



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

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

**Date:** Thursday, 5 October 2017

**Time:** 4.30 pm

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

**A G E N D A**

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

**1. Declarations of Interest**

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

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

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

**2. Minutes** (Pages 3 - 14)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 10 August 2017.

**3. Public Participation**

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

Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is at **5.00pm on Wednesday 4 October 2017**.

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## **4. Plans List**

To determine the following planning applications:

- a) **Lidgett House, 27 Lidgett Grove, York, YO26 5NE** (Pages 15 - 24)  
**(17/01393/FUL)**  
Single storey side and rear extensions. [Acomb Ward] **[Site Visit]**
  
- b) **87 Greenshaw Drive, Haxby, York, YO32 3DD** (Pages 25 - 36)  
**(17/01697/FUL)**  
Erection of 3 bedroom dwelling and associated vehicular access.  
[Haxby and Wigginton Ward] **[Site Visit]**

- c) **Cherry Tree Cottage, Millfield Lane, Nether Poppleton, York, YO26 6NX (17/01507/FUL)** (Pages 37 - 50)

Erection of 1no. Dwelling. [Rural West York Ward] **[Site Visit]**

- d) **54 Gillygate, York, YO31 7EQ (17/00580/FULM)** (Pages 51 - 68)

Conversion of ground floor pub (use class A4) to retail (use class A1) with new shop front and change of use of first and second floors to student residential accommodation (18no. studio apartments) with first floor rear extension.

[Guildhall Ward] **[Site Visit]**

5. **Appeals Performance and Decision Summaries** (Pages 69 - 84)

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 April and 30 June 2017, and provides a summary of the salient points from appeals determined in that period.

6. **Urgent Business**

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

Democracy Officer:

Name: Contact Details: Fiona Young

- Telephone – (01904) 552030
- E-mail – [fiona.young@york.gov.uk](mailto:fiona.young@york.gov.uk)

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

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

Contact details are set out above.

**This information can be provided in your own language.**

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

**AREA PLANNING SUB COMMITTEE****SITE VISITS****Wednesday 4 October 2017**

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

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
10:25	87 Greenshaw Drive, Haxby	4b
11:00	Cherry Tree Cottage, Millfield Lane, Nether Poppleton	4c
11:25	Lidgett House, 27 Lidgett Grove	4a
12:00	54 Gillygate	4d

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	10 August 2017
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Carr, Craghill, Gillies, Hunter, Cannon, Flinders, Orrell, Mercer and Looker (Substitute)
Apologies	Councillor Crawshaw

Site	Visited by	Reason
English Martyrs RC Church, Dalton Terrace	Galvin Gillies Shepherd Flinders Craghill Cannon	As the recommendation was for approval and objections had been received.
31 Malvern Avenue	Galvin Gillies Shepherd Flinders Craghill Cannon	As the recommendation was for approval and objections had been received.
Bootham Junior School, Rawcliffe Lane	Galvin Gillies Shepherd Flinders Craghill Cannon	As the recommendation was for approval and objections had been received.
31 Sandringham Close, Haxby	Galvin Gillies Shepherd Flinders Craghill Cannon	As the recommendation was for approval and objections had been received.
The Ridings, 95 York Street, Dunnington	Galvin Gillies Shepherd Cannon	As the recommendation was for approval and objections had been received.
64 Newland Park Drive	Galvin Gillies Shepherd Cannon	As the recommendation was for approval and objections had been received.

Festival Flats, Paragon Street	Galvin Gillies Shepherd Cannon	As the recommendation was for approval and objections had been received.
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**7. Declarations of Interest**

Members were invited to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial interests or disclosable pecuniary interests that they might have had in the business on the agenda.

Councillor Cannon declared a personal interest in item 4J as the spouse of the applicant and left the room during consideration of this application.

Councillor Flinders declared a personal interest in item 4J and did not take part in discussion or the vote on this application.

**8. Minutes**

Resolved: That the minutes of the Area Planning Sub Committee meeting held on 6 July be approved and then signed by the Chair as a correct record.

**9. Public Participation**

It was reported that there had been one registration to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

Councillor Warters spoke on planning conditions and the use of informatives, particularly in relation to damage caused by HGV's.

**10. Plans List**

**10a) English Martyrs Church, Dalton Terrace, York, YO24 4DA (15/02941/FUL)**

Members considered a full application by Father John Bane for construction of an egress route from car park to rear of presbytery and church hall, relocation of gate posts and erection of gates.



Officers gave an update, which was attached to the online agenda following the meeting, which contained further comments from local residents.

John Harris spoke, on behalf of local residents, in objection to the application. He stated that they felt a new road was inappropriate in a conservation area with no justification. It was also felt this would be detrimental to the area which was a green space.

In response to Member questions Officers stated:

- The driver for the application was the considerable safety benefits the scheme would provide.
- The refuge in the middle of the road was not close enough to hinder turning.

Councillor Cannon moved refusal on the grounds of loss of amenity and open space and highways issues. Councillor Craghill seconded this motion. On being put to the vote this motion fell.

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

Reason: It was considered that the proposals would respect the character and appearance of the conservation area and would not cause harm to the living conditions of local residents by reason of noise, or harm to air quality. As such it was considered that they satisfied national guidance in the NPPF and Development Control Local Plan Policy and were acceptable.

**10b) Land to the Rear Of 79 To 85 Stockton Lane, York  
(16/02923/FUL)**

Members considered a full application by Pilcher Homes Ltd. for the erection of 9 dwellings with access from Greenfield Park Drive.

Officers gave an update to state that this item had previously been deferred to allow for further consultation with the immediate neighbours to Plot 9. However these residents were

still in objection as they were unable to attend the sub-committee meeting due to being on holiday.

In response to Member questions Officer's stated that here would be a standard condition restricting construction hours.

Andy Clark, a neighbour, spoke in objection to the application. He expressed concerns over loss of light and stated that plot 9 was now 1m closer to the site boundary with his property since the application.

Tom Pilcher, the applicant, explained that the application had been varied in order to address objections raised by neighbours and consultees. He stated that the proposal also met with local and national policies and that they were happy to accept conditions.

Councillor Ayre, Ward Member, spoke in objection to the application due to loss of amenity. He also stated that there needed to be significant landscaping to the area, should Members be minded to approve the application.

Members felt that this was an acceptable application, in keeping with surrounding development.

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

Reason: The proposal would respect the character and amenity of the local environment, without adversely affecting highway safety. Archaeology could be adequately mitigated. Revisions had been made to the scheme to address issues raised by Officers relating to protected trees and residential amenity, and further clarification had been provided on drainage. In light of the above, the application was approved as, subject to the imposition of conditions, it complied with national and local planning policy.

**10c) Bootham Junior School, Rawcliffe Lane, York, YO30 6NP  
(16/02205/FUL)**

Members considered a full application by Mr Andy Woodland for the construction of a synthetic turf sports pitch and warm-up area

with flood lighting, acoustic fence, fence enclosure and reorganisation and extension to car park.

Anne Leonard, a local resident, spoke in objection to the application as it would cause additional traffic, light and flooding which could be avoided by joining forces with the nearby Vale of York Academy, who had an underutilised all weather pitch for hire.

Richard Garner, agent for the applicant, explained the great need the school had for a facility of this type as hockey could not be taught on the current pitch. He clarified that LED lighting fell within allowed limits, that the opening times would be capped during term time and that the pitch would not open at all in the holidays to reduce impact on neighbours. He also stated that the school would offer out this facility to the community when not in use.

In response to member questions he stated:

- Shared use with Vale of York Academy had been given consideration during consultation but it had been decided that there was too much equipment to move between sites and there were several timetable clashes.
- The pitch would be used by both the Primary and Senior School.
- CCTV would be installed which would increase security in the area.
- There would be an adequate drainage system for surface water.
- There would be parking provided to ease congestion on side roads, along with cycle parking provision.

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

Reason: There was a clear need for the pitch at the school but not a clear need for use by the community as there were sufficient good quality facilities elsewhere and thus the additional restriction in hours was not considered to outweigh the harm to neighbour amenity which is given more weight in this case. In attempting to resolve the issues raised in this application, particularly for neighbour amenity (the proposed lighting and intensification and extension

of use of this part of the field), it was considered that the application would only be acceptable if hours be reduced to term time only and 08:30 to 19:00 Monday to Friday, 09:00 to 16:00 Saturday and 09:00 to 14:00 on Sunday. Subject to this condition the application was considered to be in accordance with the general principles at paragraph 17 and section 8 on promoting healthy communities in the NPPF. It was also found to be in accordance with DCLP (2005) policies GP1 Design and GP4a on Sustainability.

**10d) The Ridings, 95 York Street, Dunnington, York, YO19 5QW (16/02663/FUL)**

Members considered an application by Mr Richard Fowler for erection of one dwelling.

Stuart Kay, Chairman of Dunnington Parish Council, spoke in objection to the application. He stated that it was a modest plot butting the conservation area and approving this application would contribute to the erosion of the village's character. He also felt that parking for additional vehicles would lead to a loss of amenity.

Lee Vincent, agent for the applicant, outlined the proposal for Members and explained that it was 30m from the public highway and there would be adequate amenity for both properties. He also stated that the materials used would be sympathetic to the local area. In response to a Member question on the turning circle outside the property he clarified that the shared area would need to be kept clear to allow for turning.

Councillor Brooks, Ward Member, spoke to endorse the comments of Dunnington parish Council and express her concerns on the impact the proposal would have on drainage. She felt that this was clear overdevelopment and would impact on the amenity of neighbouring properties.

Councillor Warters, Ward Member, echoed the concerns of both Dunnington parish Council and Councillor Brooks. He also proposed that should Members be minded to approve this application that they consider a Construction Environment Management Plan and condition working hours to lessen the impact on neighbours.

In response to Member questions, Officers stated:

- Construction Environment Management Plans would not normally be applied to such small scale schemes
- Responsibility for the highway came under the Highways Authority under the Highways Act.

During debate Members expressed their concerns on overdevelopment of the space, loss of amenity and light, the shared driveway and drainage.

Resolved: That the application be refused.

Reason: The proposal would have a negative impact on the amenities of neighbouring properties. The host dwelling and new bungalow would not benefit from adequate parking or garden space. There were also concerns over drainage and flooding.

**10e) 31 Malvern Avenue, York, YO26 5SF (17/01247/FUL)**

Members considered a full application by Mr Adrian Hill for a change of use from dwelling (use class C3) to House in Multiple Occupation (use class C4) and a single storey side extension with dormers to the side and rear.

Officers gave an update seeking deferral of this item.

Resolved: That the application be deferred until a future meeting of the Area Planning Sub-Committee.

Reason: Further discussions with the applicant are required to address issues arising from the submission of revised drawings.

**10f) Festival Flats, Paragon Street, York, YO10 4AG (17/00586/GRG3)**

Members considered a General Regulations (Reg3) application by City of York Council to replace windows and doors to flats 6, 9, 11 and 14-19 Festival Flats.

Resolved: That the application be approved under General Regulations (Reg 3) subject to conditions listed in the Officer's report.

Reason: The proposals would not harm the character and appearance of the conservation area and the building. As such it was considered that they satisfied national guidance in the NPPF and Development Control Local Plan Policy and were acceptable

**10g) 5 Monks Cross Drive, Huntington (17/01181/FULM)**

Members considered a major full application by Mr Max Reeves for erection of a three storey, 80 bedroom hotel with an ancillary bar and restaurant.

Officers gave an update, which was attached to the online agenda following the meeting, which included an amendment to condition 2 to remove the landscape plan and replace this with a condition to submit a full landscape scheme (condition 10).

In response to Member's questions on loss of office space, Officers clarified that this site had been marketed for 10 years and there had been no interest so it was reasonable for the local planning authority to consider an alternative scheme for the site which would provide some employment opportunities.

Members felt that this was an acceptable proposal.

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

Reason: The site was identified as an employment allocation within the 2005 Local Plan and draft Publication Local Plan (2014). However evidence had been provided to show that the site had been advertised for 10 years without any interest and that there was other vacant office space at Monks Cross. The proposal would create new employment for 8 full time staff and 18 part time staff (17FTE in total) in the restaurant and hotel. The submitted sequential test showed that there were no sequentially preferable development sites within or in an edge of York City Centre location that were both suitable and

available at the present time. Overall it was considered that the development represented sustainable development and was in principle supported by relevant policies in the NPPF.

**10h) 64 Newland Park Drive, York, YO10 3HP (17/00343/FUL)**

Members considered an application by Mrs Fereshteh Hurst for a change of use from dwelling (Use class C3) to a 6 bed House in Multiple Occupation (Use Class C4).

Darren Hartshorn, a local resident, spoke to express his concerns around the number of HMO properties in the area and issues that this led to such as anti-social behaviour, rubbish left in the street and car parking.

Mrs Hurst, the applicant, stated that the house had been occupied as a student HMO for eight years and that the extension was currently unused as she could not let it as a separate property.

Councillor Neil Barnes, Ward Member, spoke on behalf of local residents in objection to the application. He stated that he was unsure as to whether the house had been used as a HMO since 2011 as he had been unable to access Council Tax records confirming this due to Data Protection and had heard information to contradict this. He stated that whilst he realised Members of the sub-committee may have limited powers to refuse this application it was important to show local residents that their concerns were being taken seriously.

In response to Member questions he stated:

- HMO's were a huge issue in this particular ward. Anti-social behaviour, rubbish and parking problems were at saturation point.
- Article 4 direction should be amended to ensure that numbers were not breached and should be taken on a per bedroom basis.
- There should also be a compulsory registration scheme, given that in some areas of York up to 50% of properties had been converted for use as HMO's.

Officers clarified the following points in response to Member questions:

- This was not a straightforward application, essentially Members would be giving permission for occupancy as one 6 bed HMO, not for the annex to be let as a separate property and there were conditions to ensure that this did not happen.
- The property had been in use as a HMO prior to Article 4 and if planning permission was not granted the property could still be used lawfully as a HMO anyway.
- The only breach of planning control that was enforceable would be if the annex was let separately or if it were let to more than 6 residents.
- The impact to HMO numbers would be neutral as this was lawfully in use as a HMO at the present time.

During debate Members raised some of the following points:

- At least 21% of this street and 47% of the wider area were in use as HMO's and this may not even be a true figure.
- This was a new application and should be dealt with as such and therefore overriding weight should be given to the concerns of local residents.
- Some Members felt that if this application was approved then Officers could enforce planning conditions, giving local residents more protection.

Resolved: That the application be refused.

Reason: This should be considered as a new application and therefore fell outside of percentage thresholds for HMO's in this area. There were concerns on loss of residential amenity and the loss of another family home in the area would cause imbalance contrary to guidance in the SPD.

**10i) 31 Sandringham Close, Haxby, York, YO32 3GL  
(17/01403/FUL)**

Members considered a full application by Mr & Mrs Brown for a single storey side and rear extensions, canopy to side, replacement bay window to front, installation of solar panels to side roof slope and replacement windows and doors in grey aluminium.



Mr Brown, the applicant, spoke to urge members to approve this proposal as it was to create a family home, not to create a HMO. He explained that they could create a larger extension under permitted development rights with an alternative footprint but it would not best fit the family's needs.

Councillor Richardson, Ward Member, spoke in objection to the application. He stated that the plan was not in keeping with the current street scene and expressed concern that walkers may be able to hear residents in the shower, as the windows were in close proximity to the street. Finally he stated that this proposal may spoil views of the Minster.

Members felt that this was an acceptable proposal.

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

Reason: The proposal was considered to be acceptable in terms of its impact on the appearance of the streetscene, the living conditions of neighbours and flood risk. As such it complied with the National Planning Policy Framework (2012), local plan policies GP1 and H7 and advice contained within Supplementary Planning Document (SPD) 'House Extensions and Alterations.' December 2012.

**10j) 39 St Pauls Square, York, YO24 4BD (17/00966/LBC)**

Members considered a Listed Building Consent application by Mr James Cannon for the installation of a handrail with railings on steps to front door.

In response to Members' questions Officers confirmed that the application was being reported to Sub-Committee for decision only because the applicant was the spouse of a serving Councillor.

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

Reason: It was considered that the proposals would preserve the special architectural or historic interest of the listed building and its setting and would accord with guidance contained in the NPPF, Policy HE4 (Listed

Buildings) of the Development Control Local Plan and Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Councillor Galvin, Chair

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

**COMMITTEE REPORT**

**Date:** 5 October 2017      **Ward:** Acomb  
**Team:** Householder and      **Parish:** No Parish  
Small Scale Team

**Reference:** 17/01393/FUL  
**Application at:** Lidgett House 27 Lidgett Grove York YO26 5NE  
**For:** Single storey side and rear extensions  
**By:** Cllr Keith Myers  
**Application Type:** Full Application  
**Target Date:** 12 October 2017  
**Recommendation:** Householder Approval

**1.0 PROPOSAL**

1.1 The application property is a two storey semi-detached dwellinghouse located in a residential area consisting mainly of semi-detached properties. It is located on a corner site at the junction of Lidgett Grove and Beckfield Lane. However, as the elevation containing the main entrance faces Lidgett Grove, the property has, in essence, two side gardens; one 10m wide and 17m long facing Beckfield Lane and another 17m wide and 17m long facing Lidgett Grove.

1.2 There is a detached pitched roof garage at the end of the larger side rear garden that sits on the boundary with 25 Lidgett Grove; this would be removed as part of the scheme and replaced by a grassed area. There is 4m high fairly dense shrubbery on the shared boundary with 231 Beckfield Lane. There is also dense shrubbery on the boundary with Lidgett Grove ranging from circa 2.5m high to 4-5m high. The boundary with Beckfield lane has a row of circa 6m high trees.

1.3 This application seeks permission to erect single storey side and rear extensions forming a granny annex.

1.4 This application is being determined at sub-committee as the applicant is a City of York Councillor.

**PLANNING HISTORY**

1.5 Detached double garage with games room over at end of side garden adjacent to no.25 Lidgett Grove (7/01/7566/PA) - Refused in 1991 on grounds of overshadowing and overdominating the adjoining dwelling and being detrimental to the character of the area. Appeal allowed

1.6 Change of use of ground floor of dwelling to nursery and erection of single storey pitched roof rear extension and conservatory to side (02/02137/FUL) – No decision made. Appeal dismissed on grounds of increased traffic, noise and disturbance to neighbours.

1.7 Outline application for a two-storey, three bedroom dwelling to the east of the host dwelling (14/00990/OUT) – Refused on grounds of the loss of an important gap in the street scene resulting in a loss of openness and form of development that is uncharacteristic of the area; the unduly oppressive and overbearing nature of a two storey dwelling in close proximity to the boundary of the rear garden at 231 Beckfield Lane; insufficient information of the means of surface water drainage to enable its impacts to be assessed and the lack of open space or a scheme for provision of off-site open space.

1.8 Outline application for a two-storey dwelling (15/01924/OUT) – Refused on the grounds of the loss of an important gap in the street scene resulting in a loss of openness and form of development that is uncharacteristic of the area; the unduly oppressive and overbearing nature of a two storey dwelling in close proximity to the boundary of the rear garden at 231 Beckfield Lane. Appeal dismissed on grounds of an incongruous and visually jarring form of development and the feel and character of the space at the entrance to Lidgett Grove being compromised.

## **2.0 POLICY CONTEXT**

### 2.1 Policies:

CYGP1      Design  
CYH7        Residential extensions  
CYGP15     Protection from flooding

## **3.0 CONSULTATIONS**

### Senior Flood Risk Engineer

3.1 Recommend condition requiring details of proposed means of foul and surface water drainage.

### Publicity

3.2 One letter of objection on following grounds:

- The semi-detached dwellings on Lidgett Grove are characterised by a clear uniformity and rhythm along the street, the extension doesn't match the current spacing between the buildings or the prevailing characteristics of the street.

- The proposal appears to steal part of the boundary of 231 by narrowing boundary from rear to front
- The proposal would be built right on the boundary, directly adjacent to our rear garden, impinging outlook and being oppressively close to 231. It would have significant impact of the boundary with removal of trees and impacting privacy.
- The proposal would also need a condition of replacing the fence between the two properties to our satisfaction both a front and rear, without encroaching across boundaries.
- Object to the skylight to the rear as this overlooks our property.
- In previous declined applications it was noted that infill development will only be granted planning permission where it would not be detrimental to the character and amenity of the local environment and this policy and the NPPF recognise the importance and value of the spaces around buildings. There is no space proposed around this development and no other property has completed a design such as this.
- A previous application in 1992 was declined for an annex
- Concerned about the drainage from the roof at the rear of the property - maintenance has been a problem and any work would require access to 231 - there should be a gap between fence and new extension.

#### Ainsty Internal Drainage Board

3.3 The site is in an area where drainage problems could exist and development should not be allowed until the Authority is satisfied that surface water drainage has been satisfactorily provided for. It recommends that any approval granted should include a condition requiring drainage works to be agreed by the LPA and IDB.

## **4.0 APPRAISAL**

### KEY ISSUES

4.1 The key issues are visual impact on the dwelling and impact on amenity of neighbours.

### LEGISLATIVE BACKGROUND

4.2 Section 38(6) of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. In the absence of a formally adopted local plan the most up to date representation of key relevant policy issues is the National Planning Policy Framework, March 2012 (NPPF).

## POLICY CONTEXT

### National Planning Policy Framework

4.3 The NPPF sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development. In Paragraph 17 it sets out 12 core planning principles that should underpin both plan-making and decision-taking. Of particular relevance here is the fourth principle, which advises that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

### City of York Council Development Control Local Plan

4.4 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF. Policy CYH7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

4.5 Policy GP1 requires development to respect or enhance the local environment, be of a design that is compatible with the character of the area and neighbouring buildings, protect private, individual or community amenity space and ensure residents are not unduly affected by overlooking, overshadowing or dominated by overbearing structures. Policy H7 states that residential extensions will be permitted where the design and materials are sympathetic to the main dwelling and the locality, the design and scale are appropriate to the main building and there is no adverse effect upon the amenities of neighbours. Policy GP15a advises that discharges from new development should not exceed the capacity of existing and proposed receiving sewers and watercourses and should always be less than the level of pre-development rainfall run-off.

### City of York Council Supplementary Planning Document (SPD) for House Extensions and Alterations

4.6 The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations and was approved on 4 December 2012. The SPD offers overarching general advice relating to such issues as privacy and general amenity as well as advice which is specific to the design and size of particular types of extensions or alterations.

4.7 Paragraph 7.1 advises that a basic principle is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the street scene generally. In particular, care should be taken

to ensure that the proposal does not dominate the house or clash with its appearance.

4.8 Paragraph 12.3 advises that side extensions should normally be subservient to the main house. The ridge height of extensions should be lower than that of the house and the front elevation should be set behind the front building line. Paragraph 12.4 advises that unduly wide extensions should normally be avoided, typically a two-storey extension should not exceed around 50% of the width of the original house unless its width has been designed to successfully harmonise with architectural features contained in the original property.

4.9 Paragraph 16.1 advises that granny annexes will normally only be approved when they are small in scale (1 bedroom) and occupied by direct relatives of family living in the original house. When considering creating or adapting accommodation for relatives, regard should be given to future alternative uses for the accommodation and whether, if no longer needed, it can be incorporated back into the main house.

## ASSESSMENT

### Context and Proposal

4.10 The proposal involves the construction of a single storey extension along the rear elevation of no.27 that extends a further 11m beyond the left hand side elevation of the host property along the boundary with no.231. It would sit circa 22m off the side elevation of no.25 Lidgett Grove. The L-shaped part of the extension would provide the bedroom, storage, lounge and bathroom of the annexe. The section of extension next to the detached garage of no.231 would provide a shared kitchen area with the host property and the remaining section would provide a small extension to the kitchen of no.27.

4.11 The L-shaped element has a shallow pitched roof and is 2.6m high to eaves and 3.4m to ridge. The remainder has a mono-pitch roof and is 3.2m high and 2.6m to eaves. The extension includes 4 velux roof lights along the slope facing no.231.

### Evaluation

4.12 There is a history of refusals and appeal dismissals for proposed structures in the curtilage of this property but those decisions related to substantially different structures to that currently proposed (ie. 2 storey dwellinghouses) and this submission must be assessed in its own merits and in line with policy and guidance.

4.13 That part of the proposed extension directly at the rear of the application property is not very different from the existing lean-to extension that occupies this space in terms of size and scale and it is considered that the visual impact will be

little different from the current position and there will therefore be no adverse impact on the amenities of the occupants of no.231.

4.14 The central section will be obscured from no.231 by the detached garage to this property and again it is not considered that there would be any adverse impact on the adjacent occupants.

4.15 The L-shaped section would extend a considerable distance beyond the rear of the garage to no.231 (ie. by circa 11m), however, views of the extension from within the ground floor rooms of no.231 will be screened to a considerable extent by the detached garage and it is not considered that the outlook from the rear of no.231 will be adversely affected by the scheme.

4.16 The scheme will involve the removal of shrubbery along the shared boundary but this is not protected and the owner could remove this without any need for formal consent. The occupant of no.231 has expressed concern that the proposal would take part of the boundary of his house, however, the applicant has submitted a plan which shows that the extension is clear of the boundary with sufficient space to allow for guttering, foundation and soffit board.

4.17 There are no windows on the side of the elevation facing no.231 and the rooflight windows would not create overlooking, it is therefore not considered that the privacy of the occupants of this adjacent property would be impinged upon.

4.18 The extension would present a brick flank wall to the boundary with no.231, it is not considered that this would create any particular need for regular maintenance. It is therefore not considered that there is a need to provide a gap between the boundary and the extension for access purposes.

4.19 The objector refers to infill development only being approved where there is not detriment to character and that the NPPF recognises the value of space around buildings. However, the policy within the DCLP that refers to infill is Policy GP10, which actually deals with proposals for new residential units within curtilages not extension to houses and is therefore not pertinent to the consideration of this application.

4.20 With regard to space around buildings, it is acknowledged that this is important to the character of an area; however, it is not considered that proposal creates any conflict with this issue as the development will leave considerable open space within the curtilage. The garden area in front of the annexe will be roughly 12.5m x 11m wide, the garden area in front of the original house 11m x 7.5, the area next to Beckfield Lane 17m x 10m and the area at the end of the garden adjacent to no.25 Lidgett Grove 17m x 6m. This is a considerable level of external amenity space that would remain and it is not considered that the character of the area would be adversely affected by the scheme.



4.21 In terms of scale, design and appearance it is considered that the extension will make an acceptable addition to the property. It satisfies Paragraph 16.1 of the SPD in that it will only provide 1 bedroom. It is also subservient to the main house with a ridge lower than that of the house and a front elevation set behind the front building line. Paragraph 12.4 of the SPD advises that unduly wide extensions should normally be avoided; however, this part of the guidance was developed to deal mainly with two storey side extensions within rows of houses along a street frontage to avoid the terracing effect. It is not considered that it applies to the proposal for 27 Lidgett Grove.

4.22 The objector has stated that a condition should be imposed requiring the replacement of the boundary fence between the two properties. The proposed layout plan indicated that the existing fence will be retained.

## **5.0 CONCLUSION**

5.1 The proposals will respect the character of the area and the building and will not impact adversely on the amenities of nearby residents. As such it is considered that they satisfy national guidance in the NPPF and Development Control Local Plan Policy and are acceptable.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Householder Approval

1 TIME2 Development start within three years

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

YB486-004A, OO5A and 006A

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

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

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

4 VISQ1 Matching materials -

5 The proposed additional accommodation shall only be occupied and used in conjunction with the occupancy of the existing main dwelling, and shall not be used as an independent residential unit.

Reason: The Local Planning Authority considers the proposal unsuitable as a self contained dwelling because of the lack of amenities and facilities for the occupants of both the main dwelling and the additional accommodation.

## **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:

Revised drawings were secured in which the proposed rear extension was set back from the elevation fronting Beckfield Lane

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

#### **2. DRAINAGE INFORMATIVE**

City of York Council promote the use of soakaways as a method of surface water disposal which should be considered and discounted prior to discharge into the existing system.

#### **3. INF9 - Party Wall Act 1996**

### **Contact details:**

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# Lidgett House, 27 Lidgett Grove

17/01393/FUL



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	25 September 2017
<b>SLA Number</b>	Not Set

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of the property that existed prior to the fence subject to the 2016 application being erected.

## **2.0 POLICY CONTEXT**

2.1 Draft York Local Plan (2005 4<sup>th</sup> set of changes) relevant policies include:

CYGP1 - Design

CYGP10 - Subdivision of gardens and infill development.

CYH4 - Housing development in existing settlements

CYGP15 - Protection from flooding

2.2 Pre-Publication Draft Local Plan (2017)

DP2 – Sustainable Development

D1 – Place making

ENv4 – Flood Risk

## **3.0 CONSULTATIONS**

### INTERNAL

#### Public Protection

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

#### Flood Risk Management

3.2 No objections. Issues regarding drainage and flood risk can be dealt with by condition.

### EXTERNAL

#### Internal Drainage Board

3.3 Would object to run-off increasing to existing watercourses that are at capacity. It should be ensured that the site can be developed without increasing flood risk elsewhere.

#### Town Council

3.4 Object due to overdevelopment.

Cllr T. Richardson

3.5 Object. The development is partly on land that is public open space. It is land grabbing and harms openness. It would also encroach on Yorkshire Water services bounding the site.

#### Neighbour Notification and Publicity

3.6 Residents of three properties have objected to the proposal. The reasons stated for this are:

- Concerns regarding overlooking of gardens and the proximity of the boundary fence to other gardens.
- Part of the house projects too far beyond the front building line.
- It is overdevelopment.
- It is out of character and the ridge is too high.
- Object to the loss of the leylandii hedgerow and any further loss of vegetation.

### **4.0 APPRAISAL**

4.1 The key issues in assessing the proposal are:

- principle of development
- impact on the streetscene
- impact on amenity and living conditions of adjacent occupiers
- highway issues
- drainage
- quality of accommodation provided

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 housing development where possible. In considering proposals for new housing, the benefits from delivering a wide choice of quality homes is emphasised along with the need to avoid unacceptable impacts on the environment and neighbours' living conditions.

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

4.6 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.

4.7 Local Plan Policy H4a 'Housing Windfalls' states that new development should be accessible to shops and services and of an appropriate scale.

4.8 Local Plan Policy GP10 'Subdivision of gardens and infill development' states that new dwellings should not be detrimental to the character or amenity of the local environment.

## PRINCIPLE OF DEVELOPMENT

4.9 The NPPF promotes the approval of proposals that accord with the development plan or where the plan is absent, silent or out of date, planning permission should be granted unless the adverse impacts of doing so demonstrably outweigh the benefits when assessed as a whole. One of the core planning principles set out in the NPPF is the effective use of land through the reuse of land which has been previously developed providing it is not of high environmental value. The NPPF, however, excludes private residential gardens in built-up areas from the definition of previously developed land. Notwithstanding this, paragraph 49 of the NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development. Local Plan Policy GP10 accords with paragraph 53 of the NPPF in that it seeks to resist inappropriate development of residential gardens, which would cause harm to the local area.

4.10 The application site falls within the settlement limit of Haxby. It is in an accessible location, within walking distance of a range of local facilities. Residential development would be a land use compatible with surrounding land uses. Broadly speaking the principle of development is considered to be appropriate. It is however the case that for the application to be acceptable it needs to be ensured that the proposed dwelling would provide good quality accommodation and not detract from



issues of importance including, neighbour amenity, local character and highway safety. The site specific issues relating to the proposal are considered below.

## IMPACT ON THE STREETSCENE

4.11 The immediate area contains a mix of modern house types. Although the host dwelling is a dormer bungalow it is the case that conventional two-storey dwellings sit beside bungalows within the area. The original developer sought to create a degree of variety in the streetscene in terms of building height, form and materials.

4.12 A gap of 2.5m will remain between the host and new dwelling. This is considered acceptable in respect to avoiding the impression of over-development. There is space within the front curtilage for car parking (at least two cars each) for the host and proposed dwelling. The area is characterised by parking in front gardens and several nearby properties have converted almost all of their front gardens for the use. The applicant has indicated that the section of the front garden adjacent to the lane will be landscaped and enclosed by a hedgerow. This is considered beneficial in softening the impact of development. As the estate is largely open plan in character, permitted development rights have been removed for hard boundaries around the front garden.

4.13 The rear corner (south-west) of the proposed dwelling will be relatively close to the garden boundary with the lane. It is considered that the lane and associated undeveloped land is sufficiently wide in the location to avoid the house dominating the pedestrian route. The feeling of openness when viewed from Greenshaw Drive will remain. The lane varies in character and width as it passes through the village. In a number of areas the immediate setting is not particularly attractive. The proposed dwelling would not impede any future attempts to enhance the setting of the footpath through new landscaping.

## IMPACT ON NEIGHBOURS' LIVING CONDITIONS

4.14 One of 12 principles set out in paragraph 17 of the NPPF 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.

4.15 The host dwelling has no habitable room windows to the side. There is adequate separation to the front and rear of the proposed dwelling to avoid unacceptable harm in respect to privacy or outlook. The rear elevation of the nearest bungalow on Ruddings Close is around 25m away from the site of the proposed dwelling. The separation distance between first floor rear openings and the nearest back garden boundary would be around 11m. This is considered to be within acceptable limits. It is noted that overlooking to the nearest rear gardens is oblique.

## HIGHWAYS ISSUES

4.16 The host dwelling and new dwelling would both have space to park at least two cars and would have access to discrete bin and cycle storage.

## DRAINAGE, FLOOD RISK

4.17 The property is in area classified as being of low flood risk from watercourses. It has been conditioned that surface water is discharged in a way that reduces run-off rates to the minimum practical.

## QUALITY OF ACCOMMODATION CREATED

4.18 The proposed dwelling would provide good quality internal accommodation. The triangular shaped rear garden is relatively small, however, it is south facing and has a generally open outlook. The side garden is also proposed to be enclosed and would contribute to the external amenities of the home. The enclosed area of garden would amount to around 50 square metres which would normally be considered adequate to meet the needs of the occupants.

## 5.0 CONCLUSION

5.1 The proposal would provide a new three-bedroom dwelling in an existing residential area. It is considered it would relate to the form of houses on the residential estate and would have sufficient space around it to avoid the site appearing over-developed. It would not have an unacceptable impact on the amenities of neighbouring properties. The host dwelling would still retain adequate parking and garden space. Taken on its merits it is considered that the proposal to erect a new dwelling on the site amounts to sustainable development and complies with advice in the NPPF and policies in the Local Plan which seek to support the sensitive and efficient use of land.

## 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:

Proposed arrangement 87/GRE/002 Rev C received by the Local Planning Authority on 8 September 2017

Application Reference Number: 17/01697/FUL

Item No: 4b

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 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.

5 The dwelling shall not be occupied until the areas shown on the approved plan for parking and manoeuvring of vehicles including cycles 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 No development shall take place until details of the proposed means of surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

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

7 The applicant shall install a three pin 13 amp external electrical socket at the property or other alternative installation 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 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.

9 The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a landscaping scheme which shall illustrate the number, species and height of the hedgerow planting shown on the approved plan. 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.

10 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 Part 2 Class A (gates, fences, walls) of that Order shall not be erected or constructed forward of the dwelling house.

Reason: To respect the open plan character of front gardens the Local Planning Authority considers that it should exercise control over any boundaries around the front garden, 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.

## 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 overdevelopment, car parking, privacy and landscaping.

#### 2. INFORMATIVE:

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

3. SURFACE WATER - Requirement H3 of the Building Regulations 2000 establishes a preferred hierarchy for surface water disposal. Consideration should firstly be given to discharge to soakaway. Soakaway tests should normally be observed by the Council's Flood Risk Management Team.

#### 4. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall Act 1996.

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

**Contact details:**

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**Tel No:** 01904 551352

# 87 Greenshaw Drive, Haxby

17/01697/FUL



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	25 September 2017
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 5 October 2017      **Ward:** Rural West York  
**Team:** Major and      **Parish:** Nether Poppleton Parish  
Commercial Team      Council

**Reference:** 17/01507/FUL  
**Application at:** Cherry Tree Cottage Millfield Lane Nether Poppleton York  
YO26 6NX  
**For:** Erection of 1no. dwelling  
**By:** Mr & Mrs Reynolds  
**Application Type:** Full Application  
**Target Date:** 7 September 2017  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 The application seeks permission for the erection of a detached dwelling on land adjacent to Cherry Tree Cottage, Millfield Lane, and Nether Poppleton.

**PROPOSAL**

1.2 The application site lies adjacent to Cherry Tree Cottage and comprises a central brick building, a substantial summer house, a 20ft shipping container, a Railway carriage, two wood storage sheds, a lean to trailer and log store and another shipping container to store recycled materials in. The proposed dwelling would sit back from the highway retaining car parking to the front and access to the adjacent caravan site. The dwelling would be of timber frame construction and has been designed to reflect the design of an agricultural barn. The front elevation would incorporate a long sloping roof incorporating roof lights and a central gable ended section. The ground floor would incorporate narrow windows and a log store. The rear of the dwelling is modern in appearance. It would be two storeys and would be predominantly glazed with a central rearward projecting glazed element. Access would be directly off Millfield Lane.

1.3 The application is being brought to committee at the request of Cllr Steward in order for green belt issues to be discussed.

**RELEVANT HISTORY**

- 6/116/71/OA Constructing four kennels for boarding dogs Refused 08.03.1978
- 01/00372/FUL - Alterations to roof to create second floor rear extension - Refused 30.04.2001

- 01/03234/FUL - Erection of two pitched roof dormers to rear - Approved 15.01.2002
- 12/03752/FUL - Change of use of land to allow 11 touring caravan pitches - Approved 01.03.2013
- 16/00093/FUL - Increase number of caravan pitches from 11 to 15 and construct seven additional hardstandings to existing and additional pitches - Approved 10.03.2016

## **2.0 POLICY CONTEXT**

### 2.1 Policies:

#### 2005 Development Control Draft Local Plan

- CYGP1 Design
- CYGB1 Development within the Green Belt
- CGP15A Development and Flood Risk
- CYH4A Housing Windfalls

#### Upper Poppleton and Nether Poppleton Neighbourhood Plan 2017

- PNP1 Green Belt

#### City of York Draft Local Plan – Pre- Publication Draft 2017

- GB1 Green Belt

## **3.0 CONSULTATIONS**

### INTERNAL

#### Highway Network Management

### 3.1 No objections

#### Public Protection

3.2 Given that there appear to have been a number of former buildings onsite, including the burnt down farm house, and as a result there is the potential that contamination from the former farm house/buildings could have affected the site. The submitted screening assessment indicates that the site has been used for domestic purposes for the past 150 years but looking at historic maps it would appear that the site was part of a farm. In addition the site has been used for

business purposes, container storage etc in the recent past. As such conditions are proposed.

### Structures and Drainage

3.3 As the applicant has not provided any foul and surface water drainage information. The Flood Risk Management Team objects to the development and recommends refusal on those grounds.

### EXTERNAL

#### Ainsty Internal Drainage Board

3.4 The scheme appears to enlarge the impermeable area on site and has the potential to increase the rate of surface water run-off from the site if this is not effectively constrained. surface water from the development is to be disposed of via a soakaway. The Board welcomes this approach to surface water disposal however the application does not indicate if this is an existing facility or to be newly constructed for the purpose. If the soakaway already exists the Board would suggest that the Local Authority seek confirmation of its location and that the system is working effectively, and also have evidence that it is capable of handling the additional volume of water that will be generated by the development. If the soakaway is to be newly constructed the Board recommends that the applicant be asked to carry out soakaway testing, in accordance with BRE Digest 365, in order to ascertain that the soil structure is suitable for a soakaway system. Conditions are suggested.

#### Nether Poppleton Parish Council

3.5 Object on the grounds that the dwelling would be built within the green belt. It was considered that the design of the house should be no higher than the present roof levels and should be sympathetic to the rural environment. The large section of glass to the rear of the property can be seen clearly from the bypass and is not in keeping with the rural ambience

#### Neighbours and Publicity

3.6 Eleven responses supporting the application:

- Would not result in a loss of outlook from the immediate neighbour
- Would not result in overdevelopment of the plot
- A dwelling would be an improvement of the site
- The design is sympathetic to the location
- The site is a brownfield site

- The site is already developed and a business operating from the container on the site in the form of storage
- The dwelling would result in infilling between Cherry Tree Cottage and the caravan site

## 4.0 APPRAISAL

### 4.1 Key Issues

- Principle of the development in the green belt
- Previously developed land
- Curtilage definition
- Design

4.2 The National Planning Policy Framework (March 2012) sets out 12 core planning principles that should underpin both plan-making and decision-taking. Of particular relevance here is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, a principle set out in paragraph 17.

4.3 Paragraph 187 states that when Local Planning Authorities are considering proposals for new or improved residential accommodation, the benefits from meeting peoples housing needs and promoting the economy will be balanced against any negative impacts on the environment and neighbours' living conditions.

4.4 Paragraph 79 (Protecting Green Belt land) confirms the great importance the Government attaches to Green Belts. It states that the fundamental aim to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence. The construction of new buildings within green belts should be regarded as inappropriate.

4.5 The site falls within the general extent of the Green Belt as shown on the Key Diagram of the RSS (the Yorkshire and Humber Plan) saved under The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the green belt around York with an outer boundary about 6 miles from the city centre and although the spatial strategies have now been withdrawn these policies relating to York's green belt have been saved.

4.6 The protection of the Green Belt is one of the core planning principles of the NPPF (Para 17). The NPPF states the types of development that are appropriate within Green Belts. All other development is deemed inappropriate and by definition harmful to the Green Belt. The NPPF states that the local planning authority should ensure that substantial weight is given to any harm to the Green Belt. The NPPF

sets out the 5 purposes of the Green Belt (Para 80) these are: to check unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.7 Policy SP2 'The York Green Belt' in the City of York Council Development Control Draft Local Plan (2005) states that the primary purpose of the York Green Belt is to safeguard the setting and historic character of the City of York.

4.8 The Development Plan also comprises the Upper Poppleton and Nether Poppleton Neighbourhood Plan which came into statutory force with effect from 23 August 2017. Section 38(6) of the Planning and Compensation Act 2004 and NPPF at para 14 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.

4.9 The aim of the neighbourhood plan is:

- Maintain the historic character, setting and identity of Nether and Upper Poppleton village core.
- Manage the growth of new developments of housing and employment within the parished areas.
- Ensure that new development is built to be sustainable and commensurate with the rural setting.
- Ensure that any brown field sites are developed with the amenities, facilities and road structures that will allow, maintain and enhance the identity of the community.
- Promote development of brownfield sites as a priority over any Greenfield site or grade 1, grade 2 or grade 3a agricultural land classification (ACL).

4.10 Paragraph 4.1.3 of the plan states that 'It is accepted that if new housing and business development envisaged in the Draft emerging York Local Plan preferred sites consultation (July 2016) is to be accommodated, then this should be on Brownfield sites. All Brownfield and windfall sites acknowledged by the City of York planning department should be brought back into use in the first instance.'

4.11 The Neighbourhood Plan Policy PNP1 Green Belt states 'The general extent of the York Green Belt within the plan area is shown on the Policies Map. Within the general extent of the Green Belt inappropriate development will not be supported except in very special circumstances. New buildings are regarded as inappropriate development and will not be supported other than in the circumstances identified in paragraph 89 of the National Planning Policy Framework. Proposed developments for the following uses will be supported provided that they preserve the openness of the general extent of the Green Belt and do not conflict with the purposes of including land in the Green Belt:

- Minerals extraction;
- Engineering Operations;
- Local Transport Infrastructure that can demonstrate a requirement for a Green Belt location;
- The re-use of buildings provided that the buildings are of permanent and substantial construction; and
- Development brought forward under a Community Right to Build Order

Exceptions to this include: 'Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'

4.12 The Pre-Publication draft Local Plan and updated evidence base is currently out for consultation. The emerging Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be limited. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application. The relevant policy is GB1 which accords with advice contained within the NPPF.

4.13 The 2005 Development Control Draft Local Plan was approved for Development Control purposes in April 2005. Whilst the draft Plan does not form part of the statutory development plan its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF although it is considered that their weight is limited.

4.14 The relevant draft 2005 York Development Control Local Plan Policies are GP1, GB1 and GP15a. Policy GP1 'Design' of the City of York Local Plan Deposit Draft refers to design, for all types of development. Of particular relevance here are the criteria referring to good design and general neighbour amenity.

4.15 Policy GB1 of the York Development Control Local Plan sets out a clear policy presumption that planning permission for development within the Green Belt will only be forthcoming where the scale, location and design of such development would not detract from the open character of the Green Belt, would not conflict with the purposes of including land within the Green Belt and would be for one of a number of purposes deemed to be appropriate within the Green Belt.

4.16 GP15a 'Development and Flood Risk' all applications in low to medium risk areas must submit a Flood Risk Assessment. Developers must satisfy the Local Planning Authority that any flood risk will be successfully managed with the

minimum environmental effect. Discharges should not exceed capacity of existing sewers and watercourses.

## PRINCIPLE OF THE DEVELOPMENT

4.17 The built-up area of Nether Poppleton is a considerable distance from the application site and it is considered that the site is located within the general extent of York's Green Belt.

4.18 The site has a number of structures present on site and lies between the existing Cherry Tree Cottage and the existing caravan park. The site is clearly visible from the highway to the front and the open countryside to the rear.

## DEFINITIONAL HARM TO THE GREEN BELT

4.19 Paragraph 89 of the NPPF states that Local Planning Authorities should regard the construction of new buildings in Green Belt that do not fall within the exceptions listed as inappropriate development that is, by definition, harmful to the Green Belt. In accordance with the NPPF, substantial weight should be given to this definitional harm. Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'.

## OTHER GREEN BELT HARM

4.20 Paragraph 88 of the NPPF refers to the substantial weight that should be given to any harm to the Green Belt. Even though the site has a number of structures on it, all of which are single storey, the site contributes to the openness of the area. The removal of the mixture of building on the site may benefit the character of the area but the erection of a larger, taller dwelling on the site would clearly have an additional impact upon the openness of the greenbelt and the purpose of including land within the green belt resulting in significant harm to the openness of the Green Belt.

4.21 The NPPF considers openness to be the most important attribute of Green Belts. It sets out the five purposes of including land in Green Belts being:

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

4.22 The proposal would be contrary to the five purposes of the green belt notably safeguarding the countryside from encroachment, preventing neighbouring towns from merging into one another by introducing built development to an area of undeveloped land between urban York and Nether Poppleton, and assisting with urban regeneration by encouraging the recycling of derelict and other urban land. Therefore, in addition to definitional harm by reason of inappropriateness, it is considered that the proposal would result in further harm to the openness and function of the Green Belt.

#### PREVIOUSLY DEVELOPED LAND

4.23 The applicant states that the site should be considered as being previously developed land. The relevance of this is that one of the exceptions in paragraph 89 is 'the partial or complete redevelopment of previously developed sites..... which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

4.24 A recent Court of Appeal decision held that residential curtilage outside built up areas can be classed as being previously developed land under the definition of the NPPF. It is therefore necessary to come to a view as to whether this particular application site adjacent to Cherry Tree Cottage in Nether Poppleton is residential garden land within the curtilage of the existing dwelling and whether it is located outside a recognised built up area.

#### CURTILAGE

4.25 It is clear that the site is located within the general extent of the York Green Belt and outside the recognised built up area. However, it is considered that the site can not be classed as being garden land within the curtilage of the existing dwelling. Records indicate that there was a farm house on the site which was destroyed by fire and subsequently demolished in the 1950. Over time the associated agricultural buildings have been demolished and removed from site with the exception of a small brick building located centrally within the site.

4.26 The word curtilage is not defined in statute. However, case law has described it as "an area of land attached to a house and forming one enclosure with it". The High Court confirmed that whether or not land is within the curtilage of a dwelling house will be a question of fact and degree each time for the decision maker (Local Planning Authority or Planning Inspector). When determining what constitutes curtilage the decision maker has to identify (i) the physical layout (ii) ownership, past and present and (iii) use or function, past and present. Whilst the function of the land is relevant to the question of curtilage, it is not determinative. The fact that the land in question may have been used for domestic purposes for a period of time does not mean that it is residential curtilage.



4.27 The application site is physically separated from Cherry Tree Cottage by an existing fence and boundary wall. Historic maps clearly show that the site was occupied by a farm house and associated agricultural buildings up until the 1950 and was operated independently of Cherry Tree Cottage. The site also retains its independent access. Whilst the site may be within the ownership of the applicant and the site has a number of structures on it which are used in connection with the residential use at Cherry Tree Cottage it is considered that the site does not form part of the curtilage of the dwelling.

4.28 If the site is not classed as curtilage then the issue of previously developed land does not apply. The NPPF clearly states that 'land that is or has been occupied by agricultural or forestry buildings and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time' are excluded from the definition of previously developed land. The site was previously used for agricultural purposes and whilst one small brick building remains on site the remainder of the agricultural buildings have been removed. It is apparent that there are structures on the site but Council records indicate that they do not benefit from planning permission. As such it is apparent that the erection of a dwelling in this location would be contrary to national Green Belt policy and would clearly result in harm to the Green Belt.

#### IMPACT UPON THE OPENNESS OF THE GREEN BELT

4.29 Irrespective as to whether the site is considered to be previously developed land within the curtilage of the dwellinghouse the NPPF at paragraph 89 states that the exception only applies to limited infilling or the partial or complete redevelopment of previously developed sites "which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development."

4.30 The site is currently occupied by single storey structures which, according to the applicant, have a footprint of 138m<sup>2</sup>. This figure is inclusive of all the temporary structures on the site. The proposed dwelling would have a footprint of 171m<sup>2</sup> and would be two-storey in height. The proposed dwelling would have an overall height of approximately 8.2m for a width of 14.8m. Whilst space would be retained to the sides of the dwelling the increase in mass of the built development on site would be significant. Furthermore, the site is open to clear views from the highway and from the agricultural land around the site. Whilst the glazing to the rear elevation may be lightweight it would still draw undue attention adding to the overall mass and bulk of the development.

4.31 As such it is clear that the erection of the proposed dwelling at this location would have a greater impact upon the openness of the green belt than the existing development by introducing significant new built development. This would harm the

openness of the green belt as well as having a significant and harmful impact on the existing character of the area.

## DESIGN AND AMENITY

4.32 The proposed dwelling has taken reference from agricultural buildings in terms of the timber frame, the front sloping roof and the limited openings to the front elevation. The dwelling is lower in height than the neighbouring Cherry Tree Cottage and as such would not dominate the existing property. Whilst the rear elevation is predominantly glazed there would be no loss of privacy due to the relationship with the neighbouring dwelling and the open aspect to the rear. Adequate provision is made for off street parking..

## DRAINAGE

4.33 The application site lies within flood zone 1 and as such should not suffer from river flooding. However, the applicant has submitted insufficient information in connection with foul and surface water drainage to assess whether there would be any impact as a result of the proposal.

## 5.0 CONCLUSION

5.1 In summary, the proposal constitutes inappropriate development within the general extent of the York Green Belt. According to the Framework (paragraph 87) inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In addition to the definitional harm to the Green Belt arising from inappropriate development, the proposal would cause a considerable loss of openness to the Green Belt when the most important attributes of Green Belts are their openness and permanence. The proposed dwelling would also be contrary to the purposes of including land within the Green Belt, notably because it would not safeguard the countryside from encroachment, assist with urban regeneration by encouraging the recycling of derelict and other urban land and prevent neighbouring towns merging into one another. In accordance with the Framework (paragraph 88) substantial weight is given to this harm in the Green Belt. The applicant has not advanced any other considerations to clearly outweigh these identified harms and these harms are not clearly outweighed by other considerations. Consequently the very special circumstances necessary to justify the development do not exist.

## COMMITTEE TO VISIT

## **6.0 RECOMMENDATION: Refuse**

- 1 The proposal constitutes inappropriate development in the Green Belt that, by definition, would be harmful to the Green Belt. The application site makes a positive and significant contribution to the openness of the Green Belt to the south east of Nether Poppleton and assists in safeguarding the countryside from encroachment, encouraging urban regeneration and preventing neighbouring towns merging into one another. There has been no compelling case made for 'very special circumstances'. Whilst the scheme would result in the removal of temporary buildings on the site it would not offer significant benefits that would clearly outweigh the identified harm to the Green Belt. Therefore, the proposal is considered to be contrary to paragraphs 87 to 89 of the National Planning Policy Framework, the retained policies YH9(C) and Y1(C1 and C2) of the Yorkshire and Humber Regional Spatial Strategy and the Policy PNP1 of the Upper Poppleton and Nether Poppleton Neighbourhood Plan.
- 2 Insufficient information has been submitted with the application to demonstrate that an acceptable means of surface water drainage can be achieved in this location. As such the proposed development would conflict with paragraph 103 of the NPPF which states that Local Planning Authority should ensure that flood risk is not increased elsewhere. In addition, by virtue of the lack of information the proposal conflicts with Policy GP15a 'Development and Flood Risk' of the City of York Development Control Local Plan (2005) and Section 4.1.c of the City of York Council Strategic Flood Risk Assessment (2013).

## **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 an attempt to achieve a positive outcome:

Discussed the proposal at pre-application stage and advised that the scheme was contrary to green belt policy. However, the application was submitted and the applicant/agent was unwilling to withdraw the application, resulting in planning permission being refused for the reasons stated.

#### **Contact details:**

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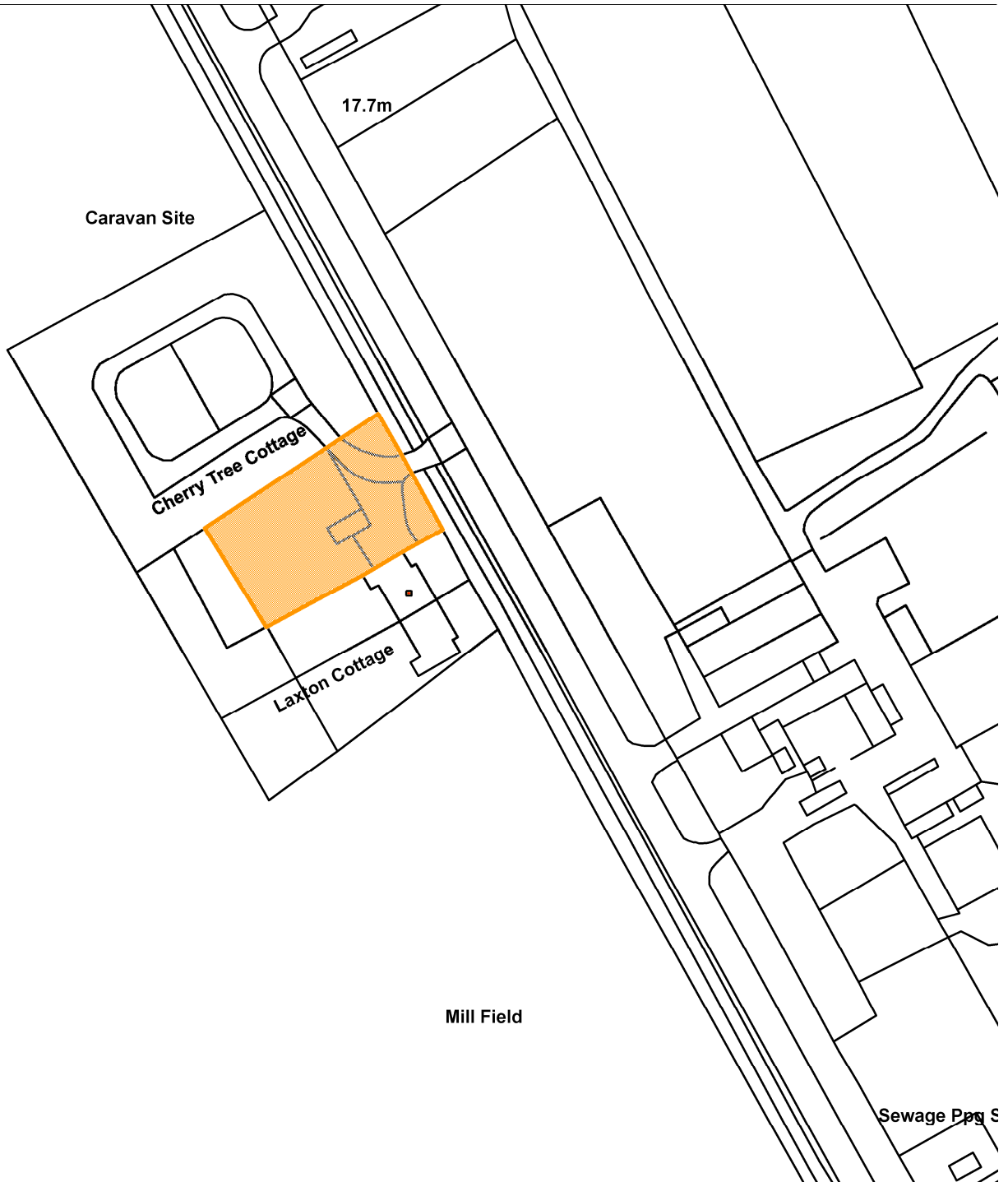
Application Reference Number: 17/01507/FUL

Item No: 4c

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# Cherry Tree Cottage, Millfield Lane, Nether Poppleton

17/01507/FUL



Scale : 1:1297

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	25 September 2017
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 5 October 2017      **Ward:** Guildhall  
**Team:** Major and      **Parish:** Guildhall Planning Panel  
Commercial Team

**Reference:** 17/00580/FULM  
**Application at:** 54 Gillygate York YO31 7EQ  
**For:** Conversion of ground floor pub (use class A4) to retail (use class A1) with new shop front and change of use of first and second floors to student residential accommodation (18no. studio apartments) with first floor rear extension  
**By:** Mr Neil Beard  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 11 September 2017  
**Recommendation:** Delegated Authority to Approve

**1.0 PROPOSAL**Application site

1.1 The application relates to an early C20 non-listed building with Art Deco styling, located within the Central Historic Core Conservation Area. The site is in Gillygate which is typified by C18 and C19 buildings of varying style ranging in height. The main building is 2-storey with mansard roof. There have been multiple extensions at the rear at ground floor level and a dormer type extension added to the mansard roof at the back. There is an out-building in the rear yard. The yard is used for car parking.

1.2 The building was last used as a public house, with associated accommodation on the floors above. It is now vacant.

Proposals

1.3 This application is for change of use to retail at ground floor level and student accommodation above. To facilitate the scheme a rear extension is proposed, adding a further storey above the existing out-shot; there would be a 2-storey access core to the side. A new shop-front is proposed also.

1.4 The scheme has been revised, both the proposed shop-front and rear extension following the consultation process.

## Recent planning history

1.5 The public house in the recent past had multiple changes in its format and periods of vacancy. Recent relevant planning applications are as follows -

14/01817/FUL - permission was granted for the upper floors to be used as a hostel.

15/01009/FUL - permission to use ground floor area as a cafe

15/00028/FUL & 15/00029/FUL – applications refused for a new shop-front

## **2.0 POLICY CONTEXT**

2.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no adopted Local Plan in York. In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the NPPF and it is against this Framework and the statutory duties set out below that the application proposal should principally be addressed.

### NPPF

2.2 Paragraph 14 of the National Planning Policy Framework (NPPF) says that at the heart of the NPPF is a presumption in favour of sustainable development for decision taking this means that where the development plan is absent, silent or relevant policies are out-of-date granting planning permission unless specific policies in the framework indicate development should be restricted.

2.3 Most relevant sections of the NPPF to this application are as follows –

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
6. Delivering a wide choice of high quality homes
7. Requiring good design
12. Conserving and enhancing the historic environment

### “Development Control Local Plan” 2005 (DCLP)

2.4 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 control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF.



2.5 Policies considered to be compatible with the aims of the NPPF and most relevant to the development include

ED10	Student Housing
HE3	Conservation Areas
HE6	Shop-fronts in historic locations
GP1	Design

### 3.0 CONSULTATIONS

#### Design, Conservation & Sustainable Development (Conservation Officer)

3.1 Officers commented on the proposed shop front and rear extension as follows –

##### Shop-front

3.2 The proposed principle to convert the ground floor to retail is completely in keeping to the character of the street, but architecturally it is a challenge to design this successfully where converting a building not originally designed for it- and even more challenging to do this for a 20<sup>th</sup> century building in a historic street with architectural complexity and older (often original) shop fronts.

3.3 For the shop front officers suggested either keeping the width of existing windows and enlarging them, so they run down to ground level, or to design a contemporary shop front intervention that is good and interesting in its own way. However it would have to be designed and executed exceptionally well and in being different, it is likely to be relatively modest in scale to fit comfortably within the street scene- which might not have sufficient visibility into the shop for the applicants' wishes. The creation of a shop front as proposed, incorporating fragments of existing windows and surrounds into two very large single-panel shop fronts is an unnatural compositional development and is not supported by officers.

##### Rear extensions

3.4 The rear of the building is currently in a less tidied up architectural state and architecturally lower quality: the rear of many neighbouring properties on this side of Gillygate are similarly ad hoc and less considered. A lot of these rear aspects are visible from the city walls. Nearly all building forms to the rear of these properties are substantially lower in height to the street block, get incrementally lower as they extend outwards, and are a variety of shapes and sizes within the same plot, often representing an organic accretion of extensions and replacements over time.

3.5 The rear extension design should take a contextual approach to massing in this context: it should modulate and step down as it extends outwards to the rear. This is the only way it will not look out of character. There are opportunities for the building

line to go further back into the plot than currently proposed, if designed in an appropriate way.

### Design, Conservation & Sustainable Development (Archaeology)

3.6 Officers request a watching brief be required on any groundworks. It is possible that groundworks associated with this proposal may reveal or disturb archaeological features particularly relating to the Roman and medieval period. It is difficult to assess how disturbed this site may already be therefore, it will be necessary to record any revealed features and deposits through an archaeological watching brief on all groundworks.

### Highway Network Management

3.7 Officers made comment on the car parking and cycle parking provision.

- The car park is very tight with limited space to manoeuvre. Operationally, this may cause some issues when deliveries are accepted for either residents or occupiers of the retail unit. The site is situated in a particularly sustainable location in York city centre close to amenities public transport. Guildhall ward has the lowest number of cars per household in York with 51% of households not owning a car and 40% owning just 1.
- Cycle parking - secure and covered facilities are required at a rate of (1 per dwelling unit). 3-4 cycle parking spaces for the retail unit (1 per 60 retail area), preferably within the footprint of the building, are also required.

### Public Protection

3.8 Historically Public Protection have received a number of complaints regarding noise from former uses of 54 Gillygate, primarily due to music, and as a result the proposed conversion is welcomed. However, the property is located on a major route around York and as a result noise levels experienced to the front of the property are very high. A condition is required to ensure suitable internal noise levels for residents; to comply with the requirements of BS8233 and the World Health Organisation Guidelines on Community Noise.

3.9 The site lies within an Air Quality Management Area (AQMA), where levels of nitrogen dioxide are currently breaching health based objective levels. An Air Quality Statement has been submitted that states in order to mitigate exposure to nitrogen dioxide, all windows (for the dwellings) facing Gillygate will be non-opening and rooms serviced by means of mechanical ventilation with heat recovery, bringing in fresh air in from the rear of building at roof level. Officers ask for this requirement and details of the system to be secured through planning condition.

3.10 Officers seek for a condition to approve construction management arrangements and noise levels of plant/machinery.

#### Public Realm

3.11 Officers advise an open space contribution is not requested as there are no projects/facilities in the locality that have received fewer than 5 contributions.

#### Historic England

3.12 No comment

#### Police Architectural Liaison Officer

3.13 The development lies within an area with relatively high crime & disorder levels. Any new development has the potential to increase these levels if the designing out of crime is not considered and implemented. A condition is recommended to approve measures to prevent crime. Officer's recommendations are as follows -

##### Access

- The location of the stairway providing access to the studio apartments is accessed via the car park at the rear and therefore there is no natural surveillance provided from the street, which reduces the potential for offenders to be seen and deter their criminal or anti-social activity. This in turn compromises both the safety and security of residents of the studio apartments. This is exacerbated by the proposed mixed use for the car park (see section below on car parking) and the fact that there is no access control to the car park.

##### Car Park

- Although it is accepted that car ownership amongst the residents of the studio units is likely to be low, by having a mixed use parking area, this creates the potential for conflict between residents, staff of the retail unit and shoppers.

##### Cycle Store

- As the storage will be used by a number of residents, it should have independent cycle anchorage points available within the store and the door should be fitted with a good quality lock operated by a fob or swipe card and not a keypad.

##### Surveillance

- Natural overlooking, CCTV and lighting are recommended to help deter crime.

## York Civic Trust

3.14 The trust objected to the original scheme due to - inappropriate shop front design and over-development at the rear. The plans have been revised since the trust's comment.

### Shop-front

3.15 The proposed shop-front would be unprecedented in width and scale in Gillygate. Once more, this is unjustified and unwelcome. The Trust suggests retaining and using the current fenestration, which is in keeping with a building of this date, and of aesthetic interest.

### Rear extension

3.16 Any rear extension requires sensitivity in terms of size and aesthetic; however, the proposal lacks both. The proposed two-storey rear extension would make this the largest building on this side of Gillygate and be prominent from the City Walls. This massing is unprecedented and has no justification in terms of any historic or aesthetic importance of the site, which are negligible. The three-storey rear extension would also be visible down the access lane on Gillygate, creating a gloomy and over-developed impression of the rear courtyards behind Gillygate.

## Publicity

3.17 One comment has been made that agrees with comments made by the Civic Trust.

## **4.0 APPRAISAL**

### 4.1 Key Issues

- Principle of the proposed uses
- Impact on Heritage Assets
- Amenity
- Highway Network Management

### **Principle of the proposed uses**

4.2 To change the ground floor use from a public house to retail would make an improved contribution to the vitality and viability of the street, which is predominantly commercial and in the city centre. What would be a daytime use would also improve amenity for neighbours and allow the host building to be comprehensively occupied, with a residential use above. The proposed uses of the building accord with policy for competitive town centres in the NPPF, specifically as set out in

paragraph 23 which explains how town centres should be managed to encourage growth.

4.3 The upper floors would be used for student accommodation. There was previously a flat associated with the public house on the upper floors. There would be an increase in accommodation overall and the site is within walking distance of the university. The proposals in this respect are consistent with NPPF policy and principles; to boost housing supply and re-use empty commercial buildings to help meet housing need as set out in paragraphs 47, 50 and 51. The proposals also accord with the criteria for off campus student accommodation, as detailed in policy ED10 of the Local Plan.

### **Impact on Heritage Assets**

4.4 The site is in the Central Historic Core Conservation Area and the rear of the property can be viewed from the City Walls which are listed at Grade I.

4.5 The Council has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to consider the desirability of preserving or enhancing the character and appearance of designated conservation areas. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall pay special regard to the desirability of preserving the building or its setting or exercise of any features of special architectural or historic interest which it possesses.

4.6 The NPPF in section 12 establishes the approach to determining applications affecting heritage assets. Paragraph 131 states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

### **Conservation Area Appraisal**

4.7 The site is within the Gillygate area of the Central Historic Core Conservation Area. The appraisal explains that buildings along Gillygate date predominantly from the C18 and C19, in a range of heights and styles, which creates an interesting street scene. The appraisal identifies key views, none of which look towards the application site.

4.8 There are views of the street from the City Walls. Gillygate is defined in this respect generally by narrow plots and buildings with a vertical emphasis. Rear outshots generally step down in scale compared to the main building.

### Assessment

4.9 The scheme has been revised; the rear extension reduced in scale and the shop front revised in detailing. The changes proposed respect the host building and there would be no harm to the character and appearance of the conservation area, specifically considering the occasional views of the rear of the plot beyond tree cover from the grade I listed City Walls.

### Shop front

4.10 Of the Draft Local Plan policy GP16: Shop-fronts states alterations to shop-fronts will be granted planning permission where they reflect the scale, proportion, materials and architectural style of the building to which they are attached and the area in which they are located. Policy HE6 relates to shop-fronts in conservation areas. It states that new or alterations to existing shop-fronts in conservation areas will only be granted planning permission where the proposed design preserves or enhances the character of the area or building.

4.11 At the front the new shop front originally proposed had a traditional design which did not suit the age and architectural style of the building. The revised design proposes a pair of display windows and gives a more defined entrance by placing this centrally. The large display windows will be moderated using detailing which will respect the proportions and detailing of the host building. Details will be secured through condition.

4.12 The proposals have been revised to address concerns raised by the Civic Trust and officers. A more open shop front is required to suit the proposed commercial use. As amended the scheme respects the host building and would maintain the character and appearance of the conservation area.

### Rear extensions

4.13 Currently there are single storey flat roof extensions at the rear. The mansard roof of the main building is interrupted by a flat roof extension which detracts from the appearance of the rear elevation and is evident in views from the walls. There are external escape stairs which also appear unsightly in glimpsed views from the walls.

4.14 The rear plots along the east side of Gillygate are viewed from the City Walls when there are breaks in the trees which sit the embankment to the walls. The

buildings have typically been extended at the rear over time. Later extensions are of varying scale and form but typically they are consistent in that they step down in scale from the main building.

4.15 The proposed extension would respect the form, shape, materials and details used on the main building. It would step down in scale, characteristic of the setting; the ridge level of the roof would be aligned with the parapet/eaves level on the main building. The external metal fire escape staircases which currently detract from the building's appearance would be replaced.

4.16 To break up the massing, ensure the extension is not too bulky and add visual interest, the rear extension would have a dual pitched roof and the rear entrance and means of circulation to the accommodation on the upper floors has been designed to read as a separate and contemporary intervention. The contemporary element would be setback from the rear elevation, as such and due to its position, and surrounding tree cover, it would not be prominent in views.

### **Amenity**

4.17 The National Planning Policy Framework requires that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. It states decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

### **Future occupants**

4.18 Conditions are proposed that require suitable internal noise levels for future occupants. This would require compliance with national standards. Mechanical ventilation (drawing fresh air from the rear of the site) to rooms at the front will be required also due to air quality as a consequence of traffic on Gillygate.

4.19 A condition would also require that the proposed covered and secure cycle facilities are provided for future occupants.

### **Safety / crime prevention**

4.20 The student accommodation access and associated cycle storage remain at the rear. Conditions are proposed to secure a reasonable environment for future occupants. Specifically surfacing and lighting would be required to define the route from Gillygate to the access/cycle facilities and the entrances and cycle store will also need to be lit. The cycle store will be covered and secure (as illustrated on the site plan).

## Neighbour amenity

4.21 The extension is offset from the north side boundary the extent of the vehicular access to the rear car park. There is a flat to the north with windows in the rear outshot facing the application site. The side windows are set a further 3m from the boundary. Due to the separation between buildings and considering the context the proposed extension would not be over-dominant and it would not lead to an undue loss of light or outlook.

4.22 To the south there are two storey and single storey extensions by the side boundary to the public house and there would be no undue impact to the setting or the amenity of the public house.

## Open Space Provision

4.23 The NPPF advises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. However it is only possible to require off site contributions towards open space when compliant with the CIL regulations. How contributions would be used must be clearly described and no more than 5 contributions towards any one infrastructure project can be provided.

4.24 In the central area, based on the 2014 Open Space study by amec, there is a shortfall of all open space types, apart from parks. As such it would be reasonable to require a contribution towards off site open space. However the Council are unable to identify any projects which are CIL compliant (i.e. there are no projects for open space in the locality that have not had 5 or more contributions previously). As such a contribution has not been required.

## Highway Network Management

4.25 The National Planning Policy Framework advises that developments should:

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

4.26 Conditions are proposed to secure adequate and safe access for future residents and to ensure installation of the cycle store. The store would be covered and secure and is therefore acceptable.



## 5.0 CONCLUSION

5.1 The proposed uses are compliant with town centre policies in the NPPF and the proposed residential accommodation will contribute towards demonstrable housing need in the city.

5.2 The proposals have been revised and the character and appearance of the conservation area would be maintained. The quality of the proposed development would be secured through conditions covering detailing and materials. There would be no harm to neighbours amenity and conditions are proposed to secure suitable levels of amenity for future occupants.

5.3 Conditions are also necessary in the interests of heritage assets – archaeology, as the site is within the designated City Centre Area of Archaeological Importance and to control the proposed use as if the accommodation were not for students only there would be requirements for appropriate and justified planning obligations.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Delegated Authority to Approve at the end of the re-consultation period subject to consultation with the Chair and Vice-Chair if any further objections are received.

1 The development shall be begun not later than the expiration of three years from the date of this permission.

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 Approved Plans

A101, 103, 104, 105 All revision 4  
A102 revision 5 received 19/9/2017

3 Archaeology – Watching Brief

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

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

#### 4 Materials

External materials to be used shall be as annotated on the approved plans, unless otherwise approved in writing by the Local Planning Authority.

Notwithstanding the approved plans a colour scheme for the building (to include door and window frames, window cills and rendered areas) shall be submitted to, approved in writing by the local planning authority and carried out in accordance with the approved details prior to first use of the development hereby permitted.

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

Reason: In the interests of the setting or heritage assets.

#### 5 Large Scale Details

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

- i. New entrance and staircase at rear
- ii. New shop front display windows and entrance door in context/section, details to include configuration and profiles of glazing bars/mullions, which shall respect the proportions of the host building
- iii. Details of any external vents and external machinery required in conjunction with the required mechanical ventilation system, all shown in context

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

#### 6 Residential amenity

Prior to completion of the development hereby approved measures to provide safe and inclusive access into the residential accommodation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be

carried out in accordance with the approved details prior to first occupation of the residential units.

The details shall include –

- Adequate lighting between the site entrance and the cycle store and residential entrance (lighting can be on a motion sensor in the interests of amenity).
- Surfacing details which identify a dedicated and well defined pedestrian and cycle route between the site entrance and the residential access and cycle store.
- CCTV coverage of the residential access and cycle store.

Reason: To create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion in accordance with NPPF paragraph 58.

## 7 Residential amenity - noise

The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour), with the internal LAFMax levels not exceeding 45dB(A) on more than 10 occasions in any night time period (23:00 to 07:00 the following day). Noise levels shall be observed with all windows open in the habitable rooms or with windows shut and other means of ventilation provided. The detailed scheme shall be approved in writing by the Local Planning Authority, fully implemented and a post completion noise assessment undertaken to demonstrate compliance with this condition before first occupation of the student accommodation hereby approved.

REASON: To protect the amenity of people living in the new properties from externally generated noise and in accordance with the National Planning Policy Framework.

## 8 Details of all machinery, plant and equipment

Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: In the interests of amenity.

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

## 9 Cycle storage

Covered and secure cycle parking shall be provided in accordance with the approved details prior to first occupation of the student accommodation hereby approved. Such facilities shall be retained for the lifetime of the development.

Reason: To promote sustainable modes of transport, in accordance with policies GP1, GP4a and T4 of the City of York Draft Local Plan and the National Planning Policy Framework.

## 10 Window profiles to match existing

New window profiles and their setting in reveals shall be to match existing windows, unless otherwise approved in writing by the Local Planning Authority.

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

## 11 Mechanical ventilation to front

Unless otherwise approved by the Local Planning Authority all windows to habitable rooms (bedrooms / living areas) facing onto Gillygate shall be non-openable (fixed shut), with ventilation provided through continuous mechanical supply and extract to the rear of the building at roof level. The continuous mechanical supply and extract ventilation system shall incorporate heat recovery (MVHR). The system shall be appropriately maintained at all times.

Reason: In the interests of future residents amenity because the site lies within an Air Quality Management Area (AQMA), where levels of nitrogen dioxide are currently breaching health based objective levels.

INFORMATIVE: The required system should be designed to meet current Building Regulations with respect to the provision of fresh air and the extraction of stale air.

## 12 Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing

immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

### 13 Student Accommodation only

The development hereby approved shall be occupied only for the purposes of student accommodation by either students engaged at all times in full-time or part-time further or higher education courses within the City of York administrative boundary or by delegates at all times attending courses or conferences within the City.

Reason: In order to control the future occupancy of the development in the event of it any part of it being sold or rented on the open market without securing adequate levels of affordable housing, open space contributions and measures towards promoting sustainable travel that would normally be secured for housing schemes in accordance with Policy H2a of the City of York Draft Local Plan and sections 4 and 8 of the NPPF.

## **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: provided advice on the required amendments required in order to make the scheme acceptable in terms of impact on the setting of heritage assets and amenity and through the use of planning conditions.

#### 2. INF11 - Control of Pollution Act 1974

#### 3. INF17 - Disposal Of Commercial Waste

**Contact details:**

**Author:** Jonathan Kenyon Development Management Officer

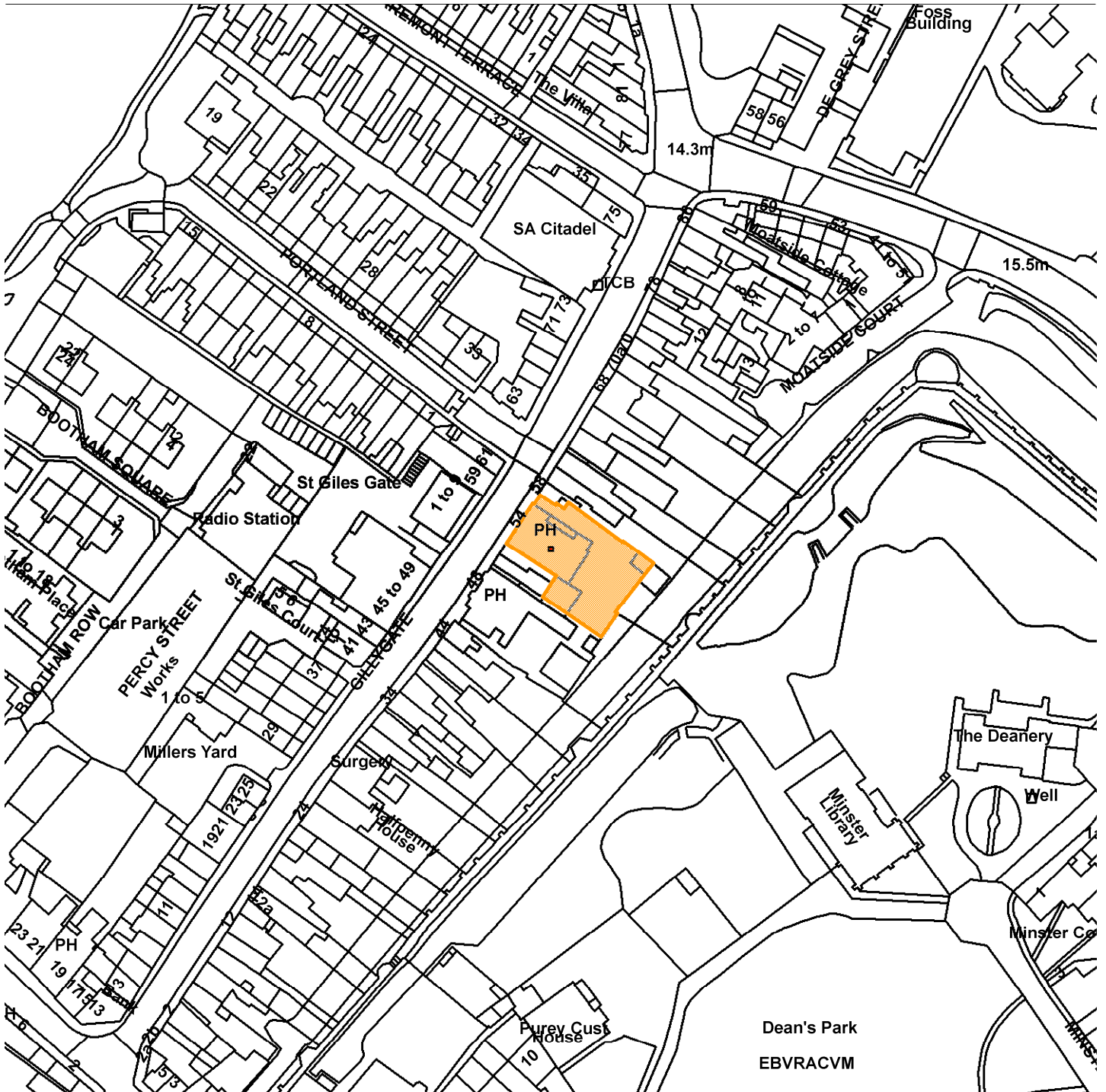
**Tel No:** 01904 551323

# The Fleeting Arms, 54 Gillygate

17/00580/FULM



GIS by ESRI (UK)



Scale : 1:1529

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	26 September 2017
<b>SLA Number</b>	Not Set

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**Planning Committee**

**18 October 2017**

**Area Planning Sub Committee**

**5 October 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 April and 30 June 2017, 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. The Government propose to use the quarterly statistical returns as one of a number of measures to assess the performance of local planning authorities. To assess the quality of decisions, this will be based on the number of decisions that are subsequently overturned at appeal. The threshold whereby a Local Planning Authority is eligible for designation as under-performing is 10% of the Authority's total number of decisions on applications made during the assessment period being overturned at appeal.
- 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 April to 30 June 2017 and the corresponding quarter for 2016, Table 2 shows performance for the 12 months 1 July 2016 to 30 June 2017 and the corresponding period 2015-2016.

**Table 1: CYC Planning Appeals Last Quarter Performance**

	<b>01/04/17 to 30/06/17 (Last Quarter)</b>	<b>01/04/16 to 30/06/16 (Corresponding Quarter)</b>
Allowed	2	0
Part Allowed	1	0
Dismissed	5	7
Total Decided	8	7
<b>% Allowed</b>	<b>25%</b>	<b>0%</b>
% Part Allowed	12.5%	-

**Table 2: CYC Planning Appeals 12 month Performance**

	<b>01/07/16 to 30/06/17 (Last 12 months)</b>	<b>01/07/15 to 30/06/16 (Corresponding 12 month period)</b>
Allowed	9	4
Part Allowed	4	0
Dismissed	31	27
Total Decided	44	31
<b>% Allowed</b>	<b>20%</b>	<b>13%</b>
% Part Allowed	9%	-

### Analysis

- 4 Table 1 shows that between 1 April and 30 June 2017, a total of 8 appeals were determined by the Planning Inspectorate. Of those, 2 were allowed. One appeal related to a “major” development (erection of 109 dwellings at land north of Avon Drive, Huntington – appeal dismissed). By comparison, for the same period last year, out of 7 appeals 0 were allowed (0%), 0 were part allowed (0%). Using the assessment criteria set out in paragraph 2 above, 0.5% of the total decisions made in the quarter were overturned at appeal.
- 5 For the 12 months between 1 July 2016 and 30 June 2017, 20% of appeals decided were allowed, which is below the national percentage figure of 33% of appeals allowed, but up on the previous 12 month figure. Using the assessment criteria set out in paragraph 2 above, 0.6% of the total decisions made in the 12 month period were overturned at appeal.
- 6 The summaries of appeals determined between 1 April and 30 June 2017 are included at Annex A. Details as to of 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 01/04/2017 to 30/06/2017 following Refusal by Committee / Sub-Committee**

Ref No	Site	Proposal	Officer Recom.	Appeal Outcome
16/00701 /FUL	Hilary House, St Saviours Place	Roof extension	Approve	Allowed
15/00798 /OUTM	Land north of Avon Drive, Huntington	Erection of 109 dwellings	Refuse	Dismissed

- 7 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).
- 8 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**

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

## **Council Plan**

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

## **Implications**

- 11 Financial – There are no financial implications directly arising from the report.
- 12 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.
- 13 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 14 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

## **Risk Management**

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

## **Recommendation**

- 16 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** 26  
September  
2017

**Specialist Implications Officer(s)** None.

**Wards Affected:** All



**For further information please contact the author of the report.**

**Annexes**

Annex A – Summaries of Appeals Determined between 1 April and 30  
June 2017

Annex B – Outstanding Appeals at 25 September 2017

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## Appeal Summaries for Cases Determined 01/04/2017 to 30/06/2017

**Application No:** 15/00798/OUTM  
**Appeal by:** Pilcher Homes Ltd  
**Proposal:** Erection of 109no. dwellings  
**Site:** Land To The North Of Avon Drive Huntingdon York  
**Decision Level:** CMV  
**Outcome:** DISMIS

The application was for the erection of 109 houses on a greenfield site in the Green Belt as shown in the 2005 local plan. The site was not allocated for housing in the emerging local plan. The application was refused mainly due to impact on the Green Belt. The Secretary of State found that: the 2005 local plan carries very limited weight because it has not been adopted; the emerging plan carries very limited weight because it is at such an early stage; the site lies within the general extent of the Green Belt; the site should be treated as being within the Green Belt until an adopted local plan defines the Green Belt boundary; the development conflicts with all purposes of the Green Belt except the second, which is to prevent neighbouring towns merging into one another; there are no very special circumstances of such weight that they outweigh harm to the Green Belt. The appeal was dismissed.

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**Application No:** 16/00310/FUL  
**Appeal by:** Mr Paul Raine  
**Proposal:** Dormers to front and rear (resubmission)  
**Site:** 31 White Cross Road York YO31 8JR  
**Decision Level:** DEL  
**Outcome:** PAD

The application proposed front and rear dormers to this terraced house, however the LPA's refusal related only to the front dormer. The Inspector noted that the roofs of White Cross Road (on both sides of the street) are 'largely unaltered' this gives the roofscape to the front of the terraces a 'simple, uncluttered appearance'. The Inspector considered the front dormer would be a prominent and incongruous feature that would dominate the front elevation of the property and would detract from the uniform and uncluttered appearance of the roofscape. The Inspector noted that the grounds for appeal included previous approvals for 'similar' dormers at No's 10 and 19 White Cross Road. However he gave weight to the fact that these dormers were approved prior to the approval of the SPD and were 'not assessed under the provisions of current advice'.

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**Application No:** 16/00701/FUL  
**Appeal by:** St Catherine's Developments  
**Proposal:** Roof extension to provide additional apartment  
**Site:** Hilary House St Saviours Place York YO1 7PJ  
**Decision Level:** CMV  
**Outcome:** ALLOW

Hilary House is a 5-storey office building dating from the 1960's, which was converted from offices into apartments under PD rights. The site is within the Central Historic Core. It is identified as a detractor in the conservation area appraisal, due to its over-dominant height and uncharacteristic form; surrounding buildings are predominantly domestic in character and scale and generally in residential use. In particular the building looks out of place in views from the City Walls, from where it is highly apparent above the historic roofscape. The proposals were to add a storey to the roof of the building. The existing roof is flat, penetrated by a small over-run to the service core. The extension proposed was described by the applicants as having a whale-back form. The extension had support from Historic England and was recommended for approval. Members refused the application because they considered the host building to be harmful to the appearance of the area already. The proposed extension would amplify the harm. The inspector allowed the appeal. He agreed with the applicant's view that the extension proposed would improve the roof form of the building. The inspector stated that the proposed rooftop extension would have a recessive presence at roof level, the walls and roof being inset from the currently unbroken and incongruously horizontal parapet wall that is so jarringly at odds with the surrounding roofscape. It would add extra height to the existing structure but it would not, in the inspectors judgement, be a disproportionate addition to the building, rather it would introduce articulation to the roof and the form would reference the historic setting. The inspector therefore concluded that the extension would not harm the conservation area.

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**Application No:** 16/01212/FUL  
**Appeal by:** Mr Simon Hamilton  
**Proposal:** Erection of 1no. dwelling  
**Site:** 20 Cornlands Road York YO24 3DU  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application was for a detached dwelling. The Cornlands Road streetscene is very ordered in terms of building style, materials, and spacing between homes. The immediate area of the estate contains no detached dwellings, either as originally built or as later in-fills. The application was refused on visual amenity grounds. The scale, design, and the loss of an important gap between buildings was considered to result in an incongruous and prominent form of development that would sit uncomfortably with its surroundings, and appear cramped and over developed, and as such be out of keeping and harmful to the character and appearance of the streetscene and surrounding area. The Planning Inspector agreed with the LPA stating that the proposed development would not reflect the predominant ridge line and substantial appearance of the dwellings extending along the northern streetscape of Cornlands Road. Furthermore, whilst the dwelling would be served by amenity areas to the front and rear, its location in close proximity to the extant dwelling and the side boundary would result in a dwelling of a cramped and constrained appearance. The asymmetric siting of the dwelling in the gap between 20 and 22 Cornlands Road would also be at odds with the prevailing well-spaced layout of this residential area.

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**Application No:** 16/01863/FUL  
**Appeal by:** Miss And Mr Ness  
**Proposal:** Erection of 1 no. dwelling following demolition of existing garage (resubmission)  
**Site:** 2 Norfolk Street York YO23 1JY  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application was for a detached dwelling within the rear yard to 2 Norfolk Street. The site was small and backed onto the rear yard and single storey extensions of the neighbouring property along Bishopthorpe Road. The Inspector agreed that whilst the proposed dwelling would be within an established residential area, its design and scale would appear incongruous and out of keeping with the streetscene which is predominantly one of Edwardian terraces with houses of similar appearance and scale. Whilst it would be similar in height to the rear off shoot of 2 Norfolk Street number 4 would dominate the proposed dwelling and result in an appearance visually at odds with the surrounding area. Furthermore, the position of the dwelling in the gap between Bishopthorpe Road and Norfolk Street terrace would have an unbalancing effect on the streetscene. The property to the rear at 114 Bishopthorpe Road has been extended and has a single storey element with windows facing the application site. A single storey garage is present to the application site. The Inspector noted that the proposed dwelling would be off set from the windows but the extent towards the windows would be greater than the existing garage. The facing elevation of the proposed dwelling would be two storey's high and would present a largely blank brick wall to No 114. Whilst the dwelling would lie to the north the combined effect of the increase in scale, closer position and proximity of the proposal to the relevant windows and door compared to the existing garage would result in a limited material impact on daylight. In addition the height of the proposed dwelling, its largely blank rear elevation, position and proximity to the rear extension of No 114, would have an overbearing effect on the occupiers of No 114 and would reduce outlook having a significant adverse impact on the occupiers living conditions.

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**Application No:** 16/02368/FUL  
**Appeal by:** Mr Craig Hopwood  
**Proposal:** Variation of condition 2 of permitted application  
14/01573/FUL (approved plans) to install balcony to rear  
(retrospective)  
**Site:** GreensleevesLords Moor LaneStrensallYorkYO32  
5XF  
**Decision Level:** DEL  
**Outcome:** DISMIS

The above retrospective application related to a large raised platform 1.6m x 5.7m that was erected outside a first floor rear bedroom of an extended dormer bungalow. The approved scheme showed a Juliette balcony. It was refused permission because the platform would provide an unduly high level of external overlooking and general intrusion into a large part of the rear garden of the neighbouring property. The properties on Lords Moor Lane have long rear gardens which back on to fields and have relatively high levels of privacy. The Inspector dismissed the appeal making reference to the difference between the impact of the structure and the approved Juliette balcony. He did not feel that a privacy screen restricting overlooking of the neighbouring home and section of garden immediately adjacent to the property was sufficient to overcome concerns regarding the negative impact on the overall enjoyment of the neighbours large garden.

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**Application No:** 16/02571/FUL  
**Appeal by:** Mr Wayne Dixon  
**Proposal:** Dormer window to rear and 2no. rooflights to front  
**Site:** 2 Hawthorne Mews Strensall York YO32 5RR  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal site is a semi-detached dwelling located within the Strensall Conservation area and forms part of a development of five dwellings comprising two pairs of semi-detached houses and a detached bungalow on a backland site which is based on a former orchard situated between 5 and 7 The Village and the wash land of the Foss. Planning permission was sought for the construction of a pitched roof rear dormer window and two roof lights to the principal elevation. The Council refused the application on the grounds that rear dormer would be disproportionately large resulting in a dominant, top heavy and unbalanced appearance which is not compatible with the existing simple character and appearance of this group of buildings, designed to reflect the site's former agricultural context. It was considered that the development would cause less than substantial harm to the conservation area and its wider setting which is characterised by a simple, uncluttered roofscape. The Council did not consider that neighbour amenity would be compromised. The Inspector agreed with The Council on the grounds of scale, design and location would harm the character and appearance of the host dwelling and the group of dwellings of Hawthorn Mews. The Inspector concluded that the harm to the significance of the CA would be less than substantial, there are no public benefits that would outweigh that harm.

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**Application No:** 16/02708/FUL  
**Appeal by:** Dr G Dykes  
**Proposal:** Single storey rear extension  
**Site:** 28 Heworth York YO31 1AF  
**Decision Level:** DEL  
**Outcome:** ALLOW

The proposal was for a single storey rear extension projecting approx 6.0m along the shared boundary with No.30 Heworth, at a height of approx 2.5m. Permission was refused because the extension was considered to be an overdominant structure which would harm the living conditions of 30 Heworth. The Inspector ascribed considerable weight to the SPD but considered that the additional impact of the extension would not cause any material increase in overshadowing or sense of enclosure. Given its rear location, it was considered the extension would have a neutral impact on the Heworth Conservation Area.

---

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

<b>Officer: Carolyn Howarth</b>						<b>Total number of appeals: 2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
20/04/2017	17/00012/REF	APP/C2741/D/17/3172865	H	211 Hamilton Drive West York YO24 4PL	Single storey side extension	
17/05/2017	17/00018/REF	APP/C2741/D/17/3173686	H	Glen Cottage Stripe Lane Skelton York YO30 1YJ	First floor side extension including dormers to front and rear	
<b>Officer: Erik Matthews</b>						<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
22/08/2016	16/00040/NON	APP/C2741/W/16/3158773	W	Country Park Pottery Lane Strensall York YO32 5TJ	Replacement managers lodge and laundry building (retrospective)	
<b>Officer: Esther Priestley</b>						<b>Total number of appeals: 3</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
29/09/2016	16/00041/TPO	APP/TPO/C2741/5453	W	Two Oaks 39 York Road Strensall York YO32 5UB	Fell Oak tree (T1) protected by Tree Preservation Order No.: 1975/1	
12/05/2014	14/00017/TPO	APP/TPO/C2741/3909	W	14 Sails Drive York YO10 3LR	Fell Silver Brch (T3,T11), Mountain Ash (T5), Oak (T8), Trees protected by Tree Preservation Order CYC15	
09/05/2014	14/00015/TPO	APP/TPO/C2741/3907	W	7 Quant Mews York YO10 3LT	Crown Reduce Silver Birch (T1,T2), Trees protected by Tree Preservation Order CYC 15	
<b>Officer: Elizabeth Potter</b>						<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
07/06/2017	17/00022/REF	APP/C2741/D/17/3172097	H	Chelsea Cottage York Road Deighton York YO19	Two storey side extension, single storey side and front extensions following demolition of existing detached garage and domestic outbuilding.	
<b>Officer: Heather Fairy</b>						<b>Total number of appeals: 2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
16/05/2017	17/00019/REF	APP/C2741/W/17/3171888	W	Site Lying To The Rear Of 1 To 9 Beckfield Lane York	Erection of 11no. dwellings with associated access road and parking	
02/06/2017	17/00020/REF	APP/C2741/W/17/3174277	W	Knapton Grange Main Street Knapton York YO26	Erection of replacement garage with accommodation in the roof	

<b>Officer: Matthew Parkinson</b>						<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
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	
<b>Officer: Paul Edwards</b>						<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
06/06/2017	17/00021/REF	APP/C2741/D/17/3175678	H	2 Minster View Wigginton York YO32 2GN	Single storey side extension	
<b>Officer: Sandra Duffill</b>						<b>Total number of appeals: 3</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
05/05/2017	17/00015/REF	APP/C2741/W/17/3170543	W	The Greyhound Inn 5 York Street Dunnington York	Variation of condition 2 of permitted application 14/02990/FUL to alter approved bow windows to bay windows and change window material from timber to UPVC	
05/05/2017	17/00017/REF	APP/C2741/Y/17/3171348	W	110 Holgate Road York YO24 4BB	Internal and external alterations including two storey rear extension and dormer to rear following demolition of existing single storey rear extension and associated internal alterations including alterations to internal layout.	
05/05/2017	17/00016/REF	APP/C2741/D/17/3171324	W	110 Holgate Road York YO24 4BB	Two storey rear extension and dormer to rear	
<b>Officer: Sharon Jackson</b>						<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
26/04/2017	17/00014/REF	APP/C2741/D/17/3171171	H	4 Minster Close Wigginton York YO32 2GP	First floor rear extensions including an increase in the size of existing dormer window	
<b>Officer: Victoria Bell</b>						<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
19/06/2017	17/00023/REF	APP/C2741/W/17/3176560	W	Holly Tree Farm Murton Way York YO19 5UN	The erection of single storey 2 bedroom dwelling to be used as a holiday let following the partial demolition of the stable building (retrospective)	
<b>Total number of appeals: 16</b>						