



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

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

Date: Thursday, 1 December 2016

Time: 4.30 pm

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

AGENDA

The mini-bus for Members of the sub-committee will leave from Memorial Gardens at 10.00 am on Wednesday 30 November 2016.

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 - 10)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 3 November 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 Officer on the contact details listed at the foot of this agenda. The deadline for registering is at **5.00 pm on Wednesday 30 November 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 Officer (contact details at the foot of this agenda) in advance of the meeting.

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4. Plans List

To determine the following planning applications:

- a) **23 Minster Avenue, Huntington, York, YO31 9DJ (16/02036/FUL)** (Pages 11 - 20)

Change of use from dwelling (use class C3) to House in Multiple Occupation (use class C4). [Huntington/New Earswick] **[Site Visit]**

- b) **Burnholme Community Hub, Bad Bargain Lane, York, YO31 0GW (16/02023/FULM)** (Pages 21 - 32)

Conversion, part demolition and two storey extension of former Burnholme Community College building to form new Community Hub and Explore Library along with associated access and parking. [Heworth] **[Site Visit]**

c) North Yorkshire Police Station, Fulford Road, York, YO10 4BY (16/01983/FULM) (Pages 33 - 40)

Erection of two storey exhibit store with single vehicle garage following demolition of existing single storey store and garage and alterations to retained garages. [Fishergate]

d) Land to the Rear of 246 Shipton Road, Rawcliffe, York (16/01848/FUL) (Pages 41 - 50)

Erection of two storey dwelling and detached garage/store. [Rawcliffe and Clifton Without] **[Site Visit]**

e) North Lodge, Clifton Park Avenue, York (16/01173/FULM) (Pages 51 - 72)

Erection of 3-storey building forming 14 flats following demolition of existing buildings (resubmission). [Rawcliffe and Clifton Without] **[Site Visit]**

5. Appeals Performance and Decision Summaries (Pages 73 - 90)

This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 July and 30 September 2016, 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 91 - 94)

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 Officer:

Name: Laura Clark

Contact Details:

- Telephone – (01904) 554538
- E-mail – Laura.Clark@york.gov.uk

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

Ta informacja może być dostarczona w twoim 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 30 November 2016**

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

TIME (Approx)	SITE	ITEM
10.15	North Lodge, Clifton Park Avenue	4e
10.40	Land To Rear Of 246 Shipton Road, Rawcliffe (meet on Rawcliffe Croft)	4d
11.10	23 Minster Avenue, Huntington	4a
11:40	Burnholme Community Hub, Bad Bargain Lane	4b

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	3 November 2016
Present	Councillors Galvin (Chair), Craghill, Gillies, Hunter, Cannon, Flinders, Mercer, Orrell, Funnell (Substitute for Councillor Shepherd) and Dew (Substitute for Councillor Carr)
Apologies	Councillors Carr, Looker and Shepherd

Site	Visited by	Reason
128 Acomb Road	Councillors Cannon, Dew, Flinders, Galvin, Gillies, Mercer and Orrell	As the recommendation was to approve and objections had been received.
Hull Road Bowling Green, Alcuin Avenue	Councillors Cannon, Dew, Flinders, Galvin, Gillies, Mercer and Orrell	As the recommendation was to approve and an objection had been received.
Land to the Rear of 9-11 Tadcaster Road, Copmanthorpe	Councillors Cannon, Dew, Flinders, Galvin, Gillies, Mercer and Orrell	As the recommendation was to approve and objections had been received.

23. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests that they might have had in the business on the agenda. None were declared.

24. Minutes

It was reported that a request for a correction to the minutes had been received by email since the last meeting. The request referred to Minute Item 22a) Rowntree Wharf, Navigation Road, York where one of the public speakers, Dr Diane Lister was recorded as saying:

“who expressed concern over the validity of the application and the fact that an additional 90 documents had been uploaded to the planning portal since the application was validated. She requested that the Committee reject or defer the application”.

In her emailed request, Dr Lister stated that did not say 'an additional 90 documents had been uploaded to the planning portal since the application was validated', but that *'Since May 2016 approximately 90 documents have been submitted to the planning portal about the car park, external works and the current residential corridors, including drawings for studio flats at the end of floors 2, 3 and 4'*.

Resolved: That the minutes of the last Area Planning Sub Committee held on 6 October 2016 be approved and then signed by the Chair as a correct record subject to the suggested amendment.

25. 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.

26. 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.

26a) 12 Water End York YO30 6LP (15/00405/FUL)

Members considered a full application by Z Collinson for the erection of a dwelling.

In their update to Members, it was suggested that if Members were minded to grant permission, that approval be delegated to Officers as a revised drawing was to be submitted removing the basement area because of concerns over flood risk.

Two speakers had registered in objection to the application:

Alison Dewhirst spoke on behalf of some residents on Water End. She expressed concerns over the modern design of the proposed building, and felt it was contrary to previous planning decisions in the area, and adversely affected the conservation area. If Members were minded to approve the application, she requested that a condition for low level lighting be added.

Andrew Beattie on behalf of John Burrill Homes, shared his concerns with Members about access onto the site, which was not owned by the applicant. He stated how this access did not include a turning circle. He questioned how construction traffic would enter and exit and mentioned how the public footway would be obstructed. The only access on to the site would be through the Almshouses. He requested a condition to withdraw Permitted Development rights, if Members approved the application.

One speaker had registered in support of the application:

John Howlett the agent, informed Members how the adjacent listed almshouses would not be adversely affected due to the difference in levels between the plot on which the building was located. He added that provision had been made for replacement parking and that the building was within a sustainable location. Regarding maintenance of the access during the construction of the property, the Committee was informed that a Construction Management Plan would be put in place.

Members were advised that Permitted Development rights included external alterations, including rooflights. A Construction Management Plan would also be limited in its extent due to existing access problems encountered on site.

Members entered into debate, during which it was suggested that the permission should include a construction management plan covering access to the site. It was agreed to delegate the final approval of the wording of the additional condition to the Chair and Vice Chair.

Resolved: That authority be delegated to the Chair and Vice Chair, in conjunction with Officers, to approve the application.

Reason: The application would contribute to the provision of much-needed housing in the city. It would cause no harm to the Clifton Conservation Area and the listed buildings at Water End. The impact on archaeology can be mitigated through the recommended conditions. The proposal is acceptable in all other respects and complies with national planning policy in the National Planning Policy Framework and relevant policies of the 2005 City of York Local Plan.

26b) 128 Acomb Road, York, YO24 4HA (16/00680/FULM)

Members considered a full major application by Charles Adam Development Ltd for the erection of one two-storey building containing 2 flats following the demolition of an existing garage, and the conversion of an existing guest house/large house in multiple occupation into 8 flats with associated car parking, cycle and bin storage, and a first and second floor extension to the rear elevation.

It was reported that there had been one speaker and a Member of Council had registered to speak in objection:

Dr Sally Guthrie, spoke on behalf of the residents at Braeside Gardens. She highlighted concerns over drainage, parking and access. In respect of drainage, she stated that residents on the west side of Braeside Gardens had encountered problems with overflowing drains and foul water. Regarding parking, she informed the committee that pavement parking in the street had been obstructive. She was also concerned about access for emergency vehicles to the NHS building.

Councillor Derbyshire spoke as the Ward Member, and echoed the comments made by Dr Guthrie. She added that vehicles obstructed the footpath which hindered the path of residents with mobility problems. There was not sufficient parking for residents or their visitors. The Internal Drainage Board had also endorsed residents concerns. She felt that the proposal constituted overdevelopment and overmassing.

In response to Members questions, Officers stated that it was usual if a response had not been received back from Yorkshire Water within 21 days of the consultation letter then it was assumed that they had no comments to make.

It was reported that if the drains discharged into a Yorkshire Water sewer, the developer would need permission from them to access their drains. There would also need to be a written agreement between the applicant and Yorkshire Water. It was clarified that the Council remained as the Lead Local Flood Authority and that site drainage was also covered under the Building Regulations.

Members entered into debate during which the following views and points were expressed;

- There were few car parking spaces offered for the flats
- The redevelopment of the main house was welcomed, particularly for additional accommodation.
- The current parking situation in the area would worsen, as the application site is located on a narrow street.
- There was no residents only parking in the area.
- The housing crisis necessitated further accommodation in the city.

Councillor Cannon moved and Councillor Orrell second refusal on the grounds of overdevelopment.

On being put to the vote, this motion fell.

Councillor Gillies moved and Councillor Flinders seconded approval.

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

Reason: The proposal would provide homes within a sustainable and accessible location. On balance, the proposal complies with the policies of the NPPF and draft Local Plan policies GP1, GP10 and H4A.

**26c) Hull Road Bowling Green, Alcuin Avenue, York
(16/01256/GRG3)**

Members considered a general regulations (Reg 3) application by City of York Council for the erection of 4 temporary modular buildings to provide cafe and community space.

It was reported that there had been two registrations to speak in support.

Dave Meigh, on behalf of the applicant informed Members how the proposal would be part of an ongoing regeneration plan of Hull Road park and would allow for bowls to be played in all weathers. Conversion of the pavilion had been considered but this had been rejected due to its size. The buildings would be painted grey and blue due to the city's park colour coding scheme.

Councillor Neil Barnes, the Ward Member expressed his support for the scheme and informed Members about the long held aspiration to regenerate the park. He informed the Committee that the application had emerged as a result of co-operative working, York Cares had planted trees on the approaches and the community café would be run by the Friends of Hull Road Park.

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

Reason: The development would provide community facilities and a cafe which would be of benefit to the local community and encourage more users of the park. It is considered that the temporary harm is outweighed by the application's public benefits of providing community facilities and by the fact that it would be in place for a limited period of four years.

26d) Land to Rear of 9 - 11 Tadcaster Road, Copmanthorpe, York (16/01673/FUL)

Members considered a full application by Mr Andrew Piatt for the erection of 4 dwellings with detached garages (triple garage to serve 11 Tadcaster Road) and associated works including a new driveway.

Officers suggested that if Members were minded to approve the application that amendments be made to the condition in respect of the approved plans and the condition relating to the detail of the trees, hedges and shrubs. Officers detailed two further representations had been received since the publication of the agenda:

- The resident at 15 Tadcaster Road having initially objected to the proposals has read the committee report and no longer has any concerns about the scheme.
- An additional objection has been received from one of the residents who has previously responded. This raises no new issues.

Anne White a local resident had registered to speak in objection. She felt that the proposal would overshadow the properties to the east of the site. She commented that residents were given a limited amount of time to respond and that a number of documents relating to the application were not visible for residents. The application did also not comply with the Copmanthorpe Village Design Statement .

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

Condition 2 was amended to include the following revised drawing-

Site plan 1452-100E

4 Trees, hedges and shrubs shown to be retained on plan 1452-100 Rev.B shall be protected during the development of the site by the following measures:-

- (i) A chestnut pale or similar fence not less than 1.2 metres high shall be erected at a distance of not less than 4.5 metres from any trunk; **or, where that distance is not possible, a plan of the proposed location of the protective fencing shall be submitted to and approved by the Local Planning Authority prior to works commencing.**
- (ii) No development (including the erection of site huts) shall take place within the crown spread of the trees;
- (iii) No materials (including fuel or spoil) shall be stored within the crown spread of the trees;
- (iv) No burning of materials shall take place within three metres of the crown spread of any tree;

- (v) No services shall be routed under the crown spread of any tree without the express written permission of the Local Planning Authority.

Reason: In order to safeguard the existing landscape features of the site.

Reason: It is considered that the scheme provides an appropriate use for a currently under-utilised area of garden.

The proposed dwellings are appropriately designed for this village location with an acceptable density of development between the large properties on Tadcaster Road and the more modest development on Barbers Drive. The scheme will provide good levels of amenity for future residents while having little significant impact on neighbouring residential amenity. The application is considered to be in accordance with policies GP1, GP10 and H4a of the draft Development Control Local Plan and the relevant policies of the NPPF.

Councillor J Galvin, Chair

[The meeting started at 4.30 pm and finished at 5.45 pm].

COMMITTEE REPORT

Date: 1 December 2016 **Ward:** Huntington/New Earswick
Team: Householder and **Parish:** Huntington Parish
Small Scale Team Council

Reference: 16/02036/FUL
Application at: 23 Minster Avenue, Huntington, York YO31 9DJ
For: Change of use from dwelling (use class C3) to House in
Multiple Occupation (use class C4)
By: Alex Szepietowski
Application Type: Full Application
Target Date: 17 November 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks planning permission to change the use of No.23 Minster Avenue, a four bedroom semi detached house, to a house in multiple occupation (HMO) (Use Class C4) for between three and six unrelated adults to occupy the house.

1.2 Relevant Property History - The property has previously had a two-storey side extension added to it - Ref 97/00709/FUL - Approved 21.05.1997.

1.3 Cllr. Runciman has called the application in to committee due to the potential impact on neighbour amenity.

2.0 POLICY CONTEXT

2.1 Policies: CYH8 Conversion to flats/HMO/student accom

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management (Forward Planning)

3.1 No. 23 Minster Avenue, falls within a neighbourhood area where 0.31% of properties are shared houses and within 100m of the property 0.00% are shared houses. As such, in accordance with the provisions of the Draft HMO SPD neither the neighbourhood nor the street level threshold has been breached and further change of use to HMO is likely to be acceptable. Albeit an assessment of residential amenity (bin storage, parking etc.) and the ability of the area to absorb further change should also be undertaken.

Highway Network Management

3.2 Confirmed that neither the garage, nor off-road hard standing area (approx 7.8m width approx 5.0m depth) meet parking standards. However, given that parking on the frontage is an established practice on this cul-de-sac, they raise no objections to the proposal.

EXTERNAL

Huntington Parish Council

3.3 The Council objects to the proposal:

- Loss of residential housing stock
- Negative effect on character of neighbourhood
- Parking and access issues
- Lack of parking provision
- No disabled access provision

Neighbour Notification and Publicity

3.4 Nineteen letters received in objection for the following planning reasons:

- Street already saturated with vehicles
- Would become difficult for emergency services to gain access
- Already 56 cars in the 37 houses on Minster Avenue
- The empty garage could be used as an additional bedroom
- Proposed bin store and cycle store to front an eyesore
- Multiple occupancy will result in friction amongst neighbours
- Increased comings and goings
- Multiple occupancy unsuitable to a quiet cul-de-sac
- Would mean adding another 10 cars onto the street
- Lead to homeless hostels - multiple occupancy in relation to bail conditions
- Already a shortage of family homes
- Size and lack of storage space means property unsuitable for multiple occupancy

4.0 APPRAISAL

4.1 KEY ISSUES:

- Principle of development
- Impact on the character and appearance of the area
- Amenity of future occupants of the property
- Impact on the amenities of local residents

PLANNING POLICY AND GUIDANCE

4.2 The National Planning Policy Framework (2012) states that Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (paragraph 50).

4.3 Draft Development Control Local Plan (2005) Policy CYH8 "Conversions" planning permission will only be granted for the conversion of a house to a HMO where:

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

Had the Article 4 Directive not been introduced, this proposal would have constituted permitted development. Given the purpose of the directive was to control concentrations of houses in multiple occupation, and protect family housing, the requirement of the above policy which requires the provision of a minimum of four no. bedrooms, is not considered to be a material consideration.

4.4 Draft Development Control Local Plan (2005) CYGP1 states that development proposals will be expected, amongst other things, to respect or enhance the local environment, be of a density, layout, scale, mass and design that are compatible with neighbouring buildings, and ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.5 Supplementary Planning Document (SPD) - Controlling the Concentration of Houses in Multiple Occupancy. This document was approved on 15 April 2012. This guidance has been prepared in connection with an Article 4 Direction that City of York Council placed on all houses within the defined urban area, bringing within planning control the change of use of dwellings (Class C3) to small HMO's occupied by between 3 and 6 people (Class C4).

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

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

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

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

IMPACT ON RESIDENTIAL AMENITY AND THE CHARACTER OF THE AREA

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

4.9 The number of shared houses in the immediate area of the application site is below the threshold in the policy: 0.31% of properties in the neighbourhood area are HMOs (threshold 20%), and within 100m of the property 0% are HMOs (threshold 10%). Therefore in terms of the Council's own policy, it is not considered that there are

grounds to refuse the application on the basis that it would create an unbalanced community.

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

4.11 In terms of unsociable noise and behaviour from the tenants, the house is shown as offering four bedrooms and this is not excessive. Levels of C4 uses are low in the area so general comings and goings associated with such a use, which can be an issue where there is an unacceptable concentration of such properties should not materialise here. Normal comings and goings from this one property are unlikely to result in such harm to neighbours as to refuse the application. There is no specific evidence to suggest that the occupation of the property as HMO would result in additional noise or disturbance that would adversely affect the character of the area. Issues relating to noise, untidy land, rubbish and late night noise from students could be addressed under separate legislation such as the Environmental Protection Unit and can be covered in the recommended management plan.

4.12 The loss of family homes for rented accommodation and student housing is controlled by the Article 4 Direction placed on all houses within the urban areas of York, which is supported by the SPD. Whilst these concerns are appreciated, nevertheless, the SPD document focuses on avoiding high concentrations of HMO's in particular streets/areas, in order to avoid the undue loss of family homes and maintaining community cohesion and helping the development of strong, supportive and durable communities. Within the context of the SPD the aim is to avoid situations where existing communities become unbalanced by narrowing household types which can have a detrimental impact on neighbourhoods. Given the HMO thresholds reported in 4.9 above, this potential situation does not arise in this case.

4.13 In terms of car/cycle parking and bin storage, a revised plan has removed the proposed bike store and refuse area, originally indicated on hard standing at the front of the property. Cycle storage and refuse storage will now be housed within the existing attached garage. It is recommended that a condition of any approval will require it to remain as a storage area and also prevent it from being converted into an additional bedroom.

PARKING ISSUES

4.14 Though not meeting Highway Management standards in terms of its depth, it is possible to park 2.no vehicles clear of the footway on the existing paved forecourt. Two no. parking spaces for a 4.no bedroom HMO complies with the maximum parking standards with annexe E of the 2005 DCLP.

AMENITY OF FUTURE OCCUPANTS

4.15 The property lies within a relatively short distance to bus routes into the city centre and also some local facilities. It consists of an entrance hall; living/dining room and kitchen at ground floor; and 4.no bedrooms and a bathroom at first floor. There is a patio and garden at the rear of the property. The property is considered acceptable for use as an HMO in terms of the amenities that it offers to future residents.

5.0 CONCLUSION

5.1. The property is reasonably well served by local facilities and close to public transport routes. The dwelling is considered to be a sufficient size, and with an adequate internal layout, for a 4 bedroom HMO. The thresholds within the Council's Supplementary Planning Document have not been exceeded. Car parking can be accommodated to DCLP standards and cycle parking and refuse can be stored in the existing garage. There is no evidence to suggest a potentially significant impact upon the amenity of existing local residents. As such the proposal is considered to comply with the NPPF, Policy H8 of the DCLP and the guidance contained within the SPD.

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:-

Revised Drawings - YB 433-02 Rev A - YB433 - 003 Rev A - Received 16th November 2016.

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

3 Prior to the dwelling being occupied as a House in Multiple Occupancy, a management plan shall be submitted to and agreed in writing by the Local Planning Authority and shall be implemented as agreed unless otherwise agreed in writing by the Local Planning Authority. The Management plan shall relate to the following areas:

- Information and advice to occupants, including minimising noise and disturbance for neighbours
- Refuse and recycling facilities

- Property maintenance
- Secure cycle storage

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

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the garage indicated on the submitted drawings shall not be externally altered or converted to living accommodation and shall be retained for the storage of refuse/recycling and cycles.

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

7.0 INFORMATIVES: Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) 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:

Negotiated a revised plan which omitted the originally proposed cycle store and refuse store from the front of the property and re-located them within the existing garage.

Contact details:

Author: Paul Edwards, Development Management Assistant
Tel No: (01904) 551642

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16/02036/FUL

23 Minster Avenue, Huntington



Scale : 1:1253

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Organisation	City of York Council
Department	CES
Comments	Location Plan
Date	22 November 2016
SLA Number	Not Set

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COMMITTEE REPORT

Date: 1 December 2016 **Ward:** Heworth
Team: Major and **Parish:** Heworth Planning Panel
Commercial Team

Reference: 16/02023/FULM
Application at: Burnholme Community Hub Bad Bargain Lane York YO31 0GW
For: Conversion, part demolition and two storey extension of former Burnholme Community College building to form new Community Hub and Explore Library along with associated access and parking
By: City Of York Council
Application Type: Major Full Application (13 weeks)
Target Date: 19 December 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 This application relates to the redevelopment of part of the Burnholme Community College site as a community hub to include a library, nursery, music rooms and ancillary meeting rooms. The existing school hall will be retained with a new two storey extension to house the library and meeting rooms. The main entrance will be via the new extension into the library area.

1.2 The site operated as a school until 2014 when it was closed due to declining student numbers. Areas of the site have remained in use as sports facilities, nursery, music groups and a place of worship. The Council has carried out significant public consultation with the local community to consider options and develop a masterplan for the site. The current scheme has developed out of these discussions; future applications will deal with other areas of the site. The site is Education Land under the ownership of the Council. The DfE has recently agreed that the site can be developed for alternative uses.

1.3 The local area is mostly residential in character. The site has extensive playing fields to the south and east and abuts Applefields School and St Aelred's RC Primary School. Access is off Bad Bargain Lane and there is a public footpath through the site leading to the Derwenthope development.

2.0 POLICY CONTEXT

2.1 Policies:

CYGP1 Design

CYGP3	Planning against crime
CYGP4A	Sustainability
CYGP9	Landscaping
CYT4	Cycle parking standards
CYED3	Change of use of Pre-School, Primary and Secondary Educational Facilities
CYC1	Criteria for community facilities

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management (Landscape Architect and Ecologist)

3.1 No response received

Highway Network Management

3.2 No response received.

Flood Risk Management Team

3.3 No response received.

Public Protection

3.4 Conditions recommended.

EXTERNAL

Designing Out Crime Officer

3.5 Crime and anti-social behaviour levels are relatively low in the area. A number of recommendations are made to improve crime prevention on the site but these are predominantly not planning matters. A copy of the comments has been forwarded to the applicant for their information.

Yorkshire Water Services

3.6 No response received.

Heworth Planning Panel

3.7 No response received

Neighbour notification and publicity

3.8 No responses received.

4.0 APPRAISAL

4.1 Key Issues

- Principle of the development
- Visual impact
- Impact on neighbouring residential amenity
- Highways and access

4.2 The National Planning Policy Framework (March 2012) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. It also sets out 12 core planning principles that should underpin both plan-making and decision-taking. 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 186 states that Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. 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.

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

4.5 The planned consultation on the Preferred Sites for the emerging City of York Local Plan went before Executive on 30 June, following a meeting with the Local Plan Working Group on 27 June. The emerging Local Plan policies can only be afforded very limited weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Plan is a material consideration.

4.6 Policy GP1 'Design' of the Draft Development Control Local Plan (2005) 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. Policy ED3 seeks to protect existing education facilities except where: a) it can be demonstrated that the existing site is surplus to the existing or future needs of the local catchment area; or b) it can be demonstrated that alternative acceptable sites for the existing use can be provided; and c) the proposal is of a scale and design appropriate to the character and appearance of the locality; and d) the proposal would not result in a loss of facilities for the local community; and e) any redevelopment or extension of existing facilities should have minimal impact on surrounding residential amenity. Policy C1 Planning applications for social, health, community and religious facilities will be granted permission provided that: a) the proposed development is of a scale and design appropriate to the character and appearance of the locality; and b) it would meet a recognised need.

PRINCIPLE OF THE DEVELOPMENT

4.7 The site was previously used as a community college but has not become redundant as a result of falling student numbers. DfE permission has been given for the redevelopment of the site in another use and the Council as applicant has carried out public consultation to look at future uses for the site. The masterplan for the site involves a new care home, housing, health centre and community hub with the existing sports facilities being retained. The current application is for only the community hub element of the masterplan.

4.8 Within the Preferred Sites Consultation Document which was at consultation over the summer, the site is suggested as a housing site with 81 dwellings on a 1.7Ha site. This density reflects the masterplan for the site and allows for the community hub, new care home and health facilities. There were few representations on the site at preferred options stage and no representations have been received as a result of the current application. Given the surrounding residential use and the proposed mixed residential/ community facilities use of the Preferred Sites Document it is considered that the proposed use is acceptable in principle subject to other material planning considerations.

VISUAL IMPACT

4.9 The existing main hall is the equivalent of almost three storeys in height, so the proposed two storey extension to the east elevation will sit comfortably alongside and help reduce the visual impact of the existing building. In addition, the tall vertical windows of the existing hall have been replicated on the new extension with full height curtain walling and glazing. It should be noted that all the existing fenestration on the retained existing building is to be replaced with new colour coated aluminium framed windows to match the new build, thereby giving a consistent and co-ordinated external appearance and important visual connection between old and new. Similarly, the external walls of the new extension will recognise the dominant red brick façade of the existing by incorporating facing brickwork at ground floor level. This will be constructed in two shades of red brick with the plinth and column casings closely

matching the existing red brick walls and the brick panels above in a slightly lighter red to provide a subtle variation within the same red colour palette.

4.10 Contrasting with the red brickwork of the ground floor walls, the first floor will be mainly through coloured render panels in a pale neutral colour (off white or light grey/buff) providing a relief from the predominant brickwork in both colour and texture. Again influenced by the mainly flat roofs of the retained existing buildings, the new extension will have a 'green' flat roof with large projecting eaves, which will not only create a striking feature aesthetically but also afford the significant areas of glazing with shade to reduce glare and solar gain to internal spaces. The eaves detailing will be such that the colour coated aluminium fascias will appear lightweight to give the impression of the roof 'floating' above the walls below.

4.11 In visual terms it is considered that the proposal will be in keeping with the retained buildings on site and the character of the area. The proposed materials and design will help to visually tie the extensions to the host building while adding interest and character to the site. The entrance feature will be visually prominent and help to guide users to the main entrance to the building while the glazing will ensure that the building is not visually intrusive. The new extension will be clearly visible from the highway and is considered to make a positive contribution to the streetscene. Some screening will be provided by the existing trees to the front of the site in the verge which are to be retained. A condition is suggested to ensure retained trees are protected during demolition and construction and that a landscaping scheme is submitted.

IMPACT ON NEIGHBOURING RESIDENTIAL AMENITY

4.12 The proposed community hub is not significantly closer to neighbouring residential properties than the existing school buildings nor is the proposed use considered significantly different to the existing use on the site. As such it is considered unlikely that there will be any significant additional impact on neighbouring amenity through noise and disturbance as a result of the proposal. The site has obviously been under-utilised over the past two years since the school closed and as such the proposal will result in an increase in comings and going but this is unlikely to be significantly greater than when the site was in use as a school.

4.13 The buildings are set back from the highway and across the road from the nearest residential properties and so there is unlikely to be any increase in overshadowing as a result of the proposal. Similarly the distances involved (approximately 40m to the nearest dwelling) are such that overlooking from the new extension is not considered to impact on neighbouring amenity.

HIGHWAYS ISSUES

4.14 The access points to the site remain significantly similar to the existing situation. The existing access will serve an area of parking for the nursery, Kids Club and sports

centre while the existing exit will become the main access point to the site. An area of parking will be provided here adjacent to Bad Bargain Lane for the community hub. Parking within this area of the site remains similar to the existing situation with a small increase in disabled parking bays proposed. Cycle parking remains the same as currently.

5.0 CONCLUSION

5.1 The proposed redevelopment of the Burnholme Community College site has undergone significant community consultation resulting in a masterplan for a mixed use site. This application is the first of a series of applications for the different areas of the site and relates to a community hub which will be positioned to the front of the site facing Bad Bargain Lane. The hub will include a library, meeting rooms, a nursery and other community facilities and will incorporate the existing school hall. Much of the rest of the school buildings are to be demolished and a two-storey extension will be constructed adjacent to the school hall.

5.2 The siting of the proposals away from neighbouring residential properties will help to ensure that there is little impact on residential amenity and the level of community involvement has helped to reduce concerns from the community. The design and materials of the extension are in keeping with the character of the area whilst producing a focal point for the hub. Sustainability features such as a green roof and a photovoltaic array will also be included and the scheme is seeking to achieve BREEAM Very Good.

5.3 The proposed development complies with relevant policies GP1, C1, ED3 and GP4a of the DCLP and policy within the NPPF.

COMMITTEE TO VISIT

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 Prior to the development hereby approved coming into use, two three pin 13 amp external electrical socket which are also suitable for outdoor use shall be installed. The sockets shall be located in a suitable position to enable the charging of an electric vehicle whilst parked in a bay by using a 3m length cable.

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

enable the socket to be turned off.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles. To promote the use of low emission vehicles on the site in accordance with paragraph 35 of the National Planning Policy Framework.

5 LC4 Land contamination - unexpected contam

6 The development shall be constructed to a BRE Environmental Assessment Method (BREEAM) standard of 'very good'. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority within 3 months of occupation of the building. Should the development fail to achieve a BREEAM standard of 'very good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve a standard of 'very good'. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and paragraphs 2.1 to 2.4 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

7 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.

8 HWAY18 Cycle parking details to be agreed

9 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

10 Trees and shrubs shown to be retained on the approved plans shall be protected during the development of the site by the following measures:-

- (i) A chestnut pale or similar fence not less than 1.2 metres high shall be erected at a distance of not less than 4.5 metres from any trunk;
- (ii) No development (including the erection of site huts) shall take place within the crown spread of the trees;
- (iii) No materials (including fuel or spoil) shall be stored within the crown spread of the trees;
- (iv) No burning of materials shall take place within three metres of the crown spread of any tree;
- (v) No services shall be routed under the crown spread of any tree without the express written permission of the Local Planning Authority.

Reason: In order to safeguard the existing landscape features of the site.

11 NOISE7 Restricted hours of construction

7.0 INFORMATIVES: Notes to Applicant

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

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

2. INFORMATIVE:

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

Contact details:

Author: Alison Stockdale, Development Management Officer (Wed - Fri)

Tel No: (01904) 555730

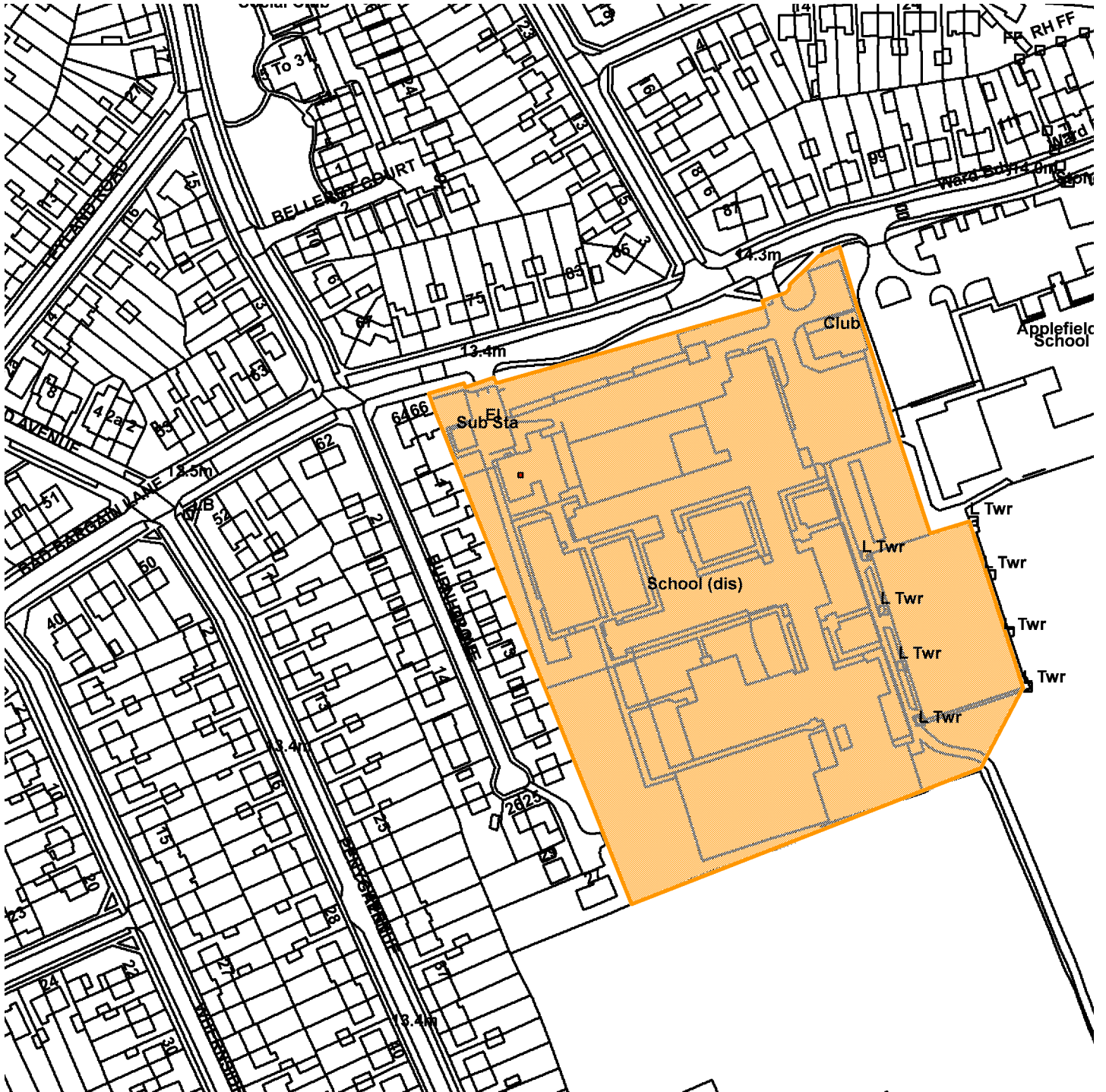
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16/02023/FULM

Burnholme Community Hub, Bad Bargain Lane



GIS by ESRI (UK)



Scale : 1:2005

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Organisation	City of York Council
Department	CES
Comments	Location Plan
Date	22 November 2016
SLA Number	Not Set

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COMMITTEE REPORT

Date: 1 December 2016 **Ward:** Fishergate
Team: Major and **Parish:** Fishergate Planning
Commercial Team Panel

Reference: 16/01983/FULM
Application at: North Yorkshire Police Police Station Fulford Road York
YO10 4BY
For: Erection of two storey exhibit store with single vehicle garage
following demolition of existing single storey store and garage
and alterations to retained garages
By: Mr Ken Wilson
Application Type: Major Full Application (13 weeks)
Target Date: 27 December 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for a replacement evidence store for the Fulford Police Station and some external alterations to the existing garages/stores attached to the existing exhibit store. The proposed building is two storey and extends further into the car park and on to a grassed area to the east. The remaining extent of this grassed area will be hard-surfaced and include a covered area for hazardous substances.

1.2 The front of the site on to Fulford Road is within the Conservation Area although the part of the site subject to this application is to the rear of the site behind the main building and is not considered to impact upon its setting. The existing building is a modern flat roof brick and cladding single storey construction linked to the main building by a series of garages. To the rear of the site is a grassed bank with a number of attractive semi-mature trees.

2.0 POLICY CONTEXT

2.1 Policies: CYGP1 Design

3.0 CONSULTATIONS**INTERNAL**Public Protection

3.1 No objections to the proposal but a condition is suggested to report unexpected contamination to the Council.

Highway Network Management

3.2 No objections. Parking lost as a result of the scheme can be accommodated within the other on-site parking areas.

Planning and Environmental Management (Landscape Architect)

3.3 No response received.

EXTERNAL

Neighbourhood Notification and Publicity

3.4 None received.

Fishergate Planning Panel

3.5 No response received.

4.0 APPRAISAL

4.1 Key Issues

- Principle of the development
- Visual impact
- Impact on neighbouring residential amenity
- Highways and access

4.2 The National Planning Policy Framework (March 2012) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. It also sets out 12 core planning principles that should underpin both plan-making and decision-taking. 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 186 states that Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. 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.

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

4.5 The emerging Local Plan policies can only be afforded very limited weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Plan is a material consideration.

4.6 The relevant City of York Council Local Plan 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.

PRINCIPLE OF THE DEVELOPMENT

4.7 The proposal is for a replacement evidence centre for the police station which is within the urban area of York. The site is unallocated within the DCLP and within the new Local Plan. As such the proposal is considered to be acceptable in principle subject to other material planning considerations.

VISUAL IMPACT

4.8 The proposed building is of a modern construction with a red brick plinth and white cladding with blue detailing above. It has a flat roof and roller shutter doors and windows in the West elevation. The height of the building is 7.5m as compared with 5.5m for the existing building. There is an increase in the footprint of the new building with the building extending to the North over some parking and to the East in to a grassed area.

4.9 The building is utilitarian in appearance but has been designed to the specific requirements of the client to include storage for a variety of evidence including bulky white goods, bicycles and firearms and reception/office facilities. The first floor contains paper storage and additional evidence storage.

4.10 The site is some distance from the boundary with Imphal Barracks to the south with a landscape buffer between the two sites. The building is not clearly visible from the public highway. Although it will be approximately 2m higher than the existing building, it's position away from site boundaries helps to ensure that the proposal will have little impact on visual amenity.

RESIDENTIAL AMENITY

4.11 The proposed building is a significant distance from any residential properties and there is therefore unlikely to be any impact on neighbouring residential amenity.

HIGHWAYS AND ACCESS

4.12 The proposal results in a loss of 10 parking spaces. It is considered that there is sufficient parking provision within the wider site to accommodate the displaced parking.

5.0 CONCLUSION

5.1 The application is recommended for approval as it complies with relevant policy in terms of its design and impact on amenity. The proposal will provide a modern purpose-built storage facility for the police allowing them to securely store evidence. The building replaces the existing out-dated structure but does not significantly increase the development footprint and with only a small increase in height. The building is some distance from residential properties and unlikely to cause any impact on residential amenity.

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved Drawings
- 3 LC4 Land contamination - unexpected contam
- 4 DRAIN1 Submission of drainage details
- 5 HWAY19 Car and cycle parking laid out
- 6 VISQ8 Samples of exterior materials to be app
- 7 NOISE7 Restricted hours of construction

7.0 INFORMATIVES: Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) and having taken account of all relevant national guidance and local

policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

2. INFORMATIVE:

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

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

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

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

(d) There shall be no bonfires on the site

Contact details:

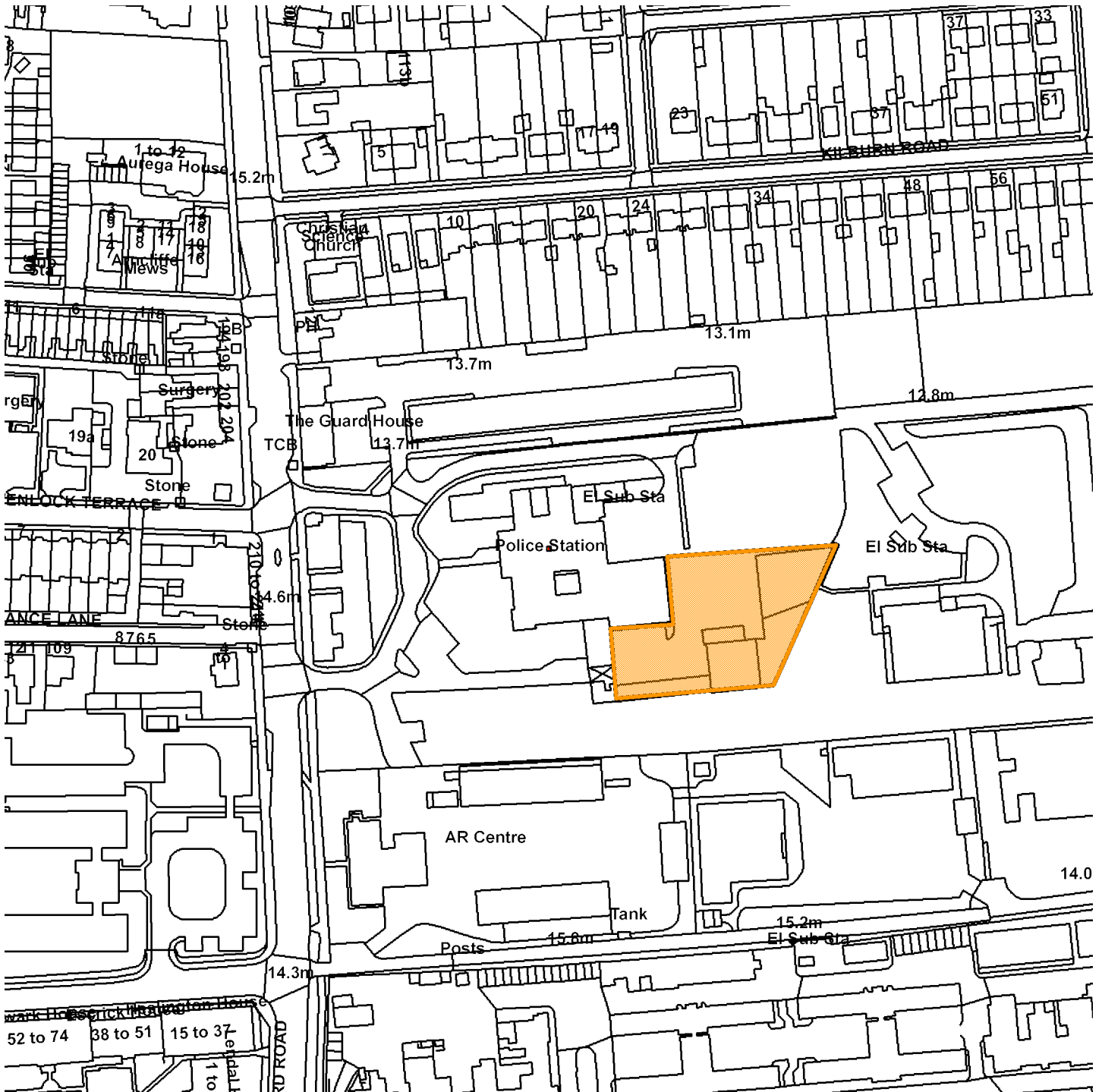
Author: Alison Stockdale, Development Management Officer (Wed - Fri)

Tel No: (01904) 555730

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16/01983/FULM

North Yorkshire Police, Police Station, Fulford Road



Scale : 1:2005

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Organisation	City of York Council
Department	Economy & Place
Comments	Location Plan
Date	22 November 2016
SLA Number	Not Set

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COMMITTEE REPORT

Date: 1 December 2016 **Ward:** Rawcliffe And Clifton Without
Team: Major and Commercial Team **Parish:** Rawcliffe Parish Council

Reference: 16/01848/FUL
Application at: Land To Rear Of 246 Shipton Road Rawcliffe York
For: Erection of two storey dwelling and detached garage/store
By: Mr Dale Rhodes
Application Type: Full Application
Target Date: 4 November 2016
Recommendation: Refuse

1.0 PROPOSAL

1.1 The proposal is for a new detached dwelling on a disused garden plot to the rear of 246 Shipton Road. The site is accessed off Rawcliffe Croft. The character of the area is residential with traditional semi-detached properties forming the majority of the housing stock. There is a regularity in the streetscene as a result of this with properties being evenly spaced and separated by garages. Even when extensions have been constructed between the properties, these are at ground floor and the visual separation at first floor is retained.

1.2 The site is heavily overgrown and 246 Shipton Road has obviously been vacant for some time and is now in a state of disrepair. The site is within flood zone 2 and 3.

1.3 The Rawcliffe and Clifton Without Ward Councillors have requested that the scheme is determined at sub-committee. They have raised concerns related to drainage and flood risk; inadequate sewage disposal; proximity to and overlooking of existing properties; and incompatibility with existing development.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Floodzone 2
Floodzone 3

2.2 Policies:

CYGP1 Design
CYH4A Housing Windfalls

CGP15A Development and Flood Risk

CYGP4A Sustainability

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 No objections subject to conditions

Public Protection (contaminated land)

3.2 No objections subject to conditions

EXTERNAL

Kyle and Upper Ouse IDB

3.3 No comments

Yorkshire Water

3.4 No objection to the proposed building stand-off from the public sewer and suggests a condition related to surface water drainage.

Environment Agency

3.5 Objects to the scheme as the submitted Flood Risk Assessment (FRA) does not comply with the guidelines set out in the Planning Policy Guidance in the NPPF and therefore does not present a suitable basis for assessing the flood risks associated with the proposed development. The LPA should also satisfy itself that the Sequential and Exception Tests have been carried out in an open and transparent way and in accordance with the NPPF and have been passed.

Rawcliffe Parish Council

3.6 Objects to the scheme for the following reasons:

- Size, scale and design of the proposed development is overbearing and unduly dominant in nature.
- The materials to be used are out of character with properties in the surrounding area
- The proposed development would be incongruous on the street scene; conflicting with the existing form of and layout of the area, to the detriment of the character, appearance and visual amenity of the area.

- The development would adversely impact on the amenity residents to the rear of the property; having an unacceptable impact on light, privacy and enjoyment of their properties.
- The application form for this development clearly states that this development that the proposal is not within 20m of a water course, when in fact the development would lie directly above a water culvert; this in turn renders the Flood Risk Assessment provided with the application unfit for purpose.
- This particular area of Rawcliffe is susceptible to flooding due to the high water table and proximity to the culvert; such a development will increase such flooding risks to surrounding properties.

Neighbour Notification and Publicity

3.7 Letters of objection have been submitted by 11 local residents. These raise the following concerns:

- The proposal will increase flood risk. The site was left clear due to concerns about flooding and drainage.
- The proposal does not fit with the character of the area and will overlook neighbouring properties and block light.
- Overlooking to neighbouring properties.
- The design and materials of the new dwelling are out of keeping with neighbouring properties.
- The new dwelling is too close to the boundaries.
- It will impact on the sewer that crosses the site.
- Concern about noise, disturbance and highway congestion during construction.
- The proposal does nothing to improve the saleability of the existing derelict property 246 Shipton Road.
- Drainage concerns.

4.0 APPRAISAL

KEY ISSUES

- Principle of the development
- Flood risk
- Design and character of the proposal
- Amenity considerations

POLICY CONTEXT

4.1 Central Government guidance is contained in the National Planning Policy Framework (NPPF, March 2012). Paragraph 7 of the National Planning Policy Framework says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Footnote 9 of paragraph 14 contains restrictions where this presumption in favour of sustainable

development does not apply, including land at risk of flooding. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as seeking high quality design, taking full account of flood risk, conserving and enhancing the natural environment, and actively managing patterns of growth to make fullest possible use of public transport, walking and cycling.

4.2 Section 6 of the NPPF 'Delivering a wide choice of high quality homes' seeks to boost the supply of housing. 4.5 Section 7 of the NPPF requires good design. At paragraph 56, it says that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

4.3 Section 10 'Meeting the challenge of climate change, flooding and coastal change offers advice on locating new development to avoid increased flood risk. Paragraph 103 advises that in the determination of planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas of risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the exception test, it can be demonstrated that the site is located within the site in an area of lowest flood risk, and the development is appropriately flood resilient and resistant.

4.4 Although there is no formally adopted local plan for York, the City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF. Policies considered to be compatible with the aims of the NPPF and most relevant to the development are GP1 'Design', GP15a 'Development and Flood Risk', and H4a 'Windfalls'.

4.5 At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF).

PRINCIPLE OF THE DEVELOPMENT

4.6 The site lies within a residential area of Rawcliffe and close to a public transport route. However, the site falls within an area at high risk of flooding. In accordance with footnote 9 of paragraph 14 of the NPPF, the usual presumption in favour of sustainable development established by the NPPF does not apply. Instead, the more restrictive policies in section 10 of the Framework must be applied.

FLOOD RISK

4.7 Paragraph 103 of the NPPF states that development should be directed to the

areas of low flood risk and that development should not result in an increase of flood risk within the site or elsewhere. Planning Practice Guidance (PPG) on Flood Risk and Coastal Change (updated 15.04.2015) explains that the aim is to steer new development to flood zone 1 and where there are no reasonably available sites in this zone, the local planning authority should take into account the flood risk vulnerability of land uses and consider reasonably available sites in flood zone 2, applying the exception test if required. The site lies in high risk flood zone 3a and, was affected by flooding in 2000. As the proposed development is classified in the NPPF as a 'more vulnerable use', the proposal would need to satisfy the sequential test in order to demonstrate that there are no suitable alternative sites at lower risk of flooding.

4.8 The proposal related to the erection of a single dwelling. Given that the area of search for the sequential test would normally be the local authority area, it is highly unlikely that no other alternative sites could be identified within flood zones 1 or 2 that could not accommodate the proposed development. On this basis the proposal would fail the sequential test. Only if the proposal passes the sequential test would the exception test then need to be applied and a site-specific flood risk assessment considered. In any event, no sequential test has been submitted with the application. In accordance with the NPPF and PPG, the lack of application of the sequential test is grounds for refusal.

4.9 The Council's Strategic Flood Risk Assessment makes the following statement in relation to the Blue Beck area, which includes the site:

Blue Beck has 1 in 80-year (1.1%) protection from the River Ouse, but has the potential to flood behind the defences due to insufficient flood storage, which persists within the catchment. No further development should be permitted in this area unless it passes the exception test, including a specific Flood Risk Assessment, in line with Environment Agency requirements.

DESIGN AND CHARACTER

4.10 The applicant has submitted a revised scheme in response to officer's concerns about proximity to boundaries and scale of the proposal.

4.11 It is considered that the revised scheme sits well within the plot. The elements of the building closest to the neighbours at 32 and 34 Rawcliffe Croft are single storey so as keep the bulk of the building within the centre of the plot. The design of the property is modern with a shallow pitched roof and eaves at 5.0m above ground level. The highest part of the roof is in the centre of the site, again ensuring the bulk of the building is away from the boundaries.

4.12 The modern design of the building is considered acceptable. While the character of the area is predominantly semi-detached dwellings, the site is set back from the highway and the property will not be clearly visible in the streetscene. The site is not within a Conservation Area and the dwelling will have little impact on the streetscene

as a result of its position. The proposal is clearly residential in nature and as such the design is appropriate.

AMENITY CONSIDERATIONS

4.13 The proposed dwelling will provide acceptable levels of amenity for future residents. There is a rear garden and bin and cycle storage provided for the amenity of residents.

4.14 There is potential for disturbance to neighbouring residents as a result of the siting of a new dwelling in a position surrounded by rear gardens which have previously only backed on to other gardens. However the application is only for one new property and distances to the boundary are acceptable as discussed above and therefore the impacts are likely to be minimal. While the property is set back from the highway, the garden will back on to other gardens and there is good boundary treatment to provide some protection. It is unlikely that the impact on neighbouring amenity as a result of noise and disturbance from the property will be excessive.

4.15 Distances between main windows and boundaries are generally acceptable. The rear of the property is approximately 7m from the boundary with No's 244 and 246 Shipton Road. To the North, the single storey element of the building is 2m from No.32 Rawcliffe Croft at the nearest point and the two storey bulk of the building is 2.6m from the neighbouring property at the nearest point. To the East the building is 1.4m from the boundary with No.34 Rawcliffe Croft. These distances all represent the closest point of the proposed property to the boundary with the bulk of the building angling away from the boundaries. It should also be noted that the property is approximately 5m to the eaves and 6.5m to the ridge and is therefore relatively modest in height for a two storey dwelling. While the rear ground floor windows are slightly closer to the boundary than would be preferable, these could be screened by the boundary treatment, and the distance of approximately 20m between these windows and the rear windows of the properties on Shipton Road is acceptable. First floor windows are approximately 7m from the boundary at the rear which is an acceptable distance from neighbouring properties to avoid overlooking of properties or gardens. It is also noted that the size of rear garden is similar to other properties on Rawcliffe Croft with similar distances from the rear elevation to boundary as those properties.

4.16 A garden store is proposed to the front of the property in line with the existing houses on Rawcliffe Croft. This is not considered a positive addition to the streetscene however it is a form of development which is not out of keeping with the streetscene. It is sited level with the front of No.34 Rawcliffe Croft and of a form similar to a single garage but without a front garage door.

4.17 Concern has been raised about overshadowing as a result of the scheme. As stated above, the building has been brought further off the boundaries with single storey elements closest to the South-east and north-west boundaries. While there

may be some increase in overshadowing to the rear of No.32 Rawcliffe Croft in the middle of the day as a result of the proposal, this will be minimised by the scale and siting of the proposal. Overshadowing as a result of the scheme is unlikely to significantly impact on daylight to the neighbouring properties themselves or patio areas directly adjacent to those properties.

OTHER ISSUES

4.18 The proposal is acceptable in terms of its parking provision and access.

4.19 The applicant has undertaken a survey of the sewer on site. The building is sited with sufficient easement that it will not impact on the sewer and Yorkshire Water have not raised any objections to this.

5.0 CONCLUSION

5.1 The application has been submitted without an acceptable FRA or a Sequential and Exception test which are required for more vulnerable development in Flood Zone 3. As such the proposal is contrary to policy contained in the NPPF and therefore recommended for refusal as being contrary to relevant flood risk policy.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The application site is located within the high risk flood zone 3a. The proposal constitutes more vulnerable use. As such, the sequential test and further the exception test must be passed in order to allow such development. The applicant has failed to submit evidence of the availability of alternative sites at lower risk of flooding to allow the Local Planning Authority to assess whether the sequential test has been satisfied. As such, the proposal fails to satisfy the requirements contained in national planning policy. Furthermore, the proposal has not demonstrated that it would not result in increased flood risk on site or elsewhere. It is therefore, contrary to national planning policy contained in paragraphs 102 and 103 of the NPPF, Policy GP15a of the Draft Local Plan 2005 and the City of York Strategic Flood Risk Assessment Revision 2 (March 2013).

7.0 INFORMATIVES:

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 an attempt to achieve a positive outcome:

Informed the applicant about the need for sequential and exception tests.

Notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

Contact details:

Author: Alison Stockdale, Development Management Officer (Wed - Fri)

Tel No: (01904) 555730

16/01848/FUL

Land To Rear Of 246 Shipton Road, Rawcliffe



Scale : 1:1253

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Organisation	City of York Council
Department	Economy & Place
Comments	Location Plan
Date	22 November 2016
SLA Number	Not Set

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COMMITTEE REPORT

Date: 1 December 2016 **Ward:** Rawcliffe And Clifton
Without
Team: Major and **Parish:** Rawcliffe Parish Council
Commercial Team

Reference: 16/01173/FULM
Application at: North Lodge Clifton Park Avenue York
For: Erection 3-storey building forming 14 flats following
demolition of existing buildings (resubmission)
By: Mr Mike Green
Application Type: Major Full Application (13 weeks)
Target Date: 23 January 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is to demolish the existing two storey building and replace with a three storey building creating 14 flats (12 x 2 bed flats and 2 x 1 bed flats).

1.2 The building originally formed part of the old Clifton Hospital, and is thought to be "Greystones" - the clerks building. The building had recently been used as offices. The building is not listed. The site is not within a conservation area. The site is within Flood Zone 1. The path to the south of the building is adopted highway. The site is within the general extent of the greenbelt. The trees to the north east boundary have specific tree preservation orders, and all trees within the area are covered by a group tree preservation order.

1.3 There is a care home to the West of the site; to the South of the site is an office building which has recently gained planning permission for change of use to an outpatients hospital, they are separated by a public/adopted footpath. To the North and East of the site is Shipton Road.

1.4 A change of use of the offices to 11 no. flats (use class C3) under Class J Part 3 Schedule 2 of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995 has recently been granted for this building (14/01983/ORC). Prior Notification for the demolition of the building (16/00161/DMNOT) was granted in February 2016. At the time of writing the original building had been demolished, the extension was still standing.

1.5 An application for a three storey building contained 14 flats was withdrawn from committee in January 2016. Officers recommend refusal on the grounds of the loss of a non-designated heritage asset and that the creation of 14 flats was not considered to justify or outweigh the loss of the building with a replacement building that was of poorer architectural quality and was considered to make a much poorer

contribution to the area in terms of visual amenity, character, loss of architectural variation, and distinctiveness.

1.6 Revised plans have been submitted altering the footprint and layout of the proposed building. An updated bat survey was submitted during the process. During the application information was submitted regarding the possible architect of the original building.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

2.2 Policies:

CYSP2	The York Green Belt
CYSP3	Safeguarding the Historic Character and Setting of York
CYGP1	Design
CYGP3	Planning against crime
CYGP4A	Sustainability
CYGP9	Landscaping
CGP15A	Development and Flood Risk
CYNE1	Trees, woodlands, hedgerows
CYNE6	Species protected by law
CYNE7	Habitat protection and creation
CYGB1	Development within the Green Belt
CYT4	Cycle parking standards
CYE3B	Existing and Proposed Employment Sites
CYL1C	Provision of New Open Space in Development
CYED4	Developer contributions towards Educational facilities

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management

3.1 No objections. Access to the development is from an unadopted access road. Car parking and turning is in accordance with CYCs Appendix E standards. Access to the nearest bus stop is available via the public footpath. The applicant has stated previously that refuse will be collected by commercial refuse collectors.

3.2 Cycle parking is not fully detailed. It needs to be enclosed, secure, and accommodate 1 cycle per unit, to achieve our standards however further cycle parking details may be conditioned

3.3 Due to the location, size of the properties proposed and limited off-street parking, the development has the potential to still attract multiple car ownership but

without the off-street facilities to accommodate them. HNM have secured agreement from the developer that they provide the following contributions/measures to incentivise sustainable travel thus reduce the potential impact on the highway: First occupiers to be offered the choice of either a free cycle (or vouchers up to the value of £160 per unit) or 6 month bus pass per unit.

Planning and Environmental Management (Landscape Architect)

3.4 The proposal aims to retain the young Oak and Ash on the boundary with Shipton Road. Similarly the trees to the north of the building can be feasibly retained as proposed. This latest proposal creates a space in the internal angle of the northeast of the building, which would allow the planting of a sizeable tree in order to perpetuate the treed landscape of Shipton Road and Clifton Park.

Planning and Environmental Management (Ecology Officer)

3.5 Emergence surveys carried out in 2015 and 2016 have identified a small number of day roosts within the building, occupied by solitary common pipistrelle bats. All of the roosts identified are solitary day roosts, and it is likely that these roosts are occupied by male bats which tend to roost individually during the summer months. No roosts were identified within any of the mature trees along the roadside and lining the access from within Clifton Park, but regular foraging did take place around these during the activity surveys, particularly around the trees along the access road. Due to the presence of small, solitary day roosts within the roof of North Lodge, demolition work will need to be carried out under Licence from Natural England, but with appropriate mitigation it is not considered that the proposals will significantly impact on the conservation status of this species.

Planning and Environmental Management (Archaeology)

3.6 The demolition will have a significant and detrimental impact on an undesignated heritage asset. Clifton Hospital has its origins in the 1845 Lunacy Act which required each of the three authorities in the York area to provide accommodation for pauper lunatics which had previously been housed in various buildings and workhouses as well as at York Lunatic Asylum. The North and East Ridings formed a Joint Committee to develop a combined institution and a site was chosen off the Shipton Road. George Gilbert Scott in partnership with William Bonython Moffatt provided the plan for the original building based upon the usual corridor plan of the time. The main gate was protected by a lodge cottage (North Lodge, subject of this application).

3.7 The loss of this significant and prominent building of the 19th century mental hospital is to be regretted. If the application is approved, the building will require full recording prior to demolition.

Flood Risk Management Team

3.8 Insufficient information has been submitted to assess the surface water drainage scheme; the information can be sought via a condition

Public Protection

3.9 From a noise perspective, principal concerns relate to the impact of the A19 on the residential properties and the impact from the demolition and construction phases of the development on the nearby care home and other properties. No noise assessment has been submitted. Ideally a noise report should have been submitted to demonstrate that the internal noise levels in the proposed properties could achieve the levels detailed with the World Health Organisation Guidelines on Community Noise, BS8233 (2014) and those detailed within the application. However, given the existing residential units in the area would request a condition regarding the insulation of the building envelope.

3.10 The submitted Phase 1 site assessment identifies that the sites former use as part of a hospital may have given rise to contamination such as ash and clinker deposits associated with coal/wood fires, and the uncontrolled deposition associated with construction of extensions i.e. fuel oils, asbestos. As a result of this it is recommended that further site investigation is carried out to determine whether land contamination is present. If contamination is found, remedial action will be required to ensure that the site is safe and suitable for its proposed use. The investigation of land contamination and remediation scheme can be sought via condition.

3.11 The scheme involves the provision of 18 car parking spaces, 3 of which will be for visitors. Paragraph 35 of the NPPF states that plans should 'protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people'. Request that at least one visitor parking bay must be marked out for use by electric vehicles only, together with charging infrastructure and cabling. Request a Construction and Environmental Management Plan to be sought via condition

Public Realm

3.12 No open space contribution required

Education Planning Officer

3.13 Education Contribution not required

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Rawcliffe Parish Council

3.14 No objections, however they have concerns regarding the high water table in the area, therefore request an appropriate drainage scheme to be part of the planning permission.

Clifton Without Parish Council

3.15 No objections, happy with the revised appearance of the proposed building

Police Architectural Liaison Officer

3.16 Within 500m radius of the development site and over a twelve month period from the 1st May 2015 to the 30th April 2016 there were 32 incidents of anti-social behaviour and 65 crimes recorded (25 relating to property crime). No documents with the application to demonstrate how the applicants have considered crime prevention in respect of their proposal. 1.2 Metre high fence between footpath and car park will not provide a secure boundary. Recommend minimum height of 1.8m. Request a number security design issues such as external lighting, gate to be electronically controlled etc. Insufficient parking provision, considered there is a requirement for more than one space per flat. May lead to parking issues in the surrounding area. Request that applicant draw up a maintenance plan to address such issues as: Litter/graffiti removal; Repair to security features such as lighting, access control, fencing and gates, etc. Management of the site reduces the feeling of insecurity.

Yorkshire Water

3.17 The drainage strategy is not satisfactory, the report should clarify how and where the site currently drains its surface water. Not demonstrated that soakaways are not an option. There is a surface water sewer within Clifton Park Avenue which discharges to a watercourse this could be an option. Seek condition require details of surface water drainage scheme

Kyle and Upper Ouse Internal Drainage Board

3.18 No comments received

Victorian Society

3.19 Object, North Lodge is a non-designated heritage asset of note and one that could be easily retained, the loss of which - according to paragraph 135 of the NPPF - is a material consideration in determining the application. The demolition of the later extensions would free up space on which to build whilst allowing the retention

of the heritage asset. It would also preserve the historic associations of the building and the site as well as the positive contribution the building makes to the character and appearance of the local built environment. By contrast this application proposes the harmful and unjustified demolition of a locally significant building, one almost certainly designed by a nationally important architect, which would erode the quality and identity of the local area. A far more sensitive solution is not only desirable but readily achievable.

3.20 The identity of the architect of the lodge - George Fowler Jones, himself an architect of some note, particularly in the local context and that of nineteenth-century asylum planning. The demolition of the lodge has not been justified.

Publicity and Neighbour Notification

3.21 2 letters of objection:

- Height of the proposed building contrary to surrounding character
- Third floor windows and balconies will result in a loss of privacy to nearby dwellings, this may be mitigated by more trees being planted along the boundary with Shipton Road
- The conversion of the existing building would be more in line with the NPPF. It would be more sustainable than a new building. This would retain the Lodge building which is deemed to be of historical value
- Proposed development will impact on the visual amenity and architecture quality of the area
- The residential use (24/7) will have a greater impact than the office use (7 hours a day, 5 days a week)
- Acoustic survey is required as the balconies may be unusable during the day
- Windows should be angled away from nearby dwellings
- Lighting strategy is required to reduce light pollution

3.22 3 Letters of Support:

- Understand the current building is run down and not fit for purpose as offices or to be converted for residential use, we therefore strongly support the application. We also understand that the natural stone and roof tiles will be retained and reused to ensure the new building is fully in keeping with the surrounding environment.
- Proposed building would be much better designed and thought out.

4.0 APPRAISAL

KEY ISSUES

- Planning policy

- Green belt
- Loss of office space
- Design and Appearance
- Residential Amenity
- Ecology
- Drainage

ASSESSMENT

Planning Policy

4.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

Draft Development Control Local Plan (2005)

4.2 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, 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.

4.3 Policy GB1 'Development in the Green Belt' of the DCLP sets out a number of criteria of considering new sites, whilst some of the specific criteria do not comply with the NPPF the general aim of the policy is considered to be in line with the NPPF.

4.4 Policy SP2 'The York Green Belt' states that the primary purpose of the green belt is to safeguard the setting and historic character of the city. Policy SP3 'Safeguarding the Historic Character and setting of York' states high priority will be given to the historic character and setting of York. The general aim of the policy - take account of the different roles and character of different areas - is considered to be in line with the NPPF.

Emerging Local Plan

4.5 The public consultation on the Preferred Sites 2016 document and supporting evidence for the emerging City of York Local Plan has just ended and the responses are being compiled and assessed. The emerging Local Plan policies can only be afforded very limited weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Plan is a material consideration in the determination of planning applications.

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

4.7 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be restricted. This presumption does not apply in Green Belt locations.

Green Belt Status of the Site

4.8 The site is located within the general extent of the York Green Belt as described in the RSS. The DCLP (2005) and the emerging local plan designate the site as greenbelt. The wider site is used as mixture of office, car parking, and dwellings and prior to this it was used as Clifton Hospital.

4.9 The NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential characteristics of the Green Belt are its openness and permanence. The Green Belt serves 5 purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns;
- and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.10 The site forms part of a green wedge and serves a green belt function for the following reasons: undeveloped open space with a rural feel reaching close to the centre of the city; allow an open aspect and views towards important city landmarks; physical separation between urban forms of a different character; and open areas which build upon the presence of the strays and form a more pronounced separation between areas of different urban form, character and history.

4.11 Whilst being adjacent to the inner greenbelt boundary and surrounded by development is considered to fulfil 1 of the 5 Green Belt purposes (to preserve the setting and special character of historic towns), by virtue of its location adjacent to a main and historical route into the city.

Impact on the openness of the Green Belt

4.12 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. NPPF paragraph 89 states that the construction of new buildings is inappropriate in the Green Belt, save in the case of a list of exceptions including: limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Much of the building has been demolished, therefore the proposed development would have a greater impact than what is on site. However by virtue of the nature of the developed site, and that the site is surrounded by 2 and 3 storey developments it is not considered that redevelopment of this site would have a greater impact on the openness of the greenbelt and the purposes of including land within it, as such it is considered to fall with the aforementioned exception set out in para 89 of the NPPF

Loss of Office Space

4.13 Government policy is to assist the economy, 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 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).

4.14 Policy E3b of the Draft 2005 Local Plan seeks to keep all office 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.

4.15 Much of the building has been demolished; the remaining part of the building is currently used as office space. 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. The NPPF states that 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. The applicant has not demonstrated that there was no longer a qualitative or quantitative need for this building. The part demolished building had previously been granted planning permission (under permitted development rights) for its conversion into residential flats. Whilst the site could be re-developed for office use (subject to a further planning permission) there appears little realistic prospect of that happening, the residential redevelopment scheme is before Members and given the policy of the NPPF for local planning authorities to boost significantly the supply of housing it is considered that on balance that a residential scheme is acceptable.

Design and Appearance

4.16 The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; take account of the different roles and character of different areas; encourage the effective use of land by reusing land that has been previously developed land); conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

4.17 The recently demolished building was considered to be a non-designated heritage asset. A Prior Notification for Demolition of the building was granted earlier this year, the General Permitted Development Order does not enable the LPA to consider such issues.. As the original building has been demolished the non-designated heritage asset consideration can no longer be taken into account when assessing the application.

4.18 With regards to design the NPPF states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness. It then goes onto to state that 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.

4.19 The footprint of the proposed building is similar in scale to the previous building. The proposed building would be taller than the original building; the massing would be greater by virtue of the reduced roof variations. However it is considered that the resulting development would not be unduly prominent within the street-scene when viewed from Shipton Road, the hedge and the trees along the eastern boundary would create a visual break that would help to mitigate/screen the impact. The proposed building would be viewed in context of the surrounding development: the three storey care home to the North West is taller than the proposed building; and the two storey office block to the south which is set at a lower height than the proposed. The proposed materials would be similar to the building it replaces (stone, stone copings, slate). The appearance of the three storey building is relatively simple and the building would be similar in design quality

to the surrounding development (business units and adjacent care home) and would be in keeping with the prevailing character of the area.

Trees and Landscaping

4.20 Policy NE1 'Trees, Woodlands and Hedgerows' of the Local Plan seeks to protect trees that are of landscape, amenity or nature conservation value by, inter alia, refusing development proposals that would result in their loss.

4.21 The mature trees to the eastern boundary with Shipton Road are a key positive characteristic of the area. The plans show the proposed building located close to the Young Oak Tree (T2) and 10 metre high Ash tree (T1) to the eastern boundary. The proposed development would prevent the Oak tree from reaching its potential by virtue of its proximity, and for this reason it is likely that there would be future pressure to fell this tree. The site plan indicates a replacement tree proposed further north east along the boundary to mitigate the loss and this could be sought via condition.

4.22 With regards to tree T1 the proposed car park follows a similar line to the existing. If the development was considered acceptable the construction of the parking area could be conditioned to take into account the root protection zone.

4.23 The trees are protected by a Tree Preservation order however if planning permission was granted it is considered necessary to condition the retention of the hedge along the shared boundary with Shipton Road, to provide an element of screening. In addition the hedge makes a positive contribution to Shipton Road and is a significant part of the character of the area (matures trees, soft landscaping and open areas). The outside area would be split into garden areas for the ground floor flats. It is considered necessary to also condition the minimum height of the hedge.

Impact on Residential Amenity

4.24 There is a nursing home to the west of the application site. The proposed building is not considered to result in overlooking or a loss of privacy to the occupants of the nursing home. The occupancy of proposed flats are not considered to result in an undue increase in noise disturbance to the area.

4.25 The dwellings to the east are set at such a significant distance that it is not considered there would be any loss of residential amenity. The other buildings in close proximity are of a business use and it is not considered that the proposed building would unduly impact on the functioning of the current businesses.

4.26 Public Protection seek that the envelope of the building is constructed to a standard to provide noise mitigation from Shipton Road, this is considered reasonable and compliant with the NPPF in providing good quality housing stock.

Highways and transport

4.27 The NPPF seeks that LPAs actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

4.28 The application site is in a sustainable location, close to public transport, and reasonably accessible to shops and facilities.

4.29 Secure cycle storage has been provided within the building. However no details have been submitted as to how 14 cycles can be securely stored within this area, these details can be sought via condition.

4.30 Access to the development is from an un-adopted access road. The proposed car parking and turning are in accordance with CYCs Appendix E standards. Access to the nearest bus stop is available via the public footpath. The applicant has stated previously that refuse will be collected by commercial refuse collectors. The Police have requested further parking spaces however by virtue that each flat has a parking space, there is a secure cycle store, and the site is close to good cycle routes, and the site is adjacent to a bus stop of a regular bus service it is considered unreasonable to request further vehicle parking. The Highways Network Management Team has requested cycle provision and that the first occupiers of the development be provided with a bike or a bus pass. As this would only benefit the first occupiers of the dwellings rather than all the occupants it is considered that it would not be reasonable to request this, nor would it fulfil the tests of the National Planning Practice Guidance.

Open Space and Education Contribution

4.31 Development Control Local Plan Policy ED4 states that the impact of new residential developments on local schools needs to be considered. The Education Planning Officer has confirmed they do not require a contribution as there is sufficient space at the local schools

4.32 Policy L1c of the Local Plan states developments for all housing sites will be required to make provision for the open space needs of future occupiers; this is considered to be consistent with paragraph 73 of the NPPF. The Public Realm Operations Manager has confirmed they do not require a contribution as there is a surplus of most open space typologies in the Skelton, Rawcliffe and Clifton Without wards.

Ecology

4.33 The NPPF sets out that the Planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes,

geological conservation interests and soils; minimising impacts on biodiversity and providing net gains in biodiversity where possible.

4.34 The bat survey identified a small number of day roosts within the building which are occupied by solitary common pipistrelle bats. The roosts would be destroyed as part of the demolition works. Bat roosts are protected throughout the year, whether bats are present or not. As such a Natural England European Protected Species development license is required before building work can commence. As the demolition has started on the original building the developer would have been required to have this license before works began. The loss of the roosts will not have a significant impact at a local, regional or national level. Loss of crevice roosting habitat will be mitigated for through the installation of long-lasting, professional quality bat boxes on site as part of the re-development scheme and/or integral bat bricks within the new build. Such habitat provision will ensure that ecological functionality of the site is maintained post-development and is also in line with local and national planning policy with regard to habitat enhancement. If planning permission is granted it is considered necessary to condition.

4.35 No roosts were identified within any of the mature trees along the roadside and lining the access from within Clifton Park, but regular foraging did take place around these during the activity surveys, particularly around the trees along the access road. The trees on the road side are very well lit (they are adjacent to high level street lighting) and this makes any use by roosting bats unlikely, and very little activity was recorded in this area during the surveys. These trees are protected by a Tree Preservation Order (TPO) and are being retained as part of the development scheme. The rest of the landscaped areas around the office building provide low quality habitat.

Drainage

4.42 The applicants have not provided sufficient information regarding the proposed surface water drainage scheme. However it is considered that further details can be sought via condition.

4.43 The foul drainage scheme is matter of agreement to be reached between Yorkshire Water and the developer, and an adequate foul drainage scheme is achievable under the Building Regulations.

5.0 CONCLUSION

5.1 The proposed building is considered to be appropriate development within the Green Belt and would add to the supply of homes in a sustainable location. The proposed building would be in character with the surrounding development and would retain important trees and hedgerows. The development would not result in undue harm to the residential amenity of the occupants of the nearby dwellings.

The scheme is in general accordance with the policies of the NPPF and the Development Control Local Plan (2005).

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 PLANS1 Approved Drawings

3 VISQ8 Samples of exterior materials to be app

4 Details of all means of enclosure to the site boundaries, including the vehicle access gate shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

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

5 The development and construction of the development hereby approved shall be in accordance the tree and hedge protection measures set out in Tree Statement ref BS5837:2012 (by Jo Ryan dated July 2015) received 11 May 2016 and the 'Tree Protection Plan' and 'Tree Constraints Plan' (both by Jo Ryan dated July 2015) received 11 May 2016.

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 and/or locality.

6 The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall include replacement/additional tree (location set out in Drawing Number 014251_P_106 Revision D, received 24 October 2016 and Drawing Number 014251_P_230 Revision C received 19 September 2016) along the boundary with Shipton Road This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

7 The existing hedge along the eastern boundary with Shipton Road/A19 shall not, except with the prior approval in writing of the Local Planning Authority, be removed or reduced in minimum height below 2 metres above ground level at the hedge roots.

If in the circumstances that a tree/s or part of the hedge is removed details illustrating the number, species, height and position of the replacement trees and/or shrubs shall be submitted to and approved in writing by the Local Planning Authority. This replacement planting shall be implemented within a period of six months of the original removal of the tree/s and/or hedge.

Reason: To protect the visual amenity and character of the street-scene and area, to provide screening of the proposed development. To provide privacy for the future occupants of the ground floor flats (and gardens) hereby approved.

8 One electric vehicle recharge point shall be provided. The recharge point should be installed prior to first occupation of the building. The location and specification of the recharge point shall be agreed in writing with the Local Planning Authority prior to installation.

Reason: To promote the use of low emission vehicles on the site in accordance with the Council's Low Emission Strategy, Air Quality Action Plan and paragraph 35 of the National Planning Policy Framework.

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

Reason: Given the location of the proposed development in the interests of visual amenity and the character of the area, to prevent light disturbance and nuisance, and to assess the impact on ecology.

INFORMATIVE: There should be no direct illumination of foraging, roosting and commuting habitat and any light spillage should be minimised as much as possible.

10 The development hereby permitted shall not be occupied until mitigation comprising of a minimum of three habitat features for bats on site such as crevice bat boxes and/or integral bat bricks, and three bird nest boxes, have been installed/constructed in accordance with guidance from a suitably qualified ecologist.

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

11 All construction and demolition 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

12 The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels no greater than 30 dB LAeq (8 hour) and 45dB LAmax inside bedrooms at night (23:00 - 07:00 hrs) and 35 dB LAeq (16hour) in all other habitable rooms during the day (07:00 - 23:00 hrs). These internal noise levels shall be observed with adequate ventilation provided. The detailed scheme shall be approved in writing by the Local Planning Authority and fully implemented prior to the first occupation of the building.

Reason: To protect the amenity of the future residents

13 Prior to commencement of the construction of the building hereby approved, an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority. The report of the findings shall include:

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

Informative: It is advised that the above be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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. The information is sought prior to commencement to ensure that the protection measures are initiated at an appropriate point in the development procedure.

14 Prior to commencement of the construction of the building hereby approved, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The information is sought prior to commencement to ensure that the protection measures are initiated at an appropriate point in the development procedure.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

16 In the event that previously unidentified 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 shall be submitted to and approved in writing by 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.

17 HWAY18 Cycle parking details to be agreed

18 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:

- Sought additional information
- Sought revised plans
- Use of conditions

2. INFORMATIVE

It is recommended that the developer advise the occupants of the adjacent care home of the demolition works and any construction methods that may cause disturbance to the residents.

3. INFORMATIVE:

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

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

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

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for

"Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

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

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

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

(f) There shall be no bonfires on the site

4. INFORMATIVE:

All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended).

To ensure that breeding birds are protected from harm during construction, works that would impact on building features or vegetation that would be suitable for nesting birds should be undertaken outside of the breeding bird season between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period.

There are opportunities for the development to provide enhancement for birds without detriment to the building by the addition of bird boxes, examples of which can be found on the RSPB website

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

5. INFORMATIVE:

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.

Contact details:

Author: Victoria Bell, Development Management Officer

Tel No: (01904) 551347

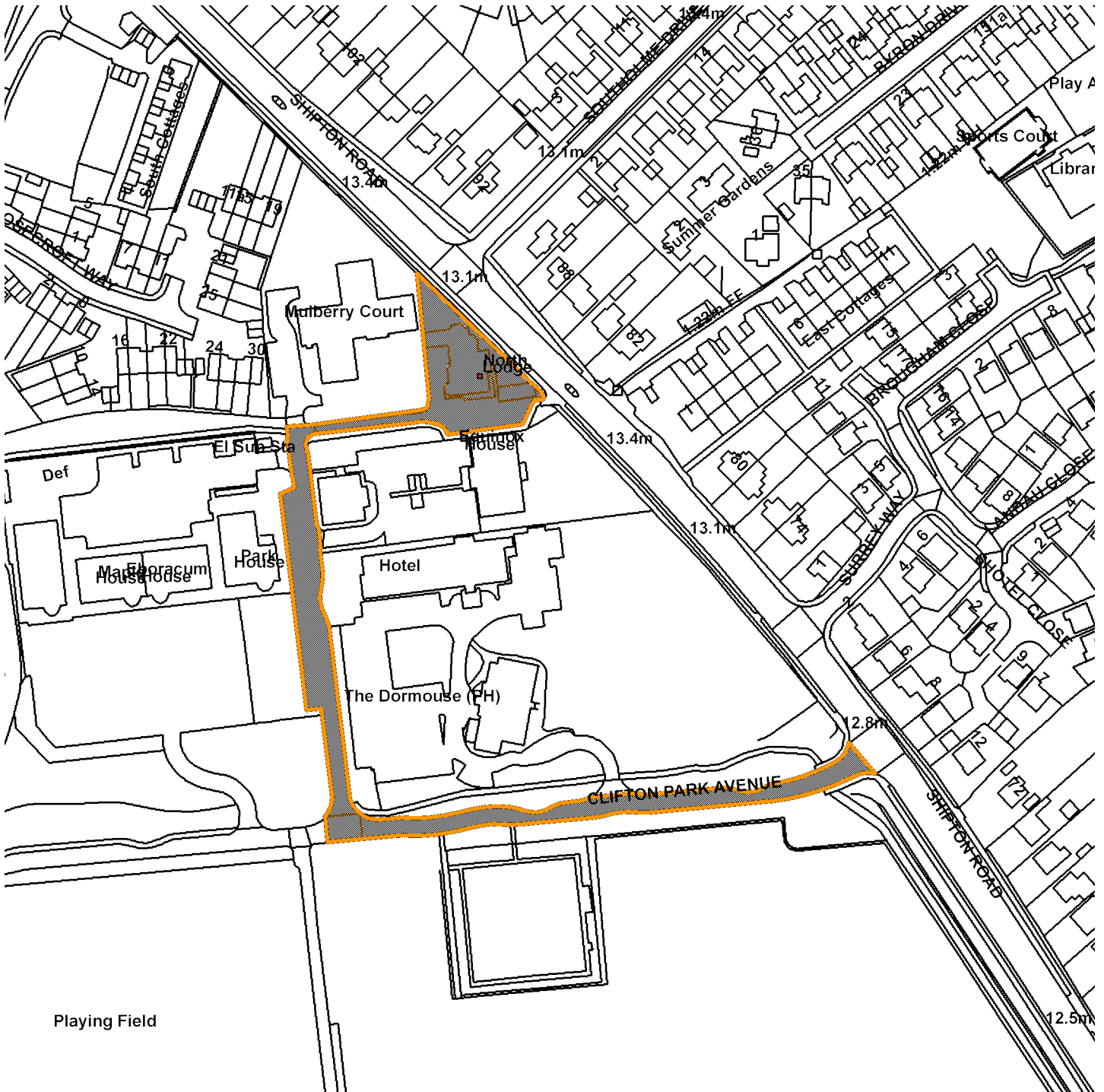
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16/01173/FULM

North Lodge, Clifton Park Avenue, York



GIS by ESRI (UK)



Scale : 1:2005

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Organisation	City of York Council
Department	Economy & Place
Comments	Location Plan
Date	22 November 2016
SLA Number	Not Set

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Planning Committee

17 November 2016

Area Planning Sub Committee

1 December 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 July and 30 September 2016, 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 tables 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. Table 1 shows results of appeals decided by the Planning Inspectorate, for the quarter 1 July to 30 September 2016, Table 2 shows performance for the last 12 months 1 October 2015 to 30 September 2016.

Table 1: CYC Planning Appeals Last Quarter Performance

	01/07/16 to 30/09/16 (Last Quarter)	01/07/15 to 30/09/15 (Corresponding Quarter)
Allowed	3	3
Part Allowed	1	-
Dismissed	9	8
Total Decided	14	11
% Allowed	21%	27%
% Part Allowed	7%	-

Table 2: CYC Planning Appeals 12 month Performance

	01/10/15 to 30/09/16 (Last 12 months)	01/10/14 to 30/09/15 (Corresponding 12 month period)
Allowed	4	14
Part Allowed	1	2
Dismissed	30	28
Total Decided	35	44
% Allowed	11%	32%
% Part Allowed	3%	5%

Analysis

- 5 Table 1 shows that between 1 July and 30 September 2016, a total of 14 appeals relating to CYC decisions were determined by the Planning Inspectorate. Of those, 3 were allowed and 1 part allowed. At 21% 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 11 appeals 3 were allowed (27%), 0 were part allowed (0%). One of the appeals allowed between 1 July and 30 September 2016 related to a “major” application (Groves Chapel) however this appeal was made against the imposition of a condition of planning permission rather than a refusal of planning permission.
- 6 For the 12 months between 1 October 2015 and 30 September 2016, 11% of appeals decided were allowed; again well below the national average and below the previous corresponding 12 month period of 32% allowed.

- 7 The summaries of appeals determined between 1 July and 30 September 2016 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 a decision at sub-committee. This appeal was against the decision of the sub-committee to impose a condition restricting the permitted hours of deliveries to the proposed convenience store. The appeal was allowed with the Inspector granting a new planning permission with a condition imposing longer hours than those originally imposed by the sub-committee.

Table 3: Appeals Decided 01/07/2016 to 30/09/2016 following Decision by Sub-Committee

Ref No	Site	Proposal	Outcome	Officer Recom.
15/02833/FULM	Groves Chapel, Union Terrace	Change of use and extensions to from convenience store and 16 flats	Allowed	Approve

- 8 The list of current appeals is attached at Annex B. There are 12 planning appeals lodged with the Planning Inspectorate (excluding tree related appeals 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

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

Contact Details

Author:

Gareth Arnold
Development Manager,
Directorate of Economy
and Place

Chief Officer Responsible for the report:

Mike Slater
Assistant Director (Planning and Public
Protection)

**Report
Approved**



Date 7 November
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 July and
30 September 2016**

Annex B – Outstanding Appeals at 7 November 2016

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Appeal Summaries for Cases Determined 01/07/2016 to 30/09/2016

Application No: 15/01531/FUL
Appeal by: Mr Harley Knight
Proposal: Change of use from dwelling (use class C3) to House in Multiple Occupation (use class C4)
Address: 13 Ingleton Walk York YO31 0PU

Decision Level: DEL

Outcome: DISMIS

Current Street Level - 10% HMO's - Neighbourhood Level - 10.91% HMO's
The Planning Inspector considered that although he could only give 'very limited weight' to the SPD (Given there is no adopted Local Plan) it would still be a material consideration. The Inspector noted that Ingleton Walk is a quiet residential cul-de-sac, with no passing traffic, little 'on street' activity and that the predominant character is that of single family dwellings. He recognised that the cumulative effect of increased 'comings and goings' would result in a noticeable change in the character of the quiet cul-de-sac and would therefore have a materially harmful effect on the character of the immediate area.

Application No: 15/01853/FUL
Appeal by: Mr Ian McManaman
Proposal: Extension to roof to create 1 no. apartment
Address: Coalters Ltd 2 Low Ousegate York YO1 9QU

Decision Level: DEL

Outcome: DISMIS

The application was to add a top floor to the mid C20 office block on Low Ousegate which overlooks the River Ouse. Redundant structures on the roof would be replaced by an extra floor of a far larger foot-print than the structures to be replaced. Historic England were in principle ok with the application and raised no objection to the scheme. The building is stone clad and with a horizontal emphasis. Surrounding older, and mostly listed, buildings are consistently of brick with pitched roof and have a strong vertical emphasis. The host building is slightly higher than its neighbours currently. The inspector decided the extra storey proposed would "substantially increase the height difference". The inspector referred to the Central Historic Core Conservation Area and the management strategy within it, notably in reference to scale and skyline. The building is identified as a detractor in the conservation area appraisal (due to its form, materials, prominence). Although the extension proposed would be harmonious with the building itself, the host building would subsequently become more prominent, in "stark" contrast to the surrounding skyline. It was agreed the extension would harm the conservation area. The harm was regarded to be less than substantial. In establishing the weight to give this harm in assessment of the application, the inspector referred to the requirements of the act (section 72) and para 132 of the NPPF. The benefit of providing 1 extra dwelling was regarded to be extremely modest, which could be given very limited weight.

Application No: 15/02064/FUL
Appeal by: Mrs Alifnoor Iqbal
Proposal: Change of use of dwellinghouse (use class C3) to a house in multiple occupation (use class C4)
Address: 46 Heslington Road York YO10 5AU

Decision Level: DEL

Outcome: ALLOW

The property is a large terraced house over three floors and is located on a busy road into the city centre. It has a small garden frontage and a small rear yard. Two wide gates access the rear ginnel. Existing density levels of 37.7 percent at street and 23.3 percent at neighbourhood both exceed policy thresholds. The Inspector attached only moderate weight to the Local Plan and SPD. The Inspector considered the backyard provided only minimal private external amenity space and would not be suited to family occupation, or a starter home. The majority of houses on the road were not HMO's so there would still be enough activity and natural surveillance out of term time. The Inspector considered that as a large family house or HMO, the potential for noise exists. He stated that no existence of noise complaints along the road associated with HMO's had been provided. The Inspector did not see any problems with littering and refuse in the area. He argued that the Council's view that the neighbourhood was already imbalanced given the figures was not backed up by his own observations which showed no evidence that the community is not inclusive and mixed.

Application No: 15/02396/FUL
Appeal by: Mr Stephen Oliver
Proposal: Two storey side and rear extensions, single storey rear extensions and dormer to rear
Address: 34 Broadway West York YO10 4JJ

Decision Level: DEL

Outcome: DISMIS

The appeal site is a semi-detached dwelling situated on the junction of Broadway West and Danesmead Close. The property has a detached garage positioned on the side driveway. Permission was sought for the construction of a two storey side extension, which would extend beyond the rear building line by approx 3.3 metres at first floor height. The proposal included a side and rear extension to the existing detached garage 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 application was refused on two grounds relating to the size of the proposed side extension and impact on a Cherry Tree located on the public grass verge. It was considered that the massing of the two storey side would represent an unduly large and prominent addition to the house resulting in an incongruous development which would dominate the existing house and unbalance its appearance, causing harm to both the house and the wider street scene. The resultant width of the extension would impact on the health of a Cherry Tree situated outside the site on the public highway. The Landscape Architect considered that it would be worthy of a TPO. The Inspector agreed with The Council and dismissed the appeal on the grounds that the increase of the extension to the side would erode the spacious quality of the area. However, he did not consider the loss of the tree would be unacceptable, and considered that there would remain a significant number of trees in the public domain.

Application No: 15/02505/FUL
Appeal by: Mandale Homes Ltd
Proposal: Variation of condition 2 of permitted application
13/00034/FUL to alter approved plans to add a single storey
side extension to plot 1
Address: Manor Farm Towthorpe Road York YO32 9SP

Decision Level: DEL

Outcome: DISMIS

Planning permission had been granted for the conversion of redundant agricultural buildings to three dwellings. Planning permission was then sought under s.73 to replace the approved plans in order to erect a single-storey pitch-roofed side extension to one of the approved dwellings. Consent was refused due to impact on the Green Belt and on Towthorpe Conservation Area. The inspector found that whilst the extension would only be 30 per cent greater than the existing building it would be 63 per cent larger than the original building due to extensions allowed under the planning permission to convert. As a result he proposal was a disproportion addition and therefore inappropriate development in the Green Belt. It would also have some impact on openness. As for impact on the conservation area the inspector found that the extension would read as a well-proportioned and subservient addition to the main building and although the building would be larger, it would not be inherently harmful. The appeal was dismissed.

Application No: 15/02637/FUL
Appeal by: Sullivan Student Properties Ltd
Proposal: Change of use from dwelling (use class C3) to House of
Multiple Occupation (use class C4)
Address: 105 Newland Park Drive York YO10 3HR

Decision Level: DEL

Outcome: DISMIS

The appeal related to the retrospective change of use from a dwelling to a House in Multiple Occupation (HMO). The inspector dismissed the appeal. He made reference to the National Planning Policy Framework and HMO Concentrations Supplementary Planning Document. He considered that the quiet nature of the street was such that approving a HMO, when the threshold figures had already been significantly breached, would detract unduly from the streets character and neighbours amenity.

Application No: 15/02833/FULM
Appeal by: Clarence Union Developments
Proposal: Change of use of existing building with internal and external alterations to form convenience store at ground floor, 2no. flats at first floor and erection of four storey extension to rear to accommodate 14no. flats with associated car and cycle parking
Address: Groves Chapel Union Terrace York YO31 7WS

Decision Level: COMM
Outcome: ALLOW

The appeal was against condition 6 of the approved planning permission for a supermarket and 16 flats at Groves chapel. Condition 6 restricted delivery times to 6pm Monday to Saturday. The applicant had sought to undertake deliveries up until 11pm. The appeal was allowed, but with delivery times restricted to 8.30pm. In allowing the appeal the Inspector made reference to the noise assessment indicating the existence of relatively high background noise levels up until 9pm. He felt that a 8.30pm delivery restriction was a reasonable compromise in regard to giving greater flexibility in the operation of the store whilst also having consideration to neighbours expectations for quiet later in the evening.

Application No: 16/00224/FUL
Appeal by: Mr Ashleigh Walters
Proposal: Change of use from dwelling (use class C3) to House of Multiple Occupation (use class C4)
Address: 6 Lamel Street York YO10 3LL

Decision Level: DEL
Outcome: DISMIS

Density Levels - Street Level - 54.17% - Neighbourhood Level 32.28% - The application property is a mid-terrace, with no vehicular access from Hull Road. The Inspector considered the appeal property to be 'distinctly residential in character' whilst noting the existence of a supermarket and other commercial business on the opposite side of the road. He was not convinced by the the argument that the properties on either side are currently HMO's, that it would be thus unattractive for non-HMO occupiers and could remain un-occupied.

Application No: 16/00255/FUL
Appeal by: Mr Paul Kind
Proposal: Two storey side extension
Address: 12 Wheatlands Grove York YO26 5NG

Decision Level: DEL

Outcome: ALLOW

The host site forms part of a pair of two-storey semi-detached dwellings, sited on a corner plot. Planning permission was sought for the erection of a two-storey side extension, flush with the rear elevation of the original dwelling. The host dwelling is sited at right angles with the neighbouring dwelling at No. 10 Wheatlands Road. This neighbouring dwelling has a small triangular shaped rear garden, and the application was refused on the grounds of increased overshadowing to this rear garden area. The inspector agreed that this rear garden would suffer additional overshadowing but not so great so as to be detrimental to the enjoyment of this neighbouring garden.

Application No: 16/00277/FUL
Appeal by: Mr Michael Cox
Proposal: Dormer to front
Address: 16 Silverdale Court York YO24 2SL

Decision Level: DEL

Outcome: DISMIS

The appeal site relates to a semi-detached bungalow situated in a small cul-de-sac of similar bungalows in Woodthorpe. Permission was sought for a large flat roof front dormer clad in white uPVC to match a similarly sized rear dormer. The dormer would occupy a large proportion of the roof slope, extending to the height of the ridge, with no other front dormers being evident in Silverdale Court or in neighbouring streets. Given the simple, unaltered character of the roofscape in the street it was considered that the design, scale, location and materials of the dormer would result in a dominant, prominent and incongruous feature which would detract from the otherwise simple and unspoilt appearance of the dwelling, neighbouring dwellings and the wider streetscene. In determining the appeal the inspector noted that the dormer would form an unacceptably dominant and prominent feature in the roof slope, although the materials would not cause demonstrable harm to the character of the area given that uPVC is predominantly used in most of the fenestration elements of properties around the cul-de-sac. Additionally the scale and mass of the dormer would appear as an incongruous and bulky addition to the front of the property. The appeal was dismissed.

Application No: 16/00303/FUL
Appeal by: Mr Jason Knight
Proposal: Erection of detached garage and conversion of existing garage into habitable room
Address: 1 Hardwicke Close York YO26 5FB

Decision Level: DEL

Outcome: PAD

Planning permission was sought for the conversion of the integral garage to habitable accommodation and the construction of a detached garage to the front of the property to include additional hardstanding, the erection of a 1.8m high boundary fence and creation of bin store area. The property is a new build detached dwelling situated towards the entrance to the site, fronting onto a small Green/LEAP area within a new development of 57 houses situated off Boroughbridge Road. The application was refused due to the visual impact on the open setting of the development as it was considered that the location and forward projection of the proposed garage would have been such that it would have appeared visually prominent and incongruous within the setting at the entrance to the development. The inspector allowed the conversion of the integral garage, which could be carried out under permitted development allowances but dismissed the construction of a new garage with associated hardstanding and fencing. It was concluded that this element of the proposal would significantly erode the sense of openness, constituting disruptive and uncharacteristic intrusions into a largely undeveloped space, causing significant harm to the character and appearance of the area. The appeal was therefore part allowed/part dismissed.

Application No: 16/00436/FUL
Appeal by: Mr A Sullivan
Proposal: Change of use from small House in Multiple Occupation (use Class C4) to large House in Multiple Occupation (Sui Generis) and two storey side and single storey side and rear extension with dormer to side
Address: 32 Hull Road York YO10 3LP

Decision Level: DEL

Outcome: DISMIS

Planning permission was sought for change of use from small House in Multiple Occupation (use Class C4) to large House in Multiple Occupation (Sui Generis) and erection of a two storey side and a single storey side extension together with a rear extension with dormer to side. Consent was refused on the grounds that due to their massing, scale and location the proposed extensions would not be subservient and would have an unduly dominant and overbearing impact on their surroundings and the proposed single storey rear extension would have an adverse impact on the amenity of the occupants of the adjoining property no.34 Hull Road. The Inspector found that the angular design of the dormer would appear as an awkward and incongruous feature, increasing the bulk of the two storey extension at its most prominent point and significantly detracting from the subservient nature of the extension. The single storey side extension would significantly increase the bulk and massing of the extensions when viewed from the front of the property from Hull Road, further detracting from their subservience to the host dwelling. The extensions to the side of the property, when combined with the single storey extension to the rear, would increase the bulk of the proposal in views from Green Dykes Lane and the nearby junction. He concluded that the proposal would harm the character and appearance of the area. He considered that the single storey extension to the rear would present a significant area of the flank wall in close proximity to the boundary of no.34 and give rise to a significant overbearing effect and a sense of enclosure for the occupiers of this adjoining dwelling. He advised that he had given regard to the benefits arising from the proposal, including the provision of an HMO which could provide accommodation for students in a sustainable and convenient location and support to local services but these did not overcome the identified harm. The appeal was dismissed.

Application No: 16/00489/FUL
Appeal by: Ms Angela Smith
Proposal: Two storey rear extension (re-submission)
Address: 9 Prestwick Court York YO26 5RS

Decision Level: DEL

Outcome: DISMIS

The host dwelling forms one of a pair of modest two-storey semi-detached dwellings. The application sought permission for a pitched roof two-storey rear extension, across the full width of the rear elevation, and being sited along the common side boundary with the attached neighbouring dwelling at No. 7 Prestwick Court. Due to the location of the extension, along with the height to the eaves of approx. 5m, officers considered that it would seriously harm the outlook and light to the neighbouring kitchen diner. The Inspector agreed and also considered that the enjoyment of the neighbouring garden would also be affected due to the dominant and rather oppressive feature caused by the mass of plain brickwork proposed.

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

Outstanding appeals

Officer: David Johnson						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
11/10/2016	16/00032/REF	APP/C2741/D/16/3156055	H	228 Bishopthorpe Road York YO23 1LG	Erection of part two/part single storey side/rear extension following demolition of existing garage and outbuildings	
Officer: Erik Matthews						Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
01/06/2016	16/00024/REF	APP/C2741/S/16/3153524	I	187 Tadcaster Road Dringhouses York YO24	Application under Section 106BA of the Town and Country Planning Act 1990 to discharge the affordable housing requirements set out Section 106 agreement dated 6th October 2003 (as varied) relating to the outline application 02/02754/OUT approve on 6th October 2003 and reserved matters 04/03577/REM approved on 11th November 2005	
07/10/2016	16/00029/REF	APP/C2741/W/16/3158459	W	Land At Grid Reference 469030 444830 Church	Erection of four seasonal tents utilising existing access, the creation and maintaining of a footpath link, and the incorporation of a habitat enhancement plan (resubmission)	
Officer: Esther Priestley						Total number of appeals: 3
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	
27/11/2015	15/00041/REF	APP/TPO/C2741/4900	H	1 Beaufort Close York YO10 3LS	Various tree works including the felling of 4 no. trees protected by Tree Preservation Order No. CYC15	
09/05/2014	14/00015/TPO	APP/TPO/C2741/3907	W	7 Quant Mews York YO10 3LT	Crown Reduce Silver Birch (T1,T2), Trees protected by Tree Preservation Order CYC 15	
Officer: Elizabeth Potter						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
19/08/2016	16/00034/REF	APP/C2741/D/16/3156906	H	102 Millfield Lane York YO10 3AL	Two storey side extension (revised scheme)	

Officer: Hannah Blackburn					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
02/09/2016	16/00026/REF	APP/C2741/W/16/3153863	W	Cockey Hill Farm Wheldrake Lane Cockey	Siting of 6no. holiday lodges, car park and wildlife pond together with landscaping works following change of use of agricultural land (resubmission)
Officer: Kevin O'Connell					Total number of appeals: 3
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
11/08/2016	16/00030/REF	APP/C2741/W/16/3156389	W	22 Copmanthorpe Lane Bishophorpe York YO23	Erection of 1no. dwelling to rear of 22 Copmanthorpe Lane
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
29/04/2016	16/00013/REF	APP/C2741/W/16/3149489	P	Land To The North Of Avon Drive Huntington York	Erection of 109no. dwellings
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: Richard Ball					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
09/08/2016	16/00033/REF	APP/C2741/D/16/3156155	H	37 Usher Lane Haxby York YO32 3LA	Two storey rear extension and enlarged rear dormers
Officer: Sharon Jackson					Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
05/09/2016	16/00028/NON	APP/C2741/W/16/3155977	W	5 Water Lane Dunnington York YO19 5NW	Two storey side and rear extension and single storey front and rear extensions
11/10/2016	16/00031/REF	APP/C2741/D/16/3155407	H	33 Woodlands Grove York YO31 1DS	Two storey side and single storey rear extension and bin and cycle store to front (revised scheme)
Total number of appeals: 15					



Area Planning Sub-Committee

1 December 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 27 July 2016 to 31 October 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 146 new enforcement investigation cases were received and 199 cases were closed. A total of 605 investigations remain open. A total of 650 investigations remained open at the date of the last report (26 July 2016).
6. During the quarter no Enforcement Notices were served. One Breach of Condition Notice was served in the period relating to the compliance with a planning condition requiring obscure glazing in a window in a new side extension.
7. Members will be updated with the status of the Section 106 monitoring report at the meeting.

Consultation.

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

Options

9. 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

10. 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 a part.

Implications

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

Risk Management

11. There are no known risks.

Recommendations

12. That members note the content of the report.

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:

Gareth Arnold
Development Manager
Tel No: 551320

Directorate: **Economy
and Place**

**Chief Officer Responsible for the
report:**

Michael Slater

Assistant Director (Planning and Public
Protection)

**Report
Approved**



Date 22/07/2016

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

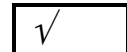
Financial

Patrick Looker

Legal:

Andrew Docherty

Wards Affected: *All Wards*



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