



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

- To:** Councillors Watson (Chair), Galvin (Vice-Chair), Douglas, Cuthbertson, Hyman, Fitzpatrick, Gunnell, Looker, McIlveen, Merrett and Watt
- Date:** Thursday, 6 November 2014
- Time:** 2.00 pm
- Venue:** The Snow Room - Ground Floor, West Offices (G035)

AGENDA

The mini-bus for Members of the Sub-Committee will depart Memorial Gardens on Wednesday 5 November 2014 at 10.00 am.

1. Declarations of Interest

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

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

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

2. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **Wednesday 5 November 2014 at 5.00 pm.**

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http://www.york.gov.uk/downloads/download/3130/protocol_for_webcasting_filming_and_recording_of_council_meetings

3. Plans List

To determine the following planning applications:

a) Brook House, Main Street, Elvington, York. YO41 4AA (14/01720/FUL) (Pages 3 - 14)

Erection of two storey dwelling with detached garage (resubmission) [Wheldrake] **[Site Visit]**

b) 1 Kensal Rise, York. YO10 5AL (14/01857/FUL) (Pages 15 - 26)

Additional storey to accommodate 6no. roof top apartments with three new staircase pods and associated cycle stores, bin stores and parking to 1-12 Kensal Rise. [Fishergate] **[Site Visit]**

c) The Memorial Hall, 16 The Village, Haxby, York. YO32 3HT (14/01982/FUL) (Pages 27 - 40)

Alterations and extension of village hall to include single storey side and two storey rear extensions and change of use of no. 14 The Village to form library and seminar rooms, erection of 5 no. craft workshops to rear of 66 North Lane and 3no. dwellings (use class C3) between 66 and 68 North Lane (resubmission). [Haxby and Wigginton] **[Site Visit]**

4. Appeals Performance and Decision Summaries
(Pages 41 - 52)

This report (presented to both Planning Committee and the Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 July to 30 September 2014, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing is also included.

5. Urgent Business

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

Democracy Officer:

Name: Judith Betts

Contact Details:

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

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 5 November 2014****The mini-bus for Members of the sub-committee will depart
Memorial Gardens at 10.00**

TIME (Approx)	SITE	ITEM
10:20	The Memorial Hall 16 The Village Haxby	3c)
11:00	Brook House Main Street Elvington	3a)
11:40	1-12 Kensal Rise	3b)

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COMMITTEE REPORT

Date: 6 November 2014 **Ward:** Wheldrake
Team: Major and **Parish:** Elvington Parish Council
Commercial Team

Reference: 14/01720/FUL
Application at: Brook House Main Street Elvington York YO41 4AA
For: Erection of two storey dwelling with detached garage
(resubmission)
By: Mr And Mrs J Benson
Application Type: Full Application
Target Date: 26 September 2014
Recommendation: Refuse

1.0 PROPOSAL

1.1 This is a full planning application to erect a four bedroom two-storey detached dwelling on land that was formerly part of the garden of Brook House. A single detached garage is also proposed. The application site is approximately 30m wide and 18m deep. It is immediately adjacent to the village hall. The site contains a number of trees - the ground is largely covered by long grass and brambles. It has a frontage to Main Street and is located within Elvington conservation area.

1.2 The proposed house is of traditional construction and the first floor contains half-dormers. The internal ground floor level of the house will be raised 600mm above the existing ground level. The ridge will be approximately 8m above the existing ground level. The dwelling is proposed to be 11.5m wide and is located towards the eastern side of the site. The rear elevation of the house would be around 5m from the top of the sloping bank that leads down to the Beck. The front of the property would be around 4m from the hedgerow that would form the front boundary.

1.3 The application is brought to Committee at the request of Cllr. Barton. The reason given relates to the support for the scheme from the Parish Council and the view that development would enhance a site that is very visible and has been unkempt and uncared for, for many years.

Relevant Property History

1.4 In February 2009 (07/01030/FUL) a similar application to erect a dwelling and detached garage on the site was refused by east area committee because of the conflict with established trees/harm to the conservation area and because of flood risk concerns. The two reasons for refusal are copied in full below:

- 1) The proposed dwelling would be located in very close proximity to the canopy of mature trees that surround the site. When in leaf, this would result in the occupiers of the proposed dwelling experiencing poor light conditions and having a poor outlook. It could also raise concerns amongst future occupiers in respect to danger caused by falling trees and subsidence. It is considered that this is an unsatisfactory relationship and may in the future lead to pressure for the trees to be removed. This would be unacceptable in that they are important to the setting of the conservation area and the environment generally. It is also considered that the application fails to demonstrate that the proposal would fulfil the aims and objectives of sustainable development. As such the proposal conflicts with Policies GP1 (criterion a), GP4a, H4a (criterion d) and NE1 (criterion a) of the City of York Draft Local Plan (Fourth Set of Changes) 2005 and Central Government advice relating to design quality and context contained within Planning Policy Statement 1 (Delivering Sustainable Development) and Planning Policy Statement 3 (Housing).
- 2) The proposed dwelling would be located within Flood Zone 3. The application fails to show that the development would reduce flood risk in the wider area. It also fails to show that the new dwelling would have an internal floor level that would provide it with suitable safeguards against flood risk. Accordingly, it is considered that the application conflicts with advice contained within Planning Policy Statement 25 'Development and Flood Risk', Policy GP15a of the City of York Draft Local Plan (Fourth Set of Changes) approved April 2005 and advice contained within the City Of York Strategic Flood Risk Assessment Approved September 2007.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area: Elvington
DC Area Teams: East Area
Floodzone : Floodzone 2

2.2 Policies:

CYGP1	Design
CYGP10	Subdivision of gardens and infill devt
CYH4A	Housing Windfalls
CYGP15	Protection from flooding
CYNE1	Trees, woodlands, hedgerows
CYHE2	Development in historic locations
CYHE3	Conservation Areas

3.0 CONSULTATIONS

Internal

Network Management

3.1 No objections subject to conditions. The visibility splays are adequate and there is suitable clearance for cars to turn right into the site if a bus is drawn up alongside the bus stop.

Flood Risk Management Team

3.2 No objections subject to conditions relating to sustainable foul and surface water discharge.

Landscape Architect

3.3 Consider that the Willow tree, the trees to the frontage and the greenery as a whole contributes to the amenity of the Conservation Area. Considers that the scheme is too large to accommodate the dwelling and retain suitable vegetation around the site. Does not consider that the impressive willow tree that overhangs the site is compatible with the development.

Communities, Culture and Public Realm

3.4 A financial contribution towards open space improvements is justified/required.

Environmental Protection Unit

3.5 An acoustic report was required because of the close relationship with the village hall. The noise levels detailed within the report demonstrate that the expected noise levels impacting upon the house and garden are within acceptable parameters.

External

Yorkshire Water

3.6 No objections subject to separate foul and surface water drainage.

Internal Drainage Board

3.7 No objections subject to controls on discharge rates and the relationship with the Beck.

Environment Agency

3.8 No objections

Parish Council

3.9 Support the proposal. A financial contribution should be provided for off-site improvements to open space.

Neighbours/Publicity

3.10 Seven letters have been received, three of which state objections to the scheme.

The issues raised are as follows:

- The proposal will harm the character of an intact part of the Conservation Area dating from the nineteenth century.
- Concerns in respect to the loss of trees and the view that trees should only be lost if development is definitely to proceed.
- The road is busy and the adjacent bus stop where buses can wait for sometime will create a hazard to people entering and exiting the site.
- Care should be taken to ensure that construction vehicles do not create inconvenience and highway safety concerns.
- Loss of privacy to gardens to the rear, including the detached gardens on Church Lane.
- Object if the canopy of the large willow is cut back and the mature birch removed.

4.0 APPRAISAL

4.1 The key issues in assessing the proposal are:

- impact on the streetscene and conservation area
- impact on amenity and living conditions of adjacent occupiers
- impact on trees
- highway issues
- drainage
- quality of accommodation provided
- sustainability
- section 106 contributions

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. The framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. One of 12 principles set out in paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.3 In respect to the development of gardens it states (paragraph 53) that LPA's should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where it would harm the Local area.

4.4 Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. The NPPF states that there are three dimensions to sustainable development - an economic role, a social role and an environmental role. In considering proposals for new or improved residential accommodation, the benefits from meeting peoples housing needs and promoting the economy will be balanced against any negative impacts on the environment and neighbours' living conditions.

4.5 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF.

4.6 Local Plan Policy GP1 'Design' states that development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and vegetation.

4.7 Local Plan Policy GP10 'Subdivision of Gardens and Infill Development' states that infilling should not be detrimental to local character or amenity.

4.8 Local Plan Policy H4a 'Housing Windfalls' states that new development should be accessible to shops and services and of an appropriate scale.

4.9 Local Plan Policy GP15a relates to development and floodrisk. At the heart of the policy is the requirement that proposals are not at unacceptable risk of flooding and do not increase flood risk elsewhere.

4.10 Local Plan policy NE1 'Trees, Woodland and Hedgerows' states that trees of landscape, amenity, nature conservation or historical value will be protected by refusing development which will result in their loss or damage.

4.11 The site is within Elvington Conservation Area. The NPPF (chapter 12, paragraph 132) states that when considering the impact of a proposed development on the significance of a designated heritage asset (e.g. a conservation area), great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.12 Draft Local Plan Policy HE2 states that within or adjoining conservation areas, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks, and other townscape elements, which contribute to the character or appearance of the area. Policy HE3 states that proposals in Conservation Areas will only be acceptable where there is no adverse impact on the character and appearance of the area.

IMPACT ON THE STREETSCENE AND CONSERVATION AREA.

4.13 It is considered that the style, scale and materials of the house would be sympathetic to the appearance of other housing in the area. In assessing the impact on the conservation area and compliance with national planning guidance and policies HE3 and HE4 of the Local Plan it is considered the key issue is whether the proposed dwelling can reasonably co-exist with planting within and particularly around the site. It is considered that the landscaped character of the site is important to the appearance of the conservation area. The plot was formerly part of the rear garden of Brook House which abutted the village hall which was built as the village school. The approach into Elvington from the Derwent is characterised on the left hand side by large dwellings set within landscape grounds. This is considered an important intact historic characteristic and one that helps to create a very attractive and distinct approach to the historic heart of the village. It is considered that the site is also very important when viewed from the direction of the village green. The view to the village hall is one of the most important and prominent vistas seen when travelling through the village from the west. The treed backdrop to the hall, is considered to be intrinsically attractive. It also creates a landscaped backdrop to this part of the village and erecting a house on the site would lead to the distinct outline of the village hall being diminished. Although individually many of the trees within the site are of limited value it is considered that as a group they serve an important local role in creating the appearance of a relatively dense wooded area.

4.14 The description of the Elvington Conservation Area contained within the Local Plan makes reference to a number of the elements that would be impacted upon. For example, it states that, 'east of Church lane, development mainly consists of individual houses set in their own grounds'. Furthermore, it states that 'as Main Street descends to Church Lane, the rural well-treed setting continues along the south right up to the former Schoolhouse (1858).' The description lists 5 main elements of its appearance and character. It is considered that two are relevant. These are copied below

4)The well wooded setting of the village and its strongly rural character, with houses often set behind hedges.

5) The attractive sequence of views constantly unfolding within and around the village.

4.15 Brook House is a grade II listed building, it is not considered that the development would detract from its setting.

IMPACT ON NEIGHBOURS' LIVING CONDITIONS

4.16 Policy GP1 of the Local Plan requires proposals to avoid causing undue harm to neighbouring living conditions.

4.17 The proposed dwelling would be located approximately 21 metres from the properties on the opposite side of Main Street. In the context of facing two-storey development this is considered sufficient to avoid undue harm in respect to the loss of outlook, light and privacy. It is not considered that the slight increase in the house floor level above existing site levels would be such to cause harm given the relatively low eaves levels

4.18 The rear garden of 'The Willows' on Church Lane runs along the opposite side of Elvington Beck. The separation distance between the rear of the proposed house and the side of the rear garden of The Willows would be around 10 metres.

4.19 It is not considered that the proposal will cause undue harm to living conditions within the house. This is because the development is sufficiently oblique and far enough away not to have a large impact in respect to privacy and outlook. During the winter when trees are not in leaf there will be some additional overlooking to parts of the rear garden, particularly from a first floor rear bedroom window. It is the case however that the rear garden of Willow House is large in scale and that many areas of the garden will remain private - particularly those closest to the existing dwelling.

4.20 It is considered that there is adequate separation to the detached gardens to the rear of Church Lane to avoid undue harm.

4.21 It is not considered that the modest loss of light or outlook to the village hall would be unacceptable.

IMPACT ON TREES

4.22 The Council's Landscape Architect has concerns in respect to conflict between the proposed dwelling and existing and proposed trees. A detailed tree survey has been submitted with the application and has indicated that many trees within the site are in poor condition. From visiting the site it is clear that the house would be located in very close proximity to the canopy of several existing or proposed trees. Because of the small size of the garden, trees located within 'The Willows' and Brook House would impact on light levels. The large and well proportioned willow

tree in 'The Willows' overhangs the rear garden and would impact significantly on light in the house and garden. It is proposed to plant some trees along the front garden boundary to help soften the impact of development, however, the very short length of the front garden (approximately 4.5m) makes it difficult to see how a significant screen could be created without causing unreasonable harm to light and outlook within the property.

4.23 It is considered that the most significant tree within the vicinity is the large willow that overhangs the site. If the application were approved there could be pressure to cut back part of the canopy. It is considered that although the individual trees are often of limited individual value, cumulatively the vegetation in and around the former rear garden is of importance when viewed as a whole. It is the case that the site would benefit from having some of the trees that are in poor health removed, however, their removal would not change the character of the site in the way that developing a house on it would. It is not considered that the dwelling is compatible with the retention of sufficient vegetation or a planting scheme that would retain the treed backdrop to the hall or largely screen the home from Main Street.

HIGHWAYS ISSUES

4.24 It is considered that visibility out of the site for vehicles is acceptable. The property would have car parking for two vehicles and the design of the drive would ensure that vehicles could turn in the site and exit in a forward gear. A Council Highway officer has assessed the proposal and does not consider that there would not be an unacceptable conflict with buses waiting at the nearby bus stop.

DRAINAGE ISSUES

4.25 One of the reasons for refusing the previous application was that the applicant failed to prove that the property would not be at risk of flooding or increase flood risk elsewhere. The beck that runs through the village has previously flooded. Flood works in Elvington were completed in the summer of 2007. At the time the previous application was determined the site was classified as in Zone 3 (High Risk). The site is now classified as a medium risk area (Zone 2).

4.26 The Council's Flood Risk team are satisfied that in accordance with policy GP15a of the Local Plan, the proposed dwelling will not be at undue risk of flooding. In addition, subject to conditions dealing with the on-site storage of surface water, run-off rates can be suitably managed.

QUALITY OF ACCOMMODATION CREATED

4.27 The property would be relatively large and if sited in most locations would give occupiers a good standard of accommodation. However, concerns exist in respect to the relationship to existing trees around the edge of the site and those proposed to the front.

The trees immediately to the south and east are outside the occupier's control. The trees will typically be in leaf for approximately five or six months of the year and at such times limited sunlight would reach the inside of the house. Much of the garden would also be in shade. Given the proximity of the house and small garden to the trees to the east and south it is questionable whether it would be reasonable to seek any significant new replacement tree planting to the north (front).

This is of concern given the importance of the treed approach to the appearance of the conservation area.

4.28 The proposed dwelling is located within close proximity to Elvington village hall. The hall is used for a variety of different functions some of which have amplified music. The main hall has two windows bounding the application site. The proposed dwelling would be around 17m from the nearest windows. An acoustic survey has been submitted and the Council's Environmental Protection Officer is satisfied that the house can reasonably co-exist with the hall.

SUSTAINABILITY

4.29 The property is located in an accessible location at the heart of the village. Cycle parking can be accommodated within the proposed garage. The property would have relatively poor natural light levels, however, it is not considered that this in itself would indicate that the building could not be reasonably sustainable in terms of energy use. Sustainability is defined in the NPPF as having an economic role, a social role and an environmental role. The proposal would create immediate economic benefits, however, it could reasonably be argued that it would detract from the historic environment.

S106 CONTRIBUTIONS

4.30 If the proposal were approved a contribution of £3,034 would be required for improvements to open space and play provision in line with the council's planning guidance on such matters.

5.0 CONCLUSION

5.1 The application site is prominent within the conservation area. One of the most attractive intact characteristics of the village is the landscaped approach from the direction of the river Derwent and the treed backdrop to the village hall when seen from the village green. It is considered that erecting a dwelling on the site will detract from this by a significant degree. The small depth of the site is such that it is not considered practical to accommodate the proposed dwelling and retain or provide significant planting. This would mean that the dwelling would become prominent in the street and behind the hall.

5.2 The description of the Conservation area contained in the Local Plan makes reference to the well treed approach to the village and the wooded setting generally. The former School House (1858), now the village hall is described in the statement as an important building. It is considered that the proposal would lead to substantial harm to a heritage asset. It is not considered that the benefits from creating a new dwelling or tidying up an overgrown area of garden would outweigh this permanent harm.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The landscaped and treed character of the application site and its immediate surroundings is important in providing an attractive natural backdrop to the village hall and also in terms of forming part of the intact landscaped approach to the heart of the village. It is not considered that the proposed dwelling could reasonably co-exist with significant planting within and around the site and as such the introduction of the building would detract from the appearance of Elvington Conservation area. The proposal therefore conflicts with Policies GP1 (criterion a and e), H4a (criterion d), HE2, HE3 and NE1 (criterion a) of the City of York Draft Local Plan (Fourth Set of Changes) 2005 and advice in chapter 12 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 an acceptable outcome:

Concerns in respect to the negative impact on the Conservation Area were raised at an early stage in the process.

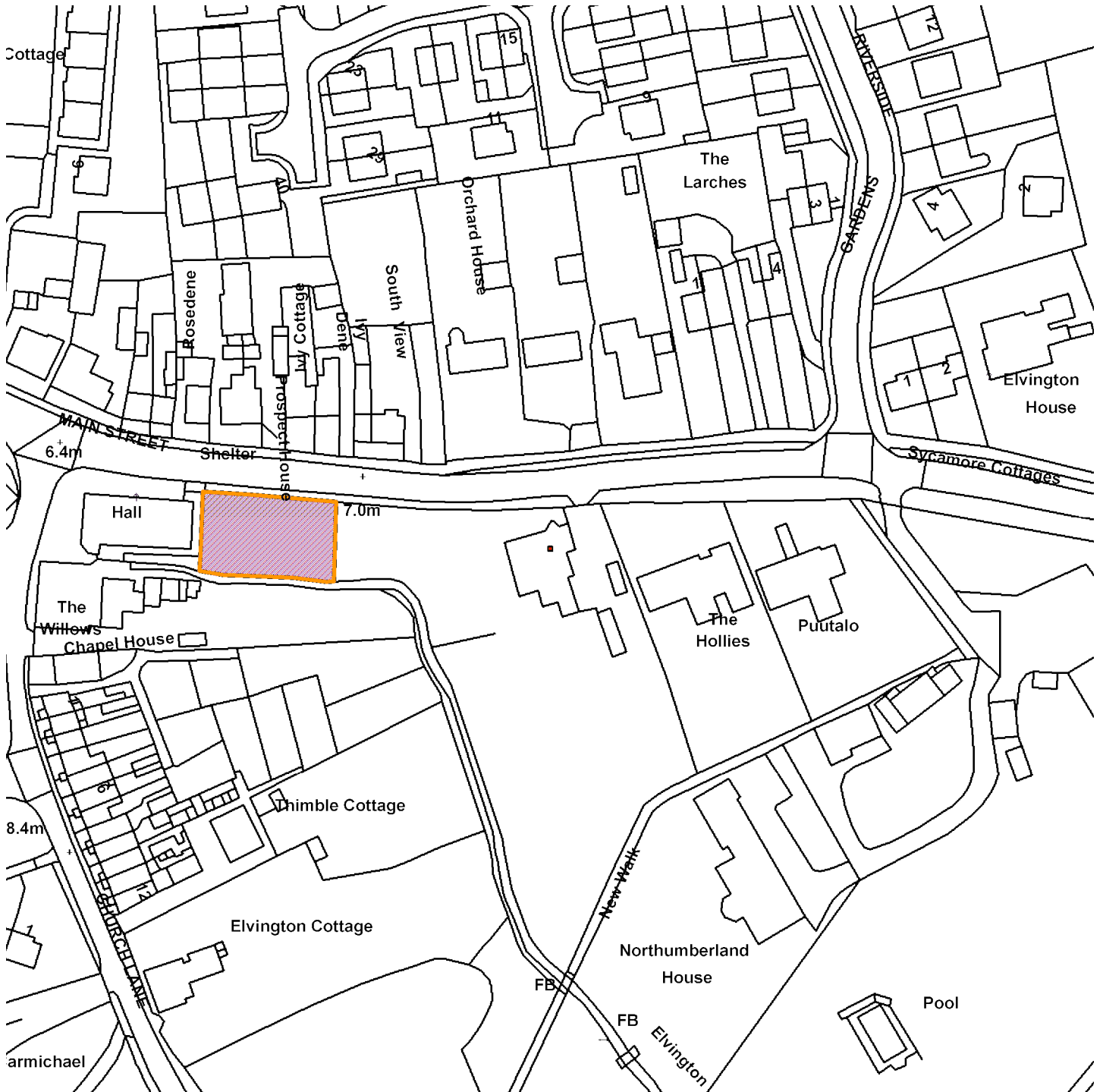
Contact details:

Author: Neil Massey Development Management Officer (Mon/Wed/Fri)

Tel No: 01904 551352

14/01720/FUL

Brook House, Main Street, Elvington



Scale : 1:1272

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Organisation	Not Set
Department	Not Set
Comments	Site plan
Date	27 October 2014
SLA Number	Not Set

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COMMITTEE REPORT

Date: 6 November 2014 **Ward:** Fishergate
Team: Major and **Parish:** Fishergate Planning
Commercial Team Panel

Reference: 14/01857/FUL
Application at: 1 Kensal Rise York YO10 5AL
For: Additional storey to accommodate 6no. roof top apartments with three new staircase pods and associated cycle stores, bin stores and parking to 1-12 Kensal Rise
By: Mr David Jones
Application Type: Full Application
Target Date: 6 October 2014
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 This application seeks permission for the construction of an extra storey on top of an existing 2-storey, flat-roofed block of flats to provide six additional flats (four 2-bed and two 1-bed). Four of the flats would have balconies, which would face south. The proposed flats (plus the six existing flats on the first-floor) would be accessed by three new external stair pods/towers on the north side of the building. Access to the six existing flats on the ground floor would be unchanged. The works would have a contemporary appearance with a combination of brick and aluminium cladding for the walls and aluminium cladding to the roof. Windows would be wood/aluminium. The existing car parking would be retained and supplemented by three visitor spaces accessed from the tuning head at the eastern end of Kensal Rise. Six secure cycle spaces for the new flats would be provided within the stair pods. A further 10 secure spaces would be provided within a purpose built lockable store for the use of the existing residents. Bin stores for all the flats would be provided at the rear of the site. The lower floors of the building would be upgraded with improved insulation, new windows and new external doors.

1.2 The application has been amended since submission. The main changes are: removal of the proposed echelon parking at the front of the site; removal of two proposed balconies; removal of proposed porches to the ground-floor flats; provision of more cycle storage; and retention of a detached garage occupied by the resident at existing Flat 1.

1.3 The application has been called in by Cllr Taylor citing loss of amenity space at the front of the flats to create additional parking, and the dangerous highway movements that would result.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

DC Area Teams GMS Constraints: East Area (1) 0003

Schools GMS Constraints: St. George's RC Primary 0225

2.2 Policies:

CYGP1 Design

CYGP4A Sustainability

CYNE1 Trees, woodlands, hedgerows

CYHE2 Development in historic locations

CYT4 Cycle parking standards

CYL1C Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 No objections to the revised scheme. Add conditions to ensure provision of cycle storage and car parking/manoeuvring.

Communities, Culture and Public Realm

3.2 As there is no on-site open space commuted sums should be paid to the Council for (a) amenity open space - which would be used to improve a local site such as York Cemetery (b) play space - which would be used to improve a local site such as Cemetery Road. This only applies to the 2 beds flats, and (c) sports pitches - which would be used to improve a facility within the South or East Zone of the Sport and Active Leisure Strategy. The contribution to off-site provision is to be based on the latest York formula through a Section 106 Agreement.

Education

3.3 No financial contribution required.

Environmental Protection Unit

3.4 No objections. No air quality or contaminated land concerns have been identified other than possible noise/dust during the construction phase. Add the standard construction informative.

EXTERNAL

Fishergate Planning Panel

3.5 This is a controversial plan that has safety issues. It should be considered by the planning committee rather than delegated to an officer.

Public Consultation

3.6 The consultation period expired on 26 September 2014. Nine objections have been received raising the following planning issues:

- Highway safety due to number and location of additional parking;
- Traffic congestion in Kensal Rise and at junction with Cemetery Road;
- No need for additional parking;
- Visual impact of additional parking;
- Visual impact of clutter on proposed balconies;
- Loss of shared amenity space due to additional parking;
- Overlooking;
- Flats on lower floors should be upgraded;
- Blind spots created by the proposed porches would increase crime and fear of crime [the porches have since been deleted from the scheme].

3.7 One letter of support has been received commenting that the proposal would provide much-needed modestly-sized flats of modern design in keeping with the existing building. The garden would be put to productive use by providing much-needed parking.

4.0 APPRAISAL

4.1 KEY ISSUES

- Sustainability
- Design and Appearance
- Access and parking
- Neighbour amenity
- Open space

PLANNING POLICY CONTEXT

4.2 National Planning Policy Framework (NPPF) states that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted (paragraph 14).

4.3 The City of York Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations although it is considered that their weight is limited except where in accordance with the NPPF. The local plan policies that are still applicable are listed at paragraph 2.2 of this report.

THE APPLICATION SITE

4.4 The existing building is a 2-storey, flat-roofed block of flats occupying the north side of a short cul-de-sac. The remainder of the cul-de-sac comprises 2-storey single dwellinghouses. Kensal Rise is a narrow unadopted road. At the western end, within the application site, is a protected tree. The site abuts Fulford Road Conservation Area at its northern extremity.

SUSTAINABILITY

4.5 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 site is in a sustainable location close to the city centre and well served by shops and public transport. The site is already in residential use. The principle of increasing the number of dwellings on the site is acceptable. The improvements to the lower floors of the building, in terms of insulation and upgrading, support the sustainability aspirations of the NPPF and weigh in favour of the application.

DESIGN AND APPEARANCE

4.6 The core planning principles set out in the NPPF include the expectation that planning should always seek to secure high quality design and a good standard of amenity. The Framework also states that whilst permission should be refused for poor design, planning should not attempt to impose architectural styles or particular tastes and should not stifle innovation through unsubstantiated requirements to conform to certain development styles. The appearance of the existing building is uninspiring and would benefit from improvement. The external metal staircases in particular are unsightly. They would be removed and replaced with the stair towers/pods. Whilst the overall design is contemporary and quite different in character and appearance from the existing building the scale and massing of the enlarged building would not look out of place in the street scene. The additional storey and stair pods would increase the visibility of the building, which would affect the setting of the adjacent conservation area, but the effect would be minor. The proposed replacement windows and external doors for the whole building would improve its overall appearance and benefit the existing occupiers.

ACCESS AND PARKING

4.7 The surrounding highway is protected by parking restrictions and residents parking bays, which are unavailable to the residents of Kensal Rise. Existing on-site parking arrangements comprise a court of 10 spaces at the rear of the building plus a single pre-fabricated garage with hardstanding at the western end of the site. Some of the spaces are allocated to the applicant (who is the freeholder and landlord of some of the flats), others are allocated to individual flat owners. Not all residents have a dedicated parking space. The application initially included the demolition of the single garage and provision of eight extra off-street spaces (net increase, seven). Three of the spaces were on land currently used as shared amenity space at the turning head. The other five were laid out in echelon near the junction with Cemetery Road. Local residents objected to the additional parking, especially the echelon spaces, because of the increase in traffic movements, congestion and obstruction of emergency vehicles that they considered would result. Despite Kensal Rise being unadopted the proposed echelon parking was considered to be unacceptable for safety reasons, in particular the risk of drivers reversing out onto Cemetery Road. The applicant has since removed the echelon parking from the scheme and reinstated the single garage and hardstanding. The three proposed parking spaces at the cul-de-sac are acceptable to Highway Network Management, particularly as their presence would reduce the likelihood of cars parking within the turning head, which would increase the risk of cars reversing out onto Cemetery Road. Furthermore the total level of parking for the site is considered to be acceptable because it is within the council's parking standards, reflects the level of car ownership in the ward and is close to public transport and the city centre. The number of additional traffic movements associated with the development, particularly bearing in mind the relatively low level of parking, would be negligible. 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. Provision of the proposed cycle storage should be made a condition of approval.

NEIGHBOUR AMENITY

4.8 The building is detached and unlikely to have any material impact on adjacent occupiers in terms of loss of sunlight/daylight or overbearing impact. As initially submitted all six of the additional flats would have had balconies facing the houses on the opposite side of the street. The minimum separation distance is 21m, which is acceptable for preventing overlooking. However, the balconies of the two flats at the eastern end of the block would have overlooked the side garden of the house at the end of the turning head, No.14. The applicant has therefore replaced the proposed patio doors with standard windows, thereby preventing access onto the balcony, which would be for maintenance only. This should be made a condition of approval. Revised plans showing the new windows are awaited.

OPEN SPACE

4.9 The application requires a contribution of £5744 towards open space under policy L1C of the local plan. Such payments are normally enshrined in a section.106 unilateral undertaking. Drafting of the undertaking is underway. Members will be updated at the meeting.

5.0 CONCLUSION

5.1 The proposal accords with national planning policy set out in the National Planning Policy Framework and relevant policies of the 2005 City of York Development Control Local Plan. The proposal is acceptable. The application requires a contribution of £5744 towards open space

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out only in accordance with drawings numbered 870.12.B, 870.13.A, 870.15.A and 870.03.A.

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 balconies of the two easternmost flats on the on the second floor of the development hereby approved shall be used for maintenance of the building only and for no other purpose.

Reason: In order to protect the occupiers of the adjacent house at No.14 Kensal Rise from unacceptable overlooking.

4 Prior to commencement of development details of the proposed south-facing windows of the two easternmost flats on the second floor of the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect the occupiers of the adjacent house at No.14 Kensal Rise from unacceptable overlooking.

5 VISQ8 Samples of exterior materials to be app -

6 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the flats hereby approved are first occupied.

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

7 Before the commencement of development, including the importing of materials, excavations, utility works, a method statement regarding measures to protect the tree the subject of a tree preservation order at the western end of the site shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include details and locations of protective fencing, phasing of works, site access during development operations, 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 locations for stored materials. It shall also include construction details and methodology for the driveway where it is located within the canopy spread and potential rooting zones of the trees.

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

8 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The flats hereby approved shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

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

Reason: In the interests of highway safety.

7.0 INFORMATIVES: Notes to Applicant

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

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

2. CONTROL OF POLLUTION

The developer's attention should be 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 attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a). All construction works and ancillary operations, 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.

(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. SECTION 106 OBLIGATION

The planning permission is accompanied by an undertaking by the applicant to contribute £5744 towards off-site open space.

Contact details:

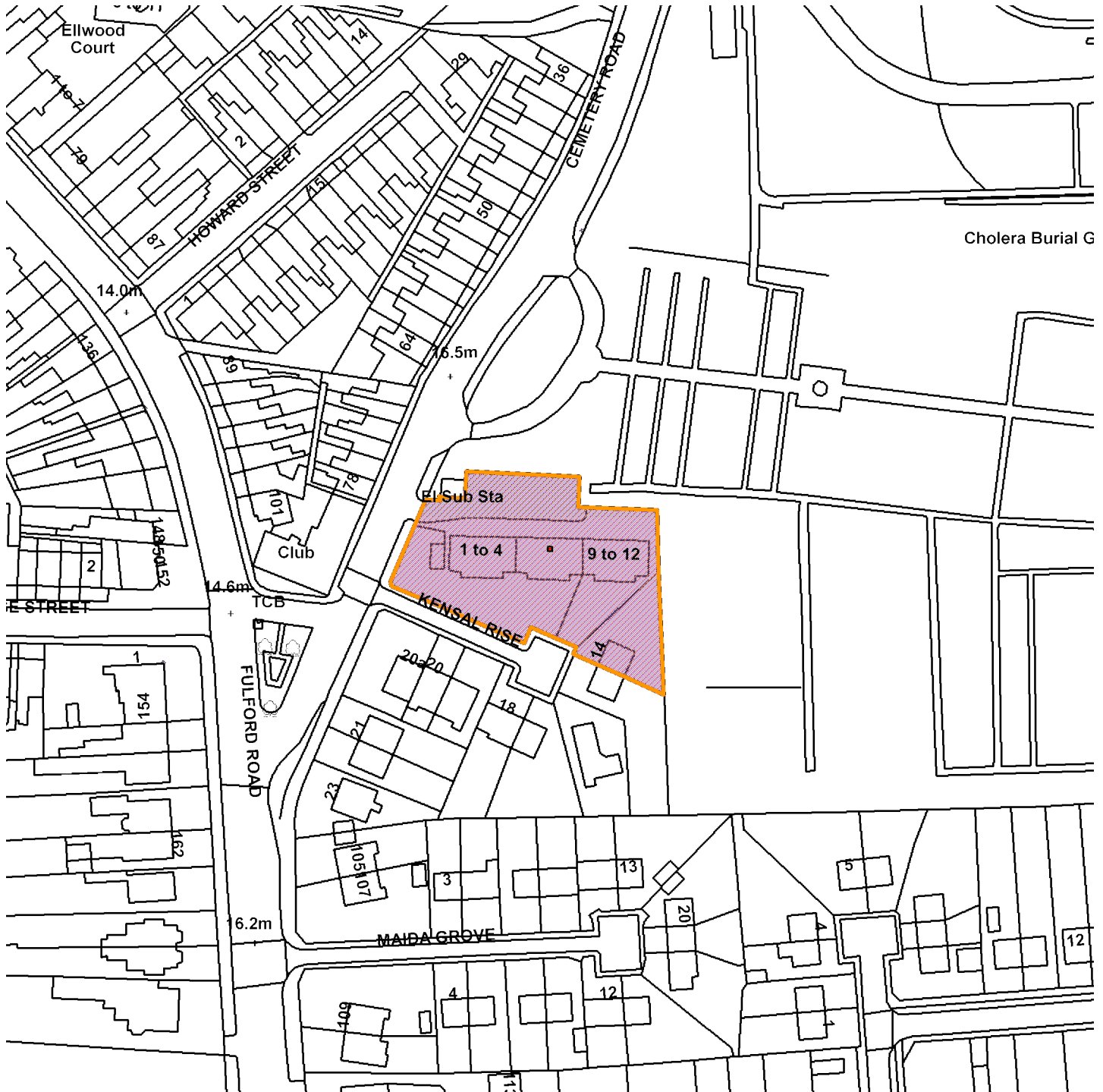
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14/01857/FUL

1-12 Kensal Rise, York



Scale : 1:1272

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Organisation	Not Set
Department	Not Set
Comments	Site plan
Date	27 October 2014
SLA Number	Not Set

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COMMITTEE REPORT

Date: 6th November 2014 **Ward:** Haxby and Wigginton
Team: Major and **Parish:** Haxby Town Council
Commercial Team

Reference: 14/01982/FUL
Application at: The Memorial Hall 16 The Village Haxby York YO32 3HT
For: Alterations and extension of village hall to include single storey side and two storey rear extensions and change of use of no. 14 The Village to form library and seminar rooms, erection of 5 no. craft workshops to rear of 66 North Lane and 3no. dwellings (use class C3) between 66 and 68 North Lane (resubmission)
By: Haxby Town Council
Application Type: Full Application
Target Date: 15 October 2014
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 Haxby Memorial Hall comprises a two storey brick built Victorian structure with more recent additions to the rear situated within a substantial and partially disused site occupying a prominent location within the Haxby Conservation Area.

1.2 Planning permission is sought for a scheme of refurbishment and re-development of the site including the erection of a range of five single storey craft units to the north west, 3no. two storey dwellings to the north, the provision of an extended Hall area with associated equipment storage within the main building and the inclusion of the Haxby Branch Library with associated seminar rooms within the main hall building. The present caretaker's accommodation would be relocated from the main building to one of the proposed dwellings as part of the scheme. The layout has been amended to address concerns in respect of car parking. A second phase to the proposal is also envisaged incorporating a sport hall depending upon further funding becoming available, but is not part of this application.

1.3 The proposal has been called in for consideration by the Area Planning Sub-Committee by Councillor Cuthbertson because of the significance of the development proposed.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Haxby CONF

DC Area Teams GMS Constraints: East Area (2) 0005
Schools GMS Constraints: Oaken Grove Primary 0211

2.2 Policies:

CYGP15A	Development and Flood Risk
CYGP1	Design
CYHE2	Development in Historic Locations
CYH4A	Housing Windfalls
CYL1C	Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL:-

Environmental Protection Unit

3.1 No objection in principle but wishes to see full remediation of the site in terms of contaminated land as there is evidence of contaminating land uses previously being present on the site.

Public Realm (Strategy and Contracts)

3.2 No objection to the proposal subject to the payment of a commuted sum in lieu of the provision of on-site open space.

Flood Risk Management Team

3.3 Raise concerns in respect of the level of information submitted with the proposal relating to surface water drainage.

Design Conservation and Sustainable Development

3.4 No response.

Highway Network Management

3.5 Raise concern in respect of the manoeuvrability of the proposed car parking layout. The application details have however been amended to address these specific concerns. The closure of the existing access from No 14 The Village is also sought at the same time along with a commuted sum of £500 for improvements to the adjacent bus stop.

EXTERNAL:-

Haxby Town Council

3.6 No response.

Foss (2008) Internal Drainage Board

3.7 No objections to the proposal subject to any permission being conditioned to require the submission and prior approval of a surface water drainage scheme based upon the significant attenuation of flows into the surrounding environment.

Neighbours/Publicity

3.8 Three letters of objection have been received in respect of the proposal. The following is a summary of their contents:-

- Concern in respect of the impact upon residential amenity of surrounding properties from the construction of the three residential units on North Lane;
- Concern in respect of the impact of the proposal upon the local pattern of surface water drainage;
- Concern in respect of the impact of the proposed craft units on the residential amenity of neighbouring properties;
- Concern in respect of the impact of the proposal upon the safety and convenience of highway users in the locality.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon character and appearance of Haxby Conservation Area;
- Impact upon the residential amenity of adjacent properties;
- Impact upon local pattern of surface water drainage;
- Impact upon the Safety and Convenience of Local Highway users.

STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN:-

4.2 The York Development Control Local Plan was adopted 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 CHARACTER AND APPEARANCE OF THE HAXBY CONSERVATION AREA:-

4.3 Policy HE2 of the York Development Control Local Plan sets out a firm policy presumption that within or adjacent to Conservation Areas new development proposals must respect adjacent buildings, open spaces and landmarks and have regard to local scale, proportion, detail and materials. Central Government Planning Policy as outlined in paragraph 131 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that

conservation of heritage assets can make to sustainable communities including their economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness.

4.4 Haxby Memorial Hall comprises a two storey brick built Late Victorian structure of some townscape importance lying in a prominent location within the street frontage of The Village within the Haxby Conservation Area. The building is not listed. A substantial yard lies to the rear which is currently used for parking and for open storage associated with adjoining businesses. The proposal envisages the erection of five single storey craft workshops at the western boundary of the site and 3no. two bedroom dwelling houses at the northern boundary of the site fronting on to North Lane. A series of disused out buildings would be cleared in order to facilitate construction of the new buildings with the central section of the rear yard area retained for parking. The proposed craft units would be constructed to a traditional design, in brick with a hipped slate roof. The proposed two bedroom dwellings fronting on to North Lane would similarly be to a traditional design executed in brick and slate with a hipped roof forming a short terrace of three properties with the upper floor absorbed partially within the roof line lit in part by traditional gabled dormers and roof lights. Adjoining residential properties along North Lane are of relatively recent construction with the exception of 68 North Lane which is Victorian and broadly contemporary with the Hall. With the exception of 66 North Lane which is a bungalow gable end to the street and therefore appears lower they follow a similar pattern of scale and massing. The proposed design for both elements of the scheme is felt to be appropriate in terms of its relationship to the Conservation Area.

4.5 In terms of the treatment of the existing Hall building, the caretakers house would become the Haxby branch library with a single storey partially glazed entrance extension incorporating a partially flat roofed element enclosed within a low parapet. A colour coated rolled steel canopy would be provided to demark the entrance. The reception area to the 1970s extension area to the rear would be demolished and the materials reused within library reception area. A partially brick partially cedar clad extension would at the same time be added above the remainder of the 1970s extension which could then easily be modified in the event of the erection of the Sports Hall envisaged in phase 2 of the project. This at the same time, enables the formation of a suitable double height space to allow for the playing of competitive sport in addition to musical and dramatic performances. The entrance to the rear yard area would be partially closed off for the first time with a traditional style black colour coated railing and double gate. Taken together the proposals would match the pattern of scale and massing of the surrounding area and would preserve and enhance the character and appearance of the Conservation Area in accordance with the requirements of Policy HE2 of the York Development Control Local Plan and paragraph 131 of the National Planning Policy Framework.

IMPACT UPON THE RESIDENTIAL AMENITY OF ADJACENT PROPERTIES:-

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

4.7 Concern has been expressed in respect of the relationship of the proposed craft units and the proposed residential units facing North Lane to other residential property within North Lane. The proposed craft units would be some 8.9 metres from the closest residential property No 66 North Lane at its nearest point. This is however an acceptable gable to rear distance with the residential property to the north east and is characteristic of the wider pattern of development in the locality. The proposed units would not give rise to an overbearing relationship or result in an issue of loss of privacy. In view of the concern about noise and potential late night activity it is recommended that the use of the units be conditioned to B1 (Business) use only (defined in the Use Classes Order as a use that can be carried out in any residential area) and that no external activity associated with the units should be allowed.

4.8 In terms of relationship to the proposed residential property, there is a 2 metre gable to gable gap with 66 North Lane to the west and a 2.4 metre gap to 68 North Lane, Northcote House to the east. There are no principal windows in the associated elevations and there would not be an issue of overlooking or loss of privacy. The new properties would be appreciable higher than 66 North Lane but would be set back from the frontage and would therefore be acceptable. At the same time the relationship reflects the pattern of development characteristic of the locality. There are no residential properties directly to the north of North Lane with a substantial belt of mature landscaping sheltering the rear gardens further to the north. The terms of Policy GP1 of the Development Control Local Plan and paragraph 17 of the National Planning Policy Framework would therefore be complied with.

IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE:-

4.9 Policy GP15a) of the York Development Control Local Plan sets out a firm policy presumption that developers must satisfy the Local Planning Authority that any flood risk will be successfully managed with the minimum environmental effect whilst ensuring that the site can be developed, serviced and occupied safely.

Central Government planning policy as outlined in paragraph 103 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight in determining planning applications for new development to the need to ensure that flood risk is not increased elsewhere.

4.10 The application site lies within Flood Zone 1 which indicates the lowest risk of flooding. The site furthermore is presently entirely hard surfaced with the proposed scheme resulting in a material reduction in impermeable surfacing if implemented. The submitted application details provide outline drainage information based upon a scheme to provide attenuation of flows before out-falling into the local sewerage system. Whilst some concern has been raised in respect of localised surface water drainage issues within North Lane, the proposal would represent an improvement upon the existing situation and providing the detail of the proposed attenuation scheme is conditioned for further approval, the proposal is felt to be acceptable.

IMPACT UPON THE SAFETY AND CONVENIENCE OF LOCAL HIGHWAY USERS:-

4.11 Concern has previously been expressed in relation to the proposed car park layout and associated manoeuvrability. The layout has however been amended to address these concerns and the revised layout is felt to be acceptable. In terms of overall parking space numbers the proposal falls well within the Authority's Adopted Maximum Parking Standards and the site is readily accessible in terms of main public transport routes into the City Centre.

SECTION 106 ISSUES:-

4.12 The proposal falls to be addressed against Policy L1c) of the York Development Control Local Plan. This establishes a requirement for payment of a commuted sum in lieu of the provision of on-site open space. Allowing for the re-location of the existing Hall caretaker's accommodation to one of the three units to be constructed on North Lane this creates a requirement for a payment of £2,508. A commuted sum of £500 is also sought in respect of improvements to the adjacent bus stop. This may be secured by means of a Unilateral Obligation.

5.0 CONCLUSION

5.1 Haxby Memorial Hall comprises a two storey brick built Victorian structure occupying a prominent location within street frontage of The Village within the Haxby Conservation Area. Planning permission is sought for a range of extensions and external alterations to incorporate the Haxby Branch Library within the building and to provide enhanced Hall accommodation and seminar rooms to increase the level of public usage. As part of the proposal it is intended to provide a block of three two storey two bed room dwelling houses accessible from North Lane and five small craft units within the existing rear yard area to the north west.

The proposed extensions would be sympathetic to the existing in terms of their pattern of scale and massing and would secure the character and appearance of the Conservation Area. At the same time the proposed dwellings accessible from North Lane and the craft units would be to a subtle traditional design. It is felt that the proposed work would have a minimal impact upon the residential amenity of adjoining properties and surface water drainage can be improved from the current situation. A commuted sum of £2,508 is required in lieu of the provision of open space and a sum of £500 in respect of improvements to the adjacent bus stop which may be secured against a Unilateral Obligation. The proposal is therefore felt to be acceptable in planning terms and approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

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

Drawing Refs:- PA05 Rev A; PA06 Rev A; PA12 Rev A; PA10 Rev B; PA11 Rev B; PA 07 Rev B and PA 08 Rev B. Date Stamped 16th January 2014 and PA 09 Rev F.

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

3 VISQ8 Samples of exterior materials to be app -

4 VISQ4 Boundary details to be supplied -

5 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 , shrubs and other planting. 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.

6 Trees shown as being retained on the approved plans / drawing PA09 Rev F shall be protected in accordance with BS: 5837 Trees in relation to construction.

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

The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

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

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

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

8 No development approved by this permission shall be commenced until the Local Planning Authority has approved in writing a Scheme for the provision of surface water drainage works. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The following criteria should be considered:

- * Any proposal to discharge surface water to a watercourse from the redevelopment of the site should first establish the extent of any existing discharge to that watercourse.
- * Peak run-off from the site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- * Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- * A 20% allowance for climate change should be included in all calculations.
- * A range of durations should be used to establish the worst-case scenario.

Reason:

To ensure the development is provided with satisfactory means of surface water drainage, to reduce the risk of flooding and to secure compliance with Policy GP15a) of the York Development Control Local Plan.

- 9 EPU1 Electricity socket for vehicles -
- 10 LC1 Land contamination - Site investigation -
- 11 LC2 Land contamination - remediation scheme -
- 12 LC3 Land contamination - remedial works -
- 13 LC4 Land contamination - unexpected contamination -
- 14 HWAY31 No mud on highway during construction -
- 15 HWAY18 Cycle parking details to be agreed -
- 16 HWAY19 Car and cycle parking laid out -
- 17 NOISE7 Restricted hours of construction
- 18 The use of the craft units shall be restricted to uses falling within Use Class B1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (offices (other than those that fall within A2), research and development of products and processes, light industry appropriate in a residential area).

Reason: To safeguard the residential amenity of neighbouring properties.

19 No manufacturing, processing, sales or storage activity associated with the units hereby authorised shall be undertaken in the external space within the site.

Reason: - To secure the residential amenity of adjoining properties

20 Prior to completion of the development the existing access from No 14 The Village , to the adjacent highway shall be stopped up to the satisfaction of the Local Planning Authority and the verge reinstated.

Reason: In the interests of highway safety.

7.0 INFORMATIVES: Notes to Applicant

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

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

Requested Submission of a Revised Car Parking Layout to the yard area to the rear.

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

Contact details:

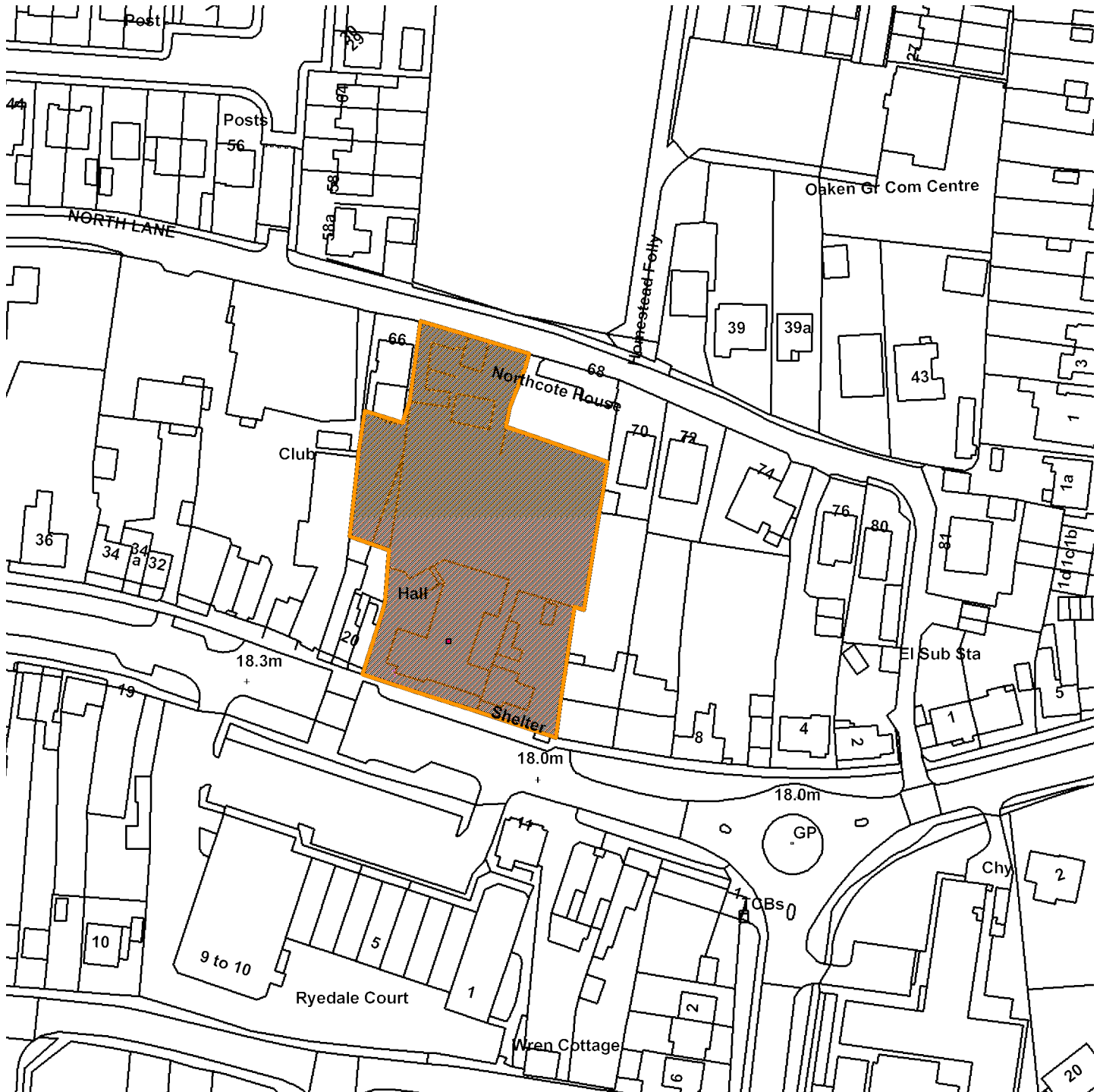
Author: Erik Matthews Development Management Officer

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14/01982/FUL

The Memorial Hall, 16 The Village, Haxby, York



Scale : 1:1272

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Organisation	Not Set
Department	Not Set
Comments	Site plan
Date	27 October 2014
SLA Number	Not Set

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Planning Sub Committee

6 November 2014

Planning Committee

20 November 2014

Appeals Performance and Decision Summaries

Summary

- 1 This report (presented to both Planning Committee and the Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 July to 30 September 2014, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing is also included.

Background

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. Whilst the percentage of appeals allowed against the Council's decision is no longer a National Performance Indicator, the Government announced last year that it will use appeals performance in identifying poor performing planning authorities, with a view to the introduction of special measures and direct intervention in planning matters within the worst performing authorities. This is now in place for Planning Authorities where more than 60% of appeals against refusal of permission for major applications are allowed.
- 3 The table below includes all types of appeals such as those against refusal of planning permission, against conditions of approval, enforcement notices, listed building applications and lawful development certificates. Figure 1 shows performance on appeals decided by the Inspectorate, for the last quarter 1 July to 30 September 2014, and for the 12 months 1 October 2013 to 30 September 2014.

Fig 1: CYC Planning Appeals Performance

	01/07/14 to 30/09/14 (Last Quarter)	01/10/13 to 30/09/14 (Last 12 months)
Allowed	0	7
Part Allowed	0	3
Dismissed	6	26
Total Decided	6	36
% Allowed	0%	19%
% Part Allowed	0%	8%

Analysis

- 5 The table shows that between 1 July and 30 September 2014, a total of 6 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 0 were allowed. At 0% the rate of appeals allowed is below the national annual average of around 34% and lower than our previous quarter figure of 18%. By comparison, for the same period last year, 3 out of 7 appeals were allowed. None of the appeals allowed between 1 October 2013 and 30 September 2014 related to “major” applications.
- 6 For the 12 months between 1 October 2013 and 30 September 2014, 19% of appeals decided were allowed, lower than the previous corresponding 12 month period of 33%.
- 7 The summaries of appeals determined between 1 July and 30 September 2014 are included at Annex A. Details as to whether the application was dealt with under delegated powers or by committee (and in those cases, the original officer recommendation) are included with each summary. In the period covered, no appeals related to applications refused by committee.
- 8 The list of current appeals is attached at Annex B. There are 12 planning appeals lodged with the Planning Inspectorate (excluding tree related appeals) and we have received the decision for the appeal against the refusal of permission at Laura Ashley 11 Little Stonegate (Allowed). Also in the table is the Public Inquiry for the application for 102 houses at Land to the North of Brecks Lane, Strensall which has been called-in for determination by the Secretary of State. The Public Inquiry was heard for 4 days from 14 October 2014 and has been adjourned until 6 November.
- 9 The quarter performance at 0% allowed is lower than for recent quarters. The current 12 month performance at 19% allowed is a significant improvement on the figure for October 2012 – September 2013 (33%), and is better than the National average of 34% of appeals allowed.

The initial impact of the publication of the NPPF (March 2012) on appeal outcomes (which saw many cases allowed) appears to have receded, with the trend in CYC performance continuing to improve as the use and interpretation of policy and guidance within the NPPF (by both the Council and the Planning Inspectorate) has become more consistent.

10 The main measures successfully employed to regain the previous performance levels have been as follows:-

i) Officers have continued to impose high standards of design and visual treatment in the assessment of applications provided it is consistent with Paragraph 56 of the NPPF and Development Control Local Plan Policy.

ii) Where significant planning issues are identified early with applications, revisions are sought to ensure that they can be recommended for approval, even where some applications then take more than the 8 weeks target timescale to determine. This approach is reflected in the reduction in the number appeals overall. This approach has improved customer satisfaction and speeded up the development process, and, CYC planning application performance still remains above the national performance indicators for Major, Minor and Other application categories.

iii). Additional scrutiny is being afforded to appeal evidence to ensure arguments are well documented, researched and argued.

Consultation

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

Council Plan

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

Implications

13 Financial – There are no financial implications directly arising from the report.

14 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information.

15 Legal – There are no known legal implications associated with this report or the recommendations within it.

- 16 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

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

Recommendation

- 18 That Members note the content of this report.

Reason

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

Contact Details

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**Report
Approved**



Date 24 October
2014

Specialist Implications Officer(s) None.

Wards Affected:

All Y

For further information please contact the author of the report.

Annexes

Annex A – Summaries of Appeals Determined between 1 July 2014 and 30 September 2014

Annex B – Outstanding Appeals at 24 October 2014

Appeal Summaries for Cases Determined 01/07/2014 to 30/09/2014

Application No: 14/00269/FUL
Appeal by: Mr Paul Nicholas
Proposal: Two storey side extension and porch to front
Address: 2 Almsford Road York YO26 5HZ

Decision Level: DEL
Outcome: DISMIS

Planning permission was refused for a two storey side extension on the grounds that its size and position harmed the light and outlook of neighbouring occupiers on Carr Lane. The existing side elevation of the property faces directly onto the rear elevations of no's 128 and 128A Carr Lane. The Inspector agreed with the Council that visual impact within the street would be limited but that the side extension would see a significant increase in the bulk and massing of the house in close proximity to these rear gardens and habitable room windows, resulting in a significantly worse outlook for the occupiers and creating an undue sense of enclosure which would be overbearing for these neighbours. The Inspector had regard to the submitted daylight sunlight assessment which said that the increase of overshadowing would be limited to the mid afternoon, the appellants suggestion that the significance of the impact was therefore limited, and the lack of objections from neighbours. However he relied on his own observations on site and dismissed the appeal.

Application No: 14/00399/FUL
Appeal by: Mr Max Reeves
Proposal: Change of use from travel agents (use class A1) to financial and professional service (use class A2)
Address: Tui Uk Ltd 14 Low Ousegate York YO1 9QU

Decision Level: DEL

Outcome: DISMIS

Permission was refused for the change of use of 14 Low Ousegate, which is a Primary Shopping Street, from A1 to A2 as it would result in the proportion of non retailing uses on the street frontage increasing to 56.7% representing a further dilution of the retail function of the street. At the time, the property had not been marketed for an A1 use for a significant period and with the exception of one unit which was shortly to be occupied, there were no vacant units on Low Ousegate. There was therefore considered to be a lack of evidence to demonstrate that the property could not be occupied as an A1 use. The Inspector was satisfied that, despite its age, the relevant part of the Local Plan broadly reflects the objectives of the NPPF which encourages policies to support the viability and vitality of town centres. Although the appellant argued that despite its designation as a PSS, Low Ousegate is not part of the prime area of retail activity around Coney Street and Parliament Street, the Inspector notes that the street has a discernible vibrancy and clear retail function. In finding that Low Ousegate is a PSS that contributes to the retail attractiveness of the city centre, the Inspector considered that the demand for its continued use as an A1 unit in this location had not been properly tested. Mailing lists were not supplied and it was unclear whether the premises are or were advertised in the local press or relevant trade publications. Only a copy of one agents particulars was provided. Furthermore, the property was only marketed for about 1 month before the application was submitted and although it is still being advertised, only some 6 to 7 months have elapsed since the exercise began. Although the Inspector considered that the proposal would generate a similar footfall to the previous use and would incorporate display windows, these positive factors were not considered to outweigh the harm that would result if the appeal were to succeed.

Application No: 14/00423/ADV
Appeal by: Ms Henny Clark
Proposal: Display of 1no. internally illuminated fascia sign
(retrospective)
Address: Lady Anne Middletons Hotel Skeldergate York YO1 6DS

Decision Level: DEL

Outcome: DISMIS

The appeal relates to an existing internally illuminated sign at the rear vehicular and pedestrian entrance to the Grade II* Listed hotel. It is situated on a smaller, non-listed building that is in scale and character with the domestic scale, mass, and form of the largely residential buildings on Cromwell Road. The Inspector considered that the sign is too large in relation to the scale of the building, and the size and proportions of the gabled facade. It obscures important architectural details. The Inspector considered the design and style of the sign appropriate, and interestingly the issue of its existing low level internal illumination was not assessed. The Inspector therefore dismissed the appeal as the degree of harm is not outweighed by public benefit, and conflicts with the policies in the Development Control Local Plan that are consistent with the NPPF.

Application No: 14/00634/FUL
Appeal by: Mr And Mrs A Norton
Proposal: First floor extension to side
Address: 18 Milson Grove York YO10 3AG

Decision Level: DEL

Outcome: DISMIS

The appeal was against the refusal of a proposed two storey side extension. 18 Milson Grove is a two storey semi-detached property located within a street characterised by two storey semi-detached dwellings with distinct open spaces between. The first floor pitched roof side extension would adjoin an existing two storey side extension at 16 Milson Grove. Although proposed side extension was to be set down by 1.6 metres from the ridge of the adjacent side extension, the inspector agreed that because neither of the side extensions would be set back more than marginally from the main facades, the scheme would create an apparent terrace of 4 dwellings within a street of semi-detached houses. The inspector also agreed that the reduced height of the extension and the proposed front dormer would accentuate the discordant impact of the proposal.

Application No: 14/00642/FUL
Appeal by: Amplifon Ltd
Proposal: Alterations to shopfront
Address: Johnson Cleaners Uk Ltd 5 Low Ousegate York YO1 9QX

Decision Level: DEL

Outcome: DISMIS

This retrospective proposal involved the redecoration of the shop front in silver and the installation of new fascia signage at 5 Low Ousegate which is occupied by Amplifon. The property is Grade II listed and located within the Central Historic Core Conservation Area. We refused the application on the basis that the design, materials and finish of the new fascia panel together with the colour and finish of the shop front contrast sharply with the traditional materials used in the construction of the host building and later shop front, and appear at odds with the building's appearance. The Inspector commented that the Perspex material used in the fascia is not a traditional material and its glossy finish, over such a large area, is wholly out of keeping with the traditional style of the shop front surround and the historic character of the host building. With reference to the colour of the shop front, the Inspector commented that the silver finish is not typical of shop fronts of that period. The Inspector dismissed the appeal on the grounds that the proposal conflicts with the generality of policy on good design and the conservation of the historic environment in the NPPF and Local Plan.

Application No: 14/00868/ADV
Appeal by: Mr Ray Murphy
Proposal: Display of 1no. internally illuminated fascia sign
Address: Next Retail Ltd Unit B Vangarde Way Huntington York
YO32 9AE
Decision Level: DEL
Outcome: DISMIS

There application has been for 1 no internally illuminated fascia to be sited approx 1 metres above an existing recently approved fascia sign. The signage was for a coffee shop within the main retail unit. The application was refused on the grounds that the positioning and the resulting cumulative impact, would create a cluttered and incongruous appearance that would be harmful and detrimental to the visual amenity of the host building, and the character and appearance of the retail development as whole. The Inspector agreed with this conclusion and stated that the juxtaposition of 2 advertisements in a small segment of this glass facade would lead to a plethora of lettering squeezed into a relatively narrow portion of the facade. The accumulation of letters of different sizes within different signs and in different colours that would upset the proportionate spacing and symmetry evident in the size, spacing and colours of the letters and names across the facade as a whole. The elevated position of the lettering would convey a scale of use inconsistent with the nature and scale of the operation currently undertaken, in contrast to the synergy between the relatively subservient position of the current sign and the ancillary nature of the cafe. By virtue of the simple lines and evident symmetry of the glass facade, the visual impact due to the proposal would be damaging.

Decision Level:	Outcome:
DEL = Delegated Decision	ALLOW = Appeal Allowed
COMM = Sub-Committee Decision	DISMIS = Appeal Dismissed
COMP = Main Committee Decision	PAD = Appeal part dismissed/part allowed

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Outstanding appeals

Officer: Diane Cragg						Total number of appeals:	2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
14/04/2014	14/00014/CALL	APP/C2741/V/14/2216946	P	Land Lying To The North Of Brecks Lane Strensall York	Residential development of 102 dwellings with associated highways infrastructure, landscaping and public open space		
27/06/2014	14/00023/REF	APP/C2741/A/14/2221021	W	Blue Coat Farm Murton Lane Murton York YO19	Outline application for 9no. dwellings with associated garages and parking		
Officer: Esther Priestley						Total number of appeals:	2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
12/05/2014	14/00017/TPO	APP/TPO/C2741/3909	W	14 Sails Drive York YO10 3LR	Fell Silver Brch (T3,T11), Mountain Ash (T5), Oak (T8), Trees protected by Tree Preservation Order CYC15		
09/05/2014	14/00015/TPO	APP/TPO/C2741/3907	W	7 Quant Mews York YO10 3LT	Crown Reduce Silver Birch (T1,T2), Trees protected by Tree Preservation Order CYC 15		
Officer: Heather Fairy (Mon - Wed)						Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
07/07/2014	14/00026/REF	APP/C2741/D/14/2221759	H	Holmedene Intake Lane Acaster Malbis York YO23	Two storey front, first floor side, single storey front extensions and balcony to side		
Officer: Jonathan Kenyon						Total number of appeals:	2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
28/08/2014	14/00033/CON	APP/C2741/A/14/2223713	W	Tree Tops Nursery To Red Lion Upper Poppleton York	Erection of detached dwelling with associated access		
17/07/2014	14/00027/REF	APP/C2741/A/14/2222238	W	Laura Ashley Ltd 11 Little Stonegate York YO1 8AX	Change of use to a restaurant and/or drinking establishment (A3 and/or A4 use class) and associated external alterations		
Officer: Kevin O'Connell						Total number of appeals:	3
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
13/10/2014	14/00040/REF	APP/C2741/A/14/2226495	W	Land To The South Of 20 Garden Flats Lane	Erection of a detached dwelling		

08/09/2014	14/00034/REF	APP/C2741/A/14/2223296	I	Raddon House 4 Fenwicks Lane York YO10 4PL	Demolition of existing house, garages and outbuildings and the construction of a replacement dwelling and garages (resubmission)
26/09/2014	14/00036/EN	APP/C2741/C/14/2225236	P	Land At OS Field No 9122 Holtby Lane Holtby York	Appeal against Enforcement Notice dated 31 July 2014

Officer: Matthew Parkinson **Total number of appeals: 1**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
17/06/2011	11/00026/EN	APP/C2741/C/11/2154734	P	North Selby Mine New Road To North Selby Mine	Appeal against Enforcement Notice

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

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
04/09/2014	14/00035/REF	APP/C2741/A/14/2224965	W	Grantchester Stripe Lane Skelton York YO30 1YJ	Variation of condition 2 of permitted application 12/01877/FUL to introduce gable to north elevation and alter roof lights

Officer: Rachel Tyas **Total number of appeals: 3**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
05/08/2014	14/00032/REF	APP/C2741/H/14/2223047	W	Gourmet Burger Kitchen Limited 7 Lendal York YO1	Display of halo- illuminated fascia sign, internally illuminated hanging sign, menu box and canopy sign
05/08/2014	14/00031/REF	APP/C2741/A/14/2223042	W	Gourmet Burger Kitchen Limited 7 Lendal York YO1	Alterations to shopfront including new serving counter and canopy
23/09/2014	14/00039/EN	APP/C2741/C/14/2226046	W	9 Feasegate York YO1 8SH	Appeal against Enforcement Notice dated 11 August 2014

Total number of appeals: 15
