

Application Reference Number: 14/01551/FULM

Item No: 5a

Planning and Environmental Management

3.2 No response has been received at the time of writing.

EXTERNAL

Huntington Parish Council

3.3 No objection.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- * Impact upon the vitality and viability of the City Centre;
- * Impact upon the level of traffic flows using the local highway network.

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 remain material considerations in arriving at Development Management decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

IMPACT UPON THE VITALITY AND VIABILITY OF THE CITY CENTRE:-

4.3 Policy S2 of the York Development Control Local Plan sets out a firm policy presumption that planning permission for the development of out of centre retail warehouses provided that no development has a net sales floor space of less than 1,000 sq metres and it is not used for the retail of convenience and a limited range of comparison goods such as clothing and electronics. Central Government Planning Policy as outlined in paragraph 26 of the National Planning Policy Framework indicates that Local Planning Authority should seek a retail impact assessment when considering new proposals for retail development outside of town centres over a locally set threshold in terms of floor space. Where there is no set threshold a default threshold of 2,500 sq metres is identified. Such an assessment should include analysis of impact upon existing, committed and proposed investment within the retail catchment area of the proposal along with impacts upon town centre vitality and viability. At the same time paragraph 24 of the National Planning Policy Framework urges the undertaking of a detailed Sequential Assessment in respect of major town centre uses where appropriate to identify whether or not more suitable sites exist within or in close proximity to the town centre area. Where development fails the Sequential Test then planning permission should be refused.

4.4 The proposal envisages the expansion of an existing independent furniture and ancillary household goods retailer within their existing site by re-ordering their warehousing operation which would in future be provided off-site. The proposal is

seen as necessary in view of recent changes to the local trading environment. A detailed Sequential Assessment has been submitted to support the proposal which examines a number of sites presently available within and adjacent to the City Centre. However, a number are not suitable by virtue of size and difficulties associated with servicing. There are other sites which may be suitable by virtue of their size or servicing arrangement such as units within the Foss Islands Retail Park although this would involve disaggregating the existing operation to an unacceptable extent bearing in mind the nature of the product and the aim of the development to enhance the existing trading environment. Taking into account the nature of the available sites, the nature of the product being sold and the extreme difficulties that would be caused to the business through requiring disaggregation it is felt that the submitted Sequential Assessment is acceptable.

4.5 At the same time a Retail Impact Assessment has been submitted in respect of the proposal examining its relationship to existing retail planning permissions along with likely impacts in five years time as required by the National Planning Policy Framework. This demonstrates that the impact of the proposal upon existing and committed investment would be modest within the catchment area of the store and that in any case most of the competitors of the development are similar out of town stores which would not benefit from the degree of policy protection afforded by the National Planning Policy Framework. Cumulative impacts would similarly be minimal.

4.6 Taking the Sequential and Retail Impact Assessments together it is felt that the proposed development would be acceptable in terms of its impact upon the vitality and viability of the City Centre and that the terms of Policy S2 and paragraphs 24 and 26 of the National Planning Policy Framework would be complied with.

IMPACT UPON LOCAL TRAFFIC FLOWS:-

4.7 The application site comprises an existing furniture and bulky goods retailer who has been located in its current premises since 1987. The proposal envisages expansion of the existing operation within the existing site. A substantial customer car park lies within the site to the east of the existing building and the Monks Cross Park and Ride site lies a short distance to the north east. A detailed Transport Statement has been submitted with the proposal which analyses impacts upon existing traffic flows along with the potential for the generation of new and linked trip together with the impact of the new servicing and delivery arrangements. Using the established methods of traffic flow modelling it is estimated that at the peak hours trading hours of mid afternoon on a Saturday an additional 22 trips would be generated. It is felt that this would be more than adequately accommodated within the existing parking and highway network. The application site is also easily accessible from a number of bus routes starting and terminating at the Monks Cross Retail Park directly to the north. In terms of deliveries, items for sale would be delivered to the store in the new circumstances, in the early morning or late evening as with other similar furniture and household furnishing retailers. It is felt that this

would not have a material impact upon traffic flows on the local highway network. The proposal is therefore felt to be acceptable in terms of its traffic impacts.

5.0 CONCLUSION

5.1 Rodgers of York comprises a medium sized independent furniture and household goods retailer located within a single storey unit directly to the south of the Monks Cross Retail Park. Planning permission is sought for the change of use of the adjacent warehouse associated with the retailing operation to provide further retail floor space including a modest mezzanine linking the two elements of the retailing operation. A detailed Retail Impact Assessment together with a Sequential Test has been submitted to support the application. These demonstrate that the proposal, as being for the expansion of a long standing local business would have only a negligible impact upon the vitality and viability of the City Centre. At the same time a detailed Transport Statement has been submitted which demonstrates that the number of additional car journeys generated by the proposal would also be negligible. The proposal is therefore felt to be appropriate in planning terms and approval is recommended.

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 and other submitted details:-

Red Line Site Location Plan received and dated 2nd 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 The building hereby permitted shall not be used for the sale of the following goods without the prior written approval of the Local Planning Authority ,unless such sales can be demonstrated to be ancillary to the main range of goods sold:-

- i) Food and Drink;
- ii) Men's, women's and children's clothing and footwear;
- iii) Fashion accessories;
- iv) Watches and Jewellery;
- v) Music and video recordings and video or CD-ROM games;
- vi) Cameras (including cam-recorders) and other photographic equipment;
- vii) TV, video and hi-fi equipment;
- viii) Toys;
- ix) Pharmaceutical Goods;
- x) Books, magazines and stationary;
- xi) Sports goods;
- xii) Leisure and luxury goods; and

- xiii) Any use falling within Class A2 of the Town and Country Planning (Use Classes) Order 1987.

Reason: - To safeguard the vitality and viability of York City Centre, to secure compliance with Policy S2 of the York Development Control Local Plan and to secure compliance with paragraphs 24 and 26 of the National Planning Policy Framework

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:

Imposition of a planning condition on the premises that would restrict the sale of goods to what are defined as "bulky "goods.

Contact details:

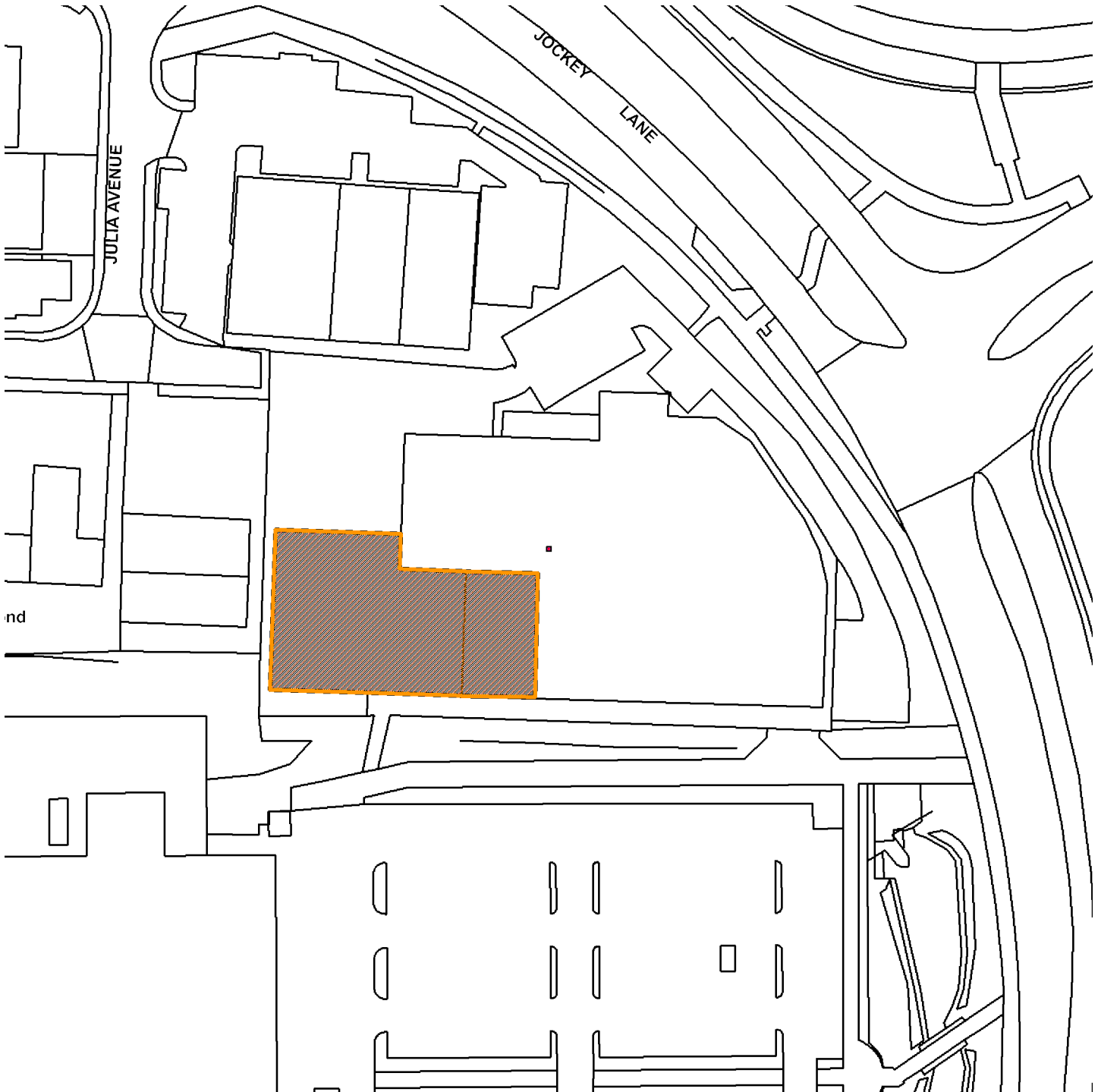
Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

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14/01551/FULM

Rodgers of York, Julia Avenue, Huntington



Scale : 1:1059

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Organisation	City of York Council
Department	CES
Comments	Not Set
Date	29 September 2014
SLA Number	Not Set

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COMMITTEE REPORT

Date: 8 Oct 14
Team: Major and Commercial Team
Ward: Westfield
Parish: No Parish

Reference: 14/01517/GRG3
Application at: Garage court rear of 10-16 Newbury Avenue York
For: Erection of 9no. apartments with associated parking and landscaping following demolition of garages
By: City of York Council
Application Type: General Regulations (Reg3)
Target Date: 4 September 2014
Recommendation: Approve

1.0 PROPOSAL

1.1 The site comprises a garage parking area situated behind existing apartment blocks on Newbury Avenue and Windsor Garth. It includes communal garden areas to the rear of the apartment blocks and grassed verges fronting Newbury Avenue, including that of number 8 Newbury Avenue. The site contains 28 no. garages set in two rows within a concrete forecourt. Access is taken from Newbury Avenue, between number 8 and apartment block number 12-16. The site is situated in an established residential area and is bounded to the rear by Hob Moor, a designated Local Nature Reserve. It contains a variety of boundary treatments including timber, metal palisade and post and wire fencing.

1.2 The proposal seeks to demolish the garages and erect a residential development of 9 apartments in total, containing 8 no. two bed apartments and 1 no. one bed apartment. The application is made by Housing Services and the apartments would all be for social rent and will form part of the downsizing provision for the over 55s . 14 no. car parking spaces would be provided, including some for existing residents. Existing amenity spaces would be reorganised to provide a single shared space and small private areas would be provided to the rear of the proposed apartment block.

1.3 Two public consultation events were held in April and May 2014, prior to the application being submitted. Some positive feedback was received and concerns were raised over the lack of parking, that the building was too close to existing flats, that there would be loss of light, that there is asbestos in the ground and that there should be areas for outdoors clothes drying. The proposal was amended to reduce the building height, move the footprint away from Carlton House, add additional parking, make the communal area more private and to provide rotary dryers. Attendees were advised that comments could be made through the formal planning process.

1.4 The application is reported to Sub-Committee as the City Council is the applicant and objections have been received.

PLANNING HISTORY

1.5 There is no relevant planning history.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

Schools GMS Constraints: Our Lady's RC Primary 0213

2.2 Policies:

CYNE1	Trees, woodlands, hedgerows
CYGP6	Contaminated land
CYGP1	Design
CYGP3	Planning against crime
CYGP4A	Sustainability
CYGP9	Landscaping
CYH4A	Housing Windfalls
CYT4	Cycle parking standards
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. The site is serviced by regular bus routes from Windsor Garth and Gale Lane taking passengers to York city centre. The nearest bus stop is nearby on Windsor Garth. 6 car parking spaces have been provided for the residents of the new development and 8 additional overflow spaces on grasscrete for local residents and visitors. Traffic generation is anticipated to be minimal due to the low car ownership in the ward and based on that data parking provision is considered to be sufficient for residents, visitors and deliveries. Provision does not exceed the Annex E maximum parking standards. 9 covered secure cycle spaces should be provided for the new flats, preferably within the footprint of the building and this may be conditioned.

3.2 Access to the development is by way of the existing adopted highway. Refuse vehicles will be able to use the access road to reverse down to collect waste and a refuse storage area is provided as part of the development. A contribution has been secured towards Traffic Regulation Orders (TROs) to protect the areas of adopted highway in close proximity to the development to ensure adequate access and servicing for the new development for highway safety reasons. Street lighting has not been detailed at this time, but would form part of the adoption. An amount of extinguishment of the highway and highway adoption will need to be completed as a result of the amendments to the highway.

Flood Risk Management Team

3.3 The site is within Flood Zone1 and should not suffer from river flooding. Additional information in respect of drainage is being assessed and an update will be reported to Committee.

Environmental Protection Unit (EPU)

3.4 The submitted investigation report shows that the site is contaminated and that landfill gas is present. No objections are raised subject to conditions being imposed to deal with contamination and landfill gas. Concerns are raised in relation to the construction period and the resultant impact upon neighbours. The demolition and construction informative should be applied.

Communities Culture and the Public Realm

3.5 As there is no on site open space provided with the proposal, a commuted sum should be paid to the Council in line with the City of York formulae to improve amenity space at a local site such as Hob Moor or Chesney's Field; play space at a local site such as Chesney's Field; and sports pitches, to improve a facility within the West Zone of the Sport and Active Leisure Strategy.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Environment Agency

3.6 No objections are raised. Environment Agency land contamination advice should be followed by the applicant and landfill guidance with respect to historic landfill sites has been forwarded to the Local Planning Authority.

Yorkshire Water

3.7 Any comments will be reported verbally.

Internal Drainage Board (IDB)

3.8 Any comments will be reported verbally.

Police Architectural Liaison Officer

3.9 No objections. The proposal should easily meet the requirements for secure by design status and obtain the security credits of the Code for Sustainable Homes.

Publicity and Neighbour Notification

3.10 Four letters of objection have been received. Concerns raised include:

- over development of the site,
- proximity of the building to existing flats,
- existing car parking problems in the area,
- that roads are already narrow, resultant cumulative adverse impacts upon highways/ parking in the area and upon existing bus services,
- adverse impacts upon services including health and policing, emergency access would be compromised,
- problems would be compounded by the nearby development at Our Lady's school which has also caused water logging and soil contamination,
- erosion of the Hob Moor boundary and the adverse impact upon the Hob Moor nature reserve,
- the site is contaminated and there is asbestos on it,
- submissions of separate applications avoid the requirement for the assessment of cumulative effects under the Environmental Impact Assessment Regulations.

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
- Land contamination
- 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 National Planning Policy Framework.

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 9 no. apartments 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 semi-detached dwellings and 2 and 3 storey apartment blocks on Newbury Avenue and Windsor Garth. Properties in the vicinity generally have pitched roofs and are mainly constructed in brick. The semi detached properties have long rear gardens abutting Hob Moor and existing apartment blocks are set in a staggered formation some on an angle to and some parallel to Hob Moor. In terms of the street scene the building would be seen from Newbury Avenue from behind existing properties, but it would be mainly visible from Hob Moor.

4.10 The proposed development would be sited 24.5 metres from Craven House, 16 metres from the rear of Carlton House (the 3 storey apartment block), 20 metres from the rear and 16.5 m to the stair tower element of the 2 storey apartment block number 1-12 Newbury Avenue, 19 metres from the rear of the 2 storey semi detached property number 8 Newbury Avenue and 23 metres to Number 10 Newbury Avenue. It is therefore considered that the block could be accommodated within the site and that the resultant layout would not appear cramped.

4.11 The appearance of the apartment block would be contemporary. The apartment building would have a staggered footprint, breaking up the mass of the building and when viewed from Hob Moor (the south elevation) it would read as 3 distinct blocks. The apartment block would have a pitched roof with ridge height of a similar scale (0.8 m higher than that of Carlton House) and flat roofed elements which reduce the impact of the overall scale. As such it would not appear over dominant within the context. The rear (south) elevation would have 3 staggered flat roofed projecting dormer windows set down from the ridge line and there would be balconies overlooking Hob Moor at first and second floor level, taking advantage of the southerly aspect. It is recognised that there are currently no balconies facing Hob Moor in this area. However other properties in the vicinity already have

windows facing the Moor and the proposal would not fundamentally change this relationship. The front elevation (north) is articulated with a projecting flat roofed stairwell, recesses for internal walkways and low eaves facing towards the semi detached properties on Newbury Avenue. Taking the above into account, it is considered that the scheme would respond to both main elevations in a satisfactory way.

4.12 Proposed materials include brickwork with grey roof tiles and large panels of glazing are introduced to articulate the staircase in the north elevation. Detailing includes metal railings to the stair wells and a canopy above the main entrance. Details of materials and samples should be conditioned to ensure assimilation into the wider area.

4.13 A number of trees of low value would be removed as part of the scheme and 25 trees would be planted throughout the site including 5 near the boundary to Hob Moor and two facing Newbury Avenue which would soften the development and improve the appearance of the area. A hedge would be planted to the rear boundary within the site to integrate with the more rural Hob Moor and the existing hedgerow and trees outside the site (within Hob Moor) would not be affected by the proposals.

4.14 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.

4.15 The proposal would be of innovative design, adding interest to the street scene and would be acceptable 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

4.16 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. The 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.

4.17 The nearest neighbours to the site are numbers 8 and 10 Newbury Avenue to the north and west and apartments numbered 10-16 Newbury Avenue, 1-12 Carlton House and 1-4 Craven House, on Windsor Garth, located to the north and east.

4.18 Existing properties are two and three storeys in height and the scheme proposes an apartment block with a ridge height similar to that of Carlton House. The gable of the apartment block would be sited some 24.5 metres from Craven House and would not appear over bearing. The footprint of the proposed building would be sited at an oblique angle to Carlton House with a separation gap of 16 metres. It is noted that stair tower is staggered and flat roofed elements have been introduced to further reduce the impact. It is not considered that the building would be overbearing to these occupiers. The apartment block would be sited some 20 metres from rear of 1-12 Newbury Avenue with 16.5 metres to the stairwell element. However, this elevation is articulated which reduces the impact and it would not appear over dominant. The block would be located 19 metres from number 8 Newbury and 23 metres from number 10. It would have low eaves in the section nearest to these properties reducing the impact of the proposals.

4.19 In terms of sunlight the block is set in a southerly position from surrounding properties. It would have satisfactory separation distances to surrounding dwellings, and due to its staggered footprint it would not be sited parallel to or too close to any of the neighbouring properties and would not therefore cause undue overshadowing.

4.20 The rear balconies of the apartments would be orientated towards Hob Moor and would not cause loss of privacy. Bedroom windows are proposed to the east gable elevation 16 metres away from Carlton House. As the windows would be set at an angle to Carlton House, they are on balance considered to be acceptable. Windows proposed in the west elevation are sufficiently separated from surrounding properties and would not cause undue overlooking.

4.21 Existing communal areas would be merged into a shared communal space and landscaped and this would positively improve the area. In addition 8 no. car parking are provided for existing residents and rotary dryers are also provided.

4.22 In terms of the amenity of future occupiers, each property would have access to the improved communal area and there would be small private amenity spaces at the rear and there would be a refuse storage area within the south west of the site.

4.23 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

4.24 Access to the site would be taken via the existing access on Newbury Avenue which has served 28 no. garages in the past. The access is considered capable of accommodating the modest traffic generated by the scheme and also of accommodating refuse vehicles required for servicing. A financial contribution has been secured as part of this scheme towards Traffic Regulation Orders (TROs) to

protect the areas of adopted highway in close proximity to the site to ensure adequate access and servicing for the new development for highway safety reasons. Data from the Census on car ownership in the area supports the level of parking proposed and the level of parking would accord with CYC Annex E maximum standards.

4.25 The scheme seeks to demolish 28 no. garages. Housing Services state that 15 of the garages are empty and 13 are let. They state that all the people who rent garages have been informed of the proposed development and were asked to contact the Council if they still require a garage. However, no responses have been received. Housing Services state that they will seek to re-provide garages in the local area for owners who still require them. Following an assessment of this information, no objections have been raised by Highways to the loss of the garages.

4.26 9 no. cycle parking spaces are proposed inline with requirements. Details of the provision including the design of the units should be conditioned. The proposal meets the requirements of Policy T4 in this respect.

4.27 Subject to conditions the proposal is considered to comply with national and local requirements contained in the City of York Local Plan.

FLOOD RISK AND DRAINAGE

4.28 In terms of flood risk the site lies within Flood Zone 1 and as such should not suffer from river flooding. It is noted that a 225mm diameter sewer crosses this site, however, Part H4 of the Building Regulations 2000 allows for building over the sewer. The Flood Risk Management Team and Internal Drainage Board (IDB) are considering information supplied in respect of foul and surface water drainage and an update will be reported to Committee.

LAND CONTAMINATION

4.29 The NPPF, at para 120, states that, the adverse effects of pollution on health should be taken into account in decision making. Para 121 states that planning policies and decisions should ensure that a site is suitable for its new use taking into account previous uses and any proposals for mitigation including land remediation. And that after remediation as a minimum land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990 and adequate investigation information, prepared by a competent person is presented.

4.30 The submitted report shows that the site is contaminated and that it lies near to a closed landfill site. Remedial work is therefore required in order to ensure that the site is safe and suitable for its proposed use. It is noted that the Environment Agency raises no objections to the proposal and have pointed the applicant towards

relevant guidance (this information has been passed to the applicant). The Environmental Protection Unit (EPU) recommends conditions to mitigate for contamination and for the presence of landfill gas to ensure the health and safety of future occupants and these conditions should be imposed. Subject to the imposition of these conditions, the proposal would comply with the requirements of the NPPF and Local Plan Policies GP1 and GP6.

SUSTAINABLE DESIGN AND CONSTRUCTION

4.31 Although the proposal falls outside 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

4.32 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 no contribution is required as the scheme is for the over 55s. Communities Culture and the Public Realm require a financial contribution of £5,824 to be made towards open space, play and sports facilities. A letter has been received from Head of Housing Services confirming provision.

OTHER ISSUES

4.33 The scope of the Environmental Assessment Regulations has been raised and it is noted that this application has been made by a separate applicant and on a separate site to the Our Lady's School application. The site relates to a small brownfield site and as such the proposal would not be considered to fall within the scope of Schedule 2 of the Environmental Assessment Regulations 2011. It is also noted that the City Ecologist viewed the application and is of the opinion that as there would be no adverse impacts upon the Hob Moor nature reserve arising from the proposal a formal comment was not required.

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. The proposal would deliver affordable homes (built to Code Level 4) of a 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,

subject to the imposition of conditions outline above. An update on drainage issues will be reported to Committee to include relevant conditions.

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 a contribution of £5,824 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-20-20-002 proposed elevations
5124500-ATK-XX-XX-DWG-(90)-ARC-(90)-002 existing site plan
5124500-ATK-XX-XX-DWG-90-ARC-90-002 proposed site plan
5124500-ATK-DWG-(90)-ARC-020 Rev 00 proposed site sections
5124500-ATK-XX-XX-DWG-(20)-001 Rev F 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, gas monitoring and an associated risk assessment (in addition to any assessment provided with the planning application) shall be carried out by a competent person to assess landfill gas generation and migration. The findings shall be submitted to and approved in writing by the Local Planning Authority

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

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

1990 in relation to the intended use of the land after remediation.

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

5 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced submitted to 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.

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

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

7 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.

8 HWAY19 Car and cycle parking laid out -

9 VISQ8 Samples of exterior materials to be app -

Application Reference Number: 14/01517/GRG3

Item No:5b

10 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.

11 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.

12 VISQ4 Boundary details to be supplied -

13 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.

7.0 INFORMATIVES:

Notes to Applicant

1. POSITIVE AND PROACTIVE STATEMENT

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. CONTROL OF POLLUTION ACT 1974

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

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

3. WORKS TO THE ADOPTED HIGHWAY

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:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

Contact details:

Author: Clare Davies Development Control Officer

Tel No: 01904 553738

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14/01517/GRG3

G1 Newbury Avenue York



Scale : 1:1059

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Organisation	City of York Council
Department	CES
Comments	Not Set
Date	30 September 2014
SLA Number	Not Set

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COMMITTEE REPORT

Date: 8 October 2014 **Ward:** Skelton, Rawcliffe, Clifton Without

Team: Major and Commercial Team **Parish:** Clifton Without Parish Council

Reference: 14/01550/FULM

Application at: Land Lying To The South Of Centurion Office Park Tribune Way York

For: Erection of 13 no. dwellings with access from Hornbeam Close. Two storey side extensions to 11 and 12 Hornbeam Close

By: Berkeley DeVeer

Application Type: Major Full Application (13 weeks)

Target Date: 23 October 2014

Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 The application comprises: (a) erection of 13 detached, 2-storey houses – (eight 4-bed and five 3-bed); (b) 2-storey side extensions to nos. 11 and 12 Hornbeam Close abutting the site; (c) one detached or integral single garage for each new house; and (d) creation of a vehicular access from Hornbeam Close.

RELEVANT PLANNING HISTORY

1.2 07/02783/OUTM - Outline application for the erection of a care home with pedestrian link to Hornbeam Close. Approved.

1.3 08/01988/FULM - Full application for the erection of a 70-bed nursing home with parking, landscaping and access including a pedestrian link to Hornbeam Close. Approved.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

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

2.2 Policies:

CYGP1 Design
CYGP4A Sustainability
CYGP9 Landscaping

Application Reference Number: 14/01550/FULM

Item No: 5c

CGP15A	Development and Flood Risk
CYH4A	Housing Windfalls
CYT4	Cycle parking standards
CYL1C	Provision of New Open Space in Development
CYE3B	Existing and Proposed Employment Sites

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

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

Environmental Protection Unit

3.2 The preliminary geo-environmental investigation submitted with the application is acceptable. No objections subject to conditions regarding the potential for land contamination and the impact of the development on air quality in the area.

Design, Conservation and Sustainable Development (Landscape)

3.3 No objections subject to receipt of a revised landscape layout [Officers response - The applicant has agreed to make the required changes. Members will be updated at the meeting].

Public Realm (Strategy and Contracts)

3.4 As there is no on site open space commuted sums should be paid to the Council for (a) amenity open space - which would be paid to the local Parish Council for use in their area (b) play space - which would be paid to the local Parish Council for use in their area (c) sports pitches - which would be used to improve a facility within the North Zone of the Sport and Active Leisure Strategy. The contribution to off site provision is to be based on the latest York formula.

Flood Risk Management

3.5 No objections subject to standard drainage conditions and no building within 3m of the 600mm diameter sewer that crosses the site.

EXTERNAL

Clifton Without Parish Council

3.6 Object. The application would turn a cul-de-sac, Hornbeam Close, into a through road, thus imposing additional traffic on the whole estate which many will consider as overload. The development takes dwellings into the commercial estate which is largely developed with garages/warehouses & office complexes.

Yorkshire Water

3.7 No objections subject to conditions to protect the local aquatic environment and YW infrastructure

Neighbour Notification and Publicity

3.8 The consultation period ended on 20 August 2014. 10 objections have been received raising the following planning issues:

- Increase in traffic particularly along Hornbeam Close
- The road is not wide enough for the additional traffic
- Noise and air pollution due to increased traffic
- Traffic danger to pedestrians including children who can currently play in the street
- Impact of through road on the quiet character of the area
- Inadequate access
- Housing is contrary to the commercial allocation of the land
- Would exacerbate existing drainage and sewerage problems
- The houses would be likely to generate in excess of 10 vehicle movements during peak periods rather than the 8 quoted
- The Woodland Chase/Hornbeam Close junction may meet council standards but parked vehicles will lead to an increased risk of accidents.

3.9 Construction noise/traffic/disturbance is also raised as an objection but this is covered by other legislation and is not relevant to the planning application.

4.0 APPRAISAL

4.1 MAIN ISSUES

- Loss of Employment Land
- Principle of Development for Housing
- Landscape
- Access and Highways Issues
- Flood Risk and Drainage

- Neighbour Amenity
- Open space and Education Provision

THE APPLICATION SITE

4.2 The site lies within the urban area. Most of the site is a clearly-defined parcel of development land to which 11 and 12 Hornbeam Close have been added to facilitate extensions to these dwellings and the formation of an access. The developed parcel contains foundations of the approved 2008 care home, which was started and then abandoned. To the north and west is parking for one of the commercial units at Centurion Park, which is part of Clifton Moor Business Park. To the south is 2-storey suburban housing at Hornbeam Close. To the east is green space forming part of Bootham Stray, which is in the green belt. The site (apart from 11 and 12 Hornbeam Close) is allocated for employment in the 2005 Local Plan.

POLICY CONTEXT

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

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

DEVELOPMENT FOR NON-EMPLOYMENT USE

4.5 The application should be assessed against policy E3b of the 2005 local plan, which seeks to protect employment sites. It states that planning permission for other uses will only be given where, among other criteria, there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period.

4.6 When the 2007 and 2008 care home applications were being considered the council accepted that the site was not needed to meet the requirements of employment land supply in the immediate and longer term. That remains the council's position. The site is proposed for housing in the City of York Local Plan Published Draft, which is to be considered by the Local Plan Working Group and Cabinet in September 2014.

DEVELOPMENT FOR HOUSING

4.7 The National Planning Policy Framework requires local planning authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. The application site is in a sustainable location within the settlement limit of York and with good access to cycle facilities, public transport, jobs and local services. Whilst the site abuts commercial uses on two sides these are unlikely to have a significant impact on the amenity of the new occupiers. The juxtaposition of these uses is commonplace in the district.

4.8 The National Planning Policy Framework states that local planning authorities should set policies for meeting identified need for affordable housing on site. To that end the council seeks to ensure that new housing development of 15 dwellings or more in the urban area will include affordable housing. The current application would provide 13 dwellings, thereby falling below the threshold for provision of affordable housing. The site could accommodate a proportion of smaller houses than is proposed, which could take the total number of houses above the threshold for providing affordable housing. However, the overall density is approximately 33dph (excluding 11 and 12 Hornbeam Close), which is acceptable for this suburban location. Furthermore, the application as submitted includes a proportion of much-needed, medium-sized houses in a layout that is in keeping with the character of the area. To require the developer to provide a greater number of units in order to provide affordable would be unreasonable taking into account the access issues discussed in paragraph 4.14 below.

LANDSCAPE

4.9 The site has no existing features of note other than a field hedge along the boundary with Bootham Stray. This would be retained and improved. Each of the houses would have its own amenity space, largely turfed, with planting to the front and close-boarded fencing to side/rear boundaries. Shrub planting would be interspersed with specimen trees. The proposed landscaping scheme is satisfactory. A condition should be attached requiring the landscaping scheme to be planted and maintained for five years, as is standard.

ACCESS AND HIGHWAY ISSUES

4.10 The main concern of objectors is that the formation of a new access from the turning head at Hornbeam Close would turn the cul-de-sac into a through road and increase traffic levels through the housing estate, resulting in noise nuisance, danger to residents including children and air pollution. Furthermore objectors contend that Hornbeam Close is too narrow for such an increase in traffic levels and would prevent emergency/refuse vehicles reaching the proposed development.

4.11 In response, the existing residential access road (Hornbeam Close) has been designed and constructed to CYC standards as a shared space varying between 4.5m and 6m wide and capable of accommodating the modest increase in traffic that would be generated by the proposed development. There would be no detrimental impact on the operation of the junction of Hornbeam Close and Woodland Chase. The design of the junction is of sufficient width and offers visibility in accordance with national guidance.

4.12 Based upon the nationally recognised TRICS database a residential development of 13 dwellings can be expected to generate in the region of 8 vehicular movements during the AM/PM peak. This level of traffic generation represents a little over 1 vehicle every 10 minutes. It is highway officers' view that Hornbeam Close, the surrounding junctions and adjacent highway network can accommodate this negligible increase in traffic without any detriment to either highway safety or the free flow of traffic.

4.13 As for the road layout, residential schemes are designed to a road hierarchy in accordance with local and national guidance. Hornbeam Close, as a cul de sac spur off the main access route, was set out as an informal shared surface road. Such designs aim to provide a less formal layout in order to restrict vehicle speeds to well below 20mph. Measures to reduce vehicle speeds include tortuous layouts and variable surface widths. The application shows a shared surface designed to allow pedestrians and vehicles to share the highway. The shared surface is highlighted by design measures such as a change in surface material (usually to block pavements) or other treatments such as gateway or rumble strip. The change in nature of the road hierarchy can be seen between Woodland Chase (the main local access route) which is formally set out with footways and wider carriageway width in contrast to Hornbeam Close which has a narrower block paved surface with no formal footway provision. The proposed scheme has been designed as a shared surface to continue the existing design features of Hornbeam Close.

4.14 Hornbeam Close currently serves 12 dwellings. Guidance contained within the CYC Residential Design Guide advises that shared surface roads (such as Hornbeam Close) are capable of adequately serving up to 25 dwellings as a cul de sac. Therefore even with the proposed development the total number of dwellings served by the cul de sac would not exceed this advised level. Since the introduction

of the CYC design guide, national guidance contained within Manual for Streets has promoted a more flexible approach.

4.15 Parking has been provided in accordance with CYC maximum standards. The internal layout will be constructed and offered for adoption as public highway under a Highways Act Agreement.

FLOOD RISK AND DRAINAGE

4.16 The site is in low risk flood zone 1 and is unlikely to suffer from river flooding. Whilst drainage of surface water by infiltration is the preferred method for draining the site the ground conditions are unsuitable for soakaways. Instead surface water will be attenuated and drained to existing sewers. A 600mm diameter sewer crosses the site and Yorkshire Water would object to any development within 3m of it. In order to carry out the development as proposed the applicant intends to divert the sewer along the access road through the site.

NEIGHBOUR AMENITY

4.17 The development, including associated traffic movements, is unlikely to have any significant impact on neighbouring occupiers.

OPEN SPACE AND EDUCATION PROVISION

4.18 The application requires a contribution of £34,992 towards open space in accordance with policy L1c of the local plan. Such contributions are calculated on the basis of each new dwelling approved. The applicant has agreed to make the contribution and is in the process of submitting a unilateral undertaking to that effect.

4.19 There would be no requirement for financial contributions towards education facilities.

5.0 CONCLUSION

5.1 The application would provide 13 dwellings in a sustainable and accessible location. The layout respects the character of the adjacent residential area and is of appropriate density and design. The development would contribute £34,992 towards open space. The application accords with national planning policy set out in the National Planning Policy Framework and local planning policy in the 2005 City of York Draft Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out only in accordance with the following plans: 521/01A, 521/03A, 521/04/A, 521/05A, 521/06, 521/07, 521/11HB/03A, 521/11HB/04B, 521/12HB/03D and 521/12HB/04D

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

3 The development shall be carried out in accordance with the proposed materials schedule shown on approved drawing 521/06 unless otherwise agreed in writing by the local planning authority.

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

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

5 HWAY7 Const of Roads & Footways prior to occup -

6 HWAY14 Access to be approved, details reqd -

7 HWAY19 Car and cycle parking laid out -

8 HWAY40 Dilapidation survey -

9 HWAY31 Mud on road

10 Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3.0 metres either side of the centre line of the sewer, which crosses the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

11 NOISE7 Restricted hours of construction

12 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: So that the Local Planning Authority may be satisfied with these details for
Application Reference Number: 14/01550/FULM Item No: 5c

the proper drainage of the site.

13 Prior to commencement of development an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken and approved in writing by the local planning authority. The report of the findings shall include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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.

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

14 Where contamination is found and prior to commencement of development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be undertaken 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.

NOTE: The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as

contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

15 Prior to first occupation or use, the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out shall 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.

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

16 Prior to first occupation of the development the applicant shall install, either in the approved garage or elsewhere within the curtilage of each of the plots comprising the development, a three pin 13 amp electrical socket in a suitable position to enable the charging of an electric vehicle within the curtilage using a 3m length cable.

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

NOTE: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations, and be suitable for charging electric vehicles. If located externally the socket shall be suitable for outdoor use and have an internal switch within the property to enable the socket to be turned off.

17 The tree planting and landscaping scheme shown on submitted plans numbered 521/04A and 521/05A shall be implemented within a period of six months from the completion of the development. Any plants which within a period of five years from the substantial completion of the planting and development, die, are removed or become seriously damaged or diseased, shall be replaced in the next

planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

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

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

Reason: In the interests of sustainable development.

7.0 INFORMATIVES:

Notes to Applicant

1. S.38 HIGHWAY ADOPTION

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:

Highway adoption - Section 38 - Michael Kitchen (01904) 551336

2. STATUTORY UNDERTAKERS EQUIPMENT

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

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

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

4. CONTROL OF POLLUTION

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

- (a) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".
- (b) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.
- (c) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.
- (d) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.
- (e) There shall be no bonfires on the site.

5. SECTION 106 OBLIGATION

The planning permission is accompanied by a unilateral undertaking by the applicant to contribute £34,992 towards off-site open space.

6. DRAINAGE

- i) The Statutory Sewer Map shows a 600mm diameter public surface water sewer crossing the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. The applicant/agent is aware.
- ii) In this instance, a stand-off distance of 3 (three) metres is required at each side of the sewer centre-line.
- iii) Development of the site should take place with separate systems for foul and surface water drainage. The separate systems should extend to the points of discharge to be agreed.
- iv) The developer is proposing to discharge surface water to a public sewer. Sustainable development requires appropriate surface water disposal.

v) The Local Planning Authority promotes the surface water disposal hierarchy. The developer must provide evidence to demonstrate that surface water disposal via either infiltration or watercourse are not reasonably practical before considering disposal to sewer.

vi) As the proposal site is currently undeveloped no positive surface water is known to have previously discharged to the public sewer network. As such the public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.

Contact details:

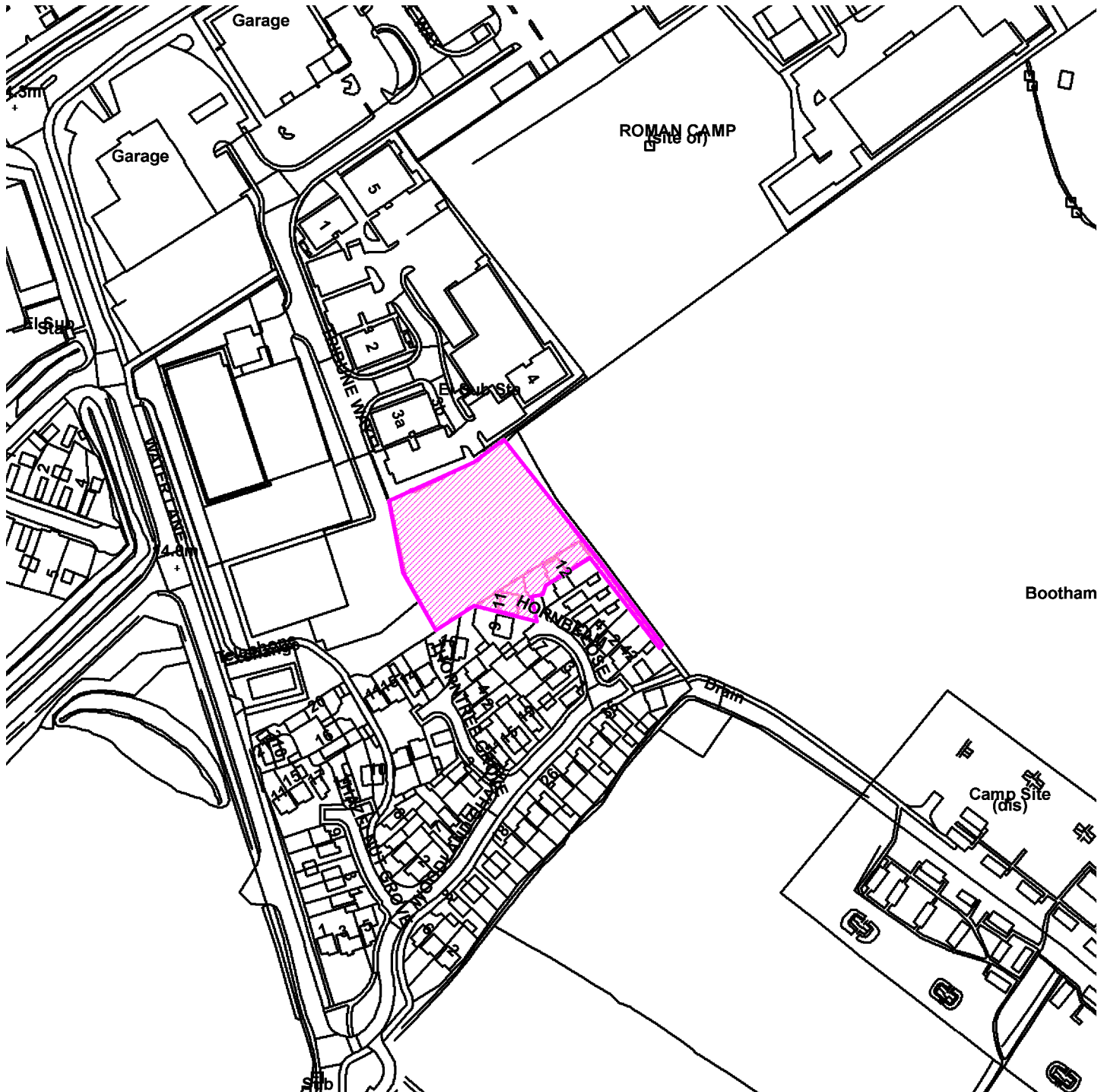
Author: Kevin O'Connell Development Management Officer

Tel No: 01904 552830

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14/01550/FULM

Land Lying to the South of Centurion Office Park, Tribune Way



Scale : 1:2545

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	30 September 2014
SLA Number	Not Set

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COMMITTEE REPORT

Date: 8 October 2014 **Ward:** Dringhouses and Woodthorpe

Team: Major and Commercial Team **Parish:** Dringhouses/Woodthorpe Planning Panel

Reference: 14/01608/OUT

Application at: 9 Helmsdale York YO24 2XW

For: Erection of detached dwelling with associated garage and parking

By: Mr L Harrison

Application Type: Outline Application

Target Date: 4 September 2014

Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 The application seeks outline permission for the erection of one detached dwelling on land adjacent to 9 Helmsdale. The application seeks permission for access, layout and scale with details of appearance and landscaping being reserved.

1.2 The application has been called to committee by Councillor Semlyen for the following reasons:

- Scale and massing is excessive
- Access and parking concerns in terms of safety and volume of vehicles
- Drainage concerns

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175
 City Boundary GMS Constraints: York City Boundary 0001
 DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYGP1 Design
 CYGP10 Subdivision of gardens and infill devt
 CYH4A Housing Windfalls
 CYGP15A Flood risk
 CYL1C Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

Communities, Culture and Public Realm

3.1 As there is no on site provision for open space a commuted sum should be paid.

Environmental Protection Unit

3.2 No objections but recommend conditions

Structures and Drainage

3.3 The development is in low risk Flood Zone 1 and should not suffer from river flooding. No objections are raised to the principle of the development but conditions are recommended

Highway Network Management

3.4 The scheme accords with council parking standards. Recommend conditions

EXTERNAL

Dringhouses and Woodthorpe Planning Panel

3.5 Object to the scheme on the following grounds:

- Overdevelopment
- The footprint will overfill the site resulting in low levels of natural light within the dwelling
- Parking is considered as being impractical and likely to lead to social tension in this compact cul-de-sac
- Drainage from a four bedroom property will compromise the existing drainage system

Ainsty Internal Drainage Board

3.6 The applicant states that surface water is to be discharged by means of soakaways. The Board is unaware of the suitability of the site for this means of drainage. To ensure the site is suitable for soakaways the applicants should undertake testing to BRE Digest 365. Should this prove to be unsuccessful the applicants should develop alternative proposals. Where testing is successful the Board would have no objections to the proposal. This can be covered by condition.

Neighbours

3.7 Letters of objection received from 2 and 4 Burns Court and 1,3,5,7 and 11 Helmsdale on the following grounds:

- Loss of privacy to garden and bungalow to the rear
- Existing trees should be retained

- Does not respect local context and street pattern
- Would be overbearing and overdominant
- Loss of light
- Overshadowing from the proposed garage
- Footprint exceeds those of neighbouring properties
- Plans do not indicate correct land ownership
- Insufficient space for vehicles to manoeuvre
- Difficult to reverse out of the site
- Garage parking is identified but in reality garages are often not used for the parking of cars
- Loss of fruit trees and man made pond
- Reduction in the area of open landscape
- No bin storage identified
- Potential surface water issues as a result of the increased hard surfacing

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of the proposed development
- Residential amenity
- Parking
- Open space
- Contamination
- Drainage

POLICY CONTEXT

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

4.3 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 National Planning Policy Framework requires local planning authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Policy H4a states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion and that all proposals should have regard to the principles of sustainable development.

4.5 The National Planning Policy Framework also states that local authorities should consider policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Policy GP10 of the 2005 draft local plan specifically refers to development in rear gardens. It states that planning permission will only be granted for the sub-division of garden areas or infilling to provide new development where this would not be detrimental to the character and amenity of the local environment.

4.6 The National Planning Policy Framework states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (paragraph 56). Permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64).

4.7 Policy GP1 of the local plan sets out the design requirements for development, which include: respecting the local environment; and having a scale and design compatible with neighbouring buildings and the character of the area.

SITE

4.8 The application site forms the side garden of 9 Helmsdale. It sits within a small cul-de-sac which serves 13 dwellings within the built up area of Woodthorpe. The site measures approximately 33m deep and 11m wide, is predominantly turfed and provides a mature boundary hedge to the northern boundary. Bungalows bound the rear boundary to the west of the site with two storey semi-detached properties backing onto the northern boundary.

PRINCIPLE OF PROPOSED DEVELOPMENT

4.9 The application site is considered to be relatively large and is of a similar size, if not larger, than adjacent plots within the street. In developing the site there would not be an unacceptable loss of open space and would not appear to have a detrimental impact in terms of the character of the area. Whilst the site forms the side garden of 9 Helmsdale adequate amenity space would be retained to the rear of the retained property to serve the current and future occupiers of the dwelling. The site is located within the urban area with good public transport links and access to retail facilities. It is considered that the principle of the development is acceptable.

RESIDENTIAL AMENITY

4.10 As part of the scheme the applicant is seeking the approval of details in connection with siting and scale. The scheme indicates that the dwelling would be located centrally within the site, adjacent to the existing dwelling. It would be inset from the rear boundary by approximately 10m and from the boundary with the properties facing onto Dee Close by 2.4m. The dwelling is indicated as being one and a half story with an eaves height of 3m and an overall height of 5.9m. Whilst outline permission is not sought for the appearance the application indicates a gable ended property incorporating windows to the front and rear elevations and velux roof lights to the side elevations.

4.11 In terms of amenity the scheme appears acceptable. A distance of approximately 22m can be achieved between the rear elevation of the proposed dwelling and the rear elevation of the properties to the west facing onto Burns Court, which is a similar relationship to the host dwelling and the properties to the rear. The dwelling would be inset 2.4m from the boundary of the properties facing Dee Close, giving a distance of approximately 14m between the proposed side elevation and the rear elevation of these properties. The dwelling would lie to the south of these properties and would be separated in part by a mature leylandi hedge. It is not considered that there would be any detrimental impact in terms of overshadowing as a result of the proposal.

4.12 The application site comprises of a two storey semi-detached dwelling with the neighbouring properties at 11 and 13 Helmsdale being semi-detached bungalows. As such it is considered that the proposed dwelling would not detract from the character of the area and would be in keeping with the existing streetscene.

PARKING

4.13 The main concern raised by objectors is in connection with the proposal is that of on site parking provision and the vehicular access to the site. At present the existing dwelling has access to a single garage which is adjoined onto that serving number 11 Helmsdale. It is proposed to retain this garage and create an additional parking space within the front garden of 9 Helmsdale to serve the existing property. A new garage would be provided for the proposed dwelling which would be partly situated behind the existing garage. This would allow a single car to be parked within the garage and one on the drive to the front.

4.14 The access to the proposed garage is not ideal and when leaving the site would involve reversing past the retained garage and along the driveway. Whilst this manoeuvre is a little awkward the drive opens onto the head of a small cul-de-sac where vehicular movements are limited. The driveway is indicated at being approximately 3.4m wide. However, the neighbour at number 7 Helmsdale disputes the ownership of approximately 40cm of this access which runs parallel to their front

garden. It is considered that the issue of the ownership is a civil matter which should be addressed between the applicant and neighbour. However, if the driveway were to be reduced in width it would not appear to have any bearing on the acceptability of the access.

OPEN SPACE

4.15 An open space contribution would be required for the provision of public open space in accordance with Policy L1c of the local plan. As the plans indicate a four bedroom property the contribution equates to £3034. The applicant is currently drawing up the unilateral undertaking and as such any decision on this application will need to be deferred until this has been completed.

CONTAMINATION

4.16 The application is supported by a report which is considered to adequately show that the site will not be contaminated. Conditions related to the finding of contamination during the development would need to be attached to any approval.

DRAINAGE

4.17 The proposed development would involve the loss of a large area of permeable surfacing as a result of the dwelling and indicated paving. However, the development lies in low risk Flood Zone 1 and conditions can be attached to secure acceptable on site drainage.

5.0 CONCLUSION

5.1 For the reasons outlined above this application is considered to comply with the provisions of the NPPF and Development Control Local Plan policies GP1, GP10, H4A and GP15A. The application is recommended for approval upon completion of the unilateral undertaking and subject to the following conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 OUT1 Approval of Reserved Matters -

2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details:

Details to be submitted: appearance and landscaping of the proposed development to be carried out, including a schedule of all external materials to be used.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

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

Drawing number 386 001 Rev C received 4th September 2014

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

4 VISQ8 Samples of exterior materials to be app -

5 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:

i. Calculations and invert levels to ordnance datum of the existing surface water system should be provided together with details to include calculations and invert levels to ordnance datum of the proposals for the new development.

ii. Topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

iii. Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

iv. In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency 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 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, 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 worstcase volume required.

5. If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

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

6 Prior to the development coming into use, the initial 3m of the vehicular access, measured from the back of the public highway, shall be surfaced, sealed and positively drained within the site. Elsewhere within the site all areas used by vehicles shall be surfaced and drained, in accordance with the approved plans.

Reason: To prevent the egress of water and loose material onto the public highway.

7 HWAY18 Cycle parking details to be agreed -

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

Reason: In the interests of highway safety.

9 EPU1 Electricity socket for vehicles -

10 In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken, and where remediation (clean-up) is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

NOTE: Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part 2A of the Environmental Protection Act 1990.

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:

Entered into pre-application discussions

Requested revised plans in connection with the scale of the dwelling

Contact details:

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

Tel No: 01904 552217

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14/01608/OUT

9 Helmsdale



Scale : 1:847

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Organisation	City of York Council
Department	CES
Comments	Not Set
Date	29 September 2014
SLA Number	Not Set

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Area Planning Sub-Committee

8 October 2014

Planning Enforcement Cases – Update

Summary

1. The purpose of this report is to provide Members with a continuing quarterly update on planning enforcement cases.

Background

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

Current Position.

6. Across the City of York Council area 180 new investigation cases were received within the last quarter. During the same period 146 cases were closed. A total of 542 ongoing investigations remain open.

There are also 182 Section 106 monitoring cases open. 32 such cases have been closed in this quarter as the contributions required through obligations contained in the S106 agreement have been received. These obligations and payments from on-going s106 cases total off-site financial contributions of £66190.

In this quarter 3 enforcement notices, and 3 Planning Contravention Notices have been served.

Consultation

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

Options

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

The Council Plan 2011-2015

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

10. Implications

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

- Other - *None*

Risk Management

11. There are no known risks.

Recommendations

12. That Members note the content of the report. Officers do try to update the individual reports and cases when necessary but it is not always possible to keep up with these straight away. Therefore if Members have any additional queries or questions about cases on this enforcement report then please e-mail or telephone the case officers before 5pm on Tuesday 1 July 2014. Please note that the cases are presented in Ward order so hopefully this will make it easier for Members to reference cases in their respective areas.

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

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

Contact Details

Author:

Author's name
Gareth Arnold
Development Manager
Tel. No: 551320
Dept Name: City and
Environmental Services.

Chief Officer Responsible for the report:

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

Report **Date** 24/09/2014.
Approved

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

Report **Date** 24/09/2014
Approved

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

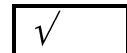
Financial

Patrick Looker

Legal:

Andrew Docherty

Wards Affected: *All Wards*



Annexes- Enforcement Cases (Confidential)

- Cases Closed (confidential) pages 67-137
- Ongoing Investigations (confidential) p139-398

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

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