



**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, 2 February 2017

Time: 4.30 pm

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

AGENDA

1. Declarations of Interest

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

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

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

2. Minutes (Pages 3 - 16)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 5 January 2017.

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 responsible for this meeting on the contact details listed at the foot of this agenda. The deadline for registering is at **5.00pm on Wednesday 1 February 2017.**

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4. Plans List

To determine the following planning applications:

a) Stonebow House, The Stonebow, York (16/02856/FUL) (Pages 17 - 32)

Change of use of 5th floor from office (Use class B1) to residential (use class C3) and extension to the top floor and first floor to create 5no. residential units. Change of use and additional floor space at ground floor units to flexible uses within use classes A1/A3/A4/D2. [Guildhall]

b) Fossbank Boarding Kennels, Strensall Road (16/02792/OUT) (Pages 33 - 56)

Erection of 4no. dwellings served by new access road from existing driveway following demolition of existing kennels, stables, quarantine and cattery buildings. [Strensall]

- c) 30 Southfield Close, Rufforth
(16/02700/FUL)** (Pages 57 - 66)
Variation of condition 2 of permitted application 16/01635/FUL.
[Rural West York]
- d) 105 Bishopthorpe Road, York
(16/02574/FUL)** (Pages 67 - 76)
Change of use of part of dwelling (use class C3) to mixed use
dwelling and child minders (use class C3/D1). [Micklegate]
[Site Visit]
- e) Novotel, Fewster Way
(16/02518/FULM)** (Pages 77 - 94)
Five storey side extension to accommodate 22no. guest rooms
and single storey front and rear extensions. [Fishergate]
[Site Visit]
- f) Land to rear of 49 Osbaldwick Village, Osbaldwick
(16/02449/FUL)** (Pages 95 - 106)
Variation of condition 2 of permitted application 15/00808/FUL.
[Osbaldwick and Derwent] **[Site Visit]**
- g) Site Lying To The Rear Of 1 To 9 Beckfield Lane, York
(16/02269/FULM)** (Pages 107 - 118)
Erection of 11no. dwellings with associated access road and
parking. [Acomb]
- h) Walker Nicholas Architects Ltd, 42 Oxford Street
(16/02111/FUL)** (Pages 119 - 130)
Extension to existing building to create additional office
accommodation on first and second floors, including demolition
of existing garage. [Micklegate]
- i) Mount Pleasant Caravan Park, Acaster Malbis
(16/02480/FUL)** (Pages 131 - 140)
Layout of an additional 10 caravan pitches on existing site
(resubmission). [Bishopthorpe] **[Site Visit]**

5. 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 Democratic Services 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 میا کی جا سکتی ہیں۔ (Urdu)

 (01904) 551550

AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 1 February 2017**

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

TIME (Approx)	SITE	ITEM
10.15	Land To Rear Of 49 Osbaldwick Village, Osbaldwick	4f
10:40	Novotel, Fewster Way	4e
11:15	Mount Pleasant Caravan Park, Cundall Drive, Acaster Malbis	4i
11:50	105 Bishopthorpe Road	4d

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	5 January 2017
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Carr, Craghill, Gillies (apart from Minute Items 37g), 37j),37h),37i) and 38) Hunter, Cannon, Flinders, Looker, Mercer and Orrell (apart from Minute Items 37h), 37i) and 38)

Site	Visited by	Reason
The Clock Tower, Bishopthorpe Road	Councillors Craghill, Flinders, Galvin, Hunter, Mercer and Shepherd	As the recommendation was to approve and objections had been received.
5 Mayfield Grove, York	Councillors Craghill, Flinders, Galvin, Hunter, Mercer and Shepherd	As the application had been called in and the recommendation was to refuse only on the grounds of harm to a protected species.
107 York Road, Haxby	Councillors Craghill, Flinders, Galvin, Hunter, Mercer and Shepherd	As the recommendation was to approve and objections had been received.
Clifton Technology Centre, Kettlestring Lane	Councillors Craghill, Flinders, Galvin, Hunter, Mercer and Shepherd	At the request of Councillor Dew.
4 Whitby Avenue, York	Councillors Craghill, Flinders, Galvin, Hunter, Mercer and Shepherd	As the recommendation was to approve and objections had been received.

Walker Nicholas Architects Ltd, 42 Oxford Street	Councillors Craghill, Flinders, Galvin, Hunter, Mercer and Shepherd	As the recommendation was to approve and objections had been received.
48 Trafalgar Street, York	Councillors Craghill, Flinders, Galvin, Hunter, Mercer and Shepherd	As the recommendation was to approve and objections had been received.

33. Chair's Remarks

Councillor Galvin made a statement in relation to complaints made against him in relation to the Groves Chapel planning application and the recent investigation by a Joint Standards Board Hearing Sub-Committee.

34. 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.

Councillor Orrell declared a prejudicial interest in agenda item 4i) 90 Hull Road, as the applicant was a ward colleague of his. He left the meeting for this item.

Councillor Gillies declared a personal interest in agenda item 4c) 5 Mayfield Grove as the applicant was a member of the same club as him. He also declared a personal and prejudicial interest in agenda item 4j) 4 Heathfield Road as he knew the applicant. He left the meeting for this item.

Councillor Hunter declared a personal interest in agenda item 4i) as the applicant was a colleague of hers.

35. Minutes

Resolved: That the minutes of the last Area Planning Sub Committee held on 1 December 2016 be approved and then signed by the Chair as a correct record.

36. 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.

37. Plans List

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

37a) The Clock Tower, Bishopthorpe Road, York (16/01646/FULM)

Members considered a full major application by Mr Andrew McMurtrie for the conversion of the Clock Tower and former Boiler House to form 22no. apartments with Museum Space and associated car parking.

Officers provided an update to Members that a response had been received from Housing Strategy and Development in regards to the provision of affordable housing. A response had also been from Education Services in relation to the financial contribution to Scarcroft Primary School. They also suggested an amended recommendation full details of this were found attached to the online agenda following the meeting.

Officers suggested that if Members were minded to approve the application that the recommendation be amended to seek delegated authority to approve the proposal subject to the conclusion of a Section 106 Agreement covering sustainable transport measures and the relevant commuted sum contribution towards the provision of affordable housing following further discussion with the applicant in terms of viability of the scheme and compliance with Regulation 123 of the 2014 CIL Regulations.

There had been one registration to speak in respect of the item:

Kate Bailey, the agent for the applicant stated that despite spoke a previous application on the site no alternative plans for a sustainable development that would sustain the future of the clock tower had been submitted and as a result the vacant buildings had deteriorated. There had also been a number of opportunities for the public to comment on the proposals. She informed the Committee that if planning permission was granted, £36k could be transferred over to affordable housing.

In response to questions from Members she confirmed that a provision of a museum, public access would be pinned down in the Section 106 legal agreement. There would be a void behind the clock and the clock mechanism would be reinstated. The residents within the building would pay a maintenance charge, and in order to supervise public access there would need to be a group identified to organise this. It was confirmed that the applicants were content to discuss further details of this in the Section 106.

Some Members expressed regret that the commercial and community uses of the clock tower were had not been realized, but felt that it would bring much needed housing. They hoped that public access to the tower would be maintained. Other Members highlighted that the original building did not have public access, and felt that a more robust discussions were needed in regards to affordable housing contributions. Finally, some supported the application as they felt unless the scheme was financially viable, the tower would collapse.

Resolved: That delegated authority be given to the Assistant Director for Planning and Public Protection approve the application on completion of the Section 106 legal agreement to secure sustainable transport measures and the relevant commuted sum contribution towards the provision of affordable housing following further discussion with the applicant in terms of viability of the scheme and compliance with Regulation 123 of the 2014 CIL Regulations.

Reason: It is felt that the relevant requirements of the National Planning Policy Framework as well as the statutory duties outlined in Section 66 and Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act have been fulfilled.

37b) The Clock Tower, Bishopthorpe Road, York (16/01647/LBC)

Members considered a listed building consent application by Mr Andrew McMurtrie for the refurbishment and sub-division of former Clock Tower and Boiler House to form 22no. apartments and Museum Space with associated car parking, landscape works and access from Bishopthorpe Road.

This application was considered at the same time as Plans Item 4a) The Clock Tower (16/01646/FULM).

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

Reason: It is felt that the relevant requirements of the National Planning Policy Framework as well as the statutory duty outlined in Section 16 of the 1990 (Listed Buildings and Conservation Areas) Act have been fulfilled.

37c) 5 Mayfield Grove, York YO24 1HJ (16/00725/FUL)

Members considered a full application by Mr D Evans for the erection of 3no. dwellings with associated access following demolition of existing bungalow (revised scheme).

Officers provided an update to Members, full details of which could be found online. This included that the applicant requested a deferral to allow for bat activity to recommence and that the Council's appointed ecologist suggested that further bat surveys were needed on site.

There was one registered speaker and a Member of Council had also registered to speak in respect of this item:

Mark Stothard, the agent for the applicant informed Members that all properties would have off street parking and that the proposal had been revised to address previous concerns raised by Planning Officers. He added that the applicant had only been made aware of a bat survey five months after making the application and that the Council's Ecologist had not been consulted until November.

The Council's Ecologist suggested that an activity survey be carried out in May 2017. Therefore, he requested that the application be deferred in order to give sufficient time for a further bat survey to be carried out.

Councillor Mason, the Ward Member, suggested that parking spaces for the proposed properties were not sufficient, and the height of the proposed dwellings would dominate the surrounding properties. He also highlighted comments from Yorkshire Water over drainage problems in the area.

During debate, Members felt that it would be better to defer the application subject to it being reconsidered by the Committee. They wished to echo the concerns raised by Councillor Mason about overdevelopment on the site.

Councillor Gillies then moved and Councillor Shepherd seconded deferral of the application.

On being put to the vote it was;

Resolved: That the application be deferred.

Reason: To address concerns raised and to allow for a bat survey to be carried out.

37d) 107 York Road, Haxby, York YO32 3EN (16/01374/FUL)

Members considered a full application by Mrs P Clarkson for the erection of a dwelling following the demolition of an existing bungalow.

There were two registered speakers and a Member of Council had also registered to speak in respect of this item:

Craig Wilson, a local neighbour spoke in objection. He felt that the design of the proposed house was not in keeping and spoke about the traffic on York Road, in particular construction traffic.

Nick Midgely, the agent for the applicant spoke in support. He informed Members that the height had been reduced from the original proposal in order to match that of 105 York Road, and would have the same style as nearby dwellings.

It had also been orientated in a way so it would not overlook other properties. He confirmed that material from the demolished bungalow could be reused and that the applicants were attempting to mitigate concerns about construction traffic.

Councillor Cuthbertson spoke as the local Member who had called in the application. Although he noted that some concerns from residents had now been addressed by the applicant, parking still remained an issue. He requested that an external treatment be added to the lake facing facade of the house and that it matched the vernacular of those houses that faced York Road.

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

Reason: The replacement dwelling is considered to be acceptable in principle and to be of a scale and design that would not harm the appearance of the streetscene. Furthermore, subject to conditions, there would be no significant impact on residential amenity in terms of loss of outlook, privacy or daylight. The application accords with the national planning policy in the NPPF and relevant policies of the 2005 City of York Draft Local Plan.

**37e) Clifton Technology Centre, Kettlestring Lane, York
(16/01533/FUL)**

Members considered a full application by Mr Max Reeves for the erection of a terrace of 3no. dwellings on land previously used as car park to the south of the existing building.

There was one registered speaker and two Members of Council registered to speak in respect of this item:

Max Reeves, the applicant informed the Committee that the existing building had been unoccupied for eight years and that the surrounding area of Clifton Moor had a mixed residential use. He circulated a handout at the meeting amongst Members which showed an impression of the dwellings, an internal plan of the building and the area. This was attached to the agenda following the meeting. He added that all trees would be retained and further landscaping works would be carried out.

Councillor Warters spoke about landscaping conditions on the site and how he felt that the reasons given for refusal on the loss of landscape were inconsistent with recent planning decisions. He questioned whether a contribution could be sought for the Parish Council for the loss of the trees.

Councillor Dew, the local Member pointed out that there were other unused offices being developed to residential properties adjacent to the existing building. He felt that the application should be granted as it was infill development as stated in Policy H4a in the City of York Draft Local Plan.

Members entered debate during which the following points were raised;

- The homes were very small and crammed into the site.
- There was a lack of amenity in the area and occupants health and wellbeing should be considered.
- Some of the adjacent properties had remained unoccupied since being built.
- The application would provide affordable housing for city.
- It was not a detracting design.

Councillor Carr then moved and Councillor Orrell seconded approval of the application.

On being put to the vote, it was;

Resolved: That the application be approved with the agreement of the wording of conditions to be delegated to Officers in consultation with the Chair and the Vice Chair.

Reason: The application is considered to be an infill development which would accord with policy H4a of the draft local plan (2005) and would provide much needed new housing in a location where residential conversions of office buildings were making the area more mixed use in character, as such the scheme would not harm the visual amenities of the area or the operation of neighbouring businesses.

37f) 4 Whitby Avenue, York YO31 1ET (16/01644/FUL)

Members considered a full application by Ms Beth Moulam for the erection of 1no. dwelling to land to side of 4 Whitby Avenue.

In their update Officers informed Members that they had received comments from the Strategic Flood Risk Engineer to support the surface water drainage scheme. They suggested therefore, that if planning permission was granted that a condition be added to take this into account. It was also suggested that a number of references be revised in Condition 2.

There were three registered speakers in respect of this item:

Mark Alexander, a local resident spoke in objection to the application. He informed the Committee that although the dwelling would be lower than what had been originally proposed it would appear higher due to the close proximity to his property. He felt that it would be out of character with the area. There would be a loss of privacy to other residents from the application.

Beth Moulam, the applicant spoke in support, Powerpoint slides were used to support her case. These were uploaded online after the meeting. She spoke about how the house would be modified for her own needs to support her in her day to day life. This would include amongst other things space for her assistants, home office and a therapy/ training room.

John Howlett, the agent for the applicant informed the Committee how the application site was not in a conservation area or a flood zone. The depth of the property was consistent with houses to the south and the side elevation was 17-21 metres away. The minimum standard allowed was 12-15 metres.

Resolved: That the application be approved subject to the conditions listed in the Officer's report and the following additional and revised conditions:

The development hereby authorised shall be carried out in strict accordance with the submitted drainage and surface water management scheme for the site date 6th July 2016.

Reason: To minimise flood risk to neighbouring properties and to secure compliance with paragraph 103 of the National Planning Policy Framework and Policy GP15a) of the York Development Control Local Plan.

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

M2W05
E;MW2W0D;M2W24;M2W06C;M2W21D;M2W08F;M2W23A

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

37g) Walker Nicholas Architects Ltd, 42 Oxford Street, York, YO24 4AW (16/02111/FUL)

Members considered a full application by Walker Nicholas Architects Ltd for an extension to an existing building to create additional office accommodation on the first and second floors above rear ground floor parking area, including demolition of an existing garage.

Officers provided an update to Members which related to comments received from the Design and Sustainability Manager, full details were uploaded online after the meeting.

There were two registered speakers in respect of this item:

Adam Kent, a neighbour spoke in objection to the application. He circulated a number of papers to Members, these showed the distance between his property and the dwelling. The papers were uploaded to the online agenda following the meeting. He felt that the opening hours of the building should be limited from 7 am to 8pm and that the height of the building should be no more than three storeys. He also requested that the number of occupants in the buildings be capped and that obscure glazing be used in the lower windows.

Martin Walker, the applicant informed Members how the business had felt that by building the extension on the open car park area they felt it would appear subservient to the main building and it would also enhance the streetscape.

Some Members felt that the operating hours of the use should be restricted. In response, Officers commented that as the application was for an extension to existing building hours would not usually be restricted when the use of the existing building was not restricted.

Some Members felt that obscure glazing should be used in the windows. Officers suggested that as there was some uncertainty over the height of the neighbouring wall it would be advisable to give delegated authority to Officers to approve the application following further investigation into the need for obscure glazing in consultation with the Chair and Vice Chair.

Resolved: That the application be approved and authority be delegated to Officers in consultation with the Chair and Vice Chair, to investigate the need for obscure glazing.

Reason: It is considered that the proposed development would not result in unacceptable levels of overshadowing or overlooking and would adversely impact on the availability of car parking in the area. As such it is considered that the scheme would comply with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and accord with advice contained in within the NPPF and policies E4, HE2 and HE3 of the City of York Council Draft Local Plan (2005).

37h) 48 Trafalgar Street York YO23 1HZ (16/02342/FUL)

Members considered a full application by Mr Stephen Robling for a change of use of dwelling (use class C3) to a House in Multiple Occupation.

Officers provided an update detailing Councillor Gunnell's objections to the application.

These included that the application had the potential to increase parking problems, HMOs had refuse issues, produced unacceptable amounts of noise and would lead to the loss of family housing. Full details were published online following the meeting.

Members entered debate during which the following points were raised;

- There had been no physical changes to the building.
- HMOs were not just inhabited by students, but also by young professionals.
- The particular area was not attractive to students.
- Parking was problematic in the area.
- Families would not move in with multiple numbers of cars.

Councillor Cannon then moved and Councillor Shepherd seconded refusal on the grounds of anti social behaviour and refuse issues.

On being put to the vote the motion fell.

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

Reason: The proposal is considered to be acceptable and complies with national guidance in the NPPF, Development Control Local Plan Policy H8 and the City of York Council's Supplementary Planning Document (Controlling the Concentration of Houses in Multiple Occupancy).

37i) 90 Hull Road, York YO10 3LN (16/02468/FUL)

Members considered a full application by Mr Chris Cullwick for a single storey rear extension.

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

Reason: The proposal is considered to be acceptable as it complies with the National Planning Policy Framework (2012), local plan policies CYC GP1, and H7 and also advice contained within Supplementary

Planning Document (SPD) 'House Extensions and Alterations.' December 2012.

37j) 4 Heathfield Road York YO10 3AE (16/02576/FUL)

Members considered a full application by Mr D Rose for a two storey rear extension, single storey side and rear extensions, hip to gable roof extension and dormer to rear (resubmission).

There was one registered speaker and one Member of Council registered to speak in respect of this item:

Patricia Jackson, a neighbour spoke in objection. She informed the Committee that although the double side extension had been reduced to single storey it would still be overbearing and intrusive and she would suffer overshadowing. The space between her property and the new property would also be minimal.

Councillor Warters spoke in objection. He echoed the concerns of the first speaker, and stated that the extension would be visible from residents from the front and behind. The application he felt amounted to the construction of a House in Multiple Occupation (HMO). He made reference to noise disturbance, over occupation and car parking.

It was suggested that if Members were minded to refuse the application that reasons for refusal be delegated to Officers in consultation with the Chair and Vice Chair.

Councillor Shepherd then moved and Councillor Carr seconded refusal on the grounds that no aspects had changed in the revised scheme and that the neighbours' amenity had been compromised.

On being put to the vote, it was;

Resolved: That the application be refused and authority be given to Officers in consultation with the Chair and Vice Chair to write the reason for refusal.

Reason: The proposed extension represents a significant over development of the site. The proposed rear/side extension in close proximity to the boundary would be

an unneighbourly addition that would result in significant harm to the existing living conditions of no3. Heathfield Road because of its overbearing impact. The two-storey rear element of the extension in conjunction with the ground floor and roof extensions represents a clumsy addition to the dwelling which would appear incongruous with the neighbouring properties resulting in significant harm to the appearance of the dwelling and to the outlook from surrounding dwellings. The proposals are contrary to policy H7 and GP1 of the Development Control Local Plan (2005) and the provisions of the National Planning Policy Framework in particular paragraph 17 which requires 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.

Councillor J Galvin, Chair

[The meeting started at 4.30 pm and finished at 7.20 pm].

COMMITTEE REPORT

Date: 2.2.2017
Team: Major and Commercial Team
Ward: Guildhall
Parish: Guildhall Planning Panel

Reference: 16/02856/FULM
Application at: Stonebow House, The Stonebow. York, YO1 7NY
For: Change of use of 5th floor from office (Use class B1) to residential (use class C3) and extension to the top floor and first floor to create 5no. residential units, change of use and additional floorspace at ground floor units to flexible uses within use classes A1/A3/A4/D2, associated external alterations to car parking and landscaping (amendment of approved application 16/01003/FUL to allow up to 900sq.m of use class D2 floorspace at ground floor level)
By: Oakgate Central York Ltd
Application Type: Full Application
Target Date: 14 February 2017
Recommendation: Approve

1.0 PROPOSAL**APPLICATION SITE**

1.1 The application relates to Stonebow House, a prominent 1960's concrete framed building with podium and tower in the brutalist style. The podium is part single storey, rising to two storey as ground levels lower as Stonebow travels towards Peasholme Green.

1.2 The building is currently vacant. The podium previously accommodated commercial units, including retail, cafe, a night-club/live music venues; the tower offices.

1.3 Planning permission was granted last year at the 6th October Sub Committee for refurbishment of the building (16/01003/FUL). There is approval for residential within the tower and the lower levels within the podium were to receive a new facade and the permitted use a flexible mix of class A uses - retail, restaurants and drinking establishments.

1.4 The site is within the Central Historic Core Conservation Area. As defined in the emerging 2014 Emerging Local Plan the building is within the defined city centre. It is partially within the central shopping area and a secondary frontage.

PROPOSALS

1.5 This application is to allow a gym, which is within the D2: Assembly and Leisure use class, within the commercial units. The applicants have agreed to a restriction, which would be secured through a planning condition, to limit the amount of floor-space that could become D2 use, meaning that one of the two larger units (as shown on the submitted plans) would need to remain in a class A (i.e. retail, restaurant or drinking establishments) use. The condition would relate to floor-space rather than specific units to allow reasonable flexibility (bearing in mind it would not be development to vary the internal configuration of the units as permitted).

1.6 The external appearance of the building, landscaping and the proposed residential use of the upper floors would be as per the approved scheme.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area
Conservation Area Central Historic Core

Draft Local Plans

2.2 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. Whilst the 2005 York Draft Local Plan 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. The relevant draft policies applicable to this application include

L1a Leisure development

2.3 The emerging Local Plan (2014 draft) 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 that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application. Relevant plan policies include;

DP2 Sustainable Development
SS4 City Centre
R3 City Centre Retail
D4 Conservation Areas

3.0 CONSULTATIONS

Highway Network Management

3.1 No response

Guildhall Planning Panel

3.2 No response

Public Protection

3.2 Officers have no objection to this application. It is noted that local noise levels are already high due to the composition of uses in the area. Conditions are recommended regarding delivery times and plant and machinery to protect amenity.

Police Architectural Liaison Officer

3.3 No objection.

Publicity

3.4 One comment has been made regarding landscaping. The application makes no reference to the landscaped area by Whip-Ma-Whop-Ma-Gate. What is intended for the tree and cycle parking in this area is questioned.

4.0 APPRAISAL

KEY ISSUES

4.1 This application is made to allow a gym in the commercial space within the building. A full application, rather than change of use, is made as the building renovation previously approved is yet to be undertaken. The other aspects of the scheme (listed in the description of the proposed development) have been considered under the previously approved application 16/01003/FUL. There is no change to these aspects of the scheme and there have been no material changes to relevant planning policy.

4.2 The key issues around accommodating D2: Assembly and Leisure uses at the lower level of the building are as follows -

- Principle of the proposed uses
- Amenity
- Character and Appearance of the Conservation Area

ASSESSMENT

Principle of the proposed uses

4.3 The site is within the defined city centre where, according to policy SS4 in the emerging Local Plan, the leisure use proposed is acceptable in principle. Emerging plan policies for the city centre are consistent with the NPPF as they establish the local approach for ensuring the vitality of the town centre.

4.4 In the emerging plan the south side of Stonebow House lies in the primary shopping area and is designated as a secondary frontage (the boundary line is drawn where there is currently the elevated walkway between St Saviourgate and The Stonebow).

4.5 Policy R3 supports retail growth in the area. In particular the policy promotes additional retail provision on secondary frontages in Hungate and the Stonebow Area. R3 acknowledges the increasing role of A3 and A4 uses in the primary shopping area and advises that non retail can be permitted in the primary shopping areas and on secondary frontages where the use would complement the retail function, contribute to the vitality and have an active frontage.

4.6 The previous permission allowed a mix of class A uses, including non-retail at lower level. The key gain in the scheme was the introduction of active, predominantly glazed and visually enhanced facades at street level and an improved wider footpath. These benefits remain under this application which proposes no external works/alterations.

4.7 The proposed D2 assembly and leisure use is applied for to allow a gym within the building. The D2 use would also allow for the use of the space as a cinema, concert hall, a dance hall (but not a night-club) or other indoor sports and recreations. A condition is proposed to limit the amount of floor-space that could become D2: Assembly and Leisure use, to continue to provide a mix of uses which, compared to the building in its previous form, enhance vitality and viability.

4.8 The proposals would be consistent with emerging Local Plan policy R3 which seeks to extend the retail offer within the central shopping area out and link it with the Hungate regeneration area to the north.

4.9 Emerging policy CF2 supports new leisure facilities provided they are meeting an identified gap in provision and are in accessible locations. Section 8 of the NPPF also supports such facilities. In the 2005 Draft Plan policy L1a states the council is keen to encourage leisure developments and such uses should be located in the city centre. The policy identifies the nearby Hungate area as an appropriate site for leisure uses.

4.10 The site is in an area of population growth, considering Hungate and recent student developments between the site and Walmgate Bar. The site is by a bus stop in the city centre and therefore the location is sustainable. The application is not speculative which indicates market demand. There is no evidence there are an over-supply of similar facilities in this part of the city. The proposed use is policy compliant.

Amenity

4.11 The National Planning Policy Framework requires that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This includes preventing noise from having a serious adverse effect.

4.12 The site is in a mixed use area, where there have previously, and still are various late night uses. The proposed use, or other D2 uses, would not be out of place in this respect. A planning condition is proposed to ensure adequate sound insulation be incorporated prior to any new leisure uses opening, in accordance with the relevant British Standard which is 8233:2014. This would prevent noise from amplified music and the general use of gym equipment for example affecting the local environment.

Character and Appearance of the Conservation Area

4.13 The site is within the Central Historic Core Conservation Area. The proposed use would be accommodated without alteration to the building's exterior and the use is compatible with the composition of uses within the relevant part of the conservation area. There would be no adverse effect on the conservation area.

5.0 CONCLUSION

5.1 The commercial space within the building was predominantly occupied by night-time uses. The recently approved scheme did not restrict the amount of commercial space that could be used as restaurants and drinking establishments. The proposed addition of a limited amount of D2: Assembly and Leisure use within the approved flexible uses for the commercial space would be acceptable in principle in this city centre location; the buildings refurbishment will still enhance the vitality and viability of the locality or the city centre as a whole. There are no additional external changes proposed; in this respect the scheme is as was previously approved by members.

5.2 The scheme is policy compliant and can be acceptable subject to conditions; those imposed on the previous permission and the addition of conditions (proposed conditions 14 and 17) to limit the extent of D2 use, so it does not dominate the ground floor area and a condition to prevent noise pollution.

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:-

Site Location Plan 2014-222/100 Rev H
Proposed Site Plan 2014-222/801 Rev C

Proposed floor plans

Proposed Basement Floor Plans 2014-222/201 Rev F
Proposed Ground Floor Plan 2014-222/202 Rev F
Proposed First Floor Plan 2014-222/203 Rev E
Proposed Second Floor Plan 2014-222/204 Rev E
Proposed Third Floor Plan 2014-222/205 Rev F
Proposed Fourth Floor Plan 2014-222/206 Rev E
Proposed Fifth Floor Plan 2014-222/207 Rev E
Proposed Sixth Floor Plan 2014-222/208 Rev E
Proposed Roof Plan 2014-222/209 Rev D

Proposed elevations

2014-222_210 Rev F
2014-222_211 Rev F

Design Intent Commercial 2014-222/151 Rev E
Design Intent Residential 2014-222/152 Rev E
Design Intent Duplex 2014-222/153 Rev G
Design Intent Juliet Balcony 2014-222/154 Rev C
Design Intent Terrace Balcony 2014-222/155 Rev C

Sample Panel Detail - 2014-222/149 Rev A

Landscaping

Ground Level - 2014-222/9101 Rev F
Ground level west end - 222/9108
1st Floor Deck - 222/9102 Rev E

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

Application Reference Number: 16/02856/FUL

Item No: 4a

3 HWAY40 Dilapidation survey

4 Adoptable layout to be agreed

Prior to commencement of development full detailed drawings showing the design and materials for roads, footways, other highway areas and amenity space at the east side of the building (and which shall comply with the requirements set out in the NYCC Residential Design Guide and Specification - second edition) shall be submitted to and approved in writing by the Local Planning Authority. Such areas shall be constructed in accordance with the approved details prior to first occupation of the development hereby approved.

Reason: In the interests of visual amenity and road safety. These details need to be agreed prior to commencement to assist with the programme of construction, and avoid any abortive works.

5 Bus stop and cycling provision

A detailed methodology identifying the temporary removal and relocation of adjacent bus stops and their associated infrastructure on the Stonebow frontage and the cycle stands within the site during development activities, together with their reinstatement upon completion of the development, shall be submitted to and approved in writing by the Local Planning Authority prior to such works commencing. The aforementioned methodology shall be implemented as agreed, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the existing public transport infrastructure is protected during development and to ensure that public transport in the vicinity of the site can continue to operate in a reliable manner.

6 Method of Works

Prior to the commencement of development, a detailed method of works statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include the following information;

- a phasing plan setting out the scheduled works and anticipated timescales
- a Traffic Management Plan identifying how pedestrian and cycle access along the Stonebow corridor will be maintained during development activities
- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours

- where contractors will park
- where materials and waste material will be stored within the site

- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

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

7 Large scale details

Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the development and the works shall be carried out in accordance with the approved details.

- Typical sections showing shop-fronts along St Saviourgate and new doors and their surrounds
- Stonebow glazed elevation - Details supplemented with design code rationale for the proposed mullion spacing pattern, mullion/transom type, door treatment type and situation selection criteria (in order to ensure design integrity).
- Roof vent to duplex apartment
- Any gate / barrier on the vehicle access ramp

Reason: So that the Local Planning Authority may be satisfied with these details, in the interests of the character and appearance of the conservation area.

INFORMATIVE: In design of the St Saviourgate elevation the developers are requested to note comments by Historic England who recommended a design approach which would add interest and contribute positively to the character of the host building and appearance of the street.

8 Materials

A sample panel of the materials to be used for the tower, in accordance with drawing 2014-222/149 A, shall be approved in writing by the Local Planning Authority prior to the commencement of the relevant works. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance, in particular in the interests of the character and appearance of the conservation area.

9 Times of construction

Unless otherwise agreed by the Local Planning Authority, all demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Saturday 07:00 to 18:00
Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of existing occupants from noise, in accordance with the National Planning Policy Framework, in particular paragraph 17.

10 Tree protection

The tree shown as being retained on the approved plans shall be protected in accordance with BS: 5837: Trees in relation to construction. Protective fencing shall be in situ at all times during development (apart from undertaking of approved landscaping works within the tree protection area) to create an exclusion zone, which shall be avoided by construction traffic and associated storage.

Reason: To protect a tree which has been identified as being of high amenity value and makes a positive contribution to the setting.

11 Hard landscaping

The hard landscaping, including areas shown on the approved plans for parking and manoeuvring of vehicles and cycles, as shown on the approved drawings shall be implemented prior to first occupation of the development hereby approved and thereafter such areas shall be retained solely for such purposes.

There shall no additional structures, including lighting, added on the deck of the podium, to those as shown on the approved plans.

Reason: In the interests of visual amenity and the character and appearance of the conservation area and in the interests of highway safety.

12 Landscaping

A detailed landscaping scheme, following the principles shown on the approved landscaping plan 2014-222/9108, shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development hereby approved.

The hard landscaping measures shall be implemented in accordance with the approved scheme prior to first occupation.

The soft landscaping measures shall be implemented in accordance with the approved scheme within 6 months of first occupation.

Any trees or plants which within the lifetime 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.

The public seating areas and cycle parking shall be retained for such use at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and the character and appearance of the conservation area.

13 Residential amenity: noise

Prior to first occupation of the dwellings hereby permitted a scheme of noise insulation measures for protecting the dwellings from externally generated noise shall be submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

INFORMATIVE: The noise insulation measures shall accord with BS:8233; 2014 recommendations. The building envelope of dwellings shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) at night. These noise levels shall be observed with all windows shut in the habitable room and other means of ventilation provided.

Reason: To protect the amenity of future occupants from externally generated noise, in accordance with the National Planning Policy Framework, in particular paragraph 17.

14 Noise insulation to any D2 use

Prior to first use of any D2: Assembly and Leisure use on site a scheme of noise insulation measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details at all times.

Reason: To protect amenity, in accordance with the National Planning Policy Framework, in particular paragraphs 17 and 123.

INFORMATIVE: The rating level of the noise emitted from any D2 uses shall not exceed the existing background noise level at the application site boundary. The measurements and assessment shall be made according to BS 8233:2014.

15 Electric vehicle charging points

At least two electric vehicle charging points shall be installed within the car parking area, as shown on the approved plans prior to occupation of the dwellings hereby approved.

REASON: To promote and facilitate the uptake of electric vehicles in accordance with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (paragraph 39).

INFORMATIVE: The points shall comprise of a three pin 13 amp electrical socket which is in a suitable location to enable the charging of an electric vehicle using a 3m length cable. Any socket provided must comply with BS1363 or an equivalent standard, Building Regulations and be suitable for charging electric vehicles.

16 Staff cycle parking

Staff cycle parking for each commercial unit shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the relevant unit and retained for such use at all times.

Reason: To promote sustainable travel in accordance with section 4 of the NPPF.

17 Limited element of D2 uses

Notwithstanding the provisions The Town and Country Planning (General Permitted Development) (England) Order 2015 no more than 900 sq m of the floor space shall be occupied within the D2: Assembly and Leisure use class.

Reason: In the interests of the vitality and viability of the central shopping area, as designated in the emerging local plan, in accordance with section 2 of the NPPF and policies R3: York City Centre Retail of the emerging Local Plan.

18 Storage

The storage facilities for waste and cycles (both internal and external facilities) shall be provided in accordance with the approved plans prior to first use of the development hereby approved. The facilities shall be provided in accordance with the approved plans at all times.

Reason: In the interests of good design and visual amenity and to promote sustainable travel in accordance with policies GP1 and T4 of the City of York Draft Local Plan, design guidance in the National Planning Practice Guidance and section 4 of the National Planning Policy Framework.

19 Waste storage / collection

Waste from the commercial units hereby approved shall be stored within the building.

Waste shall only be collected during the following hours: 07:00 to 23:00 each day of the week.

Reason: To protect the amenity of existing and future occupants from noise, in accordance with the National Planning Policy Framework, in particular paragraph 17.

20 Delivery Times

Upon completion of the development, delivery vehicles to the commercial units hereby approved shall be confined to the following hours: 07:00 to 23:00 each day of the week.

Reason: To protect the amenity of existing and future occupants from noise, in accordance with the National Planning Policy Framework, in particular paragraph 17.

21 Doors

No doors shall open out onto the footpath, except if necessary to allow for means of escape.

Reason: In the interests of pedestrian movement and safety.

7.0 INFORMATIVES:

Notes to Applicant

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

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

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

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington
(01904) 551361

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:

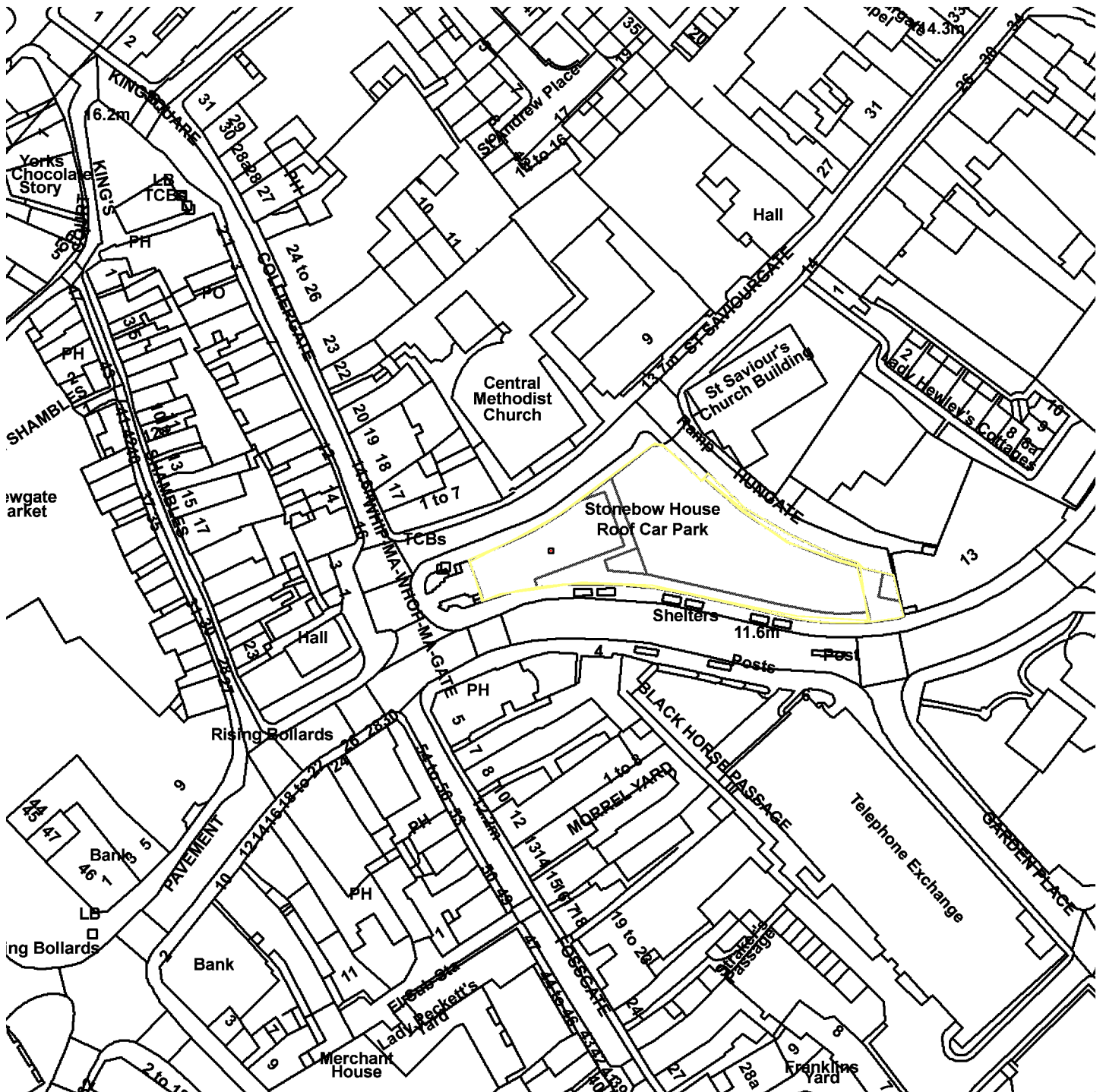
Author: Jonathan Kenyon, Development Management Officer

Tel No: (01904) 551323

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16/02856/FUL

Stonebow House, The Stonebow



Scale : 1:1297

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	23 January 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 2 February 2017 **Ward:** Strensall
Team: Major and **Parish:** Earswick Parish Council
Commercial Team

Reference: 16/02792/OUT
Application at: Fossbank Boarding Kennels, Strensall Road, York, YO32 9SJ
For: Erection of 4no. dwellings served by new access road from existing driveway following demolition of existing kennels, stables, quarantine and cattery buildings
By: Mrs A & M Royle & Barker
Application Type: Outline Application
Target Date: 9 February 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 Full planning permission was granted in June 2016 for the erection of four detached houses following the demolition of existing single storey outbuildings associated with Fossbank Boarding kennels. The houses were to be accessed via a newly created driveway from the existing private access from Strensall Road. The approved dwellings had habitable space over two floors, with the upper storey accommodated within the roof space. Plots 1 and 3, were located to the south of the existing dwelling, and provided three bedroom accommodation, together with a detached single garage. Plots 2 and 4, were located the west of the existing dwelling and would each have 4+ bedrooms and detached double garages. The approved materials of construction were timber cladding to the walls and profiled lightweight metal roofing system with timber windows and doors.

1.2 The current application is submitted in outline with all matters reserved with the exception of the access. Accordingly, whilst the description of the application refers to the erection of four dwellings, the layout, design, and indeed number of dwellings is not for consideration at this stage. The applicant has advised that following the granting of planning permission, they contacted a number of house builders who expressed an interest in the site. However they were unwilling to proceed because funding agencies were unwilling to provide mortgages for timber framed kit houses. The application has therefore been re-submitted with the aim of obtaining an outline permission, to enable Fossbank Kennels to be relocated elsewhere. This application is submitted, therefore, with a view to securing an outline planning permission for 4 dwellings to enable the site to be sold and redeveloped which will allow Fossbank Kennels to be relocated elsewhere. The supporting statement also states, 'The Applicants must cease using the kennels by June 2017, following which they will have no income, and unless the site is sold in the interim, no means of purchasing kennel

premises elsewhere. There is therefore a degree of urgency in resolving their problems.'

1.3 The existing reception building, the stables, house and the paddock that lies between the site and Strensall Road fall outside the application site boundary.

1.4 The application is accompanied by a supporting statement from the applicant's agent, together with a contamination assessment, flood risk assessment, surface water drainage strategy and bat survey report.

1.5 The application is reported to sub-committee at the discretion of the Assistant Director because the earlier decision was made by Members and this application is materially different.

2.0 POLICY CONTEXT

2.1 Policies:

CYGP1	Design
CGP15A	Development and Flood Risk
CYGB1	Development within the Green Belt
CYGB6	Housing devt outside settlement limits
CYNE1	Trees, woodlands, hedgerows
CYNE6	Species protected by law
CYNE7	Habitat protection and creation
CYH2A	Affordable Housing
CYH4A	Housing Windfalls
CYT4	Cycle parking standards

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management

(i) City Archaeologist

3.1 This application site covers an area of relatively undisturbed ground to the north of Earswick. The site may potentially contain archaeological features relating to a prehistoric-Romano-British landscape and/or medieval and post-medieval agricultural practices. It is possible that excavations for the foundations of the proposed dwellings and associated service connections may reveal or disturb archaeological features or deposits. It will be necessary to record any revealed features and deposits through an archaeological watching brief on all groundworks. Request condition ARCH2

(ii) Countryside and Ecology

3.2 The Council's Countryside and Ecology Officer has advised that the revised application does not alter her comments in relation to approved application 15/02843/FUL on the site. The Bat Survey undertaken in May 2016 is still valid. Therefore if permission is granted for the development, it is recommended that conditions be imposed required mitigation to be carried out in accordance with the submitted Bat Survey Report, together with a requirement for biodiversity enhancement.

Public Protection

3.3 The Council's Public Protection Officer has advised that the comments made on application 15/02843/FUL still apply. Their comments at that time concluded that the proposed new development would result in the removal of any noise nuisance from the kennels affecting nearby residents. They further concluded that the potential for loss of amenity due to odour or noise from Hall Farm affecting the proposed dwellings was low.

3.4 In terms of contaminated land, it is requested that a condition be attached to any permission granted due to potential for contamination associated with the former uses of the land.

3.5 In accordance with paragraph 35 of the NPPF and the Council's Low Emission Strategy (October 2012), the environmental protection unit would recommend a condition requiring an electric vehicle charge point.

Highway Network Management

3.6 Network Management have responded that there are no objections in principle to the outline application from a highways point of view. They further advice that access arrangements appear the same of that approved (15/02843/FUL), though details will need to be conditioned.

Flood Risk Management Team

3.7 Object to the development due to the lack of drainage detail. However if the application is approved it is recommended that conditions be imposed that require details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, to be submitted to and approved by the Local Planning Authority.

EXTERNAL

Yorkshire Water

3.8 No views received

Foss Internal Drainage Board

3.9 The Board has advised that it has assets in the wider area in the form of the River Foss, which is known to be subject to high flows during storm events. Accordingly they advise that where possible, the risk of flooding should be reduced and that as far as is practicable, surface water should be managed in a sustainable way to mimic the existing surface water flows. The application form states that surface water drainage will be disposed of via soakaway and / or Sustainable Drainage System (SUDs). The Board welcomes soakaways as an approach, but recommends that soakaway testing is carried out in accordance with BRE Digest 365, to ensure that the soil structure is suitable. If this is established, the applicant should submit a design for a soakaway that would fully accommodate a 1:30 year storm event with no overland run-off for a 1:100 year event plus a 20% allowance for climate change. As an alternative, the application form makes reference to a Sustainable Drainage System by using an existing pond on the site. It is recommended that any permission be subject to a condition requiring details of surface water drainage to be submitted and approved.

Earswick Parish Council

3.10 Support the application.

Neighbour Notification and Publicity

3.11 There have been 12 objections received in relation to the application, including the following material planning grounds:

- Concerned about proposed development extending beyond the existing footprint of the initial application and/or kennels.
- Support brownfield development in and around York, but strongly opposed to opportunistic development that impacts on the greenbelt.
- The application is materially different to the first as it appears that the applicant intends to sell the entire site to a developer. This will bring the risk that the whole site will be the subject of further development.
- Impact on the openness and permanence of the green belt.
- The demolition proposals are an attempt to extend the planning site, and lead to pressure for further housing development on the surrounding undeveloped land on the periphery of the village.
- Further encroachment onto land intended by Previous Green Belt Appraisals to protect the regional green belt corridor stretching north from the city boundary to Strensall should be vigorously resisted.

- Harm to visual amenity by expansion of the original site, abandonment of low rise eco friendly housing design, and pressure for further development will exacerbate the harm to the green belt that was set aside by the original decision to approve the very limited development on the grounds of exceptional circumstances.
- Very concerned by the prospect of the whole site being sold to a developer, not least because the Draft Neighbourhood Plan for Earswick talks about no housing development within the village, and in light of this will object in strongest terms in the event that the whole site is sold and subsequently an application is made for the re-development of the whole site.
- Replacement of timber framed houses with traditionally built properties.
- The revised numbers for housing need can be adequately met from suggested sites in the Draft Local plan.
- The purpose of the planning system is not to generate money for landowners.
- The development will add to the congestion on Strensall Road and access at a dangerous point due to the speed restrictions from 60mph down to 30mph.
- The premise for the approval of the previous application was to allow the kennels to close on grounds of public nuisance, and now they seem to seek further profit by demolishing their residence to make way for additional housing.
- Alteration in style of properties and potential increase in numbers on the periphery of the village will make an unacceptable impact on its historic setting, and should be rejected.

3.12 One letter of support has been received from a user of the kennels, and includes the following;

- Fail to see how a change of material will make any difference to the overall plan. The plans have already been passed.
- Understand the difficulties that the business is going through following neighbour complaints, and understand the need to get the planning and building moving to enable them to relocate the business.

4.0 APPRAISAL

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

- Principle of development
- Openness and purposes of Green Belt
- Character and appearance
- Flood risk
- Highway safety
- Residential amenity
- Ecology
- Archaeology

- Contributions

POLICY CONTEXT

4.2 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 retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS") saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. These policies, YH9(C) and Y1(C1 and C2), relate to York's Green Belt and the key diagram, Figure 6.2, insofar as it illustrates the 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.

4.3 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 designated as Green Belt. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as seeking high quality design and protecting Green Belt.

4.4 Section 6 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 49), with housing in rural areas being located where it will enhance or maintain the vitality of rural communities (paragraph 55).

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.

4.6 Section 9 'Protecting Green Belts' says that the essential characteristics of Green Belts are their permanence and openness (paragraph 79). Paragraph 80 sets out the purposes of Green Belt. These are to check 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. Paragraph 88 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

With regard to new buildings, paragraph 89 states that the construction of new buildings is inappropriate in Green Belt unless it falls within one of the listed exceptions.

4.7 Section 10 'Meeting the challenge of climate change, flooding and coastal change offers advice on locating new development to avoid increased flood risk.

4.8 Section 11 'Conserving and enhancing the natural environment' says that the planning system should contribute to and enhance the natural environment by, amongst other things, minimising impacts on biodiversity and providing net gains in biodiversity where possible as well as preventing adverse affects on pollution and land instability.

4.9 Section 12 'Conserving and enhancing the historic environment' requires local planning authorities to recognise the significance of heritage assets and conserve them in an appropriate manner.

4.10 The City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications, although it is considered that their weight is limited except when they are in accordance with the NPPF. The relevant policies are summarised in section 2.2 above. Policies considered to be compatible with the aims of the NPPF and most relevant to the development are GP1 'Design' and GB1 'Development in the Green Belt'.

4.11 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).

SITE AND HISTORY

4.12 The application site is located on the west side of Strensall Road, between Earswick and Strensall. It comprises an area of approximately 0.32 hectares, (excluding the driveway), at the end of a long private driveway. The driveway currently serves the dwellinghouse, known as Foss Bank, the paddocks and stables, and a kennels/cattery business that occupy a collection of single storey buildings to the rear of the existing house. Only the single storey, L-shaped building housing the kennels and the quarantine building fall within the application site boundary. The kennel building is of brick and tile construction and follows the site boundaries at the north-western corner of the site. The quarantine building is also a single storey structure adjacent to the cattery building. The remainder of the application site is exercise space serving the kennels or private garden/orchard. The site is landscaped on its boundaries and within it, including a line of evergreen trees along the boundary between the kennels and the existing house and its garden.

4.13 To the north of the site are open fields and Hall Farm - an intensive pig farming operation. To the south is a field that separates the site from a large more modern housing estate, which is an extension to Earswick that falls within its defined settlement limit. To the west is open land used as a playing field/play area and beyond this the River Foss. To the east, beyond the original house and its paddock, is Strensall Road, with a row of houses on its eastern side.

4.14 The kennels and cattery business has been present at the site for many years and pre-dates the housing estate to the south. There have been previous outline planning applications and a full application relating to development of the site for housing.

4.15 Outline planning permission (09/01956/OUT) was refused at Committee in 2010 for three new houses on the grounds that the proposal constituted inappropriate development for which there was no compelling benefit that clearly outweighed harm.

4.16 In June 2016, full planning permission was granted for the erection of 4 no. detached dwellings with garages, together with the provision of a new access road from the existing driveway. Although this site lies within the Green Belt and, therefore, residential development would constitute inappropriate development in terms of Paragraph 89 of the NPPF, nevertheless, in determining application 15/02843/FUL, Members considered that very special circumstances existed which warranted granting approval for the development.

PRINCIPLE OF DEVELOPMENT

4.17 Paragraphs 87-88 of the NPPF advise that permission should be refused for inappropriate development, unless other considerations exist that clearly outweigh identified harm to the Green Belt and which would amount to very special circumstances.

4.18 Members will recall that the report on the previous application 15/02843/FUL made reference to a noise abatement notice that has been served on the applicants, who operate the kennels from the site. The supporting statement to that application claimed that the notice has adversely affected the viability of the business. And further, that the proposed new dwellings would result in the removal of any further noise nuisance affecting residential properties in the vicinity. Members took this information into account in the determination of application 15/02843/FUL and considered that the applicant had demonstrated very special circumstances to justify approving the application despite the potential harm to the Green Belt by reason of inappropriateness.

4.19 Since an extant permission already exists for residential development on this site, the first consideration, in terms of this current application, therefore, is whether or not there have been any material change of circumstances which would warrant setting aside the principle that housing in this location is acceptable.

4.20 In the 8 months since permission was granted for the redevelopment of this site, there have been no changes to Green Belt Policy in either the NPPF or through Ministerial Statements. Neither have there been any material changes to the circumstances which warranted Members granting approval for housing in this location in the first place. The noise abatement notice is still active and prohibits the recurrence of noise nuisance due to barking dogs.

4.21 In consideration of the current application, the extant permission on the site for four dwellings and garages constitutes the very special circumstances that exist. It is therefore considered that there is nothing which would warrant a reconsideration of the already-established principle that residential development on this site is acceptable.

4.22 The main issue, therefore, is whether the proposal to change this application from a detailed to an outline scheme is acceptable.

IMPACT ON OPENNESS AND GREEN BELT PURPOSES

4.23 The site comprises land that surrounds an existing two-storey dwelling house and that accommodates two single-storey outbuildings. Two further single-storey buildings, comprising a cattery and stables, are proposed to be removed. These are within the applicant's ownership, but fall outside the planning application boundary. The remainder of the site is undeveloped other than the single-width access track. The land is divided by field boundaries and means of enclosure, such as around the kennels, and there are trees and planting within the area that is the application site. The site, in its wider context, reads as a single host dwelling within its own plot of land with related outbuildings. The kennel block and quarantine building are single-storey and of low scale, and as such, there is limited visibility of them when viewed from Strensall Road neither are they prominent in views from the surrounding open land.

4.24 The extant permission (15/02843/FUL) granted consent for four, detached houses with associated garages and driveways, which are single storey to eaves height, with additional accommodation within the roof space. However, the current proposal is in outline, with all matters except access reserved. If unrestricted by condition, it could result in a greater number of dwellings, and indeed scale of development. The supporting statement from the applicant states 'Given the distance of the site from any public viewpoint, the extent of surrounding vegetation and the scale of the existing house on the site, my own view is that limiting the development to 1½ storeys would be difficult to justify. However, if you, or Members, take a different view, the height of the dwellings can be covered by planning condition'. It is accepted

that the site is distant from the road, and there is some existing screening and changes in landform to the west of the site. Nevertheless, it is considered that an increase in the number of approved dwellings, and/or an increase in height of the dwellings, could render the development more visible, and create a more urban development which would detract from the open character and appearance of the site. The impact of the development would also be exacerbated by the additional lighting from windows on the higher stories that would be visible from a distance. The additional vehicular movements associated with an increase in scale and numbers would add to the urbanisation of the area. Furthermore, it is considered that unrestricted outline consent could create a development that appears as an urban expansion of the existing housing development at The Garden Village.

4.25 It is of note that the update to the York Green Belt Appraisal (February 2003) undertaken as part of the Evidence base of the emerging Local Plan and titled 'Historic Character and Setting Technical Paper, January 2011', concluded that as the gap between the settlements at this point is particularly narrow, any development in this area would be likely to have a significant impact upon the Green Belt. Whilst the principle of residential development may have been established, the York Green Belt Appraisal demonstrates the sensitivity of this location and the need to ensure that the rural character and openness is not compromised through a greater density of development on this site.

4.26 This harm to openness should be afforded substantial weight by the decision maker. It is therefore considered that if Members are minded to approve the application, this potential harm should be mitigated by restricting the development to a maximum of four houses and garages on the site, and limited to one and a half storey in height. Subject to this limitation, and taking account of the extant permission, it is considered that the current application accords with Section 9 of the NPPF - Protecting Greenbelt Land.

CHARACTER AND APPEARANCE

4.27 The NPPF, at paragraph 64, advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.28 The extant permission for the development of four houses on the site, (15/02843/FUL) relates to the erection of four timber framed houses that have a relatively low one and a half storey ridge height. As detailed above, the current application is in outline with no details of layout or design. If permission is granted, details of the design will be the subject of a reserved matters application. It is considered that lower height dwellings would help to reduce the visual impact of the buildings on the general appearance of the site when viewed from outside. It is also considered that lower height dwellings would be more typical of a rural area, and would appear ancillary to the existing dwelling which is in the applicant's ownership.

This would differentiate from the more urban appearance of the larger scale houses on the adjacent Garden Village development.

4.29 It is not considered however that the use of timber cladding is essential to the acceptability of the development in this location. It has been noted earlier in the report that the houses will be viewed at a distance. It will not be possible from most public viewpoints to differentiate between the use of timber cladding, and brick.

Furthermore, a significant number of rural buildings are constructed from brick. Accordingly, it is not considered necessary to condition any approval to the use of timber cladding.

4.30 Taking account of the extant permission on the site, and subject to the recommended conditions in relation to a restriction on the number and height of dwellings, it is considered that the development accords with policy GP1 of The City of York Draft Local Plan, and Sections 7 and 9 of the NPPF.

FLOOD RISK

4.31 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.

4.32 The site falls within flood zone 1 and, as such, should not suffer from river flooding. The application form states that foul sewage would be discharged to a package treatment plant and surface water disposed of via a soakaway or SUDS in the form of a retention/detention basin. The Council's Flood Risk Management Team has objected to the application on the basis of a lack of drainage information. It is considered however, that because there is an extant permission on the site, such details can be conditioned.

HIGHWAY SAFETY

4.33 The NPPF encourages sustainable travel and the location of development in sustainable and accessible locations. The application proposes additional residential properties on a site isolated from local services, but on the public transport route from York City Centre to Strensall. The principle of the location has been accepted by the approval of application 15/02843/FUL for the erection of four dwellings. Subject to the approval of details, it is not considered that the revised application for outline consent would raise any new material considerations that would warrant refusing the application.

RESIDENTIAL AMENITY

4.34 One of the core principles of planning outlined in the NPPF is to seek a good standard of amenity for all existing and future occupants.

4.35 The nearest residential properties are located to the south of the site and form part of a large modern housing estate. They are at a distance of over 30m from the site and separated by a field. Whilst the current application does not include details of the design or indeed location of the proposed dwellings, it is considered that the distance of the site, from neighbouring properties is such that the proposed houses would not have any impact on the nearby houses in terms of overlooking, overshadowing or increased sense of enclosure. Indeed, the removal of the existing commercial use and associated noise and its replacement with the domestic use of the land would benefit the local community.

4.36 If development on the site is limited to four dwellings, it is considered that the site is large enough to provide a level of private amenity and parking provision that is commensurate with the size of the proposed dwellings. Furthermore, the dwellings could be arranged on the site in a manner that would provide adequate separation between them. The houses would be at a distance of approximately 250m from the existing pig farm located to the north of the site. Whilst there have been noise and odour complaints about the operations at Hall Farm, these have not related to the pigs themselves. It is also noted that the proposed houses would be no closer to the adjacent farm than the current host property at the site. During consideration of application reference 15/02843/FUL, it was accepted that the potential loss of amenity to the proposed four new dwellings is low. It is not considered that there is any material change in circumstances since that application was approved that would warrant a change in recommendation.

4.37 The Council's Public Protection Officer requests conditions covering contamination and electric vehicle charge points be attached to any approval.

4.38 In light of the above, no objections are raised to the proposal on the grounds of residential amenity and there would be negligible harm caused in this respect.

ECOLOGY

4.39 Paragraph 118 of the NPPF aims to conserve and enhance biodiversity, including the refusal of planning applications where development would adversely affect Sites of Special Scientific Interest, ancient woodland and European protected sites. The site does not fall within any of these designations.

4.40 The existing buildings at Foss Bank are considered to have the potential to support roosting bats, considering their construction and the surrounding habitat. An ecological survey was submitted on 24 May 2016. It confirms that no evidence of bats using the buildings was observed and no bats were recorded emerging from them. Therefore, it is considered unlikely that the buildings are in use as a bat roost and bats do not present a significant ecological constraint to the development of the buildings. However, as it is difficult to provide conclusive evidence of the presence/absence of

such roosts, precautionary mitigation measures are proposed. The buildings were considered suitable for nesting birds and the report advises development takes place outside the bird-nesting season and compensation be included in the development for house sparrow and swallows.

4.41 The survey has been appraised by the Council's Countryside and Ecology Officer who supports the findings and recommendation. She raises no objections to the application subject to a condition requiring mitigation detailed in the Bat Survey Report by Quants environmental.

ARCHAEOLOGY

4.42 Section 12 of the NPPF advises that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraph 131, in particular, states that local planning authorities should take account of the desirability of sustaining and enhancing an asset's significance, the positive contribution it can make to sustainable communities and the positive contribution new development can make to local character and distinctiveness. Paragraph 135 requires the effect of an application on the significance of a non-designed heritage asset to be taken into account in determining an application.

4.43 The City Archaeologist has identified the site as having the potential to contain archaeological features relating to a prehistoric Romano-British landscape and/or medieval and post-medieval agricultural practices. As such, the proposal may reveal or disturb these archaeological features and any deposits. Therefore, in line with advice in the paragraph 40 of the Planning Policy Guidance document that accompanies the NPPF, a condition requiring an archaeological watching brief on all groundworks has been requested by the City Archaeologist. Any harm to archaeological deposits and features can be adequately addressed and mitigated through the imposition of conditions.

CONTRIBUTIONS

4.44 Policy requirement in respect of contributions towards affordable housing and public open space has been superseded as a result of Ministerial guidance which has resulted in a change in national policy. Accordingly the development does not trigger a requirement for any contributions.

5.0 CONCLUSION

5.1 The application site is within the general extent of the York Green Belt. The proposal constitutes inappropriate development for the purposes of paragraph 88 of the NPPF, and by definition causes harm to the Green Belt. However, in determining application 15/02843/FUL, Members resolved that the proposals would not materially

affect the openness of the Green Belt and considered that the applicant had demonstrated that very special circumstances existed to justify approving the application despite, the potential harm to the Green Belt by reason of inappropriateness. Application 15/02843/FUL for the erection of four dwellings remains extant, and subject to the necessary condition discharge can be implemented.

5.2 This extant permission constitutes very special circumstances for supporting inappropriate development in the green belt as submitted in this outline application. It is not considered that there are any material considerations or objections raised that would warrant refusing in principle this outline application. It is considered however that an increase in housing numbers and scale of dwellings, would detract from the open character and appearance of the green belt, and accordingly would be contrary to Section 9 (Protecting Green Belt Land) of the NPPF and Policy GP15a of the 2005 Draft Local Plan. It is therefore considered that development be restricted to a maximum of four single storey dwellings, with any additional accommodation contained within the roof space.

6.0 RECOMMENDATION: Approve

1 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details:

Details to be submitted: appearance, landscaping, layout and scale of the proposed development to be carried out, including a schedule of all external materials to be used.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

2 OUT1 Approval of Reserved Matters

3 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an area of relatively undisturbed ground, where there is potential for archaeological deposits relating to a prehistoric landscape and/or medieval and post medieval agricultural practices, which could be disturbed through excavation.

4 The development hereby approved shall be restricted to a maximum of four dwellings on the site enclosed in the red line on the submitted plan.

Reason: It is considered that any increase in the number of dwellings will result in harm to the character of the area, and the openness of the green belt.

5 The dwellings hereby approved shall be limited to single storey at eaves level, with any additional accommodation within the roof space.

Reason: In the interests of protecting the character of the area, and the openness of the green belt.

6 The development hereby permitted shall be implemented in accordance with the scheme of mitigation set out in the Bat Survey report by QUANTS Environmental Ltd dated May 2016 submitted in support of the application. This includes the following measures to be provided prior to demolition or any works to the buildings:

- Install 3x durable woodcrete bat boxes (i.e. 2F Schwegler) on site, to be installed in a mature tree with the position confirmed under the guidance of a suitably qualified ecologist;

- A toolbox talk to the contractors involved with demolition delivered by a suitably qualified ecologist in order to explain the presence of bats, their legal protection, roles and responsibilities, the proposed method of working and procedures should bats or evidence of bats be found.

During works to Buildings B1 (kennels) and B4 (stables) the roof tiles and other features of potential value to bats should be removed in a controlled manner by hand/hand tools under the supervision of a Natural England licensed bat surveyor.

Prior to occupation, as a biodiversity enhancement, two woodcrete bat bricks (1FQ or 1WQ Bat Box by Schwegler or similar) should be installed on the south/east/west elevations of each new dwelling (the position of the bat bricks should be confirmed under the guidance of a suitably qualified ecologist).

Reason: To take account of and to enhance the habitat for a European protected species.

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

verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

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

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

Reason: So as to achieve a visually cohesive appearance, and to ensure that the development does not harm the character of the area.

9 The applicant shall install a three pin 13 amp electrical socket in each of the garages for the four properties which are located in a suitable position to enable the charging of an electric vehicle 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.

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

10 Prior to occupation, a detailed landscaping scheme (including hard and soft landscaping) which shall illustrate the number, species, height and position of trees and shrubs within the site shall be submitted to and approved in writing by the Local Planning Authority. 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.

11 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the construction of the houses and shall be provided in accordance with the approved details before the development is occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties.

12 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority. Thereafter, unless otherwise agreed in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved works, and no dwelling shall be occupied prior to the completion of the approved foul drainage works.

Design considerations.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself.

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods can be proven to be unsuitable then in accordance with City of York Council's Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model

must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas are not proven, then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

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

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site and because building works may prejudice an acceptable drainage scheme.

13 Before the commencement of construction works, details of the junction between the internal access road and the highway shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until that junction has been constructed in accordance with the approved plans.

Note: The details shall include a refuse collection point within the site curtilage.

Reason: In the interests of highway safety.

14 PD1 Removal of specific permitted development rights
Classes A, B, C and E of Schedule 2 Part 1

15 The development hereby permitted shall not come into use until full details of the proposed vehicular access including passing place, parking arrangements, turning and cycle storage facilities have been submitted to and approved by the Local Planning Authority. These facilities shall be constructed in accordance with the specification so approved prior to the development being first brought into use and thereafter shall be maintained clear of any obstruction which would preclude their intended use.

Reason: To ensure appropriate on-site vehicle parking facilities, access and manoeuvring areas are provided in the interest of highway safety and general amenity of the development.

16 The access driveway shall be maintained throughout its length at a minimum width of 3.7m and a minimum height clearance of 4.5m.

Reason: To ensure access by emergency vehicles to the site is maintained at all times.

17 HWAY28 IN Proximity of gate etc to highway

18 HWAY11 Initial 10m of access surfaced

19 There shall be no external lighting on the dwellings, or within their curtilage or access, unless details have first been submitted to, and approved in writing by the Local Planning Authority.

Reason: In the interests of maintaining the character of the countryside.

7.0 INFORMATIVES:

Notes to Applicant

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

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

- requested revised site plan
- Imposition of conditions to mitigate impacts.

2. INFORMATIVE:

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

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington
(01904) 551361

3.INFORMATIVE:

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

The buildings were considered suitable for nesting bird activity, and therefore works should ideally start between October and February (outside of the nesting bird season); however, should works commence within the bird-nesting season (March to September) a pre-start nesting bird check would be required.

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.

4. 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

5. INFORMATIVE:

i) The applicant should be advised that the Internal Drainage Board's prior consent is required for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge to the watercourse will also require the Board's prior consent.

Contact details:

Author: Rachel Smith, Development Management Officer

Tel No: (01904) 553343

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16/02792/OUT

Fossbank Boarding Kennels, Strensall Road



Scale : 1:2856

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	23 January 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 2 February 2017 **Ward:** Rural West York
Team: Householder and **Parish:** Parish of Rufforth with
Small Scale Team Knapton

Reference: 16/02700/FUL
Application at: 30 Southfield Close, Rufforth, York, YO23 3RE
For: Variation of condition 2 of permitted application
16/01635/FUL to amend approved drawings to include 3no.
rooflights to front and reposition the detached garage and
removal of condition 6 re working hours
By: Mr Alex Kirby
Application Type: Full Application
Target Date: 20 January 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks permission under Section 73 of the Town And Country Planning Act 1990 to vary condition 2 (plans) and remove condition 6 (relating to working hours) of application 16/01635/FUL. It is proposed to insert 3no. roof lights to the front elevation and reposition the detached garage.

1.2 The host building is a detached bungalow situated on a corner plot at the head of a long cul-de-sac which is comprised of a mix of two storey dwellings and bungalows. No. 30 is situated in a row of eight bungalows but opposite are two storey dwellings with some two storey dwellings to the rear. Southfield Lane runs along the rear of the host dwelling and it is from this lane which the applicant has created the main vehicular access to the property. The site is within the green belt however the previous application concluded that due to the location of the site there would be no impact on the openness of the green belt. Works on site are ongoing.

1.3 The application is reported to Sub-Committee at the discretion of the Assistant Director as the original decision was made by Sub-Committee on 6 October 2016..

AMENDMENTS

1.4 At the request of officers, the dormer has been removed from the scheme and replaced with 3no. roof lights.

1.5 The initial proposal to vary the working hours to allow work to commence on Saturdays and Sundays 0900 to 17.00 has been amended to remove condition 6 regarding working hours.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation: Air safeguarding: Air Field safeguarding 0175

2.2 Policies:

CYGP1 Design
CYH7 Residential extensions

3.0 CONSULTATIONS

EXTERNAL

Rufforth with Knapton Parish Council

3.1 The Parish Council objects to the dormer and potential increase of working hours over weekends. No objections are raised with regards to the repositioning of the garage. The Parish Council have requested a condition requesting all vehicles should access the site via Southfield Close during the construction phase (to prevent further damage to Southfield Lane) and ask that the garage be built last to enable this to happen.

Publicity and Neighbour Notification

3.2 The application was advertised by neighbour notification letter. Eight letters of objection have been received. The following concerns were raised:

- The addition of the dormer will further detract from the street scene
- Condition 6 relating to working hours was put in place to protect the amenity of neighbours. Working hours should not be extended to evenings and weekends also.
- Work is already being undertaken outside of permitted working hours disrupting residents in the evening and at weekends
- Southfield Lane is getting badly carved up and it would appear that this is being used for site/work vehicles rather than the original access which the applicant stated would be used.
- The condition re working hours is a standard restriction imposed by the council for applications in residential areas, there appear to be no special circumstances that would support the relaxation of this condition.

4.0 APPRAISAL

KEY ISSUES:-

- Visual impact on the dwelling and the area

- Impact on neighbouring property

RELEVANT PLANNING POLICY

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

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

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

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

4.5 The Council have an agreed Supplementary Planning Document 'House Extensions and Alterations' dated December 2012 which provides guidance on all types on domestic types of development.. A basic principle of this guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the road/street scene it is located on. In particular, care should be taken to ensure that the proposal does not dominate the house or clash with its appearance with the extension/alteration being subservient and in keeping with, the original dwelling. The character of spacing within the street should be considered and a terracing effect should be avoided. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook. Guidance in sections 3, 4, 5, and 15 are relevant to the determination of the application.

4.6 Rufforth Village Design Statement (guidelines 16 - 19, 21) states that extensions should harmonise with neighbouring properties and spaces, that the height of buildings should be in keeping with adjacent properties and maintain informal building lines, as well as maintain a mixture of building styles and sizes and that materials should be in sympathy with the existing.

APPRAISAL

Condition 2 (Plans)

4.7 It is proposed to insert 3no. roof lights to the front roof slope serving the en-suite bathroom and dressing area. The windows would match the scale of roof lights previously approved and would be situated relatively centrally within the principal roof slope facing the street. Given their location and distance from the road frontage, their addition is not considered to detract from the appearance of the dwelling, street scene or impact upon the amenity of residents.

4.8 It is also proposed to reposition the detached garage so that rather than running parallel with the dwelling it runs parallel with the boundary hedge. It is understood that the footings for the garage in the new position have already been excavated. Whilst repositioning the garage in this way does bring the garage closer to the neighbouring property, it allows the driveway to follow the line of the boundary hedge and retains more of the rear garden, providing a separation between the back of the house and the garage. Given the height of the boundary hedge, the orientation and internal layout of no. 32, the previous application concluded that the siting of the garage in this location would have limited impact on the residents of no. 32 and its repositioning is not considered to result in any further encroachment onto the amenity of these occupants.

Condition 6 (Working Hours)

4.9 Committee members imposed condition 6 in order to protect the amenity of residents surrounding the application site. The condition restricts hours of working to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays. It is noted that there have been a number of complaints regarding noise nuisance by neighbouring residents since the application has been approved and on some of these occasions the applicant has insisted that the works being undertaken were not related to the building work such as wood chopping, garden maintenance etc. The statement provided by the applicants does however acknowledge that they have undertaken works on site outside of the permitted hours but that this work constituted quieter jobs such as brick laying and general DIY which any resident is allowed to undertake without restriction. It is not normally the case that such a condition is applied to planning permissions for residential extensions because of issues of enforceability simply by virtue of the nature of some of the works required to finish the build.

4.10 Generally conditions should not be imposed where they duplicate specific controls outside planning legislation that provide an alternative means of managing certain matters. It is considered that the protection of neighbour amenity and the control of noise nuisance is more properly controlled by Council's Public Protection team using the powers provided through the Control of Pollution Act. Following advice the applicant has requested the removal of the condition rather than its variation as officers considered that a varied condition would imply that further and potentially noisy working generally acceptable during the weekends.

4.11 Whilst it is recommended that this condition be removed it is important to stress that it is not to allow working outside of the originally specified hours which are generally considered acceptable in order to protect the amenity of residents, but to ensure that any noise nuisance can be properly monitored and dealt with accordingly through other appropriate legislation . An informative is recommended outlining the provisions of the Control of Pollution Act.

5.0 CONCLUSION

5.1 It is considered that the amendments to the roof and garage can be carried out without significant harm to the appearance of the streetscene or residential amenity and that hours of construction are more properly controlled under the Control of Pollution Act allowing the removal of condition 6 without undue harm to residential amenity.

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:-

Proposed Plans and Elevations - Drg. No: 02 rev. L

Proposed Site Plan - Drg. No. 03 rev. D

Updated application form received 11.01.2017

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

3 EPU1 - Electricity socket for vehicles

4 The double height space to the rear of the property shall not be converted to provide further accommodation at first floor level without a further planning permission first being granted by the Local Planning Authority.

Reason: To protect the residential amenity of neighbouring properties as the living accommodation at this level may result in unacceptable levels of overlooking because of the proposed glazed gable.

- 5 PD1 Removal of specific PD rights
Classes B (the enlargement of a dwellinghouse consisting of an addition or alteration to its roof) and C (other alterations to the roof of a dwellinghouse)

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 order to achieve a positive outcome:

Officers secured the removal of the dormer from the scheme and requested the removal of condition 6 rather than the variation/increase in working hours.

2. CONTROL OF POLLUTION ACT 1974

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

3. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available at:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

Contact details:

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16/02700/FUL

30 Southfield Close



Scale : 1:1297

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	23 January 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 2 February 2017 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 16/02574/FUL
Application at: 105 Bishopthorpe Road, York, YO23 1NY
For: Change of use of part of dwelling (use class C3) to mixed use
dwelling and child minders (use class C3/D1)
By: Mrs McNichol
Application Type: Full Application
Target Date: 3 January 2017
Recommendation: Refuse

1.0 PROPOSAL

1.1 The application seeks permission to formally change the use of part of the dwelling to a child minders following the previous granting of permission for a two storey side extension.

1.2 The application is reported to sub-committee at the discretion of the Assistant Director.

RELEVANT HISTORY

16/01465/FUL - First floor side extension, single storey front extension and loft conversion with dormer to rear - Approved 08.08.2016

2.0 POLICY CONTEXT

2.1 Policies:

2005 Draft Local Plan - CYC7 Criteria for children's nurseries
2014 Draft Local Plan - CF1 Provision of community facilities

3.0 CONSULTATIONS**INTERNAL**Public Protection

3.1 On the basis that there is no increase in numbers no objections are raised. The business has been running for a number of years with no complaints received about it. A condition should be attached preventing an increase in numbers.

Application Reference Number: 16/02574/FUL

Item No: 4d

Highway Network Management

3.2 No objection. There are parking restrictions preventing indiscriminate parking at the junction and main road. There is short term on street parking available for drop-offs nearby. The setting is close to the city centre and surrounded by residential dwellings so it is envisaged that the child minder will have a good proportion of clients arriving on foot or bicycle. The site has been operating as a child minders for some time without complaints of parking. No objections are raised

Childcare Strategy Service

3.3 There is a shortage of childcare provision in this immediate area, particularly after-school care. The two out of school clubs at Scarcroft and Knavesmire are oversubscribed and the few childminders that there are in this area are generally full or cannot offer a school pick up service. Family Information Services frequently receive calls from parents requesting childcare in this area and /or identifying the issue of lack of available childcare and at least one family has raised this issue with their local councillor. The Childcare Strategy Service would therefore support this application.

EXTERNAL

Neighbour Notification and Publicity

3.4 Thirty five comments of support have been received raising the following points:

- Shortage of child minders within the South Bank area
- If the application were to be refused there would be no provision locally for the children to go
- The applicant provides excellent care and home cooked meals
- The applicant provides a good level of care and education
- It has been made clear that parking is not allowed to the highway
- The majority of parents travel by foot or bicycle

3.5 Two objections have been received raising the following planning issues:

- The child minder now looks after 13 children and this should not increase
- Unacceptable levels of noise from the children in the garden during the summer months
- Noise transfer through the party wall
- Parents park half on the highway and half on the pavement to drop children off

4.0 APPRAISAL

4.1 Key Issues

- Highway implications
- Noise
- Increased numbers of children
- Limited childcare providers

PLANNING POLICY

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

4.3 Paragraph 32 states that plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people. Paragraph 34 states plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

4.4 The NPPF does not contain specific policies relating to nurseries. However at paragraph 70 within the section 'promoting healthy communities' it states that planning decisions should aim to deliver the social, recreational and cultural facilities and services the community needs. It should guard against the unnecessary loss of valued services and facilities, especially those that meet day-to-day needs. Such services should be able to develop and modernise in a sustainable manner so that they are retained for the benefit of the community.

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

4.6 Policy C7 'Children's Nurseries' states that planning permission will be granted for the development of, or change of use to, a children's nursery provided: adequate internal and external play space is provided; and where development will not adversely affect the amenity of neighbouring properties or the residential character of the area; and the proposed development is well served by footpaths, cycleways and public transport routes. It goes on to state that the number of children can be

conditioned where this is considered acceptable. Although the Local Plan has never been formally adopted, it is considered that this policy reflects sound planning principles.

4.7 Following the motion agreed at Full Council in October 2014, the Publication Draft of the York Local Plan is currently not progressing through its statutory consultation pending further consideration of the Council's housing requirements and how it should meet those requirements. The emerging Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be limited. Policy CF1: 'Provision of community facilities' supports the development of strong, supportive and durable communities where every community has access to quality community facilities to meet day to day needs. Any new community facilities should be in locations which are well served and linked by public transport and easily accessible by walking and cycling. Policy CF3 states that new, high quality, childcare facilities will be supported where there is an identified need for the additional provision, including strategic housing allocations. Any new facilities must be in accessible locations, which are well served and linked by public transport and easily accessible by walking and cycling. Proposals will be refused which fail to protect existing community facilities or involve the loss of facilities unless it can be demonstrated the use is no longer, or cannot be made, viable or equivalent alternative provision can be made.

ASSESSMENT

4.8 The house has previously been used as a childminders but due to increased numbers, above 6 children, it was considered that the child minding business could no longer be classed as an ancillary use and as such planning permission is sought for a change of use to a nursery. Planning permission has previously been granted for the erection of a two storey side extension which has recently been constructed. It is proposed that the first floor element of this extension is used as a play room for the children along with the kitchen and, on occasion, the dining room. A garage is provided to store equipment, such as push chairs and refuse facilities and a large garden is provided to the rear.

HIGHWAY IMPLICATIONS

4.9 Concerns have been raised that parents park on the highway to the front of the site. Double yellow lines are present and as such parking is restricted and unlawful parking could be enforced under highway legislation. Furthermore, the neighbouring street is restricted as a Respark zone with parking open to non residents for 60 minutes. It is considered that there is provision within the side road for the parking of parent's vehicles during drop off and pick up times.

4.10 In addition the site is in a sustainable location and the significant majority of families using the child-minder at the site live within the South Bank area.

NOISE

4.11 Concerns have been raised by neighbouring residents that noise disturbance often occurs when a high number of children are playing within the garden during the summer months and through the party wall all year round. The applicant has submitted information which identifies that between 6 and 8 children are cared for on site full time. These will be children who are five and under and who are not attending school. However, a drop off and pick up service is also provided to take and collect children from Knavesmire Primary School. This results in a total of 15 children being at the property from 16:00 to 17:30 during the week. Parents collect their children at various times so this number would reduce the closer to 17:30 it is when the majority of the children will have left the site.

4.12 Whilst the application site has a relatively large rear garden for the children to play in the neighbouring gardens at 29, 30 and 31 Southlands Road are small and immediately abut the application site. The immediate neighbour at 107 Bishopthorpe Road has a long rear garden serving the property but this does abut the application site for the majority of its length. It is considered that the noise being generated by up to 15 children playing within the garden would result in an unacceptable level of noise disturbance to these neighbouring residents and would reduce the level of enjoyment that they could reasonably expect to enjoy to their private amenity spaces. Whilst the higher number of children are only on site between 16:00 and 17:30 there is still the potential for up to 8 children to be playing outside for the majority of the day when the weather is fine. It is considered that this continued level of noise disturbance is not a situation that would typically occur within a residential area and as such would give rise to an unacceptable loss of amenity to the neighbours.

4.13 Objections have been raised that noise transfer currently occurs through the party wall. The applicant has stated that the rooms to the party wall would be occasionally used by children. However, the provision of a specific children's play room to the external elevation would reduce the need for the party wall rooms to be utilised to such a degree.

INCREASED NUMBERS OF CHILDREN

4.14 Concerns have been raised that now the extension has been erected the additional first floor play room could result in additional children being cared for at any one time, which in turn would result in the potential for additional noise. The current regulations for childminders state that at any one time, childminders may care for a maximum of six children under the age of eight. Of these six children, a maximum of three may be young children, and there should only be one child under the age of one. A child is a young child up until 1st September following his or her fifth birthday. Any care provided for older children must not adversely affect the care of children

receiving early year's provision. If additional staff are employed on site then the number of children who can be cared for increases proportionately.

4.15 Nurseries and childminders are also restricted to the number of children they can care for by floor space as well as the regulations on numbers stated above. The increase in the floorspace now available within 105 Bishopthorpe Road, as a result of the two storey extension, could potentially result in a further increase in the number of children cared for on site by up to 4 children. However, this would require an additional member of staff due to the limitations on the ration of children to adults.

4.16 The applicant has stated that it is not their intention to further increase the number of children and that the aim of the extension is to provide a distinction between the owners dwelling and the business element of the site. The number of children cared for at the site could be reasonably controlled by planning condition.

LIMITED CHILDCARE PROVIDERS

4.17 Childcare Strategy Services have identified that there is a shortfall of childcare provision within the immediate area. Whilst this is a material issue it is considered that this does not outweigh the loss of amenity that would arise to neighbouring residential properties which lie immediately adjacent to the site.

5.0 CONCLUSION

5.1 Whilst it is recognised that there is a shortage of childcare providers within the immediate vicinity of the application site it is considered that the level of noise disturbance which could be generated at the site would result in an unacceptable loss of amenity to nearby residential properties. As such the application fails to accord with Policy C7 of the Local Plan which states that development should not adversely affect the amenity of neighbouring properties.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 It is considered that the proposed use of this semi detached property as a day care nursery would result in unacceptable levels of noise and disturbance being generated by the children. As such there would be an unacceptable loss of amenity to the occupiers of the neighbouring residential properties, in particular the attached dwelling at number 107 Bishopthorpe Road and those at 28 to 31 Southlands Road. The application therefore fails to accord with Policies GP1 and C7 of the City of York Council Draft Deposit Local Plan, April 2005, which state that proposals should

ensure residents living nearby are not unduly affected by noise and that nursery uses do not conflict with neighbouring uses.

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 including the potential for using planning conditions to mitigate the impact of the change of use. However, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated

Contact details:

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16/02574/FUL

105 Bishopthorpe Road



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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	23 January 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 2 February 2017 **Ward:** Fishergate
Team: Major and **Parish:** Fishergate Planning
Commercial Team Panel

Reference: 16/02518/FULM
Application at: Novotel, Fewster Way, York, YO10 4AD
For: Five storey side extension to accommodate 22no. guest rooms and single storey front and rear extensions.
By: Mr Steve Smith
Application Type: Major Full Application (13 weeks)
Target Date: 14 February 2017
Recommendation: Delegated Authority to the Assistant Director to Approve following receipt of amended landscaping plan and elevations

1.0 PROPOSAL**APPLICATION SITE**

1.1 The hotel is setback from Fishergate and is surrounded by houses to the north, east and south. The River Foss is to the west and the site is in flood zone 2.

1.2 The hotel was developed along with surrounding houses of similar vernacular in the 1980's and is not in either of the adjacent conservation areas; the Central Historic Core which extends along Fishergate and the New Walk / Terry Avenue area which includes the Foss to the west. The houses to the south in William Court were developed later and are 3-storey.

PROPOSALS

1.3 The proposals are to improve and expand the ground floor reception area at the front of the hotel, extend the restaurant on the riverside and add bedrooms within a part 5 part 4 storey extension on the south side of the site. The amount of rooms in the hotel would increase by 22 to 146 overall.

1.4 At the front of the hotel the existing single storey structures would be reconfigured and extended the extent of the main facade. These would have a glazed facade and green covered flat roof.

1.5 On the riverside the restaurant extension would be at the south end of the building. It would also be single storey with a flat green covered roof.

1.6 The south extension would extend over the existing service yard. It would step down to 4-storey, apart from the protruding staircase and have flat roofs. The

appearance would deviate from the main building. It would be a concrete framed structure with recessed glazing and brickwork.

RELEVANT SITE HISTORY

1.7 In 2009 permission was granted for various extensions to the Novotel under application 09/01175/FULM.

- 5-storey side extension to the south in matching detail (adding 4 rooms on each floor) and projecting staircase beyond
- Restaurant extension on riverside elevation
- 3 storey extension to front over car park

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

- Areas of Archaeological Interest City Centre Area
- Flood Zone 2
- Schools Fishergate Primary

2005 Draft Local Plan

2.2 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. Whilst the 2005 York Draft Local Plan 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. The relevant draft policies applicable to this application include

GP1	Design
GP15	Protection from flooding
HE10	Archaeology
V3	Hotels and guest houses

2014 Emerging Local Plan:

2.3 The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application. Relevant emerging policies are as follows:

EC5	Tourism
D3	Extensions and Alterations to Existing Buildings

ENV4 Flood Risk
D7 Archaeology

3.0 CONSULTATIONS

Flood Risk Management Team

3.1 No response.

Highway Network Management

3.2 No objection, the principal of an increase in number of bedrooms has been accepted with an existing approval of a 42 bedroom extension which has not been implemented. This 22 bedroom extension would increase the provision from 124 to 146 guest bedrooms.

3.3 Overall car parking spaces reduce from 138 to 130. However the amount still exceeds CYC Appendix E maximum parking standards. The management of car parking within the site is a private issue and should the car park become over-subscribed, patrons would be able to use adjacent public car parking at St Georges Field car park.

3.4 The surrounding streets are protected by parking restrictions.

3.5 The site is within walking distance of the city centre, is served by a number of frequent bus services and is therefore considered to be in a sustainable location.

3.6 Covered and secure cycle parking is to be provided in the service area although details have not been given, these may be conditioned.

3.7 The application has been supported by a travel plan which seeks to promote sustainable travel by staff.

3.8 Officers recommend conditions: to agree cycle parking and for it to be provided, for the agreed car parking layout to be developed and provision for servicing vehicles to be maintained, to prevent mud on the highway during construction, construction management, to mitigate the impact on the highway and for a travel plan to be developed for the site.

Public Protection

3.3 No objections. Recommend conditions to cover -

- Construction management
- Noise levels of plant/machinery to be agreed to avoid noise disturbance
- Land contamination

The site previously formed part of a glassworks, so a site investigation was undertaken to determine whether land contamination was present. The investigation comprised four boreholes, one trial pit and corresponding soil sampling. A layer of made ground (up to 3 metres thick) was found to be present across the surface of the site, but no elevated levels of contamination were detected.

- In case unexpected contamination is found.

Canals & Rivers Trust

3.4 The ground investigation report is poor and does not include a conceptual model and thus it is hard to draw robust conclusions. Ask that the Council seek the expert advice of the Environment Agency on this matter.

3.5 Whilst the design of the proposed extension could be improved, note that from the rivers adjacent it is screened by planting and as such would have minimal impact on our network.

Environment Agency

3.6 No objection. However require that it be demonstrated the sequential test has been passed and recommend consideration be given to flood resilience - raising of ground levels where possible and using flood proof design. It is desirable an evacuation plan be developed by the hotel. Flood risk must not be increased elsewhere.

Fishergate Planning Panel

3.7 The proposed extension looks out of character with the hotel and its surroundings.

York Civic Trust

3.8 This is a sensitive historic area adjacent to the C18 New Walk but has been compromised by the Foss Barrier buildings and the other modern buildings including the Novotel itself. The trust therefore have no objection in principle to an extension or additional accommodation.

3.9 The Trust object to the proposed design of the extension. The proposed design is so different in massing, materials, roof angles, and general character that the two buildings read as unplanned and unintentional neighbours.

Publicity

3.10 Five comments have been received which raise the issues listed below.

Visual impact

- The extension will be prominent and ugly, due to its concrete cladding. Due to its size it would be imposing and lead to a loss of light. Its detailing and form do not respect the main building.
- As part of the scheme the landscaped setting should be enhanced. Improvements recommended include more tree planting and possibly green walls.

Residential amenity

- Existing air-conditioning units cause noise disturbance, as does activity associated with the service yard (deliveries, putting out of waste) and noise from guests coming and going and when there are functions. If these aspects are moved closer neighbouring houses, and the hotel increases in size, the problem would be made worse.
- There is potential for noise during construction and it is asked for this to be managed.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle
- Flood Risk
- Visual impact
- Residential amenity
- Archaeology
- Highway management

ASSESSMENT

Principle

4.2 In the emerging Local Plan, Policy EC5 on Tourism advises that hotels are defined in national policy as city centre uses. The city centre is identified as the primary area for accommodating hotels. Where suitable sites are not available in the city centre, sites in edge of centre locations will be considered with preference given to sites which are well connected to the centre. 2005 Local Plan policy V3 requires that hotel development is visually compatible with its surrounds and does not detract from the residential character of an area, if applicable. The preference is for hotels to be sustainably located, in relation to the city centre or visitor attractions.

4.3 The site is outside the city centre but in the urban area. It is on a main bus route and within walking distance of the city centre. It is well-connected to the city centre. The hotel is established at this site and to allow the business to grow, provided it does so in a sustainable way, would not conflict with NPPF policy on the economy and the

need to securing economic growth as detailed in section 1 of the framework. There is compliance with location criteria in relevant Local Plan policies.

Flood Risk

4.4 The site is in Flood Zone 2. As such the NPPF requires that flood risk is not increased elsewhere and a site-specific flood risk assessment is required following the Sequential Test. The proposed use is more vulnerable according to the NPPG and the Exception Test is not required.

Sequential test

4.5 The NPPG advises that when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere.

4.6 The extensions are proposed to the building to improve reception and dining facilities at ground level and the extra bedrooms are in the most efficient location; an extension of the existing floor plate. Parts of the site to the east are outside of the flood zone. However it would not be practical or functionally efficient to locate the development proposed in free-standing buildings in the existing car park. As such, considering NPPG advice when assessing proposals to extend existing business it is concluded the sequential test is passed.

Whether the development would be safe for its lifetime

4.7 The finished floor level of the ground floor extensions will be as per the main building - 10.9 AOD. The FFL is approx 1 m above the 1 in 100 year flood level. As such the building will be appropriately flood resilient. National guidance in the NPPG recommends provision of safe access and egress during a 1 in 100 year flood event. This would be provided via the main entrance onto Fishergate.

Flood risk elsewhere

4.8 A planning condition would be necessary to ensure betterment on existing surface water run off rates. This would be provided by storage facilities for surface water within the site.

Visual Impact

4.9 Emerging Local Plan policy D3 relates to building extensions. It states that proposals to extend, alter or add to existing buildings will be supported where the design:

- responds positively to its immediate architectural context and local character, in terms of the use of materials and detailing, scale, proportion, landscaping and the space between buildings;

- positively impacts on the setting, wider townscape, landscape and views;
- protects the amenity of current and neighbouring occupiers, whether residential or otherwise.

4.10 The background text in D3 advises that an extension would normally be expected to be subsidiary to the original building. Stylistically, it should not be a pale imitation of the original. However it would normally be expected to be in keeping with the original building and its context (see policy points above). If a quite different approach to the architectural language of expression is developed, this could be acceptable only if high design quality can be demonstrated.

4.11 The hotel building architecturally is of its time and not special. The site is not in a conservation area and was not included when the central historic core was recently extended to incorporate Fishergate.

4.12 The building is around 30 years old and the extension is proposed at a transitional point between the hotel and houses to the south which differ in scale and external materials. The extensions scale will be subordinate to the main building. As such a contemporary rather than pastiche approach to extending it is acceptable, considering emerging local policy D3 and NPPF requirements not to stifle innovation as established in paragraph 60, but to promote or reinforce local distinctiveness.

4.13 The extension is of acceptable appearance, in compliance with the over-arching policy aim to improve the character and quality of areas and the way they function.

- The hotel building has a strong vertical emphasis derived from its detailing. The extension respects the proportions and form of the main building. The design and access statement alludes to the design intent, showing how the elevations will be modelled so they are not flat and lacking in interest. Large scale details would be required by planning condition to secure acceptable quality in this respect.
- In consideration of materials national advice in the NPPG is that "choosing the right materials can greatly help new development to fit harmoniously with its surroundings. They may not have to match, but colour, texture, grain and reflectivity can all support harmony". A light, buff brick and concrete were originally proposed which has led to objections in the consultation process, with concerns these would contrast starkly with the main building. It is now intended the materials complement more the host building. Brick will be the predominant material and will have subtle contrast only with the dark red brick on the main building. The concrete has applied finish, available in a variety of colours. A sand/stone coloured finish is now proposed which relates to the mortar joints on the building. This material would be used for the frame only and run through the extension at ground level, giving emphasis to the entrance and reception areas. The materials, along with the more contemporary approach to detailing, would give a more lively appearance to the building.

- The extension will not appear out of place in public views; distant views from Fishergate, oblique views from the riverside and from the housing to the south. There are mature trees along the riverside and the extension will be discreet in views from the opposite sides of the rivers; from New Walk and Terry Avenue.
- Further trees and shrubs will be planted on site; to improve views into the site from William Court and from elevated views from the terrace of housing to the south. A detailed landscaping scheme has been submitted, which will enhance the setting. Implementation would be secured through condition.
- Trees outside the application site, between William Court and the river, referred to in a public comment are outside the site and unaffected by the proposals. These trees are on council land and recognised of being high amenity value.

Residential amenity

4.14 The National Planning Policy Framework asks that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

4.15 Present views into the part of the site where the main extension are proposed are of the exposed service yard and plant/machinery, the car park and the 5-storey side elevation of the existing building which is somewhat monolithic/of little interest. The service yard would be predominantly enclosed as a consequence of the works and there would be improvements to the landscape/outlook by planting trees and making car parking less dominant. There would be improved visual interest in the vista along William Court into the site as a consequence of the proposed development.

4.16 The proposed extension would not be over-dominant -

- The extension is aligned to sit alongside the side elevation of 18 William Court, which is primarily orientated to overlook the river and east, away from the hotel building.
- The row of houses with rear elevations looking into the site - 19-21 William Court primarily overlook the car park, and beyond the front building line of the hotel and its proposed extension.
- The extension steps down to 4 storey, a comparable height to the neighbouring houses to the south, and is 13m from the site boundary. The buildings would be some 22m apart. This amount of development respects the urban grain, considering houses that face each other on William Court are set some 23m apart.

4.17 The extension is to the north of neighbours so it would not cause loss of light.

4.18 Only the windows to the staircase would face south and there would be no undue overlooking.

4.19 The single storey buildings being altered and extended due to their height and position on site would not affect neighbours amenity.

4.20 If there are existing noise issues associated with the site, as reported by neighbours these would need to be reported to Public Protection for investigation. A condition cannot be imposed in order to remedy a pre-existing problem or issue not created by the proposed development. A condition is proposed to agree details of any new plant and ensure it does not cause noise disturbance.

Archaeology

4.21 The site is within the nationally designated Area of Archaeological Importance. Policy D7 of the Emerging Local Plan requires an understanding of archaeology affected, to avoid substantial harm (preserve 95% of deposits) or where there would be harm, undertake adequate mitigation. Mitigation can include provision for deposit monitoring, investigation, recording, analysis, publication, archive deposition and community involvement.

4.22 There is a significant possibility that there will be human remains relating to the medieval Priory in this area and nationally important features and deposits of Anglian date. Previous permissions for extensions at the site have been allowed subject to planning conditions to secure evaluation. Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings would be required.

Highway Management

4.23 The National Planning Policy Framework advises that developments should:

- Provide safe and suitable access to the site for all people and minimise conflicts between traffic and cyclists or pedestrians.
- Maximise sustainable transport modes and minimise the need to travel.
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles.

4.24 In accordance with the NPPF a condition can ensure adequate provision for servicing vehicles. The proposed layout retains the existing coach parking facilities on site. Conditions will also require agreement of adequate quality cycle parking and an electric vehicle charging point.

4.25 A travel plan is not required. National guidance is that conditions must be proportionate to the development proposed and specifically with regards travel plans,

these should be undertaken at design stage and when there is potential for more than limited impact on trip generation. The hotel is already well established and this application is for a fairly minor increase in the number of rooms overall. Highways have not flagged up particular issues with the operation of the site. Car parking numbers would be reduced and conditions will require promotion of facilities which encourage sustainable travel. A travel plan condition would not be necessary.

5.0 CONCLUSION

5.1 The extension to the hotel is acceptable in principle; the site is in a sustainable location and there would be no increased flood risk. The design and impact on residential amenity are acceptable; the revised scheme, which would have brick as the primary material, would be of a design which compliments the setting. Conditions can be used to deal with archaeology and any noise from additional plant/machinery required as a consequence of this proposal.

5.2 The scheme is not in conflict with NPPF policy and nor does it conflict with the relevant policies of the emerging local plan listed in section 2.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Delegate to officers to approve following receipt of amended landscaping plan and elevations

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans
- 3 HWAY31 No mud on highway during construction
- 4 Drainage

Construction of the buildings hereby approved shall not commence until details of the proposed means of foul and surface water drainage have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details. Unless otherwise agreed with the Local Planning Authority peak surface water shall be restricted to no greater than 5 litres per second.

The details shall include the following -

- a) Calculations and invert levels to ordnance datum of the existing and proposed surface water system.
- b) A topographical survey showing the proposed ground levels to ordnance datum for

the site and adjacent properties. Ground levels should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

c) Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

d) In accordance with City of York Councils Strategic Flood Risk Assessment, peak surface water run-off should be attenuated by 30%. Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

Reason: To prevent increased flood risk, in accordance with Emerging Local Plan policy ENV4 Flood Risk and York's Strategic Flood Risk Assessment.

5 Archaeology

Prior to commencement of any groundworks the following investigations shall be undertaken, submitted to and approved in writing by the Local Planning Authority.

A written scheme of investigation (WSI) which conforms to standards set by the Chartered Institute for Archaeologists.

Site investigation and post investigation assessment completed in accordance with the programme set out in an approved WSI and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.

Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI. There shall be presumption in favour of preservation in-situ wherever feasible.

Reason: The requirements of the condition are applicable prior to commencement of

groundworks as site lies within an Area of Archaeological Importance. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

6 Large scale details

Large scale details, including notes of external materials, showing typical sections of the proposed elevations, including parapet details, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction of the buildings and the works shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

7 Materials

Samples of the external materials to be used shall be approved in writing by the Local Planning Authority prior to the commencement of construction of the buildings. The development shall be carried out using the approved materials (Samples shall be provided concurrently on site for approval).

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

8 Cycle Parking

Prior to completion of the development details of the secure cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority and installed in accordance with the approved details. The approved cycle parking shall be maintained as such for the lifetime of the development.

Reason: To ensure adequate space for, and to encourage cycle use in accordance with section 4 of the National Planning Policy Framework.

9 Electric vehicle charging

Prior to completion of the development hereby approved at least one electric vehicle charging point shall be provided on site, which will be made available for use by all staff and guests for the lifetime of the development.

REASON: To promote and facilitate the uptake of electric vehicles in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework.

INFORMATIVE: Electric Vehicle Recharging Point means a free-standing, weatherproof, outdoor recharging unit for electric vehicles with the capacity to charge at both 3kw (13A) and 7kw (32A) that has sufficient enabling cabling to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point. Charging point(s) should be located in a prominent position and be for the exclusive use of zero emission vehicles. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design.

10 Landscaping

The approved landscaping scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within the lifetime 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: In the interests of visual amenity.

11 Plant/machinery

Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, that would exceed background noise levels beyond the application site, shall be submitted to the local planning authority for approval prior to installation. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall only be used on the site in accordance with the approved details and shall be appropriately maintained thereafter.

REASON: To safeguard the amenity of occupants of neighbouring premises

INFORMATIVE: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the background noise level at 1 metre from the nearest noise sensitive property when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

12 Unexpected contamination

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 is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a

verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

13 Provision for deliveries/servicing

Provision shall be made within the site for accommodation of delivery/service vehicles in accordance with the approved plans at all times. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

14 NOISE7 Restricted Hours of Construction

7.0 INFORMATIVES: Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: pre application advice, in particular relating to the impact on visual and residential amenity, and the use of planning conditions.

2. INF11 - Control of Pollution Act 1974

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

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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:

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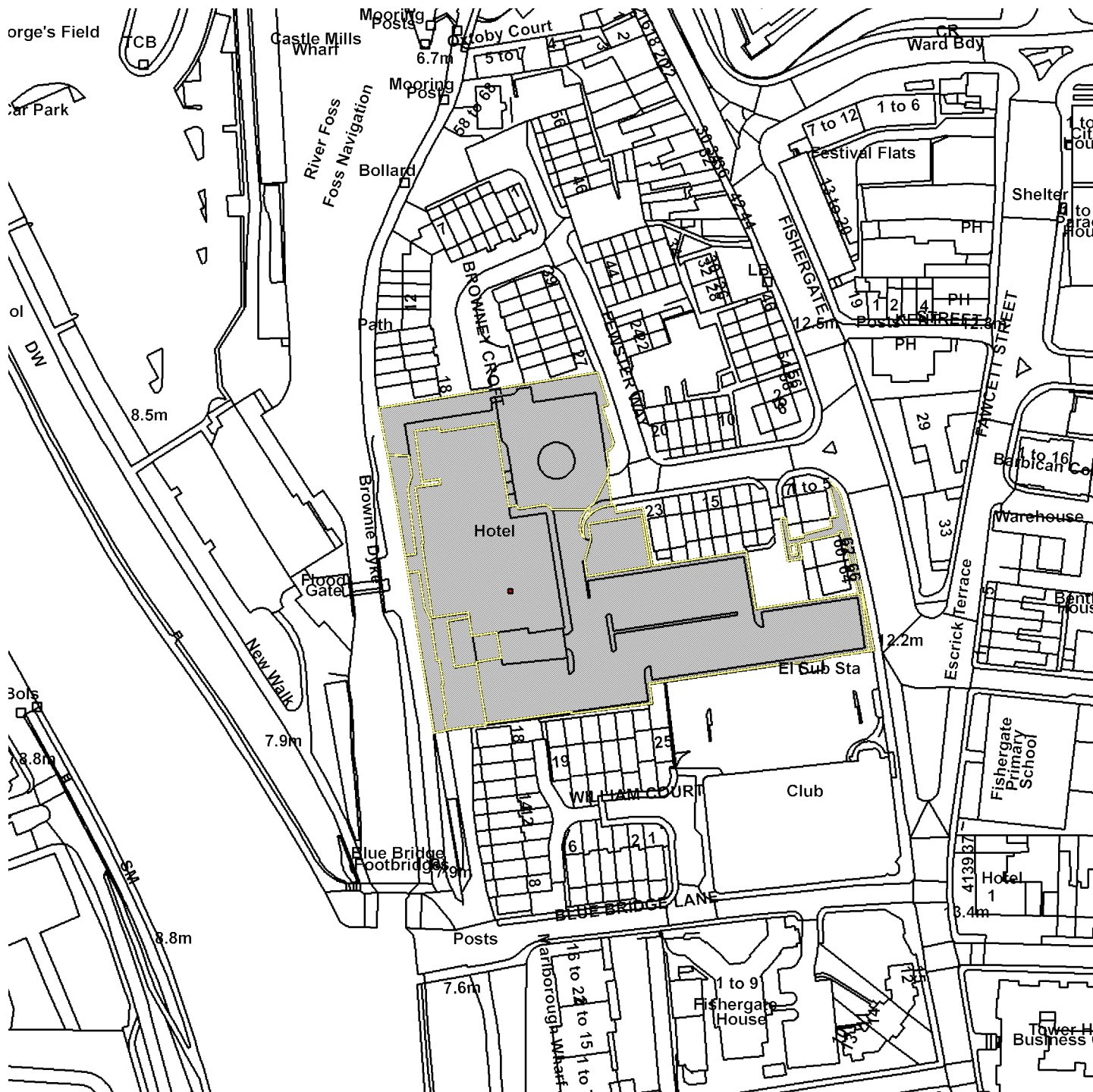
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16/02518/FULM

Novotel, Fewster Way



GIS by ESRI (UK)



Scale : 1:1720

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	23 January 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 2 February 2017 **Ward:** Osbaldwick and Derwent
Team: Major and **Parish:** Osbaldwick Parish
Commercial Team Council

Reference: 16/02449/FUL
Application at: Land to Rear Of 49 Osbaldwick Village, Osbaldwick, York
For: Variation of condition 2 of permitted application
15/00808/FUL to include a single storey rear extension,
alteration of a window to a pair of French doors, insertion of
additional roof lights, alterations to rear dormer and
alterations to other windows.
By: Mr K Linfoot
Application Type: Full Application
Target Date: 8 February 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is to vary condition 2 of planning permission 15/00808/FUL for the conversion of a redundant agricultural barn to a 3-bedroom single dwellinghouse. The approved scheme includes new door and window openings and the enlargement of an existing lean-to front projection. Access would remain as existing. Permitted development rights have been removed in order to protect the character and appearance of the conservation area and the amenity of adjacent residents.

1.2 The alterations now proposed mainly comprise:

- Addition of a lean-to single-storey extension on the eastern elevation to provide a WC and utility room;
- Addition of three roof lights;
- Alterations (including lowering and enlargement) of an approved dormer window at first-floor level on the northern elevation;
- Provision of French windows at ground-floor level on the northern elevation to replace an approved top hung sash window;
- Rearrangement of ground floor windows on the eastern elevation.

1.3 The application has been called in by Cllr Warters on the grounds that the previous approval was granted only on the existing footprint of the barn and that permitted development rights were removed to protect the character of Osbaldwick Conservation Area; there are no circumstances for the rationale behind the reasons for original approval to be compromised.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Common Land and Village Greens: VG 70 - Osbaldwick Village Green
Conservation Area: Osbaldwick

2.2 Policies:

CYGP1 - Design
CYHE2 - Development in historic locations

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management (Archaeology)

3.1 This site lies within the backplots of Osbaldwick medieval village. Excavations for foundations and service connections may reveal or disturb archaeological features. A watching brief condition (ARCH2) to record any revealed features and deposits was applied to the previous application for this site and will be necessary again for this application. The watching brief report should include photographs of the barn prior to conversion.

EXTERNAL

Osbaldwick Parish Council

3.2 Objection. The proposed addition and the use of French doors are not sympathetic to the original structure and if permitted would invite further minor amendment applications of an equally damaging nature. No storage of building materials or parking of contractors' vehicles or machinery will be permitted on Osbaldwick village green.

Foss Internal Drainage Board

3.3 The development should not be allowed until the local planning authority is satisfied that surface water drainage has been satisfactorily provided for. The proposed increase in the floor area is modest and would, in itself, have a limited impact on surface water run-off. No objection subject to a condition requiring drainage details to be submitted for approval.

Neighbour Notification and Publicity

3.4 One objection has been received from an occupier immediately to the east of the site who is concerned that the dormer window should be glazed with frosted glass to protect their privacy.

3.5 One letter of support/non-objection has been received from an adjacent occupier.

4.0 APPRAISAL

4.1 KEY ISSUES

- Impact on the conservation area
- Neighbour amenity

THE APPLICATION SITE

4.2 Part 2-storey, part single-storey brick and pantile barn to the rear of houses fronting onto Osbaldwick Village. The site lies within the settlement limit of York and is within Osbaldwick Conservation Area. Access is via a shared private drive between nos. 47 and 49 Osbaldwick Village. The barn lies within a group of formerly agricultural buildings that have been converted to residential use.

POLICY CONTEXT

4.3 Section 38(6) of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. There is no development plan in York other than the saved policies of the Regional Spatial Strategy relating to the general extent of the Green Belt (the application site is not in the Green belt).

4.4 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the National Planning Policy Framework (NPPF). It is against this Framework that the application proposal should principally be addressed. Paragraph 7 of the NPPF says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. The site is in a conservation area so the presumption in favour of development (paragraph 14) does not apply.

4.5 The NPPF requires local planning authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership, create sustainable, communities, protect heritage assets, secure high quality design and conserve and enhance biodiversity.

4.6 In addition to policies in the Framework to protect heritage assets the Local Planning Authority has a statutory duty under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. When deciding whether harm to a conservation area is outweighed by the advantages of a proposed development, the decision-maker must give significant weight to the desirability of avoiding such harm.

4.7 Although there is no formally adopted local plan the City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of s.38(6) 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.

IMPACT ON THE CONSERVATION AREA

4.8 Policy GP1 of the 2005 Draft Local Plan states that development proposals will be expected to respect or enhance the local environment and, among other things, be of a layout and design that is compatible with neighbouring buildings, spaces and vegetation. Policy HE2 states that within conservation areas development proposals must, among other things, respect adjacent buildings open spaces and settings and have regard to local scale, proportion, design and materials. The building lies approximately 50m from the public highway at Osbaldwick Village but glimpses can be had between the adjacent houses. Despite the building's inconspicuous location it contributes to the character and appearance of the village and the conservation area. The approved conversion and alterations would mainly be carried out within the existing fabric of the building and would be sympathetic to the original structure.

4.9 The differences between the approved scheme and the current proposals are minor and would be mainly confined to the rear of the building. The main changes are the addition of the WC/utility room, the alterations to the approved dormer window and the insertion of French windows on the rear elevation. None of these changes would harm the character and appearance of the conservation area or be visible from any part of the public domain. The application therefore complies with policy HE2 of the 2005 local plan.

NEIGHBOUR AMENITY

4.10 The proposed French windows would be north-facing so would not overlook neighbouring properties. The west-facing roof plane would have one new small roof light (to an en-suite) facing the rear elevations of houses in Yew Tree Mews. A

condition should be attached requiring the window to be obscure-glazed and fixed shut below eye height. The east-facing roof plane would have three upper-floor roof lights facing the rear garden of the house at No.53 Osbaldwick Village. The separation distance and intervening foliage would prevent significant overlooking of the neighbouring occupiers. An adjacent occupier to the east is concerned that the sides of the dormer window would be clear-glazed and would allow overlooking. The submitted plans show the sides of the dormer as being clad in painted timber. Irrespective of the materials used the separation distance, oblique angle, restricted viewpoint and intervening foliage would prevent significant overlooking. The application therefore complies with policy GP1 of the 2005 local plan.

OTHER MATTERS

4.11 The Parish Council states that the storage of building materials or the parking of contractors' vehicles or machinery would not be permitted on Osbaldwick village green. In response, Class A of Part 4 of the General Permitted Development Order allows land to be used temporarily in connection with construction being carried out on adjoining land. Parking of contractors' vehicles or storage of materials on the village green would therefore be a matter for the respective owners. Irrespective of permitted development rights there appears to be sufficient land within the site to accommodate construction vehicles and materials.

4.12 The proposed amendments raise no other material planning issues.

5.0 CONCLUSION

5.1 The differences between the approved scheme and the current proposals are minor and would be mainly confined to the rear of the building. None of the changes would harm the character and appearance of the conservation area or have any significant impact on neighbouring occupiers. There are no other material planning issues. The application complies with the National Planning Policy Framework and relevant policies of the 2005 City of York Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 The development shall be begun not later than 4 November 2018.

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

2 The development hereby permitted shall be carried out only in accordance with approved drawings KWL-093-05-01, KWL-093-05-02, KWL-093-05-03 and KWL-093-05-05.

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

3 HWAY19 Car and cycle parking laid out

4 DRAIN1 Drainage details to be agreed

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

Reason: In the interests of the amenities of occupiers of the adjacent residential dwelling at Yew Tree Mews.

6 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) development of the type described in Classes A, B, C, D or E of Schedule 2, Part 1 of that Order shall not be erected or constructed unless permission has first been granted by the local planning authority.

Reason: In the interests of protecting the character and appearance of the conservation area and the amenity of adjacent residents the local planning authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

7 Details of the type, materials and finish of the fenestration (including roof lights) and external openings to be used shall be submitted and agreed in writing by the Local Planning Authority prior to the commencement of development. Fenestration and external openings shall be of timber construction. Windows shall have the same form, proportions and method of opening as sliding sash windows. Roof lights shall have a central vertical glazing bar, a black-coloured finish and shall be inserted flush with the outer face of the roof slope. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the conservation area.

8 VISQ8 Samples of exterior materials to be app

9 Details of any roof vents shall be submitted and agreed in writing by the Local Planning Authority prior to the commencement of development. Roof vents shall not be placed on the south facing roof slope. The development shall be carried out in accordance with these approved details.

Reason: To ensure that the finished appearance is in keeping with the building and location to the satisfaction of the Local Planning Authority.

10 Notwithstanding the details submitted with application, details of the type, materials and finish of the flue to be used shall be submitted and agreed in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with these approved details.

Reason: In the interests of the character and appearance of the conservation area.

11 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification approved by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The development may affect important archaeological deposits which must be recorded during the construction programme.

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

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

7.0 INFORMATIVES: Notes to Applicant

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

In considering the application the Local Planning Authority implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) and took account of all relevant local policies. The planning authority considers the proposal to be satisfactory subject to appropriate planning conditions being applied. For this reason, no amendments were sought during the processing of the application.

2. DEMOLITION AND CONSTRUCTION

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

d) All plant and machinery to be operated shall be sited and maintained so as 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.

e) There shall be no bonfires on the site.

3. PROTECTED SPECIES

In the UK, due to the decline in bat numbers in the last century, all species of bat are protected by the Wildlife & Countryside Act (1981) as amended, Countryside and Rights of Way Act (2000) and the Conservation of Habitats and Species Regulations (2010). Because of their protected status, if bats are discovered during the course of the work, all works must cease and Natural England must be informed immediately. It is an offence for anyone to disturb or handle a bat without the appropriate licences. This may cause some delay but should not prevent the work continuing, provided that due account is taken of their presence.

There are opportunities for the development to enhance the building for bats. This can be done without detriment to the building through bat friendly features which can be designed at the outset and include features such as bat bricks, bat tiles or an adapted fascia

(see http://www.bats.org.uk/pages/accommodating_bats_in_buildings.html for more information).

Contact details:

Author: Kevin O'Connell, Development Management Officer

Tel No: (01904) 552830

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16/02449/FUL

Land To Rear Of 49 Osbaldwick Village, Osbaldwick



Scale : 1:1297

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	23 January 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 2 February 2017 **Ward:** Acomb
Team: Major and **Parish:** No Parish
Commercial Team

Reference: 16/02269/FULM
Application at: Site Lying to the Rear of 1 To 9 Beckfield Lane, York
For: Erection of 11 no. dwellings with associated access road and parking
By: Mr Craig Smith
Application Type: Major Full Application (13 weeks)
Target Date: 15 February 2017
Recommendation: Refuse

1.0 PROPOSAL

1.1 The application seeks permission for the erection of 11 dwellings to an area of land to the rear of 1-9 Beckfield Lane. The site previously formed part of the rear gardens of 1, 3, 5, 7, and 9 Beckfield Lane and an area of fenced off grassland adjacent to Runswick Avenue. Access to the site would be served by a new access point between the rear of 11 Beckfield Lane and 18 Runswick Avenue.

1.2 The scheme proposes a pair of two storey semi-detached three bedroom dwellings, a row of six three bedroom terrace properties, a pair of semi-detached two bedroom bungalows and a detached three bedroom bungalow. A total of 16 car parking spaces would be provided for the dwellings with no visitor spaces provided.

1.3 The application site is within low risk flood zone 1, is not within a conservation area and there are no listed buildings in the immediate vicinity. The surrounding area is predominantly residential containing a mix of primarily two storey houses and bungalows. The host dwellings along Beckfield Lane are reflective of much interwar housing developments in the city. It is thought that the development of Runswick Avenue was carried out in the 1960's on land which was formally garden land of houses along Beckfield Lane, much in the same way as the application proposed. Runswick Avenue contains a mix of detached and semi-detached bungalow.

1.4 Planning permission has previously been granted for 9 dwellings on the site and work has recently commenced. The site has been cleared and the erection of a detached bungalow and a pair of semi-detached bungalows has commenced. These works accord with the previous permission and remain unchanged as part of the current application.

RELEVANT HISTORY

15/01301/FUL - Erection of 9no. dwellings with associated access and parking - Approved at committee 9th December 2015

08/00159/FULM - Erection of 12no. two storey semi-detached and terraced houses and 4no. garages- Refused at committee on 17th April 2008 for the following reasons:

1) The density of the development is too high in relation to the existing character and form of the area. The character and form of Runswick Avenue is semi-detached bungalows. The 2-storey houses proposed would look out of character with the area when seen in this context. In addition the scheme, if approved, would require the removal of a number of mature trees and the almost all of the area open space. Both of these greatly add to the character and greenness of the area. Their complete loss would have a significant impact upon the immediate area.

2) The scheme if approved would have a detrimental impact upon the amenity of adjacent neighbouring dwellings. In particular there would be significant detrimental impact upon 9 and 11 Runswick and 18- 36 (even numbers) due to vehicular movements of traffic entering and leaving the site and also vehicular movement within the site in such close proximity to residents primary rooms i.e. their bedrooms and living rooms, but also their gardens. In addition, due to the inappropriate height of the proposed scheme, overlooking of neighbours private rear gardens would occur and also intrusion into their principal living rooms. In particular no.'s 38, 40 and 42 would be particularly affected, due to the difference in land levels between the site and their dwellings. The scheme would also create intrusion towards existing adjacent neighbours due to being overbearing and un-neighbourly.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation: Air safeguarding Air Field safeguarding 0175

2.2 Policies:

CYGP1	Design
CYH4A	Housing Windfalls
CYGP10	Subdivision of gardens and infill devt
CYGP9	Landscaping
CYGP15	Protection from flooding
CYL1C	Provision of New Open Space in Development
CYGP4A	Sustainability
CYNE1	Trees, Woodlands and Hedgerows

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 A similar scheme to this has had approval albeit for 9 houses on the site. The number of dwellings on the site has been increased as has the number of 3 bedroomed properties.

3.2 Turning is provided for bin lorry access, and the applicant has expressed an interest to offer up this area for adoption. The applicant has designed the layout as a shared space but is resistant to surfacing it in line with Manual For Streets Principles which advocates using quality materials such as tegulars, setts or larger element materials. The applicant has expressed a preference for cheaper tarmac solution more fitting of a traditional footpath/ carriageway material however has not redesigned the space to include footpaths. However, this can be conditioned were permission to be granted.

Planning and Environmental Management (Heritage Project Officer)

3.3 The proposed site is located on a large undisturbed piece of land in a wider landscape which has produced evidence for Roman, and earlier, activity. It is possible that groundworks associated with this application may disturb archaeological features related to prehistoric-medieval landscape features.

3.4 The archaeological condition attached to the previous application for this site was for a strip, map and record (ARCH1). For various reasons this has become a watching brief which has been undertaken by YAT for 2 of the dwellings so far. It is recommended that an ARCH2 condition be attached to this scheme but that this will just be a continuation of the archaeological monitoring which is already in place.

Public Protection

3.5 The application has been reviewed in terms of noise, dust, light, odour, land contamination, air quality etc. and public protection does not wish to object to this application. Should permission be granted conditions are recommended

EXTERNAL

Ainsty Internal Drainage Board

3.6 The Board wishes to state that where possible the risk of flooding should be reduced and that, as far as is practicable, surface water arising from a developed site should be managed in a sustainable manner to mimic the surface water flows arising

from the site prior to the proposed development. The Board notes that this is an application for the erection of 11 dwellings with associated access roads and parking. This will enlarge the impermeable area on site and has the potential to increase the rate of surface water run-off from the site if this is not effectively constrained.

3.7 The Board has no objection to the principal of this application but would suggest that any approval granted to the proposed development should include appropriate conditions.

Yorkshire Water

3.8 No objections but recommend conditions

Neighbours and Publicity

3.9 Ten objections received raising the following planning issues:

- Elevations for plots 9-11 do not correspond
- Potential impact to mature trees to the rear of plots 9 and 10
- Terrace properties are not in character with the local neighbourhood
- On site parking is limited and it is likely to overspill onto Runswick Avenue
- Five car parking spaces would be lost along Runswick Avenue to the introduction of the new access to the site
- Cars already park on the pavement when people visit the local convenience store
- Dangerous junction with Beckfield Lane due to parked cars
- Previous refusal for 12 dwellings on the site
- The previous application stated that a lower density would be more appropriate within this location
- Dormer windows should not be inserted into plot 11
- Concerns about drainage
- The pear tree to the rear of 38 Runswick Avenue should be removed
- The fence to Runswick Avenue should measure 1.8m from Runswick Avenue not the application site
- The path to the rear of the terrace properties would not be secure in relation to the properties along Wetherby Road
- Loss of views from Wetherby Road properties

4.0 APPRAISAL

4.1 The key issues are:

- Principle of development
- Impact on neighbouring residential amenity
- Visual Impact
- Highways and parking

- Drainage

4.2 The National Planning Policy Framework (NPPF) states that there is a presumption in favour of sustainable development which, for decision-making, means approving without delay development proposals that accord with the development plan (paragraph 14). Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or (2) specific policies in the Framework indicate development should be restricted.

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

4.4 The City of York 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 they accord with the NPPF. The relevant local plan policies are listed at paragraph 2.2 of the report.

4.5 The NPPF encourages local planning authorities to set their own policies in respect to the development of garden areas. DCLP Policy GP10 'Subdivision of Gardens and Infill Development' states that planning permission will only be granted for the sub-division of existing garden areas to provide new development where this would not be detrimental to the character and amenity of the local environment.

4.6 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.

4.7 The application site is within an urban area with good access to shops, services and public open space. DCLP Policy H4a on 'Housing Windfalls' supports the development of new housing on non-allocated sites where the site is underused, in a sustainable urban location, and is of an appropriate scale and density and will not have a detrimental impact on existing landscape features. It is agreed that the

principle of developing the site has already been established under planning application approval 15/01301/FUL.

4.8 Policies contained with the Emerging Local Plan include H3 which is concerned with balancing the housing market and states that proposals for residential development are required to balance the housing market by including a mix of types of housing which reflects the diverse mix of need across the city as defined by the most up to date Strategic Housing Market Assessment (SHMA). This includes flats and smaller houses for those accessing the housing market for the first time, family housing of 2 to 3 beds and homes with features attractive to older people. Proposals will be supported that are suitable for the intended occupiers in relation to the quality and type of facilities, and the provision of support and/or care. Individual sites will be expected to reflect the needs of the SHMA, subject to site specific circumstances and the character of the local area. Housing should be built as flexible as possible to accommodate a broad cross section of society to help meet a wide range of needs.

4.9 Policy D2 of the Emerging Local Plan states that development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.

IMPACT UPON NEIGHBOURS RESIDENTIAL AMENITY

4.10 The proposed development achieves an acceptable level of separation between neighbouring houses. The dwellings sit 45-55m away from those on Wetherby Road and are approximately 8m off the boundary with the exception of the bungalow at Plot 9 which is closer but will not be dominant above the boundary fence. Approximately 33m is retained between the back of houses on Beckfield Lane and Plot 1. There is approximately between 18 and 21m between the rear of bungalows on Runswick Avenue and proposed Plots 1-8. This is considered in line with typically acceptable suburban separation distances and the dwellings will not appear dominant or overbearing or result in a significant loss of privacy at this distance.

4.11 Only around 17m will exist between the rear of 42 Runswick Avenue and the rear of Plots 9 and 10. However, given these dwellings are single storey, this level of separation is considered sufficient to maintain amenity. A 1.8m boundary fence will be erected on the boundary between these dwellings. The closest relationship proposed is between Plot 11 and 28 and 30 Runswick Avenue. The separation distance between the rear of the existing dwellings and the side of Plot 11 is approximately 11.5m. Plot 11 is set 4m off the shared curtilage boundary and would have no windows in the roof and therefore there would be no overlooking of the garden or windows of 28 and 30 Runswick Avenue. The eaves are approximately 2.8m in height and the roof hips away from the boundary reaching 5.7m at the ridge. The ridge is a

further 4.3m away from the boundary than the side of the bungalow. It is considered that the proposal will not appear dominant and overbearing or result in an unacceptable loss of natural light at this height and distance.

4.12 It is worth noting that the design and siting of the bungalows at plots 9, 10 and 11 have not altered since the previously approved scheme.

VISUAL IMPACT

4.13 Policy H5a 'Residential Density' states that the scale and design of residential developments should be compatible with the character of the surrounding area and must not harm local amenity. The development includes a mix of two storey semi detached dwellings, terrace properties and bungalows. The surrounding area contains bungalows and primarily 2 storey detached and semi detached dwellings. The dwellings surrounding the site vary in build height as well as true height given the variations in land levels.

4.14 The design of the dwellings matches that of the originally approved scheme in terms of detailing and proportion and includes soldier brick heads, cast artificial stone cills and gable corbelling. However, the previous approval incorporated only semi detached dwellings and the current proposal to insert a row of six terrace properties gives rise for concern. As stated the area is characterised by semi detached and detached two storey dwellings and bungalows. The proposed terrace would have an overall length of approximately 30m and has been designed with no relief or break within the ridge or front elevation creating a very uniform row of dwellings with little character or distinction. It is considered that the row creates a massing which is not typical of the area and would be at odds within the locality.

4.15 Whilst the development site is located to the rear of the dwellings facing onto Runswick Avenue the wide open access to the site and the single storey nature of the dwellings along Runswick Avenue results in the terrace being clearly visible from outside of the development site. Whilst the dwellings along Runswick Avenue are located in relative close proximity to each other a degree of separation is still retained which is reflected within the wider area. It is therefore considered that the row of terrace properties would detract from the character of the area.

HIGHWAYS AND PARKING

4.16 Car parking varies through out the site. The 2 two bedroom bungalows have a single car parking space each. Five of the three bedroom dwellings have two car parking spaces, as does the three bedroom bungalow, with the remaining three dwellings only being provided with a single car parking space. The majority of the parking is provided to the front of the dwellings and is interspersed with small areas of landscaping. One of the car parking spaces for plots 5 and 6 are located to the boundary with Runswick Avenue, opposite the dwellings. No on site visitor spaces are

provided and parking on the highway would result in an obstruction for refuse vehicles visiting the development. Concerns are raised that the reduced level of off street parking would result in cars parking on adjacent streets. However, as car parking space standards are maximum and the site is located within a sustainable location it would be difficult to uphold a refusal on the grounds of lack of car parking provision.

4.17 In terms of highway safety the level of traffic associated with the proposed development will be low and will have no significant impact on the local highway network. Tracking information has been submitted showing a refuse vehicle entering the site, turning around and leaving in a forward gear. The entrance to the site at Runswick Avenue is relatively narrow in width to aid pedestrians in safely crossing this access point, although specific details would need to be conditioned. The previous scheme identified block paving in order to distinguish the shared surfacing. The applicant is now reluctant to undertake this as part of this scheme but as there is inadequate space within the site to provide a pavement it is suggested that if permission is granted surfacing materials should be conditioned.

DRAINAGE

4.18 Conditions can be attached requiring drainage to be agreed prior to the commencement of development. This will require the development to demonstrate that a sustainable natural infiltration system is not possible on this site in the first instance. Should this not prove suitable then an attenuated surface water drainage system will need to be agreed with the council's Flood Risk Engineer to ensure that surface water runoff into the public sewer is at a controlled rate to reduce the potential for the drain to be overwhelmed in times of a storm. The system would be required to take account of existing runoff rates and likely changes in weather conditions as a result of climate change.

LANDSCAPING

4.19 The two most significant trees in the immediate context of the site are a large pine and mature silver birch just outside the site within the gardens of dwellings on Wetherby Road. The development has been designed to minimise the potential harm to these two significant trees through the retention of the existing boundary fence rather than replacement. However, the current scheme identifies hard paving and cycle storage facilities in close proximity to the canopy of one of these trees. However, amended plans can be secured to relocate this store to prevent any damage to the root zone should permission be granted. The design allows scope for some replacement planting within front gardens and along the access route which will be most visually prominent from public areas. The significant hedge along the rear of dwellings along Runswick Avenue which borders the site is to be retained.

OTHER ISSUES

4.20 The proposed development falls below the threshold for the provision of affordable housing. The previous approval contained a unilateral undertaking securing a payment of £17,516 towards the provision of public open space with payment being secured on first occupation of the dwellings. Consideration will need to be given to “pooling” under the CIL Regulations. Members will be updated.

5.0 CONCLUSION

5.1 Whilst the development is located within a sustainable location it is considered that the erection of a row of terrace properties would introduce a form of development that would be at odds with the prevailing character and form of the area. The application would therefore fail to accord with advice contained within the NPPF and Policies GP10, H4a and GP1 of the City of York Local plan which state that housing developments should be of an appropriate scale and density that is compatible with neighbouring buildings and spaces and not be detrimental to the character and amenity of the local environment.

6.0 RECOMMENDATION: Refuse

1 The proposed row of six terrace properties introduces a form of development that would be at odds with the prevailing house type within the area, specifically the semi detached and detached bungalows situated along Runswick Avenue, and would not respect the scale and massing of the overall character of the area. The application would therefore fail to accord with the NPPF which states 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 and Policies GP10, H4a and GP1 of the City of York Local plan which state that housing developments should be of an appropriate scale and density which is compatible with neighbouring buildings and spaces and not be detrimental to the character and amenity of the local environment.

7.0 INFORMATIVES:

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

Contact details:

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16/02269/FULM

Site Lying To The Rear Of 1 To 9 Beckfield Lane



Scale : 1:1284

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	24 January 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 2 February 2017 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 16/02111/FUL
Application at: Walker Nicholas Architects Ltd, 42 Oxford Street, York, YO24 4AW
For: Extension to existing building to create additional office accommodation on first and second floors above rear ground floor parking area, including demolition of existing garage
By: Walker Nicholas Architects Ltd
Application Type: Full Application
Target Date: 20 December 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 Members will recall that this application was reported to the sub-committee meeting on 5 January 2017 where it was resolved to delegate authority to officers to approve the application (in consultation with the Chair and Vice-Chair) following further investigation into the requirement for obscure glazing. The application is referred back to sub-committee to clarify comments made by officers at the meeting about the controls of the hours of use at the premises.

1.2 The application seeks permission for the erection of a two storey extension to the existing offices at 42 Oxford Street.

1.3 The application site is located at the junction of Oxford Street and Holgate Road and forms the end terrace in a row of seven. The rear area currently houses a single flat roof garage and an open area utilised for car parking. The scheme seeks permission to demolish the existing garage and create a part two storey extension, close to the host building, before dropping in height to one and a half storeys. The extension would be used as office accommodation. A single car parking space and a cycle storage area would be provided within an open area under a section of the first floor.

1.4 The application has been called to committee by Cllr Hayes on the grounds of overshadowing, loss of light to the bathroom window, highway implications and overlooking.

RELEVANT HISTORY

13/00577/FUL Change of use to B1 (offices) and D1 (therapeutic massage) on upper floors - Approved 10.06.2013

14/00416/FUL First floor extension to detached garage for use as storage - Approved 09.05.2014

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Conservation Area GMS Constraints: Central Historic Core CONF

2.2 Policies:

CYE4 Employment devt on unallocated land
CYHE3 Conservation Areas
CYHE2 Development in historic locations

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 No objections to the scheme but recommend conditions

Planning and Environmental Management (Archaeology)

3.2 The site lies within the Central Area of Archaeological Importance in between the line of two Roman Roads which approached York from Aldborough and Tadcaster. Evidence for Roman burials are known throughout the area. Archaeological investigation in this vicinity have revealed that the depth of deposits vary dramatically. Although the extension is small in plan the excavation of foundations and drainage may reveal archaeological deposits particularly relating to the Roman period. An archaeological watching brief will be required.

Planning and Environmental Management (Design and Sustainability Manager)

3.3 Comments in respect of original, superseded, proposals:

The proposal is over development, given the size of plot.

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- The proposal is uncharacteristic of the historic grain of these plots.
- The proposal is harmful to neighbouring amenity.
- The proposal is architecturally unsympathetic to the existing building on the plot largely because the massing is overdevelopment.

Suggest the following is considered in any revised proposal

- Any extension should be clearly read as subservient to the existing building on the plot. To do this an extension should not be higher than two storey max (without accommodation in the roof).
- As an estimate, in order to appear subservient, given that it is office use with less need for open amenity space, the ground floor could occupy most of the footprint of the rear, with a second floor occupying approx 1/3 of the rear plot (either attached to the existing or separately at the rear of the plot)

EXTERNAL

Neighbour Notification and Publicity

3.4 Letters of objection received from six properties raising the following points:

- Loss of privacy
- Inadequate parking provision within a ResPark zone
- Concerns that the roof void would be used as additional office accommodation
- The development is too high
- No need for additional office accommodation in the City in a predominantly residential area
- Loss of view

4.0 APPRAISAL

4.1 Key issues

- Design
- Loss of privacy
- Overshadowing
- Highways implications
- Hours of use

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. The framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to

making places better for people. A principle set out in paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

4.3 Paragraph 19 states that planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

4.4 Paragraph 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.

4.5 The application site is within the Central Historic Core Conservation Area where Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area

4.6 The NPPF states that development proposals should sustain and enhance Conservation Areas. Paragraph 131 urges Local Planning Authorities to give significant weight to the desirability of sustaining and enhancing the significance of heritage assets including Conservation Areas and putting them to viable uses consistent with their Conservation.

4.7 The NPPF, Chapter 12, Paragraph 132 states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting.

4.8 The NPPF, Chapter 12, Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.9 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.

4.10 Policy E4 states that within defined settlement limits, planning permission will be granted for employment uses of a scale and design appropriate to the locality where: the site is vacant, derelict or underused; or it involves infilling, extension, redevelopment or conversion of existing buildings.

4.11 Policies HE2 'Development within Historic Locations' and HE3 'Conservation Areas' of the City of York Local Plan Deposit Draft are also relevant to this proposal. These policies expect proposals to maintain or enhance existing urban spaces, views, landmarks and other townscape elements and not to have an adverse effect on the character or appearance of the Conservation Area.

DESIGN

4.12 The proposal has been redesigned since its original submission. The extension would be linked to the host dwelling by way of a glazed link which creates a degree of separation within the frontage and creates a subservient form of development. Ceiling heights have been kept low and whilst this results in the openings sitting lower within the elevation than those of the host dwelling it is not considered to be detrimental to the streetscene. The horizontal emphasis has been retained and details of materials can be conditioned.

4.13 The development site is open to the street at present but is backed by a two storey high brick wall for the majority of its length as a result of previous extension to 50 Holgate Road. As such this area does not particularly contribute positively to the character of the conservation area. It is considered that the proposed extension would preserve the character and appearance of the Conservation Area and comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

LOSS OF PRIVACY

4.14 Concerns have been expressed by the occupiers of 52 Holgate Road that the proposed extension would result in a loss of privacy to their rear garden. At present the majority of their rear garden is covered by a flat roof garage with a small paved area immediately to the rear of the dwelling used as amenity space. Planning permission was granted for the removal of the garage in January 2013 but this permission was not implemented and on 23rd November 2016 a new application for the removal of the garage was approved. The works have not as yet taken place.

4.15 The concern from the neighbour at 52 Holgate Road is that the existing small yard and potentially larger garden would be overlooked by the proposed office accommodation, which lies approximately 7m away. The existing windows to the side elevation of 42 Oxford Street are obscure glazed to prevent loss of privacy. However, the proposed extension has been designed with lower ceiling heights and low windows and lies further along the length of the neighbour's garden than the existing building.

4.16 A cross section of the proposed extension in relation to the amenity space at 52 Holgate Road has been submitted and was questioned at sub committee in January 2017. Officers have been on site and measured the existing boundary wall. The lower

section, immediately adjacent to the dwelling at 52 Holgate Road, measures approximately 2.3m with the remainder of the wall stepped up and measuring up to 2.7m in height. The cross section indicates the wall at being 2.7m high.

4.17 The approved planning permission for the removal of the garage at 52 Holgate Road indicates that the existing elevation facing Oxford Street would remain unchanged from what currently exists on site. The existing and proposed plans as submitted are the same. However, the owner has indicated on site that the boundary wall would be reduced to an average height of 2.4m for its length due to the removal of the roof rafter and fascias. However, as the approved plans indicate no alteration it is considered that the impact in terms of loss of privacy should be based on the approved plans for the removal of the garage. Furthermore, whilst permission has been granted there is no guarantee that the scheme will be implemented.

4.18 It is considered that due to the low level windows to the office extension and the existing high boundary wall to 52 Holgate Road there would be little overlooking. If the occupiers were stood to the far boundary they would be visible but if located elsewhere within the garden their privacy would be protected by the existing boundary wall.

OVERSHADOWING AND LOSS OF LIGHT

4.19 Concerns have been expressed by the adjoined neighbour at 50 Holgate Road that the extension would result in a loss of light to their existing bathroom window. This property has been previously extended, under approval granted in 1986, to create a first floor rear extension to form a living room. It appears that as a result of this permission the existing original bathroom window was removed to facilitate the extension and as a result was inserted into the party wall, at high level, with the application site. The proposed extension would result in the blocking up of this window.

4.20 It is considered that it would be unreasonable to prevent development from taking place at the application site as a result of the window being inserted. The window does not open into a habitable room and as such loss of light is not afforded as much weight as for a habitable room. In addition it is considered unreasonable to have allowed the development at 50 Holgate Road, which has clearly benefited the occupiers of the dwelling, on the basis that no development would be allowed at the application site at a future date.

4.21 The neighbour at 50 Holgate Road is also concerned that the rearmost element of the scheme would overshadow the small rear yard at their property. Planning permission has recently been granted to subdivide the dwelling into two residential units and as a result the rear room opening into this yard would be a bedroom. The proposed extension would result in an increase in height of approximately 550mm above the existing boundary wall. Furthermore the roof slope has been designed with

an off centre ridge to reduce the height and impact upon this yard. The development lies to the west of this yard and as such it is considered that there would not be an unacceptable loss if light as shadows cast by the existing high boundary wall and extensions at 50 Holgate Road already impact the yard area.

4.22 It is worth noting that an extension of a similar height backing onto this courtyard was approved at committee in May 2014 following a site visit.

HIGHWAY IMPLICATIONS

4.23 Concerns have been expressed that the extension would increase on street parking within the vicinity. As existing three spaces are provided to the front, two within the open rear yard and the potential for two within the garage, although these are currently utilised for storage purposes. The scheme would result in four off road car parking spaces be provided along with cycle storage facilities. The development lies within a sustainable location close to the city centre and good public transport links including regular bus and train services.

4.24 Two resident's car parking spaces are provided opposite the application site along Oxford Street. These are limited to residents but also allow any vehicle to park for up to an hour. It is apparent that these spaces could be used by the office development but primarily during office opening hours only and only by visitors due to the time limitation. It is considered that the due to the sustainable location of the development the scheme could not be refused on highway grounds.

OPENING HOURS OF THE OFFICE

4.25 It has been suggested that a condition should be imposed on the proposed office accommodate to restrict hours of use. The planning permission for the existing building on site allows a mixed use on the upper floors comprising B1 use (office) and D1 use (therapeutic massage). A condition was attached to that permission restricting the hours of use of the D1 use only to between 07.00 and 21.00 Mondays to Fridays, 07.00 and 17.00 Saturdays and 07.00 and 13.00 Sundays, the officer's report noting the likelihood of more visits from members of the public to such a use than the office use. There are no hours of use attached to the existing B1 office use on site. As such it is not considered reasonable or necessary to condition the proposed B1 office extension.

5.0 CONCLUSION

5.1 The design of the proposed office extension design is considered to preserve the character and appearance of the conservation area. It is considered that the proposed development would not result in unacceptable levels of overshadowing or overlooking and would not adversely impact on the availability of car parking in the area. As such it is considered that the scheme would comply with Section 72 of the

Planning (Listed Buildings and Conservation Areas) Act 1990 and accord with advice contained within the NPPF and policies E4, HE2 and HE3 of the City of York Council Draft Local Plan (2005).

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing numbers 686_P20 Rev C and 686_P22 Rev C

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

3 VISQ8 Samples of exterior materials to be app

4 Notwithstanding the information contained within the approved plans details of the proposed windows, including materials and cross sections, shall be submitted to and approved in writing by the local planning authority prior to being installed.

Reason: So that the Local Planning Authority may be satisfied with these details and materials prior to being installed with the hereby approved scheme.

5 The development shall not be occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb to match adjacent levels.

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

6 HWAY18 Cycle parking details to be agreed

7 HWAY19 Car and cycle parking laid out

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

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site and so that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

9 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

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 revised plans to reduce the mass and amend the design of the extension

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

Section 184 - Stuart Partington (01904) 551361

3. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available at:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

Contact details:

Author: Heather Fairy, Development Management Officer

Tel No: (01904) 552217

16/02111/FUL

Walker Nicholas Architects Ltd 42 Oxford Street



Scale : 1:648

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	23 January 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date:
Team: Major and Commercial Team

Ward: Bishopthorpe
Parish: Acaster Malbis Parish Council

Reference: 16/02480/FUL
Application at: Mount Pleasant Caravan Park Cundall Drive Acaster Malbis York YO23 2UP
For: Layout of an additional 10 caravan pitches on existing site (resubmission)
By: Mr W Flannigan
Application Type: Full Application
Target Date: 3 February 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 This application relates to Westfield Caravan Park which forms part of a wider site with Mount Pleasant comprises a residential caravan site which has been in operation since the early 1970s. A Certificate of Lawfulness was issued on 16/08/2010 that confirms use of the land for the siting of up to 60 static caravans is a lawful planning use (ref 10/01388/CPU). The site is located within the Green Belt to the west of Acaster Malbis village. The Certificate of Lawfulness establishes that the site had been operating without restriction as to the type of caravan or duration of stay and, whilst it had previously been used for the stationing of static caravans for holiday usage, it has now been converted to the stationing of more substantial units for residential occupation. That process is now largely complete with 60 pitches laid out on site. Planning permission is presently sought for the layout of an additional 10 pitches within the same site, predominantly at its southern edge. The proposal represents a revised re-submission of an earlier proposal for an additional 13 pitches that was previously refused on the grounds of impact upon the amenity of prospective and neighbouring occupants. The development has been partially commenced. Officers conclude that an increase in use of the land for the siting of 70 caravans does not amount to a material change of use requiring planning permission, however, the hardsurfaced pitches proposed amount to an engineering operation that does require planning permission.

1.2 The application was called in for consideration by the Area Planning Sub-Committee by Councillor John Galvin on the grounds of over-development and lack of amenity space for prospective occupants of the proposed static caravans.

2.0 POLICY CONTEXT

2.1 2005 Draft Local Plan Policy

CYGB1

Development within the Green Belt

3.0 CONSULTATIONS

Acaster Malbis Parish Council

3.1 object to the proposal on the grounds that insufficient amenity space is provided for the occupants of the additional static caravans and the additional units would be harmful to the open character of the Green Belt.

Ainsty (2008) Internal Drainage Board

3.2 raise no objection in principle to the proposal subject to the submission and approval of a detailed drainage scheme for the site.

Neighbour Notification and Publicity

3.3 Fourteen letters of have been received, 12 of support and 2 of objection. The letters of objection raise the following planning issues:-

- Impact upon the open character and purposes of designation of the Green Belt;
- Over development of the site;
- Impact upon the amenities of residents of the proposed pitches;
- Impact upon the local pattern of surface water drainage and infrastructure;
- Impact upon wildlife in the locality.

3.4 The letters of support raise the following planning issues:-

- Support for the additional number of parking spaces;
- Support for the development as it would complete the development to the maximum capacity of the local infrastructure.

4.0 APPRAISAL

4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the openness and purposes of designation of the Green Belt;
- Impact upon the amenities of occupants of the proposed pitches and those surrounding;
- Impact upon the local pattern of surface water drainage;

POLICY

Development Plan

4.2 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.

Local Plan

4.3 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.

Emerging Local Plan

4.4 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, was halted pending further analysis of housing projections. An eight week consultation on a further Preferred Sites document has concluded. Recently, however, announced closures of Ministry of Defence Sites in the York administrative area have given rise to further potential housing sites that require assessment and consideration as alternatives. The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

The National Planning Policy Framework NPPF

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

4.6 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. Your officer's view is that this presumption does not apply to this proposal as the site lies within the general extent of the Green Belt as identified in the RSS and therefore justifies the application of the more restrictive policies in Section 9 to the NPPF.

IMPACT UPON THE OPEN CHARACTER AND PURPOSES OF DESIGNATION OF THE GREEN BELT

4.7 The application site comprises a static caravan park latterly used for residential purposes within the general extent of the York Green Belt to the south west of Acaster Malbis village. The Certificate of Lawfulness in respect of the site allows for operation of the site without restriction as to occupancy, but describes the lawful use as the siting of 60 caravans. The current proposal seeks the provision of a further 10 formalised pitches within the site. A previous application to increase by 13 pitches was refused.

4.8 It is considered that the current proposal is not a material change of use as it takes place within the confines of an existing residential caravan site operating without restriction and that the location and number of additional vans would not amount of itself to a material change of use by reason of an intensification of the development. However, the development is for the layout of an additional 10 hard surfaced pitches for the stationing of static caravans which comprises an engineering operation which comes within the remit of paragraph 90 of the NPPF .

4.9 Paragraph 90 to the NPPF states that “engineering operations” are not inappropriate development provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. The proposal has resulted in the removal of the remaining former static caravans used for holiday use and the layout of more formalised pitches. The additional 10 pitches would fall within the scope of the qualification stated in paragraph 90 to the NPPF where engineering development is held to not be inappropriate providing it would not increase harm to openness. The additional pitches would be comprised within the body of the existing site with existing pitches and other ancillary development such as roads largely surrounding them and so there would not be any material change in harm to openness as a result of the proposal. In terms of the purposes of including land within the Green Belt , the proposal would not harm the setting of the historic city, it would not lead to settlements combining and it would lead to urban sprawl and is not therefore felt to be harmful in that respect.

IMPACT UPON THE AMENITIES OF PROSPECTIVE OCCUPANTS OF THE PROPOSED PITCHES

4.10 Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework "Core Planning Principles" indicates that Local Planning Authorities should give particular weight to the need to maintain a good

standard of amenity for all new and existing occupants of land and buildings. Similarly Policy GP1 of the York Development Control Local Plan seeks to ensure that residents living nearby new development should not be unduly affected by disturbance or overlooking. The application site comprises a densely developed residential caravan site development with each unit closely packed in highly regimented rows and groups. The submitted application details provide for the construction of a further of 9 pitches to accommodate static caravans at the south eastern edge of the site, the provision of an amenity outdoor seating area adjacent to the entrance to the site to the north and a visitor parking area with a further additional unit at the eastern edge of the site.

4.11 Planning permission was refused in respect of the previous scheme on the basis of the density of the development and the lack of adequate amenity space for residents of the new static units creating an unacceptable living environment for potential occupants. The density of the development is extremely high with only a minimal separation distance between each unit. The scheme as amended gives rise to a rather more generous spacing between units particularly in respect of those at the south eastern edge of the site. A dedicated visitor parking and outdoor seating area would also be provided which is on balance felt to be acceptable. It is further acknowledged that amenity distances and the availability of open space falls short of that which would normally be expected on a new residential development however it is reflective of the existing situation at the Mount Pleasant residential caravan site directly to the north east. The pattern of development is also not materially different from that previously allowed for within the earlier Certificate of Lawfulness. It is felt therefore on balance that the revised layout could not therefore be refused permission on the grounds of the standard of amenity that would be made available to prospective occupants.

IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE:-

4.8 The application site lies within Flood Zone 1 and is therefore felt to be at a low risk of flooding from watercourses. Some concern has however been expressed in respect of the impact of the proposal upon the local pattern of surface water drainage. The application site has however previously been laid out with formalised pitches to accommodate the previous static holiday caravans. Roads and other hard surfaced areas had also previously been laid out. The submitted application details indicate that surface water would be disposed of via the existing soak-away system. It is felt that any additional impact arising from the pitches would be modest and that subject to any permission being conditioned to require the submission and approval of surface water drainage scheme then the proposal would be acceptable.

5.0 CONCLUSION

5.1 Westfield Caravan Park comprises a residential caravan site operating without planning restriction located within the Green Belt to the west of Acaster Malbis

village. Planning permission is presently sought for the layout of an additional 10 pitches within the site, predominantly at its southern edge. The proposal represents a revised re-submission of an earlier proposal for 13 pitches that was refused on the grounds of impact upon the amenity of prospective occupiers and those surrounding. It is felt on balance that the current proposal would not give rise to conditions prejudicial to the residential amenity of prospective occupants and is therefore acceptable in planning terms. Approval is therefore recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Refs: - Site Layout Plan.

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

3 Within 28 days of the date of this permission full details of the proposed external amenity area shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the approved details prior to any caravan being sited on the additional pitches and the area shall be retained thereafter as an amenity area for the occupant's caravan site.

Reason: - To safeguard the amenity of occupants of the units and to secure compliance with paragraph 17 of the NPPF and to secure compliance with Policy GP1 of the York Development Control Local Plan.

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

Reason: In the interests of highway safety.

5 Within 28 days of the date of this permission a detailed scheme for the provision of surface water drainage for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thenceforth be implemented to the reasonable written satisfaction of the Local Planning Authority before the occupation of any of the additional pitches hereby approved.

Reason: - To ensure that the development is provided with satisfactory means of surface water drainage whilst reducing the risk of flooding to the surrounding area.

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:

i) Clarification in respect of the existing arrangements in terms of surface water drainage.

Contact details:

Author: Erik Matthews, Development Management Officer

Tel No: (01904) 551416

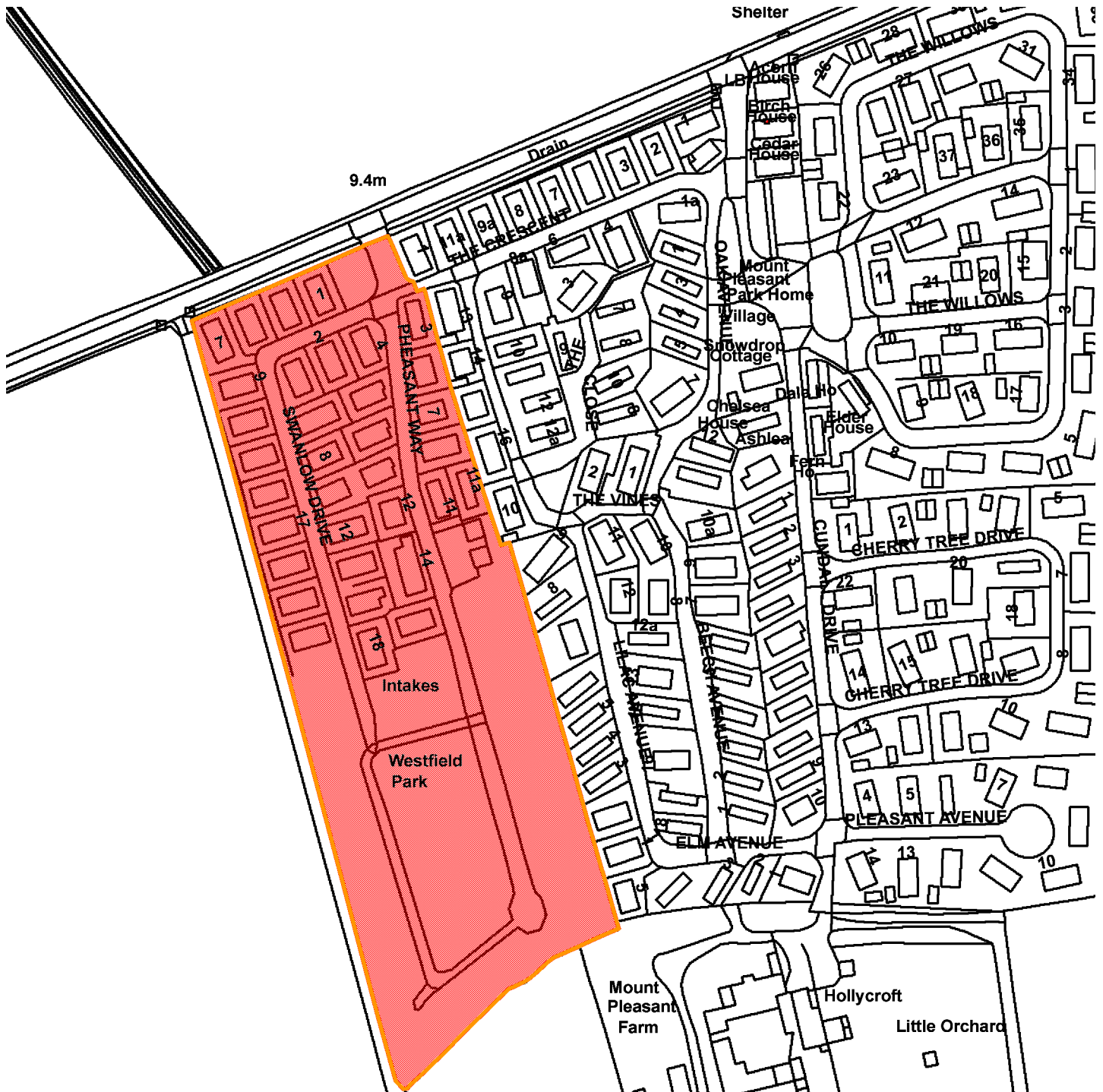
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16/02480/FUL

Mount Pleasant Caravan Park, Cundall Drive Acaster Malbis



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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	23 January 2017
SLA Number	Not Set

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