



**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 March 2017

Time: 4.30 pm

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

AGENDA

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

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

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 2 February 2017. *[To follow]*

3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **Wednesday 1 March 2017 at 5.00 pm.**

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4. Plans List

To determine the following planning applications:

**a) 23 Minster Avenue, Huntington, York YO31 9DJ
(16/02851/FUL) (Pages 3 - 8)**

Variation of condition 2 and 4 of permitted application 16/02036/FUL to revise layout to allow part of the garage/store to be used as an extended kitchen. [Huntington/New Earswick]

**b) St Peters School, Clifton, York YO30 6AB
(16/02740/FULM) (Pages 9 - 24)**

Erection of two storey teaching building following demolition of Grove and Scott buildings and CCF hut. [Clifton] **[Site Visit]**

- c) **St Peters School, Clifton, York YO30 6AB (16/02741/LBC)** (Pages 25 - 32)
Erection of two storey teaching building following demolition of Grove and Scott buildings and CCF hut and associated internal alterations. [Clifton] **[Site Visit]**

- d) **39 Park Avenue, New Earswick, York YO32 4DB (16/01871/FUL)** (Pages 33 - 46)
Erection of dwelling (resubmission). [Huntington/New Earswick] **[Site Visit]**

- e) **Manor Park, Sheriff Hutton Road, Strensall, York (16/01766/FUL)** (Pages 47 - 56)
Siting of 4no. caravans (one each on plots A, B, C and D) for holiday use. [Strensall] **[Site Visit]**

5. Appeals Performance and Decision Summaries
(Pages 57 - 78)

This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 October and 31 December 2016, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals at date of writing is also included.

6. Planning Enforcement Cases-Update (Pages 79 - 82)

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

7. Urgent Business

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

Democracy Officer:

Name: Judith Betts

Contact Details:

- Telephone – (01904) 551078
- E-mail –judith.betts@york.gov.uk

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

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

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

TIME (Approx)	SITE	ITEM
10.10	St Peters School Clifton	4b & 4c
11.00	39 Park Avenue New Earswick	4d
11.30	Manor Park Sheriff Hutton Road Strensall	4e

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COMMITTEE REPORT

Date: 2 March 2017 **Ward:** Huntington/New Earswick
Team: Householder and Small Scale Team **Parish:** Huntington Parish Council

Reference: 16/02851/FUL
Application at: 23 Minster Avenue Huntington York YO31 9DJ
For: Variation of condition 2 and 4 of permitted application 16/02036/FUL to revise layout to allow part of the garage/store to be used as an extended kitchen
By: Alex Szepietowski
Application Type: Full Application
Target Date: 13 February 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks permission under section 73 of the Act to vary conditions 2 (approved drawings) and 4 (retain garage for storage of refuse and cycles) of permission ref.16/02036/FUL. This gave planning permission to change the use of the dwelling (use class C3) to a House in Multiple Occupation (use class C4).

1.2 The revised drawings show the rear half of the existing garage converted into an extended kitchen. The front half (3.4m x 2m internal) is retained as a store for bikes and refuse.

1.3 This application is referred to the sub-committee by the Assistant Director as the original application was determined by the sub-committee and objections have been received to the proposed variation of conditions.

2.0 POLICY CONTEXT

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

3.0 CONSULTATIONS

Huntington Parish Council

3.1 The Parish Council objects to the proposal:

- Loss of residential housing stock
- Parking and access issues
- Lack of parking provision

- No disabled access provision

Neighbour Notification and Publicity

3.2 Three letters received from two residents objecting to the application for the following reasons:

- Concerns the proposal could lead to the existing dining room being converted into an additional 5th bedroom impacting on highways and parking
- The back of the property has already been converted into a fifth bedroom

4.0 APPRAISAL

4.1 In deciding an application under section 73, the local planning authority must only consider the conditions that are the subject of the application – it is not a complete re-consideration of the application. It should be noted that the original planning permission will continue to exist whatever the outcome of the application under section 73.

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

- adequate on and off road parking and cycle parking is incorporated; and,
- adequate provision is made for the storage and collection of refuse and recycling.

4.3 The Supplementary Planning Document (SPD) - Controlling the Concentration of Houses in Multiple Occupancy (2014) advises at paragraph 5.17 that in assessing planning applications for HMOs the Council will seek to ensure that the change of use will not be detrimental to the overall residential amenity of the area. Attention will be given, amongst other things, to the following:

- there is sufficient space for appropriate provision for secure cycle parking; and
- there is sufficient space for storage provision for waste/recycling containers in a suitable enclosure area within the curtilage of the property.

4.4 The proposed cycle storage area will remain of sufficient size for to accommodate at least 4 bicycles. The garage will be secure, and "Sheffield" cycle stands are shown to be installed. Three no. wheelie bins can also be accommodated within the retained garage area which is considered to be sufficient for a small HMO.

4.5 The proposed variation of the approved drawings does not show any alterations to provide an additional bedroom. HMO Licence Regulations would require an additional separate WC to be provided to accommodate 5 occupants at the premises. The application should be determined on its merits and possible future changes to the building, which could be undertaken without planning permission, are not normally material considerations.

5.0 CONCLUSION

5.1. The proposed amendments to the previously approved drawings will retain an adequate bin and cycle store for the house in multiple occupation and will not impact on residential amenity or highway safety. The proposal therefore accords with policy H8 of the 2005 Draft Local Plan and the National Planning Policy Framework.

6.0 RECOMMENDATION: Approve

1 The development shall be begun not later than 1 December 2019.

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

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

Drawing No. YB433-101 Revision A - dated 16.02.17

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

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

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

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

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), the retained garage area indicated on drawing YB433-101 Revision A - dated 16.02.17 shall not be altered externally or converted to living accommodation and shall be retained for the storage of refuse/recycling and cycles.

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

7.0 INFORMATIVES:

Notes to Applicant

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

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

Contact details:

Author: Paul Edwards Development Management Assistant

Tel No: 01904 551642

16/02851/FUL

23 Minster Avenue



Scale : 1:1297

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	20 February 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 2 March 2017 **Ward:** Clifton
Team: Major and **Parish:** Clifton Planning Panel
Commercial Team

Reference: 16/02740/FULM
Application at: St Peters School Clifton York YO30 6AB
For: Erection of two storey teaching building following demolition
of Grove and Scott buildings and CCF hut
By: St Peter's School
Application Type: Major Full Application (13 weeks)
Target Date: 17 March 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 St Peter's School comprises a substantial campus of brick and stone built educational buildings dating from the early 19th Century to the present day set within extensive landscaped grounds to the north of the City Centre. The core buildings of the site directly to the west of Bootham are Listed Grade II and the campus lies partially within the Clifton Conservation Area as well as straddling the boundary of Flood Zones 1 and 2 Planning permission is sought for the demolition of the Grove and Scott buildings, together with the CCF Hut and the erection of a purpose built 2 1/2 storey Mathematics and Modern Language teaching area partially on the cleared site and partially on the site of an existing minibus park to the south west of the main complex.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Conservation Area GMS Constraints: Clifton CONF
Flood zone 2 Flood Zone 2

2.2 Policies:

CGP15A Development and Flood Risk
CYED1 Primary and Secondary Education
CYGP1 Design
CYHE2 Development in historic locations
CYHE3 Conservation Areas
CYHE4 Listed Buildings

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 Raise no objection to the proposal subject to any permission being conditioned to require the submission and approval of a Construction Environmental Management Plan and to restrict the hours when demolition and construction and associated deliveries may take place.

Planning and Environmental Management (Archaeology)

3.2 Raise no objection to the proposal subject to any permission being conditioned to require the undertaking of an archaeological watching brief during all work in view of the possibility of a Roman cemetery being present in the area.

Planning and Environmental Management (Conservation)

3.3 No response.

Strategic Flood Risk Management

3.4 No response.

Highway Network Management

3.5 Raise concerns in respect of the loss of parking spaces and the proposed increase in teaching space. The immediate area of highway is protected by parking restrictions, however unrestricted parking in a residential area is available within easy walking distance of the site. We are concerned that the loss of parking at St Peters school will be displaced to this area which is already struggling with availability of parking for its residents. Concerns are also raised in respect of the impact of the proposal upon the delivery arrangements for the school canteen.

Planning and Environmental Management (Ecology)

3.6 No objection. The demolition of the buildings would not impact on local bat populations.

EXTERNAL

Clifton Planning Panel

3.7 Raise some concerns in respect of possible overlooking of properties in North Parade and the safeguarding of residential amenity during the construction process.

North Yorkshire Police Force Architectural Liaison Officer

3.8 No objection.

Environment Agency

3.9 In accordance with the NPPF you must satisfy yourself that the Sequential Test and, where relevant the Exception Test, have been undertaken and passed. We recommend that evidence to support this be added to the planning file. If either of the tests is failed, planning permission should be refused. Due to the proposed development's scale and the level of flood risk, we have no objections. We do however recommend that the developer considers opportunities to reduce the potential impact of flooding by raising floor levels wherever possible and incorporating flood proofing and resilience measures.

York CAAP Panel

3.10 No objection.

Neighbour Notification and Publicity

3.11 No responses.

4.0 APPRAISAL

KEY CONSIDERATIONS

4.1 KEY CONSIDERATIONS INCLUDE

- Impact upon the character and appearance of the Clifton Conservation Area;
- Impact upon the setting of the St Catherine's and School House, Grade II Listed Buildings;
- Impact upon the residential amenity of properties in North Parade;
- Impact upon flood risk in the locality;
- Impact upon the safety and convenience of highway users in the locality.

STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN

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

STATUS OF THE EMERGING LOCAL PLAN:-

4.3 The (Emerging) Publication Draft York Local Plan (2014) is currently not progressing through its statutory consultation. At the present early stage in the statutory process the emerging Local Plan policies carry only limited weight, where relevant and in accordance with the terms of the National Planning Policy Framework. 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 NPPF is the most up to date representation of key relevant policy issues and the proposal should principally be assessed against this policy Framework.

HERITAGE ASSETS:-

4.4 Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas Act) sets out a clear statutory duty to Local Planning Authorities to have special regard to the desirability of preserving and enhancing the Conservation Area. Policy HE2 of the York Development Control Local Plan sets out a firm policy presumption that within or adjacent to Conservation Areas and within the setting of Listed Buildings development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale , proportion, details and materials.

4.5 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Council to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." As this is a statutory duty it must be given considerable importance and weight in determining the planning application. Where harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission. At the same time the presumption contained within Section 66 of the Planning (Listed Buildings and Conservation Areas) Act creates the need to balance any harm to the setting of any Listed Buildings and this is outlined below. Policy D5 of the (Emerging) Publication Draft Local Plan is of particular relevance in this context. This indicates support for proposals affecting Listed Buildings where accompanied by a clear evidence based justification and where the significance and heritage value of the building is maintained.

The legislative requirements of Sections 66 and 72 are in addition to Central government policy contained in Section 12 of the NPPF.

The NPPF classes listed buildings and Conservation Areas as “designated heritage assets”. The NPPF’s advice on designated heritage assets includes the following:

-Paragraph 129 says that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including any development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

-Paragraph 131 advises Local Planning Authorities to give significant weight to ensuring the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and ensuring the desirability of new development making a positive contribution to local character and distinctiveness.

-Paragraph 132 advises that “When 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” ... “As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”

-Paragraph 134 advises that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use.”

- Paragraph 137 advises that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE CLIFTON CONSERVATION AREA:-

4.6 The character of the Clifton Conservation Area comprises a series of three and four storey detached villas dating to the Late 18th/Early 19th Century villas along with short section of terraced housing set within mature well landscaped grounds. The application site itself comprises a large brick and stone built educational campus to the west of Clifton whose well ordered collegiate style adds significantly to the character and appearance of the Conservation Area.

The western section of the site is more open with middle and long distance views into the site across the River Ouse from the East Coast Mainline enhanced by the nature of the local topography. The existing complex of buildings follows a uniform pattern of scale and massing with a predominance of dark brick and shallow pitched roofs with a mix of two and three storey structures.

4.7 The proposal envisages the erection of a 2 1/2 storey teaching structure for the teaching of mathematics and modern foreign languages partially on the site of the existing Grove and Scott Buildings and partially on the site of the existing school minibus park. It would closely replicate the pattern of scale and massing of the teaching block constructed directly to the north west in the 1980s and would at the same time adopt an identical palette of materials, utilising a dark brick with stone detailing including a two storey art stone colonnade on the western elevation and a shallow pitch roof. The building like its neighbour directly to the north west would be aligned south west/ north east and would closely respect the existing site layout. An identical contemporary design metaphor with traditional materials would be largely achieved with the new development. It is therefore considered that the proposal would not harm the character and appearance of the Conservation Area rather in view of the design of its roof-scape and relationship to its surroundings its impact would be broadly neutral. It is therefore felt in terms of the requirements of Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act that it would secure the preservation and enhancement of the character and appearance of the Conservation Area.

IMPACT UPON THE SETTING OF ST CATHERINES AND SCHOOL HOUSE

4.8 St Catherine's comprises a substantial three storey brick built detached property of early 19th Century date fronting onto Clifton and School House comprises a substantial two storey part brick/part stone built structure forming the original mid Victorian school complex also fronting on to Clifton directly to the north. The proposed development lies to the south west of both structures in an area that was initially retained as gardens during the early development of the school and since the 1950s has been developed with teaching space. The principal visual relationships of both St Catherine's and School House are with the Clifton street frontage where they form part of the extension of the pattern of Georgian and early Victorian villas and other similar development extending out of the City Centre along Bootham. The proposed development would be physically divorced from the rear of St Catherine's by the existing brick garden boundary wall which would be partially realigned as part of the work. The two structures would not be readily visible in the same plane with their principal elevations oriented in different directions. The new development by reason of the local topography would also sit below St Catherine's within the wider skyline. Any harm to the setting of St Catherine's would therefore be modest and would be clearly offset by virtue of delivering the clear public benefits of the enhanced quality of teaching accommodation that the new accommodation would provide.

4.9 School House comprises a part single/part two storey Mid Victorian Neo Perpendicular Gothic structure part constructed in buff brick with stone detailing with a limestone ashlar range facing Clifton. The building was substantially extended to the west and south west in the early 20th Century with a mix of single and two storey brick blocks aligned at 90 degrees to the principal block. The new development would again be physically divorced from the principal building and would sit lower in the skyline by virtue of the local topography. The two buildings would again not be readily visible in the same viewing plane and it is not felt that the proposal would lead to any material harm to the setting of the building.

IMPACT UPON THE RESIDENTIAL AMENITY OF PROPERTIES IN NORTH PARADE

4.10 Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework "key planning principles" urges Local Planning Authorities to give particular weight to the maintenance and provision of a good standard of amenity for all new and existing occupants of land and buildings. At the same time Policy GP1 of the York Development Control Local Plan sets out a firm policy presumption in favour of new development which respects or enhances the local environment, is of a scale, density, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area and ensures that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. The application site lies in an elevated location relative to the terrace of residential properties in North Parade to the south west with a change of level of approximately 3 metres. The properties are aligned north west/ south east with the principal living rooms on the main street frontage facing away from the school with back yards facing on to a back lane to the rear. The closest residential property is approximately 10 metres from the rear of the existing Grove Block and the submitted scheme. The new building would lie to the north of the nearby residential properties in broadly the same location as the buildings to be demolished.

4.11 The existing site boundary comprising a 1.2 metre high post and rail fence with a 4 metre high mature hedge to the rear would be retained as part of the proposal. The existing Grove Block incorporates two windows directly overlooking the rear of properties in North Parade. These would be replaced within the new proposal by an obscure glazed stair well and the rear building line of the existing Grove Block would be largely retained with the proposed south facing colonnade progressing only some 600 mm beyond the existing line. The proposed roof which would be constructed in a profiled metal sheet would have a dual mono pitch with a central valley for maintenance purposes. It would be approximately 1 metre higher than the existing parapet at its highest point but its variegated form would lessen the present overbearing impact upon the adjoining back lane. The proposed building has been carefully designed in order not to increase impact upon the residential amenity of the adjoining properties beyond the existing situation whilst meeting the needs of the site.

It is felt that the proposal would maintain the existing level of residential amenity to the adjoining properties to the south east and is therefore acceptable in terms of the requirements of paragraph 17 of the NPPF and Policy GP1 of the Development Control Local Plan.

IMPACT UPON FLOOD RISK IN THE LOCALITY

4.12 Paragraph 103 of the National Planning Policy Framework clearly indicates that in considering giving planning permission Local Planning Authorities should give particular weight to ensuring that flood risk is not increased elsewhere. The application site lies partially within Flood Zone 1 and partially within Flood Zone 2 with some teaching accommodation proposed to be located within a sub-basement area. In accordance with the requirements of the NPPF a detailed sequential assessment has been submitted in respect of that element of the accommodation to be located within Flood Zone 2. This indicates that the only other suitable open land available for development within the school site is also within Flood Zone 2 or Flood Zone 3 which carries with it a much greater flood risk. The possibility of locating the building further to the south east and wholly within Flood Zone 1 was considered very early on in the design process but it would have resulted in the need to construct a building with a much higher ridge height that would have harmed the character of the Conservation Area, it would have resulted in the loss of a rare specimen birch tree and would have given rise to significant harm to the setting of St Catherine's, a Grade II Listed Building.

4.13 Notwithstanding the location of the most southerly 8 metres of the site within Flood Zone 2 it lies significantly above the highest recorded flood level in November 2000. The proposal has been subject to a site specific Flood Risk Assessment as required by the NPPF and the Authority's Strategic Flood Risk Assessment. The FRA clearly indicates that the building would be constructed to a high degree of flood resilience in common with its neighbour directly to the north west. The Authority's SFRA indicates that the proposal would be a "more vulnerable" non-residential use in terms of flood risk and that within Flood Zone 2 those types of use would not have to undertake an "Exceptions Test" as outlined in the NPPF. Subject to any permission being conditioned to require compliance with the site specific flood risk assessment then the proposal is felt to be acceptable in flood risk terms.

IMPACT UPON THE SAFETY AND CONVENIENCE OF THE HIGHWAY

4.14 Concern has been expressed in terms of the availability and management of vehicle parking space within the site and the degree of access available to sustainable means of transport. A detailed response to the concerns has been submitted by the applicant. This indicates that there are 177 vehicle parking spaces available within the wider Campus including the St Olave's Lower School. These are available for use by staff (via) permit and bona fide visitors with no students allowed to bring cars on to the site.

The proposed scheme would result in the loss of 19 car parking spaces rather than the anticipated 25 and it is proposed to replace the majority of losses by reorganising existing garage and open air storage space within the site. At the same time adequate space exists within the site to relocate the existing servicing functions for the canteen further to the north east. It is also indicated that staff and students are encouraged to make use of sustainable means of transport but no formal travel plan is currently in place. It is felt that the concerns in relation to parking within the site can be satisfactorily addressed and that subject to any permission being conditioned to require the submission and prior approval of a travel plan then the proposal is felt to be acceptable.

5.0 CONCLUSION

5.1 St Peter's School comprises a substantial campus of brick and stone built educational buildings dating from the early 19th Century to the present day set within extensive landscaped grounds to the north of the City Centre. The core buildings of the site directly to the west of Bootham are Listed Grade II and the campus lies partially within the Clifton Conservation Area as well as straddling the boundary of Flood Zones 1 and 2 .Planning permission is sought for the demolition of the Grove and Scott buildings, together with the CCF Hut and the erection of a purpose built 2 1/2 storey Mathematics and Modern Language teaching area partially on the cleared site and partially on the site of an existing minibus park to the south west of the main complex.

5.2 The proposed new building works have been very carefully designed to match the existing pattern of scale and massing of the existing buildings within the campus specifically the teaching building erected in the 1980s directly to the north west. It is felt that it would only give rise to only harm to the character or appearance of the Clifton Conservation Area and the setting of the Listed Buildings on the main road frontage and this less than substantial harm would be more than offset by clear public benefit of significant improvements to the teaching accommodation. The development would not give rise to any materially greater harm to the residential amenity of neighbouring properties than the existing situation and would not give rise to any increase in flood risk in the locality. The proposal is felt to be acceptable in planning terms and approval is 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:16005AL(0)009; 16005AL(0)010; 16005AL(0)011; 16005AL(0)012; 16005AL(0)013;16005AL(0)014; 16005AL(0)15; 16005AL(0)16.

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

- 3 VISQ8 Samples of exterior materials to be app
- 4 VISQ7 Sample panel ext materials to be approv
- 5 LAND1 IN New Landscape details

6 Trees shown as being retained on the approved plans shall be protected in accordance with BS: 5837 Trees in relation to construction.

Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and surfaces shall also be included.

The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area.

- 7 LC4 Land contamination - unexpected contam
- 8 NOISE7 Restricted hours of construction

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

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

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

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

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

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

Reason: To protect the amenity of the area

10 The development hereby authorised shall not be carried out otherwise than in strict accordance with the recommendations of the submitted Site Specific Flood Risk and Surface Water Drainage Assessment dated 2nd December 2016.

Reason:- To minimise flood risk in the locality and to secure compliance with paragraph 103 of the NPPF.

11 The development hereby approved shall not be occupied until a Full Travel Plan for the college has been submitted and approved in writing by the LPA. The travel plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of first occupation of the development approved a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with local and national transportation and planning policies to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

12 Unless otherwise agreed in writing with the Local Planning Authority, prior to commencement of development above foundation level the developer shall submit in writing and be approved by the local planning authority a formal pre-design BREEAM assessment for the design and procurement stages of the development. The developer shall submit a further BREEAM assessment after construction, at a time to be agreed in writing by the local planning authority. The developer shall submit a completion assessment when issued by the BRE. All assessments shall confirm the minimum 'Very Good' rating anticipated in the preliminary BREEAM assessment submitted with the application

Reason - To ensure the development complies with the principles of sustainable development

13 No work shall commence on site beyond ground clearance 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 is of archaeological deposits and may contain material is required to be recorded.

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) Submission of a Sequential Test in terms of Flood Risk
- ii) Clarification in terms of parking arrangements and access to sustainable means of transport within the application site.

2. BAT MITIGATION:-

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, it should be noted that 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/bat_boxes.html for more information).

Contact details:

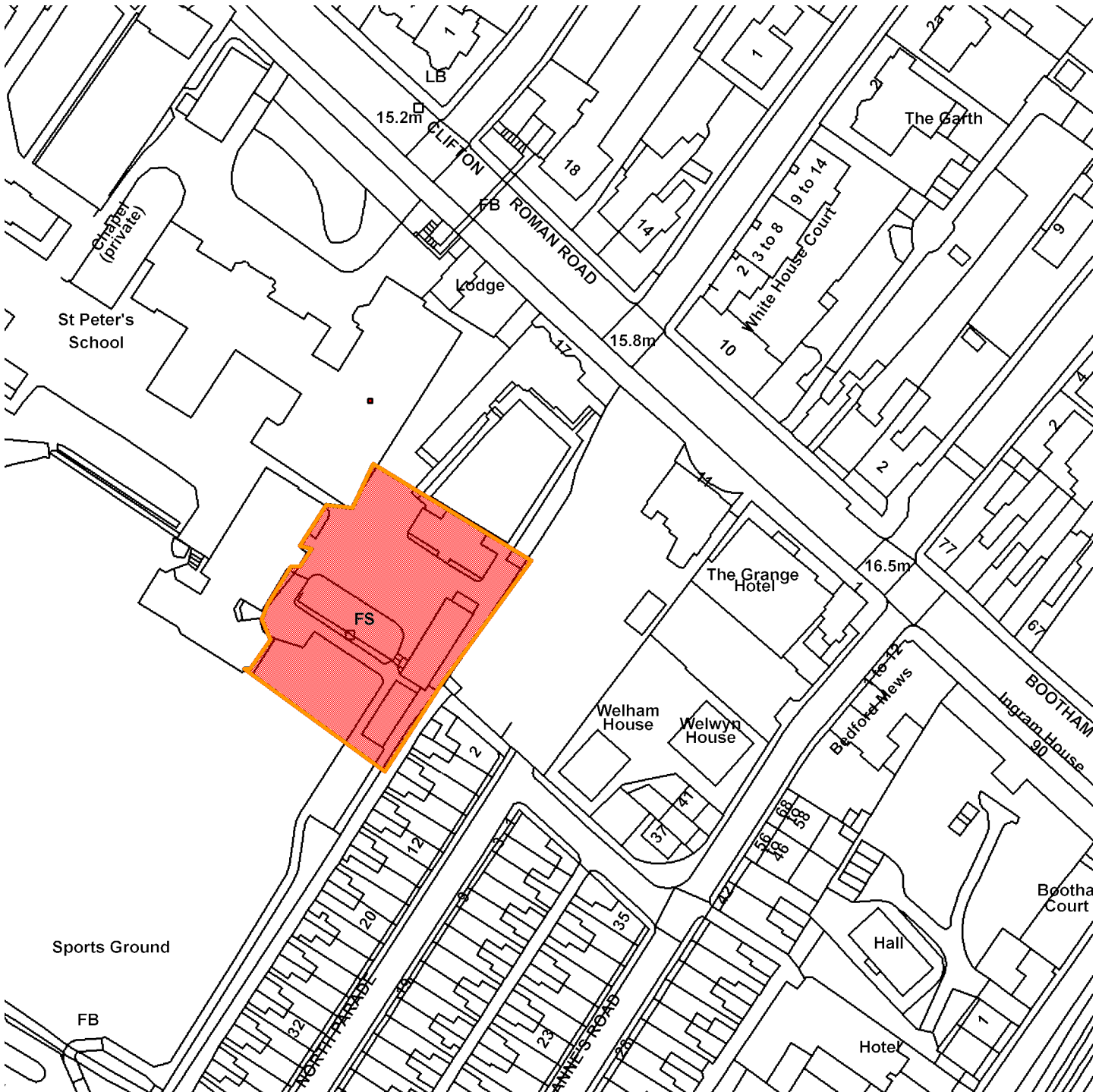
Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

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16/02740/FULM

St Peters School Clifton



Scale : 1:1297

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	20 February 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 2 March 2017 **Ward:** Clifton
Team: Major and **Parish:** Clifton Planning Panel
Commercial Team

Reference: 16/02741/LBC
Application at: St Peters School Clifton York YO30 6AB
For: Erection of two storey teaching building following demolition of Grove and Scott buildings and CCF hut and associated internal alterations
By: St Peter's School
Application Type: Listed Building Consent
Target Date: 3 March 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 St Peter's School comprises a large campus of educational buildings set within landscaped grounds dating from the early 19th Century through to the present day, constructed in a mix of brick and stone with a traditional roofscape. Sections of the original 19th Century School are Listed Grade II and lie partially within the Clifton Conservation Area. Listed Building Consent and planning permission are sought for the demolition of two brick built teaching blocks (the Scott and Grove Blocks) dating from the 1950s, a single storey brick and portal frame CCF hut originally constructed for the Home Guard during World War II, a section of brick boundary wall and the erection of a 2 1/2 storey learning hub for the teaching of modern languages. The CCF Hut and the boundary wall are Listed by virtue of being curtilage structures.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Conservation Area GMS Constraints: Clifton CONF

2.2 Policies: CYHE4 Listed Buildings

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management (Conservation)

3.1 Raise no objection to the proposed demolitions as the contribution of the CCF hut and the 3 metre section of boundary wall to be re-aligned to the wider

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Item No: 4c

significance of the site and in their own right is modest bearing in mind the extent to which they have been altered in recent times. It is however recommended that the rebuilding of the boundary wall be reconditioned to ensure that it is undertaken in a matching material.

EXTERNAL

Historic England

3.2 No objection.

Clifton Planning Panel

3.3 No objection.

Council for British Archaeology

3.4 No response.

Ancient Monuments Society

3.5 No response.

Georgian Group

3.6 No response.

Victorian Society

3.7 No response.

20th Century Society

3.8 No response.

4.0 APPRAISAL

STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN

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

STATUS OF THE EMERGING LOCAL PLAN

4.2 The (Emerging) Publication Draft York Local Plan (2014) is currently not progressing through its statutory consultation. At the present early stage in the statutory process the emerging Local Plan policies carry only limited weight, where relevant and in accordance with the terms of the National Planning Policy Framework. 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 NPPF is the most up to date representation of key relevant policy issues and the proposal should principally be assessed against this policy Framework.

IMPACT UPON THE HISTORIC CHARACTER AND INTEGRITY OF THE LISTED BUILDING

4.3 Section 16(2) of the 1990 Planning(Listed Buildings and Conservation Areas) Act creates a statutory presumption for the Local Planning Authority to have special regard to the desirability of preserving the Listed Building or its setting and any special historic or architectural features it possesses. As this is a statutory duty it must be given considerable importance and weight in determining the planning application. Where harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission. Central Government Planning Policy as outlined in paragraph 131 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to ensuring the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and ensuring the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 advises that “When 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” ... “As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”

Paragraph 133 advises that “Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of four specified criteria apply

Paragraph 134 advises that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use.”

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.

Policy D5 of the (Emerging) Publication Draft Local Plan is of particular relevance in this context. This indicates support for proposals affecting Listed Buildings where accompanied by a clear evidence based justification and where the significance and heritage value of the building is maintained.

4.4 Building Significance:- The CCF hut was originally constructed for the purposes of the Home Guard during World War II but was modernised in the 1960s. It is well maintained but of a radically different character and scale to the remainder of the complex to the north and west which comprises a mix of Victorian and Edwardian Collegiate style brick and stone structures with Gothic detailing of two and three storeys in height. It was designed originally as a temporary structure for the purposes of civil defence during World War II and has had only a tangential link to the development of the wider site as an educational campus. It was specifically designed to be erected at speed and low cost and if in its original condition would be of some significance in its own right, however it was extensively modernised in the 1960s with sections of walling and the roof being replaced. The contribution of the CCF building of itself and to the wider significance of the complex is therefore negligible. Directly to the east of the lies a section of brick boundary wall approximately 3 metres high associated with the garden of the Headmaster's House which is itself Listed and dates to the early 19th Century. The wall at its north eastern end substantially retains its character as the garden boundary wall, however at its south western end where it adjoins the Grove and Scott blocks it was substantially rebuilt and slightly realigned as part of the same operation. Its contribution to the wider significance of the site is therefore modest.

4.5 The Proposal:- The proposal involves the demolition of the Grove and Scott blocks which were constructed in the early 1950s and which do not therefore benefit from the protection derived from curtilage Listing, together with the single storey CCF Hut dating to the 1940s and subsequently modernised and a section of brick boundary wall dating to the early 19th Century to the east of the site. The structures would be replaced by a 2 1/2 storey brick and curtain wall clad structure partially over the cleared site of the existing buildings and partially over an existing bus parking area.

4.6 Assessment of Impact:- The principal works involving the demolition of the Grove and Scott blocks and their replacement with a modern teaching block on a new alignment do not materially harm the significance of any Listed Building on its own right or protected by being a curtilage structure. The loss of the CCF building and the section of boundary wall to the Headmaster's House to the rear of the Grove and Scott Blocks do however fall to be assessed. Alterations to the character of a listed building clearly require justification.

In this case the work involves the removal of a much later building not directly related to the educational use of the site and of only modest importance in terms of its significance and the demolition and reconstruction of a section of boundary wall that has previously been heavily altered during the construction of the Grove and Scott Blocks. It is felt that the contribution of the CCF Hut to the significance of the wider Listed complex is at best modest by virtue of its form and character and that the contribution of the boundary wall to the significance of the wider complex has been largely compromised by the works previously undertaken to it in the 1950s. The CCF Hut if it retained its original character would have a degree of significance in its own right as an example of a historic structure created to serve the civil defence needs of the country during World War II, however its character and significance have been substantially compromised by the modernisation works undertaken to it in the 1960s. As a consequence it is felt that the loss of the CCF hut and the demolition and realignment of the rear boundary wall would not result in harm to the character and significance of the site as defined in paragraphs 132-134 of the NPPF.

5.0 CONCLUSION

5.1 St Peter's School comprises a large campus of educational buildings set within landscaped grounds dating from the early 19th Century through to the present day constructed in a mix of brick and stone with a traditional roofscape. Sections of the original 19th Century School are Listed Grade II and lie partially within the Clifton Conservation Area. Listed Building Consent and planning permission are sought for the demolition of two brick built teaching blocks (the Scott and Grove Blocks) dating to the 1950s, a single storey brick and portal frame CCF hut originally constructed for the Home Guard during World War II, a section of brick boundary wall and the erection of a 2 1/2 storey learning hub for the teaching of modern languages. The CCF Hut and the boundary wall are Listed by virtue of being curtilage structures. It is felt that the loss of the CCF building and the demolition of the rear boundary wall would not lead to harm to the significance of the wider Listed complex and the development is therefore acceptable.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIMEL2 Development start within 3 yrs (LBC/CAC)

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

Drawing Refs:- 16005AL(0)002; 16005AL(0)003; 16005AL(0)009; 16005AL(0)010; Grove Block & Scott Block 1990; Grove Block 1998; Scott Block 1988(002).

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

3. The reconstructed boundary wall to the south east of the Scott Block shall be constructed to a form and in materials to match the adjacent sections of boundary wall to be retained.

Reason:- To safeguard the character and appearance of the Listed Complex and to secure compliance with Policy HE4 of the York Development Control Local Plan.

7.0 INFORMATIVES:

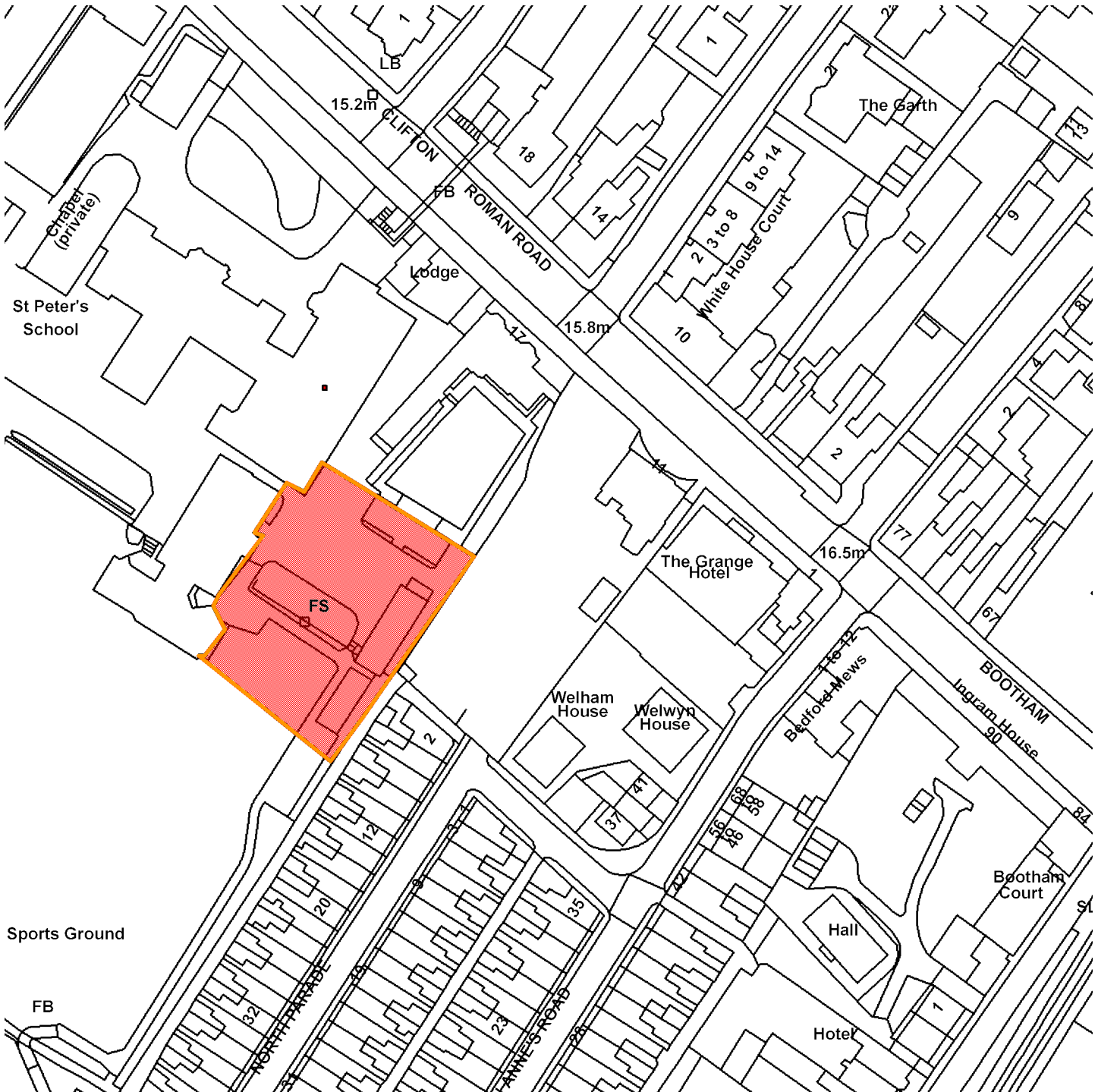
Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

16/02741/LBC

St Peters School Clifton



Scale : 1:1297

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	20 February 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 2 March 2017 **Ward:** Huntington/New Earswick
Team: Major and Commercial Team **Parish:** New Earswick Parish Council

Reference: 16/01871/FUL
Application at: 39 Park Avenue New Earswick York YO32 4DB
For: Erection of dwelling (resubmission)
By: Mr Robert Littlefair
Application Type: Full Application
Target Date: 5 October 2016
Recommendation: Approve

1.0 PROPOSAL**APPLICATION SITE**

1.1 The application site is the side garden of 39 Park Avenue in New Earswick. Park Avenue is a long residential cul-de-sac located at the edge of the urban area of the city. The road is not adopted.

PROPOSALS

1.2 It is proposed to erect a detached 2 bedroom bungalow to the side of the host property. The proposed dwelling would be set back slightly behind the front building line of the host property and projects 5.5 metres past its rear most building line. The scheme has been reduced in width and height from that which was originally submitted.

1.3 The application is brought to committee at the request of Cllr Runciman. The reasons relate to concerns regarding over-development, the small size of the turning circle at the end of the road, difficulties that would be created in accessing the properties and the flooding of gardens.

PLANNING HISTORY

1.4 In May 2016 (15/01977/FUL) a planning application to erect a two-storey four bedroom dwelling on the site was refused because it was considered that it would appear unduly oppressive when viewed from 41 and 43 Park Avenue would appear out of character when viewed from Park Avenue and give the impression of overdevelopment of the site.

1.5 In 2015 planning permission (15/00249/FUL) was granted for number 39 to be significantly enlarged and extended including first floor accommodation and two storey side extension. Minor revisions to the design were recently approved (16/02927/FUL). The works are now nearing completion.

2.0 POLICY CONTEXT

Draft Local Plan Policies

2.1 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.

CYGP1 Design.

CYGP10 Subdivision of gardens and infill development.

CYH4 Housing development in existing settlements.

CYGP15 Protection from flooding.

2.2 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.

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 No objections subject to standard conditions regarding the provision of parking.

Public Protection

3.2 No objections subject to condition requiring the provision of car re-charging plug and consideration of contamination.

Flood Risk Management

3.3 No objections. Issues regarding drainage and flood risk can be dealt with by condition if necessary.

EXTERNAL

Yorkshire Water

3.4 Surface water must only be discharged to the foul drain if there is no alternative available and the discharge rate is reduced by 30% below peak discharge rate.

Internal Drainage Board

3.5 Do not object providing water is discharged to Yorkshire Water sewer and run-off rates are attenuated to avoid increasing flood risk.

New Earswick Parish Council

3.6 The Parish do not object, but seek safeguards regarding traffic, parking and the overdevelopment of the area which is subject to other applications for dwellings.

Neighbour Notification and Publicity

3.7 Four residents have objected to the proposals. The issues raised are as follows:

- Feel unacceptable to obscure views and harm privacy of tenants of the properties at 41 and 43.
- Do not want to see the recently improved private road destroyed by heavy construction traffic.
- It is overdevelopment of the end of the street.
- It is difficult for vehicles to access the site and park.
- After heavy rain the area floods.

4.0 APPRAISAL

4.1 The key issues in assessing the proposal are:

- impact on the streetscene/countryside
- impact on amenity and living conditions of adjacent occupiers
- highway issues
- drainage

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

One of 12 principles 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 In respect to the development of gardens it states (paragraph 53) that LPA's should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where it would harm the Local area.

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. 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.

4.5 The draft 2005 Local Plan Policy GP1 'Design' states that development proposals will be expected 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 vegetation. Policy H4a 'Housing Windfalls' states that infill residential development within the urban area will be granted permission if it has good accessibility to jobs, shops and services by non-car modes and is of an appropriate scale and density to surrounding development. Policy GP10 'Subdivision of gardens and infill development' states that permission for the sub-division of existing gardens will only be permitted where this would not be detrimental to the character and amenity of the local environment.

IMPACT ON THE STREETSCENE/COUNTRYSIDE

4.6 The proposed dwelling is narrow in width and modest in height (5.4m to the ridge and 2.9m to the eaves). It is considered that there is adequate space between the proposed dwelling and the host to avoid the visual impression of overdevelopment. There is also a gap of around 12m between the side of the proposed bungalow and the front of 41 and 43. There is a mix of house styles and sizes in the vicinity and the proposed dwelling would sit comfortably within the varied streetscene. The existing width of the plot of the host dwelling (around 24 metres) is more than twice that of most other gardens in the street and in the context is considered capable of accommodating an additional dwelling without making development appear cramped.

4.7 The proposed bungalow has a 'dog leg' to the rear which projects partly across the rear of 39. As the dog leg is well back into the site it will not be prominent from the street, its height is also lower than the main part of the building. The property will project into the garden beyond the rear of the host; however, it will still be over 9m from the rear garden boundary.

There are several offshoots and outbuildings in rear gardens in the street and in the context the low profile projection is considered acceptable.

4.8 The front garden can comfortably accommodate space for car parking without overdeveloping the site or leading to the loss of a significant amount of the front hedgerow of the host property.

IMPACT ON NEIGHBOURS' LIVING CONDITIONS

4.9 Policy GP1 of the Local Plan requires proposals to avoid causing undue harm to residents living conditions. There is adequate separation to the front and rear to avoid harm in respect to outlook, light and privacy. The dwelling will extend a significant distance beyond the rear of the host property however the nearest ground floor rear window of the host serves a utility area. The host dwelling is a wide property and has recently been extended and upgraded. It will still provide a high level of amenity for future occupiers.

4.10 A key issue to consider is the impact on 43 and 41 located to the side. These two properties have a garage and small kitchen diner on the ground floor with a lounge and separate bedroom above. Small balconies are located to the front. All clear glazed openings are on the front elevation of the properties and the occupants have no access to land to the rear. The separation distance between front windows in the homes and the side elevation of the proposed new dwelling would be 11.5m at the nearest point and on average around 12m away. Typically a minimum separation distance of around 12m is sought between a new two-storey gable wall and facing windows on neighbouring homes. The proposed dwelling is single storey rather than two storeys and because of the hipped roof form the ridge would be around 14m away. On balance the impact in terms of outlook and light is considered acceptable. As there are no rooms in the roof space of the proposed dwelling there will be no significant impact in respect to overlooking. A condition removing permitted development rights is recommended.

HIGHWAYS ISSUES

4.11 Park Avenue is a private road. The applicant would need to ensure that they have a right to access the road, including for the construction process but this is not a material planning issue. Traffic volumes would appear to be low and although the road has no footpaths, it is not considered that the limited increase in usage resulting from the use of the proposed dwelling would be harmful.

4.12 Up to three cars can park within the curtilage of the proposed dwelling. The proposal would not impact upon the functionality of the adjacent turning circle. A minimum of two cars can park within the garden of the host dwelling whilst retaining significant landscaping.

DRAINAGE, FLOOD RISK AND SEQUENTIAL TEST

4.13 The site is close to Westfield Beck. The environment agency flood risk map indicates that the home would be in Flood Zone 2 (medium risk). As the application is for a new dwelling, and the proposed house would be within the EA's Flood Zone 2, the applicant needs to be considered against the sequential test.

4.14 The Council do not have a NPPF compliant five year housing land supply. As much of the city is in low-medium or high flood risk zones, some housing development outside flood zone 1 is likely to be necessary to meet development needs. Historically, windfalls have been important contributors to the housing land supply and it is reasonable to assume that they will continue to be. Planning Practice Guidance advises that a pragmatic approach should be undertaken. It is considered that the use and location is such that it provides sustainability benefits. As the application is for windfall housing development in a sustainable location, the sequential test is considered to be passed providing (in accordance with advice in the NPPF and the York Strategic Flood Risk Assessment) a flood risk assessment indicates that the development will be safe for its lifetime and not increase flood risk elsewhere.

The development will be safe for its lifetime

4.15 There are no records that suggest that the land has suffered from flooding from Westfield Beck. The applicant has confirmed that interior levels of the dwelling will be raised 300mm above current ground levels and that construction methods and materials will ensure it is resilient should a flood impact on the site.

The development will not increase flood risk elsewhere.

4.16 It is unlikely that the ground conditions would allow soakaways to be used effectively to dispose of surface water. If soakways are not viable Yorkshire Water and the Council's Flood Risk Manager are satisfied that there is a technical solution to attenuate run off rates to avoid increasing flood risk elsewhere. This element can be covered by condition.

5.0 CONCLUSION

5.1 The proposed dwelling is modest in scale and sits comfortably within the site whilst retaining reasonable space for the occupier's needs. The single storey form avoids unacceptable harm being caused to the outlook of number 41 and 43 that are located to the side. The proposed property would project beyond the existing rear building line in the street, however, the host dwelling would still retain excellent living conditions. The reduced height of the rear most projection is such that it would not have an impact unduly different from a pitched roof garden building.

The property would have adequate space for car parking and it is not considered that the location adjacent to the turning circle creates issues in respect to safety or convenience. Issues regarding flood risk have been properly addressed.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Revised proposed plans and elevations 864a/3D dated 6.2.2017.

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the external walls. 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.

4 Notwithstanding the details shown on the approved drawings details of means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied and shall be provided on site in accordance with the approved details before the development is occupied.

Reason: So as to achieve a visually cohesive appearance and protect living conditions

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

Reason: In the interests of highway safety.

6 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, details for the surfacing of the site shall be submitted to and approved in writing by the local planning authority prior to being constructed on the site. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance and reduce surface water run-off.

7 A three pin 13 amp external electrical socket shall be installed at the property which is in a suitable location 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

8 Details of secure covered cycle parking shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied and shall be provided on site in accordance with the approved details before the development is occupied.

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

9 The building shall be constructed using the flood resilient construction techniques set out in the Flood Risk Assessment dated 14 September 2015 received by the Local Planning Authority on 8 August 2016.

Reason: To ensure that the property is not at unacceptable risk of flooding/flood damage.

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

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

11 In the event that unexpected 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.

12 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C and D (extensions, roof alterations, porches) of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents and the appearance of the street scene 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 2015.

13 The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall 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 in the interests of the character and appearance of the 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 an acceptable outcome:

Revisions sought to address the impact on the streetscene and neighbours' living conditions.

2. INF11 - Control of Pollution Act 1974

3. Condition 10 – Surface Water Drainage 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 except 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 Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven 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 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.

Contact details:

Author: Neil Massey Development Management Officer (Mon/Tue/Fri)

Tel No: 01904 551352

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16/01871/FUL

39 Park Avenue



Scale : 1:1297

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	20 February 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 2 March 2017 **Ward:** Strensall
Team: Major and **Parish:** Strensall with Towthorpe
 Commercial Team Parish Council

Reference: 16/01766/FUL
Application at: Manor Park Sheriff Hutton Road Strensall York YO32 5TL
For: Siting of 4no. caravans (one each on plots A, B, C and D) for
 holiday use
By: Nelson Park Lodges
Application Type: Full Application
Target Date: 10 October 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 Planning permission is being sought for the siting of four pitch-roofed, timber-clad holiday lodges (A, B, C and D). All of the lodges meet the legal definition of caravan. Each pitch has a concrete base which has already been constructed. The bases vary in size depending on the size of the lodge to be sited on it. Lodge A measures 9.1m x 4.3m and is in situ. Lodge B would be 12.2m x 6.1m. Lodge C would be 13.7m x 4.6m. Lodge D is 13.7m x 4.6m and is in situ. Each of the pitches has a small area of amenity space and dedicated parking for one car.

1.2 The application has been called in by Cllr Doughty due to the impact on the Green Belt/open countryside.

PLANNING HISTORY

1.3 The Vale of York Caravan Site (sometimes referred to as Manor Park) dates from the early 1990s and lies in open countryside to the north of Strensall village. A former farm, it has grown since the 1990s into a sizeable caravan site and holiday village. In 2012 planning permission was granted for part of the holding to be used for the erection of 14 holiday lodges. In 2016 a certificate of lawfulness was issued for an adjacent part of the holding to be used for the stationing of caravans for permanent residential occupation. The certificate was issued on the basis that a previous planning permission (in the 1990s) placed no restriction on the type of caravan or length of stay at the site.

1.4 The site of the current application comprises (a) part of the land granted the certificate of lawfulness in 2016 for the siting of caravans in permanent residential occupation; (b) part of the land granted planning permission in 2012 for the erection of 14 holiday lodges; and (c) a small area of land that appears to have been previously used as a paddock.

In essence, the application comprises the siting of four caravans in the style of holiday lodges within the general extent of caravan pitches comprising the existing caravan park.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001
DC Area Teams East Area (2) 0005

2.2 Policies: City of York Development Control Draft Local Plan (2005)

GB1 - Development in the Green Belt
GP1 - Design
V1 - Visitor Related Development
V5 - Caravan/Camping Sites.

2.3 Policies: City of York Local Plan Publication Draft (2014)

GB1 - Development in the Green Belt
D2 – Placemaking
EC5 - Tourism
EC6 - Rural Economy.

3.0 CONSULTATIONS

INTERNAL

3.1 None.

EXTERNAL

Strensall with Towthorpe Parish Council

3.2 Objection. This site is not sustainable as it is not on a bus route and there are no pedestrian walkways between the site and Strensall village. Any approval must be conditioned for holiday use only. The parish council support the views of the Foss Internal Drainage Board in its entirety. Until the boundaries of the Green Belt are defined in an approved local plan the site falls within the York Green Belt. The applicant must therefore show special circumstances to support the proposed development.

Foss Internal Drainage Board

3.3 Further increases in the impermeable area on the site could result in the existing drainage system (natural dissipation through the ground) becoming overwhelmed. The applicant should therefore be asked to develop a more formalised drainage strategy to ensure that any surface water flows are effectively constrained. Soakaways may be an appropriate solution, subject to the ground being tested for suitability. If the testing proves unsatisfactory the applicant will need to reconsider their drainage strategy. No objection to the development in principle subject to conditions requiring submission of drainage details including attenuation.

Neighbour Notification and Publicity

3.4 No response.

4.0 APPRAISAL

4.1 KEY ISSUES

- Impact on the Green Belt
- Local economy
- Flood risk and drainage
- Planning balance

PLANNING POLICY

4.2 Section 38(6) of the Planning and Compensation Act 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 Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt, saved in 2013. These policies are YH9(C) and Y1 (C1 and C2) and the key diagram insofar as it illustrates the general extent of the Green Belt. It is for the local plan process to identify the precise boundaries of the Green Belt around York but policy Y1(C) states that the outer boundary should be 'about 6 miles from York city centre'. The application site is about 6.5 miles from St Sampson's Square so is not indisputably further than 'about 6 miles from York city centre' stipulated in the RSS. The council's position is therefore that, for development management purposes, the application site should be treated as being within the general extent of the Green Belt.

4.3 In the absence of a formally adopted local plan the most up-to date representation of relevant policy is the National Planning Policy Framework (NPPF). Paragraph 7 of the Framework says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. This presumption in favour does not apply to the current application because of the site's Green Belt location.

4.4 Although there is no formally adopted local plan the City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of s.38(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. The most relevant Draft (2005) policies are listed at paragraph 2.2 of this report. The proposals map to the 2005 Draft Local Plan shows the application site as being outside, i.e. beyond, the draft Green Belt. This reflects the designation in the North Yorkshire Green Belt Local Plan (1995) when the site was in Ryedale prior to the creation of City of York Council. The exclusion from the Green Belt as shown in the various draft local plan documents does not alter officers' position that the site should be treated as being within the general extent of the Green Belt because the statutory development plan for the area is the RSS.

4.5 The emerging Local Plan is progressing and the 2016 consultation on Preferred Sites ended on 12 September 2016. The main draft policies that cover matters raised by this application are listed at paragraph 2.3 of this report.

APPLICATION SITE

4.6 Part of Vale of York Caravan Site on the east side of Sherriff Hutton Road to the north of Strensall village. The caravan site, together with the adjacent Manor Park Caravan Site (also in the applicant's control), has a mixture of holiday cottages, timber lodges in holiday use, caravans for permanent residential occupation, touring caravan pitches and storage areas. The site is outside any settlement limit and is enclosed on all sides by mature trees, hedges, fences and earth bunds.

IMPACT ON THE GREEN BELT

4.7 The Framework makes clear at section 9 that the fundamental aim of green belt policy is to prevent urban sprawl by keeping land permanently open (paragraph 79). Paragraphs 89 and 90 of the Framework specify the types of development that are 'not inappropriate' in the Green Belt. All other development is inappropriate and, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The application proposal does not fall within any of the categories of appropriate development in paragraphs 89 or 90. It therefore constitutes inappropriate development for the purposes of paragraph 88 of the Framework and by definition causes harm to the Green Belt which must be given substantial weight.

4.8 Paragraph 80 the Framework lists the five purposes of the Green Belt, which are:

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

4.9 The four pitches comprising the current application are located at the heart of the caravan park. They would not increase the extent of built development. Nor would they be seen from outside the site, due to the substantial bunds and tree screening along the boundaries. Officers therefore consider that the proposal would not conflict with the first four purposes of the Green Belt and would have negligible impact on the fifth.

4.10 When considering planning applications 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 harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Whether there are such other considerations, amounting to very special circumstances, is assessed below in 4.16-4.17 below.

LOCAL ECONOMY

4.11 Paragraph 28 at section 3 of the NPPF says that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. The application would support an established local business and contribute to the local economy.

FLOOD RISK AND DRAINAGE

4.12 The National Planning Policy Framework (NPPF) aims to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding and to direct development away from areas of highest risk. The development is in low risk Flood Zone 1 and should not suffer from river flooding.

4.13 Although the additional impermeable area created by the current application is relatively small no details of the existing and proposed drainage system have been submitted. The increase in impermeable area caused by the additional pitches together with other changes to the site (including new concrete pads, access roads and parking spaces recently approved as 16/01085/FUL) would increase total surface water run-off. This should be addressed by a condition requiring submission of drainage details - as it was for planning permission 16/01085/FUL.

4.14 No details of foul water drainage have been provided but officers understand that at least part of the accommodation on the Vale of York Caravan Site drains to cess pits or septic tanks. The four additional holiday lodges (together with the other recent changes described above) are likely to increase the demands on the foul drainage facilities. The use of cess pits or septic tanks would not be acceptable. Submission of foul drainage details should be made a condition of approval.

CYCLE STORAGE

4.15 The site is outside any settlement limit but is close to Strensall village. A standard condition should be attached requiring provision of cycle storage.

THE PLANNING BALANCE

4.16 The proposal constitutes inappropriate development in the Green Belt. It is therefore, by definition, harmful to the Green Belt and should only be approved in very special circumstances. The proposal would not have any material impact on openness and would not conflict with the purposes of including land in the Green Belt. The site is well screened from outside the site and no additional land would be taken up by the proposal. Subject to conditions being attached to the planning permission, the proposal would have no material impact on the character of the area, neighbour amenity, traffic, highway safety or drainage. The harm to the Green Belt would be confined to harm due to inappropriateness.

4.17 The main benefit of the development is that it would support a local business, tourism in York and the local economy generally. Notwithstanding that substantial weight must be given to any harm to the Green Belt (in this case due to inappropriateness) the economic benefits are sufficient to constitute the very special circumstances that justify approval, in accordance with paragraphs 28 and 87-89 of the NPPF.

5.0 CONCLUSION

5.1 Notwithstanding that the proposal represents inappropriate development in the Green Belt very special circumstances exist to justify approval, in accordance with paragraphs 28 and 87-89 of the NPPF.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The development shall not be carried out otherwise than in complete accordance with approved plan PB16/48 received 25 July 2016.

Reason: To achieve an acceptable form of development.

2 The accommodation hereby approved shall not be used for residential purposes other than holiday letting. For the purpose of this condition "holiday letting" means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 nights in any one calendar year.

The site operator shall maintain an up-to-date register of the names and main home addresses of all occupiers of the accommodation on site, including dates and durations of each stay by each occupier, and shall make this register available for inspection at all reasonable times when requested by the Local Planning Authority.

Reason: To ensure that the holiday accommodation is not used for unauthorised permanent residential occupation, which would constitute inappropriate development in the Green Belt for which no very special circumstances have been shown. Furthermore the site is in an unsustainable location in the countryside, has no separate curtilage and insufficient dedicated amenity space for permanent residential occupation.

3 No more than four holiday caravans shall be accommodated within the application site.

Reason: In the interests of the protection of the openness of the Green Belt and the character of the area as static caravans and/or a larger number of holiday caravans would have a materially greater impact on the openness of the Green Belt and the character of the area and would be likely to require increased amenity facilities.

4 Within two months of the date of this planning permission details of foul and surface water drainage works shall be submitted to the Local Planning Authority for approval in writing. The approved drainage works shall be completed prior to the first occupation of the lodges hereby approved.

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

5 Within two months of the date of this planning permission details of cycle parking areas, including means of enclosure, shall be submitted to the Local Planning Authority and approved in writing. The dwelling shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

**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.

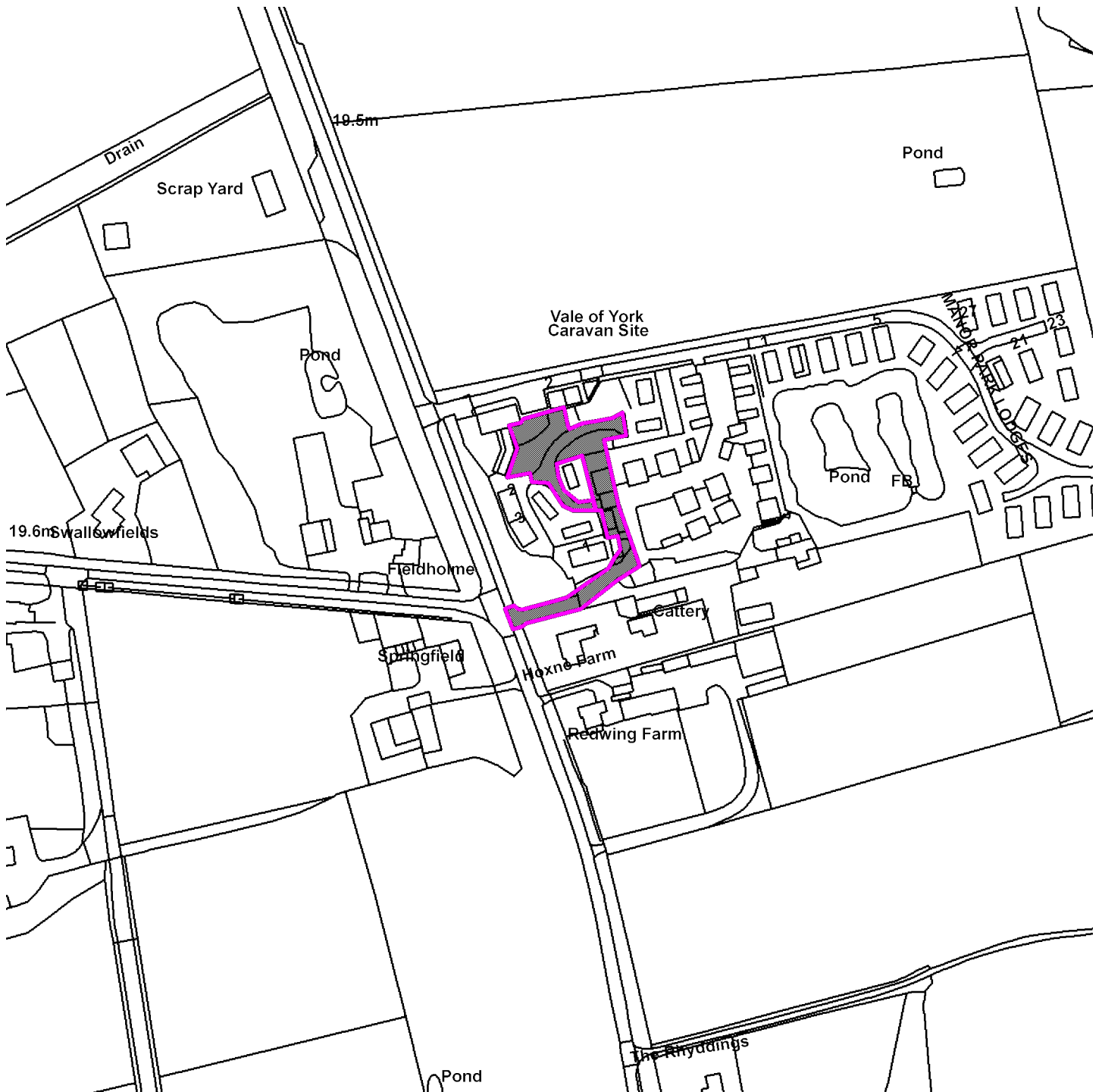
Contact details:

Author: Kevin O'Connell Development Management Officer

Tel No: 01904 552830

16/01766/FUL

Manor Park, Sheriff Hutton Road, Strensall



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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	20 February 2017
SLA Number	Not Set

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Planning Committee

23 March 2017

Area Planning Sub Committee

2 March 2017

Appeals Performance and Decision Summaries

Summary

- 1 This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 October and 31 December 2016, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals at date of writing is also included.

Background

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. Whilst the percentage of appeals allowed against the Council's decision is no longer a National Performance Indicator, the Government will use appeal performance in identifying poor performing planning authorities, with a view to the introduction of special measures and direct intervention in planning matters within the worst performing authorities. This is now in place for Planning Authorities where more than 60% of appeals against refusal of permission for major applications are allowed.
- 3 The tables below include all types of appeals such as those against refusal of planning permission, against conditions of approval, listed building applications and lawful development certificates. Table 1 shows results of appeals decided by the Planning Inspectorate, for the quarter 1 October to 31 December 2016, Table 2 shows performance for the 12 months 1 January 2016 to 31 December 2016.

Table 1: CYC Planning Appeals Last Quarter Performance

	01/10/16 to 31/12/16 (Last Quarter)	01/10/15 to 31/12/15 (Corresponding Quarter)
Allowed	1	1
Part Allowed	2	0
Dismissed	10	8
Total Decided	13	9
% Allowed	8%	11%
% Part Allowed	15%	-

Table 2: CYC Planning Appeals 12 month Performance

	01/01/16 to 31/12/16 (Last 12 months)	01/01/15 to 31/12/15 (Corresponding 12 month period)
Allowed	4	9
Part Allowed	3	2
Dismissed	32	32
Total Decided	39	43
% Allowed	10%	21%
% Part Allowed	8%	5%

Analysis

- 4 Table 1 shows that between 1 October and 31 January 2016, a total of 13 appeals relating to CYC decisions were determined by the Planning Inspectorate. Of those, 1 was allowed and 2 part allowed. At 8% the rate of appeals allowed is below the national annual average of appeals allowed which is around 35%. By comparison, for the same period last year, out of 9 appeals 1 was allowed (11%), 0 were part allowed (0%).
- 5 Two of the appeals allowed between 1 October and 31 December 2016 related to “major” applications; an application for 11 dwellings to the rear of 92-100 The Village Strensall and an application for 6 holiday lodges with associated change of use of land at Crockey Hill Farm Wheldrake Lane. Both were dismissed on grounds of inappropriate development in the Green Belt.
- 6 For the 12 months between 1 January 2016 and 31 December 2016, 10% of appeals decided were allowed, again well below the national average, and below the previous corresponding 12 month period of 21% allowed.

- 7 The summaries of appeals determined between 1 October 2016 and 31 January 2016 are included at Annex A. Details as to whether the application was dealt with under delegated powers or by committee are included with each summary. In the period covered three appeals were determined following a decision at sub-committee/committee.

Table 3: Appeals Decided 01/10/2016 to 31/10/2016 following Refusal by Sub-Committee/Committee

Ref No	Site	Proposal	Officer Recommendation.	Appeal Outcome
15/02353/OUTM	Site between 92-100 The Village Strensall	Erection of 11 houses	Refuse	Dismissed
15/02343/FULM	Crockey Hill Farm Wheldrake Lane	Siting of 6 holiday lodges car park and wildlife pond and change of use from agricultural land	Refuse	Dismissed
16/00396/FUL	2 Hambleton Avenue	Two storey side and single storey rear extension	Approve	Dismissed

- 8 The list of current appeals is attached at Annex B. There are 12 planning appeals lodged with the Planning Inspectorate (excluding tree related appeals but including appeals against enforcement notices).
- 9 We continue to employ the following measures to ensure performance levels are maintained at around the national average or better:
- i) Officers have continued to impose high standards of design and visual treatment in the assessment of applications provided it is consistent with Paragraph 56 of the NPPF and draft Development Control Local Plan Policy.

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

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

Consultation

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

Council Plan

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

Implications

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

Risk Management

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

Recommendation

- 17 That Members note the content of this report.

Reason

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

Contact Details

Author:

Gareth Arnold
Development Manager,
Directorate of Economy
and Place

Chief Officer Responsible for the report:

Mike Slater
Assistant Director (Planning and Public
Protection)

**Report
Approved**



Date 13 February
2017

Specialist Implications Officer(s) None.

Wards Affected:

All Y

For further information please contact the author of the report.

Annexes

Annex A – Summaries of Appeals Determined between 1 October and 31 January 2016

Annex B – Outstanding Appeals at 16 February 2017

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Appeal Summaries for Cases Determined 01/10/2016 to 31/12/2016

Application No: 15/02343/FULM
Appeal by: Mr Gary Cooper
Proposal: Siting of 6no. holiday lodges, car park and wildlife pond together with landscaping works following change of use of agricultural land (resubmission)
Address: Crockey Hill Farm Wheldrake Lane Crockey Hill York YO19 4SN
Decision Level: CMV
Outcome: DISMIS

The appeal application related to an open area of agricultural land lying within the general extent of Green Belt, located on the south side of Wheldrake Lane between a disused quarry, a collection of farm buildings and a pair of semi-detached houses. The proposal was to site 6 no. holiday lodges (12m x 6m) around a central created pond with associated parking, access paths and landscaping. The proposal was refused on the basis that it constituted inappropriate development that, by definition, would harm openness of the Green Belt and the purposes of including land within it, and for which no very special circumstances existed that clearly outweighed the identified harm. The Inspector agreed that the site was in Green Belt and that the lodges were inappropriate development. Further, the additional hard surfacing would allow the parking of vehicles, which would fail to preserve openness and would conflict with Green Belt purposes. He concurred that the new pond would preserve openness. He attributed substantial weight to the harm due to significant loss of openness from the six holiday lodges and moderate weight to the harm due to erosion of the rural character and coalescence of development. Whilst he acknowledged that the proposal would improve the range of tourist facilities serving York and encourage the development of land-based rural businesses, the Inspector did not consider that these or other considerations put forward by the applicant (claimed biodiversity improvements, improvement of damaged or derelict land and creation of a community focal point) were sufficient to clearly outweigh the considerable harm identified and the fundamental conflict with the NPPF and draft Local Plan Policy GB1. The appeal was dismissed.

Application No: 15/02353/OUTM
Appeal by: Shirethorn Limited
Proposal: Outline application for erection of 11 no. dwellings including approval of means of access (resubmission)
Address: Site Lying Between 92 And 100 The Village Strensall York

Decision Level: CMV

Outcome: DISMIS

The site is greenfield land between The Village and the York to Scarborough railway line. Outline planning permission for 11 houses was refused by Sub-Committee in January 2016. The refusal reasons were that the proposal was inappropriate development in the Green Belt, that it had not been demonstrated that the access could safely accommodate the proposed number of houses and that insufficient compensatory habitat was proposed to mitigate the impact on Great Crested Newts. The Inspector concluded that the site should be considered to be within the general extent of the Green Belt and as fulfilling a number of Green Belt purposes. He agreed that the proposal was inappropriate development which would reduce openness. He ascribed substantial weight to this harm. He did not find harm in respect of highway and pedestrian safety or visual amenity and that because of the submission of a unilateral undertaking no detriment to nature conservation would arise. He attached modest weight to unmet housing need and limited weight to the economic and environmental benefits of the scheme. The Inspector concluded that these matters did not outweigh the substantial weight to be attached to the protection of the site and that very special circumstances necessary to justify inappropriate development in the Green Belt had not been identified.

Application No: 15/02535/FUL
Appeal by: Mr R Pulleyn
Proposal: Variation of condition 2 of permitted application 11/03409/FUL to alter plans to include 5 additional no. rooflights
Address: The Coachouse 38 Church Lane Nether Poppleton York YO26 6LB
Decision Level: DEL
Outcome: DISMIS

Greystones Barn or the Coach House 38 Church Lane Nether Poppleton comprises a medium sized brick built Grade II Listed former threshing barn of mid 18th Century date lying in a prominent location within the Nether Poppleton Conservation Area. Planning permission and Listed Building Consent had previously been given for an extensive conversion scheme to transform the building into a dwelling for occupation by the appellant. The eastern street facing elevation of the property had retained its pleasant low key agricultural character with the majority of new intervention taking place within the western inward facing elevation. Consent was initially given for two Conservation style rooflights within the western roof slope. The appellant however came forward with alternative schemes for an additional three or an additional five roof lights within the rear roof slope justified on the grounds of amenity and the lack of visible harm to a key elevation. After some detailed consideration Consent was given for the three light scheme and refused for the five light scheme on the grounds of serious harm to the simple functional agricultural character of the site. The refusal was dually appealed. The Inspector agreed that the additional five lights would give rise to unacceptable harm to the simple agricultural character of the Listed Building notwithstanding their proposed location and duly dismissed the appeal.

Application No: 15/02920/FUL
Appeal by: Mr And Mrs Sean Stick
Proposal: Erection of part two/part single storey side/rear extension following demolition of existing garage and outbuildings
Address: 228 Bishopthorpe Road York YO23 1LG

Decision Level: DEL

Outcome: DISMIS

228 Bishopthorpe Road is a detached house which lies at the junction with Beresford Terrace. Planning permission was sought for the demolition of an existing garage and outbuildings and erection of a two storey side extension. Consent was refused on the grounds that by virtue of its massing, size, form and design the proposed extension would be an unacceptable addition to the application property and the streetscene. It would not be subservient and would fail to respect or harmonise with the host building or adjacent terraced house. It was considered that it would ultimately create an awkward and incongruous junction between the two properties and have an adverse impact on its surroundings. The Inspector found that the strong use of regular lines and resulting square and rectangular forms would give the extension a contemporary appearance, very different to that of the main dwelling and terrace. Though the extension would be set back from the main forward projecting element of the building frontage, it would be greater in width. The use of timber cladding and blue brickwork would not be characteristic of materials in the wider street scene. The form and appearance would lack subservience to the main dwelling and would visually jar both with it and the adjacent terrace, thereby appearing incongruous with its surroundings and drawing attention to the interruption in visual rhythm along the street scene. In addition, its flat roof design would appear at odds with the hipped roof of the dwelling and the gable end of the adjacent terrace. The appeal was dismissed.

Application No: 16/00074/LBC
Appeal by: Mr Robert Pulleyn
Proposal: Installation of 5no. roof lights
Address: The Coachouse 38 Church Lane Nether Poppleton York
YO26 6LB
Decision Level: DEL
Outcome: DISMIS

Greystones Barn or the Coach House 38 Church Lane Nether Poppleton comprises a medium sized brick built Grade II Listed former threshing barn of mid 18th Century date lying in a prominent location within the Nether Poppleton Conservation Area. Planning permission and Listed Building Consent had previously been given for an extensive conversion scheme to transform the building into a dwelling for occupation by the appellant. The eastern street facing elevation of the property had retained its pleasant low key agricultural character with the majority of new intervention taking place within the western inward facing elevation. Consent was initially given for two Conservation style rooflights within the western roof slope. The appellant however came forward with alternative schemes for an additional three or an additional five roof lights within the rear roof slope justified on the grounds of amenity and the lack of visible harm to a key elevation. After some detailed consideration Consent was given for the three light scheme and refused for the five light scheme on the grounds of serious harm to the simple functional agricultural character of the site. The refusal was dually appealed. The Inspector agreed that the additional five lights would give rise to unacceptable harm to the simple agricultural character of the Listed Building notwithstanding their proposed location and duly dismissed the appeal.

Application No: 16/00336/ADV
Appeal by: Jamie's Italian Ltd
Proposal: Display of illuminated and non-illuminated signs
Address: Jamies Italian Restaurant 26 Lendal York YO1 8AA

Decision Level: DEL

Outcome: PAD

A split decision was issued for an advertisement application for the display of signs at Jamies restaurant off Lendal with consent refused for (1) an archway structure with two planters at the base and a double sided hanging sign at the top, approximately 20 metres from St. Helens Square and (2) a fascia entrance sign. In view of the high number of existing signs, Officers considered that the archway structure would add visual clutter and draw the eye away from the special character of the building and its setting, thereby causing harm to the visual amenity of the area. Due to the simplicity of the design and the framing of the courtyard and listed buildings beyond that the arch would provide, the Inspector did not consider that it would cause clutter or harm to the amenity of the streetscene and allowed this part of the appeal. Consent was also refused for the display of a fascia sign as the size of the lettering, the stand off of the lettering from the back-plate and the means of illumination would not respect the special qualities of the building or its quiet, non commercial setting thereby causing harm to the significance of this heritage asset. Little weight was attached to the justification/public benefit on the basis of the sign being required to attract more business to the restaurant as the sign would not be seen directly from the approach lane. The Inspector agreed that the sheer number and size of the letters, exacerbated by the illumination, would dominate the frontage of the building and adversely affect the character of the host listed building and the character of the conservation area and given the presence of other existing signs, did not consider this to represent a public benefit sufficient to outweigh the harm. This part of the appeal was dismissed.

Application No: 16/00341/LBC
Appeal by: Jamie's Italian Ltd
Proposal: Display of illuminated and non-illuminated signs
Address: Jamies Italian Restaurant 26 Lendal York YO1 8AA

Decision Level: DEL
Outcome: PAD

Listed Building Consent was refused for the display of a fascia sign as the size of the lettering, the stand off of the lettering from the back-plate and the means of illumination would not respect the special qualities of the building or its quiet, non commercial setting thereby causing harm to the significance of this heritage asset. Little weight was attached to the justification/public benefit on the basis of the sign being required to attract more business to the restaurant as the sign would not be seen directly from the approach lane. The Inspector agreed that the sheer number and size of the letters, exacerbated by the illumination, would dominate the frontage of the building and adversely affect the character of the host listed building and the character of the conservation area and given the presence of other existing signs, did not consider this to represent a public benefit sufficient to outweigh the harm. The appeal was dismissed.

Application No: 16/00396/FUL
Appeal by: Mr D Ward
Proposal: Two storey side extension and single storey rear extensions
Address: 2 Hambleton Avenue Osbaldwick York YO10 3PP

Decision Level: CMV
Outcome: DISMIS

The appeal related to the refusal at Committee of a first floor side extension and single storey rear extension to a semi detached dwelling in a relatively uniform suburban street in Osbaldwick. The property is in use as a HMO. The officer recommendation was to approve, however it was refused due to harm to the neighbours living conditions and the negative impact that the hard surfacing of the front garden and the erection of a first floor side extension would have on the streetscene. The Inspector dismissed the appeal. He considered that despite the side extension being set down and set back in accordance with the Councils SPD on extensions, the existing spacing between homes in the street was an important characteristic that should be protected and that the extension at the appeal site would be particularly prominent due to the homes location close to the junction with Osbaldwick Lane.

Application No: 16/00641/FUL
Appeal by: Mr Karl Hetherington
Proposal: Two storey side and rear extension and single storey front and rear extensions
Address: 5 Water Lane Dunnington York YO19 5NW

Decision Level: DEL

Outcome: DISMIS

The application property is a two storey semi - detached house situated on the boundary of the Dunnington Conservation Area. Planning permission was sought for the erection of a two storey side to continue the existing ridge height and width of the principal elevation, flat roof two storey rear extension and flat roof dormer to be constructed on the extended roof slope. The application was subject to two sets of revised plans, the final lowered the ridge height and set the extension back from the principal elevation by 300mm . The two storey rear extension was reduced to a part two storey and part single on the shared boundary. The appeal was made against a failure to give notice within the prescribed Period of a decision on an application for planning permission. The Council recommended refusal of this application on the grounds that the two storey side extension would dominate and unbalance the appearance of the host dwelling and street on the boundary of Conservation area. It was considered that by building close to the shared boundary would erode the natural space between houses which is an important characteristic of the street and it would lead to a terracing effect which would add further harm to the character and appearance of the street. The length of the flat roof two storey rear extension and flat roof dormer would dominate the existing house and unbalance its appearance creating a somewhat jumbled, incoherent design. The Council considered that this additional massing would result in an oppressive, unduly dominant and overbearing impact which would materially harm the amenity and outlook that the occupiers of this adjacent residential properties. The Inspector dismissed the appeal and agreed with Council in so far that the extensions would harm the character and appearance /setting of the CA because of its impact on openness. He did not consider that the proposal would harm the neighbouring dwellings.

Application No: 16/00912/FUL
Appeal by: Mrs J A Featherstone
Proposal: Erection of 1no. dwelling to rear of 22 Copmanthorpe Lane
Address: 22 Copmanthorpe Lane Bishopthorpe York YO23 2QR

Decision Level: DEL

Outcome: DISMIS

Planning permission was refused for the erection of a prefabricated, 2 bedroom, bungalow in the narrow rear garden of a Victorian house. The garden ran alongside a quiet private lane in a leafy residential area. The bungalow would have covered most of the width of the narrow plot. Reasons for refusal were (1) cramped and incongruous feature in the street scene (2) impact on village character and (3) impact on neighbouring occupiers. The inspector found that the bungalow would be an incongruous and bulky addition at odds with the character of the area. Also, that the extent and bulk of the dwelling, so close to the boundary, would have a dominant and overbearing impact on the neighbours enjoyment of their garden. The bungalow was to be for a person suffering from disability. The Equality Act 2010 required the inspector to consider the appellants disability in his assessment, though it did not follow that the appeal would necessarily succeed. The inspector gave significant weight to the needs of the appellant in this respect but found that the harm he identified also carried great weight in the balance that he was required to strike. His judgement was that the planning harm and conflict with local and national policy carried the greatest weight. The appeal was dismissed.

Application No: 16/01054/FUL
Appeal by: Mr Duncan Harper
Proposal: Two storey side and single storey rear extension and bin and cycle store to front (revised scheme)
Address: 33 Woodlands Grove York YO31 1DS

Decision Level: DEL

Outcome: ALLOW

This application was resubmission of approved application (ref: 16/00156/FUL) for the construction of a two storey side and single storey rear extension. This application sought planning permission to install two detached timber storage sheds to accommodate bin and cycle storage within the front garden in order to provide more ground floor living accommodation. The application was refused on the grounds that the position of the sheds in the front garden would appear incongruous, unduly prominent and uncharacteristic of the area when viewed from the surrounding dwellings and gardens, would be harmful to the street scene and would have the potential to significantly alter the character of these residential front gardens. The Inspector allowed the appeal on the grounds that the proposed storage sheds would be relatively small, narrow and squat, the sheds substantially screened by hedge planting that is present around part of the perimeter of the garden and would also be finished in a recessive green colour. The Inspector agreed that they would appear bulkier, but considered they would not appear incongruous or unacceptably prominent when viewed. He concluded that the units would occupy a relatively small proportion of the garden area and by allowing for contained storage would help to protect the uncluttered appearance of the front of the property.

Application No: 16/01246/FUL
Appeal by: Mr Edward Barnes
Proposal: Two storey side extension (revised scheme)
Address: 102 Millfield Lane York YO10 3AL

Decision Level: DEL

Outcome: DISMIS

The appeal relates to the refusal of a two storey side extension to a semi-detached dwelling situated on the corner of Millfield Lane and Waynefleet Grove. The plot is a larger than average corner plot. The extension measured more than half the width of the existing dwelling and would have extended significantly beyond the established building line of properties in the neighbouring Waynefleet Grove, being a much narrower street. The application was refused as the extension would have resulted in a prominent feature that would have appeared overbearing and dominant which would have unbalanced the entrance to the neighbouring narrow cul-de-sac eroding the existing spaciousness. The inspector agreed and the appeal was dismissed.

Application No: 16/01525/FUL
Appeal by: Mr And Mrs C Bloomfield
Proposal: Two storey side extension
Address: 59 Thirkleby Way Osbaldwick York YO10 3QA

Decision Level: DEL

Outcome: DISMIS

The application site is a semi- detached dwelling located on the junction of Thirkleby Way and Lyndale Avenue. The property is set back from the public highway and has vehicle access and detached garage leading from Lyndale Avenue. Planning permission was sought for the construction of a two storey side extension for the proposed of creating an additional bedroom and extended ground floor living space. The Council refused the application on the grounds that the proposed extension, by virtue of its height, massing and proximity to Lynwood Grove, would appear as an unduly prominent and incongruous feature which would adversely affect the appearance of the street scene. This would constitute as an over dominant addition, resulting in an incongruous development causing harm to the appearance of the residential area. The Inspector dismissed the appeal and agreed with Council stating that the extension would create a bulky, dominant feature in the street scene, visible from a number of directions.

Decision Level:

DEL = Delegated Decision

COMM = Sub-Committee Decision

COMP = Main Committee Decision

Outcome:

ALLOW = Appeal Allowed

DISMIS = Appeal Dismissed

PAD = Appeal part dismissed/part allowed

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Outstanding appeals

Officer: David Johnson						Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
25/01/2017	17/00005/REF	APP/C2741/D/16/3160832	H	4 Heathfield Road York YO10 3AE	Two storey and single storey side and rear extensions, hip to gable roof extension and dormer to rear	
08/12/2016	16/00038/REF	APP/C2741/W/16/3161451	W	30 Monkton Road York YO31 9AX	Conversion of existing garage into 1no. self contained residential unit (retrospective)	
Officer: Erik Matthews						Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
01/06/2016	16/00024/REF	APP/C2741/S/16/3153524	I	187 Tadcaster Road Dringhouses York YO24	Application under Section 106BA of the Town and Country Planning Act 1990 to discharge the affordable housing requirements set out Section 106 agreement dated 6th October 2003 (as varied) relating to the outline application 02/02754/OUT approve on 6th October 2003 and reserved matters 04/03577/REM approved on 11th November 2005	
07/10/2016	16/00029/REF	APP/C2741/W/16/3158459	W	Land At Grid Reference 469030 444830 Church	Erection of four seasonal tents utilising existing access, the creation and maintaining of a footpath link, and the incorporation of a habitat enhancement plan (resubmission)	
Officer: Esther Priestley						Total number of appeals: 3
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
12/05/2014	14/00017/TPO	APP/TPO/C2741/3909	W	14 Sails Drive York YO10 3LR	Fell Silver Brch (T3,T11), Mountain Ash (T5), Oak (T8), Trees protected by Tree Preservation Order CYC15	
27/11/2015	15/00041/REF	APP/TPO/C2741/4900	H	1 Beaufort Close York YO10 3LS	Various tree works including the felling of 4 no. trees protected by Tree Preservation Order No. CYC15	
09/05/2014	14/00015/TPO	APP/TPO/C2741/3907	W	7 Quant Mews York YO10 3LT	Crown Reduce Silver Birch (T1,T2), Trees protected by Tree Preservation Order CYC 15	

Officer: Elizabeth Potter					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
16/01/2017	17/00002/REF	APP/C2741/D/16/3164716	H	7 Hopgrove Lane North York YO32 9TF	Part two-storey part single-storey side extension and increase in roof height of the main dwelling (revised scheme)
Officer: Heather Fairy					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
20/01/2017	17/00004/REF	APP/C2741/W/17/3166390	W	2 Norfolk Street York YO23 1JY	Erection of 1no. dwelling following demolition of existing garage (resubmission)
Officer: Jonathan Kenyon					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
20/01/2017	17/00006/REF	APP/C2741/W/16/3164982	W	Hilary House St Saviours Place York YO1 7PJ	Roof extension to provide additional apartment
Officer: Kevin O'Connell					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
29/04/2016	16/00013/REF	APP/C2741/W/16/3149489	P	Land To The North Of Avon Drive Huntington York	Erection of 109no. dwellings
Officer: Matthew Parkinson					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
17/06/2011	11/00026/EN	APP/C2741/C/11/2154734	P	North Selby Mine New Road To North Selby Mine	Appeal against Enforcement Notice
Officer: Paul Edwards					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
15/12/2016	16/00039/REF	APP/C2741/W/16/3165087	W	52 Heslington Road York YO10 5AU	Change of use of dwelling (use class C3) to House in Multiple Occupation (use class C4)
Officer: Victoria Bell					Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
05/01/2017	17/00001/REF	APP/C2741/W/16/3165080	W	Poppleton Garden Centre Northfield Lane Upper	Change of use of part of car park to a car wash facility including the siting of a storage container and the erection of a free-standing canopy, and fence and screening to boundary. (Part retrospective)

17/01/2017 17/00003/REF APP/C2741/W/16/3165011 W 20 Cornlands Road York YO24 3DU Erection of 1no. dwelling

Total number of appeals: 15

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Area Planning Sub-Committee

2 March 2017

Planning Enforcement Cases - Update

Summary

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

Background

2. Members have received reports on the number of outstanding enforcement cases within the Sub-Committee area, on a quarterly basis, since July 1998, this report continues this process for the period 21 November 2016 to 13 February 2017.
3. The lists of enforcement cases are no longer attached as an annex to this report. The relevant cases for their Ward will be sent to each Councillor by email as agreed by the Chair of the Planning Committee.
4. Section 106 Agreements are monitored by the Enforcement team. A system has been set up to enable Officers to monitor payments required under the Agreement.

Current Position

5. Across the Council area 144 new enforcement investigation cases were received and 266 cases were closed. A total of 681 investigations remain open.
6. During the quarter one Enforcement Notice and one Section 215 Notice (untidy land) was served.
7. Members will be updated with the status of the section 106 monitoring report at the meeting.

Consultation

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

Options

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

The Council Plan

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

Implications

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

Risk Management

11. There are no known risks.

Recommendations

12. That Members note the content of the report.

The individual case reports are updated as necessary but it is not always possible to do this straight away. Therefore if Members have any additional queries or questions about cases on the emailed list of cases then please e-mail or telephone the relevant Planning Enforcement Officer.

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

Contact Details

Author:

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Economy and Place
551320

Chief Officer Responsible for the report:

Michael Slater
Assistant Director (Planning and Public Protection)

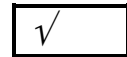
**Report
Approved**



Date 17/02/2016

Specialist Implications Officer(s) *None*

Wards Affected: *All Wards*



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