



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

- To:** Councillors Galvin (Chair), Shepherd (Vice-Chair), Carr, Craghill, Gillies, Hunter, Cannon, Flinders, Looker, Mercer and Orrell
- Date:** Thursday, 6 October 2016
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

**AGENDA**

**1. Declarations of Interest**

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

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

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

**2. Minutes** (Pages 3 - 18)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 8 September 2016.

**3. Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is at **5.00 pm on Wednesday 5 October**.

## **Filming, Recording or Webcasting Meetings**

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

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

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## **4. Plans List**

To determine the following planning applications:

**a) Rowntree Wharf, Navigation Road, York (15/01891/FULM)**  
(Pages 19 - 44)

Partial conversion of ground and first floor offices into 34 no. residential apartments with associated works to upgrade bin storage, cycle parking and provide external flood and fire escape stairs. [Guildhall]

**b) Rowntree Wharf, Navigation Road, York (15/01892/LBC)**  
(Pages 45 - 56)

Internal alterations associated with partial conversion of ground and first floor offices to 34 no. apartments. [Guildhall]

- c) Stonebow House, York, YO1 7NY (16/01003/FUL)**  
(Pages 57 - 82)

Change of use of 5<sup>th</sup> floor from office (Use class B1) to residential (Use class C3) and extension to top floor and first floor to create 5 no. Residential units, extend floor space and change use of ground floor units to flexible uses within use classes A1/A3/A4 with associated external alterations to car parking and landscaping. [Guildhall] **[Site Visit]**

- d) 4 Heathfield Road, York, YO10 3AE (16/01892/FUL)**  
(Pages 83 - 92)

Two storey and single storey side and rear extensions, hip to gable roof extension and dormer to rear. [Hull Road] **[Site Visit]**

- e) 30 Southfield Close, Rufforth, York, YO23 3RE**  
**(16/01635/FUL)** (Pages 93 - 104)

Roof extensions including raising height of ridge, erection of front gable extension, side and rear extensions and new detached garage with access from rear (revised scheme). [Rural West York] **[Site Visit]**

- f) 105 Tadcaster Road, Dringhouses, York, YO24 1QG**  
**(16/01744/FUL)** (Pages 105 - 114)

Two storey and single storey rear extension (revised scheme). [Dringhouses and Woodthorpe] **[Site Visit]**

- g) Land At Junction Of Main Street And Back Lane, Knapton, York (16/00542/FUL)** (Pages 115 - 134)

Erection of 4 no. Dwellings on 0.34 ha of land at Main Street, Knapton. [Rural West York] **[Site Visit]**

- h) 42 Millfield Lane, York, YO10 3AF (16/01745/FUL)**  
(Pages 135 - 142)

Two storey rear extension, single storey side and rear extension, rear dormer and detached cycle and bin store to rear. [Hull Road] **[Site Visit]**

**i) 12 Water End, York, YO30 6LP (15/00405/FUL)**

(Pages 143 - 158)

Erection of 1 no. detached 2-bedroom single-storey dwelling.  
[Clifton] **[Site Visit]**

**j) 25 Garden Flats Lane, Dunnington, York (16/00337/REM)**

(Pages 159 - 168)

Reserved matters application for approval of appearance, landscaping and scale for erection of detached dwelling and garage with room in roof to rear, following approval of outline application. [Osballdwick and Derwent]

**5. Urgent Business**

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

Democracy Officer:

Name: Laura Clark

Contact Details:

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

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

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

Contact details are set out above.

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

**我們也用您們的語言提供這個信息 (Cantonese)**

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**

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**AREA PLANNING SUB COMMITTEE****SITE VISITS****Wednesday 5 October 2016**

**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>
10.10	12 Water End	4i
10.45	Land at junction of Main Street and Back Lane Knapton	4g
11.20	30 Southfield Close, Rufforth	4e
11.50	105 Tadcaster Road, Dringhouses	4f
13:00	4 Heathfield Road	4d
13:20	42 Millfield Lane	4h
13.45	Stonebow House, The Stonebow	4c

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	8 September 2016
Present	Councillors Shepherd (Vice-Chair), Carr, Craghill, Gillies, Hunter, Cannon, Flinders, Looker, Mercer, Reid (Substitute for Councillor Orrell) and Rawlings (Substitute for Councillor Galvin)
Apologies	Councillors Galvin and Orrell

Site	Visited by	Reason
Land Adjacent Telecommunications Mast, Poppleton Road	Councillors Cannon, Carr, Flinders, Mercer and Shepherd	As the recommendation was to approve and objections had been received.
Part Highway Verge Fronting Holgate Park, Poppleton Road	Councillors Cannon, Carr, Flinders, Mercer and Shepherd	As the recommendation was to approve and objections had been received.
Plot 7, Great North Way, Nether Poppleton	Councillors Cannon, Carr, Flinders, Mercer and Shepherd	As the recommendation was to approve and objections had been received.
Roundabout at Junction of Kingsway North and Burton Green	Councillors Cannon, Carr, Flinders, Mercer and Shepherd	As the recommendation was to approve and objections had been received.
Central Reservation, Hull Road, Osbaldwick	Councillors Cannon, Carr, Flinders, Mercer and Shepherd	As the recommendation was to approve and objections had been received.

### 15. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal interests, not included on the Register of Interests, or

any prejudicial or disclosable pecuniary interests that they might have had in the business on the agenda.

Councillor Craghill declared a personal interest in Item 4i (23 New Walk Terrace, York YO10 4BG) as she was a friend and colleague of the applicant Councillor Dave Taylor. She abstained from the vote and took no part in the debate (minute 18i refers).

## **16. Minutes**

Resolved: That the minutes of the last Area Planning Sub Committee held on 4 August 2016 be approved and then signed by the Chair as a correct record.

## **17. Public Participation**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

## **18. Plans List**

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

### **18a) Rowntree Wharf, Navigation Road, York (15/01891/FULM)**

Members considered a full major application by Bonner One Ltd for the partial conversion of ground and first floor offices into 34 residential apartments.

Written representations in objection were received from Brian Watson, a local resident. He expressed concern over the escape route in the event of fire or floods. This was published online with the agenda following the meeting.

Two members of the public spoke in objection to the application:

Dr. Diane Lister, who raised issue with the amount of detail provided with regard to the external works to the listed building. She highlighted that there was insufficient public benefit to outweigh harm to a listed building.

Chris Pickering who expressed concern over crime prevention, waste collection and the flood and evacuation plan, in particular the fact that the emergency steps would be unsuitable for all residents and create additional work for the emergency services.

Janet O' Neill, agent for the applicant was present to answer questions from Members. She stated that she felt the application could be approved at this meeting and conditions met, however she would be happy for the application to be deferred if Members so wished.

In response to a Member question about the external details missing from submitted drawings, she explained that the staircase in question was on the opposite side of the building to the listed side.

An Officer update was considered by members which contained several additional conditions which would be required if the application was approved, full details of which have been published with the online agenda. In this update Officers reported:

- An additional condition in relation to cycle parking was being sought to ensure the building would not be occupied until cycle parking had been provided.
- A condition was to be attached to both the listed building and full applications to ensure that crime prevention measures would be achieved. This would include CCTV on the walkway and improvements to glazing and locking mechanisms.
- Additional conditions were being sought with regard to plant and machinery noise. Details of all machinery to be installed or located in the premises were to be submitted to planning for approval. Any noise mitigation measures should be fully implemented before first use commenced.
- Wording was to be added to condition 8 in the report of the full application stating 'The details submitted shall ensure a minimum of 2.4 metres is achieved between the

ground floor level and the underside of the platform to the staircase'.

After some discussion Members felt that because of the length of the officer update, and the amount of additional information to be considered, the application should be deferred to allow the information to be addressed by the applicant and incorporated into the published report.

Resolved: That the application be deferred.

Reason: To allow the applicants to address issues in the Officers update.

**18b) Rowntree Wharf, Navigation Road, York (15/01892/LBC)**

Members considered a listed building application by Bonner One Ltd for internal alterations associated with partial conversion of ground and first floor offices to 34 apartments.

Updates and discussion for this item were as minute item 18a (Rowntree Wharf, Navigation Road, York, York (15/01891/FULM)).

Resolved: That the application be deferred with the application at minute 18a above.

Reason: To allow the applicants to address issues in the Officers update.

**18c) Groves Chapel, Union Terrace, York, YO31 7WS (16/01540/FULM)**

Members considered a full major application by Clarence Union Developments for a variation of condition 6 of permitted application (15/02833/FULM) to alter delivery times on Monday to Saturday from 07:00 to 18:00 to 07:00 to 19:30.

Representations in objection were received from:

Andrew Dickinson, who raised concerns about the detrimental impact the extended hours may have on local residents. He also stated that the road was unsuitable for HGV's.

Angus McArthur, who suggested that other stores, such as a Tesco Express in YO31, managed to operate with delivery hours shorter than the ones Sainsbury's were originally granted.

Rosie Dickinson who stated that the recommendation of the Highways Officer should be reconsidered in light of the criticism levelled at the application for another store on Hull Road.

Billie Dickinson, age 12, expressed her concern about the noise on the road from deliveries disturbing her while she was studying.

Michael Askew, who spoke on behalf of Hope Church to reiterate that the church was ready and willing to take over the chapel and restoration works should the applicant withdraw.

Alistair Rycroft, the vicar of St. Thomas' Church, spoke on behalf of both the church and his parishioners. He suggested that there was a 'groundswell' of disapproval within the local community. He reminded members that the original application had been approved by a small margin, and that this was only due to the concession of restricted hours.

Councillor Mark Warters also spoke in objection. He suggested that the committee would lose credibility were they to go back on their original decision. He reminded Members of the importance of protecting the amenity of residents.

Representations were then heard in support of the application from the agent, Gavin Douglas. He discussed the perceived impact to residents and stated that the extended hours would not increase noise or the amount of deliveries taking place, it would just allow for a later delivery avoiding peak traffic. He also clarified that the developers were creating a public turning head which would mean that all vehicles using the street would benefit from not having to reverse out.

In response to Member questions he responded that:

- The background noise measurements taken were recorded by independent assessors at three points and at the location with the most noise there was little variation in levels between 1600 and 2000 hours.

- That the agent was contractually obliged to lodge an appeal should this application be refused, and this would include the extension of delivery hours until 2300.

During debate Members discussed the impact of noise and general disturbance on resident's amenity. Some Members felt that it was not up to the Council to ensure the viability of the business by extending delivery hours.

Resolved: That the application be refused.

Reason: The proposed variation of condition 6 to allow deliveries to be taken at or dispatched from the store up until 19:30 would if approved create unacceptable harm to the living conditions of the proposed and existing nearby residential properties by reason of noise and general disturbance at a time that many residents would normally be at home and expect to be free of such disturbance. As such the proposal conflicts with advice in the fourth bullet point of paragraph 17 and the first and second bullet points of paragraph 123 of the National Planning Policy Framework and with advice in policy GP1 (criterion i), and S10 (criterion iii) of the 2005 Development Control Local Plan.

**18d) 15 Heslington Lane, York, YO10 4HN (16/01047/FUL)**

Members considered a full application by Mr Andre Trepel for a conversion of an existing dwelling into 3no. flats with single storey side extension (part-retrospective) (resubmission).

Officers circulated a response from Fulford Parish Council in support of the revised application which was attached to the online agenda following the meeting.

Representations in support of the application were made by John Skelton, agent for the applicant. He explained that after extensive discussions with planning officers a revised application had been submitted and this was recommended for approval by both planning and conservation officers. He also confirmed that discussions had been underway with building control over the foundations and quality issues.

After discussion Members acknowledged that the previous deferral had allowed the applicant to make the necessary revisions.

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

Reason: The proposed flats would provide reasonable to good quality living accommodation and any increase in vehicle movement would not harm neighbour amenity or highway safety. The proposals would not harm the appearance of the conservation area. The application is in accordance with draft local plan policies H7, H8, and HE3 and the National Planning Policy Framework.

**18e) St Joseph's Convent of Poor Clare Collentines, Lawrence Street, York, YO10 3EB (16/01233/ADV)**

Members considered an advert application by Vita York 1 Limited for the display of 8no. signs on the convent walls and lodge building for a temporary period of three years.

Officers provided an update from Planning and Environmental Management who raised no objection to the revised proposals. Full details can be found in the Officer update which was attached to the online agenda after the meeting.

Councillor Mark Warters spoke as the Member who called in the item, originally as an enforcement case, due to some of the signs already being displayed without prior permission. He proposed that there was no public benefit from the signs and that they were merely advertising, which was unacceptable on a listed building.

Rebecca Housam made representations on behalf of the agent. She stated that the majority of the signs were informative, relating to the development and health and safety. She also explained that care had been taken to ensure that the size of the signs and material used would ensure they were in keeping with and sympathetic to the building.

During debate some Members suggested that as the target market for this development was young people who lived

outside of York, and potentially the UK, that this was not the most effective way to advertise. Others highlighted that permission for the development had been granted based on a need for student housing and therefore the viability of the project should not rest on such adverts. It was agreed that as the majority of the signs were for marketing rather than safety purposes, and that this was not the most effective way to market the development, that the harm to the listed building was not outweighed by public benefit.

Resolved: That the application be refused.

Reason: The precinct walls which enclose the convent complex are listed at grade 2 and are of high historic importance as they illustrate the historic seclusion demanded by the original function of the site. It is considered that the number of proposed signs, their size and location would harm the appearance of the wall which is characterized by its simple uncluttered and extensive stretch of brickwork. Whilst the harm is considered to be less than substantial there are insufficient public benefits to outweigh the harm to this designated heritage asset. The harm is contrary to paragraph 132 and 134 of the National Planning Policy Framework. The advertisements would have a negative impact on the appearance of the built environment contrary to paragraph 67 of the National Planning Policy Framework.

**18f) St Joseph's Convent of Poor Clare Collentines, Lawrence Street, York, YO10 3EB (16/01234/LBC)**

Members considered a listed building consent application by Vita York 1 Limited for the display of 8no. signs on the convent walls and lodge building for a temporary period of three years.

Updates and discussion for this item were as minute item 18e (St Joseph's Convent of Poor Clare Collentine's. Lawrence Street, York, YO10 3EB (16/01233/ADV))

Resolved: That the application be refused.

Reason: The precinct walls which enclose the convent complex are listed at grade 2 and are of high historic



importance as they illustrate the historic seclusion demanded by the original function of the site. It is considered that the number of proposed signs, their size and location would harm the appearance of the wall which is characterized by its simple uncluttered and extensive stretch of brickwork. Whilst the harm is considered to be less than substantial there are insufficient public benefits to outweigh the harm to this designated heritage asset. The harm is contrary to paragraph 132 and 134 of the National Planning Policy Framework. The advertisements would have a negative impact on the appearance of the built environment contrary to paragraph 67 of the National Planning Policy Framework.

**18g) Proposed Telecommunication Mast at Grid Reference  
463372 451307, Hull Road, Osbaldwick, York  
(16/01845/TCMAS)**

Members considered a telecommunication mast notice application by Cornerstone Telecommunications Infrastructure Ltd for the installation of a 12.5m monopole with 3no. antennas, 1no transmission dish, 2no. equipment cabinets and a 1no. meter cabinet.

Officers provided an update from Traffic and Highway Development stating they had no objections as the cabinets, pole and railings would not impact on highway users. The full update has been published with the online agenda following the meeting.

One letter of objection had been received from neighbours on the following grounds:

- Would attract schoolchildren
- Mobile masts can be harmful
- A more appropriate site could be found

In response to Members questions Officers confirmed that alternative sites considered by the applicant would not provide the necessary coverage.

Representations in objection were made by Councillor Mark Warters. He called for a deferral of the application until a consultation had taken place, as this was a major approach

road into the city and not a suitable site. He suggested that the boxes would be vandalised and that there was no suitable parking for maintenance vehicles.

Officers clarified that if the committee failed to notify the applicant of whether approval was granted or refused within 56 days of submission, the development would obtain deemed planning permission. This would therefore rule out deferral.

During Member discussion it was pointed out that planning committees had refused very few of these applications over the years, and many of those had been granted at appeal. Members felt that people expected good telecommunication services at all times and therefore new masts were sometimes necessary.

Resolved: That the application be approved.

Reason: It is considered that the visual impact of the proposed mast is acceptable and would not have any detrimental impact upon the character of the area or highway safety.

**18h) Plot 7, Great North Way, Nether Poppleton, York  
(16/01297/FUL)**

Members considered a full application by Arnold Clark for the use of land for car parking and car storage linked to an adjacent vehicle dealership with associated hard surfacing.

Officers circulated an update which included details of a required method of works statement and updated and additional conditions. The full update has been attached to the online agenda following the meeting.

During discussion it was noted that it was unlikely the land would be used for other purposes whilst surrounded by car dealerships. However, as it was being used to store cars, rather than for development, this could easily be repurposed in the future.

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

1. Site Plan 2737/50B and landscape plan PL01D

and the following additional conditions:

HWAY 14 – Access be approved

HWAY 35 – Servicing within the site

Reason: The proposed site has been marketed and no proposals have come forward for a traditional employment use. The proposed car storage associated with the adjoining Arnold Clark dealership will result in some employment creation and brings an appropriate use to the site. There would be no harm to residential or visual amenity or highway safety. The application is in accordance with policies GP1 and E3 and the National Planning Policy Framework.

**18i) 26 New Walk Terrace York YO10 4BG (16/01676/FUL)**

Members considered a full application by Councillor Dave Taylor for a single storey rear extension.

In response to Members questions, Officers confirmed that no objections had been received and there were no updates. They also clarified that this application was only at committee due to the applicant's role as a City of York Councillor.

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

Reason: The proposed extension is not considered to harm the appearance of the dwelling and conservation area and will not harm the residential amenity of existing or future occupants of the dwelling or neighbouring residents. Special attention has been paid to the desirability of preserving or enhancing the character and appearance of the conservation area. As such the scheme complies with the NPPF, draft Local Plan policies GP1, H7 and HE3 and the House Extensions and Alterations SPD.

**18j) Land Adjacent to Telecommunications Mast, Poppleton Road, York (16/01331/ADV)**

Members considered an advert application by City of York Council for the display of a non illuminated sponsor sign.

Two speakers made representations in respect to this item, but asked for their comments to also be taken into consideration in respect of agenda items 4k-4p (minutes 18k to 18p refer).

Councillor Mark Warters spoke in objection to the proposed applications as he felt the signs were unjustified street clutter. He stated that the amount of income generated by these signs would negligible compared the cost of maintenance.

Lisa Nyhan, Corporate Transactional and Business Manager, spoke on behalf of the applicant. She clarified that Highways Officers were content that the signs would not be a distraction or pose a danger to drivers. She explained that the revenue created from advertising was used towards the cost of maintaining the city's roundabouts, which was welcome when budgets were stretched.

In response to Member questions Officers clarified that:

- There was no evidence that placing signs on roundabouts would encourage non-regulated 'copy-cat' advertising. There were already signs in several areas of York and Councillors agreed there had been no issues with the signs within these Wards.
- It would not be acceptable to refuse these applications on the grounds that other signs may appear. This was an enforcement issue which would be dealt with if it occurred.
- Mr Alan Barton listed as the applicant was an employee of CYC and his name appeared in error, the applicant was the City of York Council.

During debate Members who had attended the site visit suggested that this was an inappropriate area due to the telecommunications mast which was in close proximity.

Resolved: That the application be refused.

Reason: The display of the proposed sponsor sign when viewed alongside other street furniture and

telecommunications equipment would result in a cluttered appearance on this important entrance road into York which would be harmful to visual amenity. This would be contrary to paragraph 67 of the National Planning Policy Framework.

**18k) Part Highway Verge Fronting Holgate Park, Poppleton Road, York (16/01601/ADV)**

Members considered an advert application by City of York Council for the display of a non illuminated sponsor sign.

Speakers for this item were as per minute 18j (Land Adjacent to Telecommunications Mast, Poppleton Road, York(16/01331/ADV)).

During debate Members who had attended the site visit suggested that this was an inappropriate area due to the proposed placement area being on a very narrow grass verge in a residential area.

Resolved: That the application be refused.

Reason: The proposed location is a narrow highway verge in a residential area and adjacent to an area of open space the display of a sponsor sign would be out of character with its setting and would harm visual amenity on an important route into York. This would be contrary to paragraph 67 of the National Planning Policy Framework.

**18l) Roundabout at Junction of Kingsway North and Burton Green, York (16/01600/ADV)**

Members considered an advert application by City of York Council for the display of non illuminated sponsor signs.

Speakers for this item were as per minute 18j (Land Adjacent to Telecommunications Mast, Poppleton Road, York (16/01331/ADV)).

During debate Members suggested that many Local Authorities used roundabouts and verges for the placement of signs and

this would not be an issue if each site was considered on a case by case basis. It was also highlighted that there was a need to provide viable alternative advertising space in light of the 'A' board trial ban.

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

Reason: The proposed display of advertisements is acceptable in terms of the impact on visual amenity and highway safety.

**18m) Highway Verge Fronting Sovereign Park Development, Boroughbridge Road, York (16/01602/ADV)**

Members considered an advert application by City of York Council for the display of non illuminated sponsor signs.

Resolved: Withdrawn by applicant.

Reason: No decision is required as the application has been withdrawn by the applicant.

**18n) Highway Verges at Askham Bar Park and Ride Entrance, Tadcaster Road, Dringhouses, York (16/01603/ADV)**

Members considered an advert application by City of York Council for the display of non illuminated sponsor signs.

Speakers for this item were as per minute 18j (Land Adjacent to Telecommunications Mast, Poppleton Road, York (16/01331/ADV)).

During debate Members suggested that many Local Authorities used roundabouts and verges for the placement of signs and this would not be an issue if each site was considered on a case by case basis. It was also highlighted that there was a need to provide viable alternative advertising space in light of the 'A' board trial ban.

Members asked that an informative be added to this application to ensure that landscaping for the Park and Ride site be completed prior to the erection of the sign.

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

2. The sponsor signs shall not be displayed until the landscaping scheme for the highway verges approved under condition 6 of planning permission 09/01313/FULM (Construction of park and ride facility) has been implemented in accordance with the terms of the condition.

Reason: In the interests of visual amenity.

Reason: The proposed display of advertisements is acceptable in terms of the impact on visual amenity and highway safety.

**18o) Highway Central Reservation Fronting Grimston Bar Park and Ride, Hull Road, Dunnington, York (16/01604/ADV)**

Members considered an advert application by City of York Council for the display of non illuminated sponsor signs.

Speakers for this item were as per Item 18j (Land Adjacent to Telecommunications Mast, Poppleton Road, York (16/01331/ADV)).

During debate Members suggested that many Local Authorities used roundabouts and verges for the placement of signs and this would not be an issue if each site was considered on a case by case basis. It was also highlighted that there was a need to provide viable alternative advertising space in light of the 'A' board trial ban.

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

Reason: The proposed display of advertisements is acceptable in terms of the impact on visual amenity and highway safety.

**18p) Vangarde Way Junction, Jockey Lane, Huntington, York  
(16/01605/ADV)**

Members considered an advert application by City of York Council for the display of non illuminated sponsor signs.

Speakers for this item were as per minute 18j (Land Adjacent to Telecommunications Mast, Poppleton Road, York (16/01331/ADV)).

During debate Members suggested that many Local Authorities used roundabouts and verges for the placement of signs and this would not be an issue if each site was considered on a case by case basis. It was also highlighted that there was a need to provide viable alternative advertising space in light of the 'A' board trial ban.

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

Reason: The proposed display of advertisements is acceptable in terms of the impact on visual amenity and highway safety.

Councillor Shepherd, Chair  
[The meeting started at 4.30 pm and finished at 7.30 pm].



**COMMITTEE REPORT**

**Date:** 6 October 2016      **Ward:** Guildhall  
**Team:** Major and      **Parish:** Guildhall Planning Panel  
Commercial Team

**Reference:** 15/01891/FULM  
**Application at:** Rowntree Wharf Navigation Road York  
**For:** Partial conversion of ground and first floor offices into 34 residential apartments with associated works to upgrade bin storage, cycle parking and provide external flood and fire escape stairs  
**By:** Bonner One Ltd  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 11 July 2016  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This is a full application for the conversion of part of the ground and first floor of an existing former mill building into residential flats at Rowntree Wharf, York. Members may recall that this application was deferred from planning committee on the 4th August 2016. This was to allow re-consultation on additional information received about cycle and bin storage and the design and siting of steps to provide evacuation from the building in the event of a flood. The application was further deferred from committee on the September 2016 so that the comments received as a result of further consultation could be incorporated in to the application report.

1.2 The site is within the Central Historic Core Conservation Area, Rowntree Wharf is a Grade II listed building and due to its height and enclosure by water features (Wormalds Cut and the River Foss) on three sides, is a landmark building in this part of the city. It was constructed as a roller flour mill by W G Penty for Sidney Leatham in 1896 and converted (upper floors) to flats in 1990. The building is attached via a mezzanine level access at first floor to a relatively new multi storey car park building providing car parking for the existing office and residential use. A separate application for listed building consent has been submitted in respect of the proposed alterations to the building (15/01892/LBC).

1.3 The proposal includes the remodelling of the internal space of the ground and first floor, external alterations to create additional cycle parking, bin storage and landscaping and the introduction of stepped emergency flood and fire exit from the site via the two storey adjacent car park. Amendments submitted since last committee show head room below the staircase platform to be 2.3 metre; this slightly amends the position of the plat form in relation to the existing opening. In addition amended

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drawings indicate measures to be incorporated in to the design to address crime prevention issues. Vehicular access is from the existing access from Navigation Road. 27 of the existing car parking spaces in the adjacent multi storey car park are provided for the development.

1.4 The total number of residential units is 34 of which 21 are studio flats, 7 are 1 bedrooomed, 5 are two bedrooomed and 1 is three bedrooomed.

## PLANNING HISTORY

1.5 05/02251/FUL and 05/02258/LBC - planning application and listed building consent for the conversion of fifth floor offices to eight apartments with the provision of additional car parking - granted permission January 2006.

1.6 There have been a number of applications and listed building consents for works to individual flats within the Rowntree Wharf development. These applications are not considered significant to the consideration of the current application.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest: City Centre Area 0006

Conservation Area: Central Historic Core CONF

Floodzone 2

Floodzone 3

Listed Buildings: Grade 2; Rowntree Wharf Navigation Road York YO1 2XA 0892

2.2 Policies:

CYE3B Existing and Proposed Employment Sites

CYHE2 Development in historic locations

CYHE3 Conservation Areas

CYHE4 Listed Buildings

CYGP1 Design

## 3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 Have confirmed that there are no objections to the positioning of the emergency steps on to the bridge across the Foss. Highway Network Management is satisfied

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with the car and cycle parking provision. Measures are sought to incentivise sustainable travel either by providing for new residents a bike and free bus passes for six months or a contribution towards city car club for each occupier.

### Environment and Development Management - Forward Planning

3.3 Advice of the Economic Development Officer should be sought on the loss of the office space. If concerns are raised by Economic Development then policy would raise an objection to the loss of this employment site. If the loss of employment use is acceptable residential use is supported provided the development detail within the conservation area and to the listed building is acceptable.

### Economic Development Officer

3.4 There are a number of businesses looking for high quality accommodation in centre of York. Ideally the space should be retained in office use. The site has been marketed and a few businesses have been shown around the site but without further interest given the current quality of the accommodation. The application for use as residential is supported although the space will continue to be marketed for business use.

### Design Conservation and Sustainable Development - Conservation Architect

3.5 No objections to the removal of the staircase in the south east corner it is a modern insertion. The large open floor spaces, and the construction of the floors, including the cast iron columns, are tangible evidence of the past use of the building and contribute to its significance. The revised plans expose one or two more of the columns on each floor to view in the corridor, but this is not enough to give the impression of a continuous run of columns. The passage should be made straight. As indicated in the heritage statement, the suspended ceilings need to be higher so that the tops of the columns can be seen particularly in the more public areas. Any need to alter windows to achieve privacy should be via blinds not by changes to the windows.

### Flood Risk Management

3.6 No objections

### Emergency Planning (Floods)

3.7 Initially raised concerns about the development because the scheme would introduce further residential units from which the occupants would need to be rescued in the event of flood. Following the introduction of the emergency steps on to Hungate bridge and discussions with the Flood Risk Management team emergency planning are now satisfied with the scheme.

Neighbourhood Enforcement Officer

3.8 Concerned that adequate facilities have not been provided for the disposal of waste including recycling facilities.

Waste Management Officer

3.9 Account has not been taken of the bins for the commercial property as Waste Management only deals with household waste. Using the correct bin capacities (the bin sizes should be 240, 360, 660 and 1100 litres) the developer has enough residual waste capacity with a weekly refuse collection. Frequency of collection will not be increased higher than weekly but what is proposed is adequate. If more collections are required the developer will have to employ a private contractor or our Commercial Waste Services.

3.10 The capacity for recycling however is well under what is required. It is recommended that room is found for another 9 x 1100 bins for recycling. If additional collections are required for recycling, the developer will have to employ a private contractor or the Council's Commercial Waste Services.

3.11 In Waste Management's experience it is found that when recycling bins are in separate bin stores to the general waste bins then less recycling is done as people have to make a special effort to go to the recycling store. If possible the developer would find it beneficial to split the general and recycling bins between the stores so that residents can recycle at the same time as they put out their general waste.

EXTERNAL

Environment Agency (EA)

3.12 No objections to the application. The floor level of the building will be above the flood level. No. As the EA are not involved with emergency procedures during a flood no comments are made about the emergency access/egress arrangements.

Foss Internal Drainage Board

3.13 Defer to the opinion of the Flood Risk Management Team.

Crime Prevention Officer

3.14 Comments are intended to assess the development in terms of its likely effect on crime and disorder and identify design solutions that will help to reduce vulnerability to crime.

3.15 The Crime Prevention Officers initial comments say that the scheme does not show how crime prevention have been considered and incorporated into the scheme. This information should be requested. The most obvious feature of the scheme that could pose a potential crime risk is the riverside cantilever walkway at first floor level. The walk way is a public right of way and will run directly along side windows/doors of flats 20 to 33. Glazing would be extremely vulnerable. The windows are currently fitted with ordinary 4mm glass. In order to prevent a smash and grab attack from the walkway it is recommended that glazing along the walkway windows is replaced with laminate glass or alternatively fitted with internal secondary glazing. The current unoccupied offices have suffered break-ins hence the introduction of security shutters.

3.16 The cantilever walkway at ground floor level does not pose the same risk as there is no public access and security measures are in place.

3.17 The First floor cantilever walkway is currently poorly lit and existing lighting should be upgraded whilst also ensuring that the amenity of future residents is not affected by creating light pollution.

3.18 The current security lighting on the walkway is not operating a fit for purpose CCTV system should be installed. Domed security lighting should be fitted to specifically cover the walkway. The doorways at first floor level facing the walkway could create a potential hazard.

3.19 Access to the bike store should be controlled by fob or swipe card entrance and the door should be self closing.

3.20 The cycle parking in the car park should be enclosed in a totally secure structure. Theft in the car park has been carried out by squeezing through the gap at the bottom of the ground floor grilles and brickwork. Any locking mechanism to the removable grille must not be able to be manipulated by persons standing on the escape platform.

3.21 Car parking for the flats should be specifically and clearly allocated as there are only 27 spaces for the 34 flats.

3.22 Delivery of mail should not be to individual flats but should be a central collection.

3.23 A management plan should be put in place to ensure maintenance and order is maintained once the building is occupied.

3.24 Following the receipt of information to address the above concerns the Crime Prevention Officer is satisfied that the applicant has identified solutions to reduce the vulnerability of the site to crime and disorder.

Publicity and Neighbour Notification

3.25 Five letters of objection have been received covering the following points:-

- Statements that there is no interest in the office space are merely anecdotal and do not have credibility if there has not been a recent attempt to market the office space which can be clearly evidenced with documentation. Ms Pawson at CYC appears to accept the anecdotal evidence provided by the applicant at face value which is incompatible with a rigorous approach. Without an evidence base it is difficult to see how CYCs obligations are discharged or how a change of use can be authorised. Therefore, at present, there does not appear to be any credible evidential support for change of use.
- I would like to see documentary evidence and more specific details about the proposed use of the affordable housing element and details of the type of end user. I would also like to see the agreement about this between the applicant and CYC to aid transparency as well as any other documentary evidence about this aspect of the application.
- Concerns about the poor condition of the windows do not appear to have been addressed by the applicant. The applicant has stated 'Independent Building control & SAP assessors have confirmed no requirement to upgrade the existing windows'. Where is the accompanying documentary evidence to support these statements about the windows? On what basis have the windows been assessed? Double glazing was installed on the fifth floor when these properties were converted in 2007 windows have deteriorated further since then.
- There is a shortfall of car parking spaces for the number of flats.
- Concerns that fire exits will be lost and provision will not be adequate.
- Concerns about the amenity of flats particularly those adjacent to the public right of way. The footfall study carried out by the applicant is not independent or objective a considerable amount of noise is caused by members of the public along the right of way.
- Objectors would like to see some restrictions placed on this building work to protect the amenity of the existing residents.
- Objector sees nothing in the documents which is consistent with the above provisions. Can CYC and the applicant provide written assurances that legal advice has been received on this matter and that relevant risk assessments have been carried out in relation to the existing Rowntree Wharf resident's wellbeing and measures implemented to ensure that this proposed work does not breach Article 8 of the HRA 1998? Without such assurances and relevant risk assessments any decision made by the planning committee in relation to this application will be subject to challenge under the provisions of Article 8.

- Concerned about the proposed flood escape route there is no evidence to support the view that the statement that the exit will be sufficient to protect residents in the event of a flood. Legal documentation has not been provided to ensure that the steps can exit on to Hungate Bridge. Detailed plans and drawings have not been submitted. Means of escape does not appear safe. It is a security risk to the car park. There is no provision for residents once they have exited the building.
- The applicant knows the windows are of inferior quality.
- There is nothing from Building control confirming they are happy with the fire exits.
- What are the janitor areas to be used for?
- No mention of additional drying areas.
- Existing service store is already used to full capacity and can not take bike storage. Concerned that a weekly bin storage collection will not be possible and proposals for bin storage. No bin rooms proposed on each floor.
- Objector points to a number of inaccuracies in the submitted information.
- There has been no community engagement on the application.
- The proposed scheme which has a high number of bedsits which throws the scheme out of balance with the current occupation of the site out of the existing 68 flats only 3 are bedsits.
- Numbering of the flats replicates the number of existing units and suggests little thought has been put into the scheme.
- Development affecting the common parts of the building will need to be agreed with existing flats as these are form part of their leaseholds.
- No mention of energy conservation in the scheme.
- Some of the units face directly on to the right of way and some have doors opening out on to it. Concerned about practicality and security of this and the residential amenity of future occupiers.
- Ground floor units have very restricted light because of walk way above.

## **4.0 APPRAISAL**

4.1 The key issues to be considered as part of this application are:

- Principle of development;
- Employment use;
- Impact on heritage assets;
- Access and highway issues;
- Residential amenity;
- Affordable Housing;
- Flood risk.
- Crime Prevention

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## PLANNING POLICY

4.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no development plan for York other than the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS") saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. These policies relate to Green Belt and are not relevant to this application.

4.2 Central Government policy advice is contained in the National Planning Policy Framework (NPPF, March 2012). Paragraph 7 of the National Planning Policy Framework says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Although Paragraph 14 sets out a presumption in favour of sustainable development Footnote 9 of paragraph 14 contains restrictions wherein the presumption in favour of sustainable development does not apply. Footnote 9 includes designated heritage assets. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as supporting the delivery of homes, seeking high quality design and a good standard of amenity for all existing and future occupants, taking full account of flood risk, encouraging the effective use of land, and conserving heritage assets in a manner appropriate to their significance.

4.3 Section 1 of the NPPF says the Government is committed to securing economic growth in order to create jobs and prosperity. It says to help economic growth, local planning authorities should plan proactively to meet the development needs of business. However paragraph 22 says that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Other uses should be treated on their own merits.

4.4 Section 6 of the NPPF 'Delivering a wide choice of high quality homes' seeks to boost the supply of housing. Paragraph 49 states that housing applications should be considered in the context of presumption in favour of sustainable development.

4.5 Section 7 of the NPPF requires good design. At paragraph 56, it says that good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people.

4.6 Section 10 of the NPPF requires local planning authorities, when determining planning applications, to ensure flood risk is not increased elsewhere as a result of the development.



4.7 Section 12 of the NPPF requires local planning authorities to take account in determining planning applications of the desirability of sustaining and enhancing the significance of heritage assets and put them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness. It advises consent to be refused where there is substantial harm to a heritage assets significance unless it can be demonstrated that this is necessary to achieve substantial public benefits or where there is less than substantial harm, this be weighed against the public benefits of the proposal.

4.8 Significance of heritage assets is defined in Annex 2 of the NPPF as the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

4.9 The National Planning Policy Guidance (NPPG) provides advice about what is meant by significance in decision taking in the historic environment. In particular the NPPG says that 'Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals'.

#### Development Control Local Plan (DCLP)

4.10 The policies in the Development Control Local Plan (DCLP) adopted for development management purposes in 2005 can, in accordance with advice in paragraph 216 of the NPPF, have weight attached to them where the policies are consistent with the NPPF. The DCLP sets out a number of policies which are considered relevant. Policies support the retention of employment uses through policy E3b, GP1 seeks to respect or enhance the local environment, Policies HE2, HE3 and HE4 are relevant to the sites historic location.

4.11 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, was halted pending further analysis of housing projections. Since then officers have initiated a work programme culminating in a "Local Plan - Preferred Sites 2016" document and other supporting technical documents. Members have approved these documents for consultation which took place between 18th July 2016 and the 12th September 2016. The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight is limited. Policies in the

emerging plan support the development of sustainable city centre sites. Policy EC3 seeks to protect employment sites. Policy D4 and D5 seek evidence based approach to development affecting conservation areas and listed buildings. In conservation areas changes of use will be supported when it has been demonstrated that the primary uses can no longer be sustained, where the proposed new use would not significantly harm the special qualities and significance of the place and where proposed changes of use will enhance the significance. Demolition of buildings which make a positive contribution to a conservation area will be resisted. Development affecting the setting of a listed building will be supported where they protect its setting; alterations and extensions will generally be supported when they do not harm the special architectural or historic interest of the building or its setting. Demolition of a listed building should be wholly exceptional, requiring the strongest justification.

4.12 The site is located within York's Central Historic Core Conservation Area (CHCCA). The CHCCA is described within a number of conservation area character appraisal documents. Rowntree Wharf is within character area 15, Fossgate and Walmgate. It says that 'One of the most prominent landmarks in the area, Rowntree Wharf, can be seen from many points. The best view is that from the walkway on the northern side of the Foss, just outside the Conservation Area boundary.'

4.13 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the NPPF. It is against this Framework that the application proposal should principally be addressed.

## PRINCIPLE OF THE DEVELOPMENT

4.14 Rowntree Wharf is sustainably located close to the city centre. The principle of providing new housing in this location is considered to be acceptable and to accord with NPPF policy which seeks to boost significantly the supply of housing.

### Employment Land

4.15 The last use of the building was for offices. The offices have recently been vacated and the area where the new residential apartments are proposed is currently not occupied. There is however an area to the ground and first floor on the west side of the building that is retained in office use. The NPPF says that employment uses should be proactively supported but indicates that allocated employment sites should not be protected where there is no reasonable prospect of a site being used for that purpose in the long term, applications for alternative uses of land and buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

4.16 The DCLP through policy E3b (Existing and Proposed Employment Sites) seeks to resist the loss of existing employment sites and retain them within their current use

class. In order to determine if there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in quantitative and qualitative terms, evidence that the site has been marketed (for at least 6 months) should be sought. Similarly the emerging local plan Policy EC3 (Loss of Employment Land) continues the approach to existing employment land set out under E3b in the Draft Local Plan. The DJD Economic Baseline Report which formed part of a suite of documents known as the Economic and Retail Growth and Visioning Study (2014) says that York's ability to attract and retain investment into the city and support business expansion is in part dependent on ensuring the availability and suitability of employment land. The design and access statement says that the office space was last occupied in 2009/2010 on the ground floor and in 2011 on the first floor. The statement also highlights that the Rowntree Trust has previously marketed the building and there was very little interest in the current use, although there was an interested party in 2013, this was never pursued and heads of terms were never agreed. Other than this no further interest was registered. Economic Development comments that there are a number of businesses seeking good quality business accommodation in the centre of York, and as such believe there would be demand such premises in the Rowntree Wharf location. Equally appealing is the idea of modern office space in an iconic historic building. From an economic perspective, ideally the desire would be that the building continue to be marketed and upgraded accordingly - working with agents and Make it York to identify potential business end users. However, given the site has been actively marketed, and in the knowledge that Make it York have shown a few businesses around the premises, but without further interest; given the current quality of the accommodation, it would be difficult to refuse planning permission for change of use. Economic Development's conclusion is that the cost to upgrade is prohibitive for the developer, particularly given the nature of the historic former flour mill. Also the site's location is on the edge of the city centre and there are other lower grade commercial sites within the city centre and closer to York railway station - it is hard to argue against the demand for other uses.

4.17 In light of the comments of Economic Development the loss of the employment use of the site is accepted to comply with local and national policy. The principle of the buildings residential conversion is supported.

### Heritage Assets

4.18 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('1990 Act') imposes a statutory duty on local planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interests which it possesses. Section 72(1) of the 1990 Act imposes a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when determining

planning applications. The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. The presumption in favour of sustainable development set out at paragraph 14 of the NPPF does not apply in these circumstances.

4.19 The legislative requirements of Sections 66 and 72 are in addition to government policy contained in Section 12 of the NPPF. The NPPF classes listed buildings, conservation areas and scheduled monuments as 'designated heritage assets'. Section 12 advises that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraph 131, in particular, states that local planning authorities should take account of the desirability of sustaining and enhancing an asset's significance, the positive contribution it can make to sustainable communities and the positive contribution new development can make to local character and distinctiveness. Paragraph 132 establishes the great weight that should be given to a designated heritage asset's conservation with a clear and convincing justification being provided to justify any harm or loss. Paragraph 134 says that where development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing optimum viable use.

4.20 The lower floors have most recently been in use as offices, and retain large open spaces punctuated by cast iron columns, and staircases between the floors. There has been subdivision by partitions and insertion of suspended ceilings in connection with office use. The machinery has gone, but the open spaces, cast iron columns and layout of the building are a tangible link to its use and the technology use in the construction of the building. The significance of the listed building is as a roller mill of late 19th century date, constructed to the design of a prominent local architect, within historic core of the City of York.

4.21 The major part of the alterations to the original mill building are internal. The first floor level has already been formed into smaller compartments and the original open plan layout is not in evidence, columns have been built around and the ceiling has been lowered covering their top section. The new layout would form different compartments and the final amendment to the layout shows straight corridors (originally proposed to be curved) so that evidence of the form of the columns within the building are retained. Ground floor level has existing compartments set along the outer edge of the floor area however the central area of the floor plate remains open and two lines of columns remain exposed. The proposed layout at ground floor level would lose the sense of spaciousness by creating compartments for each apartment arranged around the window openings, however, like the upper floor, amendments to

the scheme have sought to modify the corridors to show a continuous run of columns and the upper section of the columns will be revealed. Externally the scheme proposes only minor alterations to the external elevations of the building; these are restricted to those alterations necessary to provide increased security to the building; there are not proposed to be any alterations to the windows other than the placing of film on the internal glazing for security purposes. The applicant has confirmed that the windows will not be replaced or double glazed. The floors have already been raised to accommodate services for the previous office use and the ceilings have been lowered.

4.22 The site is within the Central Historic Core Conservation Area. The proposed retractable flood escape stair case is to be attached to the modern car park building. As the car park is attached to the listed structure it is considered to form part of the listed structure and has listed status. However in Officers opinion the location of the staircase will not detract from the significant features of the building and no harm can be attributed to the listed building as a result of its siting or design. Although the staircase will be visible in the conservation area officers consider that it will not detract from its character or appearance.

4.23 The site lies within the Central Area of Archaeological Importance there are no below ground works that would affect archaeology.

4.24 It is considered that the harm to the heritage asset would be less than substantial and in officer view there are a number of public benefits that outweigh this identified harm. The NPPG advises that public benefit could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7). The proposed development will provide housing in a sustainable city centre location, bring the floors of the building into use, introduce a use that is compatible with the residential use within the upper floors of the building and ensure the building's future maintenance. Officers consider that these benefits are sufficient to outweigh the less than substantial harm to the building that has been identified even when attaching additional weight to the requirements of the Planning Acts. The proposal, therefore, complies with national and local planning policies in respect of the historic environment.

#### Highways, Access and parking Arrangements

4.25 The site is accessed via Navigation Road. Car parking for the existing development and office use is provided on the entrance to the site at surface level and in a multi storey car park which was constructed as part of the original building conversion. The proposals provide for 27 parking places in the multi storey car park to serve the 34 units. This is within car parking standards for a city centre location and is considered to be acceptable.

4.26 There is an existing cycle storage area which serves the existing flats located as part of the car park area. This building does not have sufficient capacity to provide cycle parking for the new units. The proposal is to convert an existing detached brick built which is the current bin store for landfill waste. This building would provide 16 cycle spaces a further area adjacent to the main entrance within the new car park area will provide 8 cycle spaces and a further ten spaces are to be provided on level one of the car park. The car park cycle store will be within a secure cage.

4.27 Highway Network Management does not object to the proposals. However measures are sought to incentivise sustainable travel. Such incentives would need to be sought as part of a planning obligation. The NPPF advises that obligations should only be sought where they meet tests of necessity (to make the development acceptable in planning terms), directly related to the development and fairly and reasonably related in scale and kind to the development. Officers consider that in this highly accessible location where the provision of car parking for units is high ( relative to the Guildhall ward average car ownership), on street parking is restricted and cycle parking is provided for each unit, requirements for additional sustainability measures would not meet the tests set out in the NPPF.

### Residential Amenity

4.28 Section 7 of the NPPF 'requiring good design' says 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 (paragraph 56). Proposals should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (Para 64). Paragraph 58 says planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. The core principles within paragraph 17 of the NPPF supports the requirements of section 7 when it says that underpinning decision-taking planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives and should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.29 The scheme is for 34 additional units in a building that already has 68 residential units and some office space. There is no more land available around the site and although there has been an office use within the floor space before there needs to be sufficient organisation of the existing available facilities in order to be able to accommodate the new residential units.

4.30 The applicant has provided additional clarification on the bin storage and collection arrangements, cycle parking and a plan has been submitted which shows

additional landscaping to the existing outside space adjacent to the south side of the building.

### Bin Storage and Collection

4.31 The existing bin storage area is located adjacent to the building on the south side. The proposals include the use of the existing landfill waste building for secure cycle parking. The bin store will be relocated to an area behind the new cycle store where an existing air conditioning unit is to be removed. New enclosure to the rear area is proposed. The site currently provides recycling facilities in a separate covered building additional capacity is proposed within this building. The applicant also proposes to increase collections for both recycling and refuse. These additional collections will be undertaken by private contractor. Waste Management have commented on the scheme. In their opinion the site provides sufficient capacity for refuse waste but provides inadequate facilities for recycling based on a fortnightly collection. The shortfall is equivalent of around 6 x 1100 litres in their existing arrangements. The additional properties will add a further 3 x 1100 litres under capacity. Waste Management says that they will not collect recycling more than once a fortnight; it will be up to the applicant to provide additional private collection to cope with the under capacity of recycling space.

4.32 The applicant has indicated that collections will be increased a condition is proposed which seeks a scheme for the on site storage arrangement, disposal areas and collection schedule for refuse from the site. Officers are satisfied that sufficient information has been provided to allow a condition to be imposed requiring the details of additional waste disposal capacity to be agreed.

### Landscaping

4.33 There is a small paved area to the south side of the building adjacent to the River. This area is accessible to all the flats existing and proposed. The area is uninspiring and would benefit from upgrading. The applicant has provided a plan which shows a small amount of additional landscaping and the provision of seated areas around new tree planting. The scheme is limited; it works with the existing hardsurface materials and features rather than seeking a complete upgrade. However the additional planting will enhance the area somewhat and the seating has the potential to encourage further use by residents.

### Space Standards and Amenity of Future Occupiers

4.34 The scheme proposes 34 units in all, of which 21 are studios (bedsits). The smallest studio is 27 sqm. The subdivision of the building into units is largely determined by the placing of existing windows in the building's elevations. In 2015 the Government produced a document setting out minimum space standards. The

supporting statement issued at the same time as the standards says that decision takers should only require compliance with the new national technical standards where there is a relevant current Local Plan policy. The emerging local plans do not have an appropriate space standard to apply and officers consider that compliance with the technical guidance can not be required. Furthermore the document does not provide a space standard for studio flats; the minimum space standard is for a 1 bedroomed unit and is 37 square metres.

4.35 On a more general level the NPPF says that development should provide a good standard of amenity for all existing and future occupiers of land and buildings. Each of the smaller units has a small kitchen area, shower room, dining and sitting area. Ceiling heights are relatively high creating a greater sense of spaciousness and the entrance and surrounding of the buildings provides a pleasant living environment in a sustainable location with access to parking or cycle parking facilities and shared open space. Officers consider that overall the new units provide an acceptable standard of amenity for future occupiers of the site.

4.36 The units on the north side of the building at first floor level have windows that look out on to the public right of way which forms part of the path that links Foss Islands Road to the city centre. There are concerns that the proximity between the units and the walkway will result in the future occupiers of the flats being disturbed and overlooked by pedestrians. In most cases the units facing the walk way are studios so that only one window provides light to the whole unit. The applicant considers that the path does not generate a lot of pedestrian movements and the formation of a new path along the river frontage as part of the Hungate development is likely to divert pedestrians to the other side of the river. The objectors consider that the walk way can be a source of disturbance and can be noisy due to groups using the walkway particularly late at night. Officers understand objectors concerns, the windows are large and open directly on to the walkway however on balance do not consider that future residents will be so disturbed by pedestrian movements along the walkway that there is sufficient to refuse permission as pedestrian movements are limited during the day and at night blinds and shutters are likely to be closed. In its wider context the studio units are in a highly accessible location in a pleasant, increasingly residential, environment.

#### Affordable Housing

4.37 There is no requirement for affordable housing. A recent high court judgement had the effect of re-introduced government guidance that allows vacant floor space in existing buildings to be converted to residential development without the need to provide affordable housing.



## Open Space

4.38 No open space contribution is required as more than five contributions have been sought towards open space provision within the area. Restrictions on the pooling of s106 planning obligations under regulation 123 of the amended Community Infrastructure Regulations 2014 means that no more contributions may be collected in respect of a specific infrastructure project or a type of infrastructure through a s106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010.

## Flood Risk

4.39 Paragraph 104 of the NPPF says in relation to flood risk that applications for minor development and changes of use should not be subject to the Sequential or Exception Tests but should still meet the requirements for site-specific flood risk assessments. As this site is a change of use sequential and exceptions tests are not required. The NPPG advises that the objectives of a site-specific flood risk assessment are to establish:

- Whether a proposed development is likely to be affected by current or future flooding from any source;
- Whether it will increase flood risk elsewhere;
- Whether the measures proposed to deal with these effects and risks are appropriate.

4.40 Two further bullet points are referred to but these are only relevant where sequential and exception test are required.

4.41 A revised/updated Flood Risk Assessment has been submitted following the flood event in December/January. The applicant says that 'whilst flood water entered the lift pit, there was no sign in of entry in the building proper, a point supported/confirmed by the loss adjuster in their consideration of the claim. It must also be highlighted the proposed scheme raises the Ground floor by a further 250mm to provide an AOD of 10.610 - this is approx. 350mm higher than the highest recorded level during the recent floods (as measured by Richard Wells). Our client is actively pursuing the tanking of the lift pits to prevent flooding of this area occurring again, and in addition a significantly improved evacuation plan is proposed - providing safe passage from the building for all occupants to safe ground in the event of a flood'

4.42 The scheme also includes a set of retractable stairs on the east elevation of the car park building which can be lowered in the event of flood allowing all occupants of the building to escape across Hungate Bridge. Design details and a flood evacuation plan for the use of the stair case are sought by condition.

4.43 The Environment Agency is satisfied that with the measures indicated in the flood risk assessment will protect the properties in the event of flood and support the application subject to conditions. Flood Risk Management is also satisfied that the flood risk assessment and the proposed escape stairs are acceptable to manage flood risk for occupants of the site. The scheme is considered to meet the requirement of national and local policy relating to flood risk subject to appropriate conditions.

#### Crime Prevention

4.44 The Crime Prevention Officer has undertaken an analysis of incidents in a small area around the site. This shows that in the period 1st August 2015 to the 31st July 2016 there were 41 crimes and 47 anti social behaviour incidents. The NPPF in decision taking seeks safe and accessible environments. The policy guidance says that community safety should be central to the planning and delivery of new development; taking proportionate security measures should be a central consideration to the planning and delivery of new developments and substantive retrofits.

4.45 The Crime Prevention officer identified a number of areas of the development which pose a risk of crime. The most significant being the position of the public walk way attached to the side of the building and close to the windows of the first floor apartments. The applicant, in responding to the comments, has proposed a number of additions to the scheme. These include the provision of safety film to the windows along the walkway, improved lighting and CCTV, better security to cycle parking areas and appropriate mechanisms to secure vulnerable areas such as the entrance from the flood escape steps, mail delivery and entrance locking systems. To ensure such measures are fully designed into the scheme and to assess these measures in terms of the character of the listed building a condition is proposed to ensure details and a method statement of all crime prevention measures are submitted and agreed. Given the agreement to provide solutions to crime and disorder concerns and subject to conditions officers are satisfied that the scheme complies with the policies in the NPPF which seek safe and accessible environments.

#### Other Matters

4.46 The Human Rights Act 1998 incorporated provisions of the European Convention on Human Rights (ECHR) into UK law. The specific Articles of the ECHR relevant to planning include Article 8 (Right to respect for private and family life, home and correspondence) to which one of the objectors refers to in raising concerns about the development. The Local Planning Authority (LPA) is satisfied that its processes and practices are compatible with the ECHR. The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process for officers on behalf of the LPA to assess the effects that a proposal will have on individuals and weigh

these against the wider public interest in determining whether development should be allowed to proceed. In carrying out this balancing exercise for this application Officers are satisfied that it has acted proportionately.

## 5.0 CONCLUSION

5.1 Rowntree Wharf is sustainably located close to the city centre. The principle of providing new housing in this location is considered to be acceptable and to accord with NPPF policy which seeks to boost significantly the supply of housing. The loss of the employment use within part of the ground and first floor is considered to be acceptable.

5.2 The proposal would result in less than substantial harm to heritage assets that, when balanced against the public benefits of the proposal and considering the additional weight to be attached to such concerns through the requirements of the Planning (listed building and Conservation Area) Act 1990, is considered to be acceptable.

5.3 The parking, residential amenity and flood risk implications of the scheme are acceptable when considered in the context of NPPF policy and subject to appropriate conditions.

## 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:-

TCA-288-005 - Site location Plan; TCA-288-005 001 REV E GROUND FLOOR;  
TCA-288-005 002 REV E FIRST FLOOR PLAN; TCA-288-005 020 REV C  
PROPOSED SITE PLAN; TCA-288-005 21 REV C CAR PARKING PLAN;  
TCA-288-005 30 REV C EMERGENCY EVACUATION - proposed steps;  
TCA/288/005 -40 SECTIONS; RWY L1 Landscaping plan; PDP/5B80 - GA1B -  
Evacuation stair details; PDP/5B80 - GA2A- Evacuation stair details; PDP/5B80 -  
GA3A- Evacuation stair details.  
PDP/5B80 - GA4- Evacuation stair details

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

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

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be retained solely for such purposes.

Reason: In the interests of highway safety.

4 The development shall be carried out in accordance with the submitted flood risk assessment (Yew Tree Associates, revised 4th January 2016) and the following mitigation measures it details:

- i. Finished floor levels shall be set no lower than 10.61m above Ordnance Datum (AOD)
- ii. The mitigation measures detailed in section 7.1 of the FRA are incorporated into the development.

These measures shall be fully implemented prior to occupation, and according to the scheme's phasing arrangements (or with any other period, as agreed in writing, by the local planning authority).

Reasons: To reduce the risk of flooding to the proposed development and future occupants and to reduce the impact of flooding to the proposed development and future occupants

Reasons:

To reduce the risk of flooding to the proposed development and future occupants and to reduce the impact of flooding to the proposed development and future occupants

5 Large scale details of the following items shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works. The development shall be carried out in accordance with the approved details.

- i Full details at a scale of 1:20 and 1:50 of the junctions between the internal face of the external walls and the new stud work.
- ii Large scale details of the alterations to the suspended ceiling and the connection between the ceiling and the upper part of the columns.
- iii Large scale detail of alterations to the door openings on the first floor walkway to allow the doors to be fixed shut.

Reason: So that the Local Planning Authority may be satisfied with the details in the interests of preserving the special setting of the listed buildings and the character and appearance of the conservation area.

6 All construction and demolition works and ancillary operations, including

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deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 08:00 to 18:00

Saturday 09:00 to 13:00

Not at all on Sundays or Bank Holidays.

Reason: To protect the amenities of existing residents within the building.

7 No dwelling unit hereby approved shall be occupied until a scheme for the on site storage arrangement, disposal areas and collection schedule for refuse from the site has been submitted to and approved in writing by the local planning authority . The scheme shall also include details of how the ground and first floor janitor areas shall be laid out to provide housekeeping facilities for the use of the flats. The scheme shall be implemented in accordance with the approved details before any dwelling is occupied and shall continue to operate in accordance with the scheme for the life time of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the residential and visual amenity of the site and area to accord with paragraph 17 of the National Planning policy framework.

NB: In accordance with the information submitted with the application in order for the scheme to provide sufficient storage for refuse a weekly collection of waste is expected to form part of the scheme proposed

8 No development shall commence until there has been submit to and approved in writing a large scale detail of the proposed flood escape staircase on the east side of the multi storey car park building. The details submitted shall ensure a minimum of 2.3 metres is achieved between the ground floor level and the underside of the platform to the staircase and shall include a flood evacuation procedure for the use of the staircase in the event of a flood. The escape staircase shall be implemented in accordance with the approved details before any dwelling is occupied and shall continue to operate in accordance with the approved flood evacuation plan for the life time of the development unless otherwise agreed in writing with the Local Planning Authority.

Reasons: To reduce the risk of flooding to the proposed development and future occupants and to reduce the impact of flooding to the proposed development and future occupants. The information is being sought prior to commencement to ensure that an appropriately designed means of escape is provided to serve the proposed dwellings.

9 The Landscaping scheme shown on drawing no.RWYL1 shall be implemented within a period of six months of the completion of the development. Any trees or

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plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

10 Prior to any construction works commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

11 Notwithstanding the details shown on the approved plans prior to the commencement of the development, a statement of crime prevention measures to be incorporated in to the design of the scheme together with a detailed method statement for the implementation of the measures shall be submitted to and agreed in writing by the LPA. The scheme shall include (but is not restricted to):

- Details of lighting to the first floor public walkway
- A CCTV security camera system covering the walk way and other areas identified as vulnerable as part of the crime prevention statement.
- Measures to improve the glazing along the first floor walk way
- Details of enclosure and security of the cycle parking in the multi storey car park and the locking mechanism for doors within the cycle parking located in the existing lift shaft and bin store.
- Details of security measure to be placed on the opening to be created on to the platform of the escape stairs.

Thereafter the scheme shall be implemented to the satisfaction of the Local Planning Authority before any dwelling is occupied. Crime prevention measures shall accord with the advice set out in the National Planning Policy Framework and comply with the aims and objectives of 'secure by design'.

Reason: In the interests of the amenity of existing and future occupiers of Rowntree Wharf and to comply with the requirements of the National Planning Policy Framework and Planning Policy Guidance. The details are being sought prior to commencement to ensure that crime prevention measures can be appropriately included within the building schedule for the site.

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12 Details of all machinery, plant and equipment to be installed or re-located in the premises which is audible within the premises and outside of the site boundary, when in use, shall be submitted to the local planning authority for approval. These details shall include maximum (LA<sub>max</sub>(f)) and average (LA<sub>eq</sub>) sound levels (A weighted), octave band noise levels they produce and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first commences and shall be appropriately maintained thereafter.

Reason: To protect the amenity of occupants of the proposed flats and also occupants of nearby properties.

## **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:

- Considerable discussion about the scheme
- Amended and additional plans submitted and further information provided.
- Re-consultation undertaken.

2. Note the application details confirm that there will be no requirement for new ventilation or other services to be vented through new wall or roof interventions. Further listed building consent would be required for any such works. Windows are not to be altered. Further listed building consent would be required for works to the existing windows

### **Contact details:**

**Author:** Diane Cragg Development Management Officer (Mon-Thur)

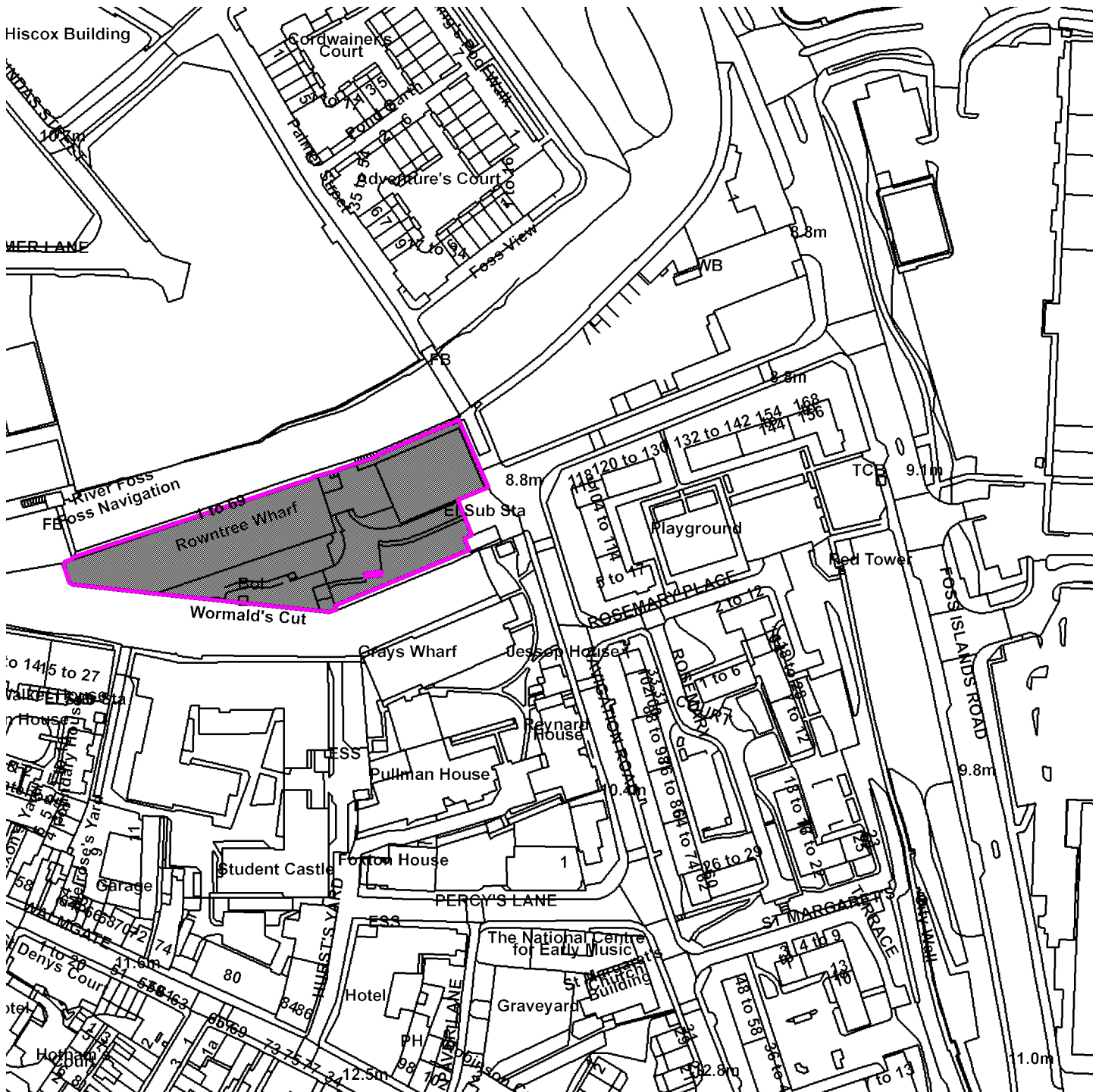
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Rowntree Wharf Navigation Road



Scale : 1:1983

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	27 September 2016
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 6 October 2016                      **Ward:** Guildhall  
**Team:** Major and                              **Parish:** Guildhall Planning Panel  
Commercial Team

**Reference:** 15/01892/LBC  
**Application at:** Rowntree Wharf Navigation Road York  
**For:** Internal alterations associated with partial conversion of  
ground and first floor offices to 34 no. apartments  
**By:** Bonner One Ltd  
**Application Type:** Listed Building Consent  
**Target Date:** 11 July 2016  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This is a listed building application for the conversion of part of the ground and first floor of an existing former mill building into residential flats at Rowntree Wharf, York. Members may recall that this application was deferred from planning committee on the 4th August 2016. This was to allow re-consultation on additional information received about cycle and bin storage and the design and siting of steps to provide evacuation from the building in the event of a flood. The application was further deferred from committee on the 8th September 2016 so that the comments received as a result of further consultation could be incorporated in to the application report.

1.2 The site is within the Central Historic Core Conservation Area, Rowntree Wharf is a Grade II listed building and due to its height and enclosure by water features (Wormalds Cut and the River Foss) on three sides, is a landmark building in this part of the city. Constructed as a roller flour mill by W G Penty for Sidney Leetham in 1896. Converted (upper floors) to flats, 1990). At the time of construction, the mill was at the forefront of technology. The building is attached via a mezzanine level access at first floor to a relatively new multi storey car park building providing car parking for the existing office and residential use. A separate application for planning permission has been submitted in respect of the use of the building and associated alterations to allow the residential conversion (15/01892/LBC).

1.3 The proposal includes the remodelling of the internal space of the ground and first floor, external alterations to create additional cycle parking, bin storage and landscaping and the introduction of stepped emergency flood and fire exit from the site via the two storey adjacent car park. Amendments submit since last committee show head room below the staircase platform to be 2.3 metre; this slightly amends the position of the plat form in relation to the existing opening. In addition amended drawings indicate measures to be incorporated in to the design to address crime prevention issues. Vehicular access is from the existing access from Navigation

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:

Road. 27 of the existing car parking spaces in the adjacent multi storey car park are provided for the development.

1.4 The total number of residential units is 34 of which 21 are studio flats, 7 are 1 bedroomed, 5 are two bedroomed and 1 is three bedroomed.

1.5 The alterations to the buildings and its setting necessary to allow the conversion include:

- Removal of internal partition walls and replacement with new partitions to create the individual residential units.
- Removal of a modern staircase within the north eastern corner of the building.
- Alteration to the existing suspended ceiling.
- alterations to the bin storage arrangements
- Additional cycle parking facilities
- External flood evacuation steps to the multi storey car park
- Crime prevention measures including upgraded lighting and CCTV

1.5 Servicing will be via the existing service channels used for the area of the building already converted to residential development. No alterations are proposed to the existing door and window openings.

## PLANNING HISTORY

1.6 05/02251/FUL and 05/02258/LBC - planning application and listed building consent for the conversion of fifth floor offices to eight apartments with the provision of additional car parking - granted permission January 2006.

1.7 There have been a number of applications and listed building consents for works to individual flats within the Rowntree Wharf development. These applications are not considered significant to the consideration of the current application.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest: City Centre Area 0006

Conservation Area: Central Historic Core

Listed Buildings: Grade 2; Rowntree Wharf Navigation Road York YO1 2XA 0892

2.2 Policies:

CYHE2

Development in historic locations

CYHE4  
Listed Buildings

### **3.0 CONSULTATIONS**

#### INTERNAL

##### Design Conservation and Sustainable Development - Conservation Architect

3.1 No objections to the removal of the staircase in the south east corner it is a modern insertion. The revised heritage statement brings nothing new. The large open floor spaces, and the construction of the floors, including the cast iron columns, bear testament to (are tangible evidence of) the past use of the building; that is, they contribute to its significance. The revised plans expose one or two more of the columns on each floor to view in the corridor, but this is not enough to give the impression of a continuous run of columns. The passage should be made straight. As indicated in the heritage statement, the suspended ceilings need to be higher so that the tops of the columns can be seen, again, particularly in the more public areas. If this can be achieved, we would be closer to achieving a balance between harm (creating small cellular spaces undermining an appreciation of the larger spaces and the structure which are part and parcel with the open spaces and floor capable of bearing considerable load). Any need to alter window to achieve privacy should be via blinds not by changes to the windows.

#### EXTERNAL

##### Historic England

3.2 The application has been viewed by their specialist staff. Historic England do not wish to offer any comments on the application.

3.3 One letter of comment specific to the listed building has been submitted; it is considered that the alterations proposed should be in keeping with the listed building.

### **4.0 APPRAISAL**

#### KEY ISSUES

4.1 The main considerations of this listed building consent application is:

- impact on the special architectural and historic interest of the listed building.

#### POLICY CONTEXT

4.2 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building, its setting or any features of special architectural or historic interest when considering whether to grant listed building consent.

4.3 Central Government guidance dealing with the heritage environment is contained in chapter 12 of the National Planning Policy Framework (NPPF). It directs local planning authorities to give great weight to the conservation of heritage assets and to refuse development that would lead to substantial harm or total loss. Where the harm to the significance of a heritage asset would be less than substantial the harm should be weighed against the public benefits of the proposal, including securing the optimum viable use (paragraph 134 of the NPPF).

4.4 Significance of heritage assets is defined in Annex 2 of the NPPF as the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

4.5 The National Planning Policy Guidance (NPPG) provides advice about what is meant by significance in decision taking in the historic environment. In particular the NPPG says that 'Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals'.

4.6 The City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications, although it is considered that their weight is limited except when they are in accordance with the NPPF. The relevant policies are HE2 development in historic locations and HE4 listed buildings. The main thrust of these policies is compatible with section 12 of the NPPF.

4.7 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, was halted pending further analysis of housing projections. Since then officers have initiated a work programme culminating in a "Local Plan - Preferred Sites 2016" document and other supporting technical documents. Members have approved these documents for consultation which commenced on the 18th July 2016 and will run until the 12th September 2016. The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight is limited. However policy D5 says development affecting the setting of a listed building will be supported where its setting is protected; alterations and extensions will generally be supported when they do not harm the special architectural or historic interest of the building or its

setting. Demolition of a listed building should be wholly exceptional, requiring the strongest justification.

4.6 The site is located within York's Central Historic Core Conservation Area (CHCCA). The CHCCA is described within a number of conservation area character appraisal documents. Rowntree Wharf is within character area 15, Fossgate and Walmgate. It says that 'One of the most prominent landmarks in the area, Rowntree Wharf, can be seen from many points. The best view is that from the walkway on the northern side of the Foss, just outside the Conservation Area boundary.'

4.7 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the NPPF. It is against this Framework and the relevant sections of the Planning ( listed building and Conservation Area) Act that the application proposal should principally be addressed.

#### Impact on the Special Architectural and Historic Interest of the Listed Building.

4.8 The Conservation Officer advises that the lower floors of Rowntree Wharf have most recently been in use as offices, and to some extent retain large open spaces punctuated by cast iron columns with staircases between the floors. There has however been subdivision by partitions, insertion of suspended ceilings and raised floors in connection with office use. The machinery has gone, but the open spaces, cast iron columns and layout of the building are a tangible link to its use and the technology used in the construction of the building. The significance of the listed building is as a roller mill of late 19th century date, constructed to the design of a prominent local architect, within historic core of the City of York.

4.9 The first floor level has already been formed into smaller compartments and the original open plan layout is not in evidence, columns have been built around and the ceiling has been lowered covering their top section. The new layout will form different compartments and the final amendment to the layout shows straight corridors (originally proposed to be curved) so that evidence of the layout of the columns within the building are retained. Ground floor level has existing compartments set along the outer edge of the floor area however the central area of the floor plate remains open and two lines of columns remain exposed. The proposed layout at ground floor level will lose the sense of spaciousness by creating compartments for each apartments arranged around the window openings, however, like the upper floor, amendments to the scheme have sought to modify the corridors to show a continuous run of columns and the upper section of the columns will be revealed. The crime prevention measures proposed will necessitate the upgrading of the external CCTV system, external lighting and clear film to be placed on the existing window; the applicant has confirmed that the windows will not be replaced or double glazed. The floors have already been raised to accommodate services for the previous office use and the ceilings have been lowered.

4.10 The proposed evacuation steps are to be attached to the multi storey car park a modern addition to the listed building provided when the upper floors of Rowntree Wharf were converted in to residential units. There will be no harm to the significance of the listed building as a result of the positioning of the steps because the multi storey car park is not part of the features of significance to the building's listed status.

4.11 The Crime Prevention officer identified a number of areas of the development which pose a risk of crime. The most significant being the position of the public walk way attached to the side of the building and close to the windows of the first floor apartments. The applicant, in responding to the comments, has proposed a number of additions to the scheme. These include the provision of safety film to the windows along the walkway, improved lighting and CCTV, better security to cycle parking areas and appropriate mechanisms to secure vulnerable areas such as the entrance from the flood escape steps, mail delivery and entrance locking systems. To ensure such measures are fully designed into the scheme and to assess these measures in terms of the character of the listed building a condition is proposed to ensure details and a method statement of all crime prevention measures are submitted and agreed. Given the agreement to provide solutions to crime and disorder concerns and subject to conditions officers are satisfied that the scheme complies with the policies in the NPPF which seek safe and accessible environments.

4.12 Considering all the alterations to achieve the conversion scheme it is concluded that the harm to the heritage asset would be less than substantial and in officers view there are a number of public benefits that outweigh the identified harm. The NPPG advises that public benefit could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7). The proposed development will provide housing in a sustainable city centre location, bring the floors of the building into use, introduce a use that is compatible with the residential use within the upper floors of the building and ensure the building's future maintenance. Officers consider that these benefits are sufficient to outweigh the less than substantial harm to the building even when attaching additional weight to the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (that is to have special regard to the desirability of preserving a listed building, its setting or any features of special architectural or historic interest). The proposal, therefore, complies with national and local planning policies in respect of the historic environment.

## **5.0 CONCLUSION**

5.1 The site is within the Central Historic Core Conservation Area, Rowntree Wharf is a Grade II listed building and due to its height and enclosure by water features (Wormalds Cut and the River Foss) on three sides, is a landmark building in this part of the city. Constructed as a roller flour mill by W G Penty for Sidney Leetham in 1896.



5.2 Officers consider that the benefits of the development are sufficient to outweigh the less than substantial harm to the building identified in this report even when attaching additional weight to the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (that is to have special regard to the desirability of preserving a listed building, its setting or any features of special architectural or historic interest). The proposal complies with national and local planning policies in respect of the historic environment.

**6.0 RECOMMENDATION:** Approve

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

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

TCA-288-005 - Site location Plan; TCA-288-005 001 REV E GROUND FLOOR; TCA-288-005 002 REV E FIRST FLOOR PLAN; TCA-288-005 020 REV C PROPOSED SITE PLAN; TCA-288-005 21 REV C CAR PARKING PLAN; TCA-288-005 30 REV C EMERGENCY EVACUATION - proposed steps; TCA/288/005 -40 SECTIONS; RWY L1 Landscaping plan; PDP/5B80 - GA1B - Evacuation stair details; PDP/5B80 - GA2A- Evacuation stair details; PDP/5B80 - GA3A- Evacuation stair details.  
PDP/5B80 - GA4- Evacuation stair details

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

3 Large scale details of the following items shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works. The development shall be carried out in accordance with the approved details.

- Full details at a scale of 1:20 and 1:50 of the junctions between the internal face of the external walls and the new stud work.
- Large scale details of the alterations to the suspended ceiling and the connection between the ceiling and the upper part of the columns.
- Large scale detail of alterations to the door openings on the first floor walkway to allow the doors to be fixed shut.

Reason: So that the Local Planning Authority may be satisfied with the details in the interests of preserving the special setting of the listed buildings and the character and appearance of the conservation area.

4 No development shall commence until there has been submit to and approved in writing a large scale detail of the proposed flood escape staircase on the east side of the multi storey car park building. The details submitted shall ensure a minimum of 2.3 metres is achieved between the ground floor level and the underside of the platform to the staircase and shall include a flood evacuation procedure for the use of the staircase in the event of a flood. The escape staircase shall be implemented in accordance with the approved details before any dwelling is occupied and shall continue to operate in accordance with the approved flood evacuation plan for the life time of the development unless otherwise agreed in writing with the Local Planning Authority.

Reasons: To reduce the risk of flooding to the proposed development and future occupants and to reduce the impact of flooding to the proposed development and future occupants. The information is being sought prior to commencement to ensure that an appropriately designed means of escape is provided to serve the proposed dwellings.

5 Notwithstanding the details shown on the approved plans prior to the commencement of the development, a statement of crime prevention measures to be incorporated in to the design of the scheme together with a detailed method statement for the implementation of the measures shall be submitted to and agreed in writing by the LPA. The scheme shall include (but is not restricted to):

- -Details of lighting to the first floor public walkway
- A CCTV security camera system covering the walk way and other areas identified as vulnerable as part of the crime prevention statement.
- Measures to improve the glazing along the first floor walk way
- Details of enclosure and security of the cycle parking in the multi storey car park and the locking mechanism for doors within the cycle parking located in the existing lift shaft and bin store.
- Details of security measure to be placed on the opening to be created on to the platform of the escape stairs.

Thereafter the scheme shall be implemented to the satisfaction of the Local Planning Authority before any dwelling is occupied. Crime prevention measures shall accord with the advice set out in the National Planning Policy Framework and comply with the aims and objectives of 'secure by design'.

Reason: In the interest of the amenity of existing and future occupiers of Rowntree Wharf and to comply with the requirements of the National Planning Policy Framework and Planning Policy Guidance.

Application Reference Number: 15/01892/LBC

**7.0 INFORMATIVES:**

Note the application details confirm that there will be no requirement for new ventilation or other services to be vented through new wall or roof interventions. Further listed building consent would be required for any such works. Windows are not to be altered. Further listed building consent would be required for works to the existing windows

**Contact details:**

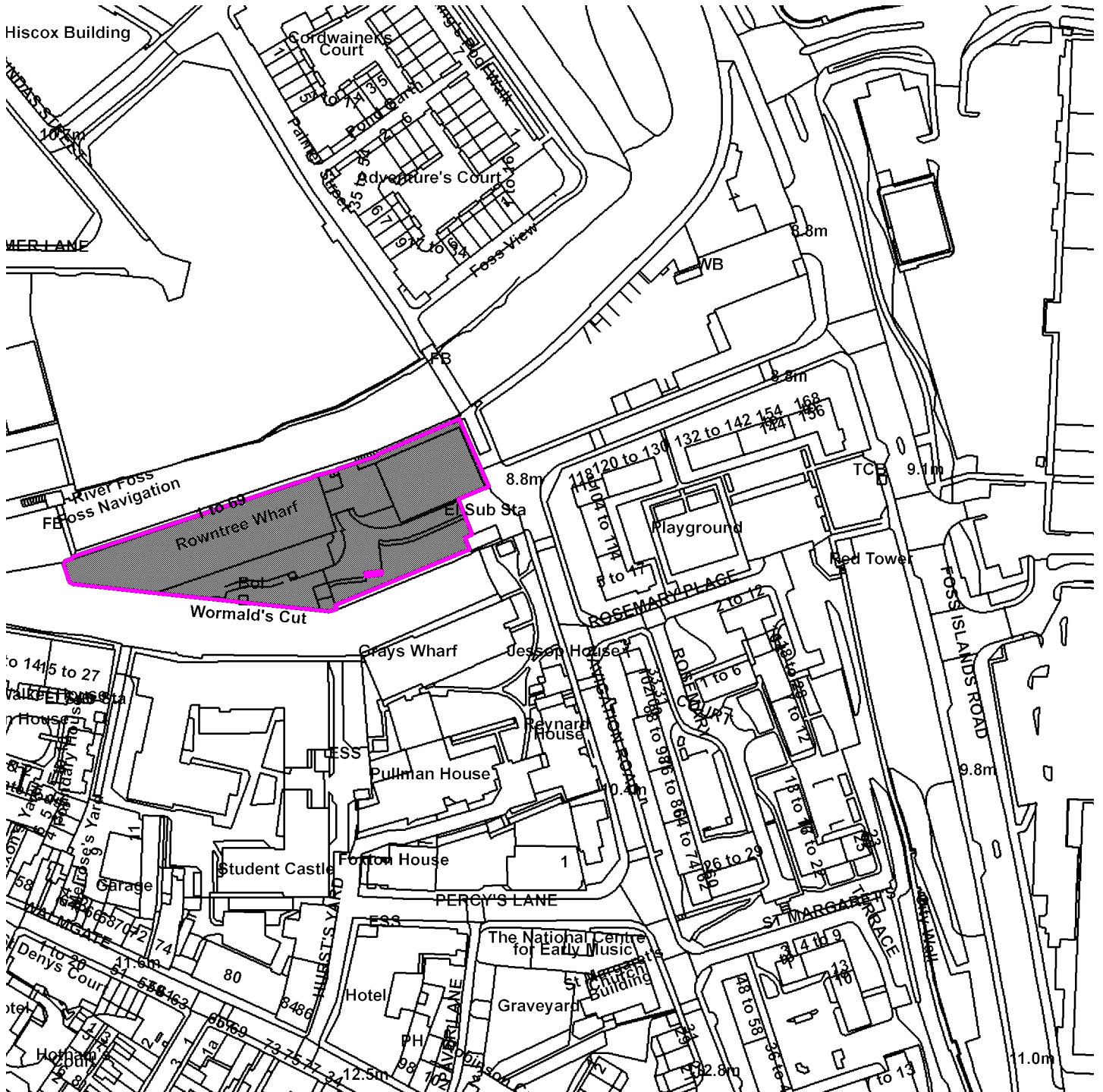
**Author:** Diane Cragg Development Management Officer (Mon-Thur)

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15/01892/LBC

Rowntree Wharf Navigation Road



Scale : 1:1983

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	27 September 2016
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 6 October 2016      **Ward:** Guildhall  
**Team:** Major and      **Parish:** Guildhall Planning Panel  
Commercial Team

**Reference:** 16/01003/FUL  
**Application at:** Stonebow House The Stonebow York YO1 7NY  
**For:** Change of use of 5th floor from office (Use class B1) to residential (use class C3) and extension to the top floor and first floor to create 5no. residential units, extended floorspace and change of use of ground floor units to flexible uses within use classes A1/A3/A4 with associated external alterations to car parking and landscaping  
**By:** Oakgate Central York Ltd  
**Application Type:** Full Application  
**Target Date:** 1 July 2016  
**Recommendation:** Approve

**1.0 PROPOSAL****APPLICATION SITE**

1.1 The application relates to Stonebow House, a prominent 1960's concrete framed building with podium and tower in the Brutalist Style. The podium is part single storey, rising to two storey as ground levels lower as Stonebow travels towards Peasholme Green. The podium accommodates commercial units, which previously included a night-club/live music venues and has car parking on its deck, accessed from a ramp off St Saviourgate. The tower previously accommodated offices. The building has now been vacated in advance of refurbishment works.

1.2 The tower has been subject to a prior notification application, for a change to residential under permitted development rights (application 16/01018/ORC), to which the council had no objection.

1.3 The site is within the Central Historic Core Conservation Area. It is outside the central shopping area, but within the city centre area, as defined in the 2005 Draft Local Plan.

**PROPOSALS**

1.4 This application includes refurbishment of the commercial units, which would be given a new facade. The building would be cutback, so the raised walkway on the Stonebow side would be removed leaving a wider public footpath. Glazed shop-fronts would be set just in-front of the supporting columns and directly face onto the street.

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The staircase on the eastern side of the building would be removed also. Permission is sought to allow the units at lower level to be used for either retail, cafe/restaurant or drinking establishments.

1.5 An apartment would infill the space underneath the tower and an extension is proposed at the top of the tower to provide duplex apartments on what would be the two upper floors. There is a plant room at roof level which it is proposed to replace. The concrete frame of the tower would be refurbished and fenestration replaced.

1.6 The scheme also proposes public realm works around the building. The pavement would be replaced (including tarmac along St Saviourgate), to match the surfacing materials being used at Hungate. It is also proposed to re-configure the amenity space outside the west end of the building. Cycle stands are proposed at both the east and west sides of the building.

1.7 The scheme was revised, with updated plans submitted in September, to retain more of the original fabric and address design concerns raised over the facades to the commercial units and the strategy for refurbishing the tower.

## **2.0 POLICY CONTEXT**

### 2005 Draft Local Plan

2.1 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. Whilst the 2005 Draft Local Plan does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. The relevant draft policies applicable to this application include

CYGP1	Design
CYGP15	Development & Flood Risk
CYHE2	Development in Historic Locations
CYHE3	Conservation Areas
CYGP16	Shop-fronts
CYH12	Conversion of redundant offices

### Emerging Local Plan

2.2 The consultation on the Preferred Sites 2016 document and supporting evidence for the emerging City of York Local Plan is currently subject of an eight week public consultation which started 18 July 2016. The emerging Local Plan policies can only be afforded very limited weight at this stage of its preparation (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the



proposed emerging policies is capable of being a material consideration in the determination of the planning application. Relevant plan policies include;

- DP2 Sustainable Development
- SS4 City Centre
- EC3 Loss of employment land
- R3 City Centre Retail
- D2 Place-making
- D3 Extensions and Alterations to Existing Buildings
- D4 Conservation Areas
- D11 Shop-fronts

### 3.0 CONSULTATIONS

#### INTERNAL

#### Planning and Environmental Management Conservation Architect

3.1 Stonebow House was commissioned by the then York City Council following a design competition. It was built around 1965, following the dramatic traffic management construction of “relief road” Stonebow in around 1955 that partially cut through the existing city grain opening up new development plot opportunities.

3.2 The building is predominantly textured concrete. Concrete is sculpturally modelled in a geometric way; construction components are visually emphasised by articulating how they come together in oversized joints (which are in most places true joints but in some places symbolic ones). A combination of Insitu and precast concrete techniques are evident. This portrays a quality of visual weight and this in turn gives it presence and power. Other materials are visually subservient. The term Brutalism was coined for the type of architecture of this period.

3.3 The proportions of the tower and refinement of the architecture are a good example of its type and evidentially valued as representing our culture at a rapidly changing period of time: York is known for its layers of history and so, Stonebow House has a contribution to make. The tower itself (squat for its type- presumably tempered for a York context) is positioned with a degree of acknowledgement to its setting towards the lower end of the site. It does leave partial views of the church of St Saviour and the Central Methodist Church from Pavement above the podium. These views would not have been possible in the 19th century and earlier.

3.4 The podium has left little space for pedestrians walking down the Stonebow and is especially congested around a number of Stonebow bus stops. A high level raised

walkway running parallel is little used and terminates in an external staircase that creates awkward public spaces around it and is prone to anti social activity.

3.5 Some of the concrete is spalling; some has had ad hoc repairs. Some is painted. The infill is in varying states - quite a lot replaced over time and bits of duct grills and other excretions pepper the St Saviourgate aspect and ramped side. It is looking in need of an overhaul to bring back some sense of cohesive design and refreshed quality. However the latent qualities of the concrete remain and with a degree of care and restoration this could be a more appreciated aspect again.

3.6 Refurbishment of the tower has necessitated a more flexible treatment to glazing to move from office to residential accommodation because of the differences in space planning. Initial proposals (pre-application) to completely over-clad the tower were rejected by officers on the grounds that it would be detrimental to the character of the original. A design rationale was subsequently developed and agreed whereby each ribbon band could be vertically divided by eleven in various combinations as long as it maintained a glazed element at every column. It was also accepted that a reorientation to a more vertical emphasis was likely acceptable. The extension to the tower was accepted as an option due to its low height and as it would be setback from the buildings edge and partially screened by the existing parapet.

3.7 The latest scheme revisions have improved the design by: removing sensitive balconies facing St Saviourgate; increasing the ratio of solid to glazing on the tower (rebalancing the composition); retaining the parapet to the podium and tower; removing bulky visible landscaping-associated structures on the podium deck; revising entrances off the street to impinge less on the pavement; adding more solidity to the podium fenestration to break up the uniformity of the glazing and distinguish the residential entrance as a different type.

### Planning and Environmental Management Landscape Architect

3.8 Acknowledge that the existing landscaping on the west side of the building could read better with the architecture of Stonebow House and link with the street. In terms of parameters to follow in revising the officers advice was as follows -

- The existing tree is a good specimen and should be retained
- Edible York planting is not in an ideal location due to the pollution from air quality and contamination by human activity
- A loose and colourful mix of planting is recommended; to complement the building
- Timber shuttered concrete and the York stone paving suit the host building and should be retained / reused; the low stone wall (adjacent Stonebow) however is out of character
- Cycle stands currently dominate the space and these could be in a more discreet position

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- Public seating should be provided; those which exist are well used
- Consideration should be given to the York Streetscape strategy which advocates the removal of clutter

3.9 In response the applicants have produced a revised set of parameter plans for the landscaped areas. Officers are content with the principles for re-configuring the space and the detailed scheme would be secured through condition.

### Education

3.10 Officers confirm they do not require contribution towards education facilities in the locality.

### Highway Network Management

3.11 Officers have no objection in principle to the scheme. Conditions are recommended to agree the re-design of affected bus stops and for construction management details, to manage disruption during construction. Comments are as follows –

- There should be a travel plan
- To promote sustainable travel future (first) occupants should be offered membership to the city car club and a contribution of £200 towards either a bus pass or cycle
- Preference is for the land to the west of the site (the public space area) to become adopted highway and for the applicants confirmation of such
- The proposed widening of Stonebow by approx 2m is a significant benefit and will provide greater room for passengers waiting at the adjacent bus stops whilst enabling pedestrians to pass more freely. The increased width of new public realm will be offered for adoption as publicly maintainable highway.
- The areas of new/existing highway around the building footprint will be resurfaced in the same material as has been used to the Hiscox frontage and as will be delivered through the Hungate scheme. The site therefore provides consistency with the surrounding area in terms of public realm uplift on this strategic approach to the city centre.
- The site is surrounded by bus stops and main public transport/pedestrian/cycle routes, construction and demolition will therefore cause some limited disruption. A Construction Management Plan condition is proposed and early discussions have taken place with contractors, with a view to minimising the impact of development activities.
- It has been agreed it would be desirable to remove the pole and to re-position the CCTV camera, either on another lamp column/pole or on the building. This reduces clutter and should be secured through the application.

Public Protection

Noise

3.13 Noise monitoring was undertaken over a weekend and assessment prepared to inform how the proposed building could be suitable for future residents. Within the submitted acoustic report details are provided on the necessary sound reduction to be provided by the windows, walls and roof so that the internal noise levels specified in BS8233:2014 would be achieved (with alternative ventilation as windows would need to remain closed to ensure a suitable internal noise environment). A condition is recommended to ensure the sound reduction is implemented.

3.14 As a result of the extra residents in the area officers consider it would be reasonable to limit delivery times to avoid disturbance. The following hours are recommended - Monday to Friday 07:00 to 23:00 - Saturday 09:00 to 18:00 - Sundays and Bank Holidays 09:00 to 16:00.

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

Monday to Friday 07:00 to 18:00

Saturday 09:00 to 13.00

Not at all on Sundays and Bank Holidays.

Public Protection

Air quality

3.16 Stonebow House lies adjacent to the Council's Air Quality Management Area (AQMA). The AQMA was declared on the basis of breaches of the health based annual mean objective for nitrogen dioxide. Current air quality monitoring indicates that the annual average nitrogen dioxide objective is currently being exceeded at the roadside directly outside Stonebow House. This has been the case for over 5 years at this site.

3.17 In order to determine the air quality in the locality, monitoring, carried out over six months, has been agreed with the applicants. Until the results of this monitoring are known officers recommend a ventilation strategy is provided for any habitable room facing onto Stonebow, to minimise ingress of pollutants into the building and potential exposure of residents of the accommodation to poor air quality. Such rooms should be mechanically ventilated, with clean air being drawn from a location to be agreed (away from the road).

EXTERNAL

Conservation Areas Advisory Panel

3.18 The panel commented on the original scheme. They considered there would be a loss to the building's integrity as a consequence of the addition of balconies and the loss of the horizontal rail at the top of the tower.

Environment Agency

3.19 No objection provided the development be carried out in accordance with the provided Flood Risk Assessment.

Historic England

3.20 HE provided updated comments following re-consultation on 12.9.2016. HE advise that consent may be granted subject to a recommendation that to enliven the St Saviourgate elevation, mural artwork is designed/commissioned and installed..

3.21 Historic England broadly welcomes the re-generation of Stonebow House and recognise that the alterations to the glazing and the removal of the first floor walkway and staircase help this building to sit more comfortably within the conservation area.

3.22 Visualisations have now been produced from significant viewpoints including the tower of York Minster, the City Walls and Clifford's Tower. HE consider the impact of the modified building (and in particular the glazed roof extension, replacing the present concrete service compound) upon these views to be acceptable.

3.23 HE has concerns that the scheme misses an important opportunity to improve the setting of the adjacent Central Methodist Chapel and the former St Saviour's Church, both Grade II\* listed and to make St Saviourgate a more inviting and attractive street. HE are disappointed that there has been a failure to create any 'active' frontage onto St Saviourgate. HE suggested retail units designed to have a frontage onto St Saviourgate. Any remaining blank areas of wall could be enlivened with specially commissioned mural art work to create a more attractive and inviting setting for the two Grade II\* churches.

3.24 The applicants have explained to HE that this is impractical within the scope of their plans (to introduce more retail facades to St Saviourgate). If this is indeed the case then HE recommend that any remaining blank areas of wall along this street are enlivened with specially designed/commissioned mural art work to create a more attractive and inviting setting for the two Grade II\* churches (details to be agreed by the council). This is in order to assist the present proposal in meeting the requirements of paragraph 131 of the NPPF, in particular the desirability of new development making a positive contribution to local character and distinctiveness

3.25 HE in their first response questioned whether it is necessary to remove and

replace the 'chunky' concrete balustrade of the car park ramp, which has architectural integrity in its own terms. This element is retained in the revised scheme.

### C20 Society

3.26 The society object and recommended a more genuinely conservation led scheme which attempts to retain the Brutalist fabric. Phase 2 of the Park Hill regeneration at Sheffield was cited as an example of good practice in this respect.

### Neighbour Notification and Publicity

3.27 Comments have been made from three interested parties.

3.28 Objection on behalf of Edible York who have a planting area within the application site -

- The planting proposed will be bland in comparison to the variety of food currently grown in the area.
- Those who garden the site also inform the public of the benefits of the food and this facility would be lost.
- Loss of public amenities - cycle parking and seating

3.29 Residents have commented who seek to improve their current levels of amenity, through the control of emptying litter into bins, limiting times of delivery and the size of vehicles using St Saviourgate.

3.30 Support for proposals to introduce active frontages, for extra surveillance in the area and improved public realm

## **4.0 APPRAISAL**

### KEY ISSUES

4.1 The key issues is assessment of this application are as follows -

- Principle of the proposed use
- Impact on heritage assets / visual amenity
- Flood risk
- Residential amenity

### ASSESSMENT

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

4.2 Previously there were a mix of uses at lower level including retail, job centre, a betting shop, a cafe, music venue and night-club; over 2,913 sq m floorspace. The

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upper floors were last used as offices, and are to change to residential under permitted development rights. The building is now vacant.

4.3 This application asks for a flexible use for the commercial units at lower level, to be used for either retail, cafe/restaurant or drinking establishment. There would be a small reduction in floor-space, down to 2,841 sq m. The proposed plans show residential on the upper floors. Under consideration as part of this application is the 1-bed dwelling at podium level (part infilling a void under the tower) and the duplex apartments on the top floor of the tower and within the proposed new rooftop addition.

4.4 The site is within the city centre. According to the NPPF planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.

4.5 Relevant Draft 2005 Local Plan policies are H12 which relates to proposals where offices are to be converted in to residential and S5, which relates to applications for commercial uses in the city centre.

4.6 Policy H12 states office to residential conversions will be supported where there is demonstrably an adequate supply of offices in the city; the proposed use would be in the interest of the vitality and viability of city centre and when residential amenity would be adequate. Policy S5 allows class A uses (including restaurants and drinking establishments) where there would be not undue effect on the vitality and viability of individual streets and city centre as a whole.

4.7 Of the emerging plan policy SS4 states that the uses proposed within the building are acceptable in principle within the city centre. Policy EC3 states that existing employment (office space) may change use where the existing land / buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses.

4.8 The majority of office space within the building will change to residential use under permitted development rights. This application only relates to one floor in the tower which was last used as office space. The office space within the building has been mostly vacant for a considerable amount of time. This strongly indicates a lack of need for such space. The proposed residential use of the building will improve the viability of the area and bring increased surveillance during the evenings. The proposed residential use is consistent with the NPPF on the following grounds –

- There is a demonstrable lack of need for the previous office use and therefore alternative uses should be considered, in particular those for which there is need. There is housing need in the city and to provide it in this vacant building would be consistent with advice in the NPPF; paragraphs 22 and 51.

- The site is in a sustainable location in a mixed use area; the proposed mixed use of the building accords with NPPF paragraph 38 which relates to reducing the need to travel.
- Through a combination of the mix of uses in the area, late night activity, and by design there are problems with anti-social behaviour and crime. The proposed residential use and changes to the design of the scheme will help in tackling these issues, as recommended by the NPPF in paragraph 58.

4.9 The flexible uses proposed the ground floor area would improve the vitality of the area, in accordance with the thrust of section 2 of the NPPF, Draft Local Plan policy S5 and policy R3 of the emerging plan. The building lacks active frontages due to its design and given the nature of previous uses; primarily music venues/night-club which only operate at night and lack windows, to prevent noise pollution. The proposals will bring more active frontages to the building, in particular along Stonebow and improve the setting by increasing the width of the public footpath by some 1.8m. The proposed uses overall would attract more custom and increased activity during the daytime.

4.10 The proposals would include the loss of a night-club and a live music venue. There are other clubs and music venues of similar scale in the city centre, Fibbers has re-located to Toft Green. As such there would be no conflict with section 8 of the NPPF which relates to the provision of, and to guard against the loss of, valued social and recreational facilities.

### **Impact on heritage assets / visual amenity**

4.11 The site is within the Central Historic Core Conservation Area. 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. The NPPF in paragraphs 131-134 establish the approach for dealing with applications and when it is possible to allow development which would have a harmful impact.

4.12 In consideration of design National Planning Policy Guidance (NPPG) states layout, form, scale and detailing are all relevant considerations. With regards scale the size of individual buildings and their elements should be carefully considered, as their design will affect the: overshadowing and overlooking of others; local character; skylines; and vistas and views. The guidance recommends that developments either creating distinctive skylines or respecting the existing.

4.13 Local Plan policy in the 2005 draft plan and emerging plan is consistent with national advice with regards heritage assets.



4.14 Of the emerging plan, Policy D2: Place-making states that proposals will be supported where they:

- Respect York's skyline by ensuring that development does not challenge the visual dominance of the Minster or the City Centre roofscape.
- Respect and enhance views of landmark buildings and important vistas.

4.15 Policy HE2 of the draft 2005 Local Plan relates to development in historic locations. HE2 advises proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character or appearance of the area.

4.16 The Central Historic Core Conservation Area Appraisal is used for development control purposes. It contains an assessment of the area and includes a management strategy to inform development proposals.

4.17 Stonebow House is identified as a landmark building in the appraisal, which detracts from the character and appearance of the conservation area because:- *“although the building is a confident and in many ways refined representative of its era and its architectural style, it is fundamentally flawed in the way that it relates to its setting. One of the tallest buildings in the city centre and occupying a corner position, it is out of scale with the historic townscape and competes with the height of neighbouring churches and blocks views to them”*.

4.18 The appraisal identifies Whip-Ma-Whop-Ma-Gate as a space which is poorly designed, cluttered and where the public realm could be improved.

4.19 The aspirations as part of any re-development of Stonebow House (most of which relate to demolition rather than refurbishment) in the conservation area appraisal include -

- Active frontages should face St Saviourgate and Hungate;
- Any new development should be no higher than five storeys to fit with the historic townscape;
- Settings for the Central Methodist Chapel and St Saviour's Church should be improved through creation of public spaces;
- New glimpsed views to the Chapel and Church should be revealed from Whip-Ma-Whop-Ma Gate and The Stonebow;
- The use and function of pocket spaces (Whip-Ma-Whop-Ma Gate and small green space next to the Telephone Exchange) should be comprehensively re-designed and landscaped.

4.20 The Management strategy in the conservation area appraisal seeks to enhance or replace buildings identified as detractors (5.4.3). Section 5.8 explains that new development should:-

- respect the characteristics which define York's distinctive urban form
- place importance on the design of roofs and the roofscape: and contribute positively to the character of York's distinctive skyline in this respect

#### Alterations at ground floor level

4.21 The setting currently suffers because the building lacks an animated frontage at street level, predominantly due to the lack of fenestration and direct access at ground level. In addition there is a lack of natural surveillance in certain areas and associated issues with anti-social behaviour and crime.

4.22 The scheme would improve the setting and character and appearance of the conservation area by addressing these issues.

- The proposals would widen the footpath along Stonebow by 1.8 m. The ground floor commercial units would be entered directly from the street and there would be more active shop-fronts/glazed facades along Stonebow, on the east and west facing elevations and along St Saviourgate, by the taxi waiting area. Areas which are currently not overlooked – the passageway between Stonebow and St Saviourgate and the staircase at the east end of the building would be re-designed.
- Historic England had asked for more active frontages to be incorporated along St Saviourgate. This has been facilitated where possible in amended plans, in particular towards the Whip-Ma-Whop-Ma-Gate side of the street. The facade will receive an uplift and use detailing and materials more appropriate to the host building than the existing timber shop fronts; this design approach is advocated in policy D2: Placemaking of the emerging Local Plan. However the commercial units need a back of house area and because they could become bars/drinking establishments under this application on the grounds of residential amenity it is preferable to keep footfall away from the northern end of St Saviourgate, where there are houses. Instead it will be directed to areas which have a higher level of activity and commercial nature; along Stonebow and the west side of the building which overlooks Whip-Ma-Whop-Ma-Gate. The St Saviourgate facade will be improved and the footpath re-surfaced (replacing the tarmac). Overall the scheme constitutes an enhancement of the street.

#### Podium

4.23 The car parking will remain at podium level. It will be for residents only rather than commercial and the amount will be reduced to 24 spaces. There will be soft landscaping introduced which will improve the appearance of the building. A residential unit is proposed, which would infill part of the void underneath the tower. The walls of the dwelling would be inset from the footprint of the tower, as such and because of the concrete balustrading that runs around the podium deck; this would be

a discreet addition that would not harm the appearance of the building or the conservation area.

### Alterations to the tower

4.24 The design intent has been to make the tower suitable for residential accommodation without compromising the integrity of the building. The expression of the concrete frame is a key component of the original design and is retained. The proposals subtly give the building a stronger vertical emphasis by removing the concrete up-stands and windows within the rectangular reveals and installing a vertical rhythm of windows and anodised aluminium cladding panels. External drainage will be moved inside the building. Balconies are proposed on two of the elevations. Balconies have been restricted to elevations where they will only be viewed against the tower.

4.25 The proposed changes will update the building. To move the drainage inside and repair/refurbish the concrete would enhance the appearance of the tower. The main frame and consequently the structural integrity would be preserved whilst the proposals for infilling each reveal would use high quality materials and detailing. The cladding panels would be agreed through a planning condition; the samples viewed to date have been of textured and variable appearance depending on weather conditions.

4.26 There is currently an enclosure at roof level which extends above the central circulation/service core which is evident in particular in views from the City Walls (some 300m away), High Ousegate (240m away) and in more distant views from the Minster and Clifford's Tower. In the applicants views analysis these are views 1, 2, 3 (although the tower is more prominent in other views from High Ousegate than shown in the analysis) and 9.

4.27 It is proposed to replace the structure with an extension which would provide the upper floor of duplex apartments. The new structure would be marginally lower in height. It would be greater in footprint (existing structure is approx 6mx11m, proposed 13mx15m) but still setback at least 3m from the edge of the tower. The walls would be fully glazed.

4.28 In the elevated view from the Minster, the building sits alongside those at Hungate, in particular the phone exchange and recent St Johns student accommodation. The buildings are of large scale with flat roofs; Stonebow House, with a roof extension would sit comfortably in this context.

4.29 The increased scale of the building would also be evident from the City Walls, Clifford's Tower, Ousegate and Garden Place. In closer views from Pavement the extension would be screened by the concrete balustrading at the top of the tower.

4.30 Apart from the view from Garden Place, other affected views would be from a considerable distance i.e. over 240m away and the structure would be partially hid by the balustrading around the roof. As such and given the extra volume of structure at roof level, the visual impact would be low. The proposed structure would be far less prominent than other roof-top extensions proposed to similar aged mid C20 buildings in the city centre which have been refused permission (specifically at 2 Low Ousegate and Hilary House). Due to the integrated nature of the design and the low visual impact in relation to the existing building, there would not be harm to the character and appearance of the conservation area.

### **Landscaping**

4.31 Overall the landscaping scheme associated with the application will enhance the conservation area setting. Implementation would be secured by planning condition. The benefits to the setting would be as follows -

- New paving is proposed around the building, which would tie in with the public realm improvements proposed in the Hungate area. The footpath along the Stonebow, which is presently congested at times because of the bus stops, would be widened by 1.8m. Along St Saviourgate the footpath is part in tarmac, and the replacement would be an upgrade.
- The area at the east side of the building lacks natural surveillance. The staircase would be removed, there would be improved surfacing (stone paving) and the area would become overlooked by the end commercial unit and from the street. 6 cycle stands are proposed in this area.
- At the west side of the building the existing public space will be refurbished. The Edible York planting area would be lost. However given the proximity to traffic pollution, and late night uses this is not regarded as an optimal position for growing food. There would remain soft landscaping areas and retention of the tree is proposed.
- The scheme would use materials and details appropriate to the host building.
- 
- Public seating and cycle parking provision would be retained in the area. Although the number of cycle stands will decrease in this area (currently 6 stands, 4 proposed) provision overall on site would double.

### **Flood risk**

4.32 The site is partially in flood zone 2. The application relates to changing the uses within an existing building. In such cases paragraph 104 of the NPPF states that sequential and exception tests are not required, but a site specific Flood Risk

Assessment is. The FRA is expected to demonstrate a development would be safe for its lifetime and would not increase flood risk elsewhere.

4.33 The scheme is policy compliant, in accordance with the flood risk advice in paragraphs 103 and 104 of the NPPF on the following grounds -

- The works would not increase the footprint of the building or have a material impact on surface water run off. As such there would be no material impact on flood risk elsewhere.
- The residential accommodation, the most vulnerable use proposed, would be in a safe location on the upper floors only and the entrance position means there would be safe access/egress in the 1 in 100 year flood.

### **Residential amenity**

4.34 The NPPF requires that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. The NPPG states planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

4.35 Local Plan policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.36 The site is within a mixed use area. Along St Saviourgate there are houses at its north-east end, St Saviour's Church accommodates the Dig attraction and within the Methodist Church there are care facilities for the disadvantaged. There is late night activity in the area; there has been a night-club and music venue within the building and there is a taxi rank along St Saviourgate outside Stonebow House.

4.37 The night-club and music venue have vacated the building as part of the proposals.

4.38 The application seeks flexible uses including drinking establishments and restaurants within the ground floor commercial units. Entrance points to the units have been intentionally positioned to avoid directing footfall along St Saviourgate, and to keep activity along Stonebow and Whip-Ma-Whop-Ma-Gate. Given the existing character of the area, it is expected there will be a reduction in late night activity and disturbance as a consequence of the proposed uses for the building.

4.39 Servicing is proposed from the St Saviourgate side of the building. St Saviourgate at the east end is primarily a residential street and apart from the application site, there are no other drinking establishments or retail premises.

4.40 Deliveries to other areas of the city would not need to use St Saviourgate. As such, to limit noise disturbance, in the interests of existing and future residents, it would be reasonable to restrict delivery times and the putting out of waste (such as glass bottles) to the recognised daytime hours of 07.00 to 23.00.

4.41 The additional residential development would not extend beyond the footprint of the tower and there are no design changes that would materially impact on over-looking and levels of light to neighbours.

4.42 A noise assessment has been undertaken that informs the building insulation required to provide adequate living standards under existing conditions, based on the relevant British Standard (BS:8233 2014). The proposed commercial uses are expected to lead to a decline in noise levels during the night time. A condition is proposed to secure compliance with BS:8233.

4.43 The building is adjacent a locally designated air quality management area. As such in the interests of the health of future residents living accommodation facing Stonebow would be fitted with mechanical ventilation. Other facades would have access to reasonably clean air. An agreed period of monitoring is underway to establish air quality where residential windows are proposed. The outcome of the monitoring may allow this requirement to be relaxed and this is allowed for in the proposed relevant planning condition.

### **Other Issues**

4.44 Contributions towards promotion of promoting sustainable travel are not being required in this instance. Only 5 dwellings are proposed in the application and to seek a contribution would be contrary to CIL Regulation 122 which states that planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. In this case the application site is in a highly sustainable city centre location it is considered that the contributions sought would not be necessary to promote sustainable travel choices.

## **5.0 CONCLUSION**

5.1 The proposed refurbishment of the building looks to resolve a number of issues with the lower level of the building. The scheme would provide an active commercial frontage to Stonebow, improve the public realm and increase natural surveillance. The east side of the building is an area where crime and disorder is in particular a problem due to the lack of natural surveillance. The scheme will address this and provide a more welcome and overlooked public space.

5.2 The refurbishment is sympathetic and honest to the architecture of the host building in that the definitive concrete frame will be retained and refurbished. The concrete balustrading around the podium and at the top of the tower are now to be retained. The new elements and materials; where windows/spandrel panels and the top floor service room would be replaced use good quality materials and detailing, which would compliment and not detract from the building's appearance.

5.3 Overall the works will improve the character and appearance of the conservation area and the vitality of this part of the city centre. Reasonable levels of residential amenity can be secured by the use of planning conditions. There would be no undue effect on highway safety or in respect of flood risk.

5.4 The works reasonably comply with planning objectives in the NPPF and would not conflict with the council's statutory requirement in terms of dealing with change in conservation areas, as established in the Planning Act.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

1 TIME1 Commencement of Development

2 PLANS1 Approved Drawings

Site Location Plan 2014-222/100 Rev H

Proposed Site Plan 2014-222/801 Rev C

#### Proposed floor plans

Proposed Basement Floor Plans 2014-222/201 Rev F

Proposed Ground Floor Plan 2014-222/202 Rev F

Proposed First Floor Plan 2014-222/203 Rev E

Proposed Second Floor Plan 2014-222/204 Rev E

Proposed Third Floor Plan 2014-222/205 Rev F

Proposed Fourth Floor Plan 2014-222/206 Rev E

Proposed Fifth Floor Plan 2014-222/207 Rev E

Proposed Sixth Floor Plan 2014-222/208 Rev E

Proposed Roof Plan 2014-222/209 Rev D

#### Proposed elevations

2014-222\_210 Rev F

2014-222\_211 Rev F

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

Sample Panel Detail - 2014-222/149 Rev A

## Landscaping

Ground Level 2014-222/9101 Rev  
1st Floor Deck 2014-222/9102 Rev E  
Ground Level - Sections - 2014-222/9103 Rev

Note - Approved plans for ground level landscaping pending

3 Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority.

Reason: In the interests of the safety and good management of the public highway the details of which must be recorded prior to the access to the site by any construction vehicle.

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

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

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



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

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

- a phasing plan setting out the scheduled works and anticipated timescales
- a Traffic Management Plan identifying how pedestrian and cycle access along the Stonebow corridor will be maintained during development activities
- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- where contractors will park
- where materials and waste material will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 The soft landscaping scheme, as shown on the approved drawings shall be implemented within a period of six months of the completion of the development. A specification of the planting proposed at ground level shall be approved in writing by the Local Planning Authority prior to installation and installed in accordance with the approved details. 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: In the interests of visual amenity and the character and appearance of the conservation area.

13 Unless otherwise agreed by the Local Planning Authority prior to occupation of dwellings with habitable rooms facing Stonebow, a ventilation strategy shall be submitted to and approved in writing by the Local Planning Authority. The ventilation strategy shall be installed in accordance with the approved strategy.

Unless otherwise agreed by the Local Planning Authority the strategy shall include

- demonstration as to how habitable rooms would be mechanically ventilated, with clean air being drawn from a suitable location away from the road;
- details of heat recovery (MVHR);
- maintenance schedule;
- clarification of responsibility for running costs and maintenance works.

Reason: In the interests of residential amenity and public health and in accordance with Local Plan policy GP4b and paragraph 124 of the National Planning Policy Framework.

INFORMATIVE: It is noted that the requirements of this condition could vary following completion of the air quality monitoring, undertaken for a period of up to 6 months, detailed by WSP | Parsons Brinckerhoff and submitted in support of the application.

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

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

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

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

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

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

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

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

17 Waste from the commercial units hereby approved shall be stored within the building and only placed outside for collection during the following hours: 07:00 to 23:00 each day of the week.

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

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

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

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

Reason: In the interests of pedestrian movement and safety.

**7.0 INFORMATIVES:  
Notes to Applicant**

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

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

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

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

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

### **Contact details:**

**Author:** Jonathan Kenyon Development Management Officer

**Tel No:** 01904 551323

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16/01003/FUL

Stonebow House The Stonebow



Scale : 1:1120

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	26 September 2016
<b>SLA Number</b>	Not Set

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**DELEGATED REPORT**

**Date:** 6 October 2016      **Ward:** Hull Road  
**Team:** Householder and      **Parish:** Hull Road Planning  
Small Scale Team                                  Panel

**Reference:** 16/01892/FUL  
**Application at:** 4 Heathfield Road York YO10 3AE  
**For:** Two storey and single storey side and rear extensions, hip to gable roof extension and dormer to rear  
**By:** Mr D Rose  
**Application Type:** Full Application  
**Target Date:** 12 October 2016  
**Recommendation:** Householder Approval

**1.0 PROPOSAL**

1.1 The application property is a two storey semi-detached property located within a predominantly residential area in the eastern suburbs just to the north of Hull Road.

1.2 This application seeks permission for a two storey and single storey side and rear extensions, hip to gable roof extension and dormer to rear. The existing property is being used as an HMO and the submitted plans show that house has 4 bedrooms. This includes 3 on the first floor and 1 (originally a lounge) on the ground floor. However, it is understood that the small bedroom on the first floor is presently only used for storage purposes. The proposal would result in there being 2 bedrooms at ground floor level, 3 at first floor (with the small bedroom being converted to a bathroom) and a further bedroom in the roof space; thereby creating a 6 bed HMO.

1.3 The application has been called-in for determination by Councillor Barnes on the grounds of the high level of objections from residents, the impact on the street setting and the impact on a neighbouring property.

**2.0 POLICY CONTEXT**

2.1 Policies:

CYGP1 Design  
CYH7 Residential extensions

**3.0 CONSULTATIONS**

Hull Road Planning Panel

### 3.1 No response received

#### Neil Barnes, Ward Councillor

3.2 Object on grounds of an overdevelopment of the plot that will adversely impact on a neighbouring property and have a negative impact on the street scene. Also:

- 50% of the residents of Heathfield Road have written in objection, which is a significant percentage and should be taken into account during the determination of the planning application.
- Even though the Article 4 Direction on HMOs will not apply (as the 3 bed roomed is already a HMO), doubling the number of bedrooms in the property will have as much impact as if an entire new HMO were built in the street. There will be much increased potential for greater noise, greater litter produced and also more likelihood of traffic issues.
- Heathfield Road is a very narrow street where any on-street parking causes immediate safety issues. The plot at 4 Heathfield Road only caters for two parking spots currently, with no extra provision being suggested. Therefore doubling the number of bedrooms for adults of legal driving age means running the risk is extra parking negatively impacting on the street scene.
- There has been no consideration of the shadow impact on 3 Heathfield Road, whose garden lies west-north-west of no.4. Any two storey extension could reduce much light throughout the morning and midday - this should be assessed. 3 Heathfield Road also has a number of side windows, which will see walls being built much closer and could produce an overbearing impact.
- It should also be noted that the houses on this side of Heathfield Road do not have similar extensions - Numbers 2 to 7 have largely retained their original setting (with the exception of No. 5) and so this extension will be out of the character and setting of these houses, thus having a negative impact on the street scene.

#### Publicity and Neighbour Notifications

3.3 Comments have been received from 12 local residents; 10 in Heathfield Road and 2 in Millfield Lane. Their concerns can be outlined as follows:

- proposals will result in loss of daylight to lounge and garden of no.3 Heathfield Road
- extension is out of proportion to host dwelling
- need to leave space between extension and side boundary to allow movement of bins etc. from front to back
- there are too many HMOs in the street

- will create 6 bedrooms and potentially 6 cars on site which will cause parking problems and create dangers for children and difficulty of access for emergency/refuse vehicles
- drains already block - this will add to problem
- design is not in keeping with the street
- hedge between nos. 3 and 4 should remain untouched
- extensions will create a wind tunnel effect

## **4.0 APPRAISAL**

### KEY ISSUES

4.1 The key issue in the assessment of this proposal is the impact of the proposed extensions on the character of the host building and area and on the amenities of nearby residents.

### POLICY CONTEXT

4.2 The National Planning Policy Framework (March 2012) sets out the Government's overarching planning policies at its heart is a presumption in favour of sustainable development. It also sets out 12 core planning principles that should underpin both plan-making and decision-taking. A principle set out in Paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.3 Paragraph 186 states that Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible.

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

4.5 The relevant City of York Council Local Plan Policies are H7 'Residential Extensions' and GP1 'Design'. Policy H7 sets out a list of design criteria against which proposals for house extensions are considered. The list includes the need to ensure that the design and scale are appropriate in relation to the main building; that proposals respect the character of the area and spaces between dwellings; and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy.

4.6 Policy GP1 requires development proposals to respect or enhance the local environment, be of a design that is compatible with neighbouring buildings and the character of the area and ensure that residents living nearby are not unduly affected by overlooking, overshadowing or dominated by overbearing structures.

4.8 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. Paragraph 7.1 advises that a basic principle of the guidance 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.

4.9 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. In Paragraph 12.8 it outlines that it is often good practice to try and retain a 0.9m gap to the rear garden to ensure that access remains for cycle storage and so forth. In relation to the assessment of single storey rear extensions, Paragraph 13.2 advises that the Council will have regard to a number of factors including the impact on sunlight, the relationship to windows and the height of the structure.

4.10 Paragraph 13.6 advises that when deciding the acceptable projection of two-storey extensions a starting point will be the '45 degrees rule', which is established by drawing a line on a floor plan from the centre point of the nearest ground floor habitable room window towards the proposed extension. Extensions that project beyond a 45 degrees line will normally be unacceptable unless it can be clearly shown they will not unduly harm the living conditions of the affected property. This rule does not take account of the extension's impact on direct sunlight.

4.11 In Paragraph 14.1 it states that the roof of a building is an important and prominent element of its design. Unsympathetic roof extensions can have a dramatic affect on a building's visual appearance. When integral to a dwelling or located on a steep roof slope dormers can add visual interest and rhythm to a street. However, if poorly located or designed, dormers can make a building appear 'top-heavy', cluttered and harm its balance, or symmetry. Paragraph 14.2 advises that dormers can also detract from the living conditions of neighbours. The loss of privacy can be of concern, particularly where they overlook previously sheltered areas of nearby gardens.

## ASSESSMENT

### Proposals and Context

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4.12 There is currently circa 4m between the side elevations of nos. 3 and 4 Heathfield Road and the eaves of no.4 is slightly higher than the eaves to no.3 (circa 400mm). The proposed two storey side/rear extension would be set back 4.9m from the front elevation and would project 2.9m from the rear elevation. It would extend 0.9m out from the side elevation and would therefore come within 3.1m of the side elevation of no.3.

4.13 No.3 has a single storey mono pitch roof rear extension that projects circa 3m from its rear elevation. This provides a kitchen/dining/lounge area for the property. There is a part glazed door on the side elevation of no.3 that provides the main entrance to the property. Adjacent to this is a ground floor window, which with the part glazed door provides natural light into the lounge area of the rear extension. Natural light is also available to this rear extension from a pair of full height glazed doors on the rear elevation.

4.14 There is a small opaque glazed window to a toilet area on the side elevation of the rear extension facing no.4 and there is also an opaque glazed window to a bathroom and a landing window at first floor level on the side elevation of no.3.

#### Impact on Daylight and Amenity

4.15 The applicants have provided a shadow diagram study to outline the impact of the proposal on the immediate neighbours, in particular no.3. The study covers the impact for early morning, noon and late afternoon (3pm) for mid January, March, June, September and December.

4.16 The occupant of no.3 has indicated that her main concern is loss of light to her lounge and rear garden. The main periods for consideration in planning terms are March, June and September. The study indicates that although there will be some slight additional loss of light to first floor side windows and ground floor toilet window on the rear extension, the change in level of light to the ground floor side door and window in these periods will be marginal and involves partial shading of the window at midday in March and some slight additional loss of light the door and window at morning in June. The study also indicates that there would be no impact on the garden.

4.17 In terms of size, scale and massing it is considered that the proposed two storey extension is acceptable. Being set back 5m from the front elevation and projecting only 0.9m out from the side elevation its impact on the streetscene will be marginal and it is not considered that it will have an overbearing impact on the amenities of the adjoining neighbour at no.5 nor will it breach the '45 degrees rule' referred to in Paragraph 13.6 of the SPD.

4.18 The hip to gable extension will alter the roof profile but this could be undertaken under PD rights and the rear dormer has considerable areas of tiles between its bottom edge and the eaves and to both sides and, as a result, sits fairly comfortable within the roofscape. It is not considered that it would cause loss of privacy to neighbours and in general design terms it satisfies the SPD.

4.19 The single storey mono-pitch roof rear extension projects 2.9m from the rear elevation. It could be erected, on its own, under PD rights and it is not considered that it would have any adverse impact on the adjoining neighbours at no.5 Heathfield Road and it would not be seen by the occupants of no.3 from within their property.

### HMO Issues

4.20 Although the property does not benefit from either planning permission or certificate of lawful use as an HMO, both local residents and the applicant's agent have advised that it is being used as an HMO. The applicants have provided tenancy documents, which indicate that the property has been occupied as a 3 person HMO since March 2012 until the present date with a further tenancy agreement taking HMO use up till June 2017. In this respect it seems likely that the use is lawful.

4.21 The question arises, however, what the impact would be of changing the host building from a 3 bed HMO to a 6 bed HMO. In this respect it is important to note that as this is not an application for a change of use from a dwellinghouse to an HMO, the principle of the HMO use is not in question. The main issues therefore revolve around a potential increase in comings and goings and whether there is adequate provision for car and cycle parking and bin storage.

4.22 With regard to comings and goings it is not considered that there would be grounds to refuse this application on the basis that a change from a 3 bed to a 6 bed HMO would increase such activities to a level whereby they would have an unacceptable impact of the amenities of nearby residents or have an adverse impact on the character of the area. It should also be borne in mind that the property could very easily be changed to a 5 bed HMO without the need for planning permission by using the small first floor storage room as a bedroom and installing a hip to gable extension and side dormer under PD rights to enable use of the roofspace as an additional bedroom.

4.23 With regard to parking, the applicants have provided a plan which shows 2 parking spaces at the front of the property with a low front wall being removed to facilitate access to and egress from the parking area. The Council's parking standards can require up to 3 parking spaces for a 6 bed HMO, however, the Council's parking standards are a maximum and the standards were prepared a considerable time ago when HMOs were of a different nature; being more bedsits

with some separate facilities rather than households living together and sharing all communal facilities. Also their imposition has to be undertaken in the light of the thrust of both local and national planning policy to reduce reliance on the private car. In this respect the proposal includes a 6 space cycle store in the rear garden, which will promote the use of a sustainable transport mode. In this respect it is considered that the car parking proposals are satisfactory and it is not considered that a change from a 3 bed HMO to a 6 bed HMO would create vehicular dangers for pedestrians or difficulty of access for emergency/refuse vehicles

4.24 The proposed cycle store also includes bin storage section so there is adequate provision for this aspect. Furthermore, it is not considered that the occasional blocking of drains, which is referred to by objectors, is likely to be adversely affected by the proposals.

#### Side Access and Boundary Hedge

4.25 The applicant's agent has confirmed that there will be at least 0.9m between the side of the two storey extension and the shared boundary with no.3 without the need to cut back the boundary hedge between the two properties. This would leave sufficient space between to allow movement of bins etc. from front to back and is in line with guidance in the SPD.

### **5.0 CONCLUSION**

5.1 The proposed extensions will respect the general character of the building and area and will not have an unacceptable impact on the amenity of neighbouring residents. They are considered to be acceptable and comply with national guidance in the NPPF, Development Control Local Plan Policies and the City of York Council's Supplementary Planning Document (House Extensions and Alterations).

### **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 details:-

308.001B

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

3 VISQ1 Matching materials

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## **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:

A shadow effect study was secured from the applicants which indicates the effect that the proposal would have upon daylight reaching neighbours. The submitted plan was also updated to establish the width of access that would be left at the side of the proposed extension and that two cars would be able to access and egress the on site parking independently.

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.

#### **Contact details:**

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**Tel No:** 01904 551665



16/01892/FUL

4 Heathfield Road



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	26 September 2016
<b>SLA Number</b>	Not Set

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**DELEGATED REPORT**

**Date:** 6 October 2016      **Ward:** Rural West York  
**Team:** Householder and      **Parish:** Parish Of Rufforth With  
Small Scale Team                      Knapton

**Reference:** 16/01635/FUL  
**Application at:** 30 Southfield Close Rufforth York YO23 3RE  
**For:** Roof extensions including raising height of ridge, erection of front gable extension, side and rear extensions and new detached garage with access from rear (revised scheme)  
**By:** Mr Alex Kirby  
**Application Type:** Full Application  
**Target Date:** 22 September 2016  
**Recommendation:** Householder Approval

**1.0 PROPOSAL**

1.1 This application seeks permission for extensions and alterations to the existing bungalow to include raising the ridge height of the roof and front gable, rear extensions, and detached garage to rear.

1.2 Amendments to the scheme have been submitted including the omission of the secondary front gable, hipping the roof to the north elevation, removal of first floor side window to ensuite, removal of large glazed window to the side of no. 28 and changes to the front elevation materials from render to matching brick.

1.3 Due to the significant nature of the alterations the application has been called to committee by Councillor Chris Steward.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation: Air safeguarding: Air Field safeguarding

2.2 Policies:

CYGP1 Design  
CYH7 Residential extensions  
CYGB1 Green Belts  
CYGB2 Development in settlements "Washed Over" by the Green Belt

**3.0 CONSULTATIONS**

INTERNAL

## Public Protection

3.1 No objections to the scheme subject to a condition requiring an electrical charging socket for electric vehicles.

## EXTERNAL

### Rufforth Parish Council

3.2 Object to the scheme. Regarding the original application and revisions made to it, the design and scale of the proposed building is inappropriate as it will have a huge impact on the street scene. The existing 2 bedroom traditional bungalow will become a 2-storey 4x bedroom property with gym and adjoining double garage. It will be entirely out of character to the adjacent row of eight bungalows which create a low and consistent roof line that wraps around the eastern perimeter of Southfield Close. The impact of the increased height of the proposed extension (an increased height of over 2.5 metres) is made worse as the property is located at the highest point of the cul-de-sac. It will also have a very dominant frontage as compared to adjoining properties. This will cause an over dominant effect on the street scene and significantly over-shadow the neighbouring bungalows.

### Ainsty Internal Drainage Board

3.3 The proposed extensions are likely to cause additional surface water discharge in an area where localised flooding already exists. No objections to the scheme in principle providing adequate surface water drainage scheme is provided.

## Publicity and Neighbour Notification

3.4 The application was advertised by neighbour notification letter. Letters of objection have been received from nine neighbouring properties. Two letters of support have been received from the previous owner of the host dwelling. The following objections have been received:

### Original Proposals:

- use of the rear lane for vehicle access to the property as it is a quiet footpath with access for emergency vehicles only
- design and scale of proposals are inappropriate in relation to surrounding properties (8 bungalows of similar height). The alterations would be dominant and overpowering in the corner of the cul-de-sac as the increase in roof height would be 2.5m above existing bungalows and would result in a dominant frontage

- work/disruption would go on for months as the applicant has suggested he will be doing a lot of the work himself
- design and materials not sympathetic to the dwelling/locality. Proposals have no respect for existing development.
- amount of additional glazing/balcony would result in a loss of privacy to no. 28 and 32 and would lead to a large proportion of no. 28 garden being overlooked.
- large ground floor openings and two storey atrium would result in noise and intrusion to neighbours. It is possible that the two storey atrium could be converted and a first floor added resulting in more loss of privacy.
- scale of proposals would result to significant increase in risk of flooding to neighbouring buildings
- property located on highest part of the street which would exacerbate the scale of the development
- the steep roof pitch is out of character with the area
- windows, roof tiles, red bricks would be out of character with dwelling.
- remodelling to front may result in difficulty in finding matching bricks
- large expanse of glazing could lead to light pollution and would be out of character with rural setting of village which would have a significant visual presence.
- all existing extensions to properties respect the design and materials of the street
- works started before consent given
- proposals are against guidelines in the Rufforth Village Design Statement
- the heights of the houses were designed to allow for descending aircraft to the airfield
- the double garage would cause overshadowing to no. 32.

#### Revised Proposals:

- revisions don't address concerns
- only ground floor development should be allowed
- residents have already experienced weekend working and there is concern that if approval given there will be work around the clock at a huge disturbance to residents for many months.

## 4.0 APPRAISAL

### KEY ISSUES:-

- Visual impact on the dwelling and the area
- Impact on the openness of the green belt
- Impact on neighbouring property
- Use of rear lane for vehicular access
- Drainage

## RELEVANT PLANNING POLICY

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

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

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

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

4.5 Draft Local Plan Policy GB2 states that within the defined settlement limits for villages in the green belt, planning permission for the extension of existing buildings will be permitted provided the proposed development would be located within the built-up area of the settlement; the location, scale and design of the proposed development would be appropriate to the form and character of the settlement and neighbouring property; and the proposed development would constitute limited infilling and would not prejudice the openness or the purposes of the Green Belt.

4.6 The Council have an agreed Supplementary Planning Document 'House Extensions and Alterations' dated December 2012 which provides guidance on all types of domestic types of development.. A basic principle of this guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the road/streetscene it is located on. In particular, care should be taken to ensure that the proposal does not dominate the

house or clash with its appearance with the extension/alteration being subservient and in keeping with, the original dwelling. The character of spacing within the street should be considered and a terracing effect should be avoided. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook. Guidance in sections 3 (privacy), 4 (overshadowing and loss of light), 5 (dominance and outlook), 13 (rear extensions), 14 (roof extensions), 15 (detached garages) and 18 (extensions in the green belt) are relevant to the determination of the application.

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

## THE SITE

4.8 The host building is a detached bungalow situated on a corner plot at the head of a long cul-de-sac which is comprised of a mix of two storey dwellings and bungalows. No. 30 is situated in a row of eight bungalows but opposite are two storey dwellings with some two storey dwellings to the rear. Southfield Lane runs along the rear of the host dwelling and it is from this lane which the applicant intends to create the main vehicular access to the property. Footings have been dug for the garage and alterations made to the garden for the rear driveway however no further work has taken place.

## VISUAL IMPACT ON THE DWELLING AND AREA

4.9 It is proposed to construct a number of extensions to the existing bungalow to convert it into a one and a half storey 4/5 bedroom dwelling. Alterations are proposed to all elevations, including raising the roof by 2.5m, widening the front gable by approximately 1.5m, conversion of the garage into habitable accommodation including a 2.8m rear extension, a 7m rear feature gable with double height atrium and raising the roof height of the secondary rear gable to include a glazed balcony/terrace. A detached double garage is also proposed to the side of the dwelling. Alterations to the front of the dwelling would be carried out in matching buff brick and vertical clad timber boarding with both sides of the dwelling being rendered. The rear of the elevation would comprise a glazed oak frame and red brick. The roof would be finished in red concrete interlocking tiles to match neighbouring dwellings.

4.10 It is acknowledged that the proposals would result in a significant change to the existing dwelling, and that the alterations have attracted a number of objections from neighbouring residents with regard to the scale, height, mass and materials as the resultant dwelling is considered to be of a design and scale not in keeping with

the Close. Whilst the alterations would result in a considerable increase in scale from the existing bungalow, it is considered that the larger than average corner plot, coupled with the two storey houses opposite and to the rear, as well as the mix of dwellings within the cul-de-sac would give enough variation in the street, as supported by the Rufforth Village Design Statement, so that the proposed dormer bungalow would not appear overly incongruous in this part of the cul-de-sac and would not result in significant harm to the appearance of the street scene. Care has been taken to keep the front of the property as in-keeping with neighbouring properties as possible, with buff brick and timber cladding to the gable which reference neighbouring bungalows. The massing of the roof has also been scaled down with the removal of the second front gable and providing a hipped roof adjacent to no. 32. As such the majority of the additional massing and more contemporary design features have been positioned to the rear so as to limit the impact on the streetscene.

4.11 Concerns have been raised that the increased height and incorporation of the garage into the main dwelling would result in the dwelling appearing dominant and overpowering in the street frontage. The property is set back within the plot and the majority of the footprint would be set behind that of both neighbouring bungalows. The increase in height will be apparent in this location; it is not considered that the proposals would appear unduly dominant as adequate spacing has been retained to either side of the dwelling as required by Local Plan policies GP1 and H7.

4.12 It is acknowledged that the alterations will be visible from the rear lane, especially since it is proposed to relocate the main vehicular access to the rear, however the extensions and increase in roof height would be a reasonable distance from the lane, and the scale of the building would be viewed similarly to other two storey dwellings adjacent to the lane. Concerns have been raised regarding light pollution from the amount of glazing to the rear, however the glazing is to be tinted to prevent significant glare to neighbouring properties and users of the rear lane. It is also noted that the rear lane and gardens are bounded by mature trees and hedging which would also soften the impact of the development.

## IMPACT ON RESIDENTIAL AMENITY

4.13 No. 28 Southfields Close is situated south of the application site. The owner/occupants of this property have significant objections to the increase in scale, the overall increase in height, as well as the impact on amenity with regards to loss of privacy, increased noise and overshadowing. Currently the shared side boundary between the two properties comprises a mature hedge approximately 2.5m in height. It is noted that just the roof of no. 30, as well as the glazed roof of the conservatory is visible above this hedge. Given the nature of the proposals, the eaves height will be increased by approximately 300mm to 2.5m. The side elevation adjacent to no. 28 has been kept relatively simple and as such there will mostly be roof visible above the existing boundary hedge. It is acknowledged that that 7m



gable extension, having a height of approximately 7m is a significant addition; however there are no windows to this elevation that would overlook the neighbouring property. Whilst the extension may appear prominent, the main habitable rooms of no. 28 face down the garden rather than looking directly at no. 30 and given the generous rear garden of no. 28 it is not considered that the increase in mass of the host dwelling would have a significant detrimental impact on residential amenity. Given the orientation of both properties it is not considered that there would be a significant loss of light to this property.

4.14 Concerns have also been expressed by no. 28 regarding loss of privacy from the proposed balcony/terrace to the master bedroom over their rear garden. The terrace would be positioned 3m behind the main rear gable thereby affording privacy to both the applicants and neighbours by preventing views across the neighbouring garden. Views would also be restricted over the garden of no. 32 due to the location and oblique angle of the balcony in relation to no. 32. It is therefore not considered that the proposals would cause an undue loss of privacy to either immediate neighbour.

4.15 No. 32 Southfield Close is located north of the application site in close proximity to the shared side boundary which is bounded by a 2m high mature hedge. A detached double pitched roof garage is proposed adjacent to the side boundary with no. 32, set back from the side elevation of the host dwelling, having a footprint of 6m x 6m, an eaves height of 2.1m and a ridge height of 4.5m. The main living accommodation is situated at the front of no.32 with 2no. bedrooms to the rear overlooking the garden. Given the location of the garage in relation to the boundary, it is possible that the ridge would be partly visible from the rear rooms of no. 32, however at present the side boundary hedge has been left to grow up, thereby reducing visibility of any of the extensions from this vantage point. Given the height of the garage adjacent to the boundary, even with its southerly orientation, it is unlikely that it would cause significant overshadowing over and above the existing hedge. The only side window facing towards the application site would appear to be an obscurely glazed bathroom window which is currently obscured by the boundary hedge. Given that the habitable rooms are located away from the proposed development it is not considered that the increase in height and extensions to no. 30 would have a significant impact on light levels to habitable rooms and therefore the impact on residential amenity would be limited.

#### USE OF SOUTHFIELD LANE FOR MAIN VEHICLE ACCESS

4.16 A number of objections have been raised with regard to the use of the rear access lane as the main vehicle access to the dwelling as it has mainly been used as a public right of way and footpath to the cemetery as well as being utilised by emergency vehicles for access to the airfield. However Southfield Lane was once a County Unclassified Road linking Rufforth to Askham Bryan and still carries public vehicular rights along it including to the rear of no. 30. As such the Local Authority

is unable to prevent such use and because the lane is unclassified there is no requirement for the applicant to obtain planning permission for such use. Highways consent for the creation of the access is required however, and the applicant has submitted details as part of the application to show that Highways consent has been obtained.

## DRAINAGE

4.17 The Ainsty Internal Drainage Board states that the watercourses in this area are known to be subject to high flows during storm events and Rufforth has a history of localised flooding. Soak-aways are not normally suitable in Rufforth. A Yorkshire Water surface water sewer exists in Southfield Close which then drains to a drainage ditch in Bradley Lane. The scale of the extension is not significant in drainage terms and any additional surface water run-off would be difficult to attenuate. A drainage condition is not recommended in these circumstances and drainage details should be dealt with under the Building Regulations.

## GREEN BELT AND OTHER ISSUES

4.13 The 2005 Draft Local Plan defines Rufforth as a village washed-over by the Green Belt. The bungalow is located within the settlement limits defined in that Plan. The principle of washed-over settlements no longer forms part of Government guidance as expressed in the NPPF, paragraph 86 stating that “if it is necessary to prevent development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If however, the character of the village needs to be protected for other reasons, other means should be used.....and the village should be excluded from the Green Belt.” Policies YH9(C) and Y1 (C1 and C2) of the Regional Spatial Strategy require that the inner and the rest of the outer boundaries are defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas. The 2013 Publication Draft of the Local Plan proposes to exclude the village from the Green Belt and although this Plan carries limited weight it is considered that the application site does not meet any of the 5 Green Belt purposes and should not be considered as forming part of the Green Belt for the purposes of this application.

4.14 With regard to the increase in height affecting the flight path of aircraft using Rufforth Airfield, the Aerodrome has been consulted and no comments received. The site has a backdrop of mature trees and there are two storey dwellings opposite therefore it is not considered that the increase in height would have any impact on the safety of the airfield. A note to the Airfield Safeguarding Map states the Map does not apply to householder type development.

## 5.0 CONCLUSION

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5.1 It is acknowledged that the proposed alterations and extensions to the bungalow will result in a significant change to the height and massing of the dwelling, however given the various property styles in the cul-de-sac, the scale of the plot and the retention of matching materials to the front of the dwelling, the proposed changes are considered to harmonise with the various heights of dwellings in the vicinity that would not result in a dominant or overbearing structure in the street scene. Similarly given the orientation of the development in relation to neighbouring properties and the design and layout of the proposals it is not considered that the proposals would have a significant impact on residential amenity. As such the scheme is considered to comply with guidance in the NPPF, draft Local Plan policies GP1 and, H7, design principles in the Rufforth Village Design Statement and the Council's House Extensions and Alterations SPD.

## **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:-

Proposed plans and elevations - Drg. No: 2016-81-02 Rev. F

Proposed Site Plan and Garage Plan - Drg. No: 2016-81-03 Rev. B

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

3 Prior to the development hereby approved coming into use, a three pin 13 amp external electrical socket which is also suitable for outdoor use shall be installed. The socket shall be located in a suitable position to enable the charging of an electric vehicle within the garage or on the driveway using a 3m length cable.

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

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

4. The double height space to the rear of the property shall not be converted to provide further accommodation at first floor level without a further planning

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permission first being granted by the Local Planning Authority.

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

5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes B ( the enlargement of a dwellinghouse consisting of an addition or alteration to its roof) and C (other alterations to the roof of a dwellinghouse) of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015.

## **7.0 INFORMATIVES: Notes to Applicant**

### **STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH**

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

Officers have secured revisions to materials and the scale of building so that it appears more in keeping with neighbouring buildings and doesn't dominate the street scene.

#### **Contact details:**

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16/01635/FUL

30 Southfield Close Rufforth



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<b>Comments</b>	Site Plan
<b>Date</b>	26 September 2016
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 6 October 2016      **Ward:** Dringhouses and Woodthorpe  
**Team:** Householder and Small Scale Team      **Parish:** Dringhouses/Woodthorpe Planning Panel

**Reference:** 16/01744/FUL  
**Application at:** 105 Tadcaster Road Dringhouses York YO24 1QG  
**For:** Two storey and single storey rear extension (revised scheme)  
**By:** Mr Robert Brown  
**Application Type:** Full Application  
**Target Date:** 30 September 2016  
**Recommendation:** Householder Approval

**1.0 PROPOSAL**

1.1 This application seeks permission for a one and two storey rear extension to 105 Tadcaster Road.

1.2 The scheme has been redesigned at first floor level at the request of officers in order that it respects the existing appearance of the dwelling.

1.3 Cllr. Reid has called the application to committee due to the proposed materials and impact on neighbour amenity

**2.0 POLICY CONTEXT**

2.1 Policies:

CYGP1      Design  
 CYH7      Residential extensions

**3.0 CONSULTATIONS**Dringhouses and Woodthorpe Planning Panel

3.1 The Panel supports the application, however it is noted that the visual appearance of the proposed roof gable end is at odds with the neighbouring properties. A more symmetrical approach would be preferable. These comments are based on the original proposals. No comments have been received with regard to the revisions.

## Publicity and Neighbour Notification

3.2 The application was advertised by neighbour notification letter. A number of objections have been received in relation to both schemes from four neighbouring properties, 103 and 107 Tadcaster Road and 3 and 11 Hunters Way to the rear of the site:

### ORIGINAL PROPOSALS

- First floor is very large and at odds with the current style of the building
- the proposed windows/juliet balcony would result in a loss of privacy and changes the viewing aspect to existing first floor windows. Trees may prevent overlooking however without a 3D rendering this is difficult to establish.
- juliet balcony should be resisted
- concern expressed over the position of the single storey extension adjacent to the boundary of 107 Tadcaster Road. It is unclear from plans as to whether the roof/guttering will overhang the boundary.
- the materials and finish is out of keeping with existing development and will spoil the traditional character of the area, and will have a negative visual impact on neighbouring properties.
- are there any safeguards to ensure that the drains will not be damaged during constructions works?
- many properties have large extensions but all in keeping with traditional appearance of area
- extension will cause overshadowing to ground floor rear extension at 103 Tadcaster Road. This extension not shown on the plans.
- works have commenced without planning permission.
- size and format of windows out of keeping with neighbouring buildings
- eaves level bears no relationship to existing eaves level and contemporary nature does not relate well to existing dwelling
- host dwelling not in conservation area, but close to the boundary. Its appearance should therefore be considered carefully
- extension would be visible from Hunters Way and proposed materials would stand out considerably.

### REVISED PROPOSALS

- Objections still stand from all objectors in relation to materials, appearance, loss of privacy, overshadowing and location of side extension as per the above comments
- revisions given no consideration to neighbours either side - overshadowing or loss of privacy.
- revised scheme is poorly designed and would result in unsympathetic boxy extension
- scheme does not comply with multiple parts of Local Plan policies GP1 and H7

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- property could be extended to infill front 'L' without causing harm to neighbour amenity.

## 4.0 APPRAISAL

### KEY ISSUES:-

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

### RELEVANT PLANNING POLICY

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

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

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

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

4.5 The Council have an agreed Supplementary Planning Document 'House Extensions and Alterations' (SPD) dated December 2012 which provides guidance on all types on domestic types of development. A basic principle of this guidance is that any extension should normally be in keeping with the appearance, scale, design

and character of both the existing dwelling and the road/streetscene it is located on. In particular, care should be taken to ensure that the proposal does not dominate the house or clash with its appearance with the extension/alteration being subservient and in keeping with, the original dwelling. The character of spacing within the street should be considered and a terracing effect should be avoided. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook. Guidance in sections 3 (privacy), 4 (overshadowing and loss of light), 5 (dominance and outlook), and 13 (rear extensions) are relevant to the determination of the application.

## THE SITE

4.6 The host is a 1950's two-storey detached 'L' shaped dwelling situated on one of the main arterial roads into York. It is surrounded by similarly aged housing of various designs, just outside of the Tadcaster Road conservation area. The property has a detached garage to side, attached car port and a rear conservatory. The footings have been dug out and the conservatory dismantled.

## APPRAISAL

### Design and Appearance

4.7 It was originally proposed to construct a contemporary one and two storey flat roof extension to provide open plan living accommodation on the ground floor with an en-suite bedroom above. The design of the extension would be of two boxes, the ground floor being clad in white render and the first floor being finished in cedar cladding with large floor to ceiling windows on the rear elevation and high level windows to the side elevations. Due to the limited internal head height the first floor eaves height was raised above that of the main dwelling. Whilst officers do not object in principle to a contemporary scheme, in this instance it was considered that the cumulative impact of the flat roof design, overall height of the eaves and mix of materials did not relate to the design and appearance of the host dwelling resulting in harm to the appearance of the dwelling and that of the surrounding area.

4.8 A revised scheme has since been submitted reducing the eaves height to line through with the existing eaves, with the flat roof hidden by a partial pitch. A flat roof is still proposed to the single storey element. The footprint of the ground floor extension would project 3.8m and be 9.2m in width extending across the full width of the dwelling and up to the side boundary with no. 107 Tadcaster Road. The first floor extension would have a width of 5.6m. The roof would be constructed from matching roof tiles with the walls of the extension being finished in white render. A single width clear glazed juliet balcony has been added to the first floor rear french windows.

4.9 A number of neighbour objections have been received in relation to the revisions from 4 neighbouring properties surrounding the site. All raise concerns with the design and materials not being in keeping with the host dwelling or surrounding properties in both Tadcaster Road and Hunters Way. Given that the rear elevation would be open to public view from the entrance to Hunters Way, the proposals would impact to a limited degree on the appearance of the street scene. The proposals would not impact upon the setting of the Tadcaster Road conservation area, the boundary of which lies about 30m to the north. Whilst concern has been expressed with regard to the suitability of such an extension in this area, officers consider that the revisions provide a compromise between a contemporary design and a wholly traditional brick built pitched roof extension. The existing rear elevation of the dwelling lacks the character of the front of the dwelling, with a single window to the first floor and another window and modern patio doors to the ground floor. The proposed extensions would therefore not result in the loss of existing character features of this part of the dwelling. The design of the revised scheme is considered to sit well within the rear elevation, with the pitched-roof having a similar visual style to that of the main roof. Whilst concerns have been raised that the roof does not resemble the main dwelling, it is noted that this design was chosen in order to keep the roof as low as possible so as to reduce the impact on neighbouring properties.

4.10 It is considered that the contemporary design adds interest and would compliment the host dwelling, taking cues from the original features of the property, such as the shape of the roof and eaves height. Indeed, the NPPF recognises the importance of contemporary design and states in paragraph 60 that 'planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.' As such, whilst it is understood that the proposed extension would not conform to the traditional design of the dwelling, it is considered to add interest to an otherwise bland elevation, that would not result in harm to the appearance of the dwelling or street scene as viewed from Hunters Way.

4.11 The first floor addition projects 3.8m from the rear elevation. Given the overall scale of the host dwelling and the design of the roof, it is not considered that the proposals would dominate the dwelling or overpower the rear elevation. A similarly scaled two storey extension has been constructed a few houses along from the site at 99 Tadcaster Road.

### Residential Amenity

4.12 The extension would be approximately 3m from the shared side boundary no. 103 Tadcaster Road, with both the host garage and the garage belonging to no. 103 between the two houses. Given the limited number of primary habitable room windows which directly overlook the area of the proposed extension, it is not

considered that it would cause significant harm to residential amenity with regard to outlook. No. 103 is situated north of the application site. Given the orientation of both properties and location of the extension, officers acknowledge that there will be some additional overshadowing to the side and rear of no. 103 during the middle of the day. However given the 6m distance of the extension from no. 103, and the limited number of openings along the side elevation (two small windows which serve secondary rooms and side boundary door from kitchen) it is considered that the majority of overshadowing would occur in this location as well as falling across the garage roofs of both properties. There may also be some impact on side facing windows to the single storey rear extension, however given the lowered roof height of the first floor extension it is not considered that the impact would be significant or for long periods of the day over and above the existing overshadowing caused by the host dwelling in relation to no. 103.

4.13 The single storey extension is positioned up to the shared side boundary with 107 Tadcaster Road. The eaves of the extension would be 3.1m in height adjacent to the boundary with no. 107. Given the location of the extension in relation to no. 107 it is not considered that there will be any harm to residential amenity with regard to outlook, loss of privacy or overshadowing.

4.14 Objections have been received relating to loss of privacy to surrounding neighbouring properties by virtue of the large amounts of glazing, especially at first floor level where French windows (one opening with a Juliet balcony) are proposed. The closest property to the rear of the site is no. 11 Hunters Way. The SPD suggests a distance of 21m should be achieved as a minimum to mitigate against a loss of privacy levels between first floor windows to properties at the rear of a site. The distance between the proposed first floor window and that of no. 11 Hunters Way is approximately 26m and it is also noted that the rear of the site is bounded by deciduous trees, which would provide an element of screening to neighbouring properties at the rear for a large proportion of the year. The proposed first floor side facing windows are designed so that they are set 1.5m above floor level which mitigates against harmful overlooking although it is acknowledged that this is 200mm lower than recommended in the SPD. The window facing no.103 would serve an en-suite bathroom, with a bedroom window facing no.107. There are existing first floor windows facing no.107.. It is not considered that the proposals would cause a significant loss of privacy to any neighbouring property.

### Other Issues

4.15 Issues regarding the existing drain/sewer would fall under the control of building regulations. Confirmation has been submitted stating that the guttering will sit within the flat roof of the extension and that no part of the extension will overhang the boundary with no. 107 Tadcaster Road.

## **5.0 CONCLUSION**

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5.1 It is acknowledged that the revised scheme is a move away from the more traditional form of extension that is more common in this area. Officers consider that a contemporary design and materials would still harmonise with the host dwelling and would not harm the appearance of the dwelling or surrounding street scene. Whilst objections have also been expressed in relation to harm to residential amenity, officers do not consider that the impacts would be significant. As such the revised scheme is considered to comply with guidance given in the NPPF, draft Local Plan policies GP1 and H7 as well as the Council's House Extensions and alterations SPD.

## **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:-

Site Location and Block Plan - Drg. No: 201

Proposed Floor Plans - Drg. No: 202A

Proposed ELevations - Drg. No: 203A

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

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

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

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

Officers secured an alternative scheme which related more to the design and appearance of the host dwelling.

#### **2. THE PARTY WALL ETC ACT 1996**

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

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

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

**Contact details:**

**Author:** Elizabeth Potter Development Management Assistant

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16/01744/FUL

105 Tadcaster Road Dringhouses



Scale : 1:975

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	26 September 2016
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 6 October 2016      **Ward:** Rural West York  
**Team:** Major and      **Parish:** Parish Of Rufforth With  
Commercial Team      Knapton

**Reference:** 16/00542/FUL  
**Application at:** Land At Junction Of Main Street And Back Lane Knapton  
York  
**For:** Erection of 4no. dwellings  
**By:** Novus Investments Ltd  
**Application Type:** Full Application  
**Target Date:** 28 April 2016  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 This is a full application for the erection of four houses on 0.34 ha of land at Main Street, Knapton.

1.2 The site is located on the corner of Back Lane and Main Street with frontages to each road. To the north of the site is an existing property to the east is open agricultural land. The land rises from Main Street so that the land is about 1 metre higher on the Main Street frontage and 1.5 metres higher than the Main Street frontage at the eastern end of the site.

1.3 The proposal is to erect four houses. The application has been substantially amended since first submission so that the access to the land is now proposed to be from Main Street with a new boundary wall to that frontage. The proposal is for four individually designed detached houses each with attached or detached double garage.

1.4 The application has been called into committee by Cllr Steward who considers the houses to be too big for the plots with a related lack of gardens and is concerned about the access arrangements. There are also significant concerns about the Green Belt which it is believed should be explored by councillors.

**PLANNING HISTORY**

1.5 The following planning applications are relevant to the site area:-

- Planning permission was refused and dismissed on appeal for the erection of 4 dwellings on the site in 2002 (planning reference 01/03066/FUL).

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- Planning permission was refused and dismissed on appeal for the erection of 5 houses on the site in 2002 (planning reference 02/01290/FUL).

1.6 Both the above applications were considered at the same appeal hearing. The Inspector concluded a number of issues that are relevant to the current proposal. These are as follows

- The appeal site was appropriately included within the Green Belt
- The development as proposed did not constitute limited infill (despite at this time being within the settlement limits for the village)
- The site is prominent in local views and in the wider landscape and the proposed development (for both schemes) was considered to be out of character with the generally more modest scale of surrounding residential development.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

### 2.2 Policies:

#### 2005 Draft Local Plan

SP2:	The York Green Belt
SP7a:	The sequential approach to development
GB1:	Development in the Green Belt
GB6:	Housing Development outside Settlement Limits
GP1:	Design
GP4A:	Sustainability
GP9:	Landscaping
HE10:	Archaeology

#### Emerging Local Plan Publication draft 2014

H3:	Balancing the Housing Market
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## **3.0 CONSULTATIONS**

### INTERNAL

#### Highway Network Management

Application Reference Number: 16/00542/FUL

3.1 Comments were received to the original scheme to which there were no objections in principle concerns were however raised to the detailed design. The new scheme shows access changed from Back Lane to Main Street and the further comments of Highway network Management are awaited.

#### Housing Strategy and Development

3.2 A contribution of £37,700.70 is required towards affordable housing.

#### Public Protection

3.3 No objections in principle; conditions are required in relation to unexpected contaminants and the provision of electric car recharging facilities. An informative is sought in relation to operation of the site during construction phase of the development.

#### Planning and Environmental Management (City Archaeologist)

3.4 Considers that the site is of archaeological interest; a programme of archaeological works should be conditioned.

#### Planning and Environmental Management (Ecology and Countryside Officer)

3.5 The following comments are based on the original scheme further comments on the amendments are awaited:-

3.6 There are no statutory or non-statutory nature conservation sites within or adjacent to the site. The site is located within a Local Green Infrastructure Corridor (13 Acomb Corridor). Through the Local Biodiversity Action Plan these have been identified across York with the aim to link together habitat to create an overall structural network for wildlife.

3.7 The landscape plan shows that the hedgerows and oak and ash tree along Main Street will be retained but 'pruned as appropriate'. The plan indicates 'new hedgerow to be planted at boundary' on Back lane. The hedge row on the frontage will be lost. If the wall along the Main Street frontage is to be a retaining wall this may have an impact on the Ash tree. Whilst the hedgerow does not qualify as 'important' under the Hedgerow Regulations 1997 and is considered species-poor, it is a tall, mature, well-established hedgerow which will provide habitat for invertebrates and nesting birds, and it would be preferable to retain it.

3.8 In the ecological appraisal the oak tree on the junction of Main Street and Back Lane was assessed as having a high potential to support roosting bats, and having been on site this view is supported. If works to the oak tree are critical to the

development, then a bat roost inspection/emergence survey is required before we determine the application as the works could directly impact bats. If it is not essential to the development then it should be made explicit on the plans that this tree will not be impacted.

## EXTERNAL

### Knapton Parish Council

3.9 Knapton Parish Council raised a strong objection to the original scheme and continues to strongly object to the amended proposals on the following grounds:-

Knapton is 'washed over' by Green Belt and this application is previously in the local plan on a site that has been refused planning permission twice in the past.

- The roof line is too high. The site is raised compared with neighbourhood property and roof height levels should be reviewed or site levels to be looked at.
- Site boundary is on the site of neighbouring property (Knapton Grange) in part which is incorrect and gives the impression the proposed site is larger than it is.
- Houses are too big for the site - especially the 6 bedroomed one.
- The footprint of the houses is too big for the plots. Garages to plot3 and 4 are too close to the boundary and will affect tree roots and the existing hedgerow.
- There is not enough garden to allow for personal and recreational use, which buyers of large houses are now expecting.
- The application is not in keeping with the village design statement and the parish plan.

### Yorkshire Water Authority

3.10 No objections in principle subject to appropriate drainage being resolved.

### Ainsty Internal Drainage Board

3.11 There is a pre-existing problem with drainage in to the Small Foss. Further water should not be placed into Golden Farm dyke and Knapton Thorn dyke. Drainage from the site should be managed by sustainable means. The board would support the drainage of the site via filtration but not to the existing public sewer. Any existing discharge to dykes will need to be proved

### Publicity and Neighbour Notification

3.12 Thirty objections were received to the original proposal a further 13 objections have been received to the amended scheme covering the following points:-

- Concerned that the road layout will not cope with the additional traffic movements.
- Access to the site including for construction will require the widening of the road and the removal of hedgerow and trees. To keep the rural feel of the settlement trees and hedgerows need to be retained.
- Dwellings are out of proportion with those in the surroundings particularly as the site is elevated
- The application is in advance of the local plan consultation process
- Main Street has become a rat run for traffic avoiding the ring road additional blocking and traffic on the Main Street is a cause for concern.
- Poor drainage in the village can not cope with additional development.
- Amendments to the scheme do not address residents concerns.
- The land is a significant section of Green Belt too large to be classified as Green Belt.
- No consideration of minimising flood risk - drainage will need to be attenuated.
- Scale of the dwellings is out of character with the settlement.
- Difference in level between the site and the adjacent bungalow means that the buildings elevations will be dominant.
- Two trees on the Main Street affected by the development are important to minimising the impact of the houses. The planning committee should visit the site.
- Some kind of yellow line will need to be instigated on both sides of Main Street. Parking together with additional turning would make this dangerous.
- The wall height along the frontage should be higher to be in character with the village.
- There is no mention of proposed lighting. This would have a major effect on the adjacent bungalow and the intentions of the developer should be known.
- A parking area should be provided for builders during construction.
- Knapton is extremely vulnerable to being swallowed up into the outer edges of York new development will enlarge the village envelope and make it more vulnerable
- Houses and garages are too big for the site and out of character with bungalows and cottages.
- Small houses and bungalows would be more suitable to the settlements.
- Opposed to the strip of land to the rear of Knapton Grange being used as someone's garden as it takes away the rural feel of the existing property.
- The garage of plot 3 is too close to the boundary and affects trees and vegetation.
- Amended plans were released at the beginning of the holidays
- Details do not comply with the requirements of the Village Design Statement.
- Weight restriction on Main Street would be compromised by building vehicles. Damage to the road could be caused.
- Impact on wildlife.

- Loss of privacy to 75 Main Street.
- Loss of light to surrounding properties.
- Oak tree on the corner of Back Lane should have a TPO placed on it.
- There is no shortage of 5/6 bedroom houses in York or the surrounding villages
- The site is outside the village which is defined by Back Lane
- The proposed allocation in the emerging local plan should not be taken into account in determining this application.
- Brownfield sites in York should be fully exploited before development on Greenfield sites in villages.
- Houses opposite the site will be overlooked by a significant number of windows.
- Over recent years the village has already grown by about 20% it is unnecessary for the village to grow any further.

## 4.0 APPRAISAL

### 4.1 Key issues:-

- Planning policy
- Green Belt
- Site Layout
- Highways Parking and access arrangements
- Ecology
- Residential amenity
- Drainage

## PLANNING POLICY

### National Planning Policy Framework

4.2 Footnote 9 to paragraph 14 of the National Planning Policy Framework (NPPF) says that the presumption in favour of granting planning permission for sustainable development for decision taking where the development plan is absent, silent or relevant policies are out-of-date does not apply in Green Belt locations.

4.3 The core planning principles at paragraph 17 include the expectation that planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it; conserve heritage assets in a manner appropriate to their significance, so that they

can be enjoyed for their contribution to the quality of life of this and future generations;

4.4 Paragraph 50 of the NPPF supports the delivery a wide choice of high quality homes to create a sustainable, inclusive and mixed community. Local Authorities are therefore required to plan for a mix of housing based upon current and future demographic needs of different groups in the community and which reflects local demand. Paragraph 7 (sustainable development principles) defines the 3 dimensions to sustainable development which includes the supply of housing to meet the needs of the present and future generations in accessible locations. Paragraph 34 states that developments should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Paragraph 152 (Strategic priorities within the Local Plan Area) states that Local Planning Authorities should seek to achieve these three dimensions of sustainable development, avoid adverse impacts and pursue alternative options which would reduce or eliminate such impacts.

4.5 Section 6 of the NPPF seeks to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities through local plan allocations.

4.6 Section 7 of the NPPF requires good design. Paragraph 56 says good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (Para 61).

4.7 Section 9 'Protecting Green Belt Land' says that the essential characteristics of Green Belts are their permanence and openness (paragraph 79). Paragraph 88 says that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. With regard to new buildings paragraph 89 says that the construction of new buildings is inappropriate exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building, however the construction of new dwellings would be inappropriate (paragraph 89).

4.8 Section 11 of the NPPF aims to conserve and enhance the natural environment and requires the planning system to contribute by 'minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to

the Government's commitment to halt the decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures' (Para 109). In preparing plans, Paragraphs 110 and 113 are required to minimise effects on the environment and set criteria based policies which protect biodiversity to enable commensurate protection to their status as well as the contribution they make to wider ecological networks.

4.9 The NPPF says at Annex 1, paragraph 216, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the Framework policies, the greater the weight that may be given). Weight may also be given to relevant policies in emerging plans according to the stage of preparation (the more advanced, the greater the weight that may be given), the extent to which there are unresolved objections (the less significant, the greater the weight) and the degree of consistency of the relevant emerging plan policies to the Framework policies (the closer they are, the greater the weight).

#### National Planning Practice Guide (NPPG)

4.10 In general, the NPPG supports the priorities set out in the NPPF with regards to the delivery of a suitable mix and type of housing / accommodation as well supporting the requirements to meet the health and well-being of residents through suitable infrastructure delivery.

4.11 The NPPG also supports policies set out in the NPPF in relation to conserving and enhancing the environment, including identification of local ecological network and acknowledging the important contribution they make to ecological networks and systems.

4.12 The NPPG does set out further guidance in relation to determining suitable allocations within 'Housing and Economic Land Availability Assessment'. From this plan makers should use a robust methodology in determining suitable sites for development.

4.13 The NPPG advises that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt.

#### Development Plan

4.14 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the retained policies of the Yorkshire and Humber Regional Spatial Strategy (RSS). These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt



and the key diagram insofar as it illustrates general extent of the Green Belt. The policies require the inner and the rest of the outer boundaries are defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

### Local Plan

4.15 The City of York Council does not have a formally adopted Local Plan. Nevertheless The City of York Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005) was approved for Development Management purposes.

4.16 The 2005 Draft Local Plan does not form part of the statutory development plan for the purposes of S38 of the 1990 Act. Its policies are however considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

4.18 Policy GB6: 'Housing Development outside Settlement Limits' is relevant given that this site sits outside of the settlement limit for Knapton Village as shown on the proposals map for the Local Plan fourth sets of change (2005). This policy states: 'Housing development (other than replacement dwellings) outside defined settlement limits in the Green Belt and open countryside will only be permitted where:

- a) it is essential for agriculture or forestry in that area; or
- b) it is for affordable housing development on small 'exception' sites that comply with the criteria outlined in policy GB9'.

4.19 The site is located within the Green Belt as shown on the 2005 draft Local Plan Proposals Map.

### Emerging Local Plan

4.20 Following the motion agreed at Full Council in October 2014, the publication draft of the York Local Plan is currently not progressing through its statutory consultation; pending further consideration of the Council's housing requirements and how it should meet those requirements. As such, there is a possibility that the position in relation to sites may change when the Local Plan recommences its passage to adoption. This response should be seen only in the context of the present application and in the light of the most recently published evidence.

4.21 The emerging Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be limited. However, the evidence base that underpins the

proposed emerging policies is a material consideration in the determination of the planning application.

4.22 Policy H3: Balancing the Housing Market sets York's local requirement for a mix of types of housing which reflects the diverse mix of need across the city as defined by the most up-to-date Strategic Housing Market Assessment. It states that "Proposals will be supported that are suitable for the intended occupiers in relation to the quality and type of facilities, and the provision of support and /or care.

4.23 Knapton Village in its entirety, including this site, is shown within the Green Belt on the latest version of the Local Plan Proposals Maps (Publication draft, 2014).

#### Local Plan Progress 2016

4.24 Consultation on the Preferred Sites Document 2016 commenced on the 18 July 2016 for eight weeks following the document's approval by the Council's Executive on 30 June 2016. The Preferred Sites Consultation 2016 puts forward the Council's latest evidence base. This includes a Strategic Housing Market Assessment (SHMA) and Employment Land Review (ELR), a proposed portfolio of sites to meet the housing and employment needs of the city over the plan period along with an updated Local Development Scheme (LDS) which sets out the timetable for the Local Plan.

4.25 The application site has been considered in the site selection process and has been allocated for development of 11 houses in the preferred sites document. The site is identified as H53 in the document and takes the view that the site is developed on 3 sides and can accommodate development with access from Back Lane. It is proposed that the site should accommodate 11 houses. It is concluded that the site has access to services and transport routes however it scores more negatively in relation to proximity to education, open space, being a green field site, and potential heritage effects from archaeology and the open space contributing to the setting of the village.

#### Village Design Statement (VDS)

4.26 A VDS for Knapton was approved by York City Council as draft Supplementary Planning Guidance to the draft Local Plan in May 2006. The document provides useful background to the settlement and sets out a series of design guidelines which should be considered when proposing development in the village.

4.27 A neighbourhood plan is proposed for Rufforth and Knapton and initial site boundary has been agreed.

#### ASSESSMENT

## Green Belt

4.28 The site is located within the general extent of the Green Belt as described in the RSS. The policies in the RSS have been retained in order to establish long term development limits that safeguard the special character and setting of the historic city. The site is shown as being within Green Belt on the proposals map in the DCLP and within the Green belt in the emerging local plan publication draft (2014); however the preferred sites consultation (2016) proposes to allocate the site for residential development. The RSS is the development plan for York. The DCLP and the emerging local plan are non-statutory documents. As set out in s.38 (6) of the 1990 Act determinations should be made in accordance with the development plan unless material considerations indicate otherwise. The emerging preferred sites consultation is at a very early stage and is not considered to be sufficient material to the consideration of this application having regard to advice in paragraph 216 of the NPPF. Paragraph 216 says that from the day of publication weight may be given to relevant policies in an emerging plan according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections and the degree of consistency of the relevant policies in the emerging plan to the policies in the framework. At the moment the site remains in the general extent of the Green belt and emerging policy in the DCLP, publication draft 2014 does not seek to remove this designation nor does the preferred sites consultation address how Knapton's current Green Belt status will be addressed if the site is allocated for development. It is anticipated based on the number of objections to this application that there will be objections to the proposed allocation (this may be able to be clarified at committee). Officers are of the view that the preferred sites consultation is not sufficiently far advanced to be considered as part of this application and the application should therefore be treated as its current status as Green Belt land.

4.29 In accordance with this approach paragraph 14 of the NPPF sets out a presumption in favour of sustainable development. However the footnote referenced within paragraph 14 to the presumption in favour of sustainable development does not apply in Green Belt locations.

4.30 Paragraph 89 of the NPPF establishes that the construction of new buildings is inappropriate in the Green Belt. Similar to Paragraph 89, GB1 of the DCLP is permissive of certain development in the Green Belt. The proposal is not for any of the purposes listed and confirms the position within paragraph 89 of the NPPF that all other forms of development within the Green Belt are considered inappropriate. The NPPF confirms at paragraph 87 that inappropriate development is by definition harmful to the Green Belt. Paragraph 88 says substantial weight would need to be given to harm by reason of inappropriateness and any other harm. Very special circumstances will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

4.31 The site is a field that is not developed and is clearly visible feature on the edge of the Knapton settlement and on the approach to the village from Back Lane. As confirmed by the Inspector in the 2002 appeal the site is also visible from the by-pass. Paragraph 79 of the NPPF indicates that openness and permanence are essential characteristics of Green Belt. In introducing development on to an undeveloped site, the proposal would result in a loss of openness.

4.32 Paragraph 80 of the NPPF sets out the purposes of Green Belt; these include, amongst others, to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns and to assist in urban regeneration. As the site is visible from the by-pass the land is considered to contribute to openness which forms part of the character of generally open and undeveloped land adjacent to the by-pass that contributes to the setting of the city. It is also considered that the site assists in safeguarding the countryside from encroachment; this helps to achieve urban regeneration by encouraging the recycling of derelict land and other urban land rather than developing green field sites. Therefore the proposal would have an adverse effect on the purposes of including land in the Green Belt. Given the size of the site harm to the Green Belt would be moderate.

4.33 In summary, the proposal would be inappropriate development. According to the NPPF, paragraph 87, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would also cause a loss of openness and moderate harm to the purposes of including land in the Green Belt.

#### Impact on the Character and Appearance of the Area

4.34 The previous appeal decisions assess the impact of the proposed development on the character and appearance of the area. The appeal schemes were similar in their land take and layout arrangements to the proposed scheme. The appeal Inspector said ' In both schemes the properties are substantial and would be prominent in local views and the wider landscape, particularly from the A1237 and the northern approach to the village. Notwithstanding that Knapton Grange (property to the north) is a large dwelling, the mass and bulk of the proposed houses would dominate the entrance to the village, and would be out of character with the generally more modest scale of surrounding residential development. The impact of the proposals would be reinforced by the elevated nature of the site frontage to Main Street, which I do not consider would be satisfactorily mitigated by existing and supplementary landscaping'. The Inspector concluded that the appeal development would be detrimental to the character and appearance of the area. It is considered that these same concerns are raised by the current proposals; the character of the site has not changed significantly since the appeal decision.

4.35 The site is an undeveloped area which is defined by hedge boundaries and is open on its eastern side. The village has relatively dense development along Back Lane and Main Street to the south side of the site; to the north development is less compact providing spaces and open views. The contrast of the rural setting of the village to the more dense development within its nucleus is important to its character and appearance. The proposed scheme is accessed from Main Street. The new access and replacement front boundary (from hedge to brick wall) detracts from the site's rural character. Furthermore the proposed houses stand about 8.5 metres high and are raised at least 1 metre above the Main Street. Each dwelling is a substantial property with attached or detached double garage. Like the Inspector on the previous scheme Officers consider that the scale of the dwellings on an elevated site and enclosed by front boundary walls would be inappropriate to the character and appearance of Knapton. The development does not accord with the core planning principle of the NPPF of recognising the intrinsic character and beauty of the countryside, GP1 of the DCLP which similarly expects proposals to respect or enhance the local environment and GB6 seeks to resist development beyond settlement limits in washed over Green Belt settlements.

#### Layout and Landscape

4.36 The density requirements in the DCLP are for 40 dwellings per hectare in urban areas and 30 dwellings per hectare elsewhere. The emerging local plan is currently looking for densities higher than this in urban areas at 50 dwellings per hectare and 35 dwellings per hectare in rural areas. Policies require that consideration is given to the overriding character of the area when designing a layout and the appropriate density and acknowledge that compatibility with a site's surroundings will be important.

4.37 The layout proposes two properties along the street frontage and two behind served via the same access from Main Street. The property beyond the site to the north is a single property on the road frontage with garage set behind. As indicated in paragraph 4.35 above the character of the village changes beyond Back Lane; development on the south side of the Lane is in-depth with properties facing the Main Street and facing Back Lane. To the north of the lane there is only one dwelling on the application side of the road. This property is set towards the frontage of the site with large rear garden. The proposed development which consists of a small courtyard development with two dwellings to the frontage and two set behind, is a pattern of development which is not characteristic of the immediate context. Gardens to the rear extend into the rear open field and wrap around the adjacent property increasing the visibility of the development from the east. The contrast between the denser development to the south of Back Lane and rural open nature of land to the north would be lost. The plots at the eastern end of the land would appear substantial and highly visible because of the open fields to the rear and the relative height of the land compared with the Main Street. The Knapton Village Design Statement (VDS) says 'the village itself has a simple plan with a single

principal street (Main Street) and, on the east side, a "Back Lane". It is likely that the village was originally laid out as a 'single-sided' village, with the main street lined by houses and the back lane by farm buildings, with easy access to the adjacent fields. Later expansion caused new building on the west side of Main Street, but no Back Lane was ever created here. Most building is contained today within a tight envelope defined by Main Street and Back Lane. Design guidelines in the VDS say that Future development in Knapton should recognise the historic character of the village and its landscape setting and maintain the independence of Knapton as a village by upholding its present washed over Green Belt status. Development at the periphery of the village settlement limit should only be considered where it would not adversely affect the open character of the village's setting and entrances to the village.

4.38 The proposed site is considered to be an important element of the landscaped setting of the village a point acknowledged in the previous appeal decisions for the site. Officers conclude that the proposed layout would be inappropriate to the character and appearance of development in Knapton and should be resisted.

4.39 The site has a mature hedge boundary to the Main Street frontage; it has a lower but still significant hedge boundary to Back Lane. The rear (eastern boundary) is appears open as it is only delineated by a wire fence. There are two substantial trees close to the Main Street both of which are shown are retained. The hedge along the Main Street will be partially lost and replaced by a wall; along Back Lane the hedge is shown as partially replaced and partially left undefined. The change to the boundaries will reduce the rural quality of the site and the details are considered to be harmful to the site's character and appearance.

#### Highway, Access and Parking Arrangements

4.40 A significant number of the objectors raise concerns about the amount of traffic which will be generated by the development and the concerns that the village can not accommodate the development and the traffic that uses the village as a way of avoiding traffic on the bypass to access Acomb and the centre of York. The amount of traffic generated by the development is not likely to be significant and the site layout allows for the provision of sufficient parking to accommodate all the requirements for the houses.

4.41 The design of the access road will need to resolve the difference in levels between the site and the Main Street. The details show that the scheme will require a retaining wall at the site entrance and the hedge will be lost. The details of the design of the access road contribute to the change in the character of the site, its suburban design being less appropriate to the site's rural character.

## Ecology

4.42 There are no statutory or non-statutory nature conservation sites within or adjacent to the site. The site is located within a Local Green Infrastructure Corridor (13 Acomb Corridor). Through the Local Biodiversity Action Plan these have been identified across York with the aim to link together habitat to create an overall structural network for wildlife. Green corridors are not fixed boundaries but are a consensus of where green infrastructure assets occur. The Acomb Corridor is important for a series of grassland sites (many designated as SINCs) and extensive aligned gardens linked to create a network of corridors through the area. Priorities for wildlife enhancement of this corridor include neutral/acid grassland, garden habitat, fens and marshes, and ponds.

4.43 Policy NE8 of the DCLP 'Green Corridors' states that planning permission will not be granted for development, which would destroy or impair the integrity of green corridors and stepping stones (e.g. river corridors, roads, railway lines, cycleways, pockets of open space and natural or semi-natural vegetation etc). Conversely, development that ensures the continuation and enhancement of green corridors for wildlife will be favoured. The NPPF says that in determining applications authorities should aim to conserve and enhance biodiversity. If significant harm resulting from development cannot be avoided adequate mitigation or as a last resort, compensated for then planning permission should be refused.

4.44 The ecology report supporting the original application has not been updated to relate to the later proposals. The existing hedges are of some wildlife value but the loss of the hedgerow, whilst regrettable, would be acceptable provided conditions are imposed with regard to replacement and additional landscaping. However the Oak tree located on the corner of Main Street and Back Lane has the potential to support roosting bats and were any works proposed to it a bat survey would be required before this application could be determined. The amended scheme shows the Oak tree retained; the alteration to the access arrangements in the amendments appear to make the retention of the tree possible. Officers are satisfied that were the principle of the development to be supported and the oak tree remains unaffected by the development conditions could be applied to any permission to protect the designation of the site as part of the Acomb Corridor and to ensure the diversity of the ecology on the site.

## Drainage

4.45 The site is located in flood zone 1 and should not suffer from river flooding. The application is supported by a drainage assessment which considers that foul sewage can be discharged by gravity into the existing main in Main Street. Surface water run-off can be attenuated and if soak-aways are not possible attenuation of the surface water can be achieved. It is considered that a condition could be attached that would allow for a suitable drainage solution.

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## Other Considerations - Very Special Circumstances

4.46 The applicant considers that the development is appropriate development within the Green Belt. He concludes that the site can reasonably be assumed to be within the settlement limits for Knapton and would constitute limited infilling as defined in paragraph 89 of the NPPF and assessed in various appeal decisions. Officers conclude differently for the reasons set out earlier in this report. However the applicant provides the 'very special circumstances' that would weigh in favour of the development of the site if it is considered to be within the Green belt. These are set out in the supporting planning statement and are:-

- The site has built development on three sides and would be rounding off to the settlement limits
- In the absence of an adopted Local Plan and formal Green belt boundaries the site would be a defensible boundary to development by way of a landscape strip to the eastern side.
- The site is a better alternative to other Green belt sites in the open countryside in this part of York where there is a distinct lack of derelict and other urban land.
- whilst unmet need for housing is not a basis to grant permission in the Green Belt as part of a planning balance weight can be attached to the lack of a five year housing supply
- The scheme comprises four bespoke houses which reflect and enhance the local character of Knapton.

4.47 It is considered that the very special circumstances put forward by the applicant are not sufficient to outweigh the definitional harm and other harm (that is harm to the purposes of Green Belt and openness and harm arising from the design of the scheme and the landscape details on the character and appearance of the area) identified in this report. As advised by paragraph 87 and 88 of the NPPF development that is harmful to the Green Belt for which there are no very special circumstance should not be approved

COMMITTEE TO VISIT

## **5.0 CONCLUSION**

5.1 The application site, undeveloped land on the corner of Back Lane and Main Street, Knapton, is considered to be within the general extent of the Green belt as defined in the RSS. The erection of residential development on the site is considered to be inappropriate development in the context of section 9, paragraph 89 of the NPPF.

5.2 The NPPF confirms at paragraph 87 that inappropriate development is by definition harmful to the Green Belt. Paragraph 88 says substantial weight would



need to be given to harm by reason of inappropriateness and any other harm. Very special circumstances will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

5.3 It is considered that the very special circumstances put forward by the applicant which consists of an assessment of the site as one which should be within the settlement limits, constitutes infill or rounding off the settlement and considers that the scheme provides housing, where there is not a sufficient housing supply, that reflects and enhances the village character are not sufficient other considerations to outweigh the definitional harm and other harm (that is harm to the purposes of Green Belt and openness and harm arising from the design of the scheme and the landscape details on the character and appearance of the area) identified in this report. As advised by paragraph 87 and 88 of the NPPF development that is harmful to the Green Belt for which there are no very special circumstance should not be approved.

5.4 Comments on highway matters are awaited and will be reported direct to committee.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre. The site is identified as Green Belt in the City of York Development Control Local Plan (Approved April 2005). It is considered that the proposed development constitutes inappropriate development in the Green Belt as set out in section 9 of the National Planning Policy Framework which is by definition harmful to the Green Belt. No 'very special circumstances' have been put forward by the applicant that would outweigh harm by reason of inappropriateness and any other harm, including the impact on the openness of the Green Belt and conflict with the purposes of including land within Green Belt, impact on the character and appearance of the area and siting, design and landscape. The proposal is therefore considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt land', guidance within National Planning Practice Guidance (March 2014), in particular the section 'Housing and Economic Land Availability Assessment', and Policy GB6 of the City of York Development Control Local Plan (Approved April 2005).

2 The site is an undeveloped area which is defined by hedge boundaries and is open on its eastern side. The village has relatively dense development along Back Lane and Main Street to the south side of the site; to the north development is less compact providing spaces and open views. The contrast of the rural setting of the village to the more dense development within its nucleus is important to its character

and appearance. It is considered that the erection of four substantial dwellings with associated car parking ,garaging and landscape treatment on a site that is elevated would be detrimental to the open rural setting for Knapton village and would cause harm to the character and appearance of the area. This would be contrary to the core planning principle of the National Planning Policy Framework of recognising the intrinsic character and beauty of the countryside and GP1 of the City of York Development Control Local Plan (Approved April 2005) which similarly expects proposals to respect or enhance the local environment.

## **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:

However, the applicant/agent was unwilling to withdraw the application, resulting in planning permission being refused for the reasons stated.

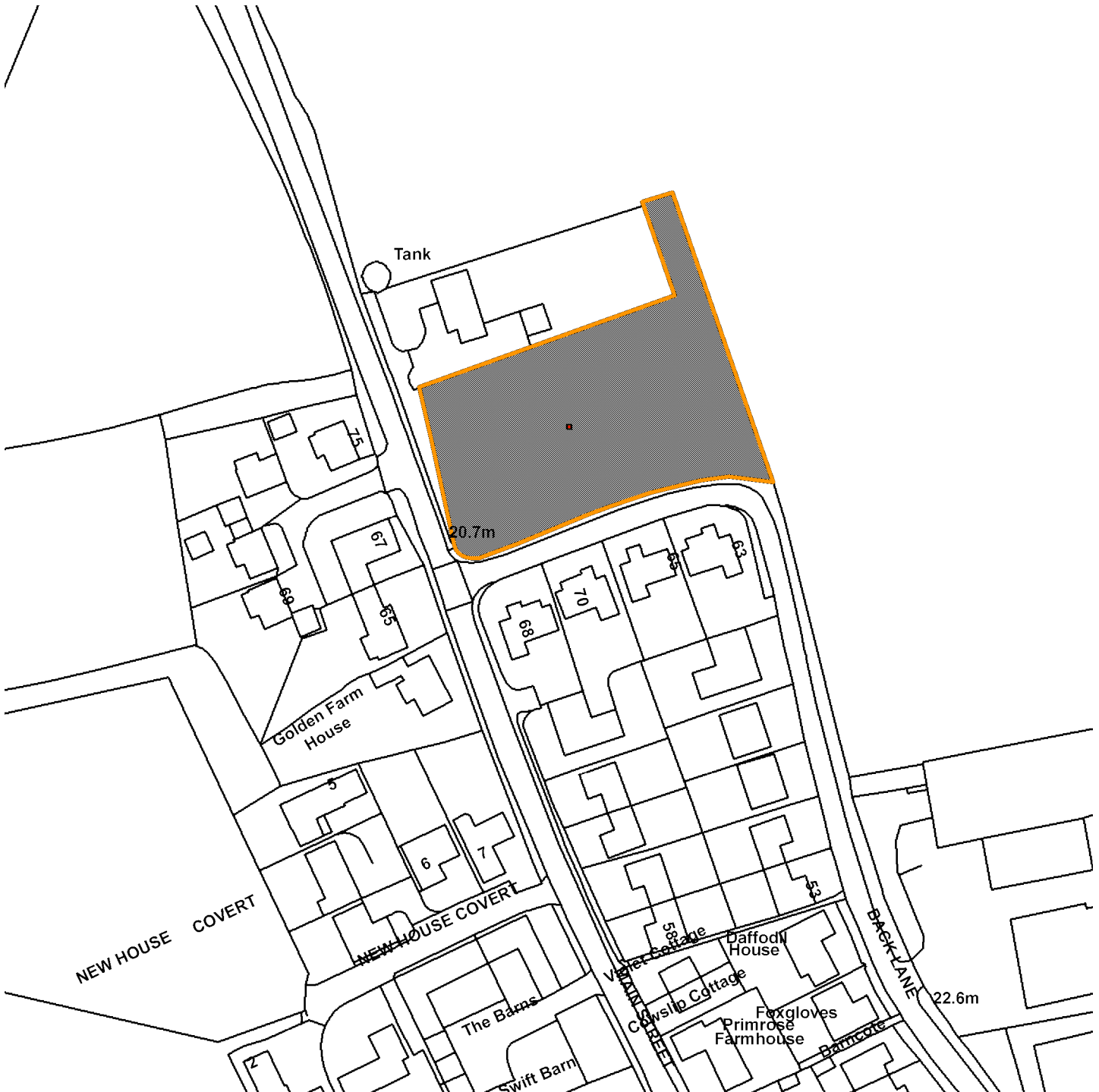
#### **Contact details:**

**Author:** Diane Cragg Development Management Officer (Mon-Thur)

**Tel No:** 01904 551351

16/00542/FUL

Land At Junction Of Main Street and Back Lane Knapton



Scale : 1:1344

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	26 September 2016
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 6 October 2016      **Ward:** Hull Road  
**Team:** Householder and      **Parish:** Hull Road Planning  
Small Scale Team                      Panel

**Reference:** 16/01745/FUL  
**Application at:** 42 Millfield Lane York YO10 3AF  
**For:** Two storey rear extension, single storey side and rear extension, rear dormer and detached cycle and bin store to rear  
**By:** Mr Sullivan  
**Application Type:** Full Application  
**Target Date:** 26 September 2016  
**Recommendation:** Householder Approval

**1.0 PROPOSAL**

1.1 No.42 Millfield Lane is a traditional, semi-detached dwelling, located within a predominantly residential area. The proposal seeks permission for a two storey rear extension, single storey side and rear extension and rear dormer. This will increase the number of bedrooms from 4 to 6, thus retaining it within its authorised class C4 use. Separate provision has been made for secure storage for 6.no bicycles within the rear garden and there will also be a bin shelter.

1.2 The application is being reported to sub-committee at the discretion of the Assistant Director because the previous application was refused by sub-committee.

Relevant Property History.

1.2 The proposal is a re-submission of application ref.16/01097/FUL refused by sub-committee on 08.07.2016. In addition to the proposed extensions, that application also included a change of use to a large 8 bed HMO. This application reduces the occupation down to a 6 bed HMO.

1.3 A Certificate of Lawful Use for a small house in multiple occupation (Use Class C4) was granted on this property on 07.04.2016 (Ref.16/00294/CLU).

**POLICY CONTEXT**

2.1 Policies:

2005 Draft Local Plan

CYH7 Residential Extensions

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CYGP1 Design.

### **3.0 CONSULTATIONS**

#### Hull Road Planning Panel

3.1 No response received.

#### Publicity and Neighbour Notification

3.2 Two letters received objecting on the following grounds:

- The property is a family home, not student accommodation
- This area is over-run with student accommodation
- Extensions would result in 'terracing effect' - oppressive, over-dominant
- Proposed parking provision out of character with this area

### **4.0 APPRAISAL**

4.1 Key issue(s): Effect upon neighbouring property and the street scene

4.2 The National Planning Policy Framework (2012) sets out the Government's overarching planning policies. As one of 12 core planning principles, it states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

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

4.4 Local Plan policy GP1 refers to design, for all types of development. Of particular relevance here are the criteria referring to good design and general neighbour amenity.

4.5 Draft Local Plan Policy CYH7 states that planning permission will be granted for residential extensions where: (a) the design and materials are sympathetic to the main dwelling and the locality of the development; and (b) the design and scale are appropriate in relation to the main building; (d) there is no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy; and (e) proposals respect the spaces between dwellings; and (g) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

4.6 'The Council have an agreed Supplementary Planning Document 'House Extensions and Alterations' dated December 2012 which provides guidance on all types on domestic type development. A basic principle of this guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the road/street-scene it is located on. In particular, care should be taken to ensure that the proposal does not dominate the house or clash with its appearance with the extension/alteration being subservient and in keeping with, the original dwelling. The character of spacing within the street should be considered and a terracing effect should be avoided where required. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook. Guidance in sections 3, 4, 5, 7, 12 and 13 are relevant to this application. These provide more specific guidance on side and rear extensions and guidance on privacy, overshadowing and loss of light and dominance and outlook.

#### Visual Impact on the Street Scene

4.8 The visual change to the front elevation is now confined to a hip to gable extension and mono-pitched roof single storey side extension. The hip to gable extension will also allow for the flat-roof rear dormer. Although quite large at approx. 4.7m x 1.9m this will be set in at each end and set up from the eaves and it will barely be visible from any public views. The proposed two-storey rear extension will also barely be visible from public views. It has been reduced in width from the previous scheme, ostensibly as a result of the removal of the two-storey side extension. The hip to gable change will be at odds with the hipped roof to the adjoining semi but as a general principle, such alterations are now permitted development and thus are difficult to resist. Visually in what is a fairly mixed residential area this is considered to be acceptable. In overall visual terms, both these elements, together with the single-storey rear element, are now considered to be acceptable. Both will incorporate materials which match those of the existing dwelling. The proposed cycle and bin store is set within the rear garden area, is modest in size and will not be highly visible.

#### Impact on Neighbouring Properties

4.9 The proposed first floor rear extension will not project beyond the original side wall. In consequence; the revised first floor extension is now set back an additional 1.5m from No.40 Millfield Lane and the additional massing has been significantly reduced. This is now considered to be acceptable. In terms of the adjoining property of No.44 Millfield Lane; a revision was requested which has resulted in it being set back an additional approx 500mm from this shared rear/side boundary. As a result, the distance to this boundary has increased to 2.5m. Its rearwards projection has also been reduced by approx 500mm and this will reduce the impact of this part of the proposal further. In addition to this, given the existing single-storey extension set against the shared boundary is to be demolished, the outlook from this adjoining

property will be improved in the immediate area of the boundary. It is now considered that this element of the proposal is considered to be acceptable in amenity terms. The bin and cycle store is set well away from the boundary with no.44 and is set against the detached garage/outbuilding at no.40.

### Other Issues

4.10 The property currently has an authorised use as a small house in multiple occupation (Use ClassC4) and this application and the increase in the number of occupants to 6 will not alter this. It is considered that the house and site are able to accommodate this number.

## **5.0 CONCLUSION.**

5.1 The proposal would result in no significant harm to the living conditions of the neighbours or the street scene and is considered to comply with the National Planning Policy Framework, draft local plan policies CYC GP1, and H7 and also advice contained within Supplementary Planning Document (SPD) 'House Extensions and Alterations' December 2012.

## **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:-

Revised Drawing No. 278.002 Rev C - Received 20.09.2016.

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

3 VISQ1 Matching materials

4 The bike and bin store shown on drawing number 278.002 Rev C shall be completed prior to the first occupation of the extensions hereby approved and shall be retained in such use thereafter.

Reason: In the interests of the visual amenities of the street scene and to encourage the use of bicycles, to reduce dependence on the private car.

## **7.0 INFORMATIVES:**



## **Notes to Applicant**

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

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

Negotiated a revision in the scheme, in order to make it acceptable in terms of neighbour amenity.

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15/01745/FUL

42 Millfield Lane



Scale : 1:974

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	27 September 2016
<b>SLA Number</b>	Not Set

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## COMMITTEE REPORT

**Date:** 6 October 2016      **Ward:** Clifton  
**Team:** Major and      **Parish:** Clifton Planning Panel  
Commercial Team

**Reference:** 15/00405/FUL  
**Application at:** 12 Water End York YO30 6LP  
**For:** Erection of 1no. dwelling  
**By:** Z Collinson  
**Application Type:** Full Application  
**Target Date:** 18 July 2016  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 Erection of a detached 2-bedroom single-storey dwelling 18m x 6m x 3.2m high to the roof plane. The building would have a contemporary style with a flat roof and three rooflights, one of which would project 0.8m above the roof plane. One off-street parking space would be provided for the new dwelling plus one replacement space for the host dwelling. A new access would be provided from a shared private road serving the host house and the adjacent John Burrill Almshouses. A dilapidated single garage on the site would be demolished to make way for the new dwelling.

1.2 When submitted the application was for a 2-storey dwelling with basement. It was unacceptable mainly due to impact on the Clifton Conservation Area and the amenity of local residents. The application has since been amended by reducing the height of the building from two storeys to one, lengthening the footprint on the ground floor, increasing the size of the basement and reducing the size of the new dwelling's curtilage.

1.3 The application was called in for determination by the Sub-Committee by (former) Councillor King due to the degree of local interest and feeling.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest: City Centre Area

Conservation Area: Clifton

Listed Buildings: Grade 2; 12 Water End York YO3 6LP

2.2 Policies:

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CYGP1 - Design  
CYGP4A - Sustainability  
CYGP10 - Subdivision of gardens and infill devt  
CGP15A - Development and Flood Risk  
CYH4A - Housing Windfalls  
CYHE2 - Development in historic locations  
CYHE4 - Listed Buildings  
CYNE6 - Species protected by law  
CYNE7 - Habitat protection and creation

### **3.0 CONSULTATIONS**

#### INTERNAL

#### Planning and Environmental Management (Conservation Architect)

3.1 The revised scheme will largely be hidden within the conservation area and views between significant parts of the conservation area would be preserved, as would the setting of the nearby listed almshouses. In forming the new access into the site the boundary hedge should be protected and the opening made as narrow as possible.

#### Planning and Environmental Management (Landscape Architect)

3.2 Given the low design of the building it will recede in views from Water End. The boundary to the site should remain vegetated to retain the character of the lane. If the applicant wishes to change the boundary treatment we should condition boundary details. There are no trees that are worthy of protection by way of a tree preservation order.

#### Planning and Environmental Management (City Archaeologist)

3.3 The site is in an Area of Archaeological Importance. The proposed development will have an impact on any archaeological features and deposits. Add conditions ARCH1 (archaeological excavation) and ARCH2 (Archaeological watching brief) to ensure that important below-ground archaeology is recorded.

#### Planning and Environmental Management (Ecologist)

3.4 The submitted bat survey found no evidence of bats using the garage. No objection subject to a condition requiring the development to include a sensitive lighting scheme.

### Highway Network Management

3.5 No objections to the revised plans. Add conditions requiring details of car parking and cycle storage. The existing property is located in a residents parking zone but the proposed building would fall outside it. Therefore there would be no impact on the existing residents parking zone.

### Public Protection

3.6 No objection. Add electric vehicle recharging condition.

### Flood Risk Management

3.7 The proposed development is in medium Flood Zone 2. No objection to the proposed surface water attenuation measures.

## EXTERNAL

### Clifton Ward Planning Panel

3.8 Neither approves nor disapproves. Any approval must include safeguards to avoid the overlooking. Although the site lies within the Clifton Conservation Area, other building development in the immediate area and also located behind the houses facing the Green has been approved in recent years. The site of the proposed house is well away from the main property and from Clifton Green. Arrangements for refuse collection require technical consideration by the City Council. The proposals for felling and replacing trees should be agreed with the Council's professional staff.

### Public Consultation

3.9 Objections from four parties were received in response to the initial consultation for a 2-storey dwelling. A further four objections were received from the same parties to the re-consultation on the amended scheme for a single-storey dwelling. The objections raise the following planning issues:

- Impact on the conservation area and listed terrace
- Impact on landscape and wildlife
- Light pollution
- Would exacerbate parking problems
- Overlooking
- Overshadowing
- Overbearing impact on adjacent properties
- Bat survey outdated

- Vehicle access inadequate
- Highway safety.

## 4.0 APPRAISAL

### 4.1 KEY ISSUES

- Principle of development for housing
- Impact on heritage assets
- Landscape
- Design
- Neighbour amenity
- Highway matters
- Flood risk and drainage
- Ecology

### THE APPLICATION SITE

4.2 Part of the long, mature rear garden of an end-of-terrace house. The houses in the terrace are all listed and in Clifton Conservation Area. Along one side of the house and garden is a private vehicular access from Water End. It mainly serves the adjacent John Burrill almshouses but also serves a dilapidated garage within the application site and used by the occupiers of the host house. To the north of the application site the vehicular access becomes a green lane, which is part of an early public footpath and continues onto Shipton Road. The area is predominantly residential. The site lies within flood zone 2 and is in an area of archaeological importance.

### PLANNING POLICY CONTEXT

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

4.4 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy is the National Planning Policy Framework (NPPF). Paragraph 7 says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. The general presumption in favour of development does not apply in this case as the application affects designated heritage assets and is in a location at risk of flooding.



4.5 In addition to policies in the Framework to protect heritage assets Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Section 66 of the same Act states that in determining planning applications for development which affects a listed building or its setting the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The council's statutory duty under s.66 and s.72 requires considerable importance and weight must be given to any harm, even where that harm would be minor.

4.6 Although there is no formally adopted local plan the City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of s.38(6) its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are consistent with those in the NPPF. The most relevant Draft (2005) policies are listed at paragraph 2.2 of this report.

## PRINCIPLE OF DEVELOPMENT FOR HOUSING

4.7 The NPPF states that local planning authorities should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (paragraphs 50-55). The proposal would provide much-needed housing in a sustainable location with good access to shops, services and public transport.

## IMPACT ON HERITAGE ASSETS

4.8 The NPPF states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance (paragraph 126). When considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. Any harm or loss should require clear and convincing justification (paragraph 132). Policy HE2 of the local plan states that within conservation areas and in locations that affect the setting of listed buildings development proposals must respect adjacent buildings open spaces, landmarks, and settings and have regard to local scale, proportion, design and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landscapes and other townscape elements that contribute to the character or appearance of the area. Paragraph 4.7 of the draft plan states that high quality contemporary designs which respect the historic context will be encouraged. Policy HE4 states that consent for development will only be granted if it would not have an adverse effect on a listed building.

4.9 The house would be located in an area characterised by openness and mature landscape gardens. The openness is preserved by the large and long garden plots to the rear of houses fronting the main roads, i.e. Water End and Shipton Road. Green boundaries and a high degree of tree cover enhance the landscape quality of the area. The 2-storey house initially proposed would have appeared as a prominent, modern building out of keeping with the listed terrace and the open character of the conservation area. The application would have caused unacceptable harm to these heritage assets. The dwelling now proposed would be much smaller and less prominent and be over 22m from the rear elevation of the listed building, separated by a retained mature garden landscape. The two buildings would not be seen together from most public vantage points. The setting of the listed building and the character and appearance of the conservation area would be preserved.

## LANDSCAPE

4.10 Despite the mature landscaped character of the area the site has no trees that are worthy of protection by way of a tree preservation order. The most prominent of the trees proposed for removal is a large conifer. Its retention is desirable but as an individual tree it is not worthy of protection. The western boundary of the site abuts the private access lane/public footpath. Planting along the boundary is not of particular merit but it is visible from the lane and adds to the attractive character of the landscape. The western boundary would remain as existing - apart from the creation of a vehicular access into the site. A condition is recommended requiring submission of a landscape scheme (including replacement trees) and changes to the boundary treatment to ensure that the character of the landscape is largely retained.

## DESIGN

4.11 The NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (paragraph 56). Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64). Policy GP1 'Design' of the 2005 local plan includes the expectation that development proposals will, among other things: respect or enhance the local environment; use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape and incorporate appropriate landscaping. Policy GP10 'Subdivision of Gardens and Infill Development' states that planning permission will only be granted for the sub-division of garden areas or infilling to provide new development where this would not be detrimental to the character and amenity of the local environment.

4.12 The house would have a contemporary style, with a flat roof and large areas of glazing. The walls would be rendered. Whilst the buildings to the south (John Burrill Homes and the terraced houses at 2-12 Water Lane) are listed the proposed dwelling would read as an entirely separate building. The low height, flat roof and landscaped setting would minimise the building's visibility. The scale and appearance of the building are acceptable.

## NEIGHBOUR AMENITY

4.13 The NPPF seeks to improve the conditions in which people live (paragraph 9). Policy GP1 of the 2005 local plan states that development proposals will be expected to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.14 The nearest residential dwellings are the John Burrill almshouses. They are only single-storey high and are separated from the site by the almhouse's 2m-high boundary wall, the shared private lane, the boundary fence to the application site and mature planting. The development would have no material impact on the occupiers. The proposed bungalow would be 43m from the host house at No.12 Water End. This separation distance is well in excess of established minimum standards and would prevent any material impact on the occupiers of either dwelling. The initial, 2-storey, proposals would have caused overlooking, overbearing and some overshadowing of neighbouring gardens, particularly the garden on the north-west side of the application site. The reduction in height of the building significantly reduces these impacts, which are now acceptable.

## ECOLOGY

4.15 Policy NE6 of the local plans states that where a proposal may have a significant effect on protected species or habitats applicants will be expected to undertake an appropriate assessment demonstrating their proposed mitigation measures. Planning permission will only be granted that would not cause demonstrable harm to protected species. Policy NE7 states that development proposals should retain and, where possible, enhance important natural habitats.

4.16 The proposed development includes the demolition of a pre-fabricated domestic garage. The application includes a bat survey undertaken in 2013. It involved a daytime inspection followed by an evening emergence survey, which found no evidence of bats using the garage. Since then the condition of the building has not changed. The council's ecologist is satisfied with the findings of the survey and remains of the view that the garage is unlikely to be a roosting site for bats. During the emergence survey low numbers of bats were recorded foraging and commuting in the immediate area. The introduction of additional lighting can be detrimental to commuting and foraging habitat for bats (and other wildlife). The lighting of the house should therefore be sensitively designed, with external lights on

short timers and motion sensors and minimal light spill onto surrounding vegetation. This approach is detailed in the method statement of the submitted bat survey report. Compliance with the method statement should be made a condition of approval.

## HIGHWAY MATTERS

4.17 Access to the site from the public highway would be from Water End as existing. The drive is private. It is mainly used by the occupiers of John Burrill Homes but also by the occupiers of the host house at No.12 Water End. The number of traffic movements generated by the development would have no material impact on traffic levels in the area or highway safety.

4.18 The proposals include two accesses into the site from the private drive. One access would be as existing (it currently serves the garage to be demolished) and would serve the new house. The second access would be to a replacement parking space for the host house at No.12. Cycle storage has not been detailed so should be made a condition of approval.

4.19 The applicant's right to use the drive is disputed by the trustees of John Burrill Homes. However, property rights are not relevant to consideration of the planning merits of the application.

## FLOOD RISK AND DRAINAGE

4.20 The site is in flood risk zone 2 so the application is accompanied by a flood risk assessment. The NPPF states that when determining planning applications local planning authorities should ensure flood risk is not increased elsewhere (paragraph 100). Development in areas at risk of flooding should only be considered appropriate where the most vulnerable development is located in areas of lowest flood risk and the development is resilient to flooding (paragraph 103). Policy GP15a of the local plan states that developers should ensure that the site can be developed, serviced and occupied safely and that discharges from new development should not exceed the capacity of existing/proposed sewers and watercourses. In National Planning Guidance a dwelling with a basement is classed as highly vulnerable (although in the current case the basement would be used only for a games room, utility room, bathroom and plant room). The application is therefore subject to the sequential test and exception test.

4.21 The aim of the sequential test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are suitable and reasonably available sites in areas with a lower probability of flooding. The council does not have a NPPF-compliant 5-year housing land supply and the city has a shortfall of deliverable housing land within flood zone 1. Therefore, in order to meet the development needs of the city, the council has to consider

applications for housing within flood zone 2. As the current application is for windfall housing development it cannot, by definition, be planned for. Consideration of the sequential test should therefore be within the context of the wider housing land requirement and the 5-year land supply. Planning Practice Guidance advises that a pragmatic approach should be undertaken. Therefore as the application is for windfall housing development in a sustainable location in an existing residential area, the sequential test can be deemed to have been passed.

4.22 For the exception test to be passed it must be demonstrated that: (1) the development provides wider sustainability benefits to the community that outweigh flood risk; and (2) a site-specific flood risk assessment demonstrates that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. The application has wide benefits in that it would contribute to the provision of housing in the city, for which there is a clear need. The flood risk assessment submitted with the application includes flood resilience and mitigation measures in the event of flood.

4.23 Surface water run-off from the site would be stored on site and released at a restricted rate. The council's flood risk engineer has no objections to proposals.

## ARCHAEOLOGY

4.24 The application site lies in an area of archaeological importance which has produced evidence of deposits from Roman to post-medieval origins therefore the potential for groundworks disturbing remains must be considered. The site also lies at the centre of a possible Anglo-Scandinavian village. Preservation of potential deposits will require controlled archaeological excavation prior to development. In order to ensure that important below ground archaeology is recorded conditions should be attached to any approval requiring archaeological excavation and an archaeological watching brief during construction.

## 5.0 CONCLUSION

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

## 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 approved plans numbered C116.01.01/D and C116.01.02/C.

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

3 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees (including replacement trees), shrubs and boundary treatment. The 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.

4 VISQ8 Samples of exterior materials to be app

5 ARCH1 Archaeological programme required

6 ARCH2 Watching brief required

7 No roof hereby approved shall at any time be used as a roof terrace or external seating area or for any other purpose incidental to the residential use of the development.

Reason: To protect the amenity of neighbouring residents.

8 All ecological measures and/or works shall be carried out in accordance with the details contained in Section 7.2 Method Statement of the Bat Survey report dated August 2013 by Wold Ecology Ltd submitted with the planning application and agreed in principle with the local planning authority prior to determination. In particular the measures and/or works shall include the provision of at least one bat box to be provided on trees within the application site or grounds of 12 Water End and for a sensitive lighting scheme to be installed.

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

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9 Within one month of commencement of development details of secure cycle storage for at least one cycle, including means of enclosure, shall be submitted to by the local planning authority and approved in writing. Prior to first occupation of the dwelling hereby approved the cycle storage shall be provided within the site in accordance with the approved details and not be used for any purpose other than the parking of cycles.

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

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

Reason: In the interests of highway safety.

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

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

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

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

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

Reason: To protect the character and appearance of the Clifton Conservation Area and the setting of nearby listed buildings.

14 Prior to first occupation of the development the applicant shall install within the  
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curtilage of the proposed dwelling a three-pin 13-amp electrical socket in a suitable position to enable the recharging of an electric vehicle within the curtilage using a 3m length cable.

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

NOTE: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations, and be suitable for charging electric vehicles. The socket for the proposed dwelling should be suitable for outdoor use and have an internal switch within the property to enable the socket to be turned off.

15 NOISE7 - Restricted hours of construction

## **7.0 INFORMATIVES: Notes to Applicant**

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

In considering the application, the local planning authority implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) by seeking solutions to problems identified during the processing of the application. In order to achieve an acceptable outcome the local planning authority negotiated a reduction in scale and massing to reduce the impact on the conservation area, listed buildings and neighbouring occupiers.

### **2. CONTAMINATION**

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

### **3. DRAINAGE**

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

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therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to except surface water discharge, and to prevent flooding of the surrounding land and the site itself. City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods can be proven to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

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

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

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

#### 4. CONTROL OF POLLUTION ACT

The developer's attention should also be 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 attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

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

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

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".

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.

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.

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.

There shall be no bonfires on the site.

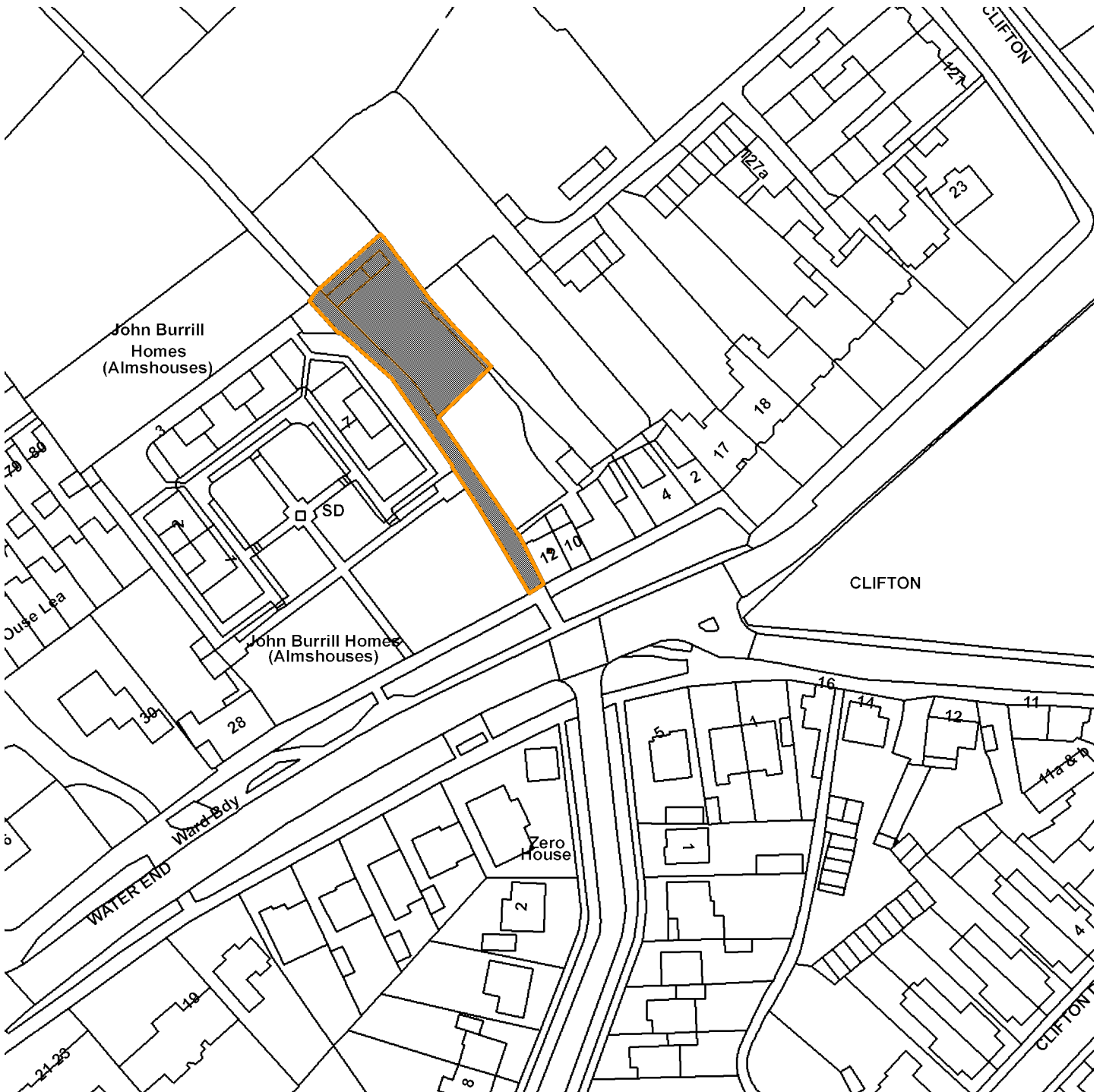
**Contact details:**

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12 Water End



Scale : 1:1120

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	26 September 2016
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 6 October 2016      **Ward:** Osbaldwick and Derwent  
**Team:** Major and      **Parish:** Dunnington Parish  
Commercial Team      Council

**Reference:** 16/00337/REM  
**Application at:** 25 Garden Flats Lane Dunnington York YO19 5NB  
**For:** Reserved matters application for approval of appearance, landscaping and scale for erection of detached dwelling and garage with room in roof to rear following approval of outline application 15/00442/OUT  
**By:** Mr and Mrs Craven  
**Application Type:** Approval of Reserved Matters  
**Target Date:** 11 October 2016  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application seeks approval of the reserved matters (scale, appearance and landscaping) of outline planning permission 15/00442/OUT granted in December 2015 for the erection of a detached dwelling with detached double garage. This planning permission was a section 73 application to vary a condition of a previous outline consent (13/01960/OUT) and was approved by sub-committee at its meeting on 2 December 2015.

1.3 The application has been called in by Cllr Warters due to: (i) concerns over neighbour amenity; (ii) significant departure from what members approved at outline stage which was a bungalow; (iii) the setting-in below ground level of the property to comply with approved ridge height.

**2.0 POLICY CONTEXT**

2.1 Policies:

CYGP1 - Design  
CGP15A - Development and Flood Risk  
CYGP9 - Landscaping

**3.0 CONSULTATIONS**

INTERNAL

## Planning and Environmental Management (Landscape)

3.1 Concerns about the impact of the development on retained trees, especially the impact of the extensive earthworks/excavation proposed and conflict between drainage works and the root protection area. [Officers' response: The proposals have since been revised as described at section 4 of the report. The revisions address the landscape architect's main concerns. Members will be updated at the meeting].

## Flood Risk Management

3.2 No objection to the latest proposals subject to a condition requiring submission of details of foul and surface water pumping stations.

## EXTERNAL

### Dunnington Parish Council

3.3 Objection: The revised proposals do nothing to address the objections raised to earlier plans. The style and size of the building is out of character and a significant over development of the site. The new plans virtually ignore the previous permission for a bungalow. The amount of development on the second floor of the development is unreasonable. The proposals for the disposal of surface water run off make no positive contribution to the disposal of surface water, as the Parish Council's policy requires.

### Neighbour Notification and Publicity

3.4 Four objections have been received raising the following planning issues.

- Overdevelopment
- The application is fundamentally different from the outline approval
- Size, design and materials out of keeping with the area
- Overbearing
- Loss of sunlight/daylight
- Overlooking
- Visual impact on adjacent occupiers
- Noise and general disturbance
- Drainage not practicable and would exacerbate existing drainage problems
- Drainage proposals would harm trees on the site
- Boundary treatment needs clarification.

## 4.0 APPRAISAL

### 4.1 KEY ISSUES

- Compliance with the outline consent;
- Impact on the character of the area;
- Neighbour amenity;
- Landscape;
- Flood Risk and Drainage.

### PLANNING POLICY CONTEXT

4.2 The City of York Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (April 2005) was approved for Development Management purposes. The plan does not form part of the statutory development plan as defined by section 38 but its policies are considered capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. Local plan policies that remain relevant to the current application are listed at paragraph 2.2 of this report.

4.3 The NPPF is the most up-to date representation of key relevant policy and it is against this Framework that the proposal should principally be addressed. The essence of the Framework is the presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan.

### THE APPLICATION SITE

4.4 Part of the substantial, landscaped rear garden of a detached, dormer bungalow in a residential area within Dunnington village. The site is not in the Green Belt or in a conservation area. To each side is a bungalow. To the rear are 2-storey detached houses in Gorse Hill. Site boundaries are defined by substantial hedges and/or close-boarded fencing. There are a number of trees on the site, mainly at the north-eastern end.

### COMPLIANCE WITH THE OUTLINE CONSENT

4.5 The original outline consent for a house on the site (13/01960/OUT) included a plan showing an L-shaped layout. The roof plan of the main part of the building measured 13m x 8m. A perpendicular projection measured 7m x 5.2m. A condition of the approval restricted the height of the building to no more than 4.5m (typical bungalow height) above existing ground level. The agreed existing ground level is 18.27m above ordnance datum (AOD).

4.6 The subsequent section 73 permission (15/00442/OUT) was for a slightly larger building (13.6m x 8.6m for the main part and 7.3m x 5.6m for the perpendicular projection). The maximum height remained at 4.5m above the agreed existing ground level of 18.27m AOD.

4.7 Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which would remain in force. The applicant is seeking reserved matters approval for the second of the approved schemes, i.e. the variation under section 73. The current proposal complies with the location and layout of the outline consent. It also complies with the height restriction of 4.5m. However, although 4.5m is a typical height of a bungalow, the applicant is seeking to provide rooms in the roof space by digging into the site approximately 760mm below the agreed site datum level of 18.27m AOD. The site slopes slightly so the maximum depth of excavation would be approximately 0.9m, which would be at the westernmost corner of the dwelling. Digging into the site in this way is not contrary to the outline consent. Nevertheless, the impact of the design, particularly the visual impact on the character of the area, is a material consideration of the current application, which seeks approval for the scale, appearance and landscaping.

#### IMPACT ON THE CHARACTER OF THE AREA

4.8 Section 7 of the NPPF requires good design. Paragraph 56 says good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64).

4.9 Policy GP1 'Design' of the 2005 local plan includes the expectation that development proposals will, among other things: respect or enhance the local environment; use materials appropriate to the area; and incorporate appropriate landscaping. The applicant's aspiration to excavate into the site has been known since the time of the previous application. The applicant had submitted various versions for illustrative purposes only. Officers' opinion was that the appearance of such a large house, set within a large excavation would, despite terracing and landscaping, appear as an incongruous feature out of keeping with the character of the area. The applicant was advised that if he were to seek consent for such a house it would not be supported by officers. Since then the applicant has scaled down the massing and height, which has reduced the extent of excavation. The proposal is now for a 4-bedroom dormer bungalow with the main part of the building having a height to the ridge of 5.25m above finished floor level (FFL). The perpendicular projection would be subordinate to the main part of the house and would have ridge height of 3.7m. The roof would have a shallow pitch with a single rear dormer to two bathrooms. All four main roof planes would have roof lights.

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Main materials would comprise white render for the walls, aluminium cladding for the roof and aluminium for the windows and external doors. The shallow roof and aluminium roof cladding are not typical of the area. Nevertheless the design, character and appearance of the building would not look out of place in its surroundings, which are characterised by a variety of types, styles and materials. Following prolonged negotiations officers consider that the scale, design and appearance now comply with section 7 of the NPPF and policy GP1 of the 2005 local plan.

## NEIGHBOUR AMENITY

4.10 Some objectors are concerned about the impact of the development on their amenity. The NPPF seeks to improve the conditions in which people live (paragraph 9). Policy GP1 of the 2005 local plan states that development proposals will be expected to ensure that residents living nearby are not unduly affected by, noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. The impact on neighbour amenity due to the location, size (on plan) and height above ordnance datum of the dwelling was considered and accepted when outline planning permission was granted in 2015. The main issues that remain relate to the matters that were not relevant to the outline consent, namely the distribution of windows and the visual impact resulting from the excavation.

4.11 Regarding the windows, there would be no risk of overlooking from the ground-floor of the proposed dwelling due to the part-existing, part-proposed 1.8m-high boundary fence. The dormer windows (north-facing) of the en-suite bathrooms on the upper floor would be obscure-glazed, which could be made a condition of approval. The bungalow would be 35m from the existing house at No.25 Garden Flats Lane. The large west-facing bedroom windows would be at least 10m from the boundary with the neighbouring garden at No.27, which is partially screened by trees. The house at No.27 would be approximately 45m from the proposed bedroom windows, i.e. well beyond the council's minimum separation distance of 21m. The large east-facing bedroom windows would be approximately 15m from the boundary with the properties at Gorse Hill, which are partially screened by trees, and almost 30m from the houses. These separation distances well exceed the council's minimum guidelines for preventing overlooking and overbearing. Furthermore, the house would be partially screened from the adjacent properties by specimen trees, mature hedging and outbuildings outside the application site. In summary, the scale and design of the proposed dwelling are unlikely to result in any material overlooking, overbearing or reduction in natural daylight. Furthermore the occupation of the proposed dwelling is unlikely to have any material impact on the neighbouring occupiers in terms of noise, nuisance or general disturbance.

4.12 The digging-in of the ground floor would be to a maximum depth of 0.9m. This is not substantial and is common where a site is on sloping ground. The dwelling would be built on a level base surrounded by a 1m-wide footway. The higher

ground around the footpath would be contained by a low retaining wall, above which the ground would be re-graded to slope up to the existing ground level. A small, irregular-shaped terrace would be laid at the southern end of the dwelling close to the boundary with No.23 Garden Flats Lane. The extent of excavation is unlikely to have a significant impact on the amenity of the neighbouring occupiers.

4.13 The proposed double garage would lie to the rear of No.25's (shortened) garden. The garage complies with the outline consent in terms of its size and location. Its scale and appearance are typical of a domestic garage and would have no material impact on the amenity of the neighbouring occupiers.

## FLOOD RISK AND DRAINAGE

4.14 The NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere (paragraph 100). Policy GP15a of the local plan states that developers should ensure that the site can be developed, serviced and occupied safely and that discharges from new development should not exceed the capacity of existing/proposed sewers and watercourses. The site is in flood zone 1 and should not suffer from river flooding. The council's flood risk engineer has witnessed a soakaway test at the site, which demonstrated that soakaways would not be a suitable means of drainage and attenuation. Instead the application includes details of surface water storage on site prior to it being discharged at a controlled rate to an existing surface water sewer under Garden Flats Lane. Foul water would discharge to an existing foul sewer, also under Garden Flats Lane. Since submission the drainage proposals have been amended to avoid retained trees. The council's flood risk engineer is satisfied with the drainage details subject to a condition requiring submission of details of the proposed foul and surface water pumping stations within the site. The submitted details already include the location, capacity, levels, and discharge rate of the pumping stations. Officers consider that this level of detail is sufficient for the purposes of granting planning permission, subject to a condition requiring compliance with the submitted details.

## LANDSCAPE

4.15 The proposals as initially submitted were unacceptable due to the proximity of retained trees and the impact of the extensive earthworks/excavation that was proposed. None of the trees are protected and they are not easily visible from any public viewpoint but they contribute to the character of the area and provide some screening from adjacent properties. The applicant has since reduced the depth of excavation, relocated the drainage runs to avoid the root protection areas and submitted an arboricultural management plan. The revisions to the scheme and the tree protection measures address the council's main concerns and are acceptable. A condition should be attached requiring compliance with the management plan. At

the time of writing the applicant was making minor revisions to the proposed landscape plan. Members will be updated at the meeting.

## 5.0 CONCLUSION

5.1 The application is for the scale, appearance and landscaping of a dwelling and double garage that were approved in outline in December 2015. The application accords with the National Planning Policy Framework and policies GP1, GP9 and GP15A of the 2005 local plan.

## 6.0 RECOMMENDATION: Approve

1 The development hereby permitted shall be carried out only in accordance with the following approved plans

CRA-404-001 Location - Block Plan  
CRA-404-001 100A - Proposed Plans Elevations & Views  
CRA-404-001 101B - Proposed Site Elevations  
CRA-404-001 102B - Proposed Site Sections  
CRA-404-001 103B - Proposed Site Plan  
16250 100 Rev.A - Drainage Plan  
16250 101 Rev.A - Drainage Details  
GF L1C - Landscape Plan [Awaited]

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

2 The development, including preparatory works, excavation, groundworks, storage of materials and utility works, shall be carried out in accordance with the Arboricultural Method Statement by JK ARBORICULTURE dated 1 May 2016, as amended May 2016.

Reason: To ensure that existing trees which are considered to make a significant contribution to the amenity of the area are protected throughout the construction period

3 The development shall be carried out in accordance with the approved drainage works shown on approved plans 16250-100 and 15401-101 unless otherwise approved in writing by the local planning authority.

Reason: In the interests of the proper drainage of the site.

4 The dormer windows on the northern elevation of the house shall be (i)

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obscure-glazed and (ii) non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason: In the interests of the amenities of occupiers of the adjacent residential dwelling at No.27 Garden Flats Lane.

## **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 has negotiated changes to the visual appearance, drainage proposals and tree protection measures, thus enabling a positive outcome to be achieved.

#### 2. DRAINAGE

Consent from Yorkshire Water should be sought to make new connections of foul and surface water into their sewers.

#### 3. OUTLINE CONSENT

The applicant is reminded that the conditions of the outline planning permission 15/00442/OUT remain in force.

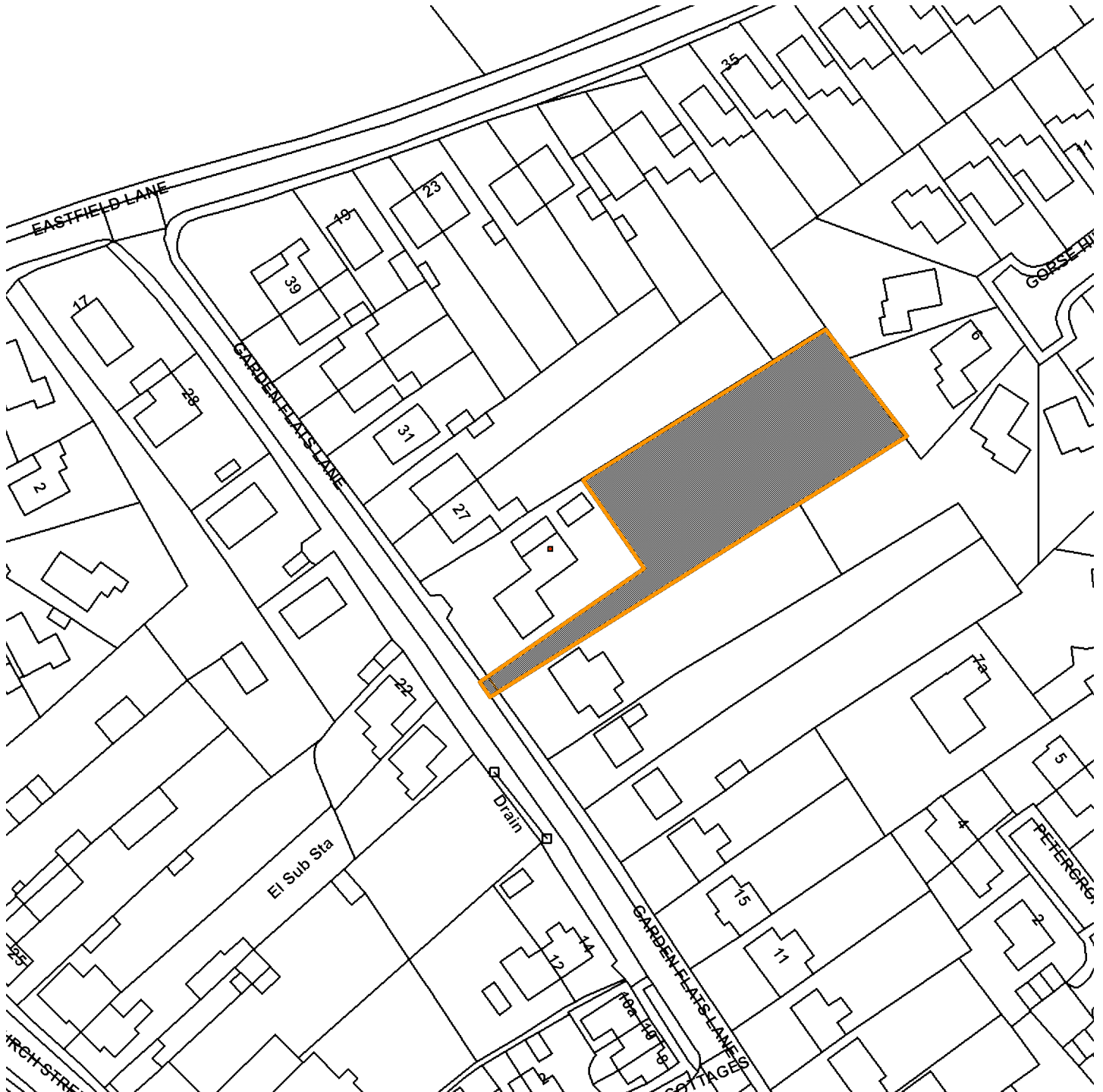
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# 16/00337/REM

25 Garden Flats Dunnington



Scale : 1:1120

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<b>Department</b>	Not Set
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