



**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, 4 February 2016
- 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 3 February at 10am

1. Declarations of Interest

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

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

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

2. Minutes (Pages 3 - 30)

To approve and sign the minutes of the Area Planning Sub-Committee held on 3 December 2015 and 7 January 2016.

3. Public Participation

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

Anyone who wishes to register or requires further information is requested to contact the Democracy Officers on the contact details listed at the foot of this agenda. The deadline for registering is at **5.00pm on Wednesday 3 February 2016.**

Filming, Recording or Webcasting Meetings

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

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

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

4. Plans List

To determine the following planning applications:

- a) **Nanometrics Uk Ltd, 3 - 7 Rose Avenue, Nether Poppleton, York, YO26 6RU (15/01995/FULM)** (Pages 31 - 42)
Change of use from warehouse/ industrial (use class B2/ B8) to leisure centre (use class D2). [Rural West York Ward]
[Site Visit]

- b) **Wilkinson, 3 Stirling Road, York, YO30 4XZ (15/02431/FULM)** (Pages 43 - 58)
Alterations and extension to create 2no. units including mezzanine floor and alterations to car parking and service yard. [Rawcliffe and Clifton Without Ward]

- c) Glen Lodge, Sixth Avenue, York (15/02486/FULM)**
(Pages 59 - 72)
Three storey extension to provide 25no. flats and communal facilities, erection of 2no. semi-detached bungalows and alterations to access road. [Heworth Ward] **[Site Visit]**
- d) 206 Stockton Lane, York, YO31 1EY (15/02624/FUL)**
(Pages 73 - 86)
Erection of 4no. dwellings with access from Caedmon Close together with reconfiguration of existing dwelling at 8 Caedmon Close (resubmission) [Heworth Without Ward] **[Site Visit]**
- e) 224 Hamilton Drive West, York, YO24 4PJ (15/02651/FUL)**
(Pages 87 - 94)
Erection of summer house to rear (retrospective). **[Site Visit]**
[Westfield Ward]
- f) Yara UK, Station Yard, Elvington Lane, Elvington, York (15/02475/FULM)** (Pages 95 - 100)
Erection of replacement raw materials store. [Wheldrake Ward]

5. Appeals Performance and Decision Summaries

(Pages 101 - 116)

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 October and 31 December 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.

6. Planning Enforcement Cases - Update (Pages 117 - 120)

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

7. Urgent Business

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

Democracy Officers:

Name: Louise Cook/Catherine Clarke (job-share)

Contact Details:

- Telephone – (01904) 551031
- E-mail louise.cook@york.gov.uk/catherine.clarke@york.gov.uk

(When emailing please send to both email addresses)

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 3 February 2016**

**The mini-bus for Members of the sub-committee will leave from
Memorial Gardens at 10am**

| TIME (Approx) | SITE | ITEM |
|--------------------------------|-------------------------------------|-------------|
| 10.15 | 224 Hamilton Drive West | 4e |
| 10.50 | 3 - 7 Rose Avenue, Nether Poppleton | 4a |
| 11.30 | 206 Stockton Lane | 4d |
| 12.10 | Glen Lodge Sixth Avenue | 4c |

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City of York Council

Committee Minutes

| | |
|-----------|---|
| Meeting | Area Planning Sub-Committee |
| Date | 3 December 2015 |
| Present | Councillors Galvin (Chair), Shepherd (Vice-Chair), Carr, Craghill, Derbyshire, Gillies, Cannon, Looker, Mercer and Orrell |
| Apologies | Councillor Hunter |

31. 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. None were declared.

32. Minutes

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

33. 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.

34. 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.

**34a) Site Lying To The Rear Of 1 To 9 Beckfield Lane, York
(15/01301/FUL)**

Members considered a full application from the Beckfield Lane Landowners for the erection of 9 dwellings with associated access and parking.

Officers advised that a unilateral undertaking had been received and was in the process of being checked by legal services. Their recommendation was that the application be approved subject to the completion of this unilateral undertaking, the sum covered in which would be spent on:

- £8416 to improve safety surfacing at Acomb Green Play Area
- £3775 towards Fishponds Wood for habitat development to improve amenity open space
- £5325 on pitch improvements at Carr Vikings sports pitches to increase playing capacity.

Following advice from the council's archaeologist, officer stated that condition 10 had been altered as detailed below.

Highways have confirmed that they have no objections to the revised plans subject to standard conditions covering:

- The design and materials of adopted spaces
- Requiring the construction of carriageway and kerbs before occupation of the dwellings
- Full junction details to be approved
- Car parking spaces laid out and cycle storage facilities provided before occupation of the dwellings.

They also recommended two informatives covering requirements under highway adoption and a recommendation to contact utilities before starting on the site.

Officers also recommended a condition requiring the installation of an electric vehicle recharging point at each property as part of the council's low emissions strategy.

Mr Parker, a local resident addressed the committee on behalf of residents of Runswick Avenue, in objection to the application and raised the following concerns:

- Loss of the garden space.

- Parking was already a problem in the area with people parking on double yellow lines and vehicles using Runswick Avenue daily to turn around in.
- There had been no discussion with regard to the issue of boundaries
- Need to consider privacy of residents
- If approved, stringent conditions needed to be attached to cover working hours and maintenance of the site.

Mr Nigel Ingram read out a statement on behalf of Jennifer Hubbard, Town Planning Consultant, who had been unable to attend the meeting, which put forward the following points:

- Though liaison with officers and other statutory consultees, plans had been substantially amended to introduce new planting, protect adjacent off site trees and retain onsite hedging as well as reducing areas given over to hard surfacing
- A bus stop outside the site on Beckfield Lane and nearby supermarket made it a highly sustainable site.
- The design of buildings had been improved and included a mix of dwelling types and sizes including bungalows. Density of development, space standards and garden sizes were all consistent with the character of the surrounding area.
- Happy to accept all proposed planning conditions.

With regard to paragraph 3.11 (response from Foss Internal Drainage Board) officers advised that they would seek authority to add a condition to cover surface and foul water drainage if members were minded to approve the application.

Some members expressed concern about the loss of green open space, noting its use as a green infrastructure corridor. They also noted that some fruit trees would be lost and the landscaping condition didn't specify that any of the new trees should be fruit trees. Officers agreed it would be possible to add an informative to this effect.

Members expressed their support for the scheme which they considered was relatively low density, in a sustainable location and which provided much needed housing. They acknowledged that the applicants had been keen to address objectors concerns and noted the concerns raised regarding parking and traffic in Runswick Avenue. With regard to whether any parking/traffic improvements were possible to ameliorate the

situation, officers advised that it was normal practice for a development to be completed then look at options of extending double yellow lines or making other changes if needed.

Resolved: That the application be approved subject to the conditions listed in the report, the completion of a section 106 agreement, the amendment to condition 10 (below), additional conditions to cover:

- the installation of an electric vehicle recharging point at each property as part of the council's low emissions strategy
- boundary treatments,
- surface and foul water drainage

and informatives to cover:

- requirements under highway adoption
- recommendation to contact utilities before starting on the site
- a request that consideration be given to including new fruit trees in the landscaping scheme.

Amended Condition 10

No work shall commence on site until the applicant has secured the implementations of a programme of archaeological work (strip, map and record) in accordance with the specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an area of archaeological importance and the development will affect important archaeological deposits which must be recorded prior to destruction.

Reason: The application will provide for new residential development which is a key objective of the NPPF. In terms of its visual impact, the impact on neighbouring residential amenity, the provision of off-site open space and highways and parking considerations, subject to conditions and a unilateral undertaking the application is considered to comply

with the NPPF and policies within the Development Control Local Plan.

**34b) 25 Garden Flats Lane, Dunnington, York, YO19 5NB
(15/00442/OUT)**

Members considered an outline application from Anna Craven for the variation of condition 3 of planning permission 13/01960/OUT to increase the size on plan of the proposed dwelling and garage and relocate the proposed garage.

Officers advised that at the committee site visit the previous day residents had sought clarification of certain aspects of the planning application. They provided the following responses to the queries which had raised.

- The location plan submitted with the application did not include the wooded area at the bottom (eastern end) of the garden. A corrected plan was submitted on 26 November.
- The application was for the erection of a single dwelling no higher than 4.5m above existing ground level.
- The reason the site plan for approval referred to finished floor levels which were below the existing ground level of the site was a drafting error by the applicant – all references to floor levels should have been removed. A revised plan (ref. 04 Rev.E) was submitted following the committee site visit. Officers recommend that condition 3 in the committee report be amended to replace 04 Rev.D with 04 Rev.E.
- This planning application was to vary condition 3 of a previous planning permission. A floor level condition was not attached to that consent so it would be unreasonable to add such a condition to the current application.
- With regard to the landscape proposals along the boundary with No.23, the applicant was confident in the accuracy of their topographical survey and that the dimensions noted in the original approval could be achieved.

- The garage (as amended during the progress of this application) was no larger than the garage that was approved in 2013.

Councillor Brooks addressed the committee as Ward Councillor for Osbaldwick and Derwent Ward. She expressed the following concerns:

- An increase in development would have a negative impact on the area
- Development on this site had been refused in the past or turned down at appeal.
- The increased size of the proposed property and not knowing exactly what they outline permission was for.

Mr Preece spoke on behalf of neighbouring private householders. He made the following points:

- The changes were unnecessary taking into account that it had taken several years to achieve the permission granted in 2014.
- The 18 sq ft increase could have a negative impact on the environment - the floor plan now appeared to be the same as the two storey original proposals which had been submitted previously and subsequently withdrawn.
- The occupier's car headlights would impact on the residents of no 23 Garden Flats Lane as their car swung round in the drive.

Representations were then heard from Mr Mark Newby , the agent, in support of the application. He stated that:

- the applicant was not seeking to increase the height of the property nor to realign the access through the site, but instead to increase the size of the property to provide for a growing family and relocate the garage further away from the boundary with no 23.
- As approved, the garage would be visible from the highway but the amended location would improve the impact on the area.
- The proposals were in keeping with the character of the area and would have a minimal impact on neighbouring properties and complied with NPPG and the Local Plan.

Councillor Stuart Kay, Chairman of Dunnington Parish Council addressed the committee in objection to the application. He raised the following concerns:

- He did not feel that the amendment was reasonable and didn't accept that an increase in size of 13% should be considered as a minor change.
- The plans had only been available to consider a week previously and had been submitted with one wrong plan – this did not allow enough time for proper consideration.
- The proposals would have an effect on the infrastructure of the village
- Lorries parked on the grass verge at the entrance to the site destroyed the verges – a condition should be included to control traffic movements if approved.

Councillor Warters, Ward Councillor for Osbaldwick and Derwent, circulated some photographs and expressed the following views.

- The original approval was wrong as it undermined Dunnington Village Design Statement. This application to increase the size of approved dwelling by a further 13 % was incremental creep.
- Neighbours faced disturbance from contractors vehicles parked on verges and footpaths at the curtilage of the site (shown on the photographs), and from deliveries to site. Condition 11 did not do enough to protect the immediate area.
- Needed to ensure that the construction process was carried out in a sensible and considerate manner. Condition 7 should be strengthened. Vehicular access, retaining wall, and landscape boundaries should be constructed to at least base course prior to excavation works in the rear garden and contractors parking and material storage areas within the application site or host property curtilage needed to be identified.

Officers advised that a condition requiring a construction management plan would not normally be attached for an application for one house.

While Members noted the concerns raised regarding site traffic, they felt that the proposed increase in size on plan of the proposed dwelling and relocation of the proposed garage would not be detrimental to the character of the area and the amenity of neighbouring properties and expressed their support for the officers recommendation to approve the variation of condition 3 of the planning permission 13/01960/OUT.

Resolved: That the application be approved subject to the conditions listed in the report and the amendment to condition 3 to refer to revised plan.

Amended Condition 3

The development hereby permitted shall be carried out only in accordance with the proposed site plan numbered CRA-404-001 04 Rev.E received by the local planning authority on 2 December 2015 and the un-numbered site datum plan received by the local planning authority on 10 June 2015.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the local planning authority.

NOTE: The applicant is advised that for the purposes of this planning permission the building forms of the approved dwelling and garage shown on the approved site plan represent their extremities, excluding any guttering.

Reason: The proposal would not be detrimental to the character of the area and the amenity of neighbouring properties. The application accords with the National Planning Policy Framework and policy GP1 of the 2005 local plan.

34c) 3 The Dell, Skelton, York, YO30 1XP (15/01473/FUL)

Members considered a full application from Mrs Ray Leadley-Yoward for the erection of a dwelling with associated access and parking.

Officers advised that the committee report stated at paragraph 4.14 that the separation distance between the proposed dwelling and the host house at No.3 would be 24m. The actual distance would be 18m to the No.3's main elevation and 15m to the conservatory. They explained that while these distances were below the council's normal standards, overlooking would be avoided by the north-west facing windows on the upper floor of the proposed house being obscure glazed up to 1.7m high from floor level and this had been agreed by the applicant. Officers therefore recommended an additional condition

requiring any upper floor window on the northern elevation to be obscure glazed and non opening.

Linda Manswell, a local resident, addressed the committee in objection to the application. She circulated a plan and some photographs to members and stated that:

- the proposed dwelling would have a negative effect on local amenity
- the local sewerage system may not be capable of supporting an additional property.
- the land had once been a gravel pit and the site had been deemed unsuitable for development.
- there may not be adequate parking for the property (the occupier of No 3 The Dell already parked on the road).

Councillor Joe Watt spoke on behalf of the immediate neighbour and as Chairman of Skelton Parish Council. He made the following points:

- Skelton was a rural community where gardens were a feature of village life, however the village had become vulnerable to the practice known as garden grabbing.
- Although a house could be squeezed into the garden, the remaining garden would be degraded for ever.
- The Dell and The Vale were special to residents. The village should not be spoilt for current and future residents by inappropriate development.

Officers drew Members attention to paragraph 4.6 which covered the development of gardens and paragraph 4.7 which covered design issues. In response to issues which had been raised by the first speaker, they confirmed that the foul water sewage pipe did not conflict with the location of the house and would not cause any problems. Furthermore officers had not raised any issues with subsidence. With regard to the character of area, this was mixed in terms of housing with the houses on The Vale quite close together and built of a variety of materials.

Some Members felt that this location was not large enough for the proposed dwelling. Due to the topography of the site, the garden was 1.5 to 2m below the level of the footpath which ran beside the property, therefore the house would be on different levels, and the distance between proposed dwelling and next door was less than expected. They expressed the view that, for these reasons, they felt the proposals would be detrimental to character and amenity of the local environment.

Councillor Gillies proposed and Councillor Carr seconded a motion to refuse the application on these grounds. On being put to the vote this motion was lost.

Other members felt that, for the reasons set out in the report, there was no reason to go against the officer's recommendation to approve the application.

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

Additional Condition 15

Any upper-floor windows on the northern elevation of the house shall be (i) obscure-glazed and (ii) non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason: In the interests of the amenities of occupiers of the adjacent residential dwelling at No. 3 The Dell.

Reason: The application accords with the national planning policy in the NPPF and relevant policies of the 2005 City of York Council of York Draft Local Plan.

**34d) Cycle Heaven, 2 Bishopthorpe Road, York, YO23 1JJ
(15/01697/FUL)**

Members considered a full application from Mr Terence Ashton for the change of use from retail (use class A1) to mixed use retail with cycle repair facilities, café/restaurant and drinking establishment (use class A1/A3/A4) with one additional flat on the first floor (use class C3).

Members questioned whether there was a potential for disturbance within the forecourt seating area if tables and chairs were left out once this area had closed. They also raised the issue of the toilet facilities being located close to the adjacent property and the effect in respect of smells, noise and privacy on the neighbouring property and officers responded to these issues.

Laura Moynihan, a neighbour, spoke in objection to the application on behalf of all those residents who had objected, a number of whom lived on Darnborough Street. She expressed the following concerns:

- The position of the toilets raised issues of privacy - from her property she could see directly into the skylights of the toilets and therefore customers using the facilities would also be able to see into her property.
- The toilets would vent into the alleyway. Work had already been undertaken to alleviate damp, additional vents could exacerbate this problem.
- Use of the outdoor seating area could cause noise and disturbance to residents in Darnborough Street.
- Darnborough Street was a narrow road with parking on one side – the proposals could lead to an increase in traffic on this road.

Mr Peter Kilbane, the applicant, spoke in support of the application. He advised that:

- he had set up many local communities initiatives and would use his experience and skills to set up a viable business.
- the proposals would allow Cycle Heaven to keep a presence on Bishopthorpe Road and would create a meeting place for local community.
- he had consulted with neighbours in writing and at meetings regarding the proposals.

Mr Shrimpton, managing director of Cycle Heaven, owner of the property and partner in this enterprise also addressed the committee in support of the application. He advised that:

- he was passionately committed to the neighbourhood. He had organised the first street party 5 years ago, set up the website Bishyroad.net which led to the founding of the traders association.
- cafés had altered the culture of Bishopthorpe Road. None of the local pubs offered food, other cafés were closed in the evening and restaurants only served full meals.
- the proposals would incorporate cycle workshop, cycle accessory retail and cafe. The cycle café formula was a tried and tested business model and would allow Cycle Heaven to remain in street.

Members offered their support for the proposals which they felt would bring something new to the street and enhance what was already a good area. They felt that the development has been well thought out with consideration given to residents.

To address the concerns about the potential for disturbance outside once the customer seating area has been closed to customer, members agreed that condition 6 should be amended to require the owners to remove the outdoor furniture from the forecourt at 8pm and store it within the premises overnight.

With regard to the privacy in the toilets, it was agreed that a condition be added to require these windows to be obscure glazed and have window limiters fitted to restrict their opening. A condition requiring details of the external venting from the toilets would also be added.

Resolved: That the application be approved subject to the conditions listed in the report, the amendment to condition 6 to require outdoor furniture to be removed at 8pm and stored within the premises, and additional conditions to require the toilet windows to be obscure glazed with opening limiters, and to cover external venting to the toilets.

Amended Condition 6 (now condition 7) – Use of the forecourt

Prior to first use of the forecourt as a customer seating area, a plan of the external layout and details of the position and design of the enclosure shall be approved by the Local Planning Authority. The seating area shall be set out in accordance with the approved plan and not extend beyond the annotation on the approved ground floor plan and shall leave adequate space for circulation. Only customers sat at the tables shall be allowed to use the area.

The forecourt shall not be used by customers after 20.00 each day of the week. Outside the permitted operating hours of the outside seating the furniture shall be stored within the premises.

Reason: In the interests of residential and visual amenity, in accordance with paragraph 17 of the NPPF.

Additional Condition 13 - Rooflights

The rooflights to the toilet areas shall be obscure glazed and fitted with restrictors that prevent their opening by more than 100mm.

Reason: In the interests of residential amenity.

Additional Condition 14 - Vents to the toilets

Details of the location and design of any external vents to the toilet areas shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and installed in accordance with the approved details.

Reason: In the interests of residential amenity.

Reason: The proposed use is primarily to serve the local community and allows comprehensive use of the building. The former use has relocated. Planning conditions are proposed to the extent that the proposed use would be compliant with Local Plan policy S6, which relates to cafes/restaurants/bars and residential amenity. In principle the development accords with planning policy, in particular the thrust of the NPPF to grow the economy in a sustainable way. There would be no material impact on the highway in terms of deliveries, considering the historic commercial use of the site, and there is not adequate evidence that comings and goings of customers would have an undue effect on highway safety.

34e) Student Union York, St John University, Lord Mayors Walk, York (15/02208/FULM)

Members considered a major full application (13 weeks) from York St John University for the erection of a three-storey teaching building following the demolition of the existing student union building.

Officer recommended an additional condition to cover the requirement to submit BREEAM assessments during the development.

They also advised that the applicant had provided an additional section drawing which provided additional clarity in respect to the site sections when viewed from the city walls. Therefore the relevant site sections drawing referred to in condition 2 (3895-016 PL11 B) should be updated.

Officers advised that two further letters of objection had been received. The occupier of 56 St John Street has objected to the scheme for neighbour amenity concerns similar to those already summarised in the officer's report.

A resident in Penleys Grove Street had objected expressing concerns in respect to the scale and form of the proposed building and its negative impact on the listed Quad and Chapel. The objector considered that the building was one storey too tall, that its roof line lacked interest and that its design and use of materials was not in character with nearby buildings and trees.

Sarah Davey, a resident of St John Street, addressed the committee on behalf of her immediate neighbour. She expressed the following views:

- The 3 storey building would tower above any other building, including the houses on St John Street. It would cut out light to these houses, especially to the ground floors.
- The building would be made even higher by a 6ft concrete wall on top to hide the plant machinery. This would be seen from her 3rd floor bedroom.
- She questioned why the plant could not be located the other side of the building away from the houses to avoid noise pollution affecting residents.
- Views of the Minster would be obliterated from the local area

Mr David Chesser, Chief Operating Officer at York St John University, addressed Member in support of the application stating:

- student numbers had increased by nearly 1000 in the last 5 years, bringing benefits the university and York's economy. A lot of investment had been made in the

University's sites, however there was still a shortfall in teaching space and a need to be able to offer modern and flexible teaching accommodation in order to remain competitive and attract students.

- the proposed 3 storey building would provide 16 teaching rooms, IT suites, social learning spaces and study zones
- he recognised the sensitivity of the site, understood the concerns raised but believed they could be overcome
- they had engaged in consultation including a public exhibition held for local residents in July but attendance had been limited.
- modifications had been made to the scheme and proposals were a successful balance which met the needs of the university while taking into account of the sensitivity and restrictions of the site – proposals complied with national and local planning policy.

Members noted the concerns raised with regard to the location of the plant machinery and questioned whether there were any options to relocate redesign or modify this. Officers advised that Condition 13 covered details of plant machinery and protected local residents from the noise from plants. They stated that due to the mitigating noise barriers and 40m distance from the houses, it was not considered that it would be harmful to residents in its current position.

While Members acknowledged the concerns raised by local residents, they agreed that the applicants had done as much as possible to mitigate the impact of the new building.

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

Amended Condition 2

The development hereby permitted shall be carried out in accordance with the following plans received by the Local Planning Authority on 28 September 2015 :-

- Proposed site plan 3895-016 PL03 B
- Proposed site sections 3895-016 PL11 B
- Proposed elevations 3895-016 PL08 E
- Proposed ground floor plan 3895-016 PL04 C
- Proposed first floor plan 3895-016 PL05 D
- Proposed second floor plan 3895-016 PL06 D

- Proposed roof level plan 3895-016 PL07 G
- Perspective view 3895-016 PL10 A

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

Additional condition 17

Prior to commencement of building works (excluding demolition) the developer shall submit to the local planning authority a formal pre-design BREEAM assessment for the design and procurement stages of the development. The developer shall submit a further BREEAM assessment after construction, at a time to be agreed in writing by the local planning authority. All assessments shall confirm the minimum 'Very Good' rating anticipated in the preliminary BREEAM assessment submitted with the application

Reason - To ensure the development complies with the principles of sustainable development it is necessary to address this aspect before building work starts on site.

Reason: The proposal will enhance and update student learning facilities on the York St John city centre campus and create the opportunity to increase student numbers on the site. Policies in the Local Plan seek an associated increase in the provision of student housing on campus when learning facilities are expanded. In this instance it is not considered reasonable to seek additional living accommodation on site. This is because in the past few years there has been substantial investment by the University on city centre/edge of city centre student living blocks. It is considered that the development, though modern in style, respects the scale and form of the campus. Although the development will impact on the outlook of several properties on St John Street it is not considered the degree of harm is sufficient to justify the refusal of the application. The proposal would not harm the setting of nearby listed buildings nor would it harm views from the Central Historic Core Conservation Area.

34f) Lidl, Thanet Road, York, YO24 4PE (15/02165/FULM)

Members considered a major full application (13 weeks) for the variation of condition 22 of permitted application 09/02284/FULM to alter opening hours to between 07.00 – 22.00 Monday to Saturday and 10.00 to 19.00 on Sundays and Bank Holidays.

Howard Perry, a resident of St James Place, addressed the committee in objection to the application on the grounds of noise and light pollution. He circulated some photographs which showed vehicles parked in the area and raised the following concerns:

- Extending the opening hours would cause more disruption to the quiet cul-de-sac by increasing the length of time residents were likely to be disturbed by the noise of lorries delivering to the premises.
- Light pollution would be increased as car park lights, which shone into the bedroom and living room of his first floor flat, would be on for longer.
- If the application was approved, a condition was required to limit times for deliveries and for operation of lights and illuminated signage.

Nick Scott, the agent for Lidl, addressed the committee. He made the following points:

- None of the consultees had found any material reason to object to the variation of the condition.
- The officer's report addressed the objectors' points regarding noise from deliveries and customer vehicles, and light pollution from car park lights, illuminated signs and vehicle lights.
- The request to control timing of deliveries and organisation of deliveries was a separate matter and is immaterial to this application.
- The hours applied for had been subsequently amended to comply with Sunday trading laws following liaison with officers.

Members noted that the application for longer hours would bring this store in line nationally with other Lidl stores and that the store would continue to open for 6 hours on a Sunday between the hours applied for, in line with Sunday trading laws. They did not feel that the extra hour of opening would make much difference in the area. While they acknowledged that some of

the parking shown in the photos was not related to the store, the ward member agreed to contact Network Management team about parking on St James Place as this was outside the application site.

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

Reason: It is considered that the proposal complies with national guidance in the NPPF, Development Control Local Plan Policies and would not result in harm to the residential amenity of the occupants of the nearby dwellings.

**34g) The Coach House, Fulford Park, York, YO10 4QE
(15/01689/FUL)**

Members considered a full application from Mrs Sarah Urmston for a single storey rear extension and roof lights to the side of The Coach House.

Officers advised committee members that Fulford Parish Council had responded to the consultation and confirmed they had had no objections to the original application and believed that the amendments made the extension further subservient to the overall design therefore did not have any objections to this application.

With regard to the proposed recommendation, officers advised that as the consultation period had not yet ended, the officer recommendation should be that Members grant delegated authority to them to refuse the application at the end of the publicity period, in consultation with the Chair and Vice-Chair should any further representations be received.

Mr Steven Urmston, the applicant, addressed the committee in support of the application. He made the following statement:

- He and his wife were committed to achieving a high quality design which was why they had chosen to use an architect and submit a planning application rather than choosing to extend under permitted development rights.
- They needed more space as they lived as an extended family with their children and mother.

- With regard to public views of the property, only the east side of the property bordered public space and the proposed extension was orientated to face west away from the road.

Mr Joel Smith, the architect, also addressed the committee. He advised members that:

- The proposed extension would only be 2.5m² larger than permitted development would allow
- It would not be possible to introduce different types of design without being extremely pastiche or damaging scale.
- The glass link was important as it detached the new part of the house from the existing property.
- Planning officers felt existing open space in area would be compromised slightly by design but it only added 1% to overall built form, still less than 20% of that open area.

Members noted that the glazed break physically linked but separated the extension from the host building which was an accepted architectural feature. They felt it would have been impossible to extend in any other way apart from this, the only other option being to build in same style which would be considered pastiche. They felt that the chosen materials were sympathetic to the host building, Members noted that in Fulford there was already a mix of property styles and building materials and that no objections had been received from Fulford Parish Council. They did not feel there was any reason to refuse the application.

Resolved: That delegated authority be given to officers to approve the application at the end of the publicity period, in consultation with the Chair and Vice Chair should further representations be received.

Reason: The contemporary design of the extension using appropriate materials would not harm the appearance of the host dwelling and would preserve the character and appearance of the conservation area. The proposal was therefore in line with the built heritage policies of the NPPF and the Development Control Local Plan.

34h) 38 Clarence Street, York, YO31 7EW (15/00822/FUL)

Members considered a full application from Miss Anita Sharma for the erection of a two storey building to the rear of 38 Clarence Street to be used as a House in Multiple Occupation (HMO).

Bronwen Pope-Wilby, resident of Aldbrough House, addressed members on behalf of her neighbours. She expressed the following views:

- This was overdevelopment
- Brook Street was a tiny street with 2 new houses having been built in gardens in the last 2 years with another one in the process of being built as well as this application. This would double the number of people in the street by about 17-18 people.
- Its use as an HMO aimed at student housing, could lead to an increase in noise, parking and rubbish.

The applicant, and occupier of 38 Clarence Street, spoke in support of the application. She made the following points:

- The greatest impact would be on her own property not her neighbours' properties.
- Her garden didn't get any light and she has two parking spaces at the back of her property which she has let other people use as she didn't use herself.
- With regards to the impact of traffic, in the past City of York Council had owned the car park with access via Brook Street. This car park was now owned by the university but Brook Street was no longer used for access, therefore there was less traffic in the road.

Members noted that there was already a lot of pressure on Brook Street, which was a small narrow road. They considered whether one additional property would make a difference and whether this constituted overdevelopment. Members felt that it could improve the frontage of this site onto Brook Street and welcomed the fact the applicant was applying for HMO use at this stage rather than at a later date.

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

Reason: It is considered that the works are acceptable and would not result in any detrimental impact upon

neighbouring amenity or the character and appearance of the area. The works would not harm the setting of the listed building and therefore comply with Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and with national guidance on good design contained within the NPPF, Policy GP1, GP10 (criterion a and e), HE2 and H4a of the 2005 City of York draft Development Control Local Plan.

34i) 38 Clarence Street, York, YO31 7EW (15/00824/LBC)

Members considered an application for listed building consent from Miss Anita Sharma for the demolition of the existing curtilage building and the erection of a two storey building.

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

Reason: It is considered that the demolition of the existing curtilage structure and the erection of the new dwelling would not result in harm to the special interest of the building or its setting. The application therefore accords with Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, advice contained within paragraph 132 of the National Planning Policy Framework and policy H4 of the draft Development Control Local Plan.

Councillor J Galvin, Chair

[The meeting started at 4.30 pm and finished at 7.40 pm].

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| | |
|---------|---|
| Meeting | Area Planning Sub-Committee |
| Date | 7 January 2016 |
| Present | Councillors Galvin (Chair), Shepherd (Vice-Chair), Carr, Craghill, Derbyshire, Gillies, Hunter, Cannon, Looker, Mercer and Orrell |

35. 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 had in the business on the agenda. No interests were declared.

36. Public Participation

It was reported that there had been no registrations to speak on general issues within the remit of the Committee.

37. 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.

37a) Site Lying Between 92-100 The Village Strensall, York (15/02353/OUTM)

Members considered a Major Outline Application by Shirethorn Limited for the erection of 11 no. dwellings including the approval of means of access (resubmission).

In their update to Members, Officers informed the Committee that there was a typo in the report at Paragraph 4.63 in that “weight could *not* be attached to the planning history as a very special circumstance on this site in any case”.

In response to a Member's query as to whether the Foss Internal Drainage Board had raised concerns about the application, Officers explained that if the application had been recommended for approval then the Flood Risk Management Team would review the Drainage Board's suggested conditions.

Representations were received from the Ward Member Councillor Doughty. He felt that the application did not show very special circumstances in the green belt. He warned Members that the application could be an example of a Trojan horse in that a previous application on the site had been for sixty homes. Finally, he noted that there were drainage problems on the site in that a nearby existing property had been flooded on Boxing Day.

Representations were received from Eamonn Keogh, the agent in support. He made reference to a 1995 Planning Inspector's decision which accepted that the site was within the Green Belt, but said that it should not be located within it and should not be kept permanently open. At the time of that ruling however, they felt that the long term boundary of the green belt would be fixed without undue delay. In regards to the landscaping details, he stated that the hedgerow would be retained. He added there was scope to add attenuation measures such as soakaways and pipes to alleviate concerns expressed relating to flooding.

Further representations in objection were received from Andrew Bolton, a representative of Strensall with Towthorpe Parish Council. He referred to the application's location in the Green Belt and felt that it demonstrated no exceptional circumstances for development. He pointed out that a previous application on the site had been refused by the Secretary of State. The proposed access to the site was badly congested and on-road parking made this worse safety wise. He stated that it would cause further congestion and that the proposed dwellings would only be homes for commuters. The local infrastructure in the village was at full capacity.

Resolved: That the application be refused.

Reason: (i) Policy YH9 and Y1 of the Yorkshire and Humber Plan – Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre.

The site is identified as Green Belt in the City of York Development Control Local Plan (Approved April 2005). It is considered that the proposed development constitutes inappropriate development in the Green Belt as set out in section 9 of the National Planning Policy Framework which is by definition harmful to the Green Belt. No 'very special circumstances' have been put forward by the applicant that would outweigh harm by reason of inappropriateness and any other harm, including the impact on the openness of the Green Belt and conflict with the purposes of including land within Green Belt, and ecology. The proposal is therefore considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt land', guidance within National Planning Practice Guidance (March 2014), in particular the section 'Housing and Economic Land Availability Assessment', and Policy GB6 of the City of York Development Control Local Plan (Approved April 2005).

- (ii) Insufficient information has been submitted with the application for the Local Planning Authority to be satisfied that the proposed access arrangements can satisfactorily accommodate the proposed development without detriment to the free flow of traffic, the safety of pedestrian, the visual amenity of the area and to an adequate standard to accommodate the proposed development and potential adjacent land allocation. Without additional information the Local Planning Authority is not satisfied that the development complies with the requirements of paragraph 17 and paragraph 32 of the National Planning Policy Framework which requires safe and suitable access to sites and high quality design.
- (iii) The development will result in the loss of Great Crested Newt (GCN) habitat and potential harm to individual newts. Circular 06/2005 'Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning' says Local Planning Authorities must consider the likelihood of

a European Protected Species licence being granted and therefore need to be satisfied that the 'three tests' of overriding public interest, no satisfactory alternative and maintenance of favourable conservation status are met. As submitted the application shows mitigation proposed through habitat enhancement however this is shown as within domestic gardens. Gardens are considered to be of lower value for GCN and outside of any management control and therefore not acceptable as compensatory habitat. In addition given the Green Belt status of the site there is no overriding public interest to grant planning permission for the development. It is considered that the development fails to comply with the requirements of circular 06/2005 and does not accord with the advice in Paragraphs 109 and 118 of the National Planning Policy Framework which seeks to conserve and enhance biodiversity.

37b) North Lodge, Clifton Park Avenue, York (15/01309/FULM)

Members considered a Major Full Application by Gem Holdings (York) Limited for the erection of a 3 storey building forming 14 flats following the demolition of existing buildings.

It was reported that the application had been withdrawn from consideration by the applicant before the meeting.

37c) 45 Windmill Rise, York YO26 4TU (15/02598/FUL)

Members considered a full application by Mr John Howlett for two storey front and side extensions, single storey rear extension, formation of sloping roof to existing rear projection, front porch and detached garage/store to front.

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

Reason: It is considered that the application will not harm the character or appearance of the dwelling or surrounding area, nor result in undue loss of amenity to neighbouring properties. The proposals are

considered to comply with the NPPF, CYC Development Local Plan Policies H7 and GP1 and Supplementary Planning Guidance- House Extensions and Alterations (Approved 2012).

37d) Bert Keech Bowling Club, Sycamore Place, York YO30 7DW (13/03727/FUL)

Members considered a full application by Mr David Brown for the erection of 4no. two storey dwellings and 1no. three storey dwelling.

Officers gave a verbal update to the report to Members, a copy of which is attached to the republished agenda. This included an email from the proprietor of a nearby guesthouse whose comments referred to residents parking, highway safety issues about the gates that secured the site and flood risk.

They also explained why the application had to be reconsidered by the Committee even though they had previously approved it, in that National Planning Policy had changed and a planning obligation could now be requested where justified. As such a contribution towards Open Space was now required and the legal agreement had yet to be completed.

One Member queried whether the Committee were just examining the Section 106 agreement, they could still turn it down, particularly given that it was located in Flood Zone 3. Officers felt that they were content that the Flood Risk Assessment was acceptable. The Chair pointed out that it could be refused but that the Council would be liable to costs if taken to appeal, as he felt a refusal could not be sustained as being a reasonable decision. Another Member stated that the area historically had not flooded.

Resolved: That the application be approved subject to a revised Section 106 agreement to secure £5000 towards the making of Traffic Regulation Order(s) to amend residential parking order(s), and £18,340 to use towards sports facilities at Water End, York.

Reason: As the scheme would assist with housing supply in the city, which is a Government priority and there are no significant adverse effects which would conflict with planning policy.

37e) 1 Hillcrest, Holtby, York YO19 5UB (15/02309/FUL)

Members considered a full application by Mr G Millington for a two storey side extension and dormer window to rear.

Representations in support were received from the applicant Mr G Millington. He informed Members that the reason for the extension was to provide more space on the first floor, for example to change the size of the master bedroom and also to allow for one of the smaller bedrooms to become a dressing room for the master bedroom. In response to an objection that had been raised about car parking, Mr Millington stated that there would be enough space at the property for four cars. He felt that the property would not change the current street scene, as it was made up of mixed types of properties.

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

Reason: As it complies with National Planning Policy Framework (2012), Local Plan Policies GP1, GB1, GB2 and H7, advice contained within Supplementary Planning Document (SPD) 'House Extensions and Alterations' December 2012 and advice contained within the Holtby Village Design Statement.

Councillor J Galvin, Chair

[The meeting started at 4.30 pm and finished at 5.00 pm].

COMMITTEE REPORT

Date: 4 February 2016 **Ward:** Rural West York
Team: Major and **Parish:** Nether Poppleton Parish
Commercial Team Council

Reference: 15/01995/FULM
Application at: Nanometrics Uk Ltd 3 - 7 Rose Avenue Nether Poppleton
York YO26 6RU
For: Change of use from warehouse/ industrial (use class B2/ B8)
to leisure centre (use class D2)
By: Mr Guy Kilner
Application Type: Major Full Application (13 weeks)
Target Date: 11 February 2016
Recommendation: Approve subject to the signing of a Section 106 legal
agreement

1.0 PROPOSAL

1.1 The application seeks consent for the change of use 5 units (Use Class B2 and B8) to a trampoline centre (D2 use) including a cafe with 104 covers. The proposed development would result in minor external alterations to the building structure to replace a roller shutter door with a glazed entrance. The majority of the internal walls would be removed to provide the trampoline space, within Unit 7 a first floor would be added to create the cafe. There would also be a re-organisation of the car park to create 75 spaces. The maximum number of trampoline users at one time would be 75, most sessions would be 1 to 1.5 hours in length and sessions would start every 15 mins. The proposed development would create 20 - 25 full time positions and 35 - 55 part time positions.

1.2 The anticipated peak times are expected to be Mondays to Fridays 04.00 to 20.00, and Saturdays and Sundays all day. The proposed opening hours would be : Monday to Friday 09.00 to 21.00 Saturdays, Sundays, and Bank Holidays 09.00 to 22.00.

1.3 During the application process information was requested and submitted including details of the marketing of the unit, a sequential test, and impact assessment, revisions to the car parking layouts, revisions to the elevations to include extraction, details of the business including the nature of the employment, number of cafe covers.

1.4 The site has the York/ Harrogate railway line running to the south and is surrounded by industrial units to the north, east and west. The site is enclosed by palisade fencing and has landscaped borders within the site.

2.0 POLICY CONTEXT

2.1 Policies:

CYSP7A The sequential approach to development

CYGP13 Planning Obligations

CYT4 Cycle parking standards

CYT13A Travel Plans and Contributions

CYT18 Highways

CYE3B Existing and Proposed Employment Sites

CYS6 Control of food and drink (A3) uses

CYL1A Sites for Leisure development

CYV1 Criteria for visitor related devt

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management

3.1 No objections to the proposed development from a highways point of view. The proposal is for a change of use from warehouse/ industrial to leisure use. The facility proposed is a trampoline park which uses a pre booking system to regulate the number of attendees at any one time.

3.2 Traffic generation at peak times is unlikely to be materially different from the existing use due to the staggered pre-booked start times.

3.3 The site will utilise the existing access from Rose Avenue. The car parking area including turning area for HGVs is to be removed to accommodate a total of 75 car park spaces. The proposed parking provision is considerably lower than the CYC Appendix E standards relating to leisure use; however, the applicant has provided parking accumulation figures based on their experience of other parks, which shows that 75 spaces will accommodate visitors and staff parking.

3.4 The site is in a relatively unsustainable location located just within the ring road. There are no bus stops within suitable walking distance. The estate is served by off road cycle lanes which connect to nearby settlements of Poppleton and Boroughbridge Road via Millfield Lane.

3.5 A change of use would mean that any leisure use operator could occupy the premises lawfully. Mindful that a change of operator or management of the facility could lead to changes in parking requirements which due to the relatively low car parking provision for the class use, may lead to indiscriminate car parking in the vicinity. The site is located on a predominantly industrial road. To ensure that free

flow of traffic including HGVs is maintained, request a S106 contribution of £3k for TRO measures should they be deemed necessary.

3.6 Request HWAY 18 and HWAY 19

Public Protection

3.7 No objection, request condition for vehicle recharging point

Planning and Environmental Management (Forward Planning)

3.8 The applicant has provided evidence of the marketing the premises for employment uses. Colleagues in economic development must be satisfied that the marketing was effective and for a reasonable period of time. The information provided does not appear to prove that the site is no longer appropriate for employment use because of business operations, and/or condition. However, should colleagues in economic development consider that the loss of office space in this location is acceptable there would be no policy objection.

3.9 On review of the submitted sequential test, agree that the sequential test has been satisfied and that there are no sequentially preferable sites.

3.10 Agree with the conclusions of the Impact Assessment that there are no sequentially preferable sites and that it would not have a significant adverse impact on the vitality and viability of City of York with no comparable uses located within the catchment area which the proposed use would impact upon

Economic Development Unit

3.11 No comments received

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Nether Poppleton Parish Council

3.12 No objections however have concerns regarding vehicle parking and request a condition on the planning approval restricting parking to within the site.

Network Rail

3.13 No comments.

Neighbour Notification And Publicity

3.14 One letter was received making the following comments:

Application Reference Number: 15/01995/FULM

Item No: 4a

- Will result in more traffic to Rose Avenue and increase in on street parking.
- Existing issues regarding parking on Rose Avenue and concerned proposed use will exacerbate the issues. In addition concerned that HGVs by virtue of the street parking issues will not be able to access the neighbouring industrial units.

4.0 APPRAISAL

KEY ISSUES

- Location of the use and loss of industrial accommodation
- Highways
- Employment

ASSESSMENT

PLANNING POLICY

4.1 The National Planning Policy Framework (NPPF) indicates a strong presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted. There are three dimensions to sustainable development: economic, social, and environmental. These roles should not be undertaken in isolation, because they are mutually dependent. The core principles within the NPPF states always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; the use of previously developed land is encouraged; take account of the different roles and character of different areas; conserve heritage assets in a manner appropriate to their significance.

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

LOCATION OF THE USE AND LOSS OF INDUSTRIAL ACCOMMODATION

4.3 Policies E3b of the Draft 2005 Local Plan seek to keep all employment uses in such use, unless there is an adequate supply of alternative premises over the plan period or where the proposed use will lead to significant benefits to the local economy. The broad intention of these policies does not conflict in principle with the NPPF. The City of York Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations

although it is considered that their weight is limited except where in accordance with the NPPF.

4.4 The NPPF states a sequential test is required for main town centre uses that are not within an existing centre. When considering out of centre proposals preference should be given to accessible sites that are well connected to the town centre. The applicant has eventually submitted a sequential test and impact assessment and they demonstrate that the proposed use could not be located within the city centre. The impact assessment demonstrates that it is unlikely to affect the viability and vitality of the town centre.

4.5 The unit is 1889 sq metres (including proposed first floor will total 2334 sq metres), it is currently split into 5 units and is unoccupied since the previous occupier - manufacture of electronic measuring, testing equipment vacated the premises. The unit has been marketed since October 2014 and has been widely advertised. The selling/letting agents advise that interest has been shown in the site for mainly for storage and distribution purposes. The businesses that viewed the property included a hot tub wholesaler, a brewery, an online home brewing retailer, commercial laundrette and a haulage company. The selling agents state there were varying reasons why the interested parties decided not to proceed including timing, budgets, some needed their own yard space and some did not fit the existing tenants requirements / landlords criteria to assign / sublet. However this is not considered to reasonably demonstrate that there is no longer a qualitative or quantitative need for these units. The proposal would result in the loss of the building/units being available for business use and would therefore negatively impact on the City's employment land requirements.

4.6 The NPPF is clear in that Planning should operate to encourage and not act as an impediment to sustainable growth. The NPPF states planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

4.7 There is a presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or (2) specific policies in the Framework indicate development should be restricted (paragraph 14). Current Government policy is to assist the economy, sustainable development proposals should be allowed unless they would compromise the key sustainable development

principles set out in national planning policy. Local planning authorities should seek to approve applications for sustainable development where possible and work with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 187). Planning policies and decisions should, among other things, plan positively for the provision of community facilities. Planning should encourage and not impede sustainable growth therefore significant weight should be placed on the need to support economic growth through the planning system (paragraph 19).

4.8 The proposed development would result in the creation 20 - 25 full time positions and 35 - 55 part time positions which is similar to the number of jobs the current 5 units could create in their existing permitted use. A cafe with 104 covers is proposed, whilst relatively large, a cafe is a reasonable and expected requirement of this type of leisure use and is considered to be ancillary to the proposed use.

4.9 There is no bus service to the business park and it is separated from the larger residential areas. However there are a number of leisure uses already existing within the business park including gyms, restaurants, hotel etc. It is expected that majority of the proposed users would be children accompanied by adults and it is not considered that many of the customers would use public transport if it was available and majority would likely travel to the site by private vehicle. It is not considered that a refusal on this basis alone would be defensible at appeal.

4.10 The use would add to the leisure opportunities available to the residents of York and approval would support the local economy. The NPPF is supportive of sports and recreation opportunities. The site is in a commercial area and the use of the trampoline centre would be unlikely to have any material impact on the adjacent occupiers. Therefore restrictions on opening hours are not considered necessary.

4.11 The proposal falls within class D2 (Assembly and leisure) of the Use Classes Order. Permitted uses within D2 use class include cinemas; music and concert halls, bingo and dance halls, swimming baths, and skating rinks. Change of use to a different use within the same use class does not normally require planning permission. Whilst the currently proposed use is acceptable in this area - subject to appropriate conditions - the characteristics of other uses in class D2 may make those uses unacceptable. A condition should therefore be attached limiting the planning permission to the current use only and no other use within class D2.

HIGHWAYS AND PARKING

4.12 As the car park would be re-organised to provide additional parking spaces (75 in total) it is considered reasonable to require a recharging point for electric vehicles within the car park, this can be sought via condition. The site will utilise the existing access from Rose Avenue. The plans and the supporting information indicate there should potentially be sufficient parking for customers at peak times together with

some staff parking provision, and the applicant intends to use a pre-booking system to regulate the number of attendees at any one time. The proposed parking provision is considerably lower than the CYC Appendix E maximum standards relating to leisure use; however, the applicant has provided parking accumulation figures based on their experience of other parks, which shows that 75 spaces will accommodate visitors and staff parking. There are existing parking issues on Rose Avenue and given the larger numbers expected during peak hours (together with number of employees) there is some concern that that the use of the site would cause result indiscriminate parking and obstruct the free flow of traffic on Rose Avenue. As such it is considered that a contribution (£3,000) is sought via a legal agreement towards parking restrictions on Rose Avenue.

5.0 CONCLUSION

5.1 The proposed development would result in the loss of units of B1, B2, and B8 use, however the proposed use is considered to employ similar numbers to the permitted use. The use would add to the leisure opportunities available to the residents of York and approval would support the local economy. Officers recommend approval of the scheme subject to the completion of a Section 106 agreement covering introduction of parking restrictions on Rose Avenue.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to the signing of a Section 106 legal agreement

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

Drawing Number AL00 Revision C 'Proposed Site Plan' received 21 January 2016;
Drawing Number AL01 Revision A 'Proposed Layout' received 09 October 2015;
Drawing Number AV02 Revision A 'Proposed Elevations' received 19 January 2016;

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 The premises shall be used for a trampoline centre and for no other purpose, including any other purpose in Class D2 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: Whilst the currently proposed use is acceptable in this area, the characteristics of other uses in class D2 may make this use unacceptable in terms

of highway and parking impacts and the impact to the surrounding road network. This condition is therefore required to enable the Local Planning Authority to re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

4 A minimum of one standard electric vehicle recharge points with 32A output sockets (single phase) and one dedicated electric vehicle parking bay shall be provided within the development. The location and detailed specification for the charge point and parking bay shall be agreed with the Local Planning Authority.

An electric vehicle management plan shall be submitted to and approved in writing by the local planning authority. This shall detail the specification and location of the proposed charging unit, the position of the dedicated charging bays, details of signage and line painting, a charging bay management plan, and details of the back office system to be used. Once approved the plan shall be implemented in accordance with the plan prior to the opening of the site.

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

5 HWAY18 Cycle parking details to be agreed

6 HWAY19 Car and cycle parking laid out

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:

- Requested sequential test and impact assessment
- Requested information of the marketing of the site
- Request information regarding the employment
- Request information as to the nature of the business, the number of customers expected and the traffic created
- Information regarding parking
- Request information regarding ancillary cafe and the number of covers proposed
- Request revised layout and elevations
- Use of conditions

- Use of legal agreement

2. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

Contact details:

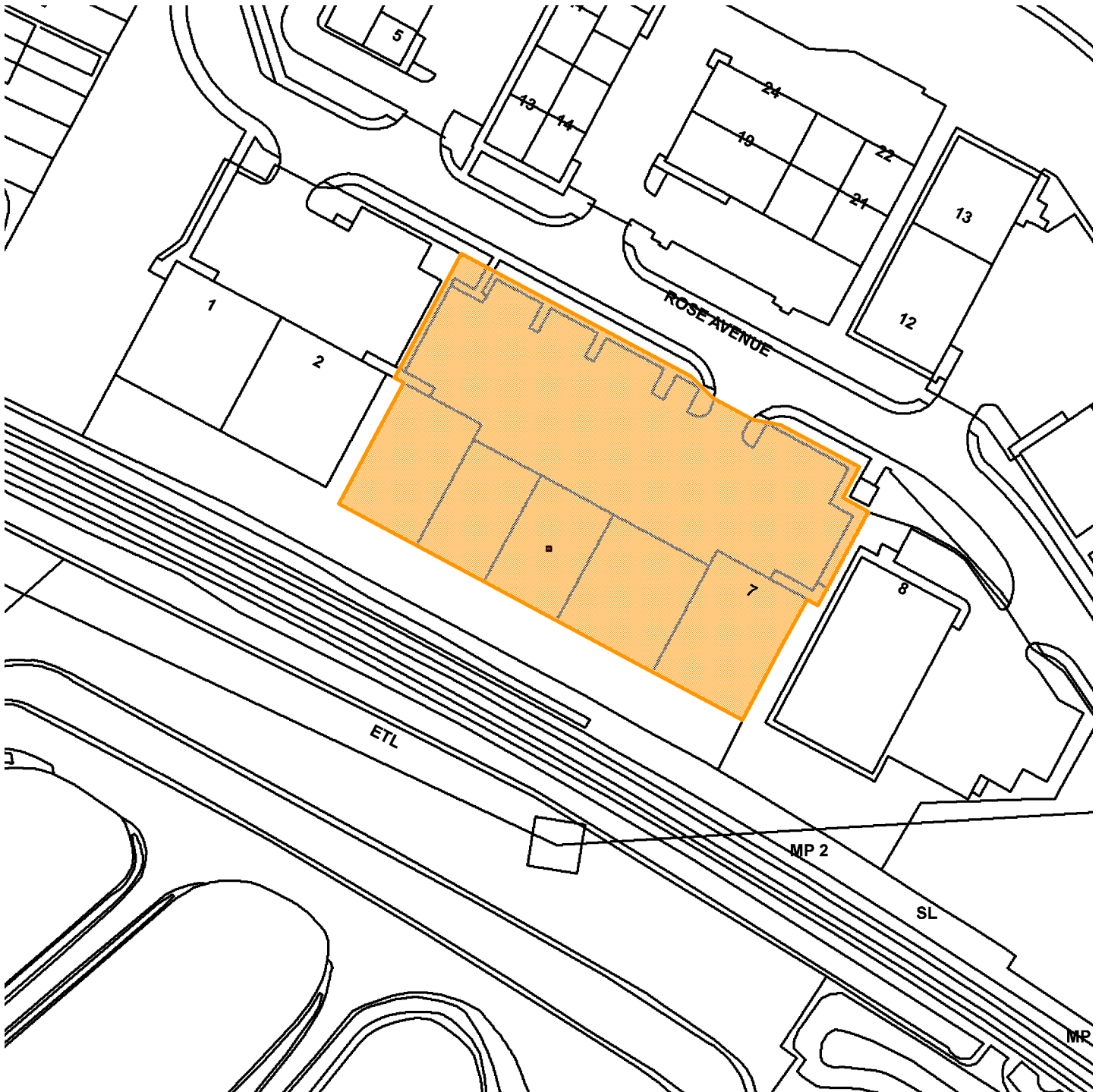
Author: Victoria Bell Development Management Officer

Tel No: 01904 551347

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15/01995/FULM

Nanometrics Uk Ltd 3-7 Rose Avenue Nether Poppleton



Scale : 1:1059

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| Organisation | CYC |
| Department | Not Set |
| Comments | Site Plan |
| Date | 25 January 2016 |
| SLA Number | Not Set |

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COMMITTEE REPORT

Date: 4 February 2016 **Ward:** Rawcliffe And Clifton Without
Team: Major and Commercial Team **Parish:** Clifton Without Parish Council

Reference: 15/02431/FULM
Application at: Wilkinson 3 Stirling Road York YO30 4XZ
For: Alterations and extension to create 2no. units including mezzanine floor and alterations to car parking and service yard
By: Clifton Moor Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 29 January 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 This is a full application for the alteration and extension of the Wilkinson's retail shop to facilitate the subdivision of the unit into two separate shops. Wilkinson's (or Wilko) is located in unit 3 (Phase 1) Stirling Road, Clifton Moor, York.

1.2 The site lies within Clifton Moor Retail Park. Phase 1 of the Park includes Tesco food store and 10 other smaller retail units. Unit 3 Stirling Road is currently occupied by Wilkinson's in a ground floor unit which has a floor area of 3,753 sqm. This unit is too large for Wilkinson's and it is proposed to reduce the size of the unit to 2954 sqm. The surplus retail space (799 sq m) is to be extended at ground floor by 483 sq m with mezzanine of 1,154 sq m inserted to provide for a second separate retail unit comprising ground floor of 1282 sq m and mezzanine of 1154 sq m. This second unit is to be occupied by Furniture village.

1.3 The extension to the ground floor area is to be constructed to the rear of the unit extending into the service yard and parking area. The rear of the unit faces Stirling Road. The extension will necessitate some reconfiguration of the rear service yard including loss of car parking spaces and the reduction and replanting of the existing landscaped border.

1.4 RELEVANT PLANNING HISTORY

- 07/01963/FUL - Planning permission, under Section 73 of the Town and Country Planning Act 1990, for the variation of Condition 5 of planning permission reference no. 3/104/141AD/PA to allow for a wider range of goods to be sold from the application site. Application approved subject to restrictive

conditions which control type of good sold and giving a personal permission to Wilkinson's only.

- 07/00942/FUL: Variation of condition 5 of planning permission 03/104/141/AD/PA to allow a wider range of goods to be sold from part of unit 3. This application was withdrawn on 19.6.2007 due to insufficient information.
- 06/00941/FUL: Variation of condition 5 of planning permission 3/104/141AD/PA to enable a wider range of goods to be sold. Permission was granted on 27.2.2007.
- 3/104/141AD/PA: Outline planning permission for retailing, the sale of food, a petrol station and car parking. Planning permission was granted on 10 July 1986 subject to a series of condition, one of which was to impose restrictions on the type of goods sold (condition5). This condition reads as follows:

The non-food retailing element shall be restricted to those goods types as specified in the Greater York Shopping Policy, except for the sale of clothing within the food store, not exceeding 92,500 sq ft and other sales within the four retail units not exceeding 8,000 sq ft.

Reason - To satisfy the requirements of the Greater York Shopping Policy.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

2.2 Policies:

CYGP1 Design

CYS2 Out of centre retail warehouse criteria

CYSP7A The sequential approach to development

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 No objections subject to cycle parking provision being conditioned.

Public Protection

3.2 No objections in principle conditions are sought with regard to land contamination and noise from plant and machinery. Six electric hook up points were

originally sought via condition however having reviewed the scheme in light of conditions requiring electric hook up points on adjacent sites such a condition is no longer requested.

Flood Risk Management Team

3.3 No evidence has been submitted to show that sustainable urban drainage solutions are unsuitable for this site. Subject to such evidence being submitted there are no objections to the application.

Planning And Environmental Management (Forward Planning)

3.4 The proposal passes the sequential test; an impact test is required having regard to the threshold set out in the Retail Study Update (2014).

EXTERNAL

Yorkshire Water Services

3.5 No comments received.

Clifton Without Parish Council

3.6 No comments received.

4.0 APPRAISAL

4.1 Key Issues:-

- Policy background
- Principle of the development
- Design and Landscape
- Car parking, cycle parking and Accessibility
- Drainage

PLANNING POLICY

National Planning Policy Framework

4.2 Paragraph 14 of the NPPF indicates that the heart of the framework is a presumption in favour of sustainable development, for decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- Specific policies in this Framework indicate development should be restricted.

4.3 Paragraph 17 sets out the core planning principles which should underpin decision taking. These principles include the expectation that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.4 Paragraph 23 of the NPPF says that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. Local planning authorities at paragraph 24 are directed to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. Paragraph 26 states that when assessing applications for retail development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floor space threshold (if there is no locally set threshold, the default threshold is 2,500 sq m).

4.5 Paragraph 35 says plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of good and people. Developments should be located and designed where practical to accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements and have access to high quality public transport facilities; create safe and secure layouts, incorporate facilities for charging plug-in and other ultra low emissions vehicles; consider the needs of people with disabilities by all modes of transport.

4.6 Paragraph 56 of the NPPF states that the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development and is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also states at paragraph 57 that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area.

4.7 Paragraph 70 says that to deliver social, recreational and cultural facilities and services the community needs, planning policies and decisions should (among other things) ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.

4.8 Paragraph 216 of the NPPF states that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

National Planning Policy Guidance

4.9 The NPPG sets out that the sequential test should be considered first as this may identify that there are preferable sites in town centres for accommodating main town centre uses (and therefore avoid the need to undertake the impact test). The sequential test will identify development that cannot be located in town centres, and which would then be subject to the impact test. The impact test determines whether there would be likely significant adverse impacts of locating main town centre development outside of existing town centres (and therefore whether the proposal should be refused in line with policy).

City of York Draft Local Plan

4.10 The City of York Draft Local Plan (DCLP) Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005) was approved for Development Management purposes.

4.11 The DCLP does not form part of the statutory development plan for the purposes of S38 of the 1990 Act. Its policies are however considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

4.12 Policy SP7a suggests a sequential approach to development. Policy S2 recognises that proposals for retail warehouses selling non bulky good may detrimentally impact on the current product available in City Centre and District Centres. To control this, such proposals will be expected to be accompanied by analysis to demonstrate that they would have no adverse impact.

4.13 Policy GP1: Design is of relevance to this application. The policy indicates in section a) that any development proposal must respect or enhance the local environment.

Emerging Local Plan

4.14 The emerging Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be limited. However, the evidence base that underpins the proposed emerging policies is a material consideration in the determination of the planning application.

4.15 Policy R1 seeks to maintain and enhance the vitality and viability of the City Centre, district and local centres and neighbourhood parades. Main town centre uses will be directed sequentially to the city, district and local centres and neighbourhood parades. Proposals for main town centre uses outside a defined city, district or local centre must be subject to an impact assessment where the floor space of the proposed development exceeds the locally set thresholds. Should a formal application be submitted the relevant threshold for a proposal outside York City Centre would be greater than 1,500 sqm gross floorspace. An impact assessment would therefore be required. Applicants should seek to agree the scope of the impact assessment which should be appropriate to the scale and nature of the proposed development and to identify any specific local issues.

4.16 Policy R4 relates to out of centre retailing and continues the approach taken in Policy S2 of the 2005 local plan. It states that proposals for out of centre retailing will only be permitted where it:

- cannot be accommodated in a sequentially preferable location in accordance with Policy R1;
- will not result in a significant adverse impact on existing, committed and planned public and private investment in York city centre, and other relevant defined centres in the catchment area of the proposed development;
- will not result in an individual or cumulative (significantly adverse) impact on the vitality and viability of any defined centre including local consumer choice and trade in the centre and wider area up to five years from the time the application is made; and
- is in accordance with other policies within the Local Plan, and national guidance, as appropriate.

4.17 Restrictions on floor space or goods sold will be secured by condition to prevent out of centre proposals having a negative impact on the vitality and viability of the city centre.

4.18 Policy D2: 'Placemaking' states that development proposals will be supported where they improve poor existing urban environments. The character and design standards in Policy D2 must also be taken account of, to ensure appropriate building materials are used, the highest standards of accessibility and inclusion are met and

to demonstrate the use of best practice and create places that feel true to their intended purpose.

Evidence Base

4.19 The most relevant evidence base is the Retail Study Update (2014). It considers that the retail hierarchy in the emerging plan is sound for planning for future community needs and in the absence of new guidance still represent previous best practice. It is not considered that a blanket threshold is suitable for all types of centres across the city. Instead it is considered more appropriate to have a range of thresholds, a tiered approach whereby the threshold applied at edge of centre and out of centre locations varies in relation to the role and function of the particular centre.

4.20 For comparison retailing, the retail study update advises that there is no requirement to identify any sites for new comparison goods retailing in the local plan. Most of the future requirements could be met through the new floorspace at the stadium site and other planning permissions up to 2023. There is also some floorspace capacity available through vacant units at out of centre retail parks and the city centre that could absorb some of the identified capacity. Historic trends show a shift away from the city centre towards the surrounding retail parks and shopping destinations. Whilst this decline has stabilised since 2004 and 2007 it is recommended that new comparison provision should be focussed towards the city centre. Out of centre locations should therefore be subject to restrictive mechanisms to control further expansion as well as restrictions on the range of goods sold from existing and future floorspace.

PRINCIPLE OF THE DEVELOPMENT - RETAIL POLICY

4.21 Clifton Moor is an out of town retail area. In accordance with NPPF policy a sequential test has been submitted in support of this application. Sequential tests are required to consider sites which are in sequentially preferable locations (city centre first then edge of centre then only if suitable sites are not available should out of centre sites be considered) and to assess these in terms of availability, suitability, and viability. A survey was carried out of the City Centre and it was considered that there were no sites which were of sufficient size to accommodate the development. The sequential test considered sites at Coppergate and Piccadilly/Denys Street as well as development sites at York Central, Hungate and Castle Piccadilly. In each case it is concluded that the site/unit is either unavailable, unsuitable for bulky goods retailing, or is unviable, or a combination of those. Officers agree with the conclusion that that there are no suitably sized units in the city centre for bulky items that are likely to be available in a reasonable timescale. As a result it is concluded that the proposed development would not have an unacceptable impact on the City Centre subject to the use of a bulky goods condition restricting the goods sold. The applicant has confirmed in their submitted statements that they are content with the

use of a bulky goods condition as the end user Furniture Village is a bulky good operator. In relation to the Wilkinson's unit there is no need to carry out a sequential test as the unit already exists. The conditions restricting goods sold, which is less restrictive than a bulky good condition, and the personal permission that restricts occupancy to Wilkinson's only are to be reapplied to this permission (appropriately amended to take into account the reduced floor space of the unit).

4.22 The proposed development results in an additional gross internal floor space of 1637 sq m over and above the existing unit on site. This is below the 2500 sq m threshold set in the NPPF for requiring an impact test. However the Retail Study Update (2014) requires impact tests on site over 1500 sqm. The purpose of an impact test is to assess the impact of a proposal on existing committed and planned investment in a centre and the impact of the development on the vitality and viability of the city centre and wider area (paragraph 26, NPPF). The applicant has submitted an impact test which concludes that they have undertaken a robust assessment of the impact of the proposed development based on the Council's most up to date Retail Study and adopting assumptions commensurate with the scale and type of scheme proposed. The applicant considers that it has been demonstrated that the net uplift in turnover arising from the proposed development is not material and will not have a significant quantitative impact on York City Centre. Officers would concur with this conclusion based on the evidence submitted.

4.23 It is considered that the principle of the creation of the additional retail floor space can be supported having regard to advice in the NPPF and the Retail Study Update 2014 subject to conditions restricting the range of goods to be sold in the new unit and retaining existing restrictions on the Wilkinson's operation.

DESIGN AND LANDSCAPE

4.24 The existing retail unit is of red brick construction with a terracotta roof tile. The roof of the building continues in front of the building line to create a covered walkway. The roof overhangs a significant part of the retail frontage which reduces the perceived height of the shop front. This gives the retail frontage a more low-key appearance. The former Wickes site immediately to the east of the site has been redeveloped to open up the frontage by removing the covered walk way increasing the height of the glazed entrances and using a mansard tiled detail to the upper part of the building. These shop units are updated but still reflect the materials of the original design concept for the park. The proposal is to carry the design through from the Wickes site into the new units adjusting the entrances so that each shop can be served by separate entrances. Totem signage is repositioned to suit the new design. To the rear of the building the design of the extension matches the brick work and roof detail of the existing buildings. The design of the scheme is considered to accord with the principles set out in section 7 of the NPPF which seeks to promote or reinforce local distinctiveness and the integration of development into the built environment.

4.25 Tree Preservation Orders have recently been placed on trees within the borders of Clifton Retail Park as it faces the A1237. Landscaping to the borders of the Park and between the various phases is quite mature and provides some relief from the relatively hard landscaping of the retail park. However landscaping within the park is not protected by the order. The new extension will necessitate changes to the layout of the rear service area and this will reduce the landscaped margin between the site and Stirling Road. Existing tree cover will be lost. The applicant has proposed a new landscape scheme for the reduced planted margin. This incorporates both low level shrubs and 3 substantial trees to replace the 9 trees that will be lost. Whilst it is regrettable to see planted margins reduced and trees lost rather than being incorporated into proposed scheme, it is considered that the new planting will provide a good continuation of the existing planted margin and is acceptable. A Landscaping condition is proposed.

CAR PARKING, CYCLE PARKING AND ACCESSIBILITY

4.26 A Transport Assessment (TA) has been submitted in support of the application which considers the likely traffic movements associated with the proposed development and the impact this may have on the local highway network. The methodology of the TA is in accordance with national guidance and has been based on the net change between the existing use and the development proposed. The TA concludes that the additional floor space and loss of car parking to the rear service yard would not result in any noticeable change in traffic conditions on the local highway network taking into account anticipated levels of diverted, linked and pass-by trips. The report concludes that there is good access to the site via car and cycle and that bus stops are located close to the park so that the site is accessible by all modes of transport. Highway Network Management do not raise any objections to the application. Overall it is considered that the alterations to the site will not impact on the highway network and that the existing network of footpaths, cycle routes, car parks and bus stops are sufficient to serve the development.

4.27 Further information has been sought with regard to cycle parking for staff and visitors and details of these will be reported direct to committee.

DRAINAGE

4.28 The site is located within flood zone 1, low risk and should not suffer from river flooding.

4.29 The application is supported by a drainage assessment which says that the original drainage plans for the site have been obtained and these show surface water sewers are located within the vicinity of the proposed building and are currently utilised to drain the existing roofs of the retail units, together with the

external hardstanding areas. The information shows foul water sewers are located beneath the hardstanding area and within the vicinity of the proposed works.

4.30 It is accepted that the additional development will require surface water runoff to be attenuated and this is proposed to be achieved through the use of oversized pipes (which provide storage capacity so that runoff rates can be restricted). Foul drainage will be via gravity to the existing system.

4.31 A drainage condition is proposed to ensure full drainage details are provided.

5.0 CONCLUSION

5.1 Clifton Moor is an out of town retail area. There are no suitably sized units in the city centre for bulky items that are likely to be available in a reasonable timescale. Subject to conditions restricting the range of goods to be sold in the new unit and retaining existing restrictions on the Wilkinson's operation, it is considered that the sub-division of the existing unit and the creation of the additional retail floor space would not have an unacceptable impact on the City Centre. In terms of design and landscape, car parking, cycle parking and accessibility and drainage the scheme is considered to be acceptable. As such the proposal complies with Policy SP7a, S2 and GP1 of the City of York Development Control Local Plan, the Retail Study Update (2014); evidence base to the emerging local plan and advice within the National Planning Policy Framework.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 PLANS1 Approved plans

3 VISQ8 Samples of exterior materials to be app

4 The landscaping details shown on Drawing no. V12456B_LO1 dated 01/2016 shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

5 Prior to the completion of the scheme details of cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local

Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

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

Reason: In the interests of highway safety.

7 In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

8 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted shall be submitted to the local planning authority for approval. These details shall include maximum sound levels ($L_{Amax}(f)$) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed 5dB below the background noise level at 1 metre from the nearest noise sensitive façade when assessed in accordance with BS4142: 1997 (or exceed the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014) inclusive

of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics. Whilst it is acknowledged that at background levels of less than 30dB(A) use of BS4142 is inappropriate, EPU consider that in such circumstances the combined rate level of plant inclusive of any character correction should not exceed 30dB(A).

REASON: To safeguard the amenity of occupants of neighbouring premises.

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

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site. The approval of details is required at this stage in order to ensure that the implementation of an acceptable drainage solution is not compromised by the premature commencement of works at the site.

10 Notwithstanding the provisions of section 55(2)(f) of the Town and Country Planning 1990 (as amended) and article 3(1) of the Town and Country Planning (General Permitted Development Order) (England) 2015 , there shall be no subdivision of unit 3B to create units of less than 1,000 sqm, in the absence of any planning permission relating directly to such subdivision.

Reason: In order to protect the vitality and viability of the city and district centres.

11 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended or as may be subsequently amended no more than 45% of the existing Class A1 net retail floorspace (2,422 sq m) of Unit 3A shall be used for the sale of the following goods:

- a) Seasonal goods, Christmas goods, luggage, toys;
- b) Electrical goods;
- c) Soft furnishings/homeware/household textiles;
- d) Gas appliances;
- e) Convenience - food and cleaning products;
- f) Toiletries and disposables;
- g) Clothing

Reason: In order to prevent the unit being used as open retail and conflicting with uses in York city centre and nearby district centres, thus protecting the viability and vitality of those centres.

12 The use of unit 3A shall enure for the benefit of Wilkinson Hardware Store Ltd only, and shall not enure for the benefit of the land. Should Wilkinson Hardware

Store Ltd vacate unit 3A the following range of goods shall not be sold in unit 3A, save where ancillary (defined for the purposes of this condition as no more than 15% of the total floorspace of the retail unit) to the main range of goods sold:

- Men's, women's and children's clothing and footwear
- Fashion accessories
- Watches and jewellery
- Music and video
- Cameras and photographic equipment
- Toys
- Pharmaceutical goods
- Books, magazines and stationery
- Food, drink and other convenience goods

Reason: The Local Authority would wish to re-assess the retail impact of any similar proposals in the event of a change in owner/occupier in the interests of the protection of the vitality and viability of the city and district centres.

13 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended or as may be subsequently amended the following range of goods shall not be sold in unit 3B, save where ancillary (defined for the purposes of this condition as no more than 15% of the total floorspace of the retail unit) to the main range of goods sold:

- Men's, women's and children's clothing and footwear
- Fashion accessories
- Watches and jewellery
- Music and video
- Cameras and photographic equipment
- Toys
- Pharmaceutical goods
- Books, magazines and stationery
- Food, drink and other convenience goods

Reason: In the interests of the protection of the vitality and viability of the city and district centres the range of goods to be sold shall not compete with typical products found in these centres.

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

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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:

- Requested additional information relating to landscaping and highway issues.
- Discussed appropriate conditions

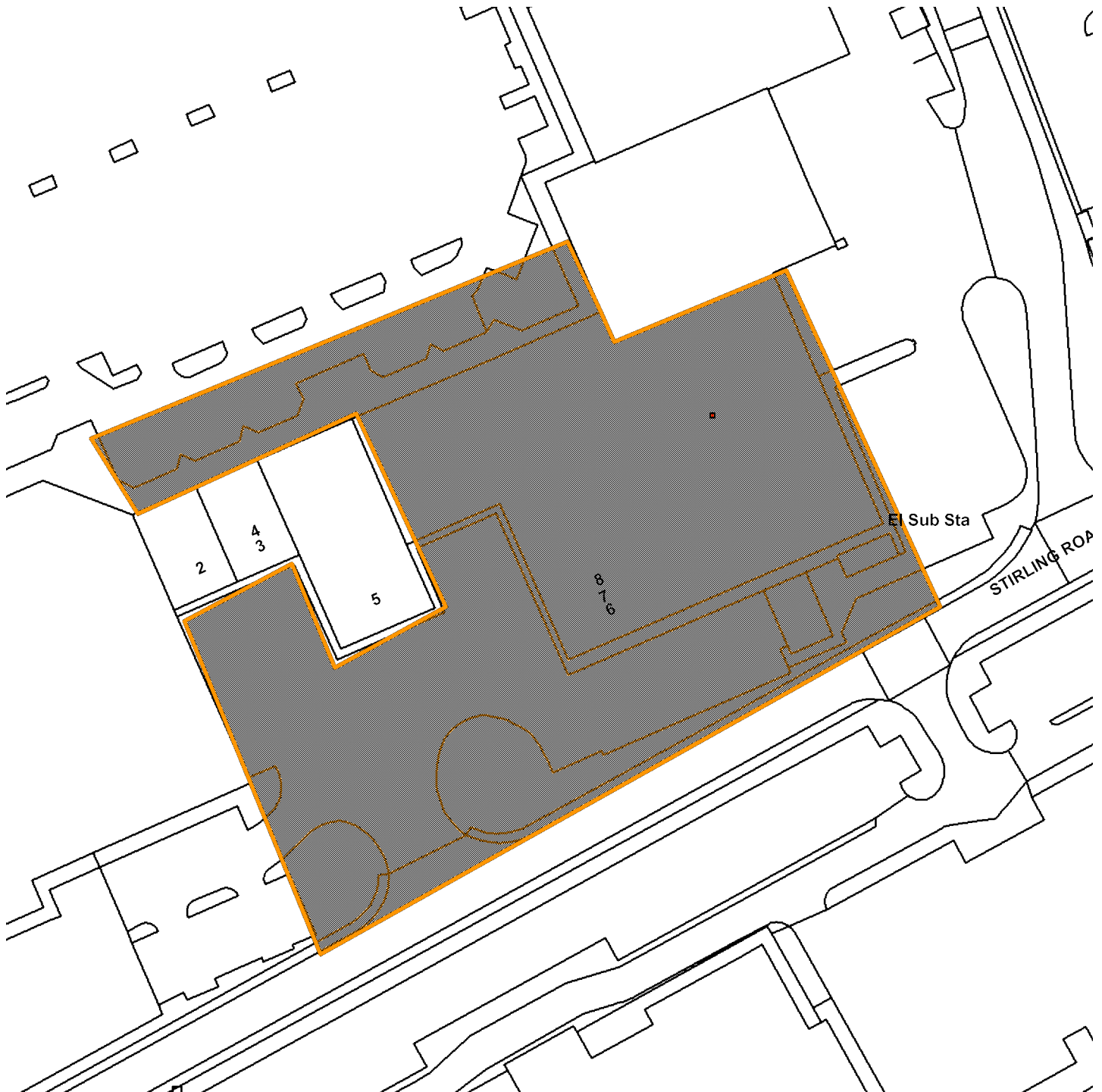
Contact details:

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Wilkinson 3 Stirling Road



Scale : 1:1059

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| Organisation | CYC |
| Department | Not Set |
| Comments | Site Plan |
| Date | 25 January 2016 |
| SLA Number | Not Set |

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COMMITTEE REPORT

Date: 4 February 2016 **Ward:** Heworth
Team: Major and **Parish:** Heworth Planning Panel
Commercial Team

Reference: 15/02486/FULM
Application at: Glen Lodge Sixth Avenue York
For: Three storey extension to provide 25no. flats and communal facilities, erection of 2no. semi-detached bungalows and alterations to access road
By: City Of York Council
Application Type: Major Full Application (13 weeks)
Target Date: 1 February 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 The proposal is to increase the living accommodation at a council-operated care home by: (a) providing 25 1-bedroom flats and associated communal facilities in a 3-storey extension to the main care home building, and (b) erecting a pair of 2-bedroom semi-detached bungalows to supplement the five pairs of existing bungalows at the site. The flats and bungalows would provide extra care accommodation, i.e. semi-independent accommodation supported by 24-hour on-site care.

1.2 The adopted cul-de-sac serving the site from Sixth Avenue would be diverted to enable the 3-storey extension to be provided. The existing turning head at the closed end of the cul-de-sac would be enlarged and remodelled to enable refuse and emergency vehicles to enter and leave the access road in forward gear. A total of 17 car parking spaces would be provided, including the relocation of nine existing spaces. Secure covered storage would be provided for mobility scooters and cycles.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001
Schools GMS Constraints: Tang Hall Primary 0232

2.2 Policies:

| | |
|---------|-----------------------------------|
| CYGP1 | Design |
| CYC1 | Criteria for community facilities |
| CYGP15A | Development and Flood Risk |
| CYGP9 | Landscaping |

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

3.1 The site has a number of mature trees that contribute to the amenity of the street. Some of these trees would be removed. In light of the need for the development, the removals are acceptable provided new trees are planted wherever opportunities allow, and a suitable budget is set aside for this. The proposed bungalows would be very close to retained trees. The environment would be improved if only one dwelling were proposed here. If these changes cannot be made then it is a question of balance between housing provision and quality of environment. If the application is approved add conditions requiring a planting plan and a method statement to protect retained trees.

Highway Network Management

3.2 Traffic generation is expected to be minimal and would be readily accommodated within the local network. Refuse vehicles would be able to perform a turning manoeuvre to collect waste generated by the new development. The off street car parking provision for staff and visitors does not exceed the Annex E maximum parking standards. Provision for storage of mobility scooters has been accommodated within the building. Conditions should also be added requiring details of highway design/construction, cycle parking, street lighting and a dilapidation survey.

Flood Risk Management

3.3 No objections subject to standard drainage condition including attenuation.

Environmental Protection Unit

3.4 No real concerns over the development. Construction and operational noise/nuisance can be controlled by standard planning conditions, as can unexpected contamination. Developers are required to promote the use of low emission vehicles on the site. However the new parking spaces don't appear to be next to any existing buildings/walls and therefore electric vehicle recharging may be

difficult to achieve in practice. Add an informative offering council advice on recharging solutions for the wider site, should the developer wish to explore this further.

EXTERNAL

Heworth Planning Panel

3.5 No objections.

Neighbour Notification and Publicity

3.6 No responses have been received.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of development
- Street scene and landscape
- Highway matters

POLICY CONTEXT

4.2 Section 38(6) of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. There is no development plan in York other than the saved policies of the Regional Spatial Strategy relating to the general extent of the Green Belt.

4.3 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy is the National Planning Policy Framework (NPPF). Paragraph 7 says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph 14 states that there is a presumption in favour of development, which should be seen as a golden thread running through plan-making and decision-taking.

4.4 Although there is no formally adopted local plan the City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of s.38 its policies are considered to be capable of being material considerations in the determination of planning applications, where

policies relevant to the application are consistent with those in the NPPF. The most relevant Draft (2005) policies are C1 (Community Facilities) and GP1 (Design).

THE APPLICATION SITE

4.5 Glen Lodge is a care home comprising one pitch-roofed, 3-storey block of 32 apartments and five pairs of semi-detached bungalows accessed from an offshoot of Sixth Avenue. The care home provides sheltered housing for older people. Adjacent to the care home is an area of open space previously occupied by Heworth Lighthouse Community Centre which has been demolished. Part of this cleared site will be incorporated into Glen Lodge and will be the location of the extended care home building and semi-detached bungalows. Both sites are council-owned. The area is predominantly residential.

PRINCIPLE OF DEVELOPMENT

4.6 The NPPF states that to deliver a wide choice of high quality homes and create inclusive and mixed communities local planning authorities should: plan for a mix of housing and the needs of different groups including older people; and identify the type of housing that is required in particular locations reflecting local demand (paragraph 50). To deliver facilities that communities need planning policies and decisions should plan positively for the provision and use of community facilities and other local services; ensure that they are able to develop and modernise in a way that is sustainable; and ensure an integrated approach to considering the location of housing, economic uses and community facilities (paragraph 70).

4.7 Policy C1 of the 2005 local plans states that planning permission for social, health, community and religious facilities will be granted provided that the scale and design are appropriate to the character and appearance of the locality and meet a recognised need.

4.8 Glen Lodge care home is in a sustainable location in a predominantly residential area close to local services and facilities. The proposed extension would provide much-needed supported accommodation for elderly people with care staff for the whole of Glen Lodge on site at all times (there is no overnight care currently). The proposal is being promoted by the council in accordance with identified needs. The principle of extending the care home complies with national and local planning policies promoting housing and community facilities.

STREET SCENE AND LANDSCAPE

4.9 The NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (paragraph 56). Permission should be refused for development of poor design that fails to take the opportunities available for

improving the character and quality of an area and the way it functions (paragraph 64).

4.10 The two new semi-detached bungalows would be in keeping with the character and appearance of the existing bungalows at Glen Lodge. The new bungalows would be slightly larger than existing in order to comply with current standards, e.g. wheelchair access. Part of the 3-storey extension would have a flat roof but the overall character and appearance would be in keeping with the existing building. The extension would have the same number of storeys as the existing building but would be approximately 2.5m higher. This would be to accommodate mechanical and electrical services within the ceiling voids. The increase in height would not look out of keeping with the existing building and the surrounding area, particularly bearing in mind the four storeys of the adjacent housing block to the south, Poplar Tree Gardens.

4.11 The application site has a number of mature trees that contribute to the amenity of the street. Of the trees along the street frontage four would be removed. Whilst the trees, as a group, make a valuable contribution to the amenity of the street they are not individually worthy of a tree preservation order.

4.12 The part of the site to the south/south-west of Glen Lodge (the Heworth Lighthouse site) is open space containing a mixture of evergreen and deciduous trees of various species and ages. Of these, a young Maple would be removed. It is a well-established specimen with good long term potential, but given its location right in the middle of the 'site' it is difficult to defend its retention on balance of the benefits of the scheme. There are a few opportunities for new tree planting - provided the ground is suitably prepared. Two mature trees (a Maple and Oak) immediately to the front of the existing care home building are also valuable features. They would be retained.

4.13 In order to be able to accommodate the number of flats proposed the part of the extension to Glen Lodge would be tight up to Sixth Avenue and the proposed new road alignment. This is not ideal and would provide very little scope for landscaping in this part of the site. Nevertheless the level of amenity for the future occupiers and the impact of the layout on the street scene would be acceptable bearing in mind the benefits of providing the number of assisted care flats proposed.

4.14 The application complies with national and local planning policy supporting provision of housing, community facilities and good design. If the application is approved conditions should be attached requiring a planting plan and a method statement to protect retained trees as recommended by the council's landscape architect. A condition should also be attached requiring submission of protection measures for existing trees shown as being retained.

HIGHWAY MATTERS

4.15 The proposed realigned highway (a cul-de-sac offshoot of Sixth Avenue) would follow a winding route due to site constraints. However, the alterations to the turning head at the closed end would enable large refuse and emergency vehicles to enter and leave in forward gear - a benefit that the current alignment does not allow. Bin storage would be provided as part of the development. Traffic generation is likely to be minimal and car parking complies with council standards. Disability scooter storage would be covered and secure and be accessible from inside and outside the care home building. The applicant intends to provide cycle storage but details have not yet been provided. This should be made a condition of approval. The alterations to the adopted road layout, which is in CYC ownership, would require separate consent under the Town and Country Planning Act and the Highways Act.

5.0 CONCLUSION

5.1 The proposal would provide much-needed sheltered housing and extra care for the elderly. The application complies with the National Planning Framework and relevant policies of the 2005 City of York Development Control Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development shall be carried out in complete accordance with the approved plans numbered 2619-D-90-011/H, 2619-D-22-011/B, 2619-D-22-012, 2619-D-22-013, 2619-D-22-014, 2619-D-20-003/A, 2619-D-20-004/A, 2619-D-20-005/A, 2619-D-21-001, 2619-D-90-021 and 2619-D-90-020.

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

3 HWAY1 Details roads, footpaths, open spaces req.

4 HWAY7 Const of Roads & Footways prior to occup

5 HWAY18 Cycle parking details to be agreed

6 HWAY19 Car and cycle parking laid out

7 HWAY40 Dilapidation survey

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

- contractors parking areas;
- where materials will be stored within the site;
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway;
- measures to ensure nearby public footpath is not blocked or damaged.

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

9 LAND1 New Landscape details

10 Before the commencement of development, including demolition, building operations, any excavations, or importing of materials, an arboriculture method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include details and locations of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, locations for stored materials et al. It shall also include construction details for any hard landscape details located within the recommended root protection area of existing trees.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of the development.

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

Reason: In the interest of satisfactory and sustainable drainage.

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

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

13 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

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

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

Reason: To protect the amenity of local residents

15 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.

Reason: To protect the amenity of local residents

16 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted shall be submitted to the local planning authority for approval. These details shall include maximum sound levels ($L_{Amax}(f)$) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To safeguard the amenity of occupants of neighbouring premises

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

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

7.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the local planning authority implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) by seeking solutions to problems identified during the processing of the application. In order to achieve an acceptable outcome the local planning authority negotiated retention of further trees and improvements to the highway layout.

2. HIGHWAYS ACT 1980

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the sections 37, 171 and 247 of the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact Stuart Partington of CYC on (01904) 551361

3. STATUTORY UNDERTAKERS EQUIPMENT

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

4. 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.

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 (SuDs). 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 SuDs.

If SuDs 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.

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.

The public sewer network is for domestic sewage purposes. This generally means foul water for domestic purposes and, where a suitable surface water or combined sewer is available, surface water from the roofs of buildings together with surface water from paved areas of land appurtenant to those buildings. Land and highway drainage have no right of connection to the public sewer network. No land drainage to be connected/discharged to the public sewer.

5. RECHARGING OF ELECTRIC VEHICLES

In line with the Council's Low Emission Strategy, Air Quality Action Plan and the National Planning Policy Framework (NPPF), developers are required to demonstrate that they are making all reasonable efforts to minimise total emissions from development sites during both construction and operational phases. This will include ensuring the energy choices for heating and powering the buildings are the right ones for both carbon/CO₂ and local air quality emissions (NO_x/Particulate Matter) and requirements to promote and incentivise the use of low emission vehicles on the site to reduce the overall emission impact of development related traffic (e.g. provision of electric vehicle recharge points). Low emission construction vehicles and machinery should also be a consideration during construction phases

of development. Due to the nature of the site, electric mobility scooters will be the preferred mode of transport over short distances for residents and the application discusses the possibility of recharging such scooters using solar panel arrays. City of York Council's Low Emission officer can offer advice on this and other potential electric vehicle recharging solutions for the wider site, should the developer wish to explore this further.

6. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

For dust details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of barriers, use of water bowsers and spraying, location of stockpiles and position on site. In addition I would anticipate that details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any).

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above I would also expect the CEMP to provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact

number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

7. PLANT AND EQUIPMENT

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed 5dB below the background noise level at 1 meter from the nearest noise sensitive façade when assessed in accordance with BS4142: 1997 (or exceed the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014) inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics. Whilst it is acknowledged that at background levels of less than 30dB(A) use of BS4142 is inappropriate, EPU consider that in such circumstances the combined rate level of plant inclusive of any character correction should not exceed 30dB(A).

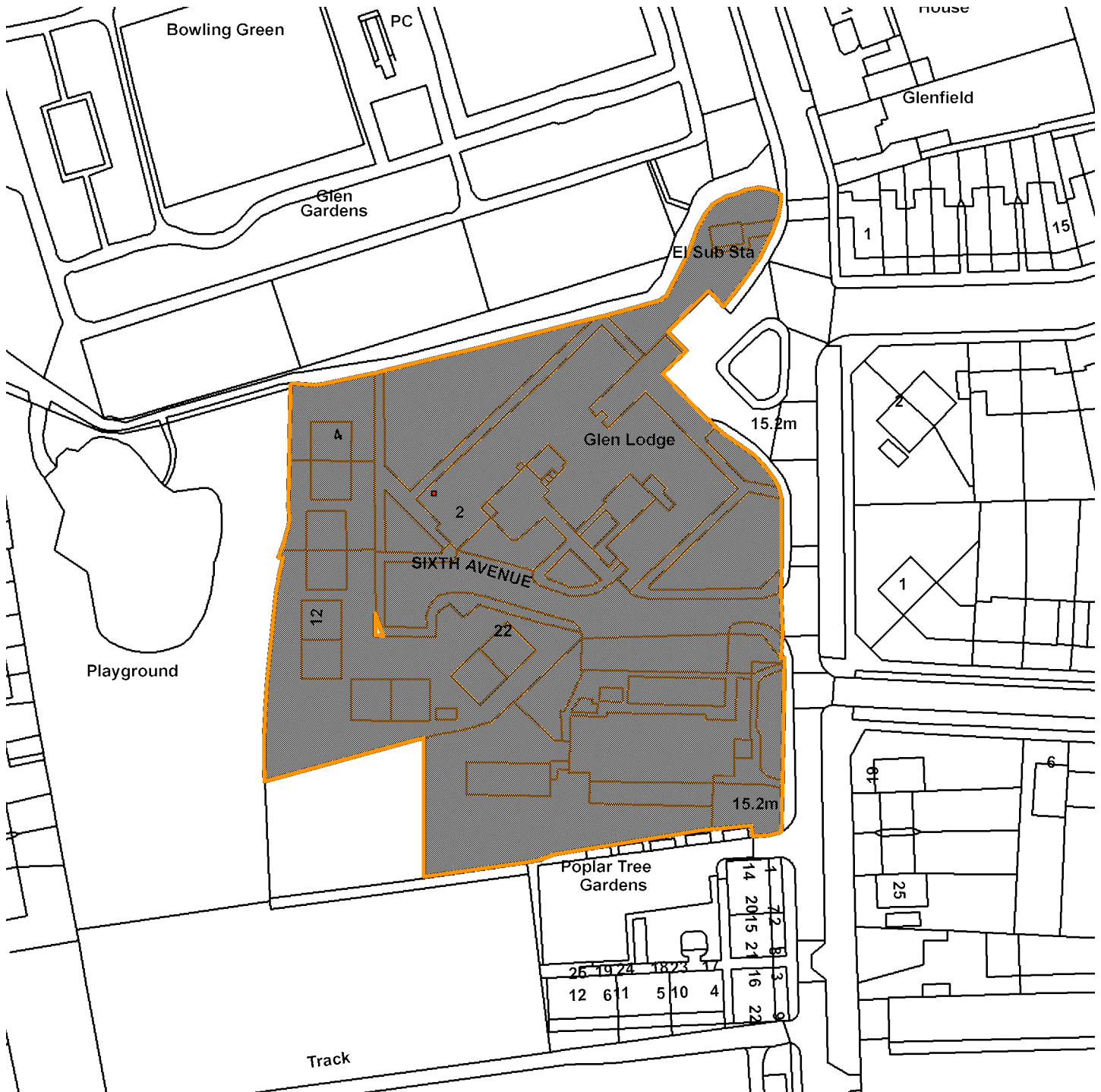
Contact details:

Author: Kevin O'Connell Development Management Officer

Tel No: 01904 552830

15/02486/FULM

Glen Lodge, Sixth Avenue



Scale : 1:1059

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| | |
|---------------------|-----------------|
| Organisation | CYC |
| Department | Not Set |
| Comments | Site Plan |
| Date | 25 January 2016 |
| SLA Number | Not Set |

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COMMITTEE REPORT

Date: 4 February 2016 **Ward:** Heworth Without
Team: Major and **Parish:** Heworth Planning Panel
Commercial Team

Reference: 15/02624/FUL
Application at: 206 Stockton Lane York YO31 1EY
For: Erection of 4no. dwellings with access from Caedmon Close together with reconfiguration of existing dwelling at 8 Caedmon Close (resubmission)
By: Mr David Todd
Application Type: Full Application
Target Date: 5 February 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 No.206 Stockton Lane comprises a substantial brick built detached house with a large rear garden to the east of the City Centre. Planning permission is sought for the erection of four properties in a mix of 1 1/2 and two storey forms on land to the rear and accessed from adjacent to 8 Caedmon Close. The application represents a revised re-submission of an earlier proposal ref:-15/00327/FUL that was previously refused on the ground of adverse impact upon a tree of significant townscape importance in a neighbouring garden protected by tree preservation order. The alignment of the proposed access drive has subsequently been re-aligned so as to lessen impact upon its root protection zone.

1.2 The application has been called in for determination by the Sub-Committee at the request of Councillor Ayre because of issues of land ownership and the need to access the site across amenity land.

2.0 POLICY CONTEXT**2.1 Policies:**

CGP15A Development and Flood Risk
CYGP10 Subdivision of gardens and infill devt
CYGP1 Design
CYGP9 Landscaping
CYNE1 Trees, woodlands, hedgerows
CYH4A Housing Windfalls

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 No objection to the proposal subject to any permission being conditioned to restrict proposed hours of construction for the development and to deal with the eventuality of unexpected contamination being found on the site.

Planning and Environmental Management (Archaeology, Landscape and Ecology)

3.2 No objection to the proposal in principle subject to any permission being conditioned to secure compensatory enhancement of local biodiversity allowing for the loss of potential habitat for hedgehogs and to secure an archaeological watching brief in view of the potential of the site to accommodate undisturbed Roman archaeology. In terms of the protected tree in the neighbouring garden some concern is expressed in relation to the impact of the proposal upon the availability of ground water to the tree and its relationship to service runs however it is felt that subject to any permission being strictly conditioned to secure the use of appropriate materials and the location of service runs then the development is on balance acceptable.

Flood Risk Management Team

3.3 No objection to the proposal.

Highway Network Management

3.4 No response at the time of writing.

EXTERNAL

Yorkshire Water Services Limited

3.5 No objection to the proposal.

The Foss (2008) Internal Drainage Board

3.6 Express concern with regard to the effectiveness of the proposed means of surface water drainage attenuation. The application has subsequently been amended to resolve the issue of concern.

Heworth (Without) Parish Council

3.7 Object to the proposal on the grounds that it would result in an unacceptably dense pattern of development and the revised access form would not allow for adequate access to the site by emergency vehicles but would at the same time give rise to problems of inconsiderate parking and congestion at the junction with Caedmon Close.

Heworth Planning Panel

3.8 No objection to the proposal.

Neighbour Notification and Publicity

3.9 12 Letters of objection have been received in respect of the proposal. The following is a summary of their contents:-

- Concern in respect of the scale and density of the proposed development;
- Concern in respect of the poor access design and layout for the proposal;
- Concern in respect of the impact of the proposal upon the residential amenity of neighbouring properties;
- Concern in respect of the relationship of the proposal to the neighbouring pattern of development;
- Concern in respect of the impact of the proposal upon the local pattern of surface water drainage;
- Concern in respect of the impact of the proposal upon local habitat and biodiversity.
- Concern in respect of the impact of the proposal upon the amenities of the occupants of 8 Caedmon Close;
- Concern in respect of the impact of the proposal upon a tree of townscape importance protected by Preservation Order in the grounds of the adjacent property;
- Concern in respect of the lack of provision for affordable housing;
- Concern in respect of the lack of support for local services and facilities.

4.0 APPRAISAL

4.1 KEY CONSIDERATIONS INCLUDE:-

- Scale and Design of the Proposal;
- Impact upon the Residential Amenity of Neighbouring Properties;
- Design and Layout of the Proposed Access Arrangements;
- Impact upon a Tree of Significant Townscape Value;
- Impact upon the Local Pattern of Surface Water Drainage;
- Impact upon Local Habitat and Biodiversity.

STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN

4.2 The York Development Control Local Plan was adopted for Development Control purposes in April 2005; its policies remain material considerations in respect of Development Management decisions although any weight is limited except where in accordance with the National Planning Policy Framework.

SCALE AND DESIGN OF THE PROPOSAL

4.3 Central Government Planning Policy as outlined in paragraph 14 of the National Planning Policy Framework indicates that there should be a presumption in favour of sustainable economic development running as a golden thread through the decision making process. Paragraph 9 previously indicates that sustainable development includes replacing poor design with better design, improving the conditions in which people live and widening the choice of high quality homes. Specifically in respect of residential development paragraph 49 indicates that planning applications should be considered strictly in accordance with the presumption in favour of sustainable development. Policy H4a) of the York Development Control Local Plan indicates a presumption in favour of residential development on land not previously allocated where the site is in the urban area, it is vacant, derelict or underused and it is of an appropriate scale and density to the surrounding development. Policy GP10 states that planning permission will only be granted for the sub-division of existing garden areas where this would not be detrimental to the character and amenity of the local environment.

4.4 The site lies within an enclave of previously undeveloped land between Whitby Avenue, Whitby Drive and Stockton Lane. The land directly to the west which formerly incorporated a detached bungalow has recently been redeveloped to incorporate a mix of five two storey dwelling houses and bungalows. An unimplemented permission for two bungalows exists in respect of the land directly to the west to the rear of 200 Stockton Lane. The proposed development would follow a similar pattern albeit access from Caedmon Close to the rear with the eastern elevation of 8 Caedmon Close reconfigured to allow for the passage of the access drive close by. The site is surrounded by residential development and is situated in an area wholly residential in character. As such the principle of the development is felt to be acceptable.

4.5 The area directly to the north along Stockton Lane comprises substantial detached and semi-detached properties dating to the inter-war years set within large gardens. As such the density of development is comparatively low. However, the residential development to the west and south which is of more recent construction and a mix of both bungalows and two storey accommodation is set at a much higher density. Whilst it is felt that three properties would sit more appropriately within the site it is not felt that the proposal would be sufficiently harmful to the local pattern of development as to warrant refusal of permission in itself. The proposal envisages the erection of three two storey dwellings and one dwelling with first floor accommodation provided within its roof. Objections have been received in relation to how the development would relate to the development to the south and south west which consists predominantly of bungalows and the possibility of a precedent for other similar developments within the surrounding back land. However, whilst the development is accessed from Caedmon Close which contains a mix of bungalows and two storey properties it is more clearly related in visual terms to the area to the

north and north east which is characterised by two storey properties. The scale of the development is therefore felt to be acceptable and local pattern of development would once again not be materially harmed.

4.6 The character of the area is largely suburban in nature and whilst quite dense in terms of its layout, the design of the proposed dwellings follows the existing pattern. Subject to the choice of an appropriate palette of materials which can be conditioned as part of any planning permission the design and external appearance of the development is felt to be acceptable.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES

4.7 Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework "Core Planning Principles" indicates that Local Planning Authorities should give significant weight to the provision and safeguarding of a good standard of amenity for all new and existing occupants of land and buildings. Policy GP1 of the York Development Control Local Plan sets out a firm policy presumption in favour of new development which ensures that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by over-bearing structures.

4.8 Objections have been received in terms of the relationship between the access road to the development and the principal living areas of the retained bungalow at 8 Caedmon Close and also the adjacent property directly to the east at 7 Caedmon Close. The bungalow at 8 Caedmon Close presently has a number of windows in the eastern elevation abutting the proposed access road at close proximity which clearly would not be acceptable in amenity terms. The proposal envisages a significant reconfiguration of the eastern elevation removing the existing window lighting a living room at the southern edge of the property so that it is effectively realigned with more of a southerly aspect. The existing toilet/utility room windows would be obscure glazed and made non-opening and the existing secondary kitchen window would again be obscure glazed and made non-opening. This is felt to be acceptable in terms of mitigating any impact upon the amenity of the occupants of the retained bungalow.

4.9 In terms of the relationship with 7 Caedmon Close, the boundary comprises a substantial densely grown mature hedge some 1.8 metres high. It is envisaged to be retained as part of the proposal. In terms of separation distances Plot 3 would be some 18.8 metres from the gable elevation of the adjacent property at its closest point. This is felt to be acceptable and characteristic of the pattern of development in the surrounding area. Providing adequate measures are undertaken to secure the hedge during development which can be secured by condition as part of any development the proposal is felt to be acceptable in terms of impact upon the residential amenity of neighbouring properties.

DESIGN AND LAYOUT OF THE PROPOSED ACCESS ARRANGEMENTS

4.10 The proposed access arrangements as with the previous scheme would enter the site from the turning head to Caedmon Close in the proximity of No 8 but of indeterminate ownership. Concern has been expressed in terms of the potential for conflict between road users entering and leaving the site and traffic on Caedmon Close as a consequence of the length of access drive and the possibility of additional parking on Caedmon Close. The proposed parking provision is two-spaces per dwelling which meets the maximum standard in the local plan and additional parking outside of the site is unlikely. The location of the proposed access drive has been relocated with the re-submission, to the north west and narrowed slightly, though the proposed passing bay for vehicles entering and leaving the site is retained. The internal layout and external elevational treatment of No 8 has been amended in order to minimise impact upon the amenity of occupants of No 8 Caedmon Close as a result of passing traffic. It is not considered that the likely volume of traffic generated by the additional four dwellings would not be such as to have an adverse impact upon levels of congestion or highway safety. At the same time it is considered that the length of drive from the main road is not excessive in terms of access for emergency vehicles. The access arrangements are therefore once again considered to be acceptable.

IMPACT UPON A TREE OF SIGNIFICANT TOWNSCAPE VALUE

4.11 Policy NE1 of the York Development Control Local Plan sets out a clear policy presumption that trees and hedgerows which are of landscape or amenity value will be protected by refusing proposals which would result in their loss or damage as well as requiring trees or hedgerows which are retained on development sites to be adequately protected during any site works. Section 197 of the 1990 Town and Country Planning Act sets out a statutory duty requiring Local Planning Authorities whenever appropriate, when granting planning permission to ensure that adequate provision is made for the preservation of trees of townscape value.

4.12 The proposed access to the development would be taken from Caedmon Close which was developed in the late 1970s with detached houses in clearly defined grounds with a number of pre-existing mature trees protected by Preservation Order within the surrounding gardens. Of particular significance is a mature silver birch within the front garden of 7 Caedmon Close visually aligned on the north east approach along Caedmon Close from its junction with Whitby Drive. The location of the tree in close proximity to the boundary with the application site gives a high degree of visual definition to the wider street scene. Whilst the tree has been subject to a degree of differential growth as a result of vegetation previously to the east, it has been assessed as being in good health.

4.13 The previous proposal for the site was refused on the grounds of a clear adverse impact upon the root protection area of the protected tree. The revised scheme relocates the access drive further to the south west and to the edge of the identified root protection area of the protected tree. Further detail has also been forthcoming in respect of the method of construction of the proposed access drive and the tree protection measures envisaged. Subject to any permission being closely conditioned in respect of the implementation of the tree protection measures and the location of service runs etc it is felt that adequate provision has been put in place to secure the long term future of the tree and the development is on balance felt to be acceptable.

IMPACT UPON THE LOCAL SURFACE WATER DRAINAGE NETWORK

4.14 Policy GP15a) of the York Development Control Local Plan sets out a firm policy presumption that developers must satisfy the Local Planning Authority that any flood risk will be successfully managed with the minimum environmental effect whilst ensuring that the site can be developed, serviced and occupied safely. Central Government Planning Policy as outlined in paragraph 103 of the National Planning Policy Framework indicates that Local Planning Authorities should give significant weight in granting planning permission to the need to ensure that flood risk is not increased elsewhere.

4.15 Objections have been received in relation to the proposed means of surface and foul water drainage for the application site particularly in the light of the Environment Agency's recent assessment of areas likely to be prone to surface water flooding. The proposal envisages the installation of a pumped foul drainage system draining into the public foul water system in Stockton Lane. Surface water would be attenuated on site before being passed through the Yorkshire Water public surface water sewer in Caedmon Close. The applicant has demonstrated through a further report since the submission of the application that this can be safely achieved without increasing flood risk to other properties in the area. Concern has also been expressed in relation to smells and particularly noise in relation to the proposed foul sewage pumping system. The system would however be entirely subterranean and would not give rise to any material issue of noise pollution in the surrounding area.

IMPACT UPON LOCAL HABITAT AND BIODIVERSITY

4.16 Concern has been expressed in relation to the potential impact of the proposal upon local habitat and biodiversity. There is however no evidence of the presence of protected species in the locality and whilst it is acknowledged that the area of natural habitat would be reduced this is not felt to be materially harmful and can be effectively mitigated by condition attached to any planning permission.

OTHER ISSUES

4.17 Concern has once again been expressed in relation to the ownership of the land comprising the access road and the possibility of restrictive covenants relating to the usage of the land. These issues are private legal matters and are not therefore material to the determination of the planning application. The grant of planning permission would not override other legal rights or restrictions.

4.18 Concern has been expressed in terms of the lack of provision for “affordable housing” within the scheme and the impact upon local services. The development represents a modest “windfall” development on an otherwise unallocated site. As such it falls below the adopted threshold in terms of affordable housing and as a consequence of the size of the development any impact upon local facilities would be modest.

5.0 CONCLUSION

5.1 No.206 Stockton Lane comprises a large brick built house dating from the 1950s with a large garden. Planning permission is sought for the erection of four detached dwellings within the former rear garden area. Planning permission has previously been refused on the grounds of impact upon the root protection area of a protected tree within the grounds of a neighbouring property. The access to the development has now been modified to address the previous reason for refusal and is now on balance felt to be acceptable. The proposal whilst dense in terms of its layout is felt to be acceptable within the context of the surrounding area and the pattern of scale and massing is similarly reflective of the locality. Whilst the proposed access has given rise to some concern it is felt to be adequate to serve four properties without due harm to other road users in the locality. The proposed means of foul and surface water drainage is felt to be acceptable. The application is considered to comply with the NPPF and policies GP1, GP10, H4A, NE1 And GP15A.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Refs:-354003A; 354004A; 354001B; 354002A; 354005; 354100G.

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

3 VISQ8 Samples of exterior materials to be app

4 VISQ4 Boundary details to be supplied

5 Before the commencement of development, including site preparation, building operations, any excavations, or the importing of materials, a finalised arboriculture method statement regarding protection measures for the existing tree(s) shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include phasing of works, details and locations of protective fencing, location of site cabin, site access during construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, and locations for stored materials, et al, and location of marketing suite where applicable. It shall also include construction details of driveway; plus means of protecting the existing tree(s) in perpetuity after completion of development.

Reason: To protect existing trees which are covered by a Tree Preservation Order and considered to make a significant contribution to the amenity of the area. This condition is required prior to any development or operations which may impact on the tree.

6 No part of the development shall be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscape scheme which shall include the species, and position of new tree planting, and details of tree pits, means of support and watering. The trees should be planted in locations that are suitable for the trees' successful establishment and development of healthy mature crowns.

This scheme shall be implemented within six months of practical completion of the development. Any trees which within a period of five years from the substantial completion of the planting and development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing. Any works to existing trees that are protected by a tree preservation order (TPO) are subject to local authority approval within and beyond this five year period.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of trees as they are integral to the amenity of the development.

7 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

Application Reference Number: 15/02624/FUL

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Not at all on Sundays and Bank Holidays

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

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

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

9 EPU1 Electricity socket for vehicles

10 ARCH2 Watching brief required

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

Reason: In the interests of the amenities of the adjoining residents and to secure the root protection area of a Protected Tree on adjoining land the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

12 HWAY18 Cycle parking details to be agreed

13 No part of the site shall come into use until turning areas including passing place have been provided in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

Application Reference Number: 15/02624/FUL

Item No: 4d

14 No house shall be occupied until its vehicle parking areas (including garage where shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: To avoid the loss of vehicle parking areas in the interests of highway safety and residential amenity.

15 Prior to the commencement of the development hereby authorised above foundation level full details of the proposed measures to safeguard wildlife habitat during and following on from the construction process shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason: - To safeguard the habitat of a protected species and to secure compliance with Policy NE6 of the York Development Control Local Plan

16 The development hereby authorised shall not be carried out otherwise than in strict accordance with the submitted Foul and Surface Water Drainage Scheme dated 11th November 2015.

Reason: To ensure that the site is safely and satisfactorily drained and to ensure compliance with Policy GP15a) of the York Development Control Local Plan.

17 The alterations to no.8 Caedmon Close shall be completed as shown on drawing number 354 005 prior to the commencement of any other part of the approved development.

Reason: To protect the living conditions of no.8 Caedmon Close during and after the development.

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:

* Sought clarification of the capacity of the proposed surface water attenuation system.

2. CONTROL OF POLLUTION ACT 1974:-

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

3. HIGHWAY WORKS:-

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

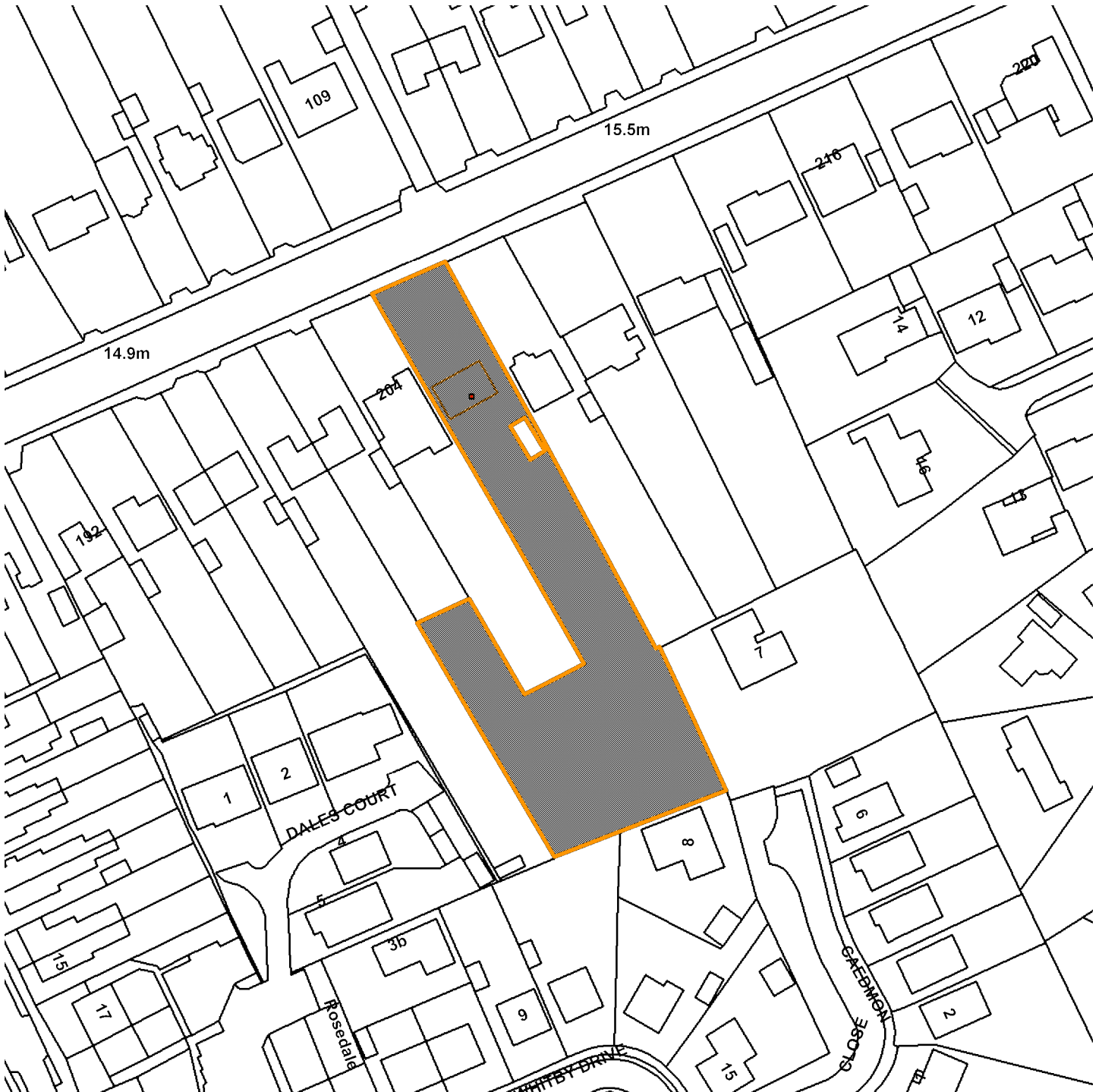
Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

15/02624/FUL

206 Stockton Lane



Scale : 1:1059

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| Organisation | CYC |
| Department | Not Set |
| Comments | Site Plan |
| Date | 25 January 2016 |
| SLA Number | Not Set |

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COMMITTEE REPORT

Date: 4 February 2016 **Ward:** Westfield
Team: Householder and **Parish:** No Parish
Small Scale Team

Reference: 15/02651/FUL
Application at: 224 Hamilton Drive West York YO24 4PJ
For: Erection of summer house to rear (retrospective)
By: Miss Claire Bonner
Application Type: Full Application
Target Date: 5 February 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks retrospective permission for the erection of a detached summer house to the rear garden of 224 Hamilton Drive measuring approximately 6.9m in width x 5m in length.

1.2 The host dwelling is a traditional semi-detached property, situated in an established residential area. The summerhouse is to be located along the northern boundary of the rear garden which is raised above the rest of the site by approximately 300mm.

1.3 The application has been called to committee by Cllr. Andrew Waller on the grounds that the structure is considerably larger than existing garden outbuildings and appears out of keeping with established properties in the locality, causing concern amongst local residents.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

2.2 Policies:

CYGP1 Design
CYH7 Residential extensions

3.0 CONSULTATIONS

Neighbour Notification and Publicity

3.1 The application was advertised by neighbour notification letter. A petition with 15 signatures and two letters of objection have been received from neighbouring residents raising the following objections:

- the structure is very obtrusive and out of context with other temporary buildings (shed etc) located in surrounding gardens
- the structure is highly visible and blights the outlook from the house and garden
- the scale is more in proportion with a flat roofed bungalow which seems out of place in this location.
- a log burner and bar are to be installed - what is the building going to be used for?
- the structure is extremely intrusive in such close proximity to neighbouring gardens.

4.0 APPRAISAL

KEY ISSUES:-

- Visual impact on the dwelling and the area
- Impact on neighbouring property

RELEVANT PLANNING POLICY

4.1 The National Planning Policy Framework (March 2012) sets out 12 core planning principles that should underpin both plan-making and decision-taking. Of particular relevance here is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. In considering proposals for new or improved residential accommodation, the benefits from meeting peoples housing needs and promoting the economy will be balanced against any negative impacts on the environment and neighbours' living conditions.

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

4.3 Draft Local Plan Policy GP1 expects new development to respect or enhance the local environment, and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials.

4.4 Draft Local Plan Policy H7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours (iv) proposals respect the spaces between dwellings; and (v) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

4.5 City of York Council: House Extensions and Alterations Draft Supplementary Planning Document (December 2012) states that garages and other outbuildings can have as much impact on the overall visual appearance of a property as any other addition. Wherever possible they should reflect the style, shape and architectural features of the original building and not be detrimental to the space around it. Care should be taken to avoid the loss of vegetation and retain space for planting that can often soften a building's impact. Outbuildings should clearly be smaller in scale to the house. Outbuildings must not have a detrimental impact on the residential amenity of neighbours.

PROPOSALS

4.6 The proposal seeks retrospective permission for the construction of a detached outbuilding measuring 5m x 5m with an overhanging roof to the side measuring an additional 1.9m in width, which includes a slight chamfer along the rear corner to allow for the boundary fence. The structure is built on a slight slope with the height of the building measuring 2.8m at the front and 2.5m at the rear. The only opening in the building is a pair of double doors to the front elevation. It is understood that the outbuilding was originally constructed to comply with permitted development allowances which allows detached outbuildings to be constructed in a rear garden providing they do not exceed 2.5m in height within 2m of a boundary and do not exceed 50 per cent of the curtilage of the dwelling. Given the level differences at the rear of the garden the structure exceeds the permitted height by approximately 300mm. The outbuilding is structurally complete, however it is awaiting a render finish and internal fixtures and fittings.

VISUAL IMPACT ON THE DWELLING AND AREA

4.7 The outbuilding is a large flat roof structure which occupies the full width of the rear garden of the host dwelling. It was originally designed to comply with permitted development allowances and is not considered to relate well to neighbouring properties and other garden outbuildings given its scale and flat roof. Although the applicants describe it as a summer house, in appearance it resembles a garage or

workshop building. Whilst it is noted that the structure remains unfinished, the only external alteration will be its render finish. It is not considered that render would appear significantly out of context in this location.

IMPACT ON NEIGHBOURING PROPERTY

4.8 Two of the neighbouring occupants whose properties abut the site have objected to the proposals by virtue of its intrusive nature which they feel affects the outlook from their gardens. Upon viewing the outbuilding from both gardens, it is acknowledged that it does not appear in keeping with surrounding structures, but this is considered to be due to its design and scale rather than its height, as the flat roof ensures that it doesn't significantly exceed the height of surrounding outbuildings. By virtue of its location and lack of windows it is not considered that the structure itself would have a detrimental impact in terms of loss of light or privacy.

4.9 However the scale of the outbuilding is such that residents are concerned about its use and whether there would be issues of noise if it were to be in continued use by the applicants. It is understood however that the structure is to be ancillary to the host dwelling and any issues of noise would be controlled by Public Protection.

PERMITTED DEVELOPMENT

4.10 It has been established that the structure would be permitted development were it not for the differing land levels upon which it has been built. The main issue therefore is how harmful the additional 300mm in height is to the appearance of the dwelling and neighbour amenity. Even with a 300mm reduction in height, the outbuilding would still be visible above the boundary fencing, (although only just) and when viewed from a higher vantage point (i.e. first floor windows) its design and scale would appear unchanged. The use of the building would also remain the same. Given that a very similar structure could be constructed under permitted development rights, it is the opinion of officers that the building could not reasonably be refused retrospective planning permission.

5.0 CONCLUSION

5.1 Whilst the development is not overly large in the context of the size of the back garden, its positioning close to the boundary makes it somewhat prominent in views from a number of neighbouring properties. Its design does not sit comfortably with guidance given in the NPPF, draft Local Plan policies GP1 and H7 or the Council's House Extensions and Alterations SPD in respect of its appearance. However, under permitted development rights a very similar structure with very similar impacts could be constructed without the need for planning permission. In this instance, retrospective planning permission is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Householder Approval

1 The outbuilding shall be completed with a render finish within six months of the date of this permission.

Reason: To achieve a visually acceptable form of development.

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:

Consideration of the permitted development 'fall-back' position
Use of conditions to address the final finish of the building

Contact details:

Author: Elizabeth Potter Development Management Assistant

Tel No: 01904 551477

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15/02651/FUL

224 Hamilton Drive West



Scale : 1:1059

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| Organisation | CYC |
| Department | Not Set |
| Comments | Site Plan |
| Date | 25 January 2016 |
| SLA Number | Not Set |

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COMMITTEE REPORT

Date: 4 February 2016 **Ward:** Wheldrake
Team: Major and **Parish:** Elvington Parish Council
Commercial Team

Reference: 15/02475/FULM
Application at: Yara UK Station Yard Elvington Lane Elvington York
For: Erection of replacement raw materials store
By: Alan Capindale
Application Type: Major Full Application (13 weeks)
Target Date: 4 February 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 The application seeks permission for the erection of a replacement dry storage building at Yara, Elvington.

SCHEME

1.2 The application seeks permission for the erection of a replacement storage building at Yara, Elvington. The replacement building would sit on the same footprint as the existing building but would be increased in height. The current building is in a poor state of repair, with heavy corrosion of the steel portal frames, and is clad in asbestos boarding. It has a footprint of 1196m² and is used for the storage of dry powder fertilizer prior to it being converted into liquid fertilizer.

1.3 The existing building has a ridge height of approximately 9.5m and the replacement is proposed to approximately 11m. It would be constructed with a 1m high brick base supporting cement board sheet cladding. All openings to the building would be retained as existing although the vehicular entrances would be higher in order to allow for modern delivery vehicles.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

2.2 Policies:

CYGP1 Design

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 The proposal replaces an existing building with a taller one. There are no proposed changes to the access. No objections are raised

EXTERNAL

Elvington Parish Council

3.2 No objections

4.0 APPRAISAL

4.1 KEY ISSUES

- Visual impact
- Highways
- Drainage

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

4.3 Paragraph 19 states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

4.4 Paragraph 28 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.

4.5 Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible.

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

4.7 The relevant policy is GP1. Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

VISUAL IMPACT

4.8 The proposed replacement building would be slightly visually more prominent within the locality. The building is located within an area comprising of mainly industrial units and is set back from the highway by approximately 180m. It is located behind existing storage buildings and adjacent to the existing large liquid fertilizer containers on site which to a degree mask the proposed structure.

HIGHWAYS

4.9 The replacement building does not increase the footprint above that of the existing structure and as such there would not be any additional delivery vehicles visiting the site.

DRAINAGE

4.10 The replacement building does not result in any additional hard standing being provided on site. All existing surface water is collected on site at present and stored within lagoons to the rear of the site. This water is then used in the process of converting the dry fertilizer to liquid fertilizer. As such there are no surface water drainage issues arising as a result of the development.

5.0 CONCLUSION

5.1 It is considered that the replacement building would not have a detrimental impact upon the character of the area or result in any loss of amenity and is in accordance with the NPPf and the City of York Council Local Plan.

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:-

Drawing numbers 38780/001 Rev A, 38780/002 Rev A, 38780/010 Rev A, 38780/011 Rev A and 38780/012 Rev A

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

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 attached appropriate conditions in order to achieve a positive outcome

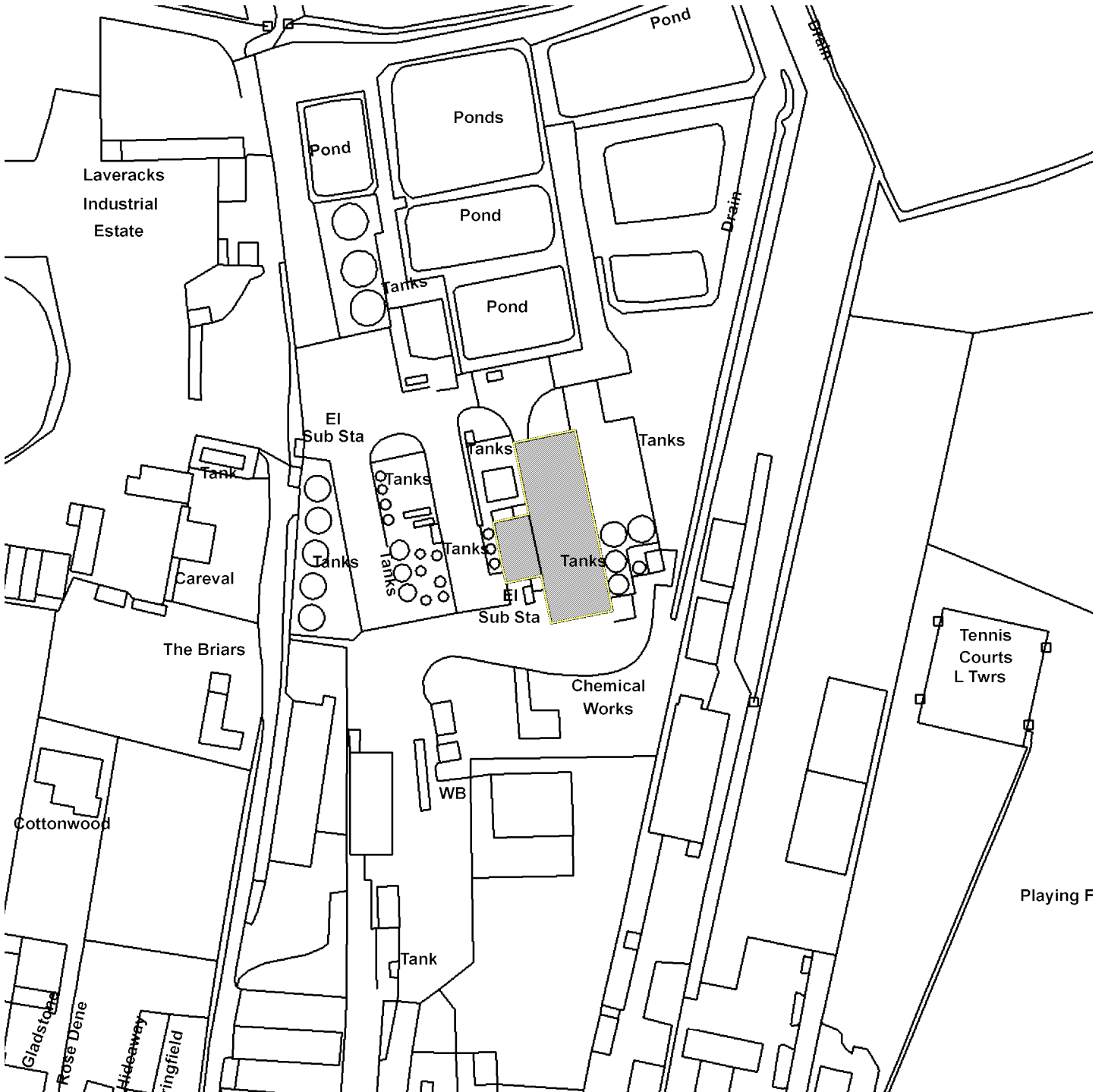
Contact details:

Author: Heather Fairy Development Management Officer

Tel No: 01904 552217

15/02475/FULM

Yara UK, Station Yard, Elvington Lane to Dismantled Railway, Elvington



Scale : 1:1695

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| Organisation | CYC |
| Department | Not Set |
| Comments | Site Plan |
| Date | 27 January 2016 |
| SLA Number | Not Set |

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Area Planning Sub Committee

4 February 2016

Planning Committee

18 February 2016

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 October and 31 December 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 Planning Inspectorate, for the last quarter 1 October to 31 December 2015, and for the 12 months 1 January to 31 December 2015.

Fig 1: CYC Planning Appeals Performance

| | 01/10/15 to 31/12/15 (Last Quarter) | 01/01/15 to 31/12/15 (Last 12 months) |
|------------------|--|---|
| Allowed | 1 | 9 |
| Part Allowed | - | 2 |
| Dismissed | 8 | 32 |
| Total Decided | 9 | 43 |
| % Allowed | 11% | 21% |
| % Part Allowed | - | 5% |

Analysis

- 5 The table shows that between 1 October and 31 December 2015, a total of 9 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 1 was allowed. At 11% 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 10 appeals 3 were allowed (70%), 0 were part allowed (0%). One of the appeals allowed between 1 October and 3 December 2015 related to a “major” application which is the case of Naburn Lock Caravan Park.
- 6 For the 12 months between 1 January and 31 December 2015, 21% of appeals decided were allowed, again below the national average, and below the previous corresponding 12 month period of 36% allowed.
- 7 The summaries of appeals determined between 1 October and 31 December 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 01/10/2015 to 31/12/2015 following Refusal by Committee

| Ref No | Site | Proposal | Outcome | Officer Recom. |
|---------------|---|---|-----------|----------------|
| 14/02806/FULM | Naburn Lock Caravan Park Naburn Lock Track Naburn York | Change of use of land for touring caravans with associated amenity building, gas compound and bin store | Dismissed | Refuse |

- 8 The list of current appeals is attached at Annex B. There are 7 planning appeals lodged with the Planning Inspectorate (excluding tree related appeals but including appeals against enforcement notices).
- 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 most relevant to the “Building Stronger Communities” and “Protecting the Environment” strands of the Council Plan.

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: 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 25 January
2016

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 October and 31 December 2015

Annex B – Outstanding Appeals at 25 January 2016

Appeal Summaries for Cases Determined 01/10/2015 to 31/12/2015

Application No: 14/02729/FUL
Appeal by: Miss Raquel Nelson
Proposal: Variation of conditions 2, 7 and 8 of permitted application 12/03270/FUL to allow an increase in number of caravans from 40 to 55 and allow use of part of the site (15 caravans) all year
Address: Country Park Pottery Lane Strensall York YO32 5TJ

Decision Level: DEL
Outcome: DISMIS

The appeal site relates to a touring caravan park first permitted in 2004 but which has been the subject of a number of further proposals by the appellant in the intervening period. It lies to the north west of Strensall village within a flat open site within the Green Belt. The appellant sought planning permission for the creation of a further 15 touring pitches above and beyond the 40 previously approved within the area of the approved landscape bund at the southern end of the site. Whilst the site is subject to a seasonal closure between October and March the proposal sought permission for the additional pitches on a year round basis. A previous proposal for usage of the site for caravan storage was refused permission and the subsequent appeal dismissed on Green Belt grounds in 2011. The proposal was again refused planning permission on the grounds of being inappropriate development within the Green Belt and harmful to its purposes of designation virtue of being an encroachment into open countryside. In a thorough examination of the case the appeal inspector considered that the proposal was inappropriate development within the Green Belt by virtue of not coming within any of the listed categories within paragraph 89 of the NPPF. She then went on to consider whether the proposal harmed any of the purposes of including land within the Green Belt and concluded that it did by virtue of being an encroachment of development into open countryside. She then considered whether the submitted justification amounted to a case for "very special circumstances" that would justify development within the Green Belt. She determined that it did not and that the development was therefore harmful to the character of the Green Belt. She concluded that any impact upon openness could be mitigated by appropriate landscaping but that did not override the fundamental harm to the Green Belt caused by inappropriateness and therefore the appeal was dismissed.

Application No: 14/02765/FUL
Appeal by: Mr Paul Harrison
Proposal: Erection of detached dwelling and garage on land adjacent to Whinchat House
Address: Whinchat House York Road Deighton York YO19 6EY

Decision Level: DEL

Outcome: DISMIS

The application was for a new dwelling within the greenbelt outside of the settlement limits of Escrick. The Inspector stated that 'Although the appeal site is relatively small, it is an undeveloped area that contains a number of mature trees. This is in keeping with the open, spacious and predominantly green character of this area. The essential characteristics of Green Belts are openness and permanence and there is little firm evidence before me to suggest that the appeal site has ever been anything but open. The property would be built between two existing buildings but the Inspector stated that a vast area of open land extended beyond it. Given the degree of separation from the built envelope of Escrick and the predominant green spacious character of the area I consider the appeal site to have more affinity with, and to read very much as a part of, the adjoining open agricultural land form and countryside. He stated that the development would be inappropriate development within the green belt, would reduce openness and would amount to substantial harm

Application No: 14/02806/FULM
Appeal by: Peter And Catherine Wilkinson
Proposal: Change of use of land for touring caravans with associated amenity building, gas compound and bin store
Address: Naburn Lock Caravan Park Naburn Lock Track Naburn York
Decision Level: CMV
Outcome: DISMIS

The proposal related to the formation of a further 20 touring pitches on a field directly to the south west of Naburn village adjacent to the well established Naburn Lock Caravan Site and overlooking the River Ouse. Planning permission was refused on two grounds, the fact that it was inappropriate development in the Green Belt and therefore by definition harmful to its openness and at the same time it was felt that by virtue of its location and visual relationship to Naburn Banqueting House, a Grade II Listed Building, it was felt to be harmful to its setting. The question also arose as to whether or not "very special circumstances" exist such as to warrant the usual presumption against inappropriate development being overridden. The Inspector examined the issue of impact upon the setting of the Listed Building and concluded that whilst it would give rise to some impact it would not be such of itself as to justify refusal of planning permission in line with the Statutory duty included in Section 66 of the 1990 Planning (Listed Buildings and Conservation Areas) Act. The Inspector then looked at the Green Belt issue and concluded that despite the case put forward by the applicant that the development was inappropriate within the criteria identified within paragraphs 89 and 90 of the NPPF. At the same time he concluded that in view of the nature and highly prominent location of the development it would of itself be harmful to openness. In terms of the case for "very special circumstances" it was acknowledged that the case put forward by the appellant did carry some merit. However, the Inspector clearly concluded that it was not such as to fulfil the test contained within paragraph 88 of the NPPF of overcoming harm by virtue of inappropriateness and any other harm. The appeal was therefore dismissed.

Application No: 15/00321/FUL
Appeal by: Mr & Mrs J & L Webster
Proposal: Two storey rear extension, front dormer, front porch, side extension to connect existing garage to house including the conversion of the garage space into habitable room with rear extension; and conversion of detached shed to 4no garages with associated alterations
Address: Broad Oak Cottage Dauby Lane Elvington York YO41 5LJ

Decision Level: DEL

Outcome: ALLOW

The appeal site is a residential dwelling which lies to the east of Dauby Lane situated outside the village settlement limits of Elvington and within the City Of York Green Belt. Planning permission was sought for a side and rear extension to the existing detached garage in order to create a link to the main house for the purpose of converting into habitable living space. The extension would then extend at full height of the existing garage to include a dormer style window in the existing roof space for first floor accommodation. A small porch was proposed to the front of the property. The Council refused the application on the grounds that the proposed extensions would result in disproportionate additions to the size of the original dwelling and would thus represent an inappropriate form of development in the green belt that would, by definition, be harmful to the Green Belt. In addition it was decided that the mass of the development size of the extensions, including linking the existing detached garage to the house would significantly increase the size and massing of the original building, thus harming openness. The Inspector disagreed that the extensions would be disproportionate on the grounds that the overall development constructed of matching materials would be subservient to the host dwelling. The Inspector agreed that there would be some effect on the openness of the Green Belt. However, the Inspector concluded that the extensions would appear as a subordinate addition and would not amount to disproportionate additions over and above the size of the original building. The Inspector allowed the appeal on the grounds that the impact on openness would be limited and would not cause material harm to the Green Belt.

Application No: 15/00396/FUL
Appeal by: Miss Sally Cakebread
Proposal: Change of use from dwelling (use class C3) to House in Multiple Occupation (use class C4)
Address: 20 Hartoft Street York YO10 4BN

Decision Level: DEL

Outcome: DISMIS

The appeal related to the refusal of planning permission for a change of use from a dwelling house C3 to a house in multiple occupations HMO C4. The proposal was a resubmission of a previous refusal for a change of use to an HMO. The application site comprised of a two bed mid terrace, which proposed to alter the ground floor layout by providing one additional bedroom to the front and a shared communal living area, kitchen and bathroom facilities at the rear of the property. The application was refused because the number of existing houses in multiple occupation within 100 metres of the property already exceeded the 10 percent threshold set out in the draft SPD. The councils figures indicate that 19.51 percent of the homes within 100 metres of the property are HMOs. The Inspector acknowledged that the proposal would create just one additional occupant to the property, (3 occupants) however dismissed the appeal on the basis that this still formed a new HMO within a residential area of terraced housing and the already high concentration of houses in multiple occupation in the locality therefore detracted from its character and would contribute to an imbalance in the make up of the local community. There was no material change in circumstance since the previous case.

Application No: 15/00514/FUL
Appeal by: Ruth And Nelson McConnell
Proposal: Single storey rear extension
Address: 15 Norfolk Street York YO23 1JY

Decision Level: DEL

Outcome: DISMIS

Permission was sought for a 5.5m long, single storey full width extension to infill the yard to the rear of this mid-terrace dwelling along the common boundary with 17 Norfolk Street. A small courtyard would be created in the return adjacent to the kitchen, with a second larger courtyard created to the rear of the extension. There is a 1.2m land level difference in favour of the application site. It was considered that the proposed extension, by virtue of its length, relative height and proximity to the boundary would appear as an unduly dominant and overbearing feature to the detriment of the amenity and outlook of neighbouring residents. The inspector stated that the impact on the living conditions of those using the kitchen and yard area at No. 17 would be significant as the upper part of the proposed garden room would extend substantially above the existing shared boundary wall. He concluded that the resultant harm is made more severe by the difference in ground levels between the two properties.

Application No: 15/00776/FUL
Appeal by: Mr And Mrs Thomas Holliday
Proposal: Front and side dormers
Address: 12 St Peters Grove York YO30 6AQ

Decision Level: DEL

Outcome: DISMIS

Flat roof dormers were proposed to the front and side roof slopes of the Victorian dwelling house located in Clifton Conservation Area in a prominent position at the head of St. Peter's Grove cul de sac. The inspector considered that the Victorian dwelling house makes a positive contribution to the significance of the heritage asset. Two existing pitched roof gables would be removed to enable construction of the flat roof dormers. The inspector considered that the flat roof dormers would introduce additional visual bulk and dominance to the upper part and three sides of the house. The horizontal window frames of the proposed dormers would be at odds with the narrow proportions and style of the windows within the main house. All the modifications would result in an intrusive and dominant feature that would fail to respect the design and form of the existing dwelling. The inspector considered that the harm to the conservation area would be less than substantial and that the public benefits presented would not outweigh the level of harm to Clifton Conservation Area and its significance as a heritage asset. The inspector concluded that the proposal would have detrimental effect on the character and appearance of 12 St. Peter's Grove and fail to conserve the character and appearance of Clifton Conservation Area. The appeal was dismissed.

Application No: 15/00818/FULM
Appeal by: Mr T Allison
Proposal: 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
Address: Shepherd Group Social Club 131 Holgate Road York YO24
4AZ
Decision Level: DEL
Outcome: DISMIS

Planning permission was granted to convert/extend a 3-storey pitch roofed social club in a conservation area to flats. Condition 4 required all new and replacement windows and external doors to be made of timber to protect the character of the conservation area. The applicant sought to vary condition 4 to allow the use of uPVC. The application was refused and appealed. The inspector found that the original window openings were an important part of the building's character and that their replacement with uPVC frames would appear conspicuous, overly prominent and at odds with the retained timber window frames and neighbouring properties. As such the proposal would fail to preserve the character and appearance of the conservation area. Although the harm would be relatively localised and less than substantial it would need convincing justification and be weighed against the public benefits of the proposal. uPVC is more energy efficient, requires less maintenance and provides better sound insulation than timber window frames but these benefits are not of such public benefit to outweigh the harm that would be caused to the conservation area. Appeal dismissed.

Application No: 15/01576/FUL
Appeal by: Miss Raquel Nelson
Proposal: Variation of condition 2 of permitted application
 12/03270/FUL to allow camping pods on pitches 1-10
Address: Country Park Pottery Lane Strensall York YO32 5TJ

Decision Level: DEL

Outcome: DISMIS

The application site comprises a 40 pitch touring caravan site subject to a seasonal restriction within the Green Belt to the north of Strensall village. The proposal was for the erection of 10 camping pods on existing touring pitches within the north eastern section of the site closest to Sheriff Hutton Road. The camping pods proposed for use were unusually large and had the character of static caravans which are subject to a specific proscription in the operating planning permission for the site. Planning permission was refused on the grounds of being inappropriate development within the Green Belt and harmful to its open character. The refusal was duly appealed and the Inspector agreed that the proposal did amount to inappropriate development within the Green Belt, which by virtue of the largely permanent character of the camping pods would also be harmful to its open character. The Inspector particularly noted that the pods would be significantly larger than the approved touring caravans, would be stationed on site permanently unlike the touring caravans and would be accompanied by a variety of domestic paraphernalia not normally associated with touring caravans. Notwithstanding her view that the proposal was inappropriate development within the Green Belt and also harmful to openness the Inspector took the view that it would not materially harm the visual amenity of the Green Belt and by virtue of already being within the confines of an established caravan site would not harm the purposes of designation of the land as defined by paragraph 80 of the National Planning Policy Framework. In summing up the Inspector determined that no case for very special circumstances that would outweigh harm by reason of inappropriateness or any other harm had been forthcoming and therefore dismissed the appeal.

Decision Level:

DEL = Delegated Decision

COMM = Sub-Committee Decision

COMP = Main Committee Decision

Outcome:

ALLOW = Appeal Allowed

DISMIS = Appeal Dismissed

PAD = Appeal part dismissed/part allowed

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Outstanding appeals

| Officer: Diane Cragg | | | | | | Total number of appeals: 2 |
|-----------------------------------|----------------|------------------------|-----------------|--|---|-----------------------------------|
| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: | |
| 23/12/2015 | 15/00040/REF | APP/C2741/W/15/3140414 | W | Former Garage Site 172 Fulford Road York YO10 | Erection of petrol service station with retail unit | |
| 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: 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: Kevin O'Connell | | | | | | Total number of appeals: 1 |
| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: | |
| 26/09/2014 | 14/00036/EN | APP/C2741/C/14/2225236 | P | Land At OS Field No 9122 Holtby Lane Holtby York | Appeal against Enforcement Notice dated 31 July 2014 | |
| Officer: Matthew Parkinson | | | | | | Total number of appeals: 1 |
| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: | |
| 17/06/2011 | 11/00026/EN | APP/C2741/C/11/2154734 | P | North Selby Mine New Road To North Selby Mine | Appeal against Enforcement Notice | |
| Officer: Paul Edwards | | | | | | Total number of appeals: 1 |
| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: | |
| 13/11/2015 | 15/00037/REF | APP/C2741/D/15/3134974 | W | 28 Third Avenue York YO31 0TX | Change of use from a dwelling (use class C3) to a house of multiple occupation (use class C4) | |

| | |
|------------------------------------|-----------------------------------|
| Officer: Sophie Prendergast | Total number of appeals: 1 |
|------------------------------------|-----------------------------------|

| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: |
|--------------|--------------|------------------------|----------|--|---------------------------------|
| 12/11/2015 | 15/00036/REF | APP/C2741/W/15/3136728 | W | Lidgett House 27 Lidgett Grove York YO26 5NE | Erection of two storey dwelling |

| | |
|-------------------------------|-----------------------------------|
| Officer: Victoria Bell | Total number of appeals: 1 |
|-------------------------------|-----------------------------------|

| Received on: | Ref No: | Appeal Ref No: | Process: | Site: | Description: |
|--------------|--------------|------------------------|----------|---|---|
| 11/12/2015 | 15/00039/REF | APP/N2739/W/15/3140157 | W | Spring Wood Stables New Road Deighton York YO19 | Erection of dog boarding kennels and siting of temporary dwelling for a period of 3 years |

Total number of appeals: 9



Area Planning Sub-Committee

4 February 2016

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 24 October 2015 to 25 January 2016.
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 103 new enforcement investigation cases were received and 159 cases were closed. A total of 597 investigations remain open.
6. There have been 5 new Section 106 cases, 3 Section 106 cases have been closed and there are 185 cases on-going. The closed Section 106 cases secured total contributions of £55,266 towards public open space, £32,540 towards education provision and £2,240 towards sustainable transport measures 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

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

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.

Recommendations

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.

Contact Details

Author:

Author's name
Gareth Arnold
Development Manager
Tel. No: 551320

Chief Officer Responsible for the report:

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

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

Report Approved



Date 25/01/2016

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

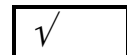
Financial

Patrick Looker

Legal:

Andrew Docherty

Wards Affected: *All Wards*



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