



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

To: Councillors Galvin (Chair), Shepherd (Vice-Chair), Carr, Craghill, Derbyshire, Gillies, Hunter, Cannon, Looker, Mercer and Orrell

Date: Thursday, 5 November 2015

Time: 4.30 pm

Venue: The George Hudson Board Room - 1st Floor West Offices (F045)

A G E N D A

The mini-bus for Members of the Sub-Committee will leave from Memorial Gardens on Wednesday 4 November 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. Exclusion of Press and Public

To consider excluding the public and press from the meeting during consideration of annexes to agenda item 7 (Planning Enforcement Cases Update) on the grounds that they are classed as exempt under Paragraph 6 (Information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or b) to make an order or direction under any enactment) and Paragraph 7 (Information relating to an action taken or to be taken in connection with the prevention, investigation or prosecution of crime) of Schedule 12A to Section 100A of the Local Government Act 1972 (, as amended by the Local Government (Access to information) (Variation) Order 2006.

- 3. Minutes** (Pages 3 - 18)
To approve and sign the minutes of the meeting of the Area Planning Sub-Committee held on 15 October 2015.

- 4. Public Participation**
At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **Wednesday 4 November 2015 at 5.00 pm**.

Filming, Recording or Webcasting Meetings

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

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The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at https://www.york.gov.uk/downloads/file/6453/protocol_for_webcasting_filming_and_recording_council_meetingspdf

- 5. Plans List**
To determine the following planning applications:
- a) **Askham Bryan College, Askham Fields Lane, Askham Bryan, York YO23 3PR (15/01837/FULM)** (Pages 19 - 32)
Part demolition and extension of the CoVE building, demolition of 2 no. agricultural buildings and construction of car park
[Rural West York] **[Site Visit]**

- b) **14 The Avenue, Haxby, York YO32 3EQ (15/01598/FUL)**
(Pages 33 - 46)
Erection of dwelling [Haxby and Wigginton] **[Site Visit]**
- c) **20 Kirkdale Road, Osbaldwick, York YO10 3NQ**
(15/01625/FUL) (Pages 47 - 56)
Change of use from dwelling (use class C3) to House of Multiple Occupation (use class C4). [Osbaldwick and Derwent]
[Site Visit]
- d) **Trentholme Cottage, 2A Trentholme Drive, York YO24 1EN**
(15/01202/FUL) (Pages 57 - 76)
Erection of 1no. three storey dwelling with storage building to rear following demolition of existing dwelling [Micklegate]
[Site Visit]

6. Appeals Performance and Decision Summaries

(Pages 77 - 90)

This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 July and 30 September 2015, 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.

7. Planning Enforcement Cases Update (Pages 91 - 94)

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

8. 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 میا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 4 November 2015**

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

TIME (Approx)	SITE	ITEM
10.15	Trentholme Cottage, 2A Trentholme Drive	5d
10.55	Askham Bryan College, Askham Fields Lane	5a
11.30	14 The Avenue, Haxby	5b
12.10	20 Kirkdale Road, Osbaldwick	5c

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	15 October 2015
Present	Councillors Galvin (Chair), Carr, Craghill, Derbyshire, Gillies, Hunter, Looker, Mercer, Orrell, Boyce (Substitute for Councillor Shepherd) and Flinders (Substitute for Councillor Cannon)
Apologies	Councillors Shepherd and Cannon

Site Visited	Visited by	Reason for Visit
32 Tranby Avenue, Osbaldwick	Councillors Carr, Craghill, Flinders, Galvin, Gillies, Mercer and Orrell.	As objections had been received and the officer recommendation was to approve.
29 Deramore Drive	Councillors Carr, Craghill, Flinders, Galvin, Gillies, Mercer and Orrell.	As objections had been received and the officer recommendation was to approve.
Lodge Cottage, Selby Road	Councillors Carr, Craghill, Flinders, Galvin, Gillies and Mercer.	As objections had been received and the officer recommendation was to approve.
Former Garage Site, 172 Fulford Road	Councillors Carr, Craghill, Flinders, Galvin, Gillies and Mercer.	As requested by the Ward Councillor as part of the reason for the call-in.
Lidgett House, 27 Lidgett Grove	Councillors Carr, Craghill, Flinders, Galvin, Gillies and Mercer.	To enable Members to assess the proposals on site given the nature of the objections.
Land to the North of 37 and 38 St Marys	Councillors Carr, Craghill, Flinders, Galvin, Gillies and Mercer.	As objections had been received and the officer recommendation was to approve.

20. Declarations of Interest

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

Councillor Craghill declared a personal non prejudicial interest in plans item 4a (RMBI, Connaught Court, St Oswalds Road) as a former member of Fulford Parish Council.

Councillors Carr, Galvin, Gillies and Hunter all declared a personal non prejudicial interest in plans item 4h(Lidgett House, 27 Lidgett Grove) as the applicant was Councillor K Myers, a fellow Member of the Conservative Group.

21. Minutes

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 3 September 2015 be approved and signed by the Chair as a correct record.

22. Public Participation

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

23. Plans List

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

23a) RMBI, Connaught Court, St Oswalds Road, York (13/03481/FULM)

Members were asked to consider a request to enter into a S106 Deed of Variation to remove the obligation relating to a payment of the open space contribution of £48,856 given the operation of Regulation 123(3) of the Community Infrastructure Levy Regulations 2010 (as amended).

Officers advised that their recommendation to the Committee was now that Members defer their decision.

Resolved: That the application be deferred.

Reason: In order that further legal advice could be sought from Counsel (already instructed in the High Court case), in respect of the issues that had very recently been raised.

**23b) Lodge Cottage, Selby Road, York, YO19 4SJ
(14/02602/FUL)**

Members considered a full application from Miss Alison Owens for the change of use from workshop to farm shop and the erection of a fence to the front (retrospective).

Officers advised that recommended condition 5 of the above report had been changed as detailed below.

The applicant, Miss Owens, and Mr Martin were in attendance at the meeting and had registered to speak should Members have had any questions. No questions were asked.

Resolved: That the application be approved subject to the conditions listed in the report and amended condition 5 as detailed below:

Amended Condition 5

Within 4 weeks of the date of this permission, plans and details shall be submitted to the Local Planning Authority for approval showing the provision of parking spaces for 4 cars/vehicles (and 1 bicycle) in the curtilage of the application site along with suitable associated signage.

Within 4 weeks of the date of the approval of those plans and details, the parking and signage shall be constructed and laid out in accordance with the approved plan and thereafter such signage and parking areas shall be retained for the parking of customers/staff/deliveries and residents, as approved, and remain clear of any obstruction.

Reason: In the interests of highway safety and to comply with parking standards.

Reason: The proposed shop is small in scale and largely sells fresh food from the local area. It is considered that the re-use of an existing building is in compliance with national Green Belt policy. The shop is seen as a significant asset to many people living to the south of the urban area of York. With regard to parking, Highway Network Management are satisfied that if on occasions the car park is full and car borne visitors wait to the side of the shop, there will be no conflict with highway safety.

**23c) Former Garage Site, 172 Fulford Road, York, YO10 4DA
(15/00462/FUL)**

Members considered a full application from Valli Forecourts for the erection of a petrol service station with retail unit.

Officers provided an update to the Committee reporting that an email has been received from Cllr D'Agorne, who had called in the application to committee, setting out his objections to the proposal as follows:

- The application should be assessed as a new development closely adjacent to listed building and in a predominantly residential location.
- The short term benefits of bringing the site back into use are outweighed by the impact on the conservation area and the potential loss of amenity to neighbours
- the site was allocated for housing prior to the latest version of the local plan but was removed because of the objections of the landowner
- Current policy is to maximise housing on urban sites to protect the Green Belt. The site could be providing vital housing in a sustainable urban location
- There is prospect of the site being brought back into use if the current application is refused.
- Traffic and highway issues are a concern because of conflict with the pedestrian crossing and the junction of Fulford Road with Kilburn Road. Increase in traffic will impact on already high levels of traffic in an Air Quality Management Area.

- Supports the officers conclusions that the application should be refused and asks the committee to refuse permission.

Officers reported that one further letter of objection had been received however the issues raised in this were already précised within the committee report.

Four speakers had registered to address the committee on this application. Mrs Jackie Hudson, Chair of Governors at Fishergate Primary School, addressed the committee first on behalf of the school in objection to the application. She explained that school pupils are encouraged to walk or cycle to school using the pedestrian crossings and cycle paths which have been installed to facilitate this.

The proposed petrol filling station would reduce the safety of pupils on the western side of Fulford Road and at the nearby pedestrian crossing point.

Mr James Newton addressed the committee as a local resident and on behalf of Yorspace Community Housing. He advised that the proposed development would lead to increased traffic congestion and a reduction in air quality and would have a negative impact on public health and the natural environment. Furthermore he expressed the view that this was a poor use of valuable land which in his opinion should be included in the Local Plan and other alternative options explored for development of the site, with his preferred option being for housing. He urged the committee to refuse the application on the principle of redevelopment into a petrol station.

Mr Henry Bainton spoke on behalf of Fishergate Planning Panel in objection. He reminded Members this was a largely residential area and that its residents valued its beauty and increasingly residential nature. It was however also one of the busiest routes in and out of York which raised concerns over traffic congestion and road safety. He explained that, at present, priority was given to cycle and pedestrian movements on this stretch of road but that the introduction of a petrol filling station in the proposed location would interrupt these existing paths.

Lastly Mr Alistair Flatman, agent for the applicant, spoke in support of the application.

He acknowledged the objections and matters which had been raised however he stressed that no objections had been raised by officers in relation to noise, lighting, air quality or highway safety. He pointed out that there was a petrol station on the site in 1975 when the conservation area was designated, advised that the proposals would not cause significant harm to the living conditions of residents, would enable the currently derelict site to be tidied up and would provide 120 new jobs.

Members noted the concerns raised by speakers, particularly with regard to highway safety but acknowledged that as highway network management had not raised any objections to the proposed petrol station including retail unit this could not be used as a reason for refusal. Members however agreed that this was not the right type of development in a conservation area, for the reasons detailed in the report.

Resolved: That the application be refused.

Reason: No. 172 Fulford Road is situated within the northern half of the Fulford Road Conservation Area. The character of the area is derived from the range and quality of the C19th and C20th houses, strong boundaries, grass verges and lines of street trees. Trees within front gardens and screened commercial sites also enhance the area. The layout and design of the petrol filling station would be untypical of the grain of development within the conservation area and harmful to its character or appearance; further harm would be added by the form, size, height, scale and materials of the canopy and signage in an area of attractive buildings with landscape forecourts behind boundary, walls and railings. The harm identified would be less than substantial harm (paragraph 134 of the National Planning Policy Framework), no public benefits have been identified that would outweigh the harm. The proposal fails the duty to preserve or enhance the character or appearance of the conservation area under s.72 of the Planning (listed building and Conservation area) Act 1990, guidance contained within the National Planning Policy Framework (paragraphs 9, 64, 131, 132, 134) and policies HE2 and HE3 of the City of York Development Control Local Plan adopted for development control purposes in April 2005.

No. 172 Fulford Road is situated within the setting of a grade II listed building located to the south of the site (formerly 180 to 182 Fulford Road now 1 to 12 Aurega House) and within the setting of 170 Fulford Road an undesignated heritage; the size and scale of the canopy to be erected over the forecourt of the proposed petrol filling station would be an uncharacteristic feature within the immediate setting of the listed building and it would adversely affect views of the buildings. The development would harm the setting of the adjoining listed building and affect the significance of a non-designated heritage asset. The harm identified would be less than substantial harm (paragraph 134 of the National Planning Policy Framework) There are no public benefits identified that would outweigh the harm. The proposal fails the duty to have regard to the desirability of preserving the listed building or its setting under s.66 of the Planning (listed building and Conservation area) Act 1990, guidance contained within the National Planning Policy Framework (paragraphs 9, 131, 132, 134, 135) and policies HE2 and HE4 of the City of York Development Control Local Plan adopted for development control purposes in April 2005.

Nos. 19 to 22 Alma Grove are a row of terraced properties orientated east /west and 4 metres from the rear of the application site The proposed siting of the retail building will introduce development close to the joint boundary on a land level above the adjacent houses and a structure that is 4.6 metres above site ground level. It is considered that the siting of the building and associated landscaping would be detrimental to the outlook to the rear of 19 to 22 Alma Grove and will reduce light into rear garden areas and would be detrimental to the occupiers residential amenity. The proposal is considered contrary to the core planning principles in the National Planning Policy Framework which seek to ensure a good standard of amenity for all existing and future occupants of land and buildings and GP1 of the City of York Development Control Local Plan adopted for development control purposes in April 2005.

**23d) Land to the North of 37 And 38 St Marys, York, YO30 7DD
(15/01157/FUL)**

Members considered a full application from Mr and Mrs D Coidan for the erection of a two storey detached dwelling.

Mr Roger Wools addressed the committee on behalf of local residents in objection to the application. He advised that they did not object to the development of the site itself and had no concerns with the formerly proposed two cottage style houses, however residents felt that these proposals constituted overdevelopment and would cause harm to the conservation area. He raised concerns over the residential amenity and overlooking/privacy of 36 and 37 St Mary's, the density of proposed building and the limited outside space which could put pressure on the garage roof being used. He stated that there was nothing similar in the immediate locality and the building would be very visible at night. As 60% of the proposed roof was flat, it would appear incongruous in the conservation area and surrounded by traditional 19 century townhouses. He asked the committee to refuse the application in order that a more suitable design could be put forward which would sit better in the conservation area.

Mr Mark Bramhall, the agent for the applicant, spoke in support of the application. He reminded members that the site already had permission for "cottage style" houses, permission for which had been granted in 2013. Those proposals included views out of the site in all directions. He advised that the new proposals were not significantly higher and confirmed that the garage roof would not be available for access and this would be a green roof. The density of the site was comparable to the extant permission, not including the garage. The proposed building materials would fit in with other surrounding buildings and the modern form would fit in well into the historic setting.

Some members raised concerns about the effects on the amenity of residents in St Mary's and Bootham Terrace and did not feel it was the right proposal for the area. Members however acknowledged that any type of property built on this site would have views over adjoining properties. They noted that York was made up of many different styles of building and many of properties in the vicinity were large statement individual buildings or terraces, some overbearing themselves, but these had matured and the area had become one of the most

desirable in the city. If well constructed they felt there was no reason why a modern house could not enhance and add value to the area. They did not feel the house would impact on houses in Bootham Terrace due to distance, and agreed the main impact would be on no 37 and 38 St Mary's. They agreed that there were no planning reasons for refusal and felt that, on balance, it was appropriate in the area.

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

Reason: The proposal as amended would sit low within the townscape and would be of a comparable scale and massing to surrounding buildings. It would also be detached in key long and short distance views within the Conservation Area and the setting of adjacent Listed Buildings. Whilst constructed in a modern idiom, materials that find reference in the locality are also used. It is felt that the requirements of Section 66 and Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act in respect of preserving and enhancing the character and appearance of the Conservation Area and the setting of adjacent Listed Buildings are achieved. Providing the proposed flat green roof above the garage area is not used as terrace then there would not be any material harm to the residential amenity of the adjacent property Constantine House.

23e) 16 Farndale Avenue, York, YO10 3PE (15/01278/FUL)

Members considered a full application from Martyn Turnbull for the change of use from office (use class B1) to restaurant/cafe (use class A3). This item had been deferred at the September committee meeting in order for the proposed car parking arrangements to be examined further.

Officers advised that revised plans had been submitted which showed an increase from two to three car parking spaces to the rear of the site to be used by staff and visitors. Conditions 8 and 9 dealt with cycle parking and car parking respectively.

Members requested clarification on the opening times specified in the report.

Officers explained this was quite a small unit in a parade within residential area which was unlikely to create a lot of noise. As there was no operator lined up, this was a speculative scheme in a vacant unit and the hours recommended were in line with nearby commercial premises. Members noted that, in response to parking concerns raised previously, an additional parking space would now be made available.

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

Reason: The proposal would return the vacant building to a use which is considered as being compatible within this predominantly residential area. It would be in keeping with the character of the area and provide a service to local people. Furthermore it would create a number of new jobs and support the local economy. The use is unlikely to cause a significant nuisance to adjacent occupiers, particularly bearing in mind that the site has been in commercial use (albeit vacant) and is situated within a row of existing retail uses. By nature of the use it is considered that it would serve a local need and due to the size of the unit vehicular trips would be likely to be low. Three car parking spaces would now be available to the rear to be used solely by staff and visitors.

23f) 29 Deramore Drive, York, YO10 5HL (15/01539/FUL)

Members considered a full application from Mr I Firby for a single storey side and rear extension.

Mr Telfer addressed the committee on behalf of local residents in objection to the application. He raised concerns about the high concentration of Houses in Multiple Occupation (HMO) in the immediate vicinity pointing out that the threshold had already been breached. He pointed out that while the control measures provided by the supplementary planning document (SPD) would ensure that any new applications for HMOs in this area would be rejected, the proposed extension to this HMO would have the same effect as allowing another HMO and should therefore not be permitted, but the SPD did not take this into account.

He expressed the view that granting permission would have a negative impact on the quality of life of neighbours and would also significantly reduce the residential amenity of the property for future occupiers. He advised that allowing this application could also create a precedent for similar future applications and urged Members to reject it.

In response to a query from Members, officers confirmed that those HMOs which were considered as dwelling houses could benefit from permitted development rights and they clarified what alterations the owner could make under permitted development rights. They advised that, while Members could take into consideration what could be achieved using permitted development rights, it was important to consider the scheme in front of them. If Members felt this was unacceptable, they had the right to refuse it but would need to ensure the reasons for refusal were defensible.

Members raised concerns that there may be more HMOs in the area in question which were not recorded on the database and therefore percentages could be even higher than indicated, with each HMO meaning the loss of a family home.

Members felt that the site was small and cramped with insufficient space to extend as proposed. They noted that there would only be a narrow passageway down the side of the house for access resulting in a loss of cycle storage, and an increase in the number of occupants would create the potential for additional cars parked at the front, with more comings and goings which would impact on residential amenity. They agreed that the proposals were inappropriate and would constitute over development of the site.

Resolved: That the application be refused.

Reason: The proposals are considered to be an over-development of the site which has a very small existing rear garden. The proposals would remove the garage and access to the rear garden for cycle parking and refuse storage and would introduce an additional car parking space onto the front garden of the dwelling. The increase in the size of the house in multiple occupation and associated car parking will harm the character of the area by reason of noise and disturbance from increased comings-and-goings

from the property often late at night; the uncharacteristic appearance of refuse and cycle storage forward of the dwelling; an unacceptable reduction of private amenity space and the uncharacteristic use of the open plan front garden for an additional car parking.

This is considered to be contrary to policy GP1 and H7 of the Development Control Local Plan and paragraphs 17 and 50 of the National Planning Policy Framework which seek to enhance and improve the places where people live and to create sustainable, inclusive and mixed communities.

**23g) 32 Tranby Avenue, Osbaldwick, York, YO10 3NB
(15/01718/FUL)**

Members considered a full application from Mr and Mrs K Blade for the change of use of a dwelling house (use class C3) to a house in multiple occupation (HMO) (use class C4).

Mr Kevin Blade, the owner and applicant, addressed the committee in support of the application. He informed Members that he had been advised by officers that neither the neighbourhood or street level thresholds for HMOs had been breached and explained that he had submitted the application with this information. He confirmed that the house fulfilled the criteria for an HMO and advised that he had received no objections from immediate neighbours. He explained that there was a need to provide accommodation for professional people wanting to work and live in the city and that there was already a professional couple living there. He noted that officers had recommended approval and questioned why the application had been called in for consideration by committee.

Councillor Mark Warters then addressed the committee in objection to the application. He raised concerns about the “studentification” of some areas of the city. He informed Members that the next door neighbour had been upset by alterations to the property and now faced disruption by the property being used as an HMO and would face issues with parking, bins, noise and disruption at all hours. He expressed the view that the supplementary planning document on HMOs

needed reviewing urgently in order to reduce the spread of HMOs in the city.

Members were advised that there were no planning powers available to control parking on the grass verge as this was covered by highways legislation.

Members questioned whether it would be possible to put a condition on approval to restrict use by professional people. Officers advised it would be hard to justify this condition in this location which was well below the threshold and therefore would not consider it a reasonable condition. They advised that the supplementary planning document considers not only thresholds but also other issues including residential amenity and comings and goings of occupants.

Two Executive Members present advised the committee that, irrespective of this application, they would take forward for consideration a review of the Supplementary Planning Document.

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

Reason: The property is within the urban area, well served by local facilities and close to public transport routes. The dwelling is considered to be a sufficient size, and with an adequate internal layout. It is not considered that that normal comings and goings from this one property would result in significant harm to neighbours. The thresholds within the Council's Supplementary Planning Document have not been exceeded. As such the proposal is considered to comply with Policy H8 of the DCLP Plan and subject to conditions is recommended for approval.

**23h) Lidgett House, 27 Lidgett Grove, York, YO26 5NE
(15/01924/OUT)**

Members considered an outline application for the erection of a two storey dwelling.

Officers advised that Flood Risk Management had not submitted any objections subject to the attachment of the two conditions as detailed below:

1. The site shall be developed with separate systems of drainage for foul and surface water.
Reason: In the interest of satisfactory and sustainable drainage.

2. No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority. Soakaway and infiltration methods of dealing with surface water should be considered before discharging to the existing public sewer network. If SuDs systems are unsuitable, developments must be attenuated to 70% of the existing rate and accommodate a 1:30 year storm with no surface flooding and a 1:100 year storm with no surface flood or internal flooding of buildings. A topographical survey should be undertaken showing existing and proposed ground and finished floors. Development should not be raised above the level of adjacent land.
Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site.

Officers also advised that since the report had been written, two further objections had been received. Those issues raised which had not already been identified in the committee report related to:

- A request that the application is a full planning application rather than outline so full details of the scheme are known;
- Concerns over the proximity of the dwelling to its neighbours and safety concerns over spread of fire between properties; and
- Concerns that the proposed retention of the trees cannot be enforced.
-

Members noted that the pattern of development in the area was quite distinctive and felt that that the proposals would impact negatively on the character of the area. The commented that even if there was technically enough space for the building to fit on the site, it would feel as if it was shoehorned onto the site.

Resolved: That the application be refused.

Reason: The erection of the proposed dwelling would result in the loss of an important gap in the street scene, resulting in a loss of openness and a form of development that is uncharacteristic of the established layout and pattern of development in the locality. The proposed dwelling would have no rear garden, a small side garden and front garden half given over to the parking of vehicle(s). The host dwelling would be left with a side/front wrap-around garden only which would be uncharacteristic of the local area, some of which would be for parking of vehicle(s). The incongruous nature of the development would be further emphasised by the tall boundary treatment to the front and sides which is out-of-character in the neighbourhood. Together, these elements would be in stark contrast with the established character and pattern of development.

The proposals therefore conflict with the principles set out in the National Planning Policy Framework (NPPF) (2012), particularly paragraphs 9, 17, 53 and 58 and the objectives of Policies GP1, GP10 and H4a of the City of York Draft Local Plan adopted for development control purposes (2005). These policies seek to protect spaces between and around buildings that contribute significantly to the character of an area and for residential amenity. For housing windfalls development should be of an appropriate scale and density to the surrounding area and it is found that the proposed dwelling and its host would appear uncharacteristically cramped within the neighbourhood with small garden space.

The introduction of a two-storey property situated just 1.1m from the property boundary and rear garden at No.231 Beckfield Lane would appear unduly dominating, oppressive and overbearing and would create an unwelcome sense of enclosure to the garden/amenity space of the property. This would be contrary to the NPPF which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17) and that development proposals should

positively improve the quality of the built environment and people's quality of life (paragraph 9). The proposals are also contrary to Policy GP1 of the Draft Local Plan (2005) which explains that development proposals should ensure residents living nearby are not dominated by overbearing structures.

23i) 9 Philadelphia Terrace, York, YO23 1DH (15/01972/FUL)

Members considered a full application from Miss Caroline Strudwick for a single storey side extension.

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

Reason: The proposals are considered to comply with the NPFF, CYC Development Local Plan Policies H7 and GP1 and Supplementary Planning Guidance - House Extensions and Alterations (Approved 2012). Approval is recommended.

Councillor Galvin, Chair

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

COMMITTEE REPORT

Date: 5 November 2015 **Ward:** Rural West York
Team: Major and **Parish:** Askham Bryan Parish
Commercial Team Council

Reference: 15/01837/FULM
Application at: Askham Bryan College Askham Fields Lane Askham Bryan
York YO23 3PR
For: Part demolition and extension of the CoVE building,
demolition of 2 no. agricultural buildings and construction of
car park
By: Askham Bryan College
Application Type: Major Full Application (13 weeks)
Target Date: 19 November 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The site is a U-shaped farmstead building which is part of the original farm buildings on site. To the south is the original farm house. Planning permission is sought for the demolition of the two single storey wings of the farmstead, retaining its 2 storey element and erecting an extension to create an Agri-Tech Innovation Centre which will include teaching, office and workshop accommodation. Two agricultural sheds to the north would also be demolished with the site used as a car park. The proposed site is within the built part of the campus.

1.2 The site is within the general extent of the Green Belt, and within Flood Zone 1.

1.3 The proposed development does not comprise 'Schedule 1' or 'Schedule 2' development (The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015) where an Environmental Impact Assessment is required. It is the view of Officers that the proposed site is not within or adjacent to an environmentally sensitive area (as specified in the regulations) and taking into account the characteristics of the proposed development, the location of the development, and characteristics of the potential impact and the proposed development would not result in significant environmental effects and therefore an Environmental Impact Assessment is not required.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation: GMS Constraints: Air Field safeguarding

2.2 Policies:

CYGP1 Design
CYGP4A Sustainability
CGP15A Development and Flood Risk
CYNE6 Species protected by law
CYNE7 Habitat protection and creation
CYHE10 Archaeology
CYGB1 Development within the Green Belt
CYGB3 Reuse of buildings
CYGB10 Major development sites in GB
CYED5 Further and Higher Education Institutions

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management

3.1 No comments received

Planning and Environmental Management - Ecologist

3.2 A bat survey has been undertaken. A single common pipistrelle bat was observed emerging from timber cladding on eastern gable of the CoVE building. No signs of bats were recorded in the barn or agricultural shed. Low levels of foraging bats were recorded around the buildings.

3.3 It has been stated that through the building renovation it will not be possible to retain the roost and a European Protected Species Licence from Natural England will be required. Replacement roosting habitat is shown. Request conditions for protection of bats and provision of bat mitigation.

3.4 The report states that there was no evidence of barn owls using any of the buildings.

3.5 The use of native species or those with a benefit to biodiversity (e.g. berry/nectar producing) in planting borders of car park would help to enhance the general environment of the area for wildlife including bats.

Planning and Environmental Management - City Archaeologist

3.6 The buildings which form part of this application are part of a farmstead dating back to at least the mid 19th century. They are non-designated historic assets of some historic value. Request condition for programme of survey

Flood Risk Management Team

3.7 No comments received

Public Rights Of Way

3.8 The proposed car park does not affect the definitive line of the right of way known as Public Footpath, Askham Bryan No 7. There may be an increase in traffic along the road along which the footpath passes, both during and after construction. Would expect there to be additional signage warning of the presence of users of the footpath.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Askham Bryan Parish Council

3.9 No comments received

Yorkshire Water

3.10 No comments received

Ainsty Internal Drainage Board

3.11 No comments received

Publicity and Neighbour Notification

3.12 One objection has been received – the proposed extensions are out-of-keeping and scale with the traditional farm buildings.

4.0 APPRAISAL

RELEVANT SITE HISTORY:-

- 13/02946/FULM - Erection of educational and associated buildings and related parking, circulation areas and landscaping (for animal management centre, farm and equestrian purposes, 2 staff dwellings, animal housing), siting of animal shelters, silos and feed bins, erection of security fencing, formation of external

equine training areas including polo field, formation of new access to York Road, reorganisation of existing access and parking areas, formation of ponds, change of use of existing buildings, temporary student accommodation and providing glazed roof to existing quadrangle – Approved

- 13/02969/OUTM - Erection of educational and associated buildings and related parking, circulation areas and landscaping (for animal management centre, farm and equestrian purposes, 2 staff dwellings, animal housing), siting of animal shelters, silos and feed bins, erection of security fencing, formation of external equine training areas including polo field, formation of new access to York Road, reorganisation of existing access and parking areas, formation of ponds, change of use of existing buildings, temporary student accommodation and providing glazed roof to existing quadrangle – Approved

KEY ISSUES

- Planning policy
- Green belt
- Design and Appearance
- Ecology
- Residential Amenity
- Archaeology
- Drainage

PLANNING POLICY

4.1 The saved policies of the Yorkshire and Humber Regional Spatial Strategy (May 2008) set out the general extent of the City of York Green Belt. Whilst the Regional Spatial Strategy for Yorkshire and Humber (the RSS) has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates those policies and the general extent of the Green Belt around York. These policies comprise the development plan for York.

4.2 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

4.3 The NPPF sets out the presumption in favour of sustainable development unless specific policies in the NPPF indicate development should be restricted. This presumption does not apply in Green Belt locations.

4.4 The site is within the City of York Green Belt as defined on the City of York Development Control Local Plan (DCLP) Proposals Map.

The DCLP was approved for development control purposes in 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF.

4.5 The Askham Bryan Parish Plan (2006) discusses the College site and its importance to the area. The design guidelines set out in the Plan refer to the setting of the village and the retention of the agricultural character of the village and there is little mention of the college site.

GREEN BELT

4.6 The campus is identified as a "major developed site in the Green Belt" within Policy GB10 the Development Control Local Plan (2005). This policy states that the preferred use of the site is for education. The proposed development is within the developed site envelope shown in the proposal maps. NPPF does not make reference to major developed sites, it is considered that the major developed site envelope can be given only very limited weight when considering this application.

4.7 The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of the greenbelt are its openness and permanence. The Green Belt serves 5 purposes: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

4.8 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. NPPF paragraph 89 states that the construction of new buildings is inappropriate in the Green Belt, save in the case of a list of exceptions including: limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The proposed development is considered to fall within this exception.

4.9 The proposed building does not extend outside of the existing built envelope of the campus. The proposed extension would be the same height as the existing 2 storey host building and would be of a lesser height than the adjacent agricultural buildings and a similar height to the farmhouse to the south of the application site, the proposal would be viewed in context of the adjacent development when viewed

from outside of the site, and the farmhouse to the south would break up the visual mass of the building and provide screening.

The access to the site would be from the existing campus road layout. The proposed extension would be within the existing built area of the campus and is not considered to impact further on the openness of the greenbelt and is considered to be in accordance with the 5 purposes of the green belt. In addition the increase in the floor space of the CoVE building would be offset by the reduction in agricultural buildings to the north, the site to be used as a car park.

DESIGN AND APPEARANCE

4.10 With the exception of the glazed two storey entrance lobby, the external finish of the west and south elevations would dark grey wall cladding. The east elevation would be finished in sliver wall cladding panels with two projecting first floor feature windows and a projecting entrance at ground floor. The maximum height of the proposed extension would be the same height as the retained two storey element. To create level floor plate there would be excavation of the southern part of the application site, and a retaining wall to allow for the difference in land levels. The design of the building is considered to be appropriate to its location and in compliance with policy GP1 (Design) of the DCLP.

ECOLOGY

4.11 The NPPF sets out that the Planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; minimising impacts on biodiversity and providing net gains in biodiversity where possible.

4.12 To proceed with any proposed development which may affect the roost, there is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 for a European Protected Species (EPS) licence granted by Natural England.

4.13 The ecological survey indicates there a common pipistrelle bat was observed emerging from timber cladding on eastern gable of the CoVE building. The roost will be destroyed as part of the proposed conversion and partial demolition work to the CoVE building. No evidence of bats was found in the agricultural sheds. Bat roosts are protected throughout the year, whether bats are present or not. As such a Natural England European Protected Species development license is required before building work can commence. The ecology survey states that singular roosts of a common and widespread species are of low conservation significance and therefore, the loss of the roost will not have a significant impact at a local, regional or national level. The proposed plans show replacement roosts in the form of 2 no. bat boxes and it is considered prudent to condition that these works take place.

4.14 There was no evidence of barn owls nesting within the buildings however bird nests were observed in the buildings, as such an informative advising the applicant of Section 1 of the Wildlife and Countryside Act 1981 is considered reasonable.

RESIDENTIAL AMENITY

4.15 The proposal by virtue of its height, massing and proximity to 1 and 2 Westfield House to the south of the proposed development site would result in a reduction of outlook and an increased sense of enclosure from development. The dwellings are occupied by employees of the college and are double aspect with the garden to the south of the dwellings. For these reasons the proposal is not considered to result in significant harm to the residential amenity of the occupants of these dwellings.

ARCHAEOLOGY

4.16 The original farmstead buildings are of historical value. The loss of the non-designated buildings is not considered to be of such harm as to outweigh the wider economic and educational benefits of the proposed development. A survey and recording of the buildings prior to works is considered to be reasonable and compliant with Section 12 of the NPPF and can be sought via condition.

DRAINAGE

4.17 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Local Plan policy GP15a: Development and Flood Risk advises discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced.

4.18 Drainage details have been submitted as part of the application. At the time of writing the report no comments has been received from the Flood Risk Management Team or the Ainsty Internal Drainage Board, comments will be reported at the committee meeting

5.0 CONCLUSION

5.1 The proposals are not inappropriate development in the Green Belt as defined by paragraph 89 of the NPPF and would not result in harm to the openness of the Green Belt. The design of the building is considered to be appropriate and there will be no significant impact upon residential amenity. Issues regarding protected species and non-designated heritage assets can be secured by condition. As such the application is considered to comply with policies GP1, GB1, HE10 and NE6 of the DCLP and the policies of the National Planning Policy Framework .

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Drawing Number (05) 101 'Location Plan' received 12 August 2015;
Drawing Number (05) 103 ' Proposed site layout' received 12 August 2015;
Drawing Number (05) 107 Revision A ' Proposed Ground Floor Layout' received 12 August 2015;
Drawing Number (05) 108 ' Proposed First Floor Layout' received 12 August 2015;
Drawing Number (05) 107 Revision A 'Proposed roof layout' received 12 August 2015;
Drawing Number (05) 110 Revision C ' Proposed elevations + materials schedule' received 12 August 2015;

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

2 TIME2 Development start within three years

3 Demolition, including roof stripping or activity likely to cause harm to bats shall not commence until the local planning authority has been provided with either:

(i) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or

(ii) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

If demolition work has not taken place by May 2016 the bat activity surveys shall be updated and shall include any details of further mitigation required to be implemented. The updated surveys shall be submitted to the Local Planning Authority and no demolition work shall take place until the written approval of the Local Planning Authority has been received.

Reason: To take account of and to enhance the habitat for a protected species. It should be noted that under National Planning Policy Framework the replacement/mitigation proposed should provide a net gain in wildlife value. The requirements to safeguard protected species and their habitat mean that this has to be carried out prior to demolition.

4 The development hereby permitted shall not be occupied until mitigation comprising of a minimum of two habitat features for bats on site such as crevice bat boxes and/or integral bat bricks, have been installed/constructed in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: To take account of and to enhance the habitat for a protected species. It should be noted that under National Planning Policy Framework the replacement/mitigation proposed should provide a net gain in wildlife value.

5 Prior to the first use of the building details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, design and lux of all external lighting associated with that building. The development shall be carried out in accordance with the approved lighting scheme.

Reason: Give the location of the proposed development on a ridge in the interests of visual amenity and the openness of the greenbelt, to prevent light disturbance and nuisance, and to assess the impact on ecology.

6 No work (demolition, alteration, removal of fabric) shall take place until the applicant has secured the implementation of an agreed programme of metrical survey/written description and analysis/photographic recording of the standing building to HE Level of Recording 3 which has been approved in writing by the Local Planning Authority.

Reason: The buildings on this site are of archaeological interest and must be recorded prior to demolition/ alteration/ removal of fabric.

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:

- Use of conditions

2. WILDLIFE AND COUNTRYSIDE ACT 1981 INFORMATIVE

All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended). To ensure that breeding birds are protected from harm during construction, works that would impact on building features or vegetation that would be suitable for nesting birds should be undertaken outside of the breeding bird season between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period. There are opportunities for the development to provide enhancement for birds without detriment to the building by the addition of bird boxes, examples of which can be found on the RSPB website

http://www.rspb.org.uk/makeahomeforwildlife/advice/helpingbirds/roofs/internal_boxes.aspx.

3. INFORMATIVE:

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

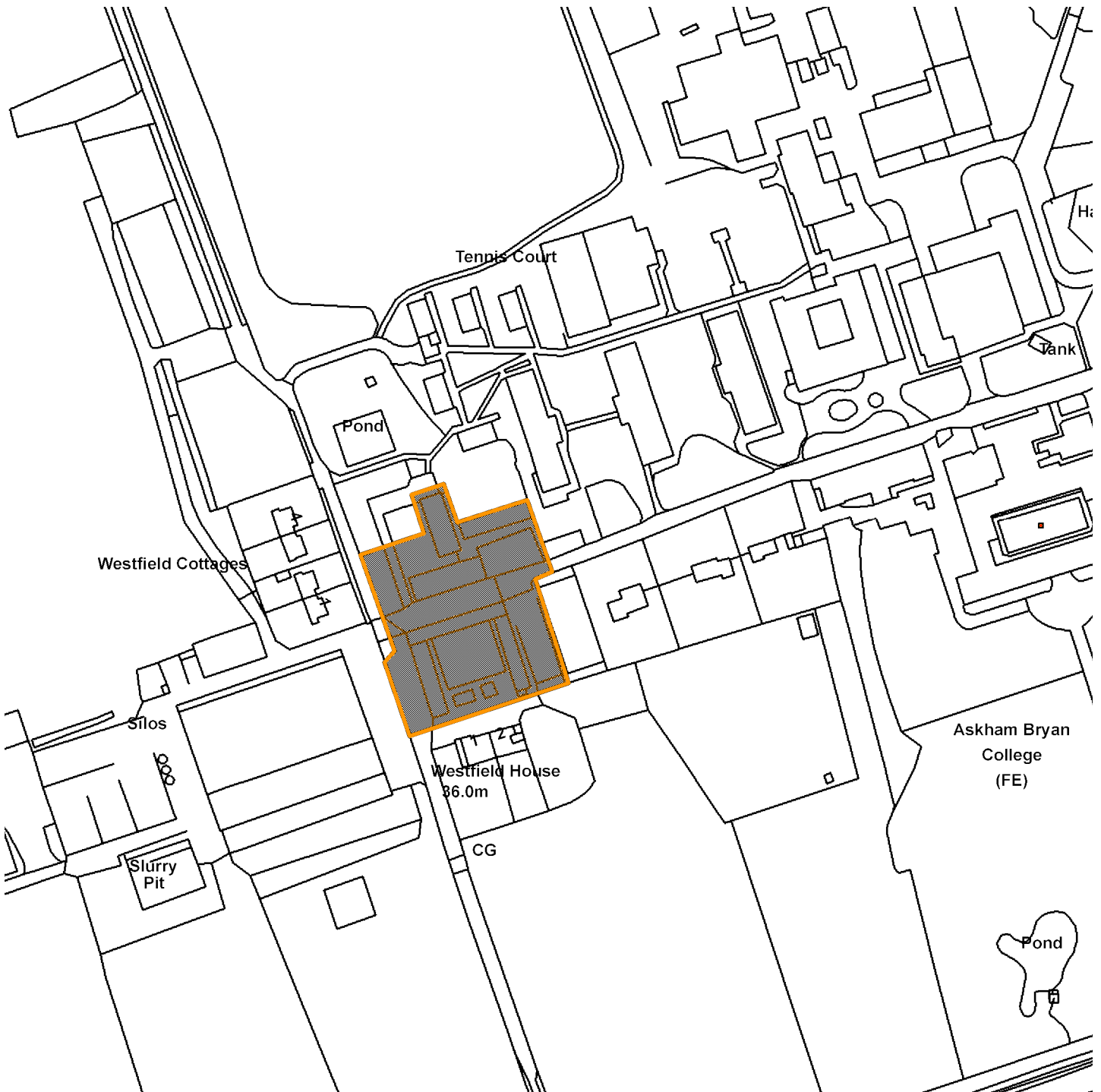
Author: Victoria Bell Development Management Officer

Tel No: 01904 551347

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15/01837/FULM

Askham Bryan College



Scale : 1:2119

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Organisation	City of York Council
Department	CES
Comments	Location plan
Date	26 October 2015
SLA Number	Not Set

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COMMITTEE REPORT

Date: 5 November 2015 **Ward:** Haxby and Wigginton
Team: Major and **Parish:** Haxby Town Council
Commercial Team

Reference: 15/01598/FUL
Application at: 14 The Avenue Haxby York YO32 3EQ
For: Erection of dwelling
By: Mr S Yeoman
Application Type: Full Application
Target Date: 4 November 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to the side garden of a semi-detached house on a corner site in the Park Estate in Haxby. The surrounding properties are residential and mainly a mix of detached and semi-detached units. There is an existing 2m high hedge on the front and side boundaries and a garage and shed on the area of land it is proposed to erect the house.

1.2 The application proposes the erection of a detached two bedroom dwelling house, which would have vehicular access and a parking space in the rear garden area.

1.3 The application has been called to Committee by Councillor Ian Cuthbertson on the grounds of overdevelopment, causing a terracing effect, concerns about parking, concerns about the access and egress of the site, which is on a 90 degree bend, and concerns about flooding in the area.

2.0 POLICY CONTEXT

2.1 Policies:

CYGP1 Design
CYGP4a Sustainability
CYGP10 Subdivision of gardens and infill devt
CYGP15a Development and Flood Risk
CYH4a Housing Windfalls

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 No objections to the proposed development from a highway point of view. Car parking for residents meets CYC standards. The property is located on an unadopted road. Cycle parking is not detailed but may be conditioned.

Environmental Protection Unit

3.2 A condition requiring the installation of a three pin 13 amp external electrical socket which is suitable for charging an electric vehicle on the driveway should be placed upon any approval given. In addition the standard demolition, construction and contamination informative is recommended.

Flood Risk Management Team

3.3 No objections but recommend conditions/informative regarding the details of the proposed means of foul and surface water drainage systems including any balancing and off site works.

EXTERNAL

Publicity and Neighbour Notifications

3.4 One objection has been submitted to the proposal on the grounds that:

- Proposed house takes up most of the plot and creates a terraced effect
- No garage space for no.14 and very limited car parking
- Proposed house has no garage and poor parking
- Any parking on the road would be dangerous as the house will be built on corner of The Avenue
- Problems of drainage on The Avenue
- Over-development of The Avenue

Haxby Town Council

3.5 Object on the following grounds:

- The proposed dwelling would be an overdevelopment of the site
- Cause a terracing effect
- Concerns about parking
- Concerns about the access and egress of the site on a 90 degree bend.

- Concerns about flooding in this area

3.6 One person has written in supporting the views of the Town Council

Foss (2008) Internal Drainage Board

3.7 The Board advise that the preferred drainage option is to drain surface water to a soakaway. However, it would have no objections to the disposal of surface water from the development to a Yorkshire Water surface water sewer (in the event of a failed soakaways test) if evidence of written consent from Yorkshire Water is provided along with confirmation that the sewer has the capacity. It also recommends the imposition of conditions regarding drainage works to be agreed and the feasibility of using soakaways and SUD's.

4.0 APPRAISAL

KEY ISSUES

4.1 The key material considerations relevant to the determination of this application are:

- Principle of development
- Sustainability
- Design and visual amenity
- Residential amenity
- Access and parking
- Drainage issues

POLICY BACKGROUND

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the overarching roles for the planning system and in Paragraph 14 advises that at the heart of the Framework there is a presumption in favour of sustainable development.

4.3 Paragraph 186 advises of the need for Local Planning Authorities to adopt a positive approach towards sustainable development in their decision-taking and Paragraph 187 advises of the need to look for solutions in order to approve applications where possible.

4.4 Paragraph 17 advises 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. It also outlines the need to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.

It also states that every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

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

4.6 Policy GP1 'Design'. This policy requires development proposals to respect or enhance the local environment, be of a design that is compatible with neighbouring buildings and the character of the area and ensure that residents living nearby are not unduly affected by overlooking, overshadowing or dominated by overbearing structures.

4.7 Policy GP4a 'Sustainability' seeks, amongst other things, to ensure that development proposals are accessible by other means than the car and be easily accessible for pedestrians and cyclists.

4.8 Policy H4a 'Housing Windfalls' permits the grant of planning permission for residential development on land not allocated on the Proposals Map, where: a) the site is within the urban area and is vacant, derelict or underused; b) the site has good accessibility to jobs, shops and services by non-car modes; c) it is of an appropriate scale and density to surrounding development; and, d) it would not have a detrimental impact on existing landscape features.

4.9 GP10 'Subdivision of Gardens and Infill Development' states that permission will only be granted for the development or subdivision of gardens areas where it would not be detrimental to the character and amenity of the local environment.

4.10 GP15a 'Development and Flood Risk' states that discharges from new development should not exceed the capacity of existing and proposed receiving sewers and watercourses and long-term run-off from development sites should always be less than the level of pre-development rainfall run-off.

ASSESSMENT

Principle of Development

4.11 NPPF Paragraph 17 advises that every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Policies GP10 and H4a of the DCLP accord with the NPPF in that they allow new development where it would not be detrimental to the character and amenity of the local environment (GP10) and is of an appropriate scale and density and would not impact on existing landscape features (H4a).

4.12 The site lies within the main built-up residential area of Haxby and the proposed development would be compatible with the character of the surrounding area, which consists predominantly of detached houses.

The site itself is clear of any existing landscape feature with the exception of a mature boundary hedge, which will be retained as part of the proposals. It is considered that the proposal would accord with the general thrust in the NPPF for the efficient use of land and subject to there being no detriment to amenity of the local area, which is addressed below, it is considered that the principle of development is acceptable.

Sustainability

4.13 The NPPF Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Policy GP4a of the DCLP requires proposals to have regard to the principles of sustainable development as set out in the policy.

4.14 The Sustainability Statement provided with the application outlines the following initiatives and aspects:

- The dwelling will be constructed to be energy efficient design with insulation, double-glazing, low energy light fittings, both externally and internally.
- Heating is to be highly efficient to current standards; any mechanical extract is to have heat recovery units.
- Renewable materials to be used where practical, hazardous materials not to be used in the construction of the building.
- Water usage is to be reduced by the use of foaming taps and economy flush toilets and grey water so that the potable water supply is reduced to 100 litres per person per day.
- Car parking and turning areas to use permeable paving.
- Rainwater is to be harvested and used for grey water with any excess going in to storm cells or in-line attenuation tank before discharging to mains.
- The site is about three and a half miles from the city centre and is well serviced by public transport with a bus service every ten minutes in the daytime. The nearest shopping facilities are in Haxby which are approximately half a mile away.

4.15 In light of the context and information submitted, it is considered that the proposal amounts to sustainable development and satisfies NPPF and Local Plan policies.

Design and Visual Amenity

4.16 NPPF Paragraph 17 and policy GP1 require high quality design. The surrounding properties, although all modern, have a mix of styles. All have pitched roofs and there are front and rear extensions contained under pitched roofs on a number of properties. There is a mix of render and brick.

The proposal responds to the context in that it is constructed from brick with a tiled roof and it incorporates two storey and single storey pitched roof projections to the rear. There is a pitched roof entrance lobby on the side and a mono-pitch bay window on the front. In essence the massing of the building has been broken down effectively and it makes a considered response to the surrounding built context.

4.17 It has a reasonably sized site area (rear garden 9m x 9m, front garden 7m x 9m) and the existing mature boundary hedge will be retained. It would be set 2m off the main side elevation to no.14 and 1m off the single storey side extension to no.14. It is not considered it would be overdevelopment or create a terracing effect and overall it is considered that it will make a sympathetic contribution to the townscape.

Residential Amenity

4.18 One of the core planning principles cited in the NPPF is to seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This is reflected in DCLP Policy GP1 (i) which requires development proposals to ensure that the amenity of nearby residents is not unduly affected.

4.19 The proposed house is set 2m off the main side elevation to no.14 and 1m off the single storey side extension to no.14, its frontage is in line with the frontage of no.14 and its ridge is circa 100mm lower than the ridge to no.14. It includes a two storey/single storey rear extension that projects circa 1.6m beyond the rear of no.14, however, this is also offset 1.4m from the side boundary with no.14 and 4m from the side elevation of no.14. In this respect it is not considered that the proposal would have an adverse impact on existing or future occupants of no.14.

4.20 There is at least 26m between the proposed house and houses to the north, on the opposite side of The Avenue and circa 23m from the nearest house to the east on the opposite side of the street. There is a bungalow to the south of the application site, which has a side garage extension adjacent to the rear boundary of the application site. There would be circa 10m between the rear elevation of the single storey rear elevation of the house and the garage and circa 12m between the rear elevation of the two storey rear extension to the house and the garage. In view of these relative distances between the proposed house and existing properties it is not considered that there would be any adverse impact on amenities or privacy of existing residents as a result of the scheme.

Access and Parking

4.21 A new vehicular access is proposed into the site from The Avenue on the eastern boundary with a car parking space provided in the rear garden. The new access would be approximately 23m from the 90 degree bend in The Avenue to the north; at this distance the access does not give rise to any road safety issues.

No details are provided of cycle parking provision but there is considered to be adequate space on site to accommodate such a facility in a covered and enclosed store at the rear of the house.

4.22 The current vehicular access to no.14 is located within the area of land that will form the front garden for the new dwelling house. The site plan originally submitted with the application has been revised to show that separate access and parking space will be provided for no.14 wholly within the area that will remain as the front garden for this existing dwelling house.

Drainage Issues

4.23 There are two separate sewers running down The Avenue; one for foul and one for surface water, these combine further down in York Road. The Foss (2008) Internal Drainage Board have advised that there are drainage problems in the area and have recommended a number of conditions that should be attached to a planning comment if the proposed development is approved. However, the Council's Flood Risk Management Team considers the proposal to be acceptable subject to the imposition of conditions, which it considers will address the concerns of the IDB. These conditions require that:

- the development is served by separate systems of drainage for foul and surface water
- consideration is given to discharge to soakaway, infiltration system and watercourse systems in that priority order with surface water discharge to the existing public sewer network only being used as a last resort if sufficient evidence is provided to discount the use of SUD's.
- if SUD's are unsuitable then a drainage system is provided that attenuates peak run-off to 70% of current rate

4.24 It is considered that the imposition of these conditions would satisfactorily address the drainage issues associated with the proposed development.

5.0 CONCLUSION

5.1 The proposed development will respect the general character of the area and will have no adverse effect on the amenity of neighbouring residents.

It is considered it complies with national guidance in the NPPF and Development Control Local Plan Policies and that it is acceptable subject to the imposition of relevant conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

AL/4/(9)/15 received 30 September 2015 and AL/7/(9)/15 received 15 October 2015
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 EPU1 Electricity socket for vehicles

5 HWAY18 Cycle parking details to be agreed

6 HWAY19 Car and cycle parking laid out

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

Reason: In the interest of satisfactory and sustainable drainage.

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

Design considerations.

a) The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Urban Drainage Systems (SUD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided to discount the use of SUD's.

b) If SUD's methods can be proven to be unsuitable then in accordance with City of York Council's Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

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

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

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

9 NOISE7 Restricted hours of construction

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:

A revised drawing was secured in which the proposed house has been reduced in width and separate car parking is provided for the existing house at no.14 The Avenue.

Account has been taken of all relevant national guidance and local policies and with the attachment of conditions the proposal is considered to be satisfactory.

2. CONTAMINATION, DEMOLITION, CONSTRUCTION

Watching Brief Informative

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a scheme remediation to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

Demolition and Construction Informatives

The developer's attention should also be drawn to the following which should be attached to any planning approval as an informative.

1. All demolition and 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.

2. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".

3. Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions.

4. 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.

5. There shall be no bonfires on the site.

6. In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority.

In such cases, an investigation and risk assessment must be undertaken and where remediation (clean-up) is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part 2A of the Environmental Protection Act 1990.

3. DRAINAGE

The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.

Contact details:

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15/01598/FUL

14 The Avenue, Haxby



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Organisation	City of York Council
Department	CES
Comments	Location plan
Date	26 October 2015
SLA Number	Not Set

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COMMITTEE REPORT

Date: 5 November 2015 **Ward:** Osbaldwick and Derwent
Team: Householder and **Parish:** Osbaldwick Parish
 Small Scale Team Council

Reference: 15/01625/FUL
Application at: 20 Kirkdale Road Osbaldwick York YO10 3NQ
For: Change of use from dwelling (use class C3) to House of
 Multiple Occupation (use class C4)
By: Mr and Mrs Ravindra Gullapalli
Application Type: Full Application
Target Date: 21 September 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The application property is 2-storey semi-detached dwellinghouse. It is located in a predominantly residential area consisting primarily of semi-detached properties. It has a medium sized rear garden (11m long x 8m wide) and a 5m long x 8m wide front garden. There is a side garage extension with drive and the front garden has been gravelled which provides an additional off-street parking place.

1.2 This application seeks permission for a change of use from a three bedroom dwellinghouse (Use Class C3) to a four bedroom House in Multiple Occupation (Use Class C4). The property currently has 3 bedrooms and a bathroom on the first floor and a lounge, dining room, kitchen and entrance hall on the ground floor. The proposed plan shows the first floor layout would remain as existing. On the ground floor the lounge would be used as a bedroom. The property has an existing single storey side extension, which provides a garage and utility room.

1.3 The application has been called to Committee by Cllr. Mark Warters on concerns over neighbouring amenities, which he feels are amplified by the application site being on a narrow, tightly packed long cul-de-sac, and the effect of an approval being to bring the street level threshold very close to the current upper limit of 10% at 9.76%.

2.0 POLICY CONTEXT**2.1 Policies:**

CYH8 Conversion to flats/HMO/student accom

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management

3.1 As stated in the Draft HMO SPD, a threshold of 20% of all properties being HMOs across a neighbourhood and 10% at street level have been established as the point at which a community can tip from balanced to unbalanced. Within 100m of 20 Kirkdale Road, York, there are currently 3 known HMOs out of 41 properties, 7.32%. At the neighbourhood level there are currently 72 known HMOs out of 692 properties, 10.40%.

3.2 Although the HMO SPD does not have development plan status, it can be afforded significant weight as a material planning consideration in the determination of planning applications. The SPD remains a draft until such time as there is an adopted plan in York. Although a 'draft' SPD, this document is a material consideration in the planning application process.

EXTERNAL

Osballdwick Parish Council

3.3 Object on following grounds

- increased noise at all hours but notably at unsociable times
- increased occupancy levels
- increased on street car parking
- overloading of local sewage systems
- depositing of waste in the streets and the unhygienic storage of waste in front gardens
- increased noise associated with a student let HMOs
- the loss of established family homes for York people.

3.4 The Parish Council continue to have no confidence in the accuracy and/or up to date nature of the City of York Council's HMO database as this has been proven lacking in the past.

Publicity and Neighbour Notifications

3.5 A petition objecting to the proposal signed by 22 local residents has been submitted. Comments can be outlined as follows:

- Because the street is a long narrow cul-de-sac residents already have to park on the pavement to avoid obstructing other residents – establishment of an HMO and adding 3 or 4 extra vehicles raises alarm and dismay
- Application should be refused in the interests of peace and wellbeing of the community

3.6 One letter of objection received on the following grounds:

- Street is gradually being taken over by HMOs denying families opportunity for home ownership
- Very little parking space and street is likely to be obstructed
- There may be noise and litter

4.0 APPRAISAL

KEY ISSUES

4.1 The key issues in assessing the proposal are:

- whether the change would lead to an unacceptable concentration of HMO's in a single location.
- whether the accommodation is of an appropriate standard and whether the use would impact adversely on local residents.

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the overarching roles for the planning system. In Paragraph 14 it advises that there is a presumption in favour of sustainable development at the heart of the Framework, which should be seen as a golden thread running through both plan-making and decision-taking.

4.3 Paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 50 states that in order to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities the local planning authority should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

4.4 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 NPPF.

4.5 Development Control Local Plan Policy CYH8: Conversions sets out the criteria by which conversions of houses to HMO's should be assessed.

On this basis planning permission will only be granted for the conversion of a house to a HMO where:

- the dwelling is of sufficient size (min 4 bedrooms) and the internal layout is shown to be suitable for the proposed number of households or occupants and will protect residential amenity for future residents;
- external alterations would not harm the appearance of the area;
- adequate on and off road parking and cycle parking is incorporated;
- it would not create an adverse impact on neighbouring amenity through noise disturbance or residential character by virtue of the conversion alone or cumulatively with a concentration of such uses;
- adequate provision is made for the storage and collection of refuse and recycling

4.6 Draft Supplementary Planning Document (SPD): Controlling the Concentration of Houses in Multiple Occupancy was approved by Cabinet on 15 April 2012. This Guidance has been prepared in connection with an Article 4 Direction which the Council made in respect of houses within the defined urban area. It has the effect of bringing the change of use of dwellings (Class C3) to small HMO's occupied by between 3 and 6 people (Class C4), which would otherwise be permitted development, within planning control.

4.7 Paragraph 5.7 of the SPD advises that applications for change of use from dwellings to HMO's will only be permitted where:

- a) The property is in a neighbourhood area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and
- b) Less than 10% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and
- c) The accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

4.8 Paragraph 5.17 advises that in assessing planning applications for HMOs the Council will seek to ensure that the change of use will not be detrimental to the overall residential amenity of the area. In considering the impact on residential amenity attention will be given to whether the applicant has demonstrated the following:

- the dwelling is large enough to accommodate an increased number of residents;
- there is sufficient space for potential additional cars to park;
- there is sufficient space for appropriate provision for secure cycle parking;
- the condition of the property is of a high standard that contributes positively to the character of the area and that the condition of the property will be maintained following the change of use to HMO;
- the increase in number of residents will not have an adverse impact on noise levels and the level of amenity neighbouring residents can reasonably expect to enjoy
- there is sufficient space for storage provision for waste/recycling containers in a suitable enclosure area within the curtilage of the property; and
- the change of use and increase in number of residents will not result in the loss of front garden for hard standing for parking and refuse areas which would detract from the existing street scene

APPRAISAL

4.9 One of the principle aims of the Council's SPD is to avoid situations where existing communities become unbalanced by an overconcentration of HMO's within a particular street or the wider area. Paragraph 5.2 of the SPD states a 'threshold based policy approach' is considered most appropriate method for controlling the number of HMO's across the City, as this tackles concentrations and identifies a 'tipping point' when issues arising from concentrations of HMO's become harder to manage and a community or locality can be said to tip from balanced to unbalanced.

4.10 Within 100m of 20 Kirkdale Road, York, there are currently 3 known HMOs out of 41 properties, 7.32%. At the neighbourhood level there are currently 72 known HMOs out of 692 properties, 10.40%. The current street and neighbourhood HMO levels are below the thresholds established by the SPD and, in respect of the latter, considerably below. Therefore in view of the Council's own policy, it is not considered that there are grounds to refuse the application on the basis that it would create an unbalanced community.

4.11 The Planning Enforcement officer has investigated 5 other houses in Kirkdale Road, which have been reported as unauthorised HMO's. These have been inspected and established that 4 are not being used as HMO's. A fifth is occupied by 4 students on a joint tenancy and is therefore in use as an HMO. However, this increases the street HMO level from 7.3% to 9.75% and the area HMO level from 10.4% to 10.5%, so the SPD threshold is not breached in either case.

4.12 There remains, however, a need to assess what impact the proposal would have on residential character and amenity in the light of the parameters outlined in the SPD and Local Plan. In this respect external alterations are not an issue as none are proposed.

4.13 In terms of car/cycle parking and bin storage, the applicant has advised in its current use as a dwellinghouse bins have been kept in the rear garden and a bicycle in the utility room. This has left the garage, drive and gravelled forecourt available for car parking; i.e. 3 parking spaces.

4.14 The cycle parking standard for a 4 bed HMO is 4 spaces and the maximum car parking requirement is 2 spaces. In this respect the existing garage could be used to store both bins and cycles for the proposed HMO use and this would still leave two car parking spaces at the front of the property. It is therefore considered that car/cycle parking and bin storage issues are catered for.

4.15 In respect of other requirements within the Local Plan. The application property has been examined internally and is well maintained, the internal layout and room size are considered to be acceptable and the property is considered to be large enough for a 4 bedroom HMO operation.

4.16 In respect of the Local Plan policy requirement that a property has a minimum of 4 bedrooms if conversion of a house to an HMO is to be granted, it is considered that this aspect of the policy is no longer appropriate as the policy was written at a time when the small HMO use class (3-6 residents) did not exist. At that time an HMO was defined as a property containing 7 or more unrelated people living together and it was generally thought that a property needed to be fairly large to accommodate the amount of people that could occupy it.

5.0 CONCLUSION

5.1 It is considered that the proposal complies with national guidance in the NPPF, Development Control Local Plan Policies and the City of York Council's Supplementary Planning Document (Controlling the Concentration of Houses in Multiple Occupancy). It is therefore considered that planning permission should be granted.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 Prior to the dwelling being occupied as a House in Multiple Occupancy, a management plan shall be submitted to and agreed in writing by the Local Planning

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Authority and shall be implemented as agreed unless otherwise agreed in writing by the Local Planning Authority.

The Management plan shall relate to the following areas:

- Information and advice to occupants, including minimising noise and disturbance for neighbours
- Refuse and recycling facilities
- Property maintenance
- Secure cycle storage

Reason: In the interests of the proper management of the property and the amenity of adjacent residents and which may otherwise be compromised unless approved prior to the commencement of development on the site.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) the garage indicated on the submitted drawings shall not be altered or converted to living accommodation.

Reason: To ensure that there is adequate cycle parking/storage space at the property and any proposals to increase living accommodation can be assessed on their merits.

7.0 INFORMATIVES: Notes to Applicant

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

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

Contact details:

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15/01625/FUL

20 Kirkdale Road, Osbaldwick



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Organisation	City of York Council
Department	CES
Comments	Location plan
Date	26 October 2015
SLA Number	Not Set

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COMMITTEE REPORT

Date: 5 November 2015 **Ward:** Micklegate
Team: Major and Commercial Team **Parish:** Micklegate Planning Panel

Reference: 15/01202/FUL
Application at: Trentholme Cottage 2A Trentholme Drive York YO24 1EN
For: Erection of 1no. three storey dwelling with storage building to rear following demolition of existing dwelling
By: Mr and Mrs M Nicholas
Application Type: Full Application
Target Date: 6 November 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The application proposes the replacement of an existing 1950's two storey cottage style detached dwelling with a three storey house of contemporary design. The replacement dwelling would be sited in a similar position on site and the existing access to it would be reused, though widened. The materials of construction are: red brick for the walls of the ground and first floors with a natural grey brick for the single storey front/side projection. The upper floor would have clad tiles for the walls with a flat zinc roof to the upper floor. The dwelling would include a large open-plan living space with separate utility and office space on the ground floor, three bedrooms and bathrooms on the first floor and a master suite on the second floor.

1.2 The application has been revised since first submission with the following amendments being made:

- setting back of the house 2m into the site;
- changing the colour finish of materials of the top storey;
- removing the photovoltaic panels;
- set back of top floor adjacent to boundary with 2 Trentholme Drive;
- cut back of roof above front north-eastern corner and above rear terrace;
- inclusion of opaque glazed screen to the side of the top floor terrace;
- reducing the extent the vehicle access is widened by 2.2m (from 3.5m to 1.3m).

1.3 The application has been called in to Committee by the local Ward Member, Councillor Kramm on the following grounds:

The proposal in the current uniform area of two story pitched roof housing needs serious consideration and weighing regarding the design and visual impact of the development for the area.

There are access and traffic related questions connected with the demolition and construction in the narrow street. Parking pressure, tree conservation and historical heritage preservation need to be considered as well.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area

2.2 Policies:

CYGP1	Design
CYGP4A	Sustainability
CYGP9	Landscaping
CGP15A	Development and Flood Risk
CYHE2	Development in Historic Environments
CYHE10	Archaeology
CYHE11	Trees in Conservation Areas
CYT4	Cycle parking standards
CYH4A	Housing Windfalls

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management

Conservation Officer

3.1 The site is not within the conservation area. The existing house is a charming detached building which shows the "sheltering" qualities of the locally distinctive architecture. The proposal is over-scaled and too high for the site and architecturally it could be anywhere so it fails to respond to existing character or respect scale and materials.

City Archaeologist

3.2 This site lies in the Area of Archaeological Importance and within the supposed extent of a Roman cemetery that was identified through excavations in the 1950's.

3.3 Consequently, an archaeological evaluation was undertaken on 31st March-2nd April 2015 at 2a Trentholme Drive, York. A trench 1m x 2m in size and three test pits roughly 0.6m² were excavated to determine whether any burials from a Roman cemetery known to exist in the area survived.

One burial was present in the garden to the rear of the property, while the remaining three trenches contained deposits interpreted as the backfill of archaeological excavation trenches dating to the 1950s.

3.4 It is clear that there will be further burials preserved on this site and that these burials may be disturbed by the proposed development. Discussions have been held with the applicant and it is clear that a foundation design can be achieved which will minimise the potential impact of the development on archaeological deposits. However, there is still the possibility that burials will be at risk. Provision must be made therefore for the archaeological excavation of these burials should they be exposed during groundworks for the development.

Environment Protection Unit

3.5 No objections in principle to the application for the erection of a three storey dwelling. Initially requested further information with regard to the proposed air source heat pump to be installed as these can cause issues with noise that may affect the amenity of nearby residents. Following receipt of this information, it is confirmed that the information the Unit is satisfied that the pump will not adversely affect the amenity of the neighbouring buildings. BS 8233:1999 'Sound insulation and noise reduction for buildings - Code of Practice does however state that good levels of noise in residential dwellings should be 50dB or below and from the information supplied the likely noise level would be 53dB in the nearest residential dwelling at 145 The Mount, York. In order to achieve at least a 3dB reduction in noise in the neighbouring property, a condition is requested along with a condition requiring the provision of an outside socket for charging an electric vehicle in accordance with the Council's Low Emission Strategy and paragraph 35 of the NPPF.

Highway Network Management

3.6 No objections to the proposal from a highway point of view, subject to conditions.

Flood Risk Management

3.7 The development is in low risk Flood Zone 1 and should not suffer from river flooding. Having assessed the submitted information within the Drainage Statement dated 25th June 2015 by Bramhall Blenkham, the Flood Risk Management Team has no objections to the development in principle but requests conditions relating to detailed drainage arrangements.

EXTERNAL

Micklegate Planning Panel

3.8 No objections.

Publicity and Neighbour Notification

3.9 17 objection responses received to the original submission and 4 to the revised plans (at the time of writing) raising the following points:

Initial submission:

- Overly large 3 storey flat roofed property with solar panels that sits forward of neighbouring properties would be intrusive and out of character with the surrounding predominantly 1930s two-storey semis, would not make a positive contribution and would have a detrimental impact on street scene;
- Proposal would have adverse effect on character of conservation area;
- Property makes no effort to blend into the street scene or pay respect to the style of local properties;
- Introduces a haphazard relationship and awkward transition of ridge heights between neighbouring properties and damages the existing harmonious, graduated roofscape;
- Second floor terraces would unduly affect residential living nearby;
- Widening of dropped kerb within conservation area would have a negative contribution to street with loss of feature grass verge and potential damage to Cherry tree roots and reduction in permeable ground cover;
- Roman style villa design does not relate to immediate area and is out of keeping with the street scene;
- Loss of existing attractive period cottage that could be sympathetically restored, preserved and modernised;
- Proposal would be a traffic hazard from additional vehicles and construction vehicles on narrow road;
- Limited forecourt parking and no garage for four bed house is likely to exacerbate parking congestion;
- Impact on neighbours in terms of overshadowing and privacy;
- Impact on archaeology of building works;
- Landscaping proposed to front is out of keeping;
- Potential damage to Cherry tree during construction, which is a tree in conservation area;

Revised scheme:

- Revised plans do not alter the fact that a character building that fits in to the neighbourhood would be replaced with a large flat fronted modern structure that would stick out amongst the traditional houses;
- Loss of character cottage that adds to overall appearance of the street, which would be poorer without it;
- Disregard about damage to foot paths, grass verges and general outlook from other construction work on street;
- Disruption from construction has not been sufficiently addressed and build could be extended due to archaeological excavations;
- Unnecessary to replace existing cottage that could be extended or sold/demolition should only be considered when buildings are past their sell-by-date;
- York suffers from dearth of affordable housing and should not be replaced with more expensive property.

3.10 One letter in support of the scheme from a resident of Trentholme Drive with a further letter of support following re-consultation:

- The proposed design, elevation, and mix of building materials is fresh and innovative and will compliment the mainly traditional presence of the 1930's houses;
- The floorplan is only marginally bigger than the existing 1950's cottage;
- The contribution of the build to the immediate environment, will be in scale with existing property with the exception of 145 Mount Vale;
- The new build will be of designed family living, encompassing all requirements in one well planned out frame, and not an adaptation with dormer windows;
- This contemporary build will present a better approach to Trentholme Drive and further place the area as credit to design blend and an attractive place to live;

4.0 APPRAISAL

4.1 The key issues to be considered as part of this application are:

- Principle of development;
- Impact on heritage assets
- Design considerations;
- Access and highway issues;
- Residential amenity;
- Biodiversity;
- Flood risk.

POLICY CONTEXT

4.2 Central Government guidance is contained in the National Planning Policy Framework (NPPF, March 2012). Paragraph 7 of the National Planning Policy Framework says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as seeking high quality design and a good standard of amenity for all existing and future occupants of land and buildings, encouraging the effective use of land by reusing previously developed land not of high environmental value and conserving heritage assets.

4.3 Section 6 of the NPPF 'Delivering a wide choice of high quality homes' seeks to boost the supply of housing. Paragraph 49 states that housing applications should be considered in the context of a presumption in favour of sustainable development. Section 7 of the NPPF requires good design. At paragraph 56, it says that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Section 10 'Meeting the challenge of climate change, flooding and coastal change offers advice on locating new development to avoid increased flood risk. Section 11 'Conserving and enhancing the natural environment' says that the planning system should contribute to and enhance the natural environment by, amongst other things, minimising impacts on biodiversity and providing net gains in biodiversity where possible as well as preventing adverse affects on pollution and land instability. Section 12 'Conserving and enhancing the historic environment' requires local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness. It advises consent to be refused where there is substantial harm unless it can be demonstrated that this is necessary to achieve substantial public benefits or where there is less than substantial harm, this be weighed against the public benefits of the proposal.

4.4 The City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications, although it is considered that their weight is limited except when they are in accordance with the NPPF.

SITE AND HISTORY

4.5 The site is located to the south of the city centre, on the southern side of Trentholme Drive. Trentholme Drive is a residential cul de sac, running at right angles to Mount Vale and comprises largely 1930s semi-detached properties. The site accommodates a detached dwellinghouse with side garage dating from the 1950s, which has accommodation over two floors with the upper floor being within the roof space. It is accessed from an existing vehicle entrance from the street

leading to a hard surfaced forecourt. The property has a private enclosed garden to the rear. The application site lies within low risk flood zone 1.

The site lies adjacent to but outside of the Tadcaster Road Conservation Area and within the City Centre Area of Archaeological Importance.

PRINCIPLE OF DEVELOPMENT

4.6 The application site falls within the main urban area of the City and within a predominantly residential area. It is in a sustainable and accessible location, within walking distance of local facilities and public transport routes. The proposal involves the replacement of one dwelling with another, albeit different in scale and design, and as such is compatible with the surrounding land use. The NPPF promotes the approval, without delay, of proposals that accord with the development plan or where the plan is absent, silent or out of date, planning permission should be granted unless the adverse impacts of doing so demonstrably outweigh the benefits when assessed as a whole. One of the core planning principles set out in the NPPF is the effective use of land through the reuse of land which has been previously developed providing it is not of high environmental value. Policy H4a of the Draft Local Plan accords with the NPPF in that it allows the redevelopment of land providing it is of an appropriate scale and density and would not impact on existing landscape features. Therefore, subject to further consideration being given of the impacts of the development on its environment, the proposal is considered to be acceptable in principle.

IMPACT ON HERITAGE ASSETS

4.7 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when determining planning applications. The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under section 72 of the Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted.

HERITAGE ASSETS

4.8 Section 12 of the NPPF advises that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraph 131, in particular, states that local planning authorities should take account of the desirability of sustaining and enhancing an asset's significance, the positive contribution it can make to sustainable communities and the positive contribution new development can make to local character and distinctiveness.

Paragraph 132 establishes the great weight that should be given to a designated heritage asset's conservation with a clear and convincing justification being provided to justify any harm or loss. Draft Local Plan policies HE2 and HE10 reflect legislation and national planning guidance. In particular, the supporting text to Policy HE2 states that 'high quality contemporary designs, which respect the historic context, will be encouraged.

4.9 The application site is adjacent to a Grade II listed building, Newington Hotel, which fronts onto Mount Vale, though falls outside its curtilage and would be sufficiently divorced from it so as not to detract from its setting.

4.10 The site falls outside, though is bounded on three sides, by the boundary of the Tadcaster Road Conservation Area. The Conservation Area description in the Draft Local Plan highlights the main elements of the character and appearance of the area as, amongst other things, the large villas in their own grounds along Tadcaster Road.

4.11 The existing building is of limited architectural or historic significance or merit being an unlisted building outside the conservation area and built circa mid to late 1950s. Its omission from the conservation area boundary, which it adjoins on three sides, reflects this lack of interest as a heritage asset. Whilst pleasant in its appearance, its loss would not harm the character and appearance of the adjacent Conservation Area, subject to a suitable replacement.

4.12 The site lies immediately adjacent to the conservation area and therefore is visible in views into and out of this designated heritage asset. The replacement building would be set within the centre of the plot retaining the characteristic private spaces at the front and rear. The Design and Access Statement refers to the intention to replace the existing building with a 'new building designed as a villa, to reflect similar detached dwellings in the immediate vicinity'. Materials would be predominantly brickwork to reflect the area, with areas of terracotta and grey cladding. The intention is to retain the highway tree within the grassed verge, which is within the conservation area. In light of the above, it is considered that the building would not result in harm to the character and appearance of the adjacent conservation area, which would be preserved.

4.13 The site lies within the City Centre Area of Archaeological Importance (AAI) and within the supposed extent of a Roman cemetery that was identified through excavations in the 1950s. An evaluation report on archaeological investigations at the site (dated April 2014) and an interim statement on archaeological evaluation (dated March 2015) have been submitted in support of the application. The Archaeological investigations found one burial present and the City Archaeologist considers that there will be further burials preserved at the site, which may be

disturbed and potentially be put at risk by construction works on site.

As such, and in line with advice in the paragraph 40 of the Planning Policy Guidance document that accompanies the NPPF, conditions relating to archaeological investigation, a watching brief and foundation design have been requested by the City Archaeologist.

4.14 In light of the above, no harm has been identified from the proposed development on the setting of the adjacent Grade II listed building and the adjacent Tadcaster Road Conservation Area. Any harm to archaeological deposits and features in the non-designated City Centre Area of Archaeological Importance can be adequately addressed and mitigated through the imposition of conditions.

DESIGN CONSIDERATIONS

4.15 Chapter 7 of the NPPF gives advice on design, placing great importance to the design of the built environment. At paragraph 58 it states that planning decisions should aim to ensure that, amongst other things, developments will function well and add to the overall quality of an area, establish a strong sense of place, incorporate green and other public space as part of them, respond to local character whilst not stifling innovation, create safe and accessible environments and include appropriate landscaping. It goes on to say that great weight should be given to outstanding or innovative designs which help raise the standard of design in the area (para.63). At paragraph 64, it advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. This advice is reflected in Draft Local Plan Policy GP1, which requires new development to respect or enhance its local environment and be of an appropriate density, layout, scale, mass and design compatible with neighbouring buildings and using appropriate materials.

4.16 The Design and Access Statement accompanying the application refers to the poor thermal performance of the existing building and the inflexible layout making it economically unviable to extend as the reasons for the development. The intention is to construct the replacement dwelling to Code Level 4 and an air source heat pump is proposed to be used. The dwelling has been designed to utilise the south-west orientation of the plot so that it gains maximum benefits from natural light and heating.

4.17 The proposal would result in the replacement of a modest post-war dwelling of vernacular design with a significantly larger property of contemporary architecture that has accommodation over three floors and includes as part of its detailing a flat roof glazed structure above a parapet brick facade and asymmetrical windows of modern appearance. Its primary building material is red brick with areas of terracotta and grey cladding panels for the ground floor entrance and roof feature. Landscaping is in-keeping with the design of the property.

There has been considerable objection from local residents on Trentholme Drive to the loss of the existing 'character' dwelling and its replacement with a building that is not considered in its design or scale to be in-keeping with the rest of the street, as well as the uncharacteristic landscaping proposed.

4.18 The modern detailing and flat roof form would make the building stand out in a street scene of traditional pitched roofs, but this does not in itself form a basis for resisting the development. The building is well designed and has integrity in its own right. The form and architectural detailing of the building, particularly its roof and fenestration, are not intended to fit in with or replicate the surrounding properties. It seeks to represent the villas that are characteristic of The Mount and the Roman heritage of the site. This approach is supported by the NPPF in that it states "Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles" (paragraph 60). It goes on to state that, 'It is, however, proper to seek to promote or reinforce local distinctiveness'. The visual link to the surrounding properties is through the use of similar materials, notably red bricks for the walling and grey framing and cladding to the roof structure.

4.19 However, whilst there is no objection to the design of the building itself, the issue is how the proposed dwelling, due to its design, scale and massing fits in to the local context, in to the street scene and how it relates to neighbouring properties. Concern has been expressed by officers during consideration of the application on this point, particularly in relation to the more modest semi-detached properties to the east, including 2 Trentholme Drive. The brick walling would project above the eaves of no.2 and the flat roof structure would sit higher than its ridge. The relationship to the extended property on the corner of Mount Vale and Trentholme Drive, 145 Mount Vale, is of lesser concern due to its large mass and the elevated position of the main dwelling on a raised area of ground and with accommodation over three floors. The eaves and roof ridge of the side/rear extension of no.145, however, are reflective of the properties on Trentholme Drive. The Design and Access Statement describes the scale of the proposed dwelling as being determined by the height of the ridge of the extension at no.145.

4.20 The application has been revised in an attempt to address officers' concerns. These changes have included the setting back of the property 2m into the site and the reduction in the size of the top structure adjacent to the boundary with no.2 along with a colour change to its external cladding to grey. The main bulk of the building is now set back nearly in line with the front elevation of no.2 and behind that of the extension at no.145. This helps to improve the relationship of the proposed building to those either side of it and to lessen the visual impact when approaching along the road.

In addition, it is noted that the properties opposite the site and facing onto Trentholme Drive, though addressed as 137 and 139 Mount Vale, are on elevated ground and are, therefore, higher in comparison to the adjacent semi-detached property 1 Trentholme Drive. The proposed dwelling would have a similar height overall as these properties, which face it. The building, therefore, could be seen as representing a transition point between the larger villa style properties on Mount Vale, including no.145 to the west, and the more modest suburban semi-detached dwellings on Trentholme Drive.

4.21 Therefore, whilst acknowledging its differences, it is considered that, on balance and given the presumption in favour of sustainable development, the building would not cause significant demonstrable harm to the overall character and appearance of the area.

ACCESS AND HIGHWAY ISSUES

4.22 The NPPF encourages sustainable travel and the location of development in sustainable and accessible locations. The site is within walking distance of a public transport route into and out of the City Centre and close to local facilities and services. The proposal uses an existing access to the public highway, which serves one residential property. Within the site there is adequate space for two vehicles to park clear of the public highway, as existing. As such, the site is considered to be in a sustainable and accessible location and there are no objections on highway safety grounds. The provision of car and cycle parking prior to occupation can be secured by condition.

RESIDENTIAL AMENITY

4.23 One of the core principles of planning outlined in the NPPF is to seek a good standard of amenity for all existing and future occupants. Paragraph 120 of the NPPF also states that new development should be appropriate for its location to prevent unacceptable risks from pollution and land instability, with the responsibility for securing a safe development resting with the developer. Policy GP1(i) of the Draft Local Plan seeks to ensure that development proposals do not unduly affect the amenity of nearby residents in terms of noise disturbance, overlooking, overshadowing or from overbearing structures.

4.24 The main properties that would be affected by the development are those residential dwellings either side of it. The orientation of the plots is NE-SW, with the rear elevations facing in a south-westerly direction.

4.25 The proposal would be a larger, more dominant structure of considerable bulk in comparison to the modest dual-pitched building that currently occupies the site.

A single storey element has been incorporated adjacent to the boundary, with the main bulk of the proposed building set away from the boundary with no.2 by approximately 2.5m and from the side wall of the house by approximately 5.2m. The detached garage of no.2 sits next to the boundary with the application site to the rear of the host property. The only windows proposed that would face towards no.2 are a bathroom and two small secondary openings to the third and fourth bedrooms on the first floor and a WC on the second floor. Given the orientation of the properties and the separation distances between them, there would be minimal impact on no.2 from overshadowing and overlooking.

4.26 The property to the west, 145 Mount Vale, has been extended itself and so has two elevations at right angles to themselves that face over its rear garden. The elevation on the original property is at a distance of approximately 8.4m away from the shared boundary with the application site. The proposed building would be set back approximately 1.6m beyond the rear wall of the extension at no.145. This may result in some casting of shadows of the rear of no.145, but would be restricted to the early morning. A terrace, measuring 3m x 2.5m, is proposed behind the parapet at second floor level adjacent to the boundary with no.145. In order to minimise the potential impact from overlooking into the rooms of no.145, an opaque white glass screen has been included in the scheme along the western side of the terrace. There are no other windows on the west facing elevation other than an en-suite (usually obscure glazed) and dressing room in the roof structure that would be set in from the side wall of the proposed house and would be above the height of the side windows in the gable elevation of no.145.

4.27 The Environmental Protection Unit has requested a condition be attached on any approval to address concerns over noise disturbance from the proposed air source heat pump to neighbours, particularly those at 145 Mount Vale.

4.28 The proposed dwelling would have a front parking forecourt and a reasonable sized landscaped private rear garden along with a semi-enclosed roof terrace to serve it. The landscaping of the front area is intended to be in-keeping of the design of the dwelling. Provision is made in a rear detached timber-clad garden store for bin and recycling storage. The design of the dwelling incorporates generous floor to ceiling heights for the main living room at ground floor level and circulation spaces throughout the internal layout. The accommodation makes optimum use of its south facing aspect with large areas of glazing on the rear elevation serving the main habitable rooms. A condition would need to be attached to any approval to prevent the front roof area becoming a terrace.

BIODIVERSITY

4.29 Paragraph 118 of the NPPF aims to conserve and enhance biodiversity, including the refusal of planning applications where significant harm cannot be avoided or adequately mitigated and where development would adversely affect Sites of Special Scientific Interest, ancient woodland and European protected sites.

4.30 No such areas would be adversely affected by the proposal. A small tree is proposed to be removed from the rear garden, though an existing mature tree adjacent to the southern boundary of the site is to be retained. There is some concern about the proposal to increasing the width of the access and the impact that this could have on the highway tree in the grassed verge at the front of the site. No tree survey has been submitted with the application to demonstrate that there would be no damage to the health and longevity of this tree. The applicant has been advised to omit from the scheme the proposal to widen the access in order to avoid any potential harm, but has chosen to reduce the width of the opening. Further comment is awaited from the Council's Landscape Architect on this point and Members will be updated at Committee.

4.31 A preliminary roost assessment was undertaken at the site in May 2015 to search for live bats, evidence of bat activity and structural features/physical conditions that might support roosting bats. The assessment identified the habitat value for bats as negligible with a low probability of harm to bat and roosts from the proposed development.

FLOOD RISK

4.32 Paragraph 103 of the NPPF states that development should be directed to the areas of low flood risk and that development should not result in an increase of flood risk within the site or elsewhere. Policy GP15a of the Draft Local Plan supports this approach to flood risk.

4.32 The application site is located within low risk Flood Zone 1 and should not, therefore, suffer from river flooding. It is intended to utilise the existing foul and surface water connections serving the existing dwelling to discharge from the proposed building to the combined sewer along Trentholme Drive. Further information was requested by the Council's Flood Risk Management Team as the initial submission contained insufficient information and, as such, no objections are raised on drainage and flood risk grounds subject to conditions.

5.0 CONCLUSION

5.1 In light of the above, it is considered that this application for a replacement dwelling of contemporary design in a sustainable and accessible location that would be compatible with the surrounding residential land use and would not result in demonstrable harm to acknowledged interests. As such, the proposal accords with Central Government advice contained in the National Planning Policy Framework and with Development Control Local Plan policies outlined in section 2.2, in particular GP1 (Design), GP4A (Sustainability), HE2 (Development in Historic Locations), HE10 (Archaeology) and H4a (Housing windfalls). The application is recommended for approval, subject to the imposition of conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

- Drawing no. 1197_AR50_01_E 'Proposals', dated 16/10/15;
- Drawing no. 1197_AR40_01_D 'Proposed Site Section', dated 16/10/15;
- Drawing no. 1197_AR20_01_B 'Roof Plan', dated 16/10/15.

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

3 ARCH1 Archaeological programme required

4 ARCH2 Watching brief required

5 ARCH3 Foundation design required

6 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works. The development shall be carried out using the approved materials.

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

Reason: So as to achieve a visually cohesive appearance.

7 A sample panel of the brickwork to be used on this building shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

8 HWAY18 Cycle parking details to be agreed

9 HWAY19 Car and cycle parking laid out

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

No construction shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority. The details shall take into account the following design considerations.

a) The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided to discount the use of SuD's.

b) If SuD's methods can be proven to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

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

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

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

11 Prior to the condenser units coming into use, a suitable and sufficient noise barrier shall be designed by a qualified acoustician and fully erected and implemented in accordance with a report that shall be submitted to and approved in writing by the Local Planning Authority beforehand. The approved barrier shall be appropriately maintained thereafter in accordance with details included in the report.

Reason: To protect the amenities of adjacent residential gardens.

12 The applicant shall install a three pin 13 amp external electrical socket which is suitable for outdoor use. The socket shall be located in a suitable position to enable the charging of an electric vehicle on the driveway using a 3m length cable.

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

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

13 LAND1 Landscaping scheme

14 The flat roof area at the front of the building shall not be used as a roof terrace or an external amenity area.

Reason: In the interests of the character and appearance of the street and residential amenity of neighbouring properties.

15 NOISE7 - Restricted hours of construction

**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:

- Submission of revised drawings to address concerns about visual impact, residential amenity and impact on highway tree;
- Further information sought regarding noise disturbance from air source heat pump;
- Imposition of conditions to mitigate archaeology, materials, noise, drainage and parking provision.

2. INFORMATIVE:

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

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

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

(b) The work shall be carried out in such a manner so as to comply with the general 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 manufacturer's 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. INFORMATIVE:

The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.

Contact details:

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15/01202/FUL

2A Trentholme Drive, YO24 1EN



Scale : 1:1498

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Organisation	City of York Council
Department	CES
Comments	Location plan
Date	26 October 2015
SLA Number	Not Set

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**Area Planning Sub Committee
Planning Committee**

**5 November 2015
19 November 2015**

Appeals Performance and Decision Summaries

Summary

- 1 This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 July and 30 September 2015, 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 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 2015, and for the 12 months 1 October 2014 to 30 September 2015.

Fig 1: CYC Planning Appeals Performance

	01/07/15 to 30/09/15 (Last Quarter)	01/10/14 to 30/09/15 (Last 12 months)
Allowed	3	14
Part Allowed	-	2
Dismissed	8	28
Total Decided	11	44
% Allowed	27%	32%
% Part Allowed	-	5%

Analysis

- 5 The table shows that between 1 July and 30 September 2015, a total of 11 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 3 were allowed. At 27% the rate of appeals allowed is below the national annual average of appeals allowed which is around 35%. By comparison, for the same period last year, out of 6 appeals 0 were allowed (0%), 0 were part allowed (0%). None of the appeals allowed between 1 July and 30 September 2015 related to “major” applications.
- 6 For the 12 months between 1 October 2014 and 30 September 2015, 32% of appeals decided were allowed, again below the national average, but above the previous corresponding 12 month period of 19%.
- 7 The summaries of appeals determined between 1 July and 30 September 2015 are included at Annex A. Details as to whether the application was dealt with under delegated powers or by committee are included with each summary. In the period covered one appeal was determined following refusal at sub-committee.

Fig 2: Appeals Decided 01/07/2015 to 30/09/2015 following Refusal by Committee

Ref No	Site	Proposal	Outcome	Officer Recom.
14/01720/FUL	Brook House Main St, Elvington	Two storey detached dwelling	Dismissed	Refuse

- 8 The list of current appeals is attached at Annex B. There are 10 planning appeals lodged with the Planning Inspectorate (excluding tree related appeals).

9 We continue to employ the following measures to ensure performance levels are maintained at around the national average or better:

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 draft Development Control Local Plan Policy.

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

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

Consultation

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

Council Plan

11 The report is relevant to two key priorities of the new Council Plan 2015-19 namely a 'A Prosperous City for All' and 'A Council That Listens to Residents'. In particular the aim to protect the green belt and the unique character of the city.

Implications

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

13 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.

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

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

Risk Management

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

Recommendation

- 17 That Members note the content of this report.

Reason

- 18 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

Chief Officer Responsible for the report:

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

**Report
Approved**



Date 23 October
2015

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 and 30 September 2015

Annex B – Outstanding Appeals at 23 October 2015

Appeal Summaries for Cases Determined 01/07/2015 to 30/09/2015

Application No: 14/01657/CLD
Appeal by: Mrs A Carrington
Proposal: Certificate of lawfulness for conversion of stables/outbuildings to habitable annexe
Address: Hendwick Hall Farm Scoreby Lane Scoreby York YO41 1NP
Decision Level: DEL
Outcome: ALLOW

The attached appeal related to an application for a certificate of lawful use/development to use part of an as a 2 bedroom bungalow. A large en-suite bedroom/guest suite was also proposed within the building but this had no internal link with the proposed bungalow. The building is located within the curtilage of a large detached house in a rural location. The LPA did not issue the certificate considering the external changes were material and that the scale and separation of the proposed annex was such that a new planning unit would be formed. The inspector allowed the appeal. He considered the external changes would not be material and that the proposed detached residential accommodation would be incidental/ancillary to the main house and would not create a separate planning unit. In justifying the decision he made reference to *Uttlesford D.C. v. SSE and R.J. White (1992)*. He pointed to the fact that there was a shared access and parking and that the close proximity of the two buildings would be convenient for social interaction. He also seemed to base his judgement on the accommodation only being occupied by the parents of the occupiers of the main house, or close family members.

Application No: 14/01720/FUL
Appeal by: Mr And Mrs J Benson
Proposal: Erection of two storey dwelling with detached garage (resubmission)
Address: Brook House Main Street Elvington York YO41 4AA
Decision Level: CMV
Outcome: DISMIS

The appeal related to the refusal of planning permission for a new two storey detached dwelling in Elvington Conservation Area. It was refused because of its impact on the landscaped and treed character of the application site and its immediate surroundings which 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. The Inspector agreed that the trees as a group were of value to the appearance of the Conservation Area. He did not consider that the applicant had shown that if they were removed there was sufficient space to incorporate suitable replacement planting and a dwelling.

Application No: 14/01750/FUL
Appeal by: Mr Shaun Thomas
Proposal: Change of use of land for siting 20 holiday static caravans
in place of touring caravans
Address: Home Lea Elvington Lane Elvington York YO41 4AX

Decision Level: DEL

Outcome: DISMIS

The appeal site comprises a touring caravan site with an extant permission for the siting of 20 touring caravans on land in open countryside within the Green Belt to the north west of Elvington village. The site had been the subject of a previous refusal for the erection of 23 static caravans in 2011 which had been dismissed at appeal at that time. The current proposal was for the erection of 20 static caravans and had previously been the subject of a pre-application enquiry shortly before. It was indicated that there had not been a material change in circumstances since the original refusal and dismissal at appeal. The appellant's agent contested this claiming that the site was previously developed land and therefore appropriate development within the Green Belt in line with the exceptions outlined within paragraph 89 of the NPPF at the same time an appeal judgement in respect of a site at Rochdale in 2010 involving a change from touring to static caravans was sited in support of their case. Planning permission was applied for and duly refused on the grounds that the development was inappropriate within the Green Belt and would at the same time conflict with the purposes of including land within the Green Belt as being an encroachment into open countryside. The refusal was appealed and the Inspector agreed that the development was clearly inappropriate within the Green Belt, it would cause substantial harm to its openness and it would clearly conflict with the purposes of including land within it. The contention that the site was previously developed land was firmly rejected and the appeal decision from Rochdale was dismissed as irrelevant. A claim for our costs was made at the same time and the Inspector agreed that the appeal had been pursued in the full knowledge that it had no reasonable prospect of success and costs were awarded to the Local Planning Authority.

Application No: 14/01760/CLU
Appeal by: Mr David Palliser
Proposal: Use of detached garden building as separate dwelling
Address: The Annexe 20 Asquith Avenue York YO31 0PZ

Decision Level: DEL

Outcome: DISMIS

The appeal relates to the non-determination of a certificate of lawfulness to use a detached rear garden building as a dwelling. The building is occupied by the owner of the host property that is in use as a HMO. The LPA argued that inadequate clear information had been provided by the applicant to indicate that the building had been used as a separate dwelling continuously for 4 years. The Inspector dismissed the appeal. The Inspector stated that the appellant had not provided evidence to show that the garden building had been used continuously for 4 years as a separate dwelling rather than a retreat from the main house. The Inspector did not feel it necessary to assess the issue of deception given the above judgement.

Application No: 14/01835/FUL
Appeal by: Mr D Whiteley
Proposal: Erection of two storey and single storey rear extension, conversion of garage into habitable room and change of use from small house in multiple occupation (use class C4) to large house in multiple occupation (sui generis)
Address: 42 Newland Park Drive York YO10 3HP

Decision Level: DEL

Outcome: DISMIS

The appeal related to the change of use of a small House in Multiple Occupation (HMO) to a 7 bed large HMO. The works involved the erection of a two storey and single storey extension and the conversion of the existing attached garage to a habitable room. The application had been refused because of a lack of car parking and the harm to the streetscene if the front garden were used for bin and cycle storage. It was also considered that 7 people occupying the HMO would harm neighbour amenity. The Inspector dismissed the appeal. She considered that the increase in occupants would be material and unacceptable, that the front garden bin and cycle storage arrangements would be unsightly and that it was inappropriate to remove parking provision and increase the number of occupants. In considering the appeal she made reference to the street being a quiet and pleasant residential environment. She also considered that there would be on street parking pressure in the evenings. In assessing parking provision she noted that the property was occupied by students but stated that this would not necessarily always be the case.

Application No: 14/01917/LBC
Appeal by: Mr Keith Hilton
Proposal: Conversion of basement and ground floor flats into 1 no. residential dwelling with associated works including blocking up existing window, opening existing staircase from basement to ground and installing partition wall between ground floor and first floor
Address: Flat 1 9 Bootham Terrace York YO30 7DH

Decision Level: DEL
Outcome: DISMIS

The proposal was the conversion of two flats into one at 9 Bootham Terrace, a Grade II listed building. The scheme included the formation of a stud wall partition in the entrance hallway. LBC was refused for the reason that the stud partition would detract from the aesthetic and historic importance of the staircase, which appears visually unsupported and pleasingly decorated. It would fail to preserve the character of the building as one of special architectural or historic interest. The Inspector noted that the proposed stud wall would wholly obscure the cantilevered engineering of the staircase. Whilst the Inspector accepted that the wall has been designed as a temporary structure, he concluded it would cause significant detriment to the heritage asset through the loss of views of an important internal architectural feature for an indeterminate period. The Inspector noted that the wall would also reduce the spaciousness of the main entrance hall and that the benefit of reinstating the connection between the basement and the ground floor would be negated by the fact that the original circulation pattern would still be disrupted by the proposed stud wall. Also that further harm would be caused by a resulting loss of natural light to the entrance hallway. Whilst the harm to the significance of the heritage asset was determined to be less than substantial, no evidence was provided to demonstrate that any public benefit would outweigh that harm.

Application No: 14/01963/FUL
Appeal by: Mr John Stabler
Proposal: Change of use from dwelling (use Class C3) to house in multiple occupation (use Class C4)
Address: 75 Heslington Road York YO10 5AX

Decision Level: DEL

Outcome: ALLOW

The proposal was for a change of use from a family dwelling (Use Class C3) to a house in multiple occupation (Use Class C4). The property was in a predominantly residential area and had a reasonably long front garden, so was set back from Heslington Road. The application was refused because the existing density thresholds of HMO's (neighbourhood area 20.7% - street level 35.05%) already breached policy thresholds (Neighbourhood 20% - Street Level 10%). The planning authority did not consider there were any exceptional circumstances, which warranted a departure from policy. The Inspector disagreed, considering the 'property would not be attractive to many families.' She continued by saying 'the intention of the proposal is to provide accommodation for single, professional people' This would add to the diversity of accommodation available and in doing so would 'contribute to mixed and balanced communities.' So rather than conflicting with the policy, as set out in the SPD of April 2012 'Controlling the Concentration of Houses in Multiple Occupation.' the Inspector considered this proposal was in fact compliant with it. In order to achieve and maintain this dynamic, the Inspector imposed a condition to be attached to the consent requiring a management plan to be submitted, establishing the 'types and numbers of occupants.'

Application No: 14/02374/CLD
Appeal by: Mr C Johnson
Proposal: Certificate of lawfulness for retention of dwelling without complying with conditions attached to planning permission 4/2/3487 dated 28/07/1966
Address: Grange Lodge Holtby Lane Holtby York YO19 5XQ

Decision Level: DEL

Outcome: DISMIS

The appeal relates to a detached bungalow in open countryside, west of Holtby, that was granted planning permission in 1966 and was completed in 1968. The appeal application sought a certificate of lawful development for the retention of the bungalow without complying with the conditions of approval. The basis of the request was that the bungalow had not been built in accordance with the approved plans and therefore the permission had never been implemented. As such, the conditions, in particular the agricultural occupancy condition, did not apply. Various legal cases were cited. The Authority's view was that the bungalow had been constructed to all intents and purposes in accordance with the approved plan; it was in the same location, of the same size and design, but rotated in its orientation through 8 degrees. The extent of deviance from the plans was not considered to be material nor would the effect of the variation have given rise to any material objection or harm; the change in orientation was not apparent and neighbouring buildings were some distance away. The legal cases cited in the application were considered not to have direct relevance to the application or related to a significant, and therefore material, discrepancy from the approved scheme. In dismissing the appeal, the Inspector concurred with the Authority and considered that the refusal to grant a certificate was well founded.

Application No: 15/00034/FUL
Appeal by: Mr Alistair Smith
Proposal: Two storey side and single storey rear extensions
Address: 17 Derwent Road York YO10 4HQ

Decision Level: DEL

Outcome: DISMIS

This application was a resubmission of a previously approved application for a pitched roof two storey side and rear extension and single storey extension to be situated on the shared boundary with 15 Derwent Road. The difference was that the roof design was altered from a gable to a pitched roof designed with a set down from the main ridge by approx 400mm. A slight increase in the approved width at first floor level was also proposed. The LPA considered that the proposed roof design would be poorly related and at odds both to the existing house and the terrace block, causing harm to both the appearance of the terrace and the wider street scene. The Inspector agreed and dismissed the appeal on the basis that it would introduce a highly unsympathetic design feature that would be at odds with its immediate context and also unbalance the simple rectangular form of the adjoining terrace. The Inspector also considered that the proposal would result in a poorly designed, highly incongruent addition. Furthermore, it was added that the intended benefit of creating a pitch to resemble the pitched roof at no.15 and allowing a slight increase in width would not outweigh the harm that would be caused to the street scene or the adjoining terrace.

Application No: 15/00547/FUL
Appeal by: Mr Tim Dean
Proposal: Single storey side extension attaching the main house to existing detached garage
Address: Burlands Farm Burlands Lane Upper Poppleton York YO26 6QL
Decision Level: DEL
Outcome: ALLOW

The appeal site is Burlands Farm; a detached dwelling house with adjacent detached double garage situated to the south west of Upper Poppleton. Burlands Farm is one of a group of dwelling houses located in an open farmland setting within the Green Belt. The appellant sought planning permission for a single storey side extension attaching the main house to the existing detached garage. The dwelling house had previously been the subject of extension with a 38.5% increase in the footprint. The proposed extension connecting the house and garage building would further increase the footprint to a total of 115% of the original dwelling house. The proposal was refused planning permission on the grounds of being a disproportionate addition to the dwelling that would be inappropriate development and harmful to the Green Belt. The extension would result in an additional massing that would further harm the openness of the Green Belt. The Appeal Inspector acknowledged the increase in the footprint of the dwelling house that would result from the extension. However, he considered that in this instance due to the linkage of the dwelling house and garage by the connecting wall and courtyard, at present there is little sense of openness and therefore the impact of the extension on the perception of openness would be almost nil. The Inspector concluded that the proposal would not conflict with the five purposes of including land within the Green Belt and would have no material impact on openness. He found that in this instance the proposed development would not be inappropriate but stressed that this is an unusual case. He advised that because of its particular circumstances this finding cannot be used as any form of guide or precedent for other extensions in the Green Belt. The appeal was allowed.

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

Outstanding appeals

Officer: Diane Cragg						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
25/08/2015	15/00030/REF	APP/C2741/W/15/3132727	W	Log Cabin (Orchard Lodge) Adjacent To Mount Pleasant	Removal of condition 3 of permitted application 07/00102/FUL to allow existing log cabin to be occupied as a main residence	
Officer: Erik Matthews						Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
13/08/2015	15/00025/REF	APP/C2741/W/15/3131280	W	Naburn Lock Caravan Park Naburn Lock Track Naburn	Change of use of land for touring caravans with associated amenity building, gas compound and bin store	
23/09/2015	15/00033/REF	APP/C2741/W/15/3135064	W	Country Park Pottery Lane Strensall York YO32 5TJ	Variation of condition 2 of permitted application 12/03270/FUL to allow camping pods on pitches 1-10	
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: Elizabeth Potter						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
13/08/2015	15/00027/REF	APP/C2741/D/15/3130002	H	15 Norfolk Street York YO23 1JY	Single storey rear extension	
Officer: Heather Fairy						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
27/05/2015	15/00020/REF	APP/C2741/W/15/3049419	W	Whinchat House York Road Deighton York YO19 6EY	Erection of detached dwelling and garage on land adjacent to Whinchat House	

Officer: Kevin O'Connell						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
16/09/2015	15/00032/REF	APP/C2741/W/15/3134347	W	Shepherd Group Social Club 131 Holgate Road	Removal of condition 4 of application 13/02712/FULM (Conversion and extensions to create 12no flats) to allow the use of UPVC windows and doors	
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: Sandra Duffill						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
09/09/2015	15/00034/REF	APP/C2741/D/15/3134204	H	12 St Peters Grove York YO30 6AQ	Front and side dormers	
Officer: Sharon Jackson						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
04/09/2015	15/00031/REF	APP/C2741/W/15/3081186	W	20 Hartoft Street York YO10 4BN	Change of use from dwelling (use class C3) to House in Multiple Occupation (use class C4)	
Officer: Sophie Prendergast						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
17/08/2015	15/00026/REF	APP/C2741/W/15/3130186	W	Land To Rear Hilbra Avenue Haxby York	Outline application for erection of 4no. dwellings with associated access and parking	
Total number of appeals: 12						



Area Planning Sub-Committee

5 November 2015

Planning Enforcement Cases - Update

Summary

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

Background

2. Members have received reports on the number of outstanding enforcement cases within the Sub-Committee area, on a quarterly basis, since July 1998, this report continues this process for the period 28 July 2015 to 23 October 2015.
3. The lists of enforcement cases are no longer attached as an annexe to this report. The relevant cases for their Ward will be sent to each Councillor by email as agreed by the Chair of the Planning Committee.
4. Section 106 Agreements are monitored by the Enforcement team. A system has been set up to enable Officers to monitor payments required under the Agreement.

Current Position.

5. Across the Council area 152 new enforcement investigation cases were received and 176 cases were closed. A total of 624 investigations remain open. One enforcement notice has been served against an unlawful advertisement on a Grade 2 (STAR) listed building.
6. There have been 2 new section 106 cases, 5 case have been closed and there are 184 cases on-going. The section 106 cases secured total contributions of £45,748 towards public open space, £11,984 towards education provision and £34,700 towards affordable housing provision required in connection with the relevant development.

Consultation.

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

Options

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

The Council Plan 2015-2019

9. The report is relevant to two key priorities of the new Council Plan 2015-19 namely a 'A Prosperous City for All' and 'A Council That Listens to Residents'. In particular the aim to protect the green belt and the unique character of the city.

Implications

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

Risk Management

10. There are no known risks.

Recommendation

11. That Members note the content of the report.

The individual case reports are updated as necessary but it is not always possible to do this straight away.

Therefore if Members have any additional queries or questions about cases on the emailed list of cases then please e-mail or telephone the relevant planning enforcement officer.

Reason: To update Members on the number of outstanding planning enforcement cases.

Author:

Gareth Arnold
Development Manager
Tel. No: 551320

Chief Officer Responsible for the report:

Michael Slater
Assistant Director (Planning and Sustainable Development)

Dept Name: **City and Environmental Services.**

Report Approved

Date 28/07/2015

Specialist Implications Officer(s)

Implications:

Financial

Legal:

Patrick Looker

Andrew Docherty

Wards Affected: *All Wards*

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