



Notice of a public meeting of

Planning Committee

- To:** Councillors Horton (Chair), Galvin (Vice-Chair), Ayre, Boyce, Burton, Crisp, D'Agorne, Doughty, Firth, King, Looker, McIlveen, Reid, Simpson-Laing, Watt, Williams and Watson
- Date:** Thursday, 21 August 2014
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

1. **Declarations of Interest**

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

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

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

2. **Minutes** (Pages 1 - 18)

To approve and sign the minutes of the meeting of the Planning Committee held on 24th July 2014.

3. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5pm on Wednesday 20th August 2014**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

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4. Plans List

This item invites Members to determine the following planning application:

a) Our Ladys RC Primary School, Windsor Garth, York, YO24 4QW (14/01037/FULM). (Pages 19 - 34)

An application to vary conditions 2 and 10 of planning permission 13/02892/FULM to adjust land levels and ridge heights of finished properties for drainage reasons. [Westfield Ward].

5. Appeals Performance Report. (Pages 35 - 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 April to 30 June 2014, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing is also included.

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

Democracy Officer:

Name: Laura Bootland

Contact Details:

- Telephone – (01904) 552062
- E-mail – laura.bootland@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

Contact details are set out above.

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City of York Council

Committee Minutes

Meeting	Planning Committee
Date	24 July 2014
Present	Councillors Horton (Chair), Galvin (Vice-Chair), Burton, Crisp, Cuthbertson (Substitute), D'Agorne, Doughty, Firth, Fitzpatrick (Substitute), King, McIlveen, Reid, Riches, Simpson-Laing, Watt, Williams and Watson
Apologies	Councillors Ayre, Boyce and Looker

1. Site Visits

	Reason for Visit	Members Attended
Willow House, Wigginton.	To enable members to familiarise themselves with the site	Horton, Galvin, Cuthbertson, King, Reid, Mcilveen and Watt.
Holly Tree Farm. Osbaldwick.	To enable members to familiarise themselves with the site	Horton, Galvin, Cuthbertson, King, Reid, Mcilveen and Watt.
OS Field 1138, Holtby.	To enable members to familiarise themselves with the site	Horton, Galvin, Cuthbertson, King, Reid, Mcilveen and Watt.

2. Declarations of Interest

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

Councillor D'Agorne declared a personal interest in agenda item 4c as a Member of the Cycle Touring Club.

Councillor Crisp declared a personal interest as some of the tourist boards mentioned in relation to agenda item 4c fall within the remit of her portfolio as Cabinet Member for Leisure, Culture and Tourism.

3. Minutes

Resolved: That the minutes of the last Planning Committee held on 15th May 2014 be approved and signed by the Chair as a correct record.

4. Public Participation

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

5. Plans List

6. Willow House, Wigginton Road, Wigginton, York, YO32 2RH (14/00497/FUL)

Consideration was given to a full application by Mr. John Pulleyn for the siting of eight camping pods and a single storey reception building following the demolition of a horticultural glasshouse (retrospective).

Cliff Carruthers was in attendance as the agent for the applicant. In response to questions from Members he advised that the application was being made retrospectively as the applicant had not realised that planning permission was required for the camping pods as they were not permanent structures.

Members noted that the applicant had outlined Very Special Circumstances for allowing the application in the Green Belt as follows:

- There is a clear demand for this type of accommodation within the city and this is demonstrated by the campsite having operated successfully since July 2013.
- Potential locations for such uses are limited. If camping facilities are to add to variety of tourist accommodation available in the York, then they need to be in the Green Belt in order to provide access to both the open

countryside as well as the tourist attractions of the city. The principle of camping, caravanning and similar recreational uses in the Green Belt has been accepted by the Council in the past. Indeed, the land to the east of the camping pods already operates as a successful caravan site.

- The proposal is in accordance with paragraph 81 of the NPPF, which seeks to enhance the use of the Green Belt by looking for opportunities to provide access and to provide opportunities for outdoor recreation.
- The Willow Farm site is already fully equipped with the necessary infrastructure to support the proposed use. There are shower and toilet facilities located to the west of the camping area and there is also a small farm shop and café in this area, offering drinks, food and convenience goods. Other than the pods themselves, there are no additional facilities required to support the proposed use.

Officers considered harm to the green belt to be extremely limited due to the following reasons:

Most of the holding is already in leisure use;

- The pods are well screened behind a 2m perimeter fence and cannot be seen from outside of the site. They are of a sensitive design which is entirely appropriate to their rural setting;
- The proposal improves a damaged/derelict part of the site previously occupied by a large single storey glasshouse, which had fallen into disrepair;
- The combined footprint of the eight pods and reception building is approximately 130sqm, which is significantly less than the glasshouse, which had a footprint of 1200 sqm.
- Members commented that although retrospective applications were usually unwelcome, they felt that the use applied for in this instance was appropriate for this location.

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

Reason: On balance, it was considered that the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations that amount to very special circumstances and that consequently the application is acceptable. In accordance with the Town and Country Planning (Consultation) (England) Direction 2009, It is not considered that the matter need be referred to the Secretary of State as the development is in total less than 1000 sq.m and does not have a significant impact on the openness of the Green Belt.

7. Land Adjacent to Hopgrove Roundabout, Beechwood Hopgrove, York (14/00672/OUTM)

It was reported at the start of the meeting that this application had been withdrawn by the applicant.

8. Holly Tree Farm, Murton Way, York (14/00809/FUL).

Consideration was given to an application by Mr Robert Wilson for the siting of 8 holiday let log cabins and excavation of a fishing lake.

Mary Keely had registered to speak in objection to the application as a Local Resident. She advised that the area floods easily and raised concerns about the impact of the 8 proposed cabins on flooding in the area. She also raised concerns about the suitability of the highway.

Ms Cartmel had registered to speak as the applicant. She advised that herself and her husband wished to work in tourism and wanted to create a viable business to secure their families

future. The application was intended to benefit the local area and improve ecology.

Mr Swinglehurst had registered to speak as the applicants agent. He advised that the land in question was poor grade land and the lake was being proposed as a suitable use as it would provide sustainable drainage for the site. In response to the comments on flooding made by Mary Keely, he was willing to agree further conditions with Officers on drainage if requested to do so. He highlighted the importance of tourism to the area and advised that the application would provide much needed self catering facilities for families and the fishing lake would also be open to local residents.

Members noted that the Officers recommendation was to refuse the application as it was considered to be inappropriate development in the Green Belt. If Members were minded to approve the application, very special circumstances would need to be given for the application outweighing harm to the Green Belt.

During debate, Members made the following comments:

- The application caters for a use and approval would support a local business.
- The application would not harm the Green Belt due to the industrial location.
- The application site is called 'Holly Tree Farm' and Farmers are being encouraged to adapt their businesses in difficult economic times.
- Residents concerns are unfounded and a similar development in another Ward in the City had not given residents any cause to complain.
- Some concerns were raised about the creation of a permanent lake and the management of the arrangements for fishing in conjunction with running a holiday rental business.
- The number and size of the Cabins was a concern for some Members.

Following further discussion, Councillor Williams moved approval and Councillor King seconded. When put to the vote, the application was approved subject to consultation with the Chair and Vice Chair regarding the wording of conditions.

The Very Special Circumstances accepted as cumulatively clearly outweighing the harm to the Green Belt were:

- The site at present is a poor grade pony paddock; the proposal will enhance the site and its surroundings
- The scheme provides for outdoor sport and recreation and the land is already a leisure activity.
- Paragraph 81 of the national Planning Policy Framework says that Local Planning Authorities should plan positively to enhance the beneficial use of the green belt.
- There is high unmet demand for such visitor accommodation in or near York, the vitality and viability of which is in part reliant on a successful tourist and visitor economy

Resolved: That the application be approved subject to the following conditions:

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

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following plans and other submitted details: Drawings 13092.01 13092.02 received 31st March 2014; 5062/10 received 11th April 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 approved log cabins shall not be used for residential purposes other than holiday letting. For the purpose of this condition ‘holiday letting’ means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days per calendar year.

Reason – The premises are only acceptable in this Green belt location on the basis of the Very Special Circumstances for holiday accommodation and would

otherwise constitute inappropriate permanent residential development in the Green Belt. The cabins also lack a defined cartilage and a private amenity space and would present an inadequate standard of amenity for permanent residents.

4. The owners/operators shall maintain an up-to-date register of the names of all occupiers of the holiday accommodation on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason – To ensure the holiday accommodation is not used for unauthorised permanent residential occupation.

5. 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 cabins 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 the use of cycles thereby reducing congestion on adjacent roads and in the interests of the amenity of occupants in the accommodation.

6. The site shall not be brought into first use nor shall the cabins be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles of holiday residents and visitors to the fishing lake 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. 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. The following criteria should be considered in the formulation of the surface water drainage scheme:

- Discharge from Greenfield sites taken as 1.4 lit/sec/ha (1:1yr storm).
 - Storage volume should accommodate a 1:30yr event with no surface flooding and no overland discharge off the site in a 1:100yr flooding event.
 - A 20% allowance for climate change should be included in all calculation.
- A range of durations should be used to establish the worst case scenario.

Reason – So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and to reduce the risk of flooding.

8. The finished floor levels of the cabins must be set at no lower than 600mm above the greater of either:
 - i) Existing ground levels as identified on submitted drawing 5062/10 or
 - ii) The levels identified in 1:00 year flood event modelling to be carried out for the site, details of which shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of the development.

Reason – To minimise the potential for flooding of the proposed holiday accommodation.

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

Reason – To protect the amenity of local residents.

10. Demolition, excavation and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:
 - Monday-Friday 08.00to 18.00
 - Saturday 09.00 to 13.00
 - Not at all o Sundays and Bank Holidays.

Reason – To protect the amenity of local residents.

11. 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 to be planted. 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.

12. Before the commencement of and during building works, adequate measures shall be taken to protect the existing planting on this site including the boundary hedging which shall thereafter be retained during the operation of the development. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason – The existing planting is considered to make significant contribution to the amenities of this area.

13. Prior to commencement of the development, details of all external lighting at the site shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be installed fully in accordance with the approved details.

Reason – In the interests of the visual amenity of the locality and the amenity of adjacent residents.

14. Other than that hereby approved, no additional holiday accommodation shall be introduced, nor camping or

caravanning permitted to take place at the site at any time.

Reason – in the interests of the amenity of adjacent residents.

9. OS Field 1138, Main Street, Holtby, York (14/01236/FUL).

Consideration was given to an application by Ms Chloe Smith for the development of a touring cyclist stop, comprising of 12 camping pods with an ancillary amenity block and a reception/managers accommodation (resubmission).

Officers provided an update to advise that further comments had been received from the Environment Agency regarding drainage.

Paul Hepworth had registered to speak on behalf of the Cycle Touring Club. He advised that the club operates a website called 'Cyclists Welcome' which can be used by cyclists to search for accommodation, cafes, bike shops and repairers and its use soared dramatically in the run up to the Tour de France (TdF) in Yorkshire. City of York Council are managing a ten year TdF legacy and it is anticipated there will be continued enhanced demand for cycle facilities in the region. Although the development does not lie on directly on the national Cycle Network it is within easy cycling distance. Murton Way forms part of the Way of the Roses route. He noted the officers recommendation to refuse and queried if a temporary permission could be a solution to determine how well the facility would be used.

Graham Cheyne had registered to speak as a local resident and cyclist. He advised that the site would provide a much needed facility which is located very near to the Way of the Roses route that is advertised nationally. Following the TdF people are very interested in visiting Yorkshire and cyclists look for facilities which can offer private storage for cycles rather than unsecure facilities that are often found in other accommodations.

Philip Holmes had registered to speak as the agent on behalf of the applicant. He advised that currently there is no provision in

the area for touring cyclists. There had been only support for the application which would cause limited localised harm to the Green Belt.

Councillor Brooks had registered to speak as Ward Member. She advised that there had been no objection to the application from the Parish Council as they could find no reason to object as the application was an improvement on the original application. If the application was to be approved, she suggested a number of conditions that would be welcomed including that the reception building/managers accommodation should be tied to the cycle pods so that it can not be turned into anything else, a condition for the hedge to ensure the site is not seen from the road, plant evergreens to screen the site in winter and condition the site so that only the pods can be located there, i.e. no caravans to be allowed.

Members noted that the Officers recommendation was to refuse the application as it was considered to be inappropriate development in the Green Belt. If Members were minded to approve the application, very special circumstances would need to be given for the application outweighing harm to the Green Belt.

During debate, Members made the following comments:

- The site is well sheltered and would not have an impact on the surrounding area.
- Providing no permanent buildings are built the application is acceptable.
- The caravan or portakabin for the managers accommodation is required for the site to operate and there should be no objection to it being included in the application.
- The distance of the site from nearby villages is a short ride for most cyclists and would only take 4 or 5 minutes and it was surprising to see the location as a reason for refusal.
- The site could easily fit a number of caravans on it and the proposed pods were preferable.
- Some concerns were raised over the amount of parking.

Following further discussion, Councillor King moved approval and Councillor Crisp Seconded. When put to the vote, the

application was approved with delegated authority to the Chair and Vice Chair to agree conditions of approval with Officers.

Members agreed that the Very Special Circumstances accepted as cumulatively clearly outweighing the harm to the Green Belt were:

- The use would support outdoor sport and recreation in line with the National Planning Policy Framework;
- The proposal is supported by a wide range of parties including cycling organisations, tourism-related bodies and local politicians;
- The location is close to national cycle routes notably Route 66, the Way of the Roses, and the Yorkshire Wolds Cycle Way;
- Potential locations for such uses are limited. If camping facilities are to add to variety of tourist accommodation available in the York, then they need to be in the Green Belt in order to provide access to both the open countryside as well as the tourist attractions of the city. The principle of camping, caravanning and similar recreational uses in the Green Belt has been accepted by the Council in the past.
- There is high unmet demand in York for such a facility;
- The proposals are in line with a range of local and national sport initiatives, as well as the agenda of promoting York as a cycling city and creating a legacy for the Tour de France;
- The proposal would create quality, cycle-specific, short-stay accommodation for cyclists;
- It is intended that the facility would become a hub for local and visiting cyclists;
- The proposal would bring economic benefits through visitors use of local services and facilities;

Resolved: That application be approved subject to the following conditions as agreed with the Chair and Vice Chair:

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

Reason – To ensure compliance with Sections 91 to 93 and section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans and other submitted details.

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 pods, the number of which shall not exceed 12 at any one time, shall not be used for residential purposes other than holiday letting. For the purpose of this condition 'holiday letting' means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days per calendar year.

Reason – The premises are unsuitable and inappropriate for permanent residential occupation due to the sites unsustainable location within the Green Belt, absence of a separate cartilage and absence of dedicated amenity space.

4. The owners/operators shall maintain an up-to-date register of the names of all occupiers of the holiday accommodation on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason – To ensure the holiday accommodation is not used for unauthorised permanent residential occupation. The premises are unsuitable for permanent residential occupation due to the sites unsustainable location, impact on the openness of the Green Belt, absence of a separate cartilage and absence of dedicated amenity space.

5. Prior to the development commencing, details of covered, secure cycle parking for occupants of each pod shall be submitted to and approved in writing by the Local Planning Authority. The holiday lets shall not be occupied until the cycle parking facilities 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 the use of cycles thereby reducing congestion on adjacent roads and in the interests of the amenity of neighbours.

6. The pods shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles have been laid out in accordance with details to be submitted and the approved by the Local Planning Authority and thereafter such areas shall be retained solely for such purposes.

Reason – In the interests of highway safety.

7. Development shall not begin until details of the foul and surface water drainage works as described in the Drainage report dated 13th May 2014 by Dossor MCA have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details:

The details shall include:

-Foul and surface water drainage layout as to include location, dimension, and invert levels to ordnance datum of the proposed trench soakaway system.

-Topographical survey showing the 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 run off from the site affecting nearby properties.

-Cross sectional detail of camping pod an amenity block bases, manager's lodge and drainage field soakaways.

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

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

Reason – To protect the amenity of local residents.

9. All demolition and construction works and ancillary operations including deliveries to and dispatch from the site shall be confined to the following hours:

Monday-Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays or Bank Holidays

Reason – to protect the amenity of local residents.

10. The development shall be carried out fully in accordance with the recommendations of the 'Environments for People' Ecological Assessments dated April 2014.

Reason – To protect and enhance the existing ecological value of the site an ensure any potential risks to protected species are minimised during and after the construction.

11. 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 to be planted. 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.

12. Before the commencement of and during building works, adequate measures shall be taken to protect the existing planting on this site including the boundary hedging which shall thereafter be retained during the operation of the development. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason – The existing planting is considered to make significant contribution to the amenities of this area.

13. The occupation of the managers accommodation shall be limited to a person or persons solely or mainly employed in the operation and management of the proposed visitor accommodation on the site, and to resident dependents.

Reason – The residential accommodation approved as part of the development would otherwise represent inappropriate development for which there were no very special circumstances to outweigh harm to the green belt.

14. Prior to commencement of the development, details of all external lighting at the site shall be submitted to and

approved in writing by the Local Planning Authority The lighting shall thereafter be installed fully in accordance with the approved details.

Reason - In the interests of the visual amenity of the locality and the amenity of adjacent residents.

15. 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 of Schedule 2 Part 2 Class A of that Order (i.e. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure) shall be submitted to and approved in writing by the Local Planning Authority before any such development is carried out at the site.

Reason: In the interests of the visual amenities of the area, the Local Planning Authority considers that it should exercise control over any means of enclosure 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.

Cllr D Horton, Chair

[The meeting started at 4.30 pm and finished at 6.15 pm].

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COMMITTEE REPORT

Date: 21st August 2014 **Ward:** Westfield
Team: Major and **Parish:** No Parish
Commercial Team

Reference: 14/01037/FULM

Application at: Our Ladys R C Primary School, Windsor Garth, York, YO24 4QW.

For: To vary conditions 2 and 10 of planning permission 13/02892/FULM to adjust land levels and ridge heights of finished properties for drainage reasons

By: Mr Ben Lysiak

Application Type: Major Full Application (13 weeks)

Target Date: 11 September 2014

Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 Our Lady's School Hob Moor comprises a low rise brick built complex dating from the 1950s occupying an island site within Hob Moor Stray, an urban common protected by Private Act of Parliament. The complex is currently in the process of being re-developed for the erection of 55 houses in accordance with planning permission ref:-13/02892/FULM with associated Section 106 Agreement. Planning permission is sought under Section 73 of the 1990 Town and Country Planning Act to vary Conditions 2 and 10 of the planning permission to vary the permitted ground level of the highways and surrounding areas as well as ridge heights of house type A in order to facilitate the safe and effective operation of the agreed drainage system.

1.2 As a consequence of the complicated nature of the site it attracts a requirement for the payment of a commuted sum of £38,024 in respect of highway work and the provision of off-site open space. This has been secured by means of a Section 106 Agreement which also incorporates a requirement for a landscaped strip surrounding the boundary of the site with Hob Moor. There has been no material change in circumstances in respect of these matters since the original permission was granted. However this would require a variation to the Section 106 Agreement in the event of an approval for the current proposal being given.

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

Application Reference Number: 14/01037/FULM

Item No: 4a

DC Area Teams GMS Constraints: West Area 0004

Schools GMS Constraints: Our Lady's RC Primary 0213

2.2 Policies:

CYGP1 - Design

CGP15A - Development and Flood Risk

CYGP4A - Sustainability

CYH4A - Housing Windfalls

CYNE8 - Green corridors

CYNE6 - Species protected by law

CYL1C - Provision of New Open Space in Development

CYED4 - Developer contributions towards Educational facilities

3.0 CONSULTATIONS

INTERNAL:-

3.1 Highway Network Management raise no objection to the proposal.

3.2 Strategic Flood Risk Management raise no objection to the proposal.

EXTERNAL:-

3.3 English Heritage raise no objection to the proposal.

3.4 The Environment Agency raise no objection to the proposal.

3.5 Yorkshire Water Services Limited raise no objection to the proposal subject to all properties within the new development being drained at a maximum rate of 35 litres per second.

3.6 Natural England was consulted with regard to the proposal on 28th July 2014. No response has been forthcoming at the time of writing.

3.7 One letter of objection has been received in respect of the proposal. The following is a summary of its contents:-

- * Concern in respect of the level of information submitted with the application;
- * Concern in respect of the impact of the proposal upon the local pattern of surface water drainage.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- * Impact upon the setting of Hob Moor;
- * Impact upon the locally designated nature reserve;
- * Impact upon the local surface water drainage network;
- * Section 106 Issues;
- * Environmental Impact Assessment.

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.

PLANNING POLICY CONTEXT:-

4.3 Central Government Planning Policy as outlined in paragraph 49 of the National Planning Policy Framework urges that Local Planning Authorities consider all applications for residential development in the context of the presumption in favour of sustainable development. Planning for new residential development as outlined in paragraph 50 of the National Planning Policy Framework should at the same time be based upon the size, type, tenure and range indicated by local needs. Paragraph 118 of the National Planning Policy Framework also cautions against approving developments that would result in the loss of important wildlife habitat.

IMPACT UPON THE SETTING OF HOB MOOR:-

4.4 Policy H4a) of the York Development Control Local Plan advocates a presumption in favour of new residential which is within the urban area and is currently derelict, vacant, or under-used, the development is of an appropriate scale and density to surrounding development and it would not have a detrimental impact on existing landscape features. The application site comprises a former primary school that was constructed in the 1950s on a site largely surrounded by Hob Moor. Hob Moor comprises an urban common protected by Private Act of Parliament incorporating a locally designated Nature Reserve seeking to protect ground nesting

birds. The site is presently being re-developed for the construction of 55 houses in line with planning permission 13/02892/FULM. The current permission is sought to vary conditions 2 and 10 of the original permission to allow for the raising of levels to the highways and surrounding areas along with the ridge heights to house type A to take them to 8.45 metres high. The proposed increase would be a maximum of 0.15 metres and would involve the end properties of the approved short terrace blocks within the central section of the site at some distance from the site boundary. The overall height of the existing development would still not exceed that of the former school complex and the pattern of scale and massing would continue to reflect the pattern of development to the north and north west. The proposal incorporates a detailed landscape scheme for the site boundary with Hob Moor with provisions to ensure its maintenance secured by Section 106 Agreement. It is felt that this would still be sufficient to mitigate the modest (1.8%) increase in height. It is felt that the proposed amendments would not impact upon the setting of Hob Moor to any materially greater extent than the previously approved scheme.

IMPACT UPON THE LOCALLY DESIGNATED NATURE RESERVE:-

4.5 Policy NE5a) of the York Development Control Local Plan advocates a presumption that development that would have an adverse effect upon a Local Nature Reserve will only be permitted where the reasons for development clearly outweigh the substantive nature conservation value of the site. Hob Moor contains an area of habitat for ground nesting birds and comprises a damp grassland managed by periodic seasonal grazing of cattle. The proposal as amended incorporates an increase in levels for the highways and surrounding areas in order to provide the requisite level of fall to allow for the surface water drainage system to operate effectively. Concern has been expressed in relation to sources of fill material and possible impact upon the adjacent nature reserve. The applicant has confirmed that the majority of fill material would be generated on site and that any fill material brought in would be obtained from reputable sources. Providing any permission is conditioned to require prior approval of the details of imported fill material it is felt that the proposal would be acceptable.

IMPACT UPON THE LOCAL SURFACE WATER DRAINAGE PATTERN:-

4.6 Policy GP15a) of the York Development Control Local Plan advocates 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. The site lies within Flood Zone 1 and is therefore deemed to be at the lowest risk of flooding however, the habitat of the adjacent Hob Moor is in large measure dependent upon the existing surface water drainage conditions being maintained. The proposal is based upon a scheme of attenuation of surface water flows to a maximum of 35 litres per second in order to satisfy the requirements of Yorkshire Water. Drainage would be via the pre-existing connection to the public foul and surface water sewers with a modest

degree of enhancement to enable it to cope with the differing pattern of flows arising from the residential development. Concern has been expressed in respect of the relationship of plots 1 and 2 to the proposed drainage system as they lie beyond the trunk sewer easement safeguarded at the north western edge of the site. This is however felt to be satisfactory providing that if this application is approved; the resultant varied permission is conditioned to ensure attenuation of flows at the same rate as the remainder of the scheme. In that event there would not then be a material impact upon the adjacent Nature Reserve as the level of discharge would remain at the exiting rate.

SECTION 106 ISSUES:-

4.7 The initial planning permission ref:- 13/02892/FULM was subject to a Section 106 Agreement covering matters such as provision of off-site open space, affordable housing and the maintenance of the landscape buffer strip surrounding the site. There have been no material changes in circumstances since that earlier approval, and the variations proposed do not alter the terms of the obligations that are required to make the application acceptable. It is recommended therefore that the Section 106 Agreement be varied to include any new varied permission for the amended scheme.

ENVIRONMENTAL IMPACT ASSESSMENT:-

4.8 The application site is over 0.5 hectares in area and as such falls within the criteria to be assessed within Schedule 2 of the 2011 Town and Country Planning (Environmental Impact Assessment) Regulations for Screening as to whether or not a formal Environmental Impact Assessment is required within the criteria for urban development. A formal Screening Process has taken place and it is felt that as in the case of the previously approved application formal Environmental Impact Assessment would not be required.

5.0 CONCLUSION

5.1 The proposals would allow for a modest increase in land levels surrounding the approved highways within the site, and raising in height of House Type A primarily within the centre of the site to allow for the efficient operation of the proposed surface water drainage system. It is felt that the proposed amendments would not lead to a materially greater impact upon the setting of Hob Moor than the previously approved scheme and that providing surface water discharges can be attenuated to a maximum of 35 litres per second in respect of all the approved dwellings then there would be no harm generated to the surrounding area in terms of surface water drainage. The proposal is therefore felt to be acceptable in planning terms and approval is recommended.

6.0 RECOMMENDATION:

(i) Defer decision pending Variation of the Section 106 Agreement relating to commuted payments and the maintenance of an off-site landscape buffer strip, to refer to this application.

(ii) Grant Delegated Authority to officers to approve and issue the decision once the variation of the Section 106 Agreement is completed.

Conditions:-

1 The development shall be begun not later than 18th March 2017

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

Drawing Refs:- 118/43(03)206, 118/43(09)002B, 187/37(02)001, N14015-200 REV P2, 187-37-02-003E, 187-37-02-005, 187-37-02-101, 187-37-02-102, 187-37-02-103, 187-37-02-104, 187-37-02-201, 187-37-02-202, 187-37-02-203, 187-37-02-210A, 187-37-02-211 and ASS 1382.

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 VISQ7 Sample panel ext materials to be approv -

5 VISQ4 Boundary details to be supplied -

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

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

7. 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.

8. Trees shown as being retained on the approved plans 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.

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

Details to include:

- Peak surface water run-off from the proposed development must be restricted to a maximum 35.0 lit/sec.
- Site specific details of the flow control device manhole limiting the surface water to the 35.0 lit/sec.
- Storage volume calculations, using computer modelling must be provided, and must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. The full range of modeling should be provided.
- Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.
- Proposed ground and finished floor levels to Ordnance Datum shall be shown on plans. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.
- Position of Public surface water sewer crossing north west to south west of site should be accurately surveyed and plots 1, 2 3 and 4 positioned according to public sewer easement requirements.

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

10. Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 8.45 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

11. No building work shall take place until details have been submitted to and approved in writing by the Local Planning Authority, to demonstrate how the applicant will provide, from renewable sources, 10% of the development's total energy demand on land within the control of the applicant. The development shall not be occupied until these works have been carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority

Reason: -In the interests of sustainable development

12. Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the LPA. Such a statement shall include at least the following information;

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

The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

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

13. Fully detailed drawings illustrating the design and materials of roads, footpaths and other adoptable open spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the start of construction on site.

Reason: In the interests of highway safety.

14. No dwelling to which this planning permission relates shall be occupied unless or until the carriageway base course and kerb foundation to the new estate road and footpath to which it fronts, is adjacent to or gains access from, has been constructed. Road and footway wearing courses and street lighting shall be provided within three months of the date of commencement on the construction of the penultimate dwelling of the development.

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

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

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

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

Reason: In the interests of highway safety.

17. Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the LPA.

Reason: In the interests of the safety and good management of the public highway.

18. The development hereby permitted shall not come into use until the following highway works: provision of a traffic calming scheme on Windsor Garth incorporating managed on-street parking facilities and provision of a raised plateau crossing point together with associated signing and lining at the interface between Windsor Garth, the internal site access road and the Hob Moor cycle route (which definition shall include works associated with any Traffic Regulation Order required as a result of the development) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Reason: In the interests of the safe and free passage of highway users.

19. 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

20. All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (2009) Code of Practice; 'Noise Control on Construction and Open Sites'.

Reason: To protect the amenities of adjacent residents

21. LC1 Land contamination - Site investigation -

22. LC2 Land contamination - remediation scheme -

23. LC3 Land contamination - remedial works -

24. LC4 Land contamination - unexpected contam -

25. Prior to the commencement of the development hereby authorised full details of any fill material to be imported onto the site including sources, levels deposit locations and contents shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason:- To safeguard the character of the Hob Moor Nature Reserve.

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

Reason:- To safeguard the residential amenity of Neighbouring Properties and to Secure Compliance with Policy GP1 of the York Development Control Local Pan.

27. A three pin 13amp external electrical socket shall be provided at each of the dwellings hereby authorised which shall be located on an external wall adjacent to the drive way of each property. The socket shall comply with the requirements of BS1363 or an equivalent standard and shall incorporate an appropriate locking and weather proof cover.

Reason:- To promote sustainable transport by the provision of re-charge points for electrical vehicles.

7.0 INFORMATIVES:

Notes to Applicant

1. 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

2. HIGHWAY WORKS:-

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (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

3. UTILITIES:-

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

4. 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:

Clarification in respect of imported fill material.

Contact details:

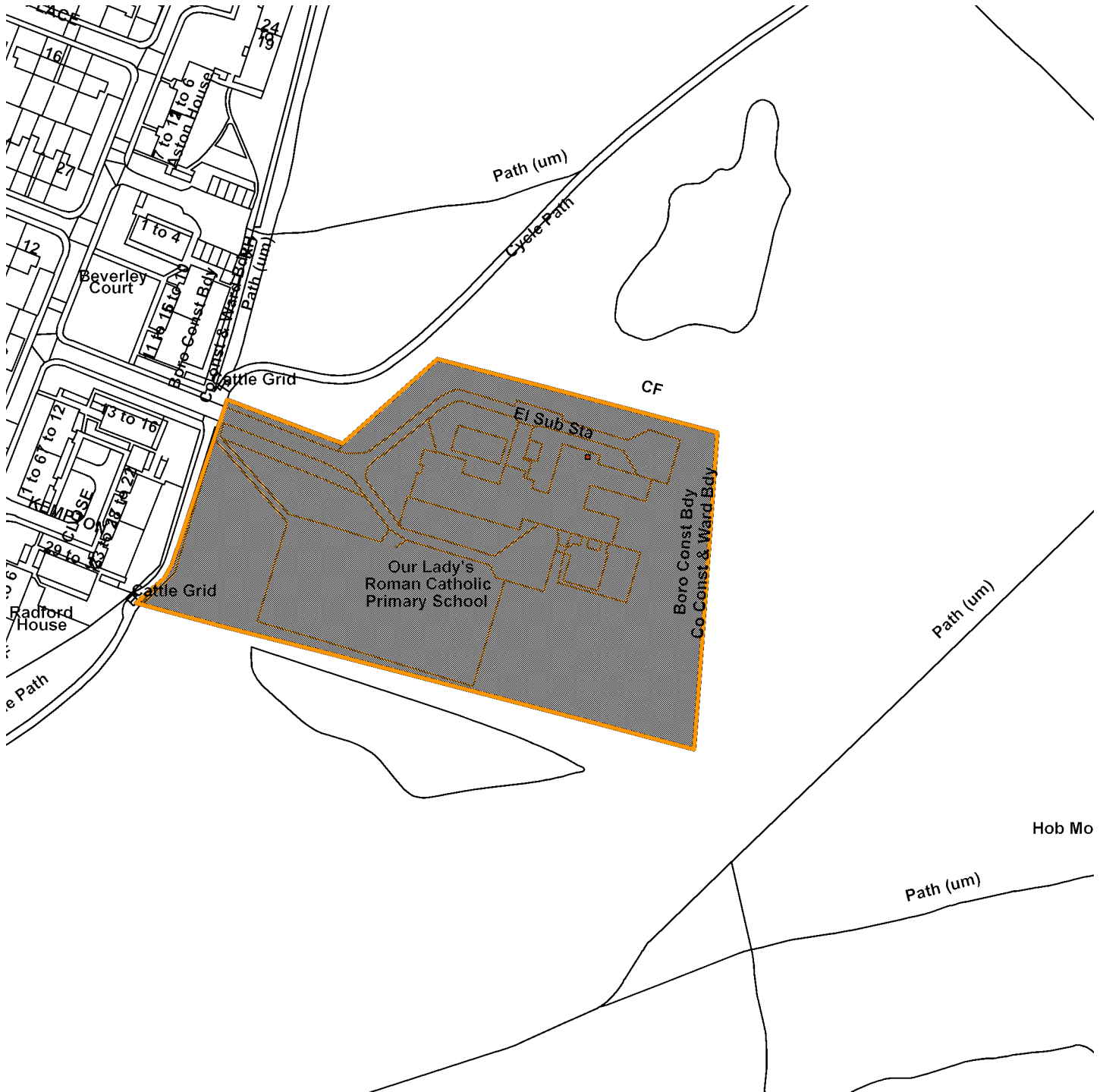
Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

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14/01037/FULM

Our Ladys RC Primary School



Scale : 1:1719

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	12 August 2014
SLA Number	Not Set

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Planning Committee

21 August 2014

Appeals Performance and Decision Summaries

Summary

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

Background

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. Whilst the percentage of appeals allowed against the Council's decision is no longer a National Performance Indicator, it has in the past been used to abate the amount of Housing and Planning Delivery Grant (HPDG) received by an Authority performing badly against the average appeals performance. The Government announced last year that it will use appeals performance in identifying poor performing planning authorities, with a view to the introduction of special measures and direct intervention in planning matters within the worst performing authorities. This is now in place for Planning Authorities where more than 70% of appeals against refusal of permission for major applications are allowed.
- 3 For a number of recent years, until the publication of the National Planning Policy Framework in March 2012, appeal performance in York was close to (and usually better than) the national average. Following the publication of the NPPF our appeal performance declined.
- 4 The table below includes all types of appeals such as those against refusal of planning permission, against conditions of approval, enforcement notices, listed building applications and lawful development certificates. Figure 1 shows performance on appeals decided by the Inspectorate, for the last quarter 1 April to 30 June 2014, and for the 12 months 1 July 2013 to 30 June 2014.

Fig 1: CYC Planning Appeals Performance

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

Analysis

- 5 The table shows that between 1 April and 30 June 2014, a total of 11 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 2 were allowed. At 18% the rate of appeals allowed is below the national annual average of around 33% and lower than our previous quarter figure of 42%. By comparison, for the same period last year, 1 out of 7 appeals were allowed.
- 6 For the 12 months between 1 July 2013 and 30 June 2014, 27% of appeals decided were allowed, lower than the previous corresponding 12 month period of 36%.
- 7 The summaries of appeals determined between 1 April and 30 June 2014 are included at Annex A. Details as to whether the application was dealt with under delegated powers or by committee (and in those cases, the original officer recommendation) are included with each summary. In the period covered, two appeals related to applications refused by committee.

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

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

- 8 The list of current appeals is attached at Annex B. There are 13 planning appeals lodged with the Planning Inspectorate. Also in the table is the

Public Inquiry for the application for 102 houses at Land to the North of Brecks Lane, Strensall which has been called-in for determination by the Secretary of State. The Public Inquiry is due to start on 14 October 2014.

- 9 The quarter performance at 18% allowed is lower than for recent quarters. The current 12 month performance at 27% allowed is a significant improvement on the figure for July 2012 – June 2013 (36%), and is a continuation of the trend back towards the national ‘benchmark’ figure of 33% allowed and is better than the National average. The initial impact of the publication of the NPPF (March 2012) on appeal outcomes (which saw many cases allowed) appears to have receded, with the trend in CYC performance continuing to improve as the use and interpretation of policy and guidance within the NPPF (by both the Council and the Planning Inspectorate) has become more consistent.
- 10 The main measures successfully employed to regain the previous performance levels have been as follows:-
- i) Officers have continued to impose high standards of design and visual treatment in the assessment of applications provided it is consistent with Paragraph 56 of the NPPF and Development Control Local Plan Policy.
 - ii) Where significant planning issues are identified early with applications, revisions are sought to ensure that they can be recommended for approval, even where some applications then take more than the 8 weeks target timescale to determine. This approach is reflected in the reduction in the number appeals overall. This approach has improved customer satisfaction and speeded up the development process, and, CYC planning application performance still remains above the national performance indicators for Major, Minor and Other application categories.
 - iii). Additional scrutiny is being afforded to appeal evidence to ensure arguments are well documented, researched and argued.

Consultation

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

Council Plan

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

Implications

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

Risk Management

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

Recommendation

- 18 That Members note the content of this report.

Reason

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

Contact Details

Author:

Gareth Arnold
Development Manager,
Directorate of City and
Environmental Services
01904 551320

Chief Officer Responsible for the report:

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

**Report
Approved**



Date 25 July 2014

Specialist Implications Officer(s) None.

Wards Affected:

All Y

For further information please contact the author of the report.

Annexes

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

Annex B – Outstanding Appeals at 27 July 2014

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

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

Decision Level: CMV
Outcome: DISMIS

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

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

Decision Level: DEL

Outcome: PAD

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

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

Decision Level: DEL

Outcome: ALLOW

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

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

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

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

Decision Level: DEL
Outcome: DISMIS

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

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

Decision Level: DEL
Outcome: DISMIS

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

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

Decision Level: DEL

Outcome: DISMIS

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

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

Decision Level: DEL

Outcome: DISMIS

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

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

Decision Level: COMM

Outcome: DISMIS

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

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

Decision Level: DEL

Outcome: ALLOW

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

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

Decision Level: DEL

Outcome: DISMIS

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

Decision Level:

DEL = Delegated Decision

COMM = Sub-Committee Decision

COMP = Main Committee Decision

Outcome:

ALLOW = Appeal Allowed

DISMIS = Appeal Dismissed

PAD = Appeal part dismissed/part allowed

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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: Erik Matthews **Total number of appeals: 1**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
28/05/2014	14/00019/REF	APP/C2741/A/14/2219120	W	105 Temple Lane Copmanthorpe York YO23	Conversion of detached garage to 1no. dwelling

Officer: Esther Priestley **Total number of appeals: 2**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
12/05/2014	14/00017/TPO	APP/TPO/C2741/3909	W	14 Sails Drive York YO10 3LR	Fell Silver Brch (T3,T11), Mountain Ash (T5), Oak (T8), Trees protected by Tree Preservation Order CYC15
09/05/2014	14/00015/TPO	APP/TPO/C2741/3907	W	7 Quant Mews York YO10 3LT	Crown Reduce Silver Birch (T1,T2), Trees protected by Tree Preservation Order CYC 15

Officer: Fiona Mackay **Total number of appeals: 1**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
04/06/2014	14/00020/REF	APP/C2741/H/14/2219346	W	Lady Anne Middletons Hotel Skeldergate York YO1 6DS	Display of 1no. internally illuminated fascia sign (retrospective)

Officer: Heather Fairy (Mon - Wed) **Total number of appeals: 1**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
07/07/2014	14/00026/REF	APP/C2741/D/14/2221759	H	Holmedene Intake Lane Acaster Malbis York YO23	Two storey front, first floor side, single storey front extensions and balcony to side

Officer: Jonathan Kenyon					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
17/07/2014	14/00027/REF	APP/C2741/A/14/2222238	W	Laura Ashley Ltd 11 Little Stonegate York YO1 8AX	Change of use to a restaurant and/or drinking establishment (A3 and/or A4 use class) and associated external alterations
Officer: Kevin O'Connell					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
07/02/2014	14/00007/REF	APP/C2741/A/14/2213267	W	Fair Oaks Sandy Lane Stockton On The Forest	Erection of single storey dwelling to rear
Officer: Matthew Parkinson					Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
17/06/2011	11/00026/EN	APP/C2741/C/11/2154734	P	North Selby Mine New Road To North Selby Mine	Appeal against Enforcement Notice
17/06/2014	14/00024/REF	APP/C2741/D/14/2220688	H	2 Almsford Road York YO26 5HZ	Two storey side extension and porch to front
Officer: Rachel Tyas					Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
18/06/2014	14/00021/REF	APP/C2741/A/2220088	W	Johnson Cleaners Uk Ltd 5 Low Ousegate York YO1	Alterations to shopfront
26/06/2014	14/00022/REF	APP/C2741/A/14/2220939	W	Tui Uk Ltd 14 Low Ousegate York YO1 9QU	Change of use from travel agents (use class A1) to financial and professional service (use class A2)
Officer: Will Steel					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
30/06/2014	14/00025/REF	APP/C2741/D/14/2221273	H	18 Milson Grove York YO10 3AG	First floor extension to side
Total number of appeals: 14					