



**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, 5 January 2017

**Time:** 4.30 pm

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

**AGENDA**

**1. Declarations of Interest**

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

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

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

**2. Minutes** (Pages 3 - 10)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 1 December 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 **Wednesday 4 January 2017 at 5.00 pm.**

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## **4. Plans List**

To determine the following planning applications:

### **a) The Clock Tower, Bishopthorpe Road, York (16/01646/FULM) (Pages 11 - 26)**

Conversion of Clock Tower and former Boiler House to form 22no. apartments with Museum Space and associated car parking [Micklegate] **[Site Visit]**

### **b) The Clock Tower, Bishopthorpe Road, York (16/01647/LBC) (Pages 27 - 38)**

Refurbishment and sub-division of former Clock Tower and Boiler House to form 22no. apartments and Museum Space with associated car parking, landscape works and access from Bishopthorpe Road. [Micklegate] **[Site Visit]**

- c) 5 Mayfield Grove, York YO24 1HJ (16/00725/FUL)**  
(Pages 39 - 56)  
Erection of 3no. dwellings with associated access following demolition of existing bungalow (revised scheme) [Dringhouses and Woodthorpe] **[Site Visit]**
- d) 107 York Road, Haxby, York YO32 3EN (16/01374/FUL)**  
(Pages 57 - 70)  
Erection of dwelling following demolition of existing bungalow [Haxby and Wigginton] **[Site Visit]**
- e) Clifton Technology Centre, Kettlestring Lane, York (16/01533/FUL)** (Pages 71 - 88)  
Erection of a terrace of 3no. dwellings on land previously used as car park to the south of the existing building [Rawcliffe and Clifton Without] **[Site Visit]**
- f) 4 Whitby Avenue, York YO31 1ET (16/01644/FUL)**  
(Pages 89 - 114)  
Erection of 1no. dwelling to land to side of 4 Whitby Avenue [Heworth Without] **[Site Visit]**
- g) Walker Nicholas Architects Ltd, 42 Oxford Street, York, YO24 4AW (16/02111/FUL)** (Pages 115 - 132)  
Extension to existing building to create additional office accommodation on first and second floors above rear ground floor parking area, including demolition of existing garage [Micklegate] **[Site Visit]**
- h) 48 Trafalgar Street York YO23 1HZ (16/02342/FUL)**  
(Pages 133 - 144)  
Change of use of dwelling (use class C3) to House in Multiple Occupation (use class C4). [Micklegate] **[Site Visit]**
- i) 90 Hull Road, York YO10 3LN (16/02468/FUL)**  
(Pages 145 - 152)  
Single storey rear extension [Hull Road]

**j) 4 Heathfield Road York YO10 3AE (16/02576/FUL)**  
(Pages 153 - 164)

Two storey rear extension, single storey side and rear extensions, hip to gable roof extension and dormer to rear (resubmission)[Hull Road]

**5. Urgent Business**

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

Democracy Officer:

Name: Judith Betts

Contact Details:

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

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

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

Contact details are set out above.

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

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**

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

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

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
10.15	4 Whitby Avenue	4f
10.50	107 York Road Haxby	4d
11.20	Clifton Technology Centre Kettlestring Lane	4e
12.00	5 Mayfield Grove	4c
13.00	The Clock Tower Bishopthorpe Road	4a & b
13.30	48 Trafalgar Street	4h
13.50	42 Oxford Street	4g

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City of York Council

Committee Minutes

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Meeting	Area Planning Sub-Committee
Date	1 December 2016
Present	Councillors Galvin (Chair), Carr, Craghill, Hunter, Cannon, Flinders, Looker, Mercer, Orrell and Dew (Substitute for Councillor Gillies)
Apologies	Councillors Gillies and Shepherd

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Site	Visited by	Reason
North Lodge, Clifton Park Avenue	Councillors Galvin, Carr, Dew, Flinders, Hunter and Orrell	As the recommendation was to approve and objections had been received.
Land To Rear Of 246 Shipton Road, Rawcliffe	Councillors Galvin, Carr, Dew, Flinders, Hunter and Orrell	As the application was called in and the Officers recommendation was to refuse only on the grounds of flood risk.
23 Minster Avenue, Huntington	Councillors Galvin, Carr, Dew, Flinders, Hunter and Orrell	As the recommendation was to approve and objections had been received.
Burnholme Community Hub, Bad Bargain Lane	Councillors Galvin, Carr, Dew, Flinders, Hunter and Orrell	At the discretion of the Assistant Director as this was a major application submitted by City of York Council.

## 27. Declarations of Interest

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

**28. Minutes**

Resolved: That the minutes of the last Area Planning Sub Committee held on 3 November 2016 be approved and then signed by the Chair as a correct record.

**29. 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.

**30. 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.

**30a) 23 Minster Avenue, Huntington, York, YO31 9DJ  
(16/02036/FUL)**

Members considered a full application by Alex Szepietowski to change the use of No.23 Minster Avenue, a four bedroom semi detached house, to a house in multiple occupation (HMO) (Use Class C4) for between three and six unrelated adults to occupy the house.

Officers provided a verbal update to clarify that a HMO did not necessarily mean occupation by students, but was merely shared accommodation.

There were three speakers in respect of this application.

David Shanks, representing local residents in objection to the application, spoke of concerns regarding the issue of parking on the street and the additional cars a HMO may mean. He also highlighted the issues the emergency services had when trying to access what was a very narrow cul-de-sac.

Councillor Runciman spoke as the Member who had called in the application to Committee. She stressed that this was a very narrow residential street with garages that were generally too



small to house a family size car. She also discussed the difficulties for emergency vehicles and stated that it was felt by residents that this was the wrong location for a HMO.

Edward Senior spoke on behalf of the applicant. He clarified that this would not be a student property, but that tenants would be young professionals who would be subject to clear house rules. There would be monthly inspections, and a cleaner and a gardener would visit regularly. He also stated that this was a sustainable location with easy access to bus routes and cycle storage provided.

Members entered into debate and the following points were raised:

- HMO numbers in the area were below the Article 4 threshold, but it was still important to take into account the amenity of neighbours.
- This was a narrow street with limited parking and there were access problems for the emergency services.
- There was increased pressure on the housing system and a need for shared accommodation of this kind.
- That, although there were clearly parking issues this was not a reason to turn down the opportunity to offer affordable housing.

Councillor Carr moved and Councillor Orrell seconded refusal on the grounds of neighbour amenity.

On being put to a vote the motion fell.

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

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

the proposal is considered to comply with the NPPF, Policy H8 of the DCLP and the guidance contained within the SPD.

**30b) Burnholme Community Hub, Bad Bargain Lane, York, YO31 0GW (16/02023/FULM)**

Members considered a major full application by City of York Council to redevelop part of the Burnholme Community College site as a community hub to include a library, nursery, music rooms and ancillary meeting rooms. The existing school hall would be retained with a new two storey extension to house the library and meeting rooms. The main entrance would be via the new extension into the library area.

Officers provided an update on drainage and highways conditions which was attached to the online agenda following the meeting.

During debate Members raised the following points:

- The redevelopment of this site would significantly enhance the local area and benefit the community.
- It was regrettable that CYC were not trying to attain a BREEAM 'excellent' rating.
- Some Members asked if condition 8 (pg.27) could be amended to state that any trees or plants that die, are removed or become seriously damaged or diseased would be replaced for the life of the development, rather than for five years as stated.

In response to issues raised Officers stated that this was a hybrid building, which would retain original features, and as such it would be very difficult to attain BREEAM 'excellent'. It was also a very expensive process and as a Local Authority project, decisions had to be made about the best use of limited funding. In terms of landscaping, to condition this for the life of the development would not be appropriate, as use of the outdoor space would evolve along with the use of the building.

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

Reason: The siting of the proposals away from neighbouring residential properties will help to ensure that there is

little impact on residential amenity and the level of community involvement has helped to reduce concerns from the community. The design and materials of the extension are in keeping with the character of the area whilst producing a focal point for the hub. Sustainability features such as a green roof and a photovoltaic array will also be included and the scheme is seeking to achieve BREEAM Very Good. The proposed development complies with relevant policies GP1, C1, ED3 and GP4a of the DCLP and policy within the NPPF.

**30c) North Yorkshire Police Station, Fulford Road, York, YO10 4BY (16/01983/FULM)**

Members considered a major full application by Mr Ken Wilson for a replacement evidence store for the Fulford Police Station and external alterations to the existing garages/stores attached to the existing exhibit store. The proposed building was two stories and extended further into the car park and on to a grassed area to the East. The remaining extent of this grassed area would be hard-surfaced and include a covered area for hazardous substances.

Officers provided an update which was attached to the online agenda following the meeting. This was in reference to the BREEAM condition.

Councillor Carr moved to approve the application and Councillor Dew seconded this.

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

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

**30d) Land to the Rear of 246 Shipton Road, Rawcliffe, York (16/01848/FUL)**

Members considered a full application by Mr Dale Rhodes for a new detached dwelling on a disused garden plot to the rear of 246 Shipton Road.

Dale Rhodes, the applicant, spoke to clarify that he had not applied for a Sequential and Exception test, which was required in order to satisfy NPPF policy, as he knew the proposed development would not pass. He stated that he hoped the Sub-Committee would refuse this application solely on the grounds of Flood Risk.

To clarify the applicant's points, Officers explained that Ward Members had raised issues with the application outside of the flood risk, however Officers had recommended refusal solely in relation to flood risk.

Councillor Dew stated that, as one of the Ward members who had called in this application at the request of residents and Parish Councillors, he would not vote on this item.

Resolved: That the application be refused as per the Officer recommendation.

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

**30e) North Lodge, Clifton Park Avenue, York (16/01173/FULM)**

Members considered a major full application by Mr Mike Green to demolish the existing two storey building and replace it with a three storey building creating 14 flats (12 x 2 bed flats and 2 x 1 bed flats).

Ben Pilgrim spoke as agent for the applicants. He stated that this would be a high quality development that would enhance the local area. He explained that the development would be reusing stone and slate from the original building in order to fit in

with its surroundings. There had also been significant improvements to the design since the first submission, as well as additional landscaping being added.

In response to Member questions Officers clarified the following points:

- There was already waste storage provided in the plan which was of an adequate size for the development. It was not usual to condition how this refuse would be collected.
- Standard wording would be added to the conditions with reference surface water drainage. This had been missed off the report in error.
- Bike/bus pass provision had not been conditioned as S106 guidance was now a legal requirement, so it had to be shown that conditions were legally necessary for the development to proceed. As this was a small development this had not been deemed necessary.
- That whilst some developments had conditions amended to state that any trees or plants that die, are removed or become seriously damaged or diseased are replaced for the life of the development (rather than for five years), it was not appropriate to apply this as standard to all new developments.

During debate Members raised the following issues:

- This was a small development but would contribute to increasing housing numbers which was much needed.
- The development was close to a main cycle route and a park and ride site.

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

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

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

### **31. Appeals Performance and Decision Summaries**

Members received a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate between July and 30 September 2016. It also provided them with a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing were included as annexes to the report.

Resolved: That the report and annexes be noted.

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

### **32. Planning Enforcement Cases - Update**

Members received a report which provided them with a quarterly update on planning enforcement cases.

Information was given by Officers to Members on the work of the Enforcement Team.

Resolved: That the report be noted.

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

Councillor Galvin, Chair

[The meeting started at 4.30 pm and finished at 5.30 pm].

**COMMITTEE REPORT**

**Date:** 5 January 2017      **Ward:** Micklegate  
**Team:** Major and      **Parish:** Micklegate Planning  
Commercial Team      Panel

**Reference:** 16/01646/FULM  
**Application at:** The Clock Tower Bishopthorpe Road York  
**For:** Conversion of Clock Tower and former Boiler House to form  
22no. apartments with Museum Space and associated car  
parking  
**By:** Mr Andrew McMurtrie  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 6 January 2017  
**Recommendation:** Approve subject to Section 106 Agreement

**1.0 PROPOSAL**

1.1 The Clock Tower comprises a substantial brick and art stone detailed Grade II Listed structure with an attached two storey boiler house occupying a prominent location within the Terry's/Racecourse Conservation Area. It formerly acted as a chimney and boiler house to support the manufacture of chocolate and confectionary at the Terry's site from construction in the 1920s until manufacture ceased in 2006. Planning permission and Listed Building Consent are sought for the conversion of the premises into 22 two and three bedroom apartments with a modest roof level extension on the north side. The scheme has been amended since submission to reduce the scale and massing of the proposed roof level extension and a viability assessment has been submitted in respect of the range of possible uses for the site.

1.2 Planning permission ref:-09/01606/OUTM has previously been granted which envisaged a mix of business uses occupying the building and the adjacent liquor store.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Conservation Area: Racecourse

Contaminated Land:

Listed Buildings: Grade 2; Terry's Of York Head Offices Bishopthorpe Road

Listed Buildings: Grade 2; Terry's Of York Factory Bishopthorpe Road York

Listed Buildings: Grade 2; Terry's Of York Time Office Block Bishopthorpe Road

2.2 Policies:

CGP15A Development and Flood Risk

CYGP1	Design
CYH2A	Affordable Housing
CYED4	Developer contributions towards Educational facilities
CYHE2	Development in historic locations
CYHE3	Conservation Areas
CYHE4	Listed Buildings

### **3.0 CONSULTATIONS**

#### INTERNAL

##### Public Protection

3.1 No objection to the proposal but seek that any planning permission be the subject of a condition requiring the submission and approval of a CEMP(Construction Environmental Management Plan) and recharge points should be provided for electrical vehicles adjacent to the site as part of the development.

##### Children's Services, Education and Skills

3.2 Seek the payment of a commuted sum of £36,000 to secure improvements to the kitchen and dining capacity at Scarcroft Primary School.

##### Highway Network Management

3.3 No objection in principle to the proposal but seek the payment of a commuted sum to provide additional car club car sharing spaces and to provide cycling materials/or a bus pass for a period of one year to the occupants of the apartments to encourage the development of sustainable means of transport.

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

3.4 The building is on the “Heritage at Risk” register. Unfortunately no commercial or leisure occupier has been found to “save” the building in spite of a long and extensive marketing exercise. The height and configuration of the accommodation, its location within the body of the site, and the cost of essential repair-work have been cited by potential occupiers as reasons for lack of viability for a commercial or mixed use scheme. The over-riding consideration is finding a new use that would sustain the heritage significance of the building. We support the proposals for residential use, including the simplified extension, as being the optimum viable use for the building consistent with the principal heritage values. Whilst the conversion would cause harm to the interior of the building through its subdivision and some harm through alteration of the elevations, the buildings primary significances - its architectural character and role as the former engine-house and clock-tower of the site - would be preserved. The scheme would “rescue” this “building at risk” which is a much valued and prominent York landmark.



EXTERNAL:-

Micklegate Planning Panel

3.5 No comments received.

Police Architectural Liaison Officer

3.6 No objection to the proposal.

Yorkshire Water Services Limited

3.7 No comments received

Historic England

3.8 No objection to the proposal as amended with the removal of the previously proposed roof terraces and urges that the applications be determined in accordance with the Authority's own Conservation advice.

York Conservation Area Advisory Panel

3.9 Raises concern in respect of the lack of incorporation of alternative business or community uses on the site as envisaged in the original hybrid planning permission. Concern is also expressed in terms of the proposed alterations to the pattern of fenestration.

York Civic Trust

3.10 Objects to the proposal on the grounds that it would harm the character and significance of an iconic Listed Building and insufficient consideration has been given to the range of non-residential alternatives including public access envisaged in the original permissions.

Publicity and Neighbour Notification

3.11 Seven letters of objection have been received raising the following planning issues:-

- Concern in respect of the proposed alterations to the pattern of fenestration;
- Concern in respect of the proposed access arrangements to the clock and clock chamber;
- Concern in respect of the level of information in terms of impact upon the historic fabric submitted with the application;
- Concern that the proposal would erode the historic character and significance of the building and its neighbours;

- Concern that insufficient consideration has been forthcoming to alternative non-residential uses of the site;
- Concern that the site should be maintained as a visitor attraction.

## **4.0 APPRAISAL**

### **KEY CONSIDERATIONS:-**

#### **4.1 KEY CONSIDERATIONS INCLUDE:-**

- Impact upon the character and integrity of the Listed Building;
- Impact upon the character and appearance of Terrys/Racecourse Conservation Area;
- Impact upon the residential amenity of neighbouring properties;
- Principle of Development;
- Affordable Housing;
- Planning obligations.

### **STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN:-**

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

### **IMPACT UPON THE HISTORIC CHARACTER AND INTEGRITY OF THE LISTED BUILDING**

4.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Council to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." As this is a statutory duty it must be given considerable importance and weight in determining the planning application. Where harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission.

4.4 Central Government Planning Policy as outlined in paragraph 131 of the National Planning Policy Framework states that In determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 133 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Paragraph 134 states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.5 Policy D5 of the (Emerging) Publication Draft Local Plan is of particular relevance in this context. This indicates support for proposals affecting Listed Buildings where accompanied by a clear evidence based justification and where the significance and heritage value of the building is maintained. Policy HE4 of the 2005 draft local plan states that consent will only be granted development within the immediate vicinity of listed buildings, external alterations or change of use where there is no adverse effect on the character, appearance or setting of the building.

4.6 The Clock Tower comprises a substantial Grade II Listed brick structure with art stone detailing dating to the early 20th Century. It is one of five structures along with the Multi-Storey Factory, the Liquor Store, the Time Office and the Headquarters Building which have been retained from the original period of chocolate and confectionary manufacture on the site. The building is constructed in a basic Neo-Baroque style with art-stone window surrounds including key block detail, prominent moulded string courses on both boiler house and clock tower and prominent brick pilaster buttresses flanking the corners of the clock tower with moulded swagged art stone heads. The interior adopts a similarly Neo-Classical metaphor with a clearly defined dentilated cornice at ceiling levels. The building was used as a boiler house and chimney to provide power for the initial chocolate manufacturing process and the choice of architectural metaphor represents a clear statement of the confidence of the company.

4.7 It is proposed to convert the building for residential use incorporating 19 one, two and three bedroom apartments within the existing building and a further three within the northern roof top extension (to the boiler house) which would be executed in structural glazing. A museum and viewing area would be provided within the clock chamber and a series of roof level terraces would provide a degree of amenity space. Structural reports and a viability report have been submitted to support the application.

4.8 A number of detailed concerns were expressed in relation to the scheme as submitted. The previous westerly extension in the vicinity of the clock tower entrance has now been removed from the scheme. The proposed roof top extension has been lowered in scale and the joints between the cladding sections highlighted in order to differentiate it.

It has also been agreed to treat all new and altered external window and door openings with a metal finish and art-stone surround that would match the existing. Sections of the existing internal treatment would be retained for view and the roof level amenity area would be provided within the existing roof slope rather than as previously envisaged at roof level within the new extension. Concern has also been expressed in relation to the design of the new and altered window openings, it is felt that the most appropriate treatment would be to ensure that they are all of a rectangular form with a finish to match the existing. The upper clock chamber has been made over by the applicant to provide a museum and viewing space to provide interpretive material in respect of the development of chocolate manufacture at the site. Access would be strictly controlled and managed by a duly constituted body. The clock would also be reinstated to the appropriate specification.

4.9 It is considered that the identified areas of concern have been satisfactorily addressed by the applicant. The amended scheme represents less than substantial harm to the listed building and as such consideration of the Act requires that there will be a strong presumption against the grant of permission. However in balancing the harm to the heritage asset a substantial public benefit in terms of the retention of an iconic building within a viable economic use can be secured, this is considered to outweigh the identified harm. The proposal accords with s.66 and Government planning policy in paragraphs 131-134 of the NPPF as well as local plan draft policy.

#### IMPACT UPON THE TERRY'S/RACECOURSE CONSERVATION AREA

4.10 The complex of preserved early 20th Century Industrial buildings together with the adjacent racecourse complex along with its landscape setting is designated as a Conservation Area in view of its significant contribution to the wider townscape and visual character of the City. The seriously deteriorating structural state of the various buildings has seriously harmed the character of the Conservation Area. The proposal seeks to bring one of the principal buildings of the complex back into a beneficial use which would have the effect of arresting any further decline. The Clock Tower has an iconic status within the wider City skyline and provides a level of definition to the character and significance of the Terry's/Racecourse Conservation Area. The proposed roof level extension would be solely visible in oblique views from the racecourse to the north west and any harm arising to the character and appearance of the Conservation Area would be less than significant and that the public benefit in the return of the building into a viable economic use would outweigh the identified harm. It is felt that the proposed works taken together would secure the preservation and enhancement of the Conservation Area and secure the discharge of the statutory duty within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act.

#### IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES

4.11 The Clock Tower lies adjacent to the boundary of the development site in the ownership of Henry Boot Developments, beyond the remainder of the former Terry's

site is being re-developed for housing through a series of detailed planning permissions for David Wilson Homes. Phase 2 of the development comes close to the rear of the Tower with the closest property approximately 5 metres from the gable of the Tower. Policy GP1 of the York Development Control Local Plan sets a firm policy presumption in favour of new development which respects or enhances the local environment, is 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, whilst ensuring that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or are dominated by overbearing structures. At the same time Central Government planning policy as outlined in paragraph 17 of the National Planning Policy Framework "Key Planning Principles" indicates that Local Planning Authorities should give significant weight to the maintenance and provision of a good standard of amenity for all new and existing occupants of land and buildings. It is not proposed to introduce windows to the elevation facing the adjacent residential properties and at the same time the proposed roof terrace amenity area has been amended to ensure that there would not be a significant issue of overlooking of surrounding properties. It is not considered that the scale of the development justifies the submission of a site specific CEMP. A condition is recommended to limit the times of construction. The proposal is therefore felt to be acceptable in terms of its impact upon the residential amenity of neighbouring properties.

## PRINCIPLE OF DEVELOPMENT

4.12 Outline Planning Permission ref:- 09/01606/OUTM granted a hybrid Outline/Full Planning permission for a range of commercial uses involving public access to the retained historic factory buildings. Concern has been expressed in relation to the current scheme in respect of its residential nature and the proposed arrangements for public access to the clock chamber. In response to the concerns the applicant has submitted detailed information in respect of marketing the site that has demonstrated that over a period of four years there has been no viable interest in developing the site for commercial purposes due to the very substantial costs involved in rectifying the structural defects of the building. The submitted information further indicates that in order to generate the required revenue stream to secure the long term future of the building a scheme involving residential use in whole or in part will need to be considered.

4.13 As part of the development the applicant has indicated that managed public access will be provided to the clock chamber which would include a range of interpretive materials in respect of the development of the complex and chocolate manufacture within the wider City. Access would be secured via a timed ticket system and managed by a duly constituted body. The arrangements would then be the subject of a Section 106 Agreement.

## AFFORDABLE HOUSING

4.14 Policy H2a) of the York Development Control Local Plan sets out a requirement as part of new residential development projects to provide, on site in first instance, units that meet standard affordability criteria according to the formally adopted thresholds within supplementary planning guidance. Ordinarily the threshold within the urban area would be 15 and so at least four affordable units would be provided on site to comply with the need to provide at a ratio of 20% of the scheme total. However, the Vacant Building Credit as introduced (and subsequently amended) by the 2014 NPPG indicates that in assessing contributions for affordable housing an allowance should be made equivalent to the floor space of an existing building to be converted with contributions being assessed against any new floor space created. The proposal envisages the creation of three new units within the new extension with a total gross floor space of 354 sq metres. This would fall below the established threshold. The design of the units has been established in order to minimise the size of the additional extension and minimise the degree of harm to the internal space in order to safeguard the historic character of the site. It can thus not be argued that the number and design of the units has been kept low in order to avoid an affordable housing contribution and a contribution is not therefore being sought.

## PLANNING OBLIGATIONS

4.15 The proposal falls to be considered against the requirements of Policy ED4 of the York Development Control Local Plan which seeks that new residential development above the threshold established in supplementary planning guidance should make a contribution by means of commuted sum to the costs of educational provision in the locality where a clear requirement can be proven and the requirements of Regulation 123 of the 2014 CIL Regulations can be complied with in all other respects. In the current case a requirement for additional sums in respect of improvements to dining facilities at Scarcroft School of £36,000 has been established which can be secured by planning obligation. At the same time in order to promote sustainable transport an annual bus pass or cycling contribution is sought on first occupation of each apartment in parallel with the earlier arrangements arrived at in respect of the residential development of the former Multi-Storey Factory.

4.16 A museum space in respect of the clock chamber is provided as part of the proposal including the restoration of the clock itself and the applicant has agreed to a limited level of public access. The formalised arrangements for that would also require to be secured by means of a Section 106 Agreement.

4.17 These requirements are considered to be:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and

(c) Fairly and reasonably related in scale and kind to the development,

and therefore comply with regulation 122 of the Community Infrastructure Levy Regulations 2010. This contribution would also comply with regulation 123 as there have not been 5 or more separate obligations which provide funding or provision of that project or type of infrastructure since April 2010.

## **5.0 CONCLUSION**

5.1 The Clock Tower comprises a substantial brick and art stone detailed Grade II Listed structure with an attached two storey boiler house occupying a prominent location within the Terry's/Racecourse Conservation Area. It formerly acted as a chimney and boiler house to support the manufacture of chocolate and confectionary at the Terry's site from construction in the 1920s until manufacture ceased in 2006. It is felt that the proposed re-development scheme addresses the significant concerns that had previously been raised whilst securing the long term future of the building which has an iconic status within the wider City sky line. It is felt that the relevant requirements of the National Planning Policy Framework as well as the statutory duties outlined in Section 66 and 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act have been fulfilled and approval is recommended. Commuted payments are sought in respect of the provision of educational places and the promotion of sustainable transport measures. These requirements would be secured by Section 106 Agreement and are considered to be justified in line with Section 122 and 123 of the 2014 CIL Regulations.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve subject to Section 106 Agreement

1 TIME2 Development start within three years

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

Drawing Refs:-087-CT-1020-E; 087-CT-1320-C; 087-02-2200; 087-02-2701; 087-00-1420-C; 087-CT-1001-C; 087-00-0020-A; 087-00-0420A.

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

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

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

Reason: So as to achieve a visually cohesive appearance.

4 Prior to the commencement of construction of the individual apartments full details of all externally mounted lighting and signage including sizes, design, location and mode of fixing shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason: - To safeguard the historic character and integrity of the Listed Building.

5 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 conversion works and the works shall be carried out in accordance with the approved details.

- i. Full details including furnishing and interpretive materials with sections at 1:20 of the clock chamber;
- ii. Full details of the replacement clock mechanism including programme for its restoration to operation;
- iii. Details of windows (shown in context); samples to be provided (with steel for comparison purposes); distribution of opening lights and specification of finished colour to be provided, also window details showing incorporation of vents ;
- iv. Full external details of roof top extension (revised design);
- v. Full details of entrance area including fixtures and finishes (inside and outside);
- vi. New external doors and internal doors in common areas
- vii. Details of external works, including guarding and finishes adjacent to the building at lower ground level.

Reason: So that the Local Planning Authority may be satisfied with these details and to safeguard the character and significance of the Listed Building.

- |   |        |                                    |
|---|--------|------------------------------------|
| 6 | DRAIN1 | Drainage details to be agreed      |
| 7 | HWAY18 | Cycle parking details to be agreed |
| 8 | HWAY19 | Car and cycle parking laid out     |
| 9 | EPU1   | Electricity socket for vehicles    |



10 All demolition and construction works and ancillary operations which are audible beyond site boundary or at the nearest noise sensitive dwelling, including deliveries to and despatch from the site shall be confined to the following hours:

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

REASON: To protect the amenities of adjacent residents

- 11 LC1 Land contamination - Site investigation
- 12 LC2 Land contamination - remediation scheme
- 13 LC3 Land contamination - remedial works
- 14 LC4 Land contamination - unexpected contamination

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

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

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

- i) Sought amendments to the design of the scheme to address Conservation concerns;
- ii) Sought further justification for a residential scheme of conversion and clarification of its viability.

### **2. CONTROL OF POLLUTION ACT 1974:-**

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

**Contact details:**

**Author:** Erik Matthews Development Management Officer

**Tel No:** 01904 551416

**16/01646/FULM Conversion and Extension of the Clock Tower Bishopthorpe Road to Provide 22 Apartments.**

**Committee Update:-**

Since the Committee Report was prepared a response has been received from Housing Strategy and Development in respect of the provision of affordable housing. This indicates that on the basis of the Vacant Building Credit Formula based upon the relative proportion of new build to existing that a financial contribution would be required.

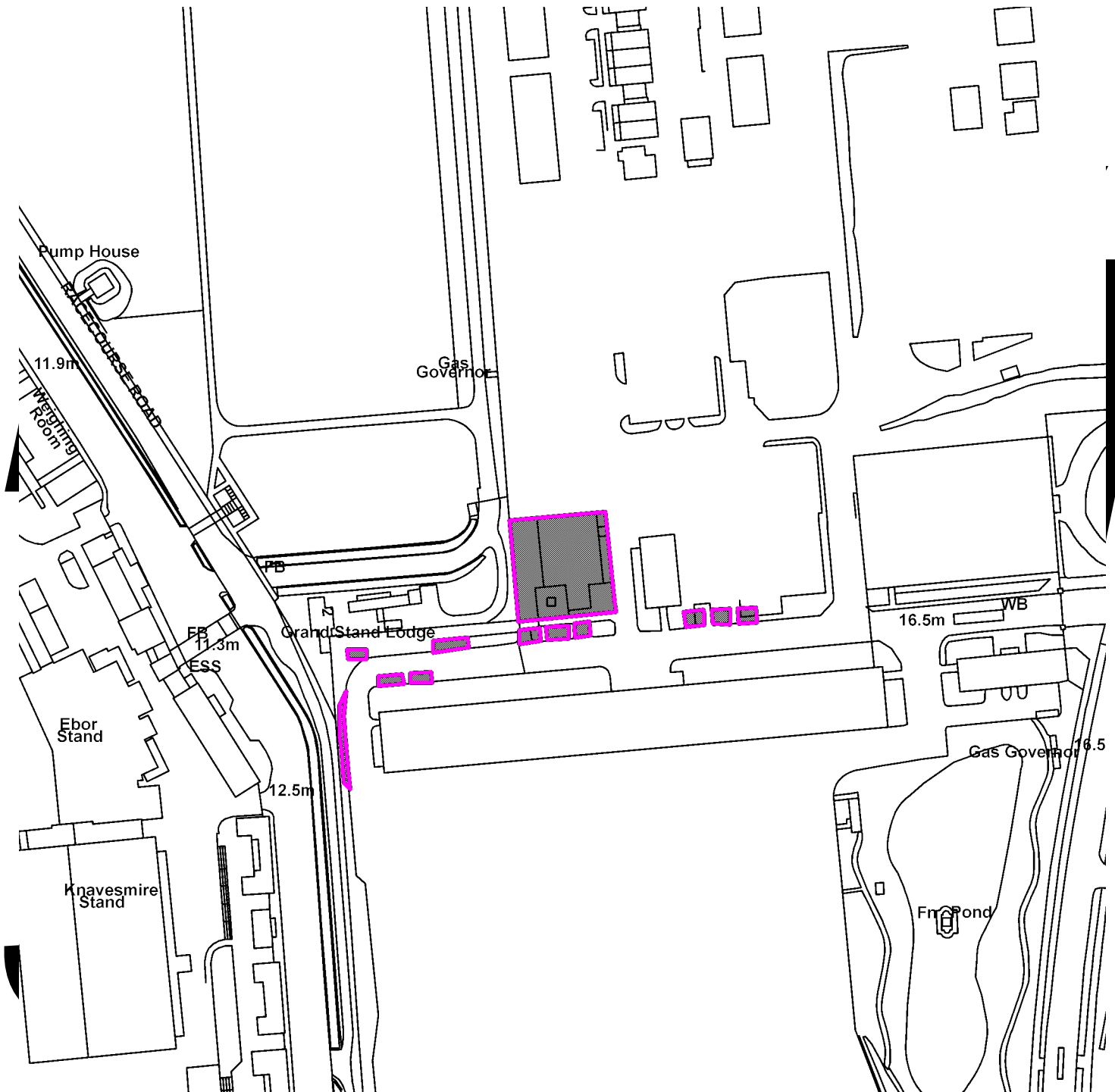
At the same time, in respect of paragraph 4.15 of the Report Education Services have re-considered their requested requirement for a financial contribution of £36,000 in respect of improvements to dining facilities at Scarcroft Primary School. It is acknowledged that the proposal on the basis of the numbers of one and two bedroom apartments does not fulfil the requirements for seeking such contributions and a payment is no longer required.

Re-considering paragraph 4.14 of the Report it is felt that the methodology and formula adopted by Housing Services is the correct one and the interpretation of the relevant threshold is the correct one in respect of establishing a requirement for affordable housing and any associated commuted payment required, within the context of the Vacant Building Credit regulations. The requested payment is therefore felt to be reasonable in the circumstances. It is therefore recommended that the **recommendation** be amended to seek delegated authority to approve the proposal subject to the conclusion of a Section 106 Agreement covering sustainable transport measures and the relevant commuted sum contribution towards the provision of affordable housing following further discussion with the applicant in terms of viability of the scheme and compliance with Regulation 123 of the 2014 CIL Regulations.

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# 16/01646/FULM

## The Clock Tower Bishopthorpe Road York



1:1764

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Not Set

Site Location Plan

21 December 2016

Not Set

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**COMMITTEE REPORT**

**Date:** 5 January 2017      **Ward:** Micklegate  
**Team:** Major and      **Parish:** Micklegate Planning  
Commercial Team      Panel

**Reference:** 16/01647/LBC  
**Application at:** The Clock Tower Bishopthorpe Road York  
**For:** Refurbishment and sub-division of former Clock Tower and Boiler House to form 22no. apartments and Museum Space with associated car parking, landscape works and access from Bishopthorpe Road  
**By:** Mr Andrew McMurtrie  
**Application Type:** Listed Building Consent  
**Target Date:** 6 January 2017  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The Clock Tower comprises a substantial brick and art stone detailed Grade II Listed structure with an attached two storey boiler house occupying a prominent location within the Terry's/Racecourse Conservation Area. It formerly acted as a chimney and boiler house to support the manufacture of chocolate and confectionary at the Terry's site from construction in the 1920s until manufacture ceased in 2006. Planning permission and Listed Building Consent are sought for the conversion of the premises into 22 apartments with 6 one bed room, 9 two bed room and 7 three bed room units with a modest roof level extension on the north side. The scheme has been amended since submission to reduce the scale and massing of the proposed roof level extension and a viability assessment has been submitted in respect of the range of possible uses for the site.

1.2 A hybrid planning permission ref:-09/01606/OUTM has previously been granted which envisaged a mix of business uses occupying the building and the adjacent liquor store.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation: Listed Buildings: Grade 2; Terry's Of York Clock Tower Bishopthorpe Road

2.2 Policies: CYHE4 Listed Buildings

**3.0 CONSULTATIONS**

INTERNAL

Planning and Environmental Management (Conservation Architect)

3.1 The building is on the “Heritage at Risk” register. Unfortunately no commercial or leisure occupier has been found to “save” the building in spite of a long and extensive marketing exercise. The height and configuration of the accommodation, its location within the body of the site, and the cost of essential repair-work have been cited by potential occupiers as reasons for lack of viability for a commercial or mixed use scheme. The over-riding consideration is finding a new use that would sustain the heritage significance of the building. We support the proposals for residential use, including the simplified extension, as being the optimum viable use for the building consistent with the principal heritage values. Whilst the conversion would cause harm to the interior of the building through its subdivision and some harm through alteration of the elevations, the buildings primary significances - its architectural character and role as the former engine-house and clock-tower of the site - would be preserved. The scheme would “rescue” this “building at risk” which is a much valued and prominent York landmark.

EXTERNAL

Historic England

3.2 No objection to the proposal as amended with the removal of the previously proposed roof terraces and urges that the applications be determined in accordance with the Authority's own Conservation advice.

Association for Industrial Archaeology:-

3.3 No objection to the proposed scheme as amended subject to the detailed recording of the interior.

Twentieth Century Society

3.4 Objects to the proposal on the grounds that it would adversely affect the existing rhythm and harmony of the pattern of fenestration and the design of the proposed extension would be alien to the existing composition by virtue of its scale, massing and palette of materials. Concern is also expressed in respect of the potential impact upon the surviving clock features.

Council for British Archaeology

3.5 Raise concerns in respect of the level of information submitted with the application and the level of analysis undertaken in respect of the significance of the building. Concern has also been expressed in terms of the level of recording of the historic fabric and in respect of the scheme itself in relation to the proposed alterations to the pattern of fenestration and the installation of a cathode ray protection system for the structural steel work.



The Ancient Monuments Society

3.6 Supports the position taken by the Association for Industrial Archaeology.

York Conservation Area Advisory Panel

3.7 Raises concern in respect of the lack of incorporation of alternative business or community uses on the site as envisaged in the original hybrid planning permission. Concern is also expressed in terms of the proposed alterations to the pattern of fenestration.

York Civic Trust

3.8 Objects to the proposal on the grounds that it would harm the character and significance of an iconic Listed Building and insufficient consideration has been given to the range of non-residential alternatives including public access envisaged in the original permissions.

Micklegate Planning Panel

3.9 No comments received.

Publicity and Neighbour Notification:-

Publicity and Neighbour Notification

3.10 Six letters of objection have been received raising the following planning issues:-

- Concern in respect of the proposed alterations to the pattern of fenestration;
- Concern in respect of the proposed access arrangements to the clock and clock chamber;
- Concern in respect of the level of information in terms of impact upon the historic fabric submitted with the application;
- Concern that the proposal would erode the historic character and significance of the building and its neighbours;
- Concern that insufficient consideration has been forthcoming to alternative non-residential uses of the site;
- Concern that the site should be maintained as a visitor attraction.

**4.0 APPRAISAL**

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

Impact upon the historic character and integrity of the Listed Building.

## STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN:-

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

## IMPACT UPON THE HISTORIC CHARACTER AND INTEGRITY OF THE LISTED BUILDING

4.3 Section 16(2) of the 1990 Planning (Listed Buildings and Conservation Areas) Act creates a statutory presumption for the Local Planning Authority to have special regard to the desirability of preserving the Listed Building or its setting and any special historic or architectural features it possesses. As this is a statutory duty it must be given considerable importance and weight in determining the planning application. Where harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission.

4.4 Central Government Planning Policy as outlined in paragraph 131 of the National Planning Policy Framework states that In determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 133 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Paragraph 134 states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.5 Policy D5 of the (Emerging) Publication Draft Local Plan is of particular relevance in this context. This indicates support for proposals affecting Listed Buildings where accompanied by a clear evidence based justification and where the significance and heritage value of the building is maintained. Policy HE4 of the 2005 draft local plan states that consent will only be granted development within the immediate vicinity of listed buildings, external alterations or change of use

where there is no adverse effect on the character, appearance or setting of the building.

4.6 The Clock Tower comprises a substantial Grade II Listed brick structure with art stone detailing dating to the early 20th Century. It is one of five structures along with the Multi-Storey Factory, the Liquor Store, the Time Office and the Headquarters Building which have been retained from the original period of chocolate and confectionary manufacture on the site. The building is constructed in a basic Neo-Baroque style with art-stone window surrounds including key block detail, prominent moulded string courses on both boiler house and clock tower and prominent brick pilaster buttresses flanking the corners of the clock tower with moulded swagged art stone heads. The interior adopts a similarly Neo-Classical metaphor with a clearly defined dentilated cornice at ceiling levels. The building was used as a boiler house and chimney to provide power for the initial chocolate manufacturing process and the choice of architectural metaphor represents a clear statement of the confidence of the company.

4.7 It is proposed to convert the building for residential use incorporating 19 two and three bedroom apartments within the existing building and a further three within the northern roof top extension which would be executed in structural glazing. A museum and viewing area would be provided within the clock chamber and a series of roof level terraces would provide a degree of amenity space. Structural reports and a viability report have been submitted to support the application.

4.8 The structural reports indicate a number of serious problems with the building that need urgent rectification in order to secure its future. The clock mechanism itself is missing, the clock face has been vandalised on the north side and the western elevation of the clock tower and boiler house is subject to serious cracking and differential settlement. This has in part been caused by the basement to the tower and boiler house being badly located relative to the overlying superstructure with the rear wall of the tower not being adequately supported. The associated viability/marketing report indicates significant immediate and on-going costs in terms of repairing and securing the future of the building which the marketing information clearly indicates would deter any business use contrary to the requirements of the earlier permissions.

4.9 The proposal has been amended since submission to alter the pattern of fenestration to deal with concerns in respect of an increase in the number of openings and alterations to the existing windows also to the lessen the scale of the proposed northern roof level extension. The ground floor extension initially proposed at the west end would be removed. Sections of the internal Neo Baroque string course would at the same time be exposed to view. The new and altered window openings would be designed with art stone surrounds to match the existing. The proposed roof terraces associated with the roof level extension would utilise a section of the existing roof rather than be a formalised element of the new work.

The roof extension has been redesigned to express the vertical cladding joints to ensure that it is noticeably read as a separate construction. The internal brickwork and architectural ceramic within the entrance hall would also at the same time be cleaned.

4.10 The building's proposed conversion to residential use would sustain the historic, aesthetic and communal significance of the building. Almost all of the earlier evidential value of the interior of the building comprised in the boiler and generator machinery which formerly lay within has been lost since the cessation of chocolate and confectionary manufacturing activities in 2006. The interior now comprises a large, lofty open space. The evidential significance provided by that open space with its associated finishes would be lost over much of the interior although an area within the entrance hall would be left open to enable visitors to read the former character of the space. The decorative dentilated string course would also be retained for view within the abutting apartments.

4.11 Alterations to the character of a listed building require justification under the Act. In this instance justification for the extent of alterations required for residential use has been provided by the outcome of the marketing exercise which has concluded that there is no current developer interest in converting the building viability to other uses potentially less damaging to the interior (such as office or a community use). The unusual size and internal configuration of the building with the lack of external space suitable to provide a parking area along with the compromised structural condition of the building have been seen as significant negative factors in attracting development interest at this time. Although the alterations proposed would be regarded as causing some harm to the interior of the building they do not lead to unacceptable loss of significance overall. The public benefit of having the heritage asset in active use as residential accommodation is regarded as outweighing any material harm. The current proposals are therefore welcomed to sustain the long term future of such a significant building and its relationship with the wider community.

4.12 In terms of the balancing exercise required by the NPPF, the amended scheme represents less than substantial harm to the listed building and as such consideration of the Act requires that there will be a strong presumption against the grant of permission. However in balancing the harm to the heritage asset a substantial public benefit in terms of the retention of an iconic building within a viable economic use can be secured, this is considered to outweigh the identified harm. The proposal accords with s.66 and Government planning policy in paragraphs 131-134 of the NPPF as well as local plan draft policy.

#### PUBLIC ACCESS

4.13 The upper clock chamber has been made over by the applicant to provide a museum and viewing space to provide interpretive material in respect of the

development of chocolate manufacture at the site. Access would be strictly controlled and managed by a duly constituted body. The clock would also be reinstated to the appropriate specification.

## **5.0 CONCLUSION**

5.1 The Clock Tower comprises a substantial brick and art stone detailed Grade II Listed structure with an attached two storey boiler house occupying a prominent location within the Terry's/Racecourse Conservation Area. It formerly acted as a chimney and boiler house to support the manufacture of chocolate and confectionary at the Terry's site from construction in the 1920s until manufacture ceased in 2006. It is felt that the revised scheme addresses the significant concerns that had previously been raised whilst securing the long term future of the building which has an iconic status within the wider City sky line. It is felt that the relevant requirements of the National Planning Policy Framework as well as the statutory duty outlined in Section 16 of the 1990 Planning (Listed Buildings and Conservation Areas) Act have been fulfilled.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

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

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

Drawing Refs:-087-CT-1020-E; 087-CT-1320-C; 087-02-2200; 087-02-2701; 087-00-1420-C; 087-CT-1001-C; 087-00-0020-A; 087-00-0420A.

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

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

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site.

Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

4 Prior to the commencement of works on each individual apartment a detailed repair schedule should be provided and this should include proposals for any external cleaning or removal of uncharacteristic finishes. The type and level of cleaning should be subject to agreement of trial areas. The development shall thenceforth be undertaken in strict accordance with the approved application details.

Reason: - To safeguard the character of the Listed Building and to secure compliance with paragraph 131 of the National Planning Policy Framework.

5 Prior to the commencement of construction of the individual apartments full details of all externally mounted lighting and signage including sizes, design, location and mode of fixing shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason: - To safeguard the historic character and integrity of the Listed Building.

6 Prior to commencement of constructional work on the individual apartments a detailed method statement demonstrating how the cathode ray steel work protection system would be fixed within the building and operate across the structural steel work frame shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason:- To safeguard the historic character and integrity of the Listed Building.

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 conversion works and the works shall be carried out in accordance with the approved details.

- i) Full details including furnishing and interpretive materials with sections at 1:20 of the clock chamber;
- ii) Full details of the replacement clock mechanism including programme for its restoration to operation;
- iii) Details of windows (shown in context); samples to be provided (with steel for comparison purposes); distribution of opening lights and specification of finished colour to be provided, also window details showing incorporation of vents ;
- iv ) Full external details of roof top extension (revised design);
- v) Full details of entrance area including fixtures and finishes (inside and outside);
- vi) New external doors and internal doors in common areas
- vii )Details of external works, including guarding and finishes adjacent to the building at lower ground level.

Reason: So that the Local Planning Authority may be satisfied with these details and to safeguard the character and significance of the Listed Building.

**7.0 INFORMATIVES:**

**Contact details:**

**Author:** Erik Matthews Development Management Officer

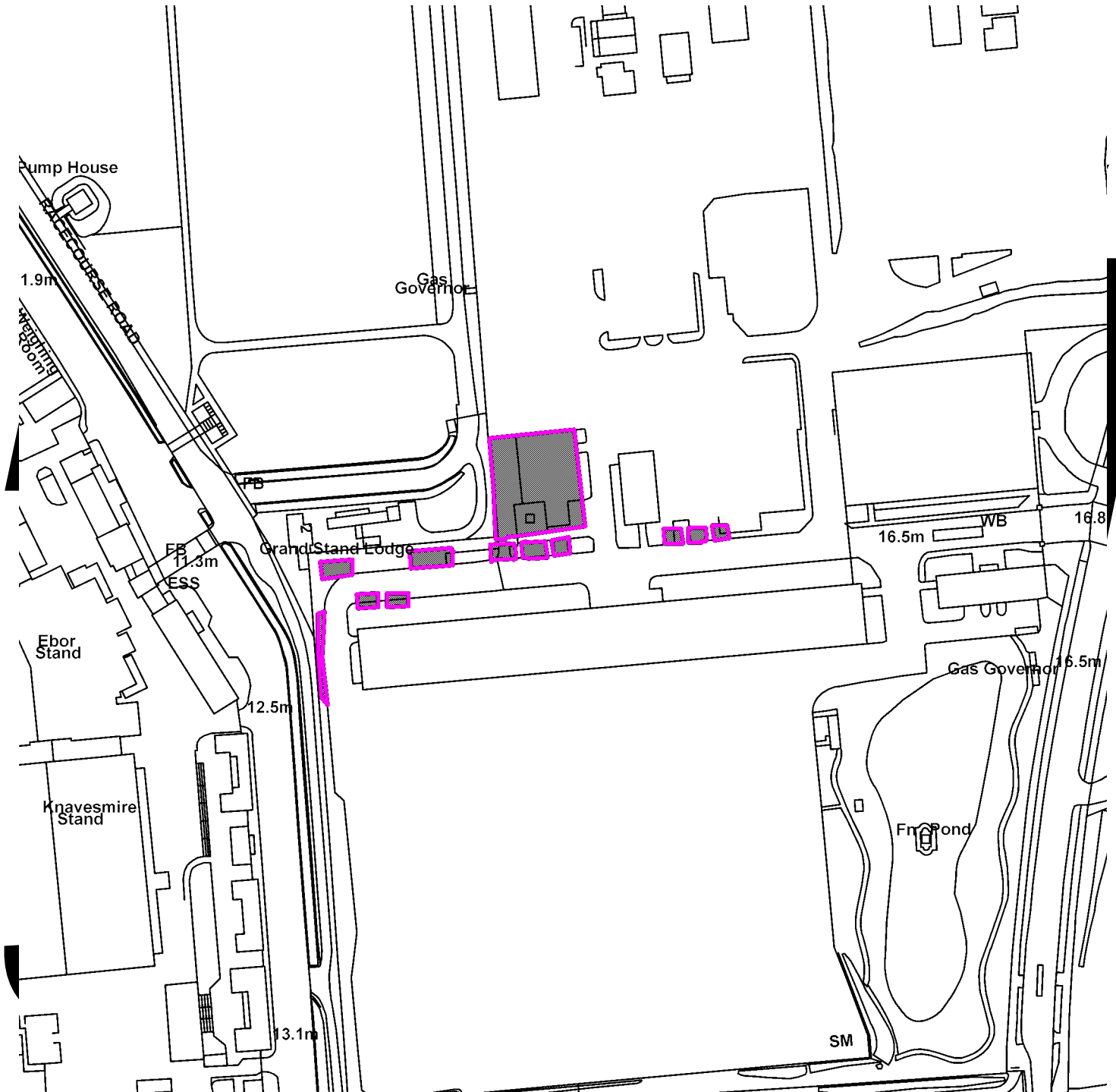
**Tel No:** 01904 551416

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# 16/01647/LBC

## The Clock Tower Bishopthorpe Road York



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Site Location Plan

21 December 2016

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**COMMITTEE REPORT**

**Date:** 5 January 2017      **Ward:** Dringhouses and Woodthorpe  
**Team:** Major and Commercial Team      **Parish:** Dringhouses/Woodthorpe Planning Panel

**Reference:** 16/00725/FUL  
**Application at:** 5 Mayfield Grove York YO24 1HJ  
**For:** Erection of 3no. dwellings with associated access following demolition of existing bungalow (revised scheme)  
**By:** Mr D Evans  
**Application Type:** Full Application  
**Target Date:** 14 October 2016  
**Recommendation:** Refusal

**1.0 PROPOSAL**

1.1 The application seeks full planning permission for the erection of three dwellings on a 0.06ha plot at the eastern end of Mayfield Grove. The proposed houses would replace an existing bungalow located towards the front of the site with its main garden to the rear. There would be a semi-detached pair of 3 bedroom dwellings at the front of the site on the footprint of the existing bungalow and a single detached 2 bedroom bungalow to the rear. Vehicle access would be from Mayfield Grove, via newly created parking areas and private driveway to the rear property.

1.2 The application is supported by the following documents: Design and Access Statement, Sustainability Statement, Contamination Assessment and Bat Scoping Report. Revisions have been made to the including the omission of one dwelling and re-positioning of the frontage building and private driveway.

1.3 The application is called in for a Committee decision by Councillor Reid.

**2.0 POLICY CONTEXT**

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

Allocation: Areas of Archaeological Interest      GMS Constraints: Dringhouses Area

Policies:

- CYGP1 – Design
- GP3 – Planning Against Crime
- CYGP4A – Sustainability
- CYGP4B – Air Quality
- CYGP6 – Contaminated Land

- CYGP9 – Landscaping
- CYGP10 – Subdivision of gardens and infill devt
- CGP15A – Development and Flood risk
- CYNE6 - Species protected by law
- CYHE10 - Archaeology
- CYT4 – Cycle parking
- CYH3C – Mix of dwellings
- CYH4A – Windfall sites
- CYH5A – Residential density

### **3.0 CONSULTATIONS**

3.1 The application has been publicised by means of a site notice posted at the front of the site on Mayfield Grove and notification to statutory consultees and neighbouring properties. Further consultation was undertaken following the submission of revised plans to statutory consultees and those who had expressed an interest in the application. The consultation period expired on 23.9.16. The following comments have been received to the original and revised proposals:

#### **INTERNAL**

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

3.2 The site lies within an Area of Archaeological Importance, close to the line of the Roman Road to Tadcaster (RCHME Road 10), where cemeteries are often located. It may also contain desopists or features relating to the historic settlement of Dringhouses, which evidence suggests was an Anglo-Scandinavian or early medieval settlement outside of the city boundary and existing as a separate manor prior to 1066. The construction of the buildings to the rear of the plot will have the most impact on any surviving Romano-British-Post-Medieval archaeology as this is an area of relatively undisturbed land and therefore a Strip, Map and Record (ARCH 1) is required to examine and record the nature of any existing archaeological features and deposits. An archaeological watching brief (ARCH2) is required on the groundworks of the front plot, given that the proposed building is largely within the footprint of the existing building and so archaeological deposits may have already been disturbed.

##### Public Protection

3.3 No objections raised and confirmation that following comments not affected by revised scheme. However, the neighbouring property of 20 Tadcaster Road is currently a petrol station and there is a potential for contamination due to the previous use of this site. Also, the Council's historic maps show there was some metal working activity on the adjacent site. To ensure that any contamination is adequately dealt, it is requested that a condition covering unexpected contamination

be planed on any permission granted. A further condition requiring the installation of electric vehicle recharging points is requested in line with Paragraph 35 of the NPPF and the Council's Low Emission Strategy (adopted in October 2012).

### Highway Network Management

3.4 Please defer pending following amendments: Driveways to plots 1-3 to terminate 6m from back of highway to a solid wall (front elevation) to prevent parked cars overhanging the highway. Is there scope to have all of the parking to the rear of the site? Driveway to plot 4 - Recommend a width of 3.1m. [No response received to revised plan.]

### Public Realm

3.5 No comments as the proposal is below the 10 unit threshold.

### EXTERNAL

### Yorkshire Water

3.6 Request condition in order to protect local aquatic environment and YW infrastructure as existing drainage details submitted on drawing 1593 105 (revision P00) dated 16/03/216 that has been prepared by DC Architecture are not acceptable to Yorkshire Water. In response to revised plan, confirm that comments and conditions are still relevant.

### Ainsty (2008) Internal Drainage Board (IDB)

3.7 The application site sits immediately adjacent to the Ainsty IDB district. The Board does have assets adjacent to the site in the form of Holgate Beck, which is at capacity and the site is in an area where drainage problems exist. No objections are raised to the principle of development subject to clarification on the drainage strategy and connectivity, to be covered by a condition on any approval.

### Dringhouses and Woodthorpe Planning Panel

3.8 The Panel objected to the original submission and the revised plans on the following grounds:

- It represents extreme over-development of a small site;
- Replacing one house with four would increase both traffic and parking congestion in an already congested area;
- Off-street parking is achieved at the expense of on-street parking for local residents and visitors using the local shops;

- The revisions do not go far enough to negate the combined impact of traffic congestion and limited resident/visitor on-street parking when using the local facilities.

### Neighbour Notification and Publicity

3.9 6 no. comments have been received from local residents objecting to the original proposal and 2 no. further comments to the revised scheme, on the following grounds:

- Surface water and drainage - proposed development would put additional strain on already stretched drainage system that floods at time of high rain fall;
- Vehicular access and parking – proposed development includes no visitor parking, requires relocation of street lamp post, would increase vehicle numbers which would impact on junction with Tadcaster Road, availability of on street parking, road safety on Mayfield Grove and affect emergency vehicle access.
- Design and Amenity – Overdevelopment of site in a sensitive area bordering a conservation area, with density, height, scale and proportions not being sympathetic to surroundings, invasion of privacy and light, limited details of materials;
- Bio-diversity – Loss of tree in front garden and query whether investigations been carried out to be confident that there will be no adverse affect to bats living in the area;
- Contamination – Query whether investigations have been carried out into previous contamination from adjacent garage and suspect material on site.

3.10 1 no. comment received from resident of 4 Mayfield Grove:

- Cannot see any reason why the development should not go ahead;
- It could well alleviate present parking problems.

## **4.0 APPRAISAL**

### KEY ISSUES

4.1 The main considerations relevant to the determination of this application are:

- Principle of development;
- Flood risk and drainage;
- Impact on archaeological features and deposits;
- Impact on biodiversity;
- Access, parking and highway safety;
- Character and appearance;
- Affect on residential amenity.

## SITE AND PLANNING HISTORY

4.2 The application relates to a site consisting of a detached bungalow with rear garden on the south side of Mayfield Grove, at its eastern end, close to its junction with Tadcaster Road. It sits behind the frontage properties on Tadcaster Road, which are located to the east and comprise a petrol filling station, shop unit (no.24) and dwelling house (no.26). To the north and west of the site are the other residential properties on Mayfield Grove. To the south is an open area of land that is understood to be used in connection with the commercial units on Tadcaster Road. The site has an existing vehicle access from Mayfield Grove via a private drive adjacent to the eastern site boundary. The site lies outside the Tadcaster Road Conservation Area (which excludes the properties adjoining the site on the west side of Tadcaster Road), though within the Dringhouses Archaeological Area of Importance. This is due to the line of Roman Road to the east of the site, Roman cemetery to the south and archaeological events on the land to the south of the site at the rear of 26-28 Tadcaster Road. There are archaeological monuments and listed buildings in the vicinity of Tadcaster Road, but not adjacent to the site. It falls within Flood Zone 1.

4.3 There is no relevant planning history for the application site as the records only show domestic extensions and outbuildings to the dwelling in the 1970s. A planning permission for the erection of 11 dwellings on land to the rear of this application site is currently before the Council for determination (26 Tadcaster Road, ref.15/02726/FULM), but has been delayed due to issues with the highway access to Tadcaster Road. The submitted plans show an access road immediately to the rear of the application site, beyond which there are two buildings both with 3 no. two-storey dwellings facing north overlooking the access road.

## POLICY CONTEXT

4.4 Central Government guidance is contained in the National Planning Policy Framework ("NPPF", March 2012). This places emphasis on achieving sustainable development, by establishing a presumption in favour of development that contributes to building a strong, competitive economy and supports a vibrant and healthy community, whilst contributing to the protection and enhancement of our natural and built environments. 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. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking. The principles include: seeking high quality design and a good standard of amenity for all existing and future occupants of land and buildings; encouraging the effective use of land by reusing land previously developed that is not of high environmental value; taking full account of flood risk; contributing to conserving and enhancing the natural environment and reducing pollution; and, actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling.

4.5 Section 4 of the NPPF promotes sustainable transport. Section 6 sets out the Government's policy for the delivery of homes. Section 7 seeks good design as a key aspect of sustainable development. Section 10 offers advice on meeting the challenge of climate change and flooding. Section 11 contains Government policy that aims to conserve and enhance the natural environment including landscapes, ecology and pollution and land instability.

4.6 Although there is no formally adopted local plan, the City of York Draft Local Plan (DLP), was approved for Development Control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF. The DLP identifies the site on the proposal map as lying within the main built-up area of the City. Relevant policies are summarised in section 2.2 and of particular relevance are policies GP1 'Design', GP4a 'Sustainability', GP10 'Subdivision of Gardens and Infill Development', HE10 'Archaeology' and H4a 'Housing Windfalls'.

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

## PRINCIPLE OF DEVELOPMENT

4.8 The NPPF promotes the approval, without delay, of proposals that accord with the development plan or where the plan is absent, silent or out of date, planning permission should be granted unless the adverse impacts of doing so demonstrably outweigh the benefits when assessed as a whole. One of the core planning principles set out in the NPPF is the effective use of land through the reuse of land which has been previously developed providing it is not of high environmental value.

4.9 However, it excludes land in built-up areas such as private residential gardens from the definition of previously developed land. Notwithstanding this, paragraph 49 of the NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development. It goes on to say, at paragraph 53, that local planning authorities should consider policies to resist inappropriate development of residential gardens, for example where it would cause harm to the local area. Local Plan Policy GP10 accords with paragraph 53 of the NPPF.

4.10 The application site is located on a predominantly residential street within a mixed use area that lies within the main built-up area of the City. It is in a sustainable and accessible location, within walking distance of local facilities and public transport routes. Therefore, subject to further consideration being given of the impacts of the development on the local environment, the proposal is considered to be acceptable in principle.



## FLOOD RISK

4.11 Paragraph 103 of the NPPF states that development should be directed to the areas of low flood risk and that development should not result in an increase of flood risk within the site or elsewhere.

4.12 The site falls within flood zone 1, which is at the lowest risk from flooding and within which the likelihood from river flooding is low and residential development is considered appropriate.

4.13 Local residents have raised concerns based on the potential to exacerbate existing surface water problems in the vicinity. However, it is noted that neither Yorkshire Water nor the Ainsty Internal Drainage Board object to the scheme in terms of disposal of foul or surface water subject to conditions requiring detailed drainage information. It is clear that there is a solution available for surface water disposal either through a soakaway within the site or controlled discharge to the main sewer. As such, whilst the concerns of the local community are noted, there are not sufficient grounds to justify a refusal on the basis of increased flood risk within the site or elsewhere.

## ARCHAEOLOGY

4.14 The NPPF requires developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation, where the site includes or has the potential to include heritage assets with archaeological interest (paragraph 128). It goes to say, at paragraph 135, that the effect of an application on the significance of a non-designated heritage asset should be taken into account when determining applications, with a balanced judgement being required between the scale of any direct or indirect harm or loss and the significance of the asset. Paragraph 139 of the NPPF states that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments should be considered subject to policies for designated heritage assets. These require that heritage assets be conserved for the benefit of future generations and planning permissions be refused where substantial harm is caused to them. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost proportionate to their importance and impact, and to make this information publicly accessible (para.141).

4.15 The site is within the Dringhouses Area of Archaeological Importance, close to the line of a Roman Road and Roman cemetery. There is also the potential for an Anglo-Scandinavian/early medieval settlement in the area. As the groundworks involved with the proposal may reveal or disturb archaeological features and deposits, conditions are requested by the City Archaeologist requiring archaeological excavation and recording for the works at the rear of the site where the land is undisturbed and an archaeological watching brief for the front building

works where the land has been previously disturbed. Subject to such conditions, the application is considered to be acceptable as any harm can be adequately mitigated.

## BIODIVERSITY

4.16 The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 provide the legal framework for the protection of habitats and species. In addition, the Natural Environment and Rural Communities Act 2006 imposes a duty on local authorities to have regard to the purpose of conserving biodiversity in the exercise of their functions.

4.17 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural local environment by, amongst other things, minimising impacts on biodiversity. Paragraph 118 of the NPPF aims to conserve and enhance biodiversity, including the refusal of planning applications where significant harm cannot be avoided or adequately mitigated and where development would adversely affect Sites of Special Scientific Interest (SSSI), ancient woodland and European protected sites. Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss. Draft Local Plan policies reflect this advice in relation to trees, protected species and habitats.

4.18 There are no designated nature sites that would be adversely affected by the proposals. A bat scoping report was submitted during the planning application process after it was identified that the existing building was suitable bat habitat. Furthermore, the planning application to the rear of the site (ref.15/02726/FULM) was accompanied by a full bat survey including an activity survey, which identified that the land was used for bat commuting and foraging and that, as bats were observed early on in the evening, it is likely that a roost is located close by, possibly within one of the neighbouring houses.

4.19 The survey of the application site was based on one daytime visit to the property in August 2016 and involved a visual inspection of the bungalow and garage. No signs of roosting bats or bat activity inside the buildings were noted, but due to the presence of features with potential to provide roosting opportunities for bats, both the bungalow and garage were assessed as having a medium potential to support bats. The report states that, 'from the current results, it is not possible to fully determine whether bats are using the building as a roost' (para. 5.3.1.2) and 'based on the evidence collected to date, it is possible that the studied bungalow and garage at 5 Mayfield Grove could support individual or significant numbers of bats' (para. 5.3.2.2). It advises that additional bat survey work, including either emergent or swarming surveys, are required in order to prevent any potential impacts occurring to bats present.

4.20 Government advice in paragraphs 98 and 99 of Circular 06/2005 states that the presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before planning permission is granted, since otherwise all material considerations might not have been considered in making the decision. This approach is re-iterated in the British Standard BS 42020:2013 Biodiversity – Code of practice for planning and development. Professional standard guidance from the Bat Conservation Trust recommends that as a minimum, structures assessed as having moderate roost suitability should be subject to two separate surveys – dusk emergence and dawn re-entry - to give confidence in a negative result.

4.21 As such, the level of information available with this application is not considered to be sufficient to confirm the presence or absence of the protected species or assess the impact of the proposal involving the full demolition of the buildings on site on the protected species. It is not possible to impose a condition, as part of a planning approval, requiring further survey work aimed at identifying the presence or absence of bats, nor is it possible to condition that the developer obtain a licence from Natural England in order to discharge the duty placed upon them by the 2006 Act (confirmed by *Woolley v Cheshire East Borough* 2009). Therefore, in accordance with legislation and planning guidance, this lack of sufficient information is considered to be sufficient reason to warrant refusal of the application.

4.22 As the carrying out of bat surveys is time sensitive, it will not be possible to undertake the further emergence and swarming surveys until May at the earliest. The applicant was informed of the recommendation to refuse on the grounds of lack of sufficient information and given the opportunity to withdraw the application, but has declined to do so.

## HIGHWAY SAFETY

4.23 The NPPF encourages sustainable travel and the location of development in sustainable and accessible locations. The scheme is in such a location and provision is made within the scheme for secure and enclosed cycle parking to serve the three dwellings. The proposal would also provide one off-street parking space to serve each dwelling, with a front curtilage parking space for the semi-detached properties and a parking/turning space to the side and front of the rear dwelling. This parking provision would be accessed via a narrow private drive running along the side boundary with the petrol filling station (PFS). It is proposed to be set away from the boundary enclosure with the PFS at the front to allow adequate pedestrian visibility, to then be a width of 3.1m for a distance of approximately 12m, before narrowing to 2.75m. Revisions were requested by the highway officer to ensure that the front parking bays were long enough to accommodate a vehicle without overhang of the footpath and the private driveway was wide enough to accommodate a vehicle. The arrangement is tight, but workable.

4.24 Concern has been expressed by local residents on Mayfield Grove about the impact of the proposal on parking along the road and highway safety at the junction of Mayfield Grove with Tadcaster Road. No objection has been received from the local highway authority on highway safety grounds from the proximity of additional accesses to the junctions or potential loss of on-street parking outside the site.

## CHARACTER AND APPEARANCE

4.25 Chapter 7 of the NPPF gives advice on design, placing great importance on the design of the built environment. The NPPF, at paragraph 64, advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Draft Local Plan policies GP1, GP10 and H4a are consistent with the aims of the NPPF in that they seek, *inter alia*, development that respects and enhances the local environment and is appropriate in scale and density without impacting on existing landscape features.

4.26 The site is located at the start of Mayfield Grove, immediately adjacent to the frontage properties on Tadcaster Road, which include a petrol filling station. The character of the street largely comprises detached and semi-detached residential properties that face onto the road with small front gardens enclosed by low boundary walls and long rear gardens. The application site is at the transition point between the properties on Tadcaster Road and the rest of the residential properties along Mayfield Grove and has a wider frontage than the remaining residential properties on the south side of the street. The proposed layout is tight with three dwellings replacing one single dwelling, though it is noted that the existing property is a bungalow and, therefore, has a larger footprint than the average two storey house.

4.27 The footprint of the proposed semi-detached pair is equitable to the existing bungalow and would sit on a similar front building line – the two storey front elevation is set back from the existing front wall of the bungalow and that of no.7, but the single storey front porches extend to the same building line as the neighbouring house. The side wall of the proposed front dwellings with no.7 is on a similar line to the existing bungalow. The external form and appearance of the semi-detached pair would be in-keeping with others on the street – it is noted that the type and style of property varies at the eastern end of Mayfield Grove, with a hipped roof detached house at no.7 and a semi-detached gable roof houses opposite. The proposed semi-detached pair of properties is of the same overall height as no.7 and incorporates a hipped roof, but with the symmetrical double window arrangement of the semi-detached houses long the street. Parking provision has been revised to allow a low front boundary wall to be provided between the parking spaces. The bulk of the properties and front boundary wall would help to maintain the sense of enclosure that is characteristic along the south side of the street.

4.28 The proposal would introduce a dwelling at the rear of the property. This is at odds with the layout of Mayfield Grove and would not be supported on other residential plots along the street. However, the application site is located immediately to the rear of the commercial properties on Tadcaster Road and any built form to the rear would be read against, and in the more enclosed context of, these commercial buildings. Views through to the property to the rear would be limited, with glances of it along the private drive and that of no.7. As a result, the construction of a lower height property to the rear as proposed, and a higher density of housing on site, could be accommodated without adversely affecting the overall character and appearance of the street.

4.29 The detached dwelling to the rear would be subservient in scale and height to the frontage properties, with a roof ridge 1.2m lower than the frontage properties. It would have a dual pitched roof, with the end gables facing towards the front of the site (north) and the open land to the rear (south). Its windows are orientated to make best use of its southerly aspect.

4.30 Overall, the proposal is considered to be acceptable in terms of its detailed design and visual impact on the character and appearance of the local environment.

## RESIDENTIAL AMENITY

4.31 One of the core principles of planning outlined in the NPPF is to seek a good standard of amenity for all existing and future occupants. Paragraph 120 of the NPPF states that new development should be appropriate for its location to prevent unacceptable risks from pollution and land instability.

4.32 The proposal would mostly impact the neighbouring property to the west, 7 Mayfield Grove. This would mainly be from a visual awareness of additional built form rather than an erosion of the residential amenity that can reasonably be expected to be enjoyed in urban areas. The impact on the occupants of no.7 from disturbance from vehicles coming and going has been reduced by the re-design of the scheme and relocation of the private driveway serving the rear property to the boundary adjacent to the PFS. Whilst there is the potential for some disturbance at the rear due to vehicle movement, this would only be in relation to one 2-bedroom dwelling and the parking/turning area would be set back from the boundary by approximately 3m within which a landscaped buffer/screen could be planted.

4.33 The buildings would be set away from the boundary with no.7 by approximately 1m. The frontage building would sit largely on the same footprint as the existing bungalow, though would be two-storey and would extend beyond the rear wall of no.7 by approximately 800mm. It would be to the east of no.7, and at a distance of approximately 3.3m from the house itself, taking into account the private drive of no.7. No windows are proposed in the side elevations of the semi-detached pair. The eaves of the rear property, which would be single storey height) would be approximately 14m to the south of no.7 and the roof ridge, approximately 15.6m to

the south-east. Openings in the north and west facing elevations would be at ground floor level only, with the exception of a bathroom roof light.

4.34 As a result, there would be limited additional overshadowing to the neighbouring property, given the limited projection and orientation of the frontage properties and the limited height adjacent to the boundary and distance of the rear property. Any shadowing of no.7 from the frontage properties would be in the early morning and short lived and would be to the rear garden area from the rear property. The daylight/sunlight to the rear of the dwelling for the majority of the day would be unaffected. There would be limited loss of privacy due to the absence of windows in the side elevation of the front property and inclusion of openings in only the ground floor of the rear dwelling. The front kitchen window would face towards the rear of the frontage building, though the secondary lounge window would face towards the garden of no.7. Whilst not impacting on privacy within the house itself, it is recommended that this secondary window is obscured glazed to avoid potential overlooking, dependent on the height of the boundary enclosure.

4.35 The proposed buildings are at a sufficient distance from the other surrounding residential properties on Mayfield Grove and Tadcaster Road and as such would not result in any adverse loss of residential amenity.

4.36 In terms of the amenity of future occupiers, the internal size and facilities within the properties is acceptable. The properties would have a south-facing aspect, which would help to counter the smaller private amenity spaces than the existing bungalow and surrounding properties. The size of garden is not, however, unusual in more modern housing developments, though that serving the eastern semi-detached property is impinged to an extent by the private driveway serving the rear property. Each dwelling would have access to an off-street parking space and cycle and refuse storage.

4.37 The application is accompanied by a screening assessment which confirms a long term residential use and a low expectation for any land contamination. As such, the Council's Environmental Protection Unit raises no objection, subject to conditions to ensure that any potential land contamination is adequately addressed.

4.38 In summary, the main impact of the development on residential amenity is on the neighbouring property, 7 Mayfield Grove. Subject to condition relating to the side secondary lounge window, any impact is considered to be within acceptable limits and would not result in an erosion of residential amenity over and above what can reasonably be expected in a built-up area. The proposal seeks to make the most efficient use of land, whilst achieving a good standard of amenity for existing and future occupants whilst making the most efficient.

## **5.0 CONCLUSION**

5.1 The proposal has been revised to address officer's concerns in respect of character and amenity, residential amenity and highway safety. Subject to conditions, the development would not result in any demonstrable harm to flood risk, archaeology, visual and residential amenity, highway safety and land contamination.

5.2 However, insufficient information has been submitted to fully assess the impact of the development, which involves the full demolition of two buildings on site with medium potential for bat habitat, on the protected species. Further time specific surveys (May-September) are required, as advised by the appointed ecologist, in order to allow this assessment to be carried out. It is not possible to impose a condition requiring the surveys to be undertaken post-decision. The applicant has been invited to withdraw the application and resubmit once the further information is available, but has declined to do so. The application is, therefore, recommended for refusal due to insufficient information regarding the presence or absence of bats.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

The submitted Bat Scoping Report, dated August 2016, identifies the site as having medium potential to support individual or significant numbers of bats, but does not fully determine whether bats are using the building as a roost. Surveys of the land to the rear of the site have observed commuting and foraging bats, with the likelihood of a potential roost within buildings in the immediate vicinity. However, the level of information available with this application is not sufficient to confirm the presence or absence of bats, a European protected species and protected nationally by virtue of the wildlife and Countryside Act 1981, or to allow a full assessment of the impact of the proposal to fully demolish the buildings on site on the species. Therefore, in accordance with legislation and planning guidance, in particular paragraphs 109 and 188 of the NPPF, 98 and 99 of Circular 06/2005 and Policy NE6 of the Draft Local Plan 2005, the application is considered to be unacceptable due to the potential harm to a protected species.

## **INFORMATIVES:**

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

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

- Revisions to application to address concerns relating to highway access, visual amenity and residential amenity;
- Consideration of conditions to mitigate outstanding concerns relating to drainage, visual amenity and residential amenity;
- Request for survey to assess presence/absence of bats.

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

**Contact details:**

**Author:** Hannah Blackburn Development Management Officer

**Tel No:** 01904 551325

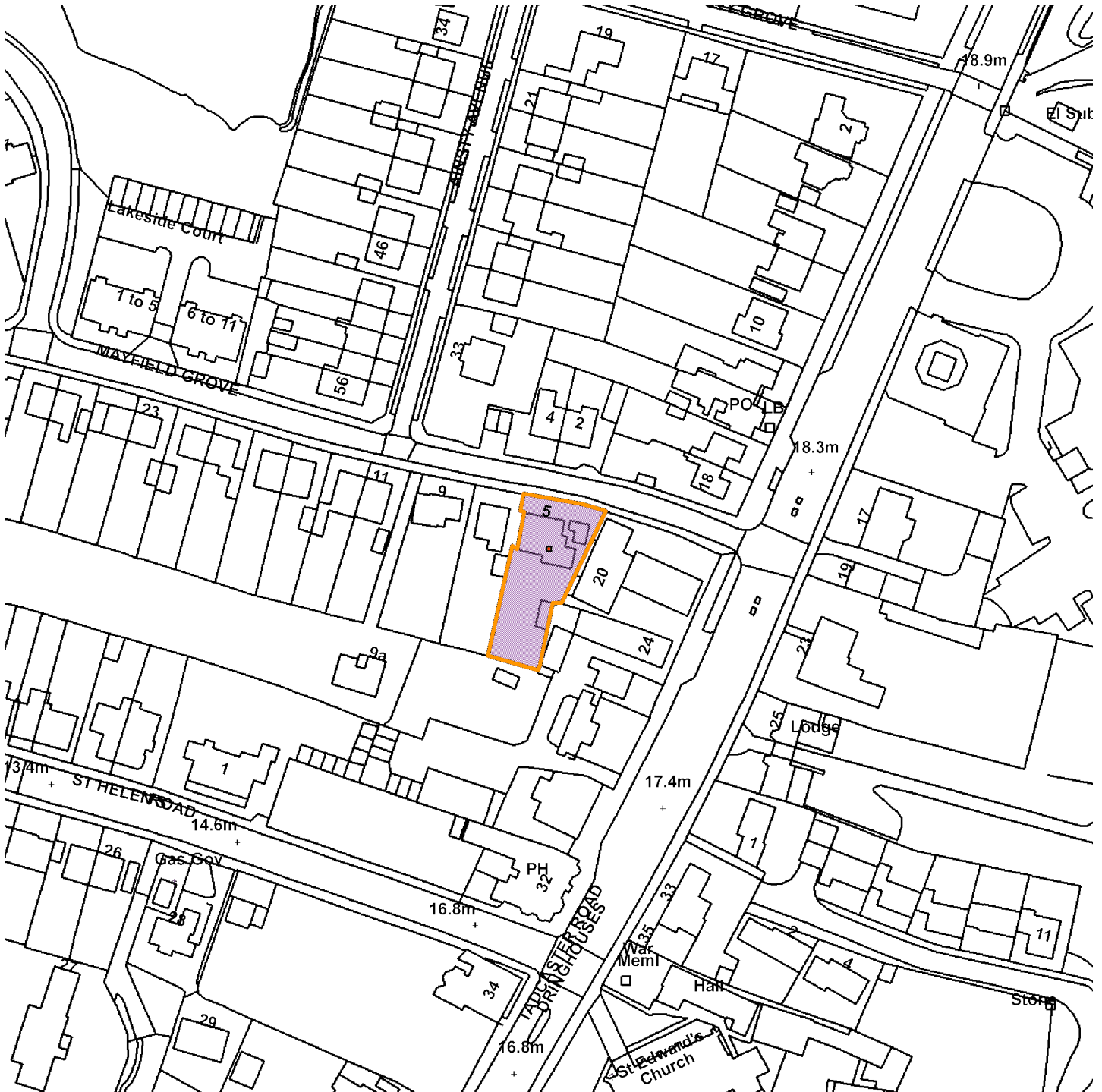




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16/00725/FUL

5 Mayfield Grove, YO24 1HJ



Scale : 1:1377

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<b>Organisation</b>	City of York Council
<b>Department</b>	Economy & Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	20 December 2016
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 5 January 2017      **Ward:** Haxby and Wigginton  
**Team:** Major and      **Parish:** Haxby Town Council  
Commercial Team

**Reference:** 16/01374/FUL  
**Application at:** 107 York Road Haxby York YO32 3EN  
**For:** Erection of dwelling following demolition of existing bungalow  
**By:** Mrs P Clarkson  
**Application Type:** Full Application  
**Target Date:** 5 August 2016  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 Erection of a detached, 2-storey, 3-bedroom house with integral garage. The house would replace an extended bungalow, which would be demolished. Access would remain as existing, from York Road.

1.2 The application has been called in by Cllr Cuthbertson on the grounds that the objections relating to scale, prominence and design appear to carry considerable weight.

**2.0 POLICY CONTEXT**

2.1 Policies:

CYGP1 - Design  
CYGP4A - Sustainability  
CGP15A - Development and Flood Risk

**3.0 CONSULTATIONS**

INTERNAL

Public Protection

3.1 No objections. Add vehicle recharging condition.

Planning and Environmental Management (Ecology)

3.2 The house to be demolished is unlikely to be a bat roost. A bat survey is not required.

## EXTERNAL

### Haxby Town Council

3.3 No objections.

### Foss Internal Drainage Board

3.4 The site is in an area where drainage problems could exist. Development should not be allowed until the local planning authority is satisfied that surface water drainage has been satisfactorily provided for. No objections to the principle of this development but the applicant should clarify the drainage strategy to enable an evaluation to be undertaken in terms of flood risk. Any approval should include conditions regarding submission of drainage details including attenuation and proof of the suitability of any soakways.

### Yorkshire Water

3.5 No comments to make.

### Neighbour Notification and Publicity

3.6 Four objections to the application as initially submitted have been received from local residents. Since then significant changes have been made to the proposed building's design and prominence. The objections raise the following planning issues:

- The house would be too large/high/prominent
- Out of keeping with character of the area
- Overlooking/loss of privacy
- There is no justification for such a large house
- Permitted development rights should be removed.

## **4.0 APPRAISAL**

### MAIN ISSUES

- Use for housing
- Scale and design
- Access and parking
- Neighbour amenity

## PLANNING POLICY CONTEXT

4.1 The City of York Draft Local Plan was approved for Development Management purposes in April 2005. It does not form part of the statutory development plan but 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. Local plan policies that remain relevant to the current application are listed at paragraph 2.2 of this report.

4.2 The NPPF is the most up-to date representation of key relevant policy issues 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. Where, as in this case, the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole unless specific policies in the Framework indicate that development should be restricted. No such policies apply in to this application.

## APPLICATION SITE

4.3 Extended bungalow with linked double garage. The bungalow is one of a row of three dwellings that share an unusually large landscaped rear garden, which includes a small lake. Access is from York Road, a major distributor road. The area is predominantly residential.

## USE FOR HOUSING

4.4 The NPPF requires local planning authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (section 6). The site is in a sustainable location, within the settlement limit of York and with good access to shops and public transport. The application therefore complies with housing policies in the NPPF. As the existing dwelling on the site would be demolished there would be no increase in the city's housing stock.

## SCALE AND DESIGN

4.5 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).

4.6 The design of the house would be contemporary. The main part of the house would be two storeys high and measure approximately 21m x 9m x 5.3m to the eaves and 8m to the ridge. Part of the roof would comprise a forward-facing gable rising a further 1m (to 9m high). Part of the front of the house would be single-storey with a flat roof. There would be a single-storey flat-roofed projection (7m x 2.7m) at the southern end. Materials would mainly comprise brickwork and white render. The front entrance would have an open-sided canopy with the soffit finished in timber. If permission is granted, submission of samples of materials should be made a condition.

4.7 The design has changed significantly since the application was first submitted. The previous design had a larger footprint and included an attached, flat-roofed double garage in front of the main building line of the house. Its position would have been in front of the general building line of this part of York Road. The adjacent building at No.109 York Road protrudes beyond the general building line but is an historic anomaly; the building predates most of the housing in this part of York Road and its position relative to the established building line should not determine future development. The proposed garage has since been relocated to within the main body of the building. Apart from the open-sided entrance canopy no part of the dwelling as amended would be in advance of the established building line of this part of York Road.

4.8 The proposed house would be significantly bigger and higher than the bungalow that it would replace but the main ridge would not be higher than the adjacent house to the north (No.105) and would be slightly lower than the house to the south (No.109). Bearing in mind: the proposed building's main road location; its set-back from the public highway; and the height and massing of the other buildings in the vicinity of the site; the proposed house would not be out of keeping with the street scene. As for the contemporary design, the site is not in a conservation area and there is a variety of building styles in the vicinity. No.105 is contemporary while the houses opposite appear to be interwar and No.109 is much older. The design and materials of the proposed house are therefore acceptable. In short, the scale, design and appearance would be in keeping with design policies in the NPPF.

## NEIGHBOUR AMENITY

4.9 A core planning principle of the NPPF is to always seek to secure high quality design and a good standard of amenity for existing and future occupants. Paragraph 9 seeks to improve the conditions in which people live. 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, among other things, overlooking, overshadowing or dominated by overbearing structures. The front elevation of the dwelling would be approximately 35m from the houses on the opposite side of York Road. The occupants of those houses would not suffer from any significant harm from overlooking, particularly bearing in mind the intervening public highway. The separation distance is also sufficient to prevent a material overbearing impact from



the new building, compared to the existing single-storey dwelling. The proposed house would be much closer to the adjacent houses at nos 105 and 109 but the elevations facing these houses would have no upper floor windows other than high level obscure-glazed windows to en-suite bathrooms. No.105 has one window facing the application site but this is high level and obscured. No.109 has habitable room windows that face the application site but these would be at least 10m from the facing elevation of the proposed house. A condition should be attached requiring any other upper-floor windows below 1.7m high and facing No.109 to be fixed shut and obscure-glazed.

4.10 There would be no other material impacts on neighbouring occupiers. The application raises no issues that would justify removal of permitted development rights.

#### **HIGHWAY SAFETY, TRAFFIC AND PARKING**

4.11 The vehicular access would be from York Road as existing. Sightlines are satisfactory. Sufficient space would be available within the garage for cycle storage. Traffic movements from the new dwelling are unlikely to be materially different from existing. Provision should be made within the site for the charging of an electric powered vehicle.

#### **FLOOD RISK AND DRAINAGE**

4.12 Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. The site lies in low-risk flood zone 1 and is unlikely to suffer from river flooding. The application states that there would be no increase in surface water runoff but it is unclear how this would be achieved. The internal drainage board has no objection in principle to the application. Submission of drainage details should be made a condition of approval.

### **5.0 CONCLUSION**

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

### **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the approved plans numbered HAX.P.002A, HAX.P.003A, HAX.P.005A, HAX.P.006A, HAX.P.007A, HAX.P.008A, HAX.P.009A, HAX.P.010A, HAX.P.011A and HAX.P.020.

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

3 VISQ8 Samples of exterior materials to be app

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

Reason: In the interests of the amenities of occupiers of the adjacent residential dwelling at No.109 York Road.

5 Prior to first occupation of the development the applicant shall install within the 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.

6 Notwithstanding the approved plans no development shall take place until details of the proposed means of surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site. The details are required prior to start of construction to ensure that the development does not inhibit the proper drainage of the site.

7 NOISE7 Restricted hours of construction

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

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

In considering the application, the local planning authority 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 gave pre-application advice, sought revisions to the scale, design and prominence of the dwelling and attached appropriate conditions to the planning permission.

### **2. DRAINAGE DETAILS**

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 (SuDs). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuDs.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself. The BRE Digest 365 test should be witnessed by City of York Council's Flood Risk Management Team.

If SuDs methods can be proven to be unsuitable then In accordance with City of York Council's Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. If existing connected impermeable areas are not proven a greenfield run-off rate based on 1.4 l/sec/ha shall be used.

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.

### 3. DEMOLITION AND CONSTRUCTION

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

b. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".

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

d. All plant and machinery to be operated, 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.

e. There shall be no bonfires on the site.

f. In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken and where remediation (clean-up) is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority. 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 2A of the Environmental Protection Act 1990.

#### **Contact details:**

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**Tel No:** 01904 552830

16/01374/FUL

107 York Road, Haxby



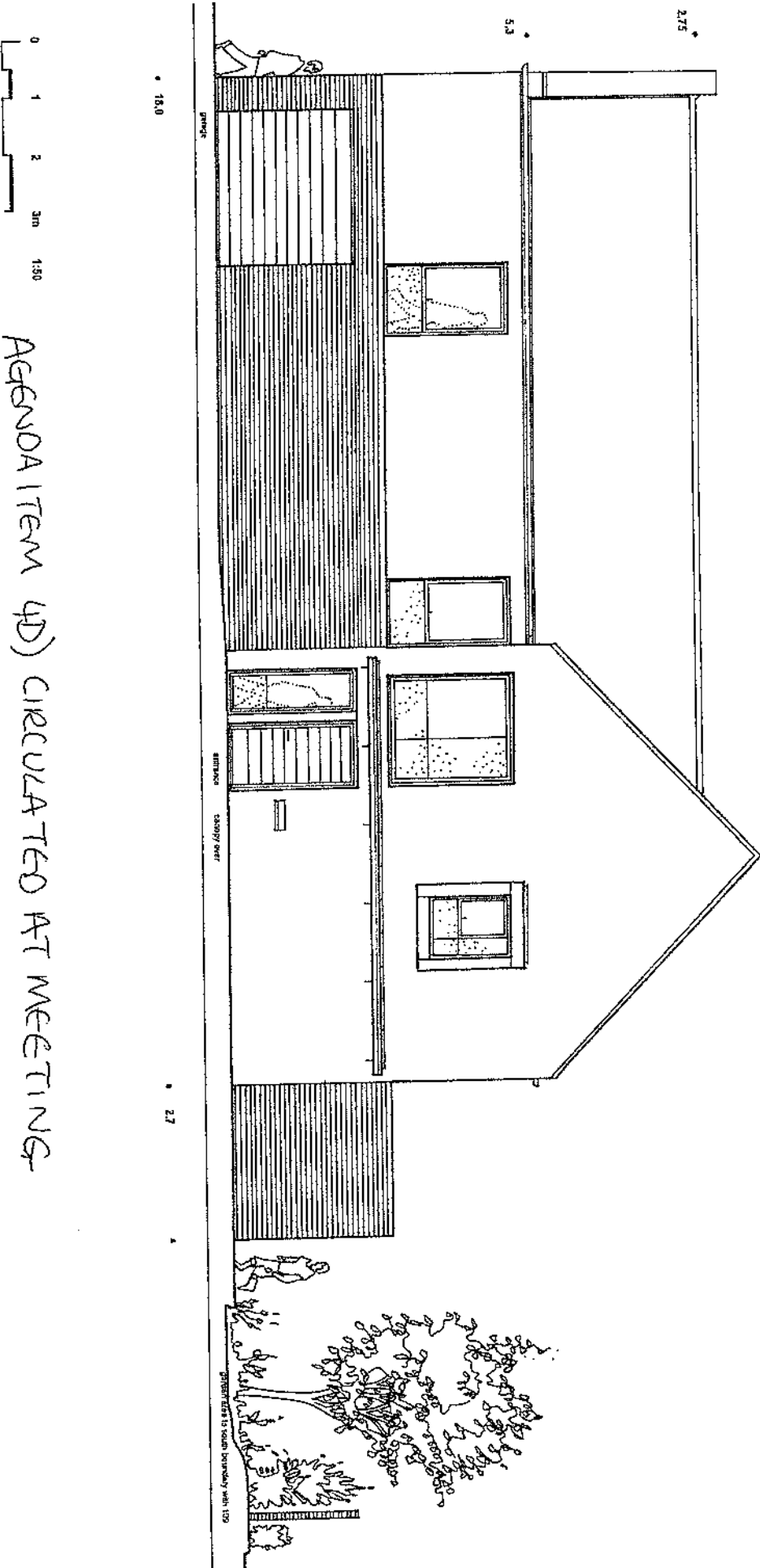
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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	22 December 2016
<b>SLA Number</b>	Not Set

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AGENDA ITEM 4D) CIRCULATED AT MEETING

NMD

01422 252 816 077 14 82 313  
nick middley design ltd  
studio brook college rastrick

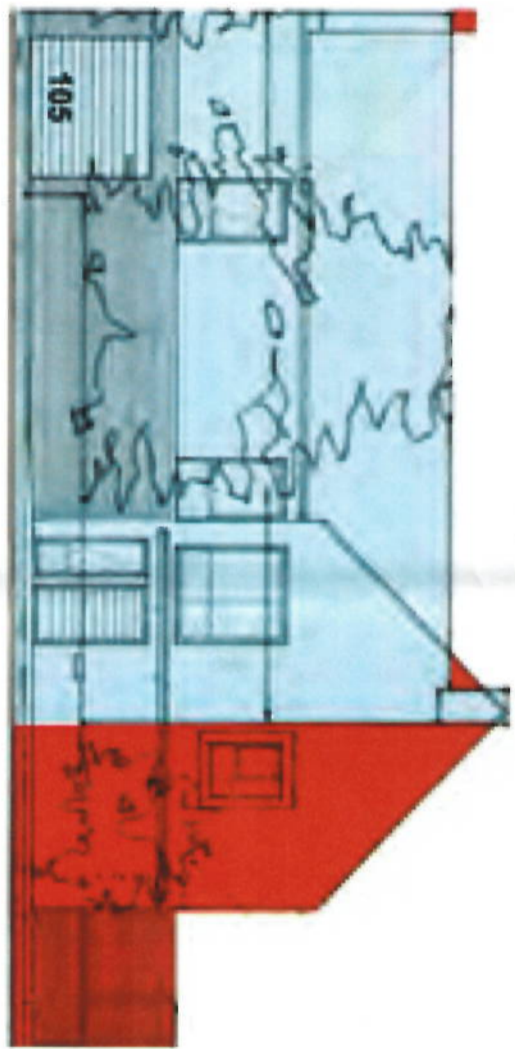
© 2016 nick middley design  
The Studio Brook College RASTRICK HD6 3QB 01.11.16

house front elevation view east 1:50

HAX.P.007A

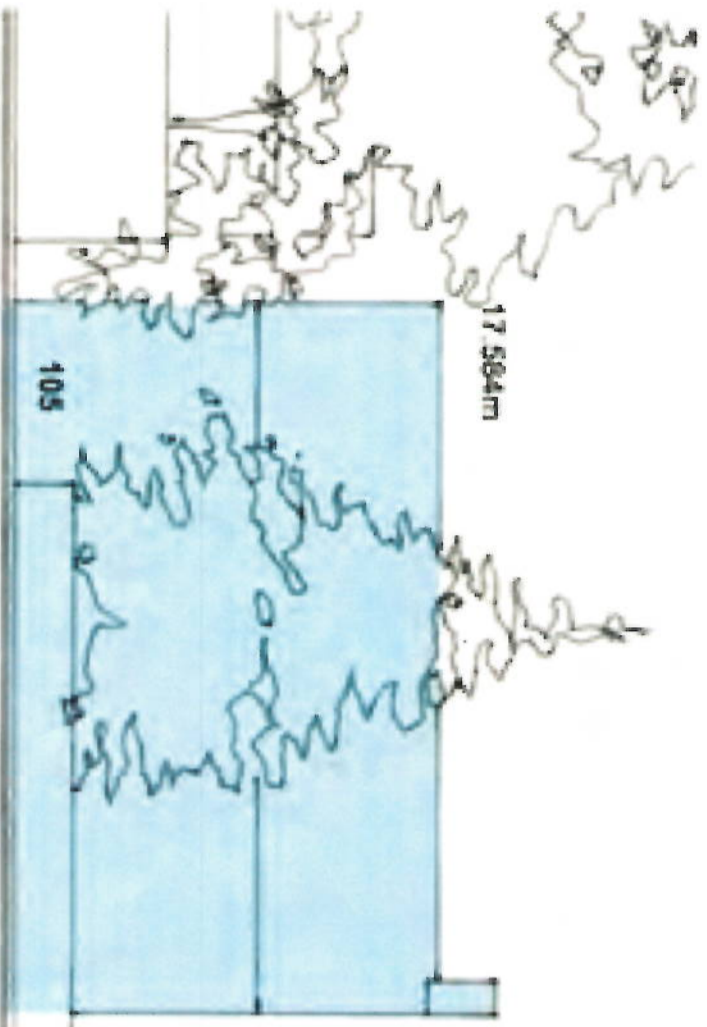
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- 105 Neighbouring Dwelling
- 107 Proposed Dwelling

Overlaid Properties



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**COMMITTEE REPORT**

**Date:** 5 January 2017      **Ward:** Rawcliffe and Clifton Without  
**Team:** Major and Commercial Team      **Parish:** Clifton Without Parish Council

**Reference:** 16/01533/FUL  
**Application at:** Clifton Technology Centre Kettlestring Lane York  
**For:** Erection of a terrace of 3no. dwellings on land previously used as car park to the south of the existing building  
**By:** Mr Max Reeves  
**Application Type:** Full Application  
**Target Date:** 15 January 2017  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 The application site comprises land to the south of Clifton Technology Centre on Kettlestring Lane. This building is a two-storey former office building with single storey wings on either side of the main entrance. It is currently being converted by the applicant from office into residential use (15no. flats) through the prior approval provisions of the General Permitted Development Order (ref. 16/00100/ORC). The application site forms an area currently providing 16no. car parking spaces for the Clifton Technology Centre. The application site also includes a section of planting east of the site.

1.2 The site is located in a cul-de-sac off Kettlestring Lane providing shared access to two other offices. The three existing buildings each have their own area of dedicated parking. The site is located within the mixed industrial/business/retail estate lying to the north-east of Clifton Moorgate in the Clifton Moor area to the north of the city centre. Kettlestring Lane is the principal road through this part of the estate. There are a number of trade centres and showrooms accessed via Kettlestring Lane, as well as further office buildings including immediately to the north, east and south of the site. The area has recently seen the conversion of a number of two storey office buildings centred around Pioneer Business Park and Aviator Court into residential use through permitted development rights. Recently planning permission has been granted for a development of two pairs of semi-detached dwellings in the surplus car parking area associated with Unit 7, Pioneer Business Park (ref. 16/00313/FUL).

1.3 The site is not in a conservation area. It is in Flood Zone 1 (low risk of flooding). A Tree Preservation Order protects the two silver birch trees within the southern boundary of the site and the maple tree in the south-eastern corner.

1.4 Three two-bedroom terraced properties are proposed with 1no. car parking space per dwelling plus 1no. shared visitor space. Cycle storage is provided in the rear gardens which are enclosed by 1.8m high timber close boarded fences. To the front a small soft landscaped space is proposed. The 4no. car parking spaces are within the parking area and refuse storage space associated with the host property and if planning permission were granted, revised plans would be required for the development to the north.

1.5 A contemporary design is proposed with large deep framed grey windows finished in three separate bright colours. The walls would be rendered white and each unit would have a flat roof. The front elevation would include timber panelling. The design and access statement advises south facing solar photo voltaic panels would be placed on the roof but these are not shown on the plans. There are no windows in the side elevations. At the rear, minimal fenestration is proposed with narrow horizontal windows at ground floor and a projection first floor with narrow vertical openings facing north. The dwellings are relatively small in size with a gross internal floorspace of 52 sq.m. They are intended to be starter homes.

1.6 The application was called in for determination by sub-committee by Councillor Dew on the grounds that there is a fundamental consideration about whether (excepting the aforementioned permitted development) additional development should be allowed within what is currently an area of commercial properties.

## **2.0 POLICY CONTEXT**

### 2.1 Policies:

#### City of York Draft Local Plan incorporating the 4<sup>th</sup> set of changes adopted for development control purposes (2005)

CYE3A Standard Employment Allocations  
CYE8 Non conforming uses  
CYGP6 Contaminated land  
CYNE1 Trees, woodlands, hedgerows  
CYGP1 Design  
CYGP9 Landscaping  
CYGP10 Subdivision of gardens and infill development  
CYH4A Housing Windfalls

#### City of York Emerging Local Plan – Publication Draft (2014)

DP2 Sustainable development  
DP3 Sustainable communities  
EC3 Loss of employment land  
D2 Placemaking

## **3.0 CONSULTATIONS**

### **INTERNAL**

#### Planning and Environmental Management (Forward Planning)

3.1 At present the Council is unable to demonstrate an NPPF compliant five year housing supply. Whilst recognising that there is a residential conversion adjacent to the site, the remaining uses in the vicinity of the application site are predominantly commercial. National policy is clear that planning should support the delivery of homes but equally should ensure that the conditions for economic success are created and maintained. Due consideration should be given to the health and well-being of residents living within the proximity of industrial/commercial areas. Concerns are expressed about the cumulative effect of residential development in this predominantly commercial location and the likely negative effect on the attractiveness of the area for commercial purposes. Residential development in this location is likely to put further constraints on existing commercial uses in relation to noise, vibration etc, especially if this results in greater restrictions on their operations.

3.2 National and local policy aims to create socially inclusive communities with access to amenities. Whilst the site is in proximity to facilities at Clifton Moor Gate, the terrace of three houses is separate from both the adjacent conversion and the existing community at Clifton Moor. The proposals are for an isolated development and as such it does not comprise sustainable development.

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

3.3 The landscape infrastructure at Clifton Moor retail park is important to the identity, amenity, and quality of environment in an area where there is an ongoing threat of incremental removal of planting and trees resulting in a gradual deterioration of an already limited quality of environment. Amenity, identity, orientation and significant landscape features are lacking throughout the area. The quality of environment is more critical to residential use than commercial or business use. If residential use is to be located within a commercial/business district it should have an appropriate landscape setting.

3.4 The established trees make a valuable contribution to the streets and buildings from a public perspective and they also help provide separation and definition of the boundaries between various courtyards, and cul-de-sacs. There are five trees that will be directly affected by the proposed development. The two silver birch are highly visible from Kettlestring Lane and the maple is the most prominent with good future potential. The cherry and rowan within the site are of less importance. However, the

trees and other shrubby vegetation along this boundary are an important element of Clifton Moor landscape infrastructure.

3.5 The landscape of Clifton Moor is in danger of becoming incrementally eroded, resulting in a reduced quality of environment and the proposals further threaten this. Any development should enable the practical retention or replacement of the functional vegetation between plots and maintain a suitable quality of outlook from both sides of the 'fence'. The proposed rear yards are so short they would be unlikely to support any significant planting. Due to the proximity of the proposed residential units, there is also a potential conflict with the long term retention of the Oak in the adjacent site into full maturity.

#### Highway Network Management

3.6 No objections to the proposals subject to the attachment of conditions. It is noted however that alterations to the car parking arrangement and refuse store previously advised through the planning application ref. 16/00853/FUL appear to have been revised in this current application.

#### Flood Risk Management

3.7 No response to date.

#### Public Protection

3.8 No objections to the proposed development subject to conditions to ensure internal noise levels are achieved. These mitigation measures as set out by Dragonfly Acoustics include details of the building envelope, glazing and ventilation. A compliance condition is also recommended on the reporting of any unexpected contamination found during the construction process. Standard conditions on a socket for charging electric vehicles and development informatives are proposed.

### **EXTERNAL**

#### Clifton without Parish Council

3.9 No response.

#### Yorkshire Water

3.10 No response.

#### Kyle and Upper Ouse Internal Drainage Board

3.11 No objections.

## Neighbours and Publicity

3.12 One objection has been received from a neighbouring business. The comments included the negative impact on the business's image, the harm caused to the business environment, loss of outlook from the offices, loss of normal office functions, loss of property value, negative impact on safety and privacy for both the officer workers and new residents. However if the scheme is approved, it also may also enable them to develop housing on their own surplus car parking.

## **4.0 APPRAISAL**

4.1 The key issues are considered to be:

- Principle of development
- Impact on business/industrial park
- Loss of landscape structure
- Loss of amenity - business and future occupiers
- Design

## **PLANNING POLICY**

### National Planning Policy Framework (2012)

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. Twelve core planning principles are set out at paragraph 17. These include proactively driving and supporting sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Planning should always seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It should take account of the different roles and character of areas. Reusing brownfield site and promoting mixed use developments is encouraged.

4.3 Section 1 sets out the Government's commitment to securing sustainable economic growth to create jobs and increase prosperity. The NPPF recognises the importance of proactively encouraging an environment wherein business and sustainable economic growth is supported and addressing potential barriers to investment. It notes commercial "development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established" (Para 123).

4.4 The development of healthy communities is stressed in section 8. There should be an integrated approach to considering the location of housing, economic uses and community facilities and services. Paragraphs 58 and 61 of section 7 on design states that planning decisions should ensure that developments function well and add to the overall quality of the area, establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Development should be visually attractive as a result of good architecture and landscaping. The connection between places and integration of new development into the existing environment is important. Permission should be refused for development of poor design that does not improve the character and quality of an area and the way it functions.

City of York Draft Local Plan incorporating the 4th set of changes, adopted for development control purposes (2005)

4.5 The City of York Draft Local Plan incorporating the 4th set of changes was approved for development control purposes in April 2005 (DCLP 2005). Its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF.

4.6 Policy GP1 Design explains that development proposals should respect and enhance the local environment, 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. They should avoid the loss of important gaps within development, vegetation and other features that contribute to the quality of the local environment. Proposals should provide and protect private, individual or communal amenity space for residential and commercial developments, ensuring residents are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. Policy GP9 requires appropriate development to include a landscaping scheme as an integral part of the proposals.

4.7 Infill development will only be granted planning permission where it would not be detrimental to the character and amenity of the local environment (Policy GP10). For housing windfalls, Policy H4a states that planning permission will be granted if the site is within the urban area and is vacant, derelict or underused and comprises infill, redevelopment or conversion and it has good accessibility. However it must also be of an appropriate scale and density to surrounding development, and not have a detrimental impact on existing landscape features.

4.8 Whilst this is an application for residential use, the employment policies within chapter 8 of the 2005 Local Plan should also be considered. Schedule 2 of policy E3a allocated sites within Clifton Moor for business use (B1, B2, B8 uses) recognises the area's commercial function. Accompanying text underlines the Council's desire to preserve the current stock of employment land.



4.9 Policy NE1 protects trees, woodlands and hedgerows which are of landscape or amenity value and refusing development proposals which will result in their loss or damage. Tree preservation orders should be made for individual or groups of trees which contribute to the landscape or local amenity.

#### Emerging plan policies

4.10 The emerging Local Plan (Publication Draft 2014) carries little weight given its initial stages, but the evidence base behind the plan is a material consideration.

4.11 At paragraph 2.24, the emerging plan notes that to achieve sustainable development the aim is to create communities that are well connected, well served, environmentally sensitive and considerate of the local environment, that are thriving economically, well designed and built and active, inclusive and safe. Policy DP2 seeks amongst other objectives to ensure development will help create jobs and grow the economy through supporting strategic employment locations. Key facets of sustainable communities are set out at Policy DP3 and how development should deliver high quality design and appropriate density, layout and scale, create a sustainable, balanced community through provision of an appropriate range of housing and ensure that social infrastructure requirements of the new community are met through provision of accessible facilities and services in a planned and phased manner which complements and integrates with existing facilities and create a people friendly environment which promotes opportunities for social and community interaction.

4.12 Policy EC3 protects employment land, requiring justification for any change of use. The accompanying text recognises that where there have been changes to adjacent uses e.g. new housing development, which are creating an incompatibility with employment uses, this can cause problems and may lead to the employment use being less viable /unviable.

4.13 The plan states that the Clifton Moor Retail Park as one of the largest in the country comprising a large supermarket, retail warehouses, trade counters, restaurants, cinema and leisure club. Surrounding the park are a number of office and industrial units. No reference is made to this surrounding area becoming mixed use residential/business/industrial and the applicant has not promoted the area as such through the local plan process.

4.14 Policy D2 on 'placemaking' states that development proposals that cause damage to the character and quality of an area will be refused. Development proposals should enhance and compliment the character and appearance of the landscape... open space, planting boundaries and treatment. In terms of its density and massing, proposed development should be appropriate for its proposed use and neighbouring context.

## ASSESSMENT

### Principle of development and creation of sustainable communities

4.15 The application site is within the urban area and on previously developed land. Following the permission and subsequent implementation of the office to residential conversion of the host building (ref. 16/00100/ORC) it forms an area of car parking which is over the maximum standards for Annex E of the DCLP (2005). The submitted 'proposed site plan' shows 15no. parking spaces are retained for the host building but any visitor parking spaces are lost as is the refuse storage area. This should be resolved through a new application relating to the host property. There is no objection to principle of the loss of surplus car parking spaces.

4.16 The site is within a 10 minute walk from local schools, jobs, shops and recreational amenities associated with Clifton Moor, and off-road cycle routes close by and a frequent bus service. Notwithstanding the flats to the north of the site, it is an isolated housing development in a predominantly commercial area. The walking and cycling route along Clifton Moorgate does not benefit from having human scale and 'eyes on the street' being a predominately retail/business/industrial location and therefore becomes much less attractive as a walking route, particularly in the evening when residents are at home at weekends in the evening but when commercial occupiers have left.

4.17 However, it is recognised that recently a number of medium size office buildings centred on Pioneer Business Park, Aviator Court and the host property on Kettlestring Lane have approval to be converted to residential use as one and two-bedroom flats through the prior approval process of the GDPO (as amended 2015) but these are coming forward in a piecemeal ad hoc manner, without promotion by the applicants through the Local Plan process. In total, 92no. apartments are being provided in the business/industrial park to the south of the retail/leisure centre through implementation of six prior notification approvals where only the highways impacts of the development, contamination and flooding could be considered. No provision is being made for contributions to social/community facilities and generally very little amenity space is provided for residents associated with each block other than at ground floor level. The NPPF, DCLP and Publication Draft Local Plan are all clear that development should be integrated into existing communities and that adequate amenity space and social infrastructure to support new communities should be planned for.

4.18 A key facet of planning is the development of sustainable communities that provide high quality environments, pleasant and attractive places for people to live and work. The scheme is an isolated scheme in a commercial area and this together with the office to residential conversions, are coming forward in an ad hoc, unplanned manner without a masterplan or development brief that sets out

requirements for social infrastructure or recreational facilities and open space that should be planned into the development of new communities.

It is understood that the applicant has not made any representations to the emerging Local Plan about changing the mix of uses in this predominantly commercial area. It is understood that more piecemeal infill residential development is in the pipeline and this application is thus considered a precedent for future similar infill residential schemes in the area.

#### Harm to the commercial environment

4.19 The NPPF sets out the Government's commitment to securing sustainable economic growth to create jobs and increase prosperity and the need to protect existing businesses. National policy is clear that planning should support the delivery of homes but equally should ensure that the conditions for economic success are created and maintained.

4.20 Whilst some buildings at Clifton Moor have been underused and become vacant for some period of time, other parts of the estate remain occupied and the area is seen as an important employment area for the city. A variety of space is provided including larger office buildings occupied by national chains and government organisations, medium and smaller office units occupied by smaller local businesses and charities. There are also warehouses, research centres, trade centres and suppliers. Buildings are generally set with back from the street in smaller cul-de-sac business parks off Kettlestring Lane, within a strong mature landscape framework comprising deep hedges, shrubs and trees. The core principles of the NPPF seek to ensure a good standard of amenity for any occupants of land and buildings should be sought together with creating and protecting the quality of the business environment. By implication this would mean that an established landscape structure should be protected for its value to the quality of the area and for visual amenity and this is set out at Policy NE1 of the DCLP.

4.22 Clifton Moor is an important business location for the city. The piecemeal and incremental insertion of short lines of residential terraces into this business environment is not considered compatible with the surrounding mix of uses. Whilst there is little opportunity to control the conversion of redundant office units to residential, the insertion of new dwellings can be properly and fully considered through the planning system. This application is seen as a precedent for further infill development in this part of the city. Paragraph 123 of the NPPF identifies that there can be conflict between business/industrial users and residential communities. There is a need to protect operational requirements and the insertion of residential development into a business location potentially threatens the viability and attractiveness of the location for businesses by introducing incompatible uses at very close proximity.

4.23 Consultation has also identified that the building to the south, and likely others, benefit from CCTV and therefore possibly security lighting. With dwellings at

such close proximity (7.5m), such CCTV and glare from lighting could be considered a harm to residential amenity, however it is reasonable that existing businesses are able to protect themselves in this way highlighting a further conflict between the adjacent uses.

### Design and amenity

4.24 Regarding the design of the revised proposals, the terrace of houses is positioned between two existing buildings on an area of surplus car parking. The host building to the north is being converted to residential flats through the prior approval process. The building to the south is occupied by JMD Railtech Limited who purchased the building in 2014. Floorplans of this building show the ground and first floors organised around a central atrium with a rooflight. The floorplan is then subdivided into rooms. A further office building occupied by legal firm Harrowells also shares the same business park location. Immediately to the east of the site is Clifton Moor Business Village which is set out on a 'X' shape and is visually domestic in scale and appearance.

4.25 The revised proposals have sought to address concerns over separation distances and loss of privacy and outlook. Separation distance between the host residential development and the new terraces is just 11.5m from the front to side elevation and the terraces sit in front of the principal elevation. However as the dwellings are small, the residents of the host property will still have a reasonable level of outlook. Separation distances between the office (JMD Railtech) and the terraces is 7.5m. As the height of the dwellings has been reduced and a flat roof now been proposed, there would be minimal loss of light and outlook to occupiers in the first floor offices which look towards the site. At the rear, separation distances have been increased and a minimum of 15.8m is achieved to the rear elevation, less in the garden areas. Existing occupiers would have a reduced quality of outlook but not to an extent that it is considered harmful. However, it is still considered that there would be some loss of amenity for both the existing office occupiers of units 14-17 Clifton Moor Business Village and the new residents in their rear garden areas as there is a level of direct overlooking from a height into these amenity spaces. This would be exacerbated in winter with the removal of the rowan and cherry trees.

4.26 The revised design of the scheme seeks to address loss of outlook and privacy issues, but in so doing, presents a development that is not considered to be in scale with its surrounds. The surrounding existing and former office buildings are bulky in scale and mass and are set within landscaped open settings and car parks areas. The proposals increase the density of development in this part of the estate and the small units will appear dwarfed by its neighbours in terms of the width of each unit (just 3.5m) and strong vertical emphasis. Similarly the proposed flat roof, rather than pitched, will contrast with neighbours and emphasise the lower eaves height for the residential dwellings when compared with its neighbours (measuring at 5.75 and 7m). The submitted 'Proposed site sections' clearly demonstrates this.

Overall the development would appear out of character and scale in the street scene.

### Loss of landscape structure

4.27 The established trees within and adjacent to the site make a valuable contribution to the streets and buildings from a public perspective and they also help provide separation and definition of the boundaries between various courtyards, and cul-de-sacs. Generally the character of Clifton Moor is significantly enhanced by the landscape structure and officers are not supportive of its removal.

4.28 Whilst the applicant has submitted an arboricultural report in support of the proposals, the maple and birch are attributed greater value by the Council officers and this is reflected by the TPO that was made when it was clear they were under threat. The revised proposals retain these three trees; maple and birch, but remove other trees (cherry and rowan) and the 2.5m wide 17m long section of hedge. It is acknowledged that a younger mixed species hedge is retained to the rear but still substantial elements of the existing landscape structure within the site are removed and the new boundary treatment is of 1.8m high fencing rather than landscaping which is at odds with the character of this part of the estate. The cherry and rowan provide a soft screen between the offices to the rear and the residential properties and their loss is still identified as a harm to visual amenity. Further, the crown measurements of the birch and maple are as existing, rather than the full crown at maturity and the position of the dwellings will not allow the trees to develop to their full potential. There is also a potential conflict with the long term retention of the Oak in the adjacent site into full maturity.

## **5.0 CONCLUSION**

5.1 The proposals do not comprise sustainable economic development in that they harm the quality of the business environment by inserting a line of three dwellings on a small site of surplus car parking in a business park. The development does not respect the established urban grain nor relate well to the massing and scale of adjacent properties and will thus appear incongruous in the street scene. Whilst the revised scheme moves the development footprint away from the two birch and maple being the subject of tree preservation orders, it still removes key elements of landscaping structure to the rear of the site and will not allow the TPO trees to develop to maturity. The proposals are thus found to be contrary to key principles in the NPPF, particularly those in Section 1 and at paragraphs 17, 51, 58 and 123, policies GP1, GP10, H4a and NE1 of the DCLP (2005) and emerging policy D2 of the Publication Draft Local Plan.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Refuse

1 The proposals are contrary to key principles set out at paragraph 17 and section 1 of the NPPF. Planning should support the delivery of homes but also ensure that the conditions for economic success are created and maintained.

Clifton Moor is an important business location for the city. If approved this application would set a precedent for future infill residential development on existing car parking areas. The development of dwellings and a new residential community in a predominantly commercial location on a small site which does not allow for appropriate separation distances is considered to be harmful to the quality of the commercial environment. This is further exacerbated by the loss of landscape structure and the addition of timber fencing rather than soft boundary treatments.

Further the scheme is an isolated development and proposals to introduce residential development into this planned commercial location should be made through the local plan process to enable the provision of social infrastructure, recreational and amenity facilities to support the new residents.

As such the proposals are considered to be contrary to the core planning principles at paragraph 17, key principles in sections 1 of the NPPF, and in particularly paragraphs 58, 70 and 123. They are also contrary to GP10 on infill development and H4a housing windfalls in the DCLP (2005) and emerging policy EC3 'loss of employment land' in the Publication Draft 2014.

2 The revised design for the line of terraces is considered to be incongruous in the street scene and out of scale and character with surrounding development. Neighbouring buildings are commercial in appearance and scale, with large horizontal bulk and mass. In contrast, the line of short terraces and small units is domestic in scale and footprint having short plot widths and horizontal emphases. Overall, they will appear dwarfed by their neighbours and this is emphasised by the choice of materials and colours and flat roof design.

The proposals are therefore found to be contrary to paragraphs 58 and 61 of section 7 in the NPPF, GP1 Design and H4a Housing windfalls in the DCLP (2005) and emerging Policy DP3 Sustainable communities and Policy D2 on 'placemaking' in the Publication Draft (2014).

3 The landscape infrastructure is important to the identity, amenity, and quality of environment in an area where there is an ongoing threat of incremental removal of planting and trees resulting in a gradual deterioration of an already limited quality of environment. The landscaping provides visual relief and structure to the business park and is considered to have amenity value, provide privacy and screening and soften the built fabric. Whilst it is noted that the trees subject to the tree preservation order have been retained, the proposed scheme would not allow them to grow to their full potential. Further, on the eastern rear boundary, the deep hedge and rowan and cherry are removed, to be replaced by timber fencing which is out of character in this part of Clifton Moor where soft boundary treatment sets the character of the area. The estate was designed with this strong landscape structure

and its removal and setting of buildings within this structure should be resisted.

The proposals are therefore found to be contrary to policies H4a Housing Windfalls and NE1 Trees and Hedgerows of the DCLP (2005) and emerging policy D2 Placemaking in the Publication Draft Local Plan (2014).

## **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:

Advised the applicant that the proposals were not to be supported and the reasons why, thereby giving opportunity for the application to be withdrawn. However the applicant advised they wished to submit a revised scheme with the intention of resolving all areas of concern such that any appeal would be on the principle of development only.

The officer agreed an extension of time for the determination of the application to enable a revised scheme to be submitted and for the application to be determined at planning sub-committee.

#### **Contact details:**

**Author:** Sophie Prendergast Development Management Officer

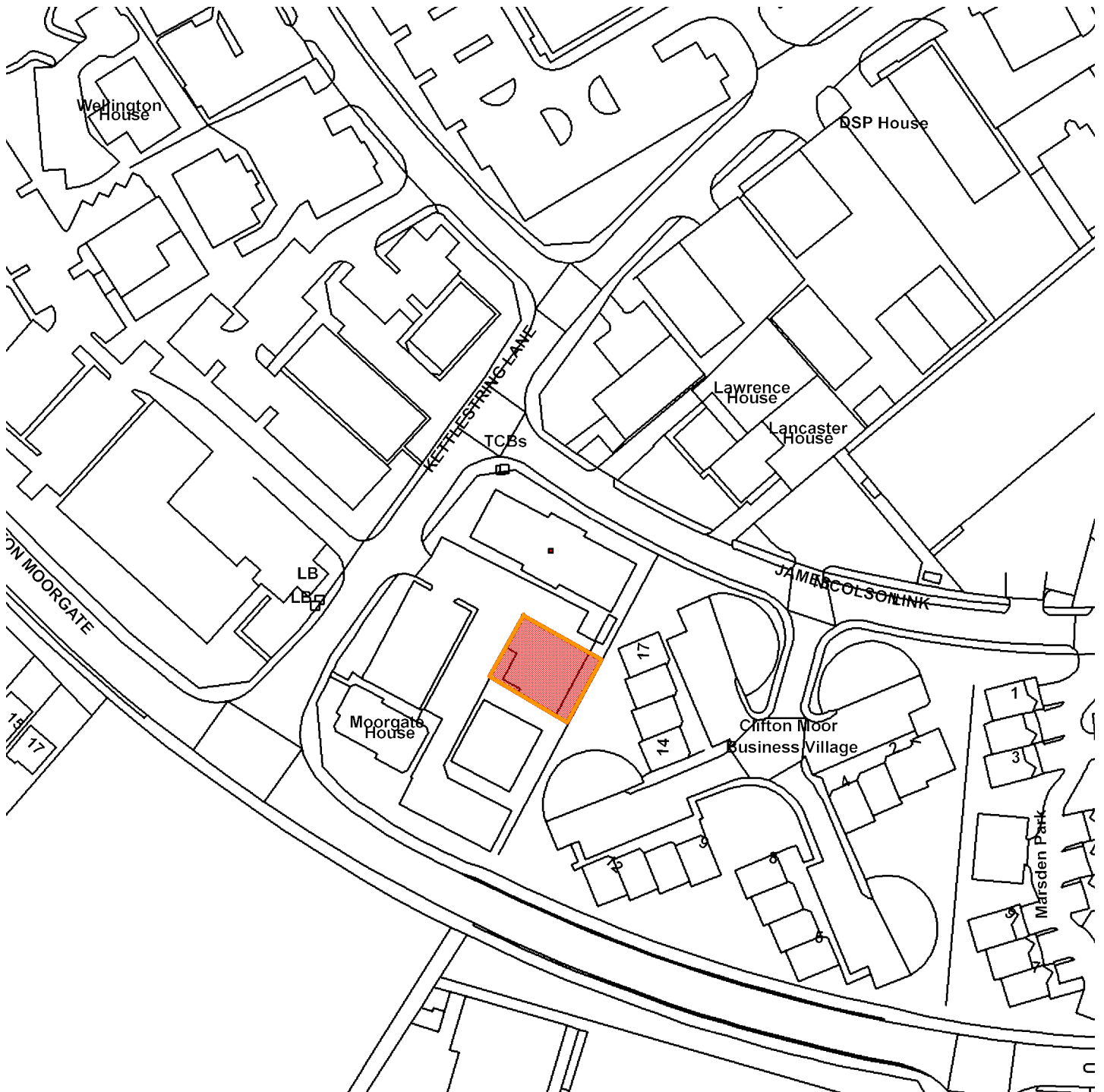
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16/01533/FUL

Clifton Technology Unit, Kettlestring Lane YO30 4XF



Scale : 1:1377

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<b>Organisation</b>	City of York Council
<b>Department</b>	Economy & Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	20 December 2016
<b>SLA Number</b>	Not Set

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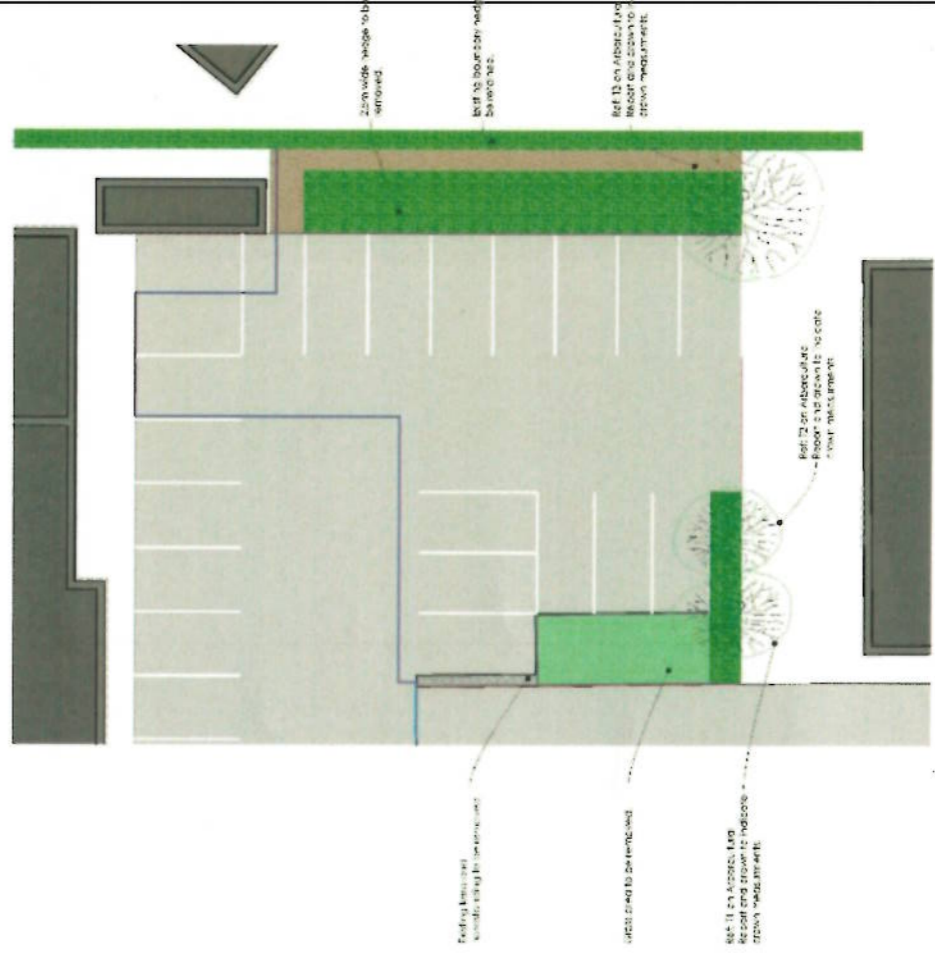
## Neon Town Houses - Kettlestring Lane, Clifton Moor, York

Planning Sub-committee 5<sup>th</sup> January 2017

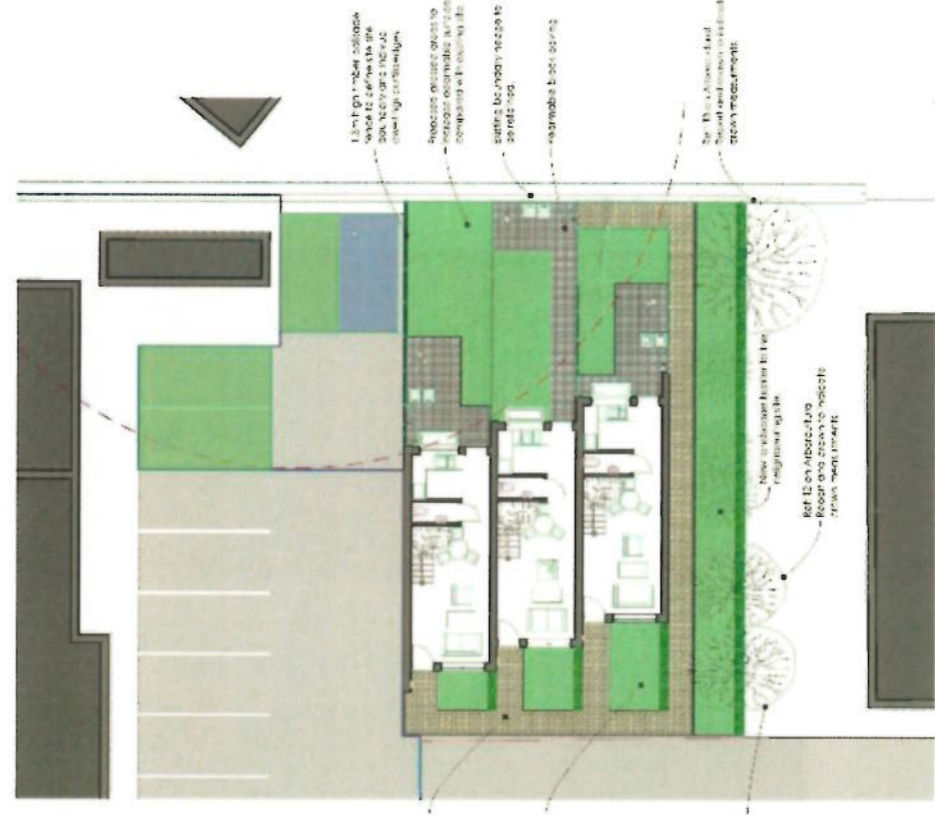
### Contemporary starter homes for York residents complementing the adjacent residential scheme



### Increase of Soft Landscaping and improved outlook from neighbouring properties



**Before Development**



**After Development**

## Existing and pipeline residential development



**COMMITTEE REPORT**

**Date:** 5 January 2017      **Ward:** Heworth Without  
**Team:** Major and      **Parish:** Heworth Without Parish  
Commercial Team      Council

**Reference:** 16/01644/FUL  
**Application at:** 4 Whitby Avenue York YO31 1ET  
**For:** Erection of 1no. dwelling to land to side of 4 Whitby Avenue  
**By:** Ms Beth Moulam  
**Application Type:** Full Application  
**Target Date:** 6 January 2017  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 No.4 Whitby Avenue comprises a two storey brick built semi-detached house dating from the early 20th Century with a large side garden to the north, lying to the east of the City Centre. Planning permission is sought for the erection of a four bed room detached house within the side garden adapted to meet the particular needs of the daughter of the occupier of No 4. The proposal has been amended during the course of processing in respect of the design of the northern side elevation and the design of the proposed detached home office.

1.2 Councillor Nigel Ayre has "called in" the application for consideration at Committee on account of concerns in relation to the impact upon the residential amenity of neighbouring properties, the visual amenity of the wider street scene, the usage of the proposed detached home office and impact upon trees of some townscape importance.

**2.0 POLICY CONTEXT****2.1 Policies:**

CGP15A    Development and Flood Risk  
CYGP1     Design  
CYGP10   Subdivision of gardens and infill devt  
CYE10     Working from home  
CYNE1     Trees, woodlands, hedgerows

**3.0 CONSULTATIONS**

INTERNAL:-

Public Protection:-

3.1 No objection to the proposal subject to any permission being conditioned in respect of the treatment of unexpected land contamination and the provision of an electrical vehicle recharge point.

Planning and Environmental Management (Archaeology):-

3.2 No objection to the proposal subject to the undertaking of an archaeological investigation due to the proximity of a major arterial Roman Road into the City Centre.

Highway Network Management:-

3.3 No objection to the proposal subject to the vehicle and cycle parking on site being provided prior to the building being first occupied.

Flood Risk Management:-

3.4 Any comments will be reported verbally.

EXTERNAL:-

Heworth (Without) Parish Council :-

3.5 No objection to the proposal.

The Foss (2008) Internal Drainage Board:-

3.6 No objection in principle to the proposal but raise concern in respect of the potential to increase surface water run off rates from what is effectively a Green field site. It is therefore recommended that any permission be conditioned to require the submission and prior approval of a detailed surface water drainage scheme.

Yorkshire Water Services:-

3.7 No comments received.

Neighbour Notification and Publicity:-

3.8 23 letters have been received from 6 objectors in respect of the proposal. The following is a summary of the planning issues raised:-

- Concern in respect of the scale of the development relative to properties in Stockton Lane;
- Concern in respect of the loss of light to the rear gardens and yards of properties in Stockton Lane;

- Concern in respect of increased on-street parking around the shared access with properties in Stockton Lane;
- Concern in respect of impact upon the visual amenity of the wider street scene by virtue of the alien, out of character design for the proposed property relative to the simple character and proportions of the adjacent Edwardian properties;
- Concern in respect of adverse impact upon the residential amenity of adjoining properties by virtue of overlooking and loss of privacy;
- Concern in respect of loss of trees of townscape value from the site;
- Concern in respect of the loss of amenity for neighbouring properties arising from the use of the garden office;
- Concern in respect of an increased volume of comings and goings from the application site;
- Concern in respect of the impact upon residential amenity arising during the construction of the property within a physically tight site;
- Concern that the suggested level of accommodation is excessive for the needs of the applicant and that a single storey property would be more appropriate.

## **4.0 APPRAISAL**

### **KEY CONSIDERATIONS**

- Impact upon the visual amenity of the wider street scene;
- Impact upon the residential amenity of neighbouring properties;
- Impact upon the safety and convenience of highway users;
- Loss of trees of townscape value;
- Impact of the proposed home office;
- Impact upon the local pattern of surface water drainage.

### **STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN**

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

### **IMPACT UPON THE VISUAL AMENITY OF THE WIDER STREET SCENE**

4.2 Policy GP1 of the York Development Control Local Plan sets out a clear policy presumption in favour of new development which respects or enhances the local environment and is of a density, layout, scale and massing that is compatible with neighbouring buildings, spaces and the character of the area. Policy GP10 states that planning permission will only be granted for the sub-division of existing garden areas (or plots) or infilling, to provide new development, where this would not be detrimental to the character and amenity of the local environment.

The application site comprises a two storey brick and render built semi-detached Edwardian dwelling house with a substantial north side garden. The proposal seeks planning permission to erect a detached two storey four bedroom within the side garden which would be constructed to meet the needs of the applicant who is disabled. The range and layout of accommodation therefore differs from that within a standard dwelling. In terms of width and overall dimensions the garden is an equivalent size to a standard building plot in the locality. The new building would be two storeys in height although with a significantly lower ridge height than the adjacent properties in Whitby Avenue and would extend back at full height a substantial distance from the road frontage. A palette of materials involving a mix of render and brick to match that of surrounding properties is envisaged. The pattern and design of the fenestration would reflect that of the adjacent properties and solar panels would be mounted on the eastern facing Whitby Avenue elevation of the property.

4.3 Objections have been received in respect of the treatment of the long side wall elevation facing properties directly to the north along Stockton Lane and clearly visible to traffic entering Whitby Avenue from Stockton Lane to the north east. The lengthy mass of two storey building creates a need for a degree of differentiation in its treatment and the design has been amended on two occasions in order to break up the mass and provide a degree of visual interest. The ground floor is envisaged to be blank and executed in brick but to be planted with climbing plants to create a partial green wall. The first floor would be rendered with obscure glazed windows lighting a series of bathrooms and a utility room. A small domestic scale lift would be provided rising to roof level with its own gabled roof. A series of four velux roof lights would be provided above the principal upper floor living spaces and a brick detail string course would separate the rendered and pure brick work elements of the elevation.

4.4 Detailed sectional drawings demonstrate that whilst the two storey rear element of the proposal is longer and closer to the site boundary than other similar sites in the locality it is at the same time significantly lower in scale and it is felt that the amended elevational treatment would address the concerns in terms of impact upon the visual amenity of the street scene.

4.5 The plot retained for the existing house would be broadly similar in size to other Edwardian semi-detached houses in the street and the development would not appear cramped or out of character with the existing pattern of development.

## IMPACT UPON RESIDENTIAL AMENITY

4.6 Central Government Policy as outlined in paragraph 17 of the National Planning Policy Framework indicates that Local Planning Authorities should give significant weight to the maintenance and provision of a good standard of amenity for all new and existing occupants of land and buildings.



Serious concern has been expressed in terms of the impact of the proposal upon the residential amenity of neighbouring properties specifically those directly to the north along Stockton Lane. Concern focuses in respect of two areas, over-shadowing of rear gardens with over-looking and loss of privacy and harm to amenity through increased volumes of comings and goings along the rear access track. Five properties face on to the access track from Stockton Lane. The closest property would be some 16 metres from the side elevation of the proposal with three of the five properties having garages or other substantial garden buildings giving a degree of shelter from overlooking from the application site. Furthermore the property at the junction of Stockton Lane and Whitby Avenue comprises a guest house whose rear area is used as a car park with itself a highly variable pattern of usage. The side elevation of the property has been specifically designed to ensure that no windows will be able to overlook the adjacent properties and will be fixed and obscure glazed. The proposed roof lights will at the same time be located above head height and so would not give rise to an issue of over-looking. The amenity area associated with the proposed dwelling would at the same time be to the south west facing the existing property at No 4. No harm to the amenity of neighbouring properties would therefore arise.

4.7 The garage associated with the proposed property would be accessed from the existing shared access drive directly to the north. Concern has been expressed in terms of harm to amenity through increased levels of comings and goings through the access track. However, the drive is currently used by the existing property as a vehicular access and the application details indicate a modest increase usage associated with the support staff to the applicant which would not give rise to any material harm to the amenity of neighbouring properties. The proposal is therefore felt to be acceptable in terms of its impact upon the residential amenity of neighbouring properties.

#### IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS

4.8 The application details include parking space for the applicant, a retained parking space for 4 Whitby Avenue and a third parking space to be used by a visitor or member of staff for the applicant. Cycle parking space in accordance with the adopted standards would be included on site for staff and visitors. Concern has been expressed in relation to the volumes of traffic using the shared vehicular access drive together with the potential for additional on-street parking associated with the proposal. Whilst at peak times there is an issue of on-street parking in the surrounding area in connection with the local primary school. The level of additional parking and additional vehicle movements anticipated would be modest and it is felt that there will not be a significant impact on the safety and convenience of highway users on the local highway network

## LOSS OF TREES OF TOWNSCAPE VALUE

4.9 The application site includes a semi-mature holly tree, a number of fruit trees and a mature tree at the site boundary. Objections have been expressed in respect of the loss of trees of townscape value. The proposed work would result in the loss of a proportion of the landscaping however none of the specimens present is felt to be of sufficient merit in terms of the character of the site or the wider townscape as to warrant being the subject of a Preservation Order with a view to them being retained. Replacement planting is proposed in the forecourt of the new house which would be similar to other houses in the street.

## IMPACT OF THE PROPOSED HOME OFFICE

4.10 Concern has been expressed in relation to the impact of the operation of the proposed home office upon the amenity of the occupiers of neighbouring properties. The home office would be a single storey timber clad structure to be used by the applicant together with a member of staff in order to undertake her business. It would not involve large numbers of comings and goings and would not involve the employment of significant numbers of staff rather it would be domestic in scale and ancillary to the main residential use of the site. Any impact upon amenity would therefore be minimal.

## IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE

4.11 The application site lies within Flood Zone 1 and so has the lowest defined risk of flooding from riparian sources. However, concern has previously been expressed in relation to other developments in the locality in relation to localised surface water flooding after heavy rainfall events. The applicant has submitted a detailed attenuation scheme including calculations covering a range of scenarios. It is felt that the proposed scheme is acceptable and would cater for the likely outfalls without increasing flood risk for other properties in the locality.

## **5.0 CONCLUSION**

5.1 No 4 Whitby Avenue comprises a two storey brick built semi-detached house dating from the early 20th Century with a large side garden to the north, lying to the east of the City Centre. Planning permission is sought for the erection of a four bedroom detached house within the side garden adapted to meet the particular needs of the daughter of the occupier of No 4.

5.2 The proposal has been substantially amended since submission in respect of the treatment of the north side elevation and this is now felt to be acceptable in terms of its impact upon the visual amenity of the wider street scene. Notwithstanding the concerns expressed it is felt that the amended design would not result in a materially adverse impact upon the residential amenity of adjoining properties.

It is not felt that there would be a material increase in traffic arising from the proposal to the detriment of the safety and convenience of highway users and it is felt that the proposed garden office would be used for purposes ancillary to the main dwelling. The proposal is considered to be in accordance with the NPPF and policies GP1, GP10 and NE1 of the Draft Local Plan 2005.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Approve**

1 TIME2 Development start within three years

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

Drawing Refs: - M2W 31A; M2W05 E; M2W 08F; M2W23; M2W24; M2W 20D; M2W 21 D.

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

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

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

Reason: So as to achieve a visually cohesive appearance.

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

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

5 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (an archaeological excavation and subsequent programme of analysis and publication by an approved archaeological unit) in accordance with the specification supplied by the Local

Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The development will affect important archaeological deposits which must be recorded prior to destruction.

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

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

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

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

7 PD5 No openings in side elevation

8 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C and E 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.

9 Prior to the development commencing above foundation level 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.

10 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 be retained solely for such purposes.

Reason: In the interests of highway safety.

11 No development the subject of this permission shall be commenced above foundation level until the Local Planning Authority has approved a scheme for the provision of surface water drainage works for the development site. The scheme shall thenceforth be implemented to the reasonable written satisfaction of the Local Planning Authority before the development is first brought into use.

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

12 LC4 Land contamination - unexpected contam

13 EPU1 Electricity socket for vehicles

14 LAND1 New Landscape details

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

- i) Sought a redesign of the north facing elevation adjacent to properties in Stockton Lane;
- ii) Sought clarification in respect of the rights of access from the property to the adjacent access drive
- iii) Sought clarification in respect of the required range of accommodation;
- iv) Sought clarification in respect of the proposed usage of the garden office.

## 2. HIGHWAY WORKS:-

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:

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

## 3. CONTROL OF POLLUTION ACT 1974:-

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

**Contact details:**

**Author:** Erik Matthews Development Management Officer

**Tel No:** 01904 551416

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**Areas that I think are our strongest arguments:**

**Bulk and Massing** – over-bearing and out of scale. Despite numerous objections throughout the process, no attempt has been made to address the issues with the huge two storey wall mass running the full length of the house and backing on to 4 Stockton Lane properties. If the Committee review the initial plans and compare to the latest plans they will see that no substantial or even significant changes have been made to the plans to address the unnecessary bulk and mass. A single storey dwelling would address this issue and we **urge you to reject the proposals** in their current format.

**Out of character for the area** – the plans are out of character in terms of appearance compared with the surrounding properties, which have single storey rear offshoots, thereby maintaining the openness of the area. In addition, surrounding properties are [what period?] of which the proposals do not replicate and as such the proposals are out of character with the area.

**Overdevelopment of the Site and Loss of open aspect** – the proposals would lead to a loss amenity of a substantial area of openness provided to the surrounding properties.

**The Plans breach several areas of York Council's Development Plan:**

**GP1** – requires developments to 'be of a density, layout, scale and mass and design which is compatible with the neighbouring buildings, spaces and the character of the area..' The proposals scale, mass and design is completely out of character with the area. The architects themselves have agreed that it is not in keeping with the surrounding properties, which have single storey rear elevations, so we **urge you to reject the proposals** on this basis.

**GP10** – states that planning permission will only be granted for sub-division of existing garden areas, to provide new development, where this would not be detrimental to the character and amenity of the local environment. The proposals have a significant detrimental impact on the street scene by virtue of the huge double storey side wall which runs the full length of the plans. It will undoubtedly be detrimental to local area.

**H4a** – the proposals would breach Local Plan H4a which states that proposals for residential development on land will only be granted where the site is:

- i) vacant, derelict or underused – which it is not as it is currently a garden providing green space within the area; or
- ii) where it involves infilling, redevelopment or conversion of existing buildings, which it does not as the land is not derelict nor is there an existing building or does it infill between two properties; AND
- iii) it is of appropriate scale and density to the surrounding development, which it is not as previously articulated; and
- iv) where it would not have detrimental impact on the existing landscape feature, which it would as it is currently a green open space which is a part of the character of the local area.

**E10** – proposals should only be granted for small business uses within or adjacent to residential curtilages where development would not adversely affect the amenity of neighbouring properties or the residential character of the area – the proposals include a home office which it has not been shown would not adversely affect neighbouring properties due to increased traffic flow across neighbouring properties land (using the side access road).

**Louise/Mark** – not sure if you would want to add anything about potential 'economic impact to a small business'? I don't think they will consider impact during building works themselves but if you think it may have long term impact on your business once built, it may be worth raising.

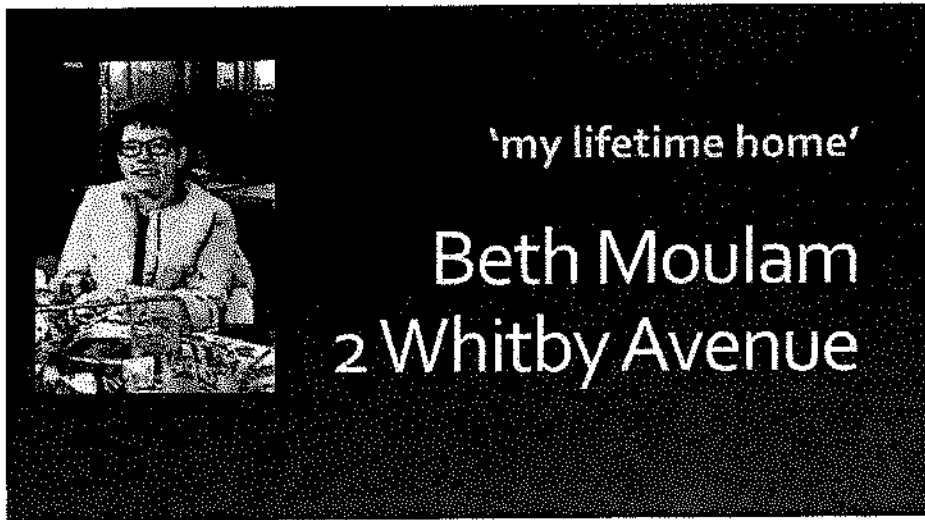
Areas we may want to raise but which I think our position may be weaker and they may have stronger arguments to rebut these/the Council may be less interested, however we may want to consider whether we just stick to 4-5 strong points or include everything (given time constraints it may be that we are only able to put a few points forwards):

**Adverse affect to highway safety** – given the nearby school and already congested road down Whitby Avenue, adding a further dwelling along with home office and additional associated vehicles will increase the issue and increase safety concerns and potential incident rate. I think they would argue that there would be little traffic increase and that the garages would remove vehicles from the road and without us having some technical evidence to back this up I think we'd struggle on this one.

**Local Plan Policy NE1** – Trees, woodland and hedgerows which are of landscape, amenity, nature conservation or historical value will be protected by refusing development proposals which will result in their loss or damage. On the basis that there are no rare trees and they have included in their proposals for some green areas, I think they would argue that there is limited damage as few trees will be lost (as some have already gone!)

**Overlooking and Loss of Privacy** – on the basis that there are to be no windows on the side backing onto our properties, other than those above eye height, I think we may struggle to persuade the Council on this one/the Moulans will simply say we can't be overlooked.

Slide 1



Can everyone hear me OK? Thank you for allowing me to make this statement.

Slide 2

## My dream

- Independence
- A home of my own, that meets my lifelong needs
- Accessible using large powered chair
- Social space
- Space for my own family (eventually)
- To work from home
- Large enough for my support team (24 hours a day)
- Never to have to move

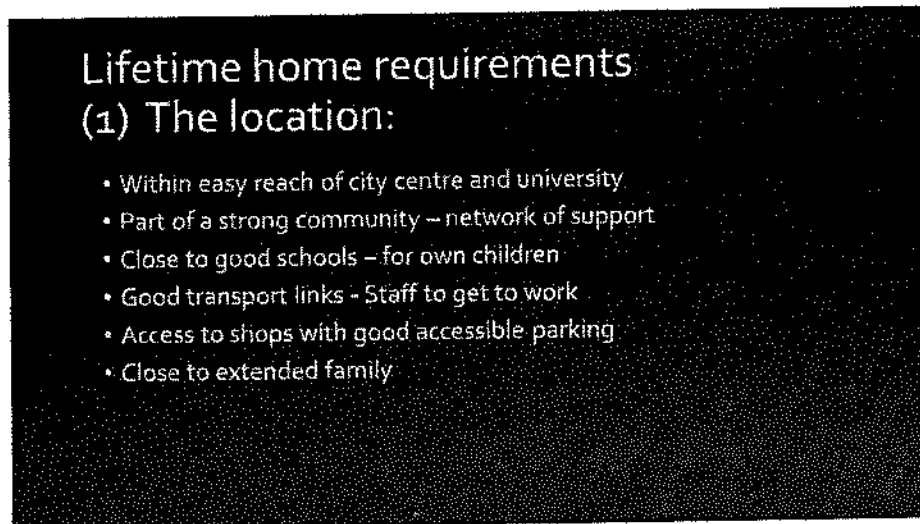
I have always dreamed, of my own home. I might be in an electric wheelchair, rely on technology, and have around the clock support, but my aspirations to have a career, live independently, and have a family, are the same as my peers. I came to the University of York, 3 years ago. I live independently, and employ a team of assistants, who work under my direction, 24 hours a day.

Slide 3



My current rented flat does not meet my basic needs, I have equipment stored at my parent's house, which means I often visit. But, much as I love my parents, I do not intend to move back in with them. We searched for 2 years for a suitable property, that will meet my needs, not just for today, but for the next sixty years, or more. This is a once in a lifetime home, I will only build once, so have to get it right.

Slide 4



Lifetime home requirements  
(1) The location:

- Within easy reach of city centre and university
- Part of a strong community – network of support
- Close to good schools – for own children
- Good transport links - Staff to get to work
- Access to shops with good accessible parking
- Close to extended family

My shopping list for my home, included location, good public transport access, being part of a community, good local schools for my future family, and close to my extended family. I would like a home that faces the street, with level access to the street, my parking and the garden. I want the exterior to be virtually maintenance free, and where possible, we considered green and sustainable options.

Slide 5

## Lifetime home requirements (2) Building:

- 2 year search
- New build
  - not large enough
  - access issues
  - inability to adapt (sustainable build or construction method)
- Existing buildings – little with potential to adapt
- Prepared to convert – developers and £
- Purchase land and self build – first and only suitable site

I had high hopes of the Joseph Rowntree life time properties. I was very disappointed, when I could not get my power chair around. We found most existing, and new build houses, have a small foot print, over 3 floors, making them difficult to adapt. In 2015, we found 4 Whitby Avenue, with the only plot, we were able to buy, before developers got in first.

Slide 6

## Lifetime home requirements (3) The interior physical space:

- Large enough/access space for a powered wheelchair
  - Wide openings and open space
  - Turning space
  - Room for transfers
  - Space for staff to work around me
- Wheelchair storage (4 chairs!!, backup, sport, travel and shower)
- High level of technology and environmental controls in every room

Before briefing my architect, I consulted experts, on space, and technology requirements. The rooms need to be generous, with wide openings, space to turn in my chair, for my equipment, and for staff to work around me. Besides providing staff accommodation, I need private space, for when I want to be alone, I also want to be able to provide, for my own, future, family. From the outset we knew I needed a 2 storey house.



Slide 7

## Employment


- Degree (6 years full time due to requirement for 100% extra time)
- Intend to run own business
- Want to go out to work but not travel to work
  - Travel is tiring and takes much longer
  - Work – life balance important
- Office has to be specific to my physical needs
  - Layout/space
  - Equipment
  - Access (physical)
  - High use of specific IT

I would like my own business. Daily travel is tiring, I want to go out to work, but not travel. Even a home office needs to be adapted for access, with space for me and an assistant, specialist desks, environmental controls and equipment.

Slide 8

## Health

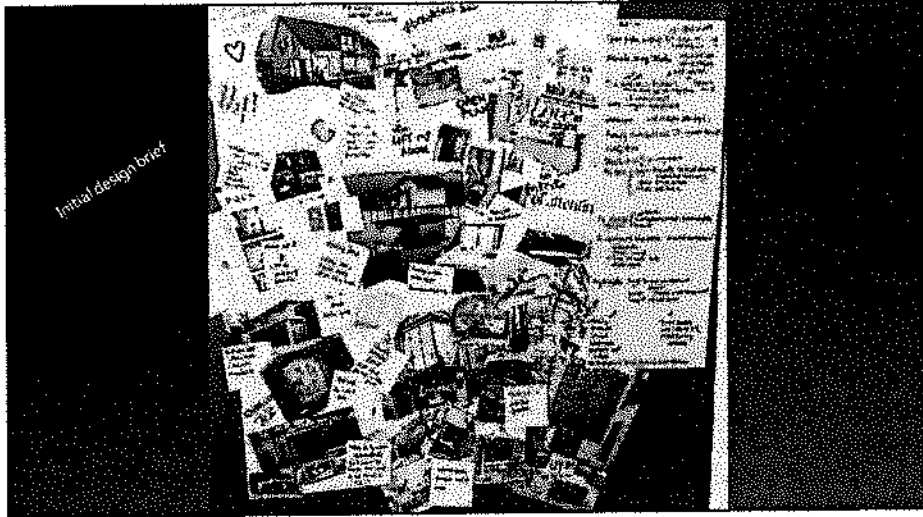
- Keeping fit essential for my quality of life – lifelong
- Played boccia for England and aim to be in Tokyo 2020
- Train daily
  - In home
  - Gym



The image shows a logo for 'POLSKA BOCCIA'. At the top is a stylized soccer ball. Below it, the text 'POLSKA BOCCIA' is written in a bold, sans-serif font. Underneath the text is a black and white photograph of two athletes in wheelchairs, one of whom appears to be holding a boccia ball.

My health is important. Being in a power wheelchair I need to exercise as much possible, to remain fit for life. I am a keen athlete, I have represented England in my sport. I hope to represent GB in 2020. I train daily, so the guest bedroom will double as a therapy/training room.

Slide 9



I hope you can consider my application favourably. Thank you.



16/01644/FUL

land adjacent to 4 Whitby Avenue, YO31 1ET



Scale : 1:1377

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<b>Organisation</b>	City of York Council
<b>Department</b>	Economy & Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	20 December 2016
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 5 January 2017      **Ward:** Micklegate  
**Team:** Major and      **Parish:** Micklegate Planning  
Commercial Team      Panel

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

**1.0 PROPOSAL**

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

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

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

**RELEVANT PLANNING HISTORY**

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

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

## 2.0 POLICY CONTEXT

### 2.1 Development Plan Allocation:

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

### 2.2 Policies:

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

## 3.0 CONSULTATIONS

### INTERNAL

#### Highway Network Management

3.1 No objections to the scheme but recommend conditions

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

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

### EXTERNAL

#### Neighbour Notification and Publicity

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

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



## 4.0 APPRAISAL

### 4.1 Key issues

- Design
- Loss of privacy
- Overshadowing
- Highways implications

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. The framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. A principle set out in paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

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

4.4 Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible.

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

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

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

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

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

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

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

## DESIGN

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

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

## LOSS OF PRIVACY

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

application for the removal of the garage was approved. The works have not as yet taken place.

4.15 The concern from the neighbour at 52 Holgate Road is that the existing small yard and potentially larger garden would be overlooked by the proposed office accommodation, which lies approximately 7m away. The existing windows to the side elevation of 42 Oxford Street are obscure glazed to prevent loss of privacy. However, the proposed extension has been designed with lower ceiling heights and low windows and lies further along the length of the neighbours garden than the existing building. A cross section has been submitted which indicates that due to the low level windows and the existing high boundary wall to 52 Holgate Road there would be little overlooking. If the occupiers were stood to the far boundary they would be visible but if located elsewhere within the garden their privacy would be protected by the existing boundary wall.

#### OVERSHADOWING AND LOSS OF LIGHT

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

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

4.18 The neighbour at 50 Holgate Road is also concerned that the rearmost element of the scheme would overshadow the small rear yard at their property. Planning permission has recently been granted to subdivide the dwelling into two residential units and as a result the rear room opening into this yard would be a bedroom. The proposed extension would result in an increase in height of approximately 550mm above the existing boundary wall. Furthermore the roof slope has been designed with an off centre ridge to reduce the height and impact upon this yard. The development lies to the west of this yard and as such it is considered that there would not be an unacceptable loss of light as shadows cast by the existing high boundary wall and extensions at 50 Holgate Road already impact the yard area.

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

## HIGHWAY IMPLICATIONS

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

4.21 Two resident's car parking spaces are provided opposite the application site along Oxford Street. These are limited to residents but also allow any vehicle to park for up to an hour. It is apparent that these spaces could be used by the office development but primarily during office opening hours only and only by visitors due to the time limitation. It is considered that due to the sustainable location of the development the scheme is acceptable in terms of its impact on the highway and parking.

## 5.0 CONCLUSION

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

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing numbers 686\_P20 Rev C and 686\_P22 Rev C

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

3 VISQ8 Samples of exterior materials to be app

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

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

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

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

6 HWAY18 Cycle parking details to be agreed

7 HWAY19 Car and cycle parking laid out

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

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

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

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

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

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

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

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

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

Section 184 - Stuart Partington (01904) 551361

## 3. THE PARTY WALL ETC ACT 1996

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

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

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

### **Contact details:**

**Author:** Heather Fairy Development Management Officer

**Tel No:** 01904 552217

16/02111/FUL

42 Oxford Street, YO24 4AW



Scale : 1:1377

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<b>Organisation</b>	City of York Council
<b>Department</b>	Economy & Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	20 December 2016
<b>SLA Number</b>	Not Set

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No. 1

AGENDA ITEM 4G) CIRCULATED AT MEETING

**Subject:**

From: Hanson, Guy  
Sent: 01 November 2016 17:51 To: Fairy, Heather  
Subject: 16/02111/FUL

Hello Heather.

Further to our conversation this afternoon I confirm the following views from Conservation on the application:

- The proposal is over development, given the size of plot.
- The proposal is uncharacteristic of the historic grain of these plots.
- The proposal is harmful to neighbouring amenity.
- The proposal is architecturally unsympathetic to the existing building on the plot-

Going

largely because the massing is overdevelopment.

forward we suggest the following is considered in any revised proposal

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

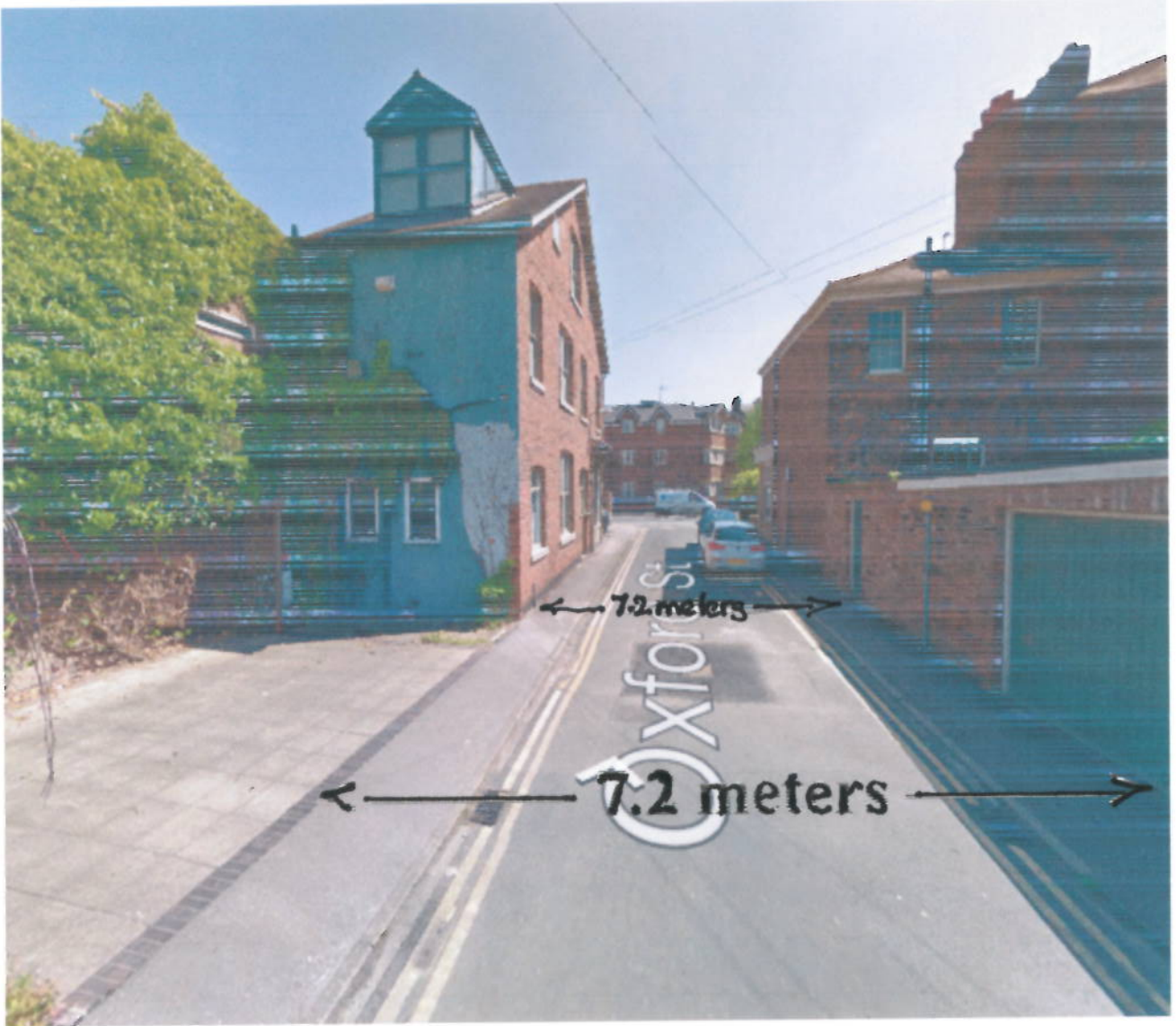
Regards Guy

Guy Hanson | Design & Sustainability Manager t: 01904  
551319 | e: [guy.hanson@york.gov.uk](mailto:guy.hanson@york.gov.uk)

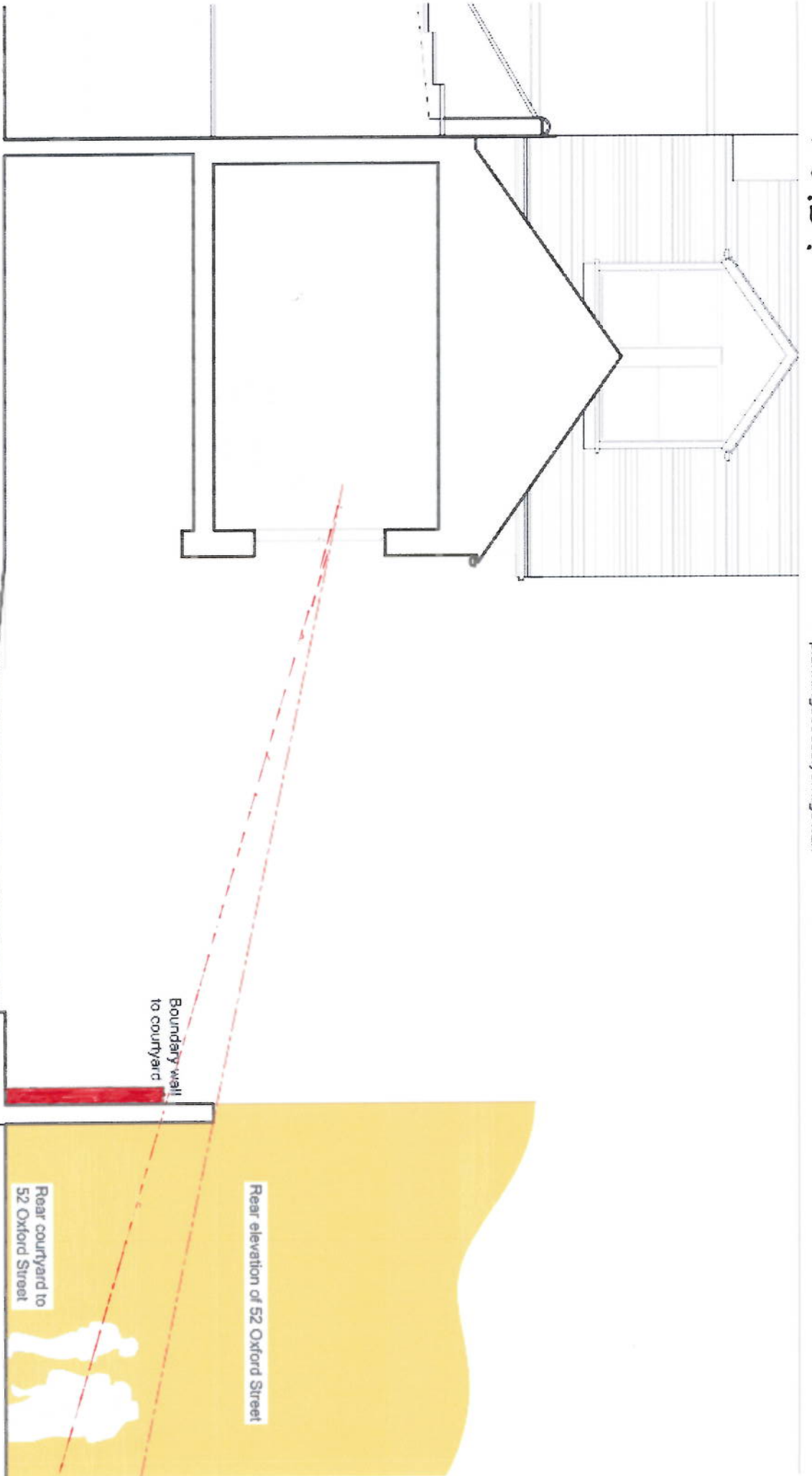
City of York Council | Design, Conservation & Sustainable  
Development | Directorate of Economy and Place  
West Offices | Station Rise | York | YO1 6GA

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No 2 . AGENDA ITEM 4G) CIRCULATED AT MEETING



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Section

AGENDA ITEM 4(F) CIRCULATED AT MEETING

TRUE POSITION AND HEIGHT OF WALL

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Height of wall – 2.7m

AG Page 131M

House to rear of 52 Oxford Street – 7.3m

4G) CIRCULATED  
AT MEETING

Height of people – 1.75m – 5'8"

t: \_\_\_\_\_@york.gov.uk

**City of York Council** | Directorate of City and Environmental Services  
West Offices | Station Rise | York | YO1 6GA  
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**COMMITTEE REPORT**

**Date:** 5 January 2017      **Ward:** Micklegate  
**Team:** Householder and      **Parish:** Micklegate Planning  
Small Scale Team                      Panel

**Reference:** 16/02342/FUL  
**Application at:** 48 Trafalgar Street York YO23 1HZ  
**For:** Change of use of dwelling (use class C3) to House in  
Multiple Occupation (use class C4)  
**By:** Mr Stephen Robling  
**Application Type:** Full Application  
**Target Date:** 6 January 2017  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This application seeks permission for a change of use from a three bedroom dwelling (Use Class C3) to a three bedroom House in Multiple Occupation (Use Class C4). This mid-terrace dwelling is sited within a residential area, surrounded by similar style dwellings and located close to the city centre and facilities in South Bank and Bishopthorpe Road.

1.2 This application is called to sub-committee for decision by Councillor Gunnell due to concerns relating to parking, possible anti-social behaviour, noise and loss of family home.

**2.0 POLICY CONTEXT**

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

**3.0 CONSULTATIONS**

## INTERNAL

Planning and Environmental Management (Forward Planning)

3.1 Neither the street, nor neighbourhood levels for HMOs have been breached.

## EXTERNAL

Micklegate Planning Panel

3.2 No comment received up to date of writing.

## Neighbour Notification and Publicity

3.3 Three letters of objection received from neighbouring residents raising the following points:

- Increased pressure upon parking within the street which may also impede access for emergency vehicles, air pollution and road safety;
- House already in use as HMO;
- Possible anti-social behaviour;
- Increased noise;
- Loss of family housing;
- Loss of privacy to neighbouring courtyard;
- Impact upon neighbouring house values;
- Increased amounts of rubbish;

## **4.0 APPRAISAL**

### KEY ISSUES

- Concentration of HMO's in the area and loss of family housing
- Impact on the character and appearance of the area;
- Amenity of future occupants of the property
- Impact on the amenities of local residents.

### POLICY BACKGROUND

4.1 The National Planning Policy Framework 2012 (NPPF) sets out the overarching roles for the planning system. In Paragraph 14 it advises that there is a presumption in favour of sustainable development at the heart of the Framework, which should be seen as a golden thread running through both plan-making and decision-taking.

4.2 Paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 50 states that in order to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities the local planning authority should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

4.3 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 NPPF.

4.4 Development Control Local Plan Policy CYH8: Conversions sets out the criteria by which conversions of houses to HMO's should be assessed.

On this basis planning permission will only be granted for the conversion of a house to a HMO where:

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

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

4.5 Draft Supplementary Planning Document (SPD): Controlling the Concentration of Houses in Multiple Occupancy was approved by cabinet on 15 April 2012. This Guidance was prepared in connection with an Article 4 Direction which the Council made in respect of houses within the defined urban area. It has the effect of bringing the change of use of dwellings (Class C3) to small HMO's occupied by between 3 and 6 people (Class C4), which would otherwise be permitted development, within planning control.

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

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

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

amenity attention will be given to whether the applicant has demonstrated the following:

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

## CONCENTRATION OF HMOS IN THE AREA AND LOSS OF FAMILY HOUSING

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

4.9 Within 100m of 48 Trafalgar Street there is currently 1 known HMO out of 49 properties, 2.04% (SPD threshold 10%). At the neighbourhood level there are currently 16 known HMOs out of 678 properties, 2.36% (SPD threshold 20%). The proposal is therefore below both the street and neighbourhood thresholds levels established by the SPD and it is not considered the proposal could be assessed as having the potential to create an unbalanced community. However, this still leaves the requirement for the proposal to avoid harmful impact on neighbouring amenity through noise disturbance or residential character by virtue of the conversion alone or cumulatively with a concentration of HMO's.

4.10 The loss of family homes for shared accommodation and student housing is controlled by the Article 4 Direction. The SPD document focuses on avoiding high concentrations of HMO's in particular streets/areas, in order to avoid the undue loss of family homes and maintaining community cohesion and helping the development of strong, supportive and durable communities.

Within the context of the SPD the aim is to avoid situations where existing communities become unbalanced by narrowing household types which can have a detrimental impact on neighbourhoods.

Given the HMO thresholds reported in 4.9 above, this potential situation does not arise in this case.

## IMPACT ON RESIDENTIAL AMENITY AND THE CHARACTER OF THE AREA

4.11 In terms of potential impact on neighbours, given the low numbers identified above (2.04% within 100m and 2.36% at neighbourhood level) it is considered that the number of HMO's in the area, and the consequent number of comings and goings from the house would not materially harm the amenity of neighbours and the overall quality of life in the area, despite the relatively high density of the housing here.

4.12 As no change to the layout of the dwelling is proposed it is not considered any additional loss of privacy will occur. The implementation of a management plan relating to the maintenance of external areas, refuse and re-cycling collections and minimising noise disturbance has been submitted to help ensure that residential amenity is not adversely affected. It is acknowledged that a C4 HMO use would allow for up to six persons though in this instance due to the siting of the stairs and kitchen it would be difficult to convert existing ground floor space to additional bedrooms. Levels of HMO use in the area are well below SPD threshold levels so general comings and goings associated with such a use, which can be an issue where there are a number of such properties in close proximity should not materialise here. Normal comings and goings from this one property are unlikely to result in such harm to neighbours as to refuse the application. In the event of any issues arising in terms of individual tenants, they can either be taken up with the current owner/occupier or future landlord, or by recourse to environmental protection legislation (excessive noise and disturbance)

## AMENITY OF FUTURE OCCUPANTS

4.13 The property lies within a relatively short distance to the city centre and local facilities. There are currently three bedrooms in the dwelling and this application is proposing accommodation for 3 occupants, with two bathrooms, a communal living room and dining room and kitchen. It is considered the dwelling offers adequate living space, along with adequate space to the rear for cycle/bin storage areas. Due to the small amount of external space within the site, it is considered appropriate to remove permitted development rights for future extensions.

## PARKING ISSUES

4.14 The property, along with its neighbours, has no off-street parking. On-street parking is not controlled under the ResPark scheme in the vicinity. Although not directly relevant as off-street parking is not provided, the Council's maximum car

parking standards are the same for a 3-bed dwelling within use class C3 and a 3-bed HMO within use class C4. It is not considered this proposed use would significantly impact upon parking over and above the use as a family dwelling.

## 5.0 CONCLUSION

5.1 The dwelling is considered to be a sufficient size, and with an adequate internal layout, for a 3 bedroom HMO. The 100m and neighbourhood thresholds within the Council's Supplementary Planning Document have not been exceeded and there is no evidence to suggest a potentially significant impact upon the amenity of existing local residents. The proposal is considered to be acceptable and complies with national guidance in the NPPF, Development Control Local Plan Policy H8 and the City of York Council's Supplementary Planning Document (Controlling the Concentration of Houses in Multiple Occupancy).

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Submitted existing and proposed floor plan received on 10/10/2016

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

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

Reason: Due to the small scale of the site and in order to retain sufficient bin/cycle storage areas and amenity space, and to protect neighbouring amenity 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 (as amended).

4. The existing detached shed, as shown on site plan received on 20/11/2017, shall be retained to provide sufficient storage area for 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.

5. Occupation of the house as an HMO shall be in accordance with information contained in the Management plan received by the Local Planning Authority on the 22nd November 2016 and titled 'HMO Management Plan for: 48 Trafalgar Street'; with particular regard to those matters referring to

- i) Information and advice to occupants about noise and consideration to neighbours.
- ii) Garden maintenance.
- iii) Refuse and recycling facilities.
- iv) Property maintenance.

Reason: In the interests of the proper management of the property and the amenity of adjacent residents.

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

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

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

#### **Contact details:**

**Author:** Carolyn Howarth Development Management Assistant (Tue-Fri)

**Tel No:** 01904 552405

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Area Planning Sub-Committee

5 January 2017

Agenda Item 4h  
16/02342/FUL  
48 Trafalgar Street

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Additional paragraph 3.4

Councillor Gunnell

In addition to the call-in request reported at 1.2, Cllr Gunnell also objects to the application on the following grounds:

- Parking - the application does not address parking requirements or parking restrictions. An HMO with increased occupancy has the potential to impact on an already saturated issue of too many cars in this street with limited parking.
- Anti social behaviour - This is a residential street where family homes are very close to one another. As we are aware in other areas HMO's can be a huge issue with refuse issues but also with general activity due to a large number of people living in a house that was designed and built for a small family unit.
- Noise - it is inevitable that the more people who live in a small house in a small street will generate an unacceptable amount of noise and intrusion.
- Loss of family housing - this is a further erosion of an area which prides itself on providing family homes and community. Against a back-drop of many flats and apartments being built across York combined with a severe shortage of family homes, this planning application goes in the complete opposite direction of the LA's ambition to secure more family homes.

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16/02342/FUL

48 Trafalgar Street, YO23 1HZ



GIS by ESRI (UK)



Scale : 1:1377

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<b>Organisation</b>	City of York Council
<b>Department</b>	Economy & Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	20 December 2016
<b>SLA Number</b>	Not Set

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## COMMITTEE REPORT

**Date:** 5 January 2017      **Ward:** Hull Road  
**Team:** Householder and      **Parish:** Hull Road Planning  
Small Scale Team                      Panel

**Reference:** 16/02468/FUL  
**Application at:** 90 Hull Road York YO10 3LN  
**For:** Single storey rear extension  
**By:** Mr Chris Cullwick  
**Application Type:** Full Application  
**Target Date:** 12 January 2017  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application site is a modest-sized, end terrace, located on the corner of Siward Street. The proposal seeks permission to, in essence, re-configure the rear to create an open plan, kitchen/living area, a utility room and w/c. Existing rear structures and outbuildings/garage will be demolished or part-demolished. This will allow for the retention of a courtyard and a cycle store of approx 1.8m x 1.6m internal and a refuse storage area will be created.

1.2 The dwelling was a small House in Multiple Occupation within use class C4 prior to the Article 4 Directive being introduced.

1.3 The application is referred to the sub-committee for decision as the applicant is a City Councillor.

#### Relevant property History

1.4 08/01568/FUL Change of use of house to an 8 bed house in multiple occupation and erection of single storey rear extension - Refused 07.08.2008.

### 2.0 POLICY CONTEXT

2.1 Policies:

CYGP1      Design  
CYH7      Residential extensions

### 3.0 CONSULTATIONS

#### Hull Road Planning Panel

3.1 No comments received.

## Neighbour Notification and Publicity

3.2 No comments received.

## **4.0 APPRAISAL**

4.1 Key issue(s):

- Visual impact on the street-scene
- Effect upon neighbouring property
- Impact on the amenity of existing occupants.

## National Planning Policy Framework

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).

## Development Control Local Plan

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. 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.

## Supplementary Planning Document 'House Extensions and Alterations'

4.5 The Council have an agreed Supplementary Planning Document 'House Extensions and Alterations' dated December 2012 which provides guidance on all types on domestic 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. Section 13 of this document says that in assessing rear extensions beyond 3 and 4 metres regard should be had to a number of factors including the impact on sunlight, the relationship to windows and the height of the structure.

### Visual Impact on the Street Scene

4.6 The proposed extension will be partly visible from both directly opposite Siward Street and also at an angled view from further up this road. However, it is relatively modest in scale and will incorporate brick and tiles which will match those of the existing dwelling. It will not impact adversely on the visual amenity of the street which is a high density residential area. In this respect, it will not conflict with advice contained within the SPD.

### Impact on Neighbouring Properties

4.7 As the house stands on a corner site, there is only one immediate neighbour at 92 Hull Road. The proposal will introduce an increase of additional massing to this neighbour due to the slightly higher boundary wall, facing onto this adjoining properties rear yard. This will be 3.1m high at its highest point, reducing down to 2.4m as the extension reducing in height to its eaves. The rear yards are south facing and will still receive a significant amount of sunlight throughout the majority of the day and the extension is only modest in size. The rear of No.92 already has a high wall running along the shared boundary with the application site due to the height of the existing outbuildings and there will be little additional impact on principal ground floor window at this neighbour. Therefore, the proposal is considered to be acceptable in amenity terms and will also not conflict with advice contained within the Council's SPD on House Extensions and Alterations.

### Impact on Future Residents

4.8 The previously refused application ref. 08/01568/FUL, sought to create 8.no bedrooms and would have significantly reduced both internal and external amenity area. The current proposal does not include any significant net loss of communal amenity space, will result in a more spacious kitchen/living area. Although small, an appropriately sized external rear yard area will be retained together with the dedicated cycle and bin storage area.

## **5.0 CONCLUSION**

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

advice contained within Supplementary Planning Document (SPD) 'House Extensions and Alterations.' December 2012.

**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:-

Drawing No's 42- 01; 42-04C and 42-05 A.

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

**7.0 INFORMATIVES:**

**Notes to Applicant**

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

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

**Contact details:**

**Author:** Paul Edwards Development Management Assistant

**Tel No:** 01904 551642



Agenda Item 4i

16/02468/FUL

90 Hull Road

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Additional Condition 4

The areas shown on drawing 2016 42 04C for accommodating bikes and bins shall be retained solely for such purposes.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbouring properties and the local environment.

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16/02468/FUL

90 Hull Road, YO10 3LN



Scale : 1:1101

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<b>Organisation</b>	City of York Council
<b>Department</b>	Economy & Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	20 December 2016
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 5 January 2017      **Ward:** Hull Road  
**Team:** Householder and      **Parish:** Hull Road Planning  
Small Scale Team                      Panel

**Reference:** 16/02576/FUL  
**Application at:** 4 Heathfield Road York YO10 3AE  
**For:** Two storey rear extension, single storey side and rear extensions, hip to gable roof extension and dormer to rear (resubmission)  
**By:** Mr D Rose  
**Application Type:** Full Application  
**Target Date:** 3 January 2017  
**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 rear extension and single storey side and rear extensions, plus 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 roofspace; thereby creating a 6 bed HMO.

1.3 Planning permission was refused for extensions to this property in October 2016 (CYC ref: 16/01892/FUL) on the grounds of over-development of the site, the two storey rear/side extension would harm the amenities of the occupants of no.3 Heathfield Road because of its overbearing impact and the two-storey side extension (adjacent to no.3) was considered to be uncharacteristic of this part of the street.

1.4 This current application differs from that which was refused in that the two storey rear/side extension has been reduced to single storey on the side (ie. adjacent to no.3) and has been moved 0.9m closer to the rear boundary with no.5 so that it lies circa 2.1m from this property. The proposed single storey rear extension, as before, comes to within 200mm of this boundary.

1.5 The application is called to sub-committee at the request of Cllr N Barnes because 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

### Councillor N Barnes Hull Road Ward Councillor

3.1 Objects 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. 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. There will be much increased potential for greater noise, greater litter produced and also more likelihood of traffic issues. Doubling the number of bedrooms means running the risk of extra parking negatively impacting on the street scene. The extension will be out of the character and setting of these houses, thus having a negative impact on the street scene.

### Hull Road Planning Panel

3.2 No response received to date

### Publicity and Neighbour Notifications

3.3 Thirteen letters of objection have been received from local residents. Their concerns can be outlined as follows:

- The extension is still a huge over development. The rear does not sit comfortably with the house and it is not in keeping or in line with other houses.
- Does not address the previous objection that natural sunlight would be completely cut off for no.3 Heathfield Road.
- The gap between the proposed single storey side extension and the green privet hedge is too narrow for cycles and wheelie bins so they will be stored at the front of the house leading to sanitation issues and loss of amenity.
- The narrowness of the street is unsuitable for potential car usage and street parking and would increase the danger to small children and potential for accidents at the junction with Millfield Lane.
- Adding another student accommodation property will increase noise pollution and create a vermin issue due to increased refuse in bins.
- The dormer extension will overlook 34 Millfield Lane enabling the tenants to look directly into its living room, kitchen and rear bedrooms.

- If 4 Heathfield Road were to be registered as a HMO, this would make three of the sixteen properties in the street HMOs. This equates to 18.75% of the street as HMOs, well over the guideline of 10%.
- The plans potentially mean that there could be between 6 and 12 students occupying the premises - with 3 HMO's already in the street and another at no.28 Millfield there could be up to 16 occupants in four houses destroying what used to be a family occupied cul-de-sac, the street already suffers from problems of noise, parties, confrontation and mess
- Proof of HMO status has not been confirmed. Students did not move into 4 Heathfield Road until September/October 2012. HMO status should be examined rigorously.
- Development may lead to sewer blockages in the street as the existing sewer capacity is not able to cope with the increased number of residents in HMOs.

## **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.

4.7 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.

4.8 Paragraph 12.3 advises that side extensions should normally be subservient to the main house. The ridge height of extensions should be lower than that of the house and the front elevation should be set behind the front building line. 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.

4.9 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.

4.10 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

### HMO Issues

4.11 This application is not seeking a change of use from a dwellinghouse to an HMO. It is purely an application for extensions to the property and has to be assessed as such. However, as HMO issues have been raised by residents the following provides a background to the HMO position in relation to this property.

4.12 Members will be aware that on 20 April 2012 an Article 4 Direction came into force requiring planning permission for the change of use of dwellinghouses to HMOs within the York urban area. Properties that were already in use as an HMO before this date retained that lawful use and there is no requirement for the owner to seek a change of use or a certificate of lawful existing use. Evidence submitted to the planning enforcement officer in the form of signed tenancy agreements indicates that the property was in use as an HMO prior to the Article 4 Direction coming into force.

4.13 Although the principle of HMO use is not up for consideration in this application, the question still arises what the impact of changing the host building from a 3 bed HMO to a 6 bed HMO would be. It is not considered that there would be grounds to refuse this application on the basis that the change of use would increase comings and goings 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 quite 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 using permitted development rights to enable use of the roofspace.

4.14 With regard to parking, the plan shows 2 parking spaces at the front of the property with a low front wall being removed. The Council's parking standards indicate up to 3 parking spaces for a 6 bed HMO; however, the Council's parking standards are a maximum and 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. The proposal includes a 6 space cycle store in the rear garden, which will promote the use of a sustainable transport mode. As a result 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. The proposed cycle store includes a bin storage section and it is considered that there is adequate provision for this aspect as well. It is not considered that the occasional blocking of drains, referred to by objectors, is likely to be adversely affected by the proposals.

## Site Context

4.15 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).

4.16 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.

4.17 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.

## Residential Amenity

4.18 The previous planning application (16/01892/FUL) included a shadow diagram study to support the application which indicated that although there would be some slight additional loss of light to first floor side windows and ground floor toilet window on the rear extension to no.3, the change in level of light to the ground floor side door and window would be marginal, involving 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 indicated that there would be no impact on the garden.

4.19 The applicants have not submitted an updated shadow diagram study with the current submission but in view of the fact that the proposed extension has been decreased in height, where it lies adjacent to no.3, the impact that the proposal would have on reducing the level of the daylight reaching this property can only have diminished.

4.20 In terms of size, scale and massing it is considered that the proposed single storey side extension is acceptable. Being set back 3.6m from the front elevation and projecting only 0.9m out from the side elevation its impact on the streetscene will be marginal. At its highest point it is 3.7m high, this compares with 6.2m in the previous application and it is not considered that it will have an adverse impact on the amenities of the occupants of no.3. A single storey extension of this height and width could be added to the side elevation of the application property under permitted development rights.

It should also be noted that similar single storey side extensions, which come closer to the side boundary with adjacent properties and the front elevation of their host properties than the extension proposed at no.4, already exist at nos.5 and 11 Heathfield Road.

4.21 The two storey rear extension would project 3.1m from the rear elevation of the host property, it would lie circa 4m from the side elevation of no.3 and would have a hipped roof that slopes away from no.3. It would also lie circa 3.4m from the centre point of the rear ground floor window to no.5 and as such it would not breach the '45 degrees rule' referred to in Paragraph 13.6 of the SPD. In these circumstances it is not considered that it would have an overbearing impact on the immediate neighbours on either side (ie. no.3 and no.5). It should also be noted that the rear elevation of no.34 Millfield Lane, whose occupants objected to being overlooked, is circa 30m away from where the rear elevation of the extension would lie so it is not considered that there would be a significant impact on privacy.

4.22 The hip to gable extension will alter the roof profile but this could be undertaken under permitted development 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.

4.23 The single storey mono-pitch roof rear extension projects 2.9m from the rear elevation close to the boundary with no.5. It is not considered that it would have any adverse impact on the neighbours.

#### Side Access and Boundary Hedge

4.24 The submitted plan indicates that the boundary hedge between nos.3 and 4 would be cut back circa 250mm to create a 900mm footpath between the side of the proposed side extension and the boundary with no.3. 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. The applicant is entitled to cut back the hedge where it lies within his ownership. Where the precise boundary lies between nos.3 and 4 and any damage to hedge within the ownership of no.3 is a matter that would need to be resolved under civil law.

## **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 as such they 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).

**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:-

308.001E

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

**7.0 INFORMATIVES:  
Notes to Applicant**

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

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

**Contact details:**

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**Tel No:** 01904 551665

Area Planning Sub-Committee

5 January 2017

Agenda Item 4j  
16/02576/FUL  
4 Heathfield Road

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Additional Condition 4

The cycle and bin store shown on drawing 308.01E shall be erected prior to the first occupation of the extended dwelling and retained solely for the storage of cycles and refuse/re-cycling bins.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbouring properties and the local environment.

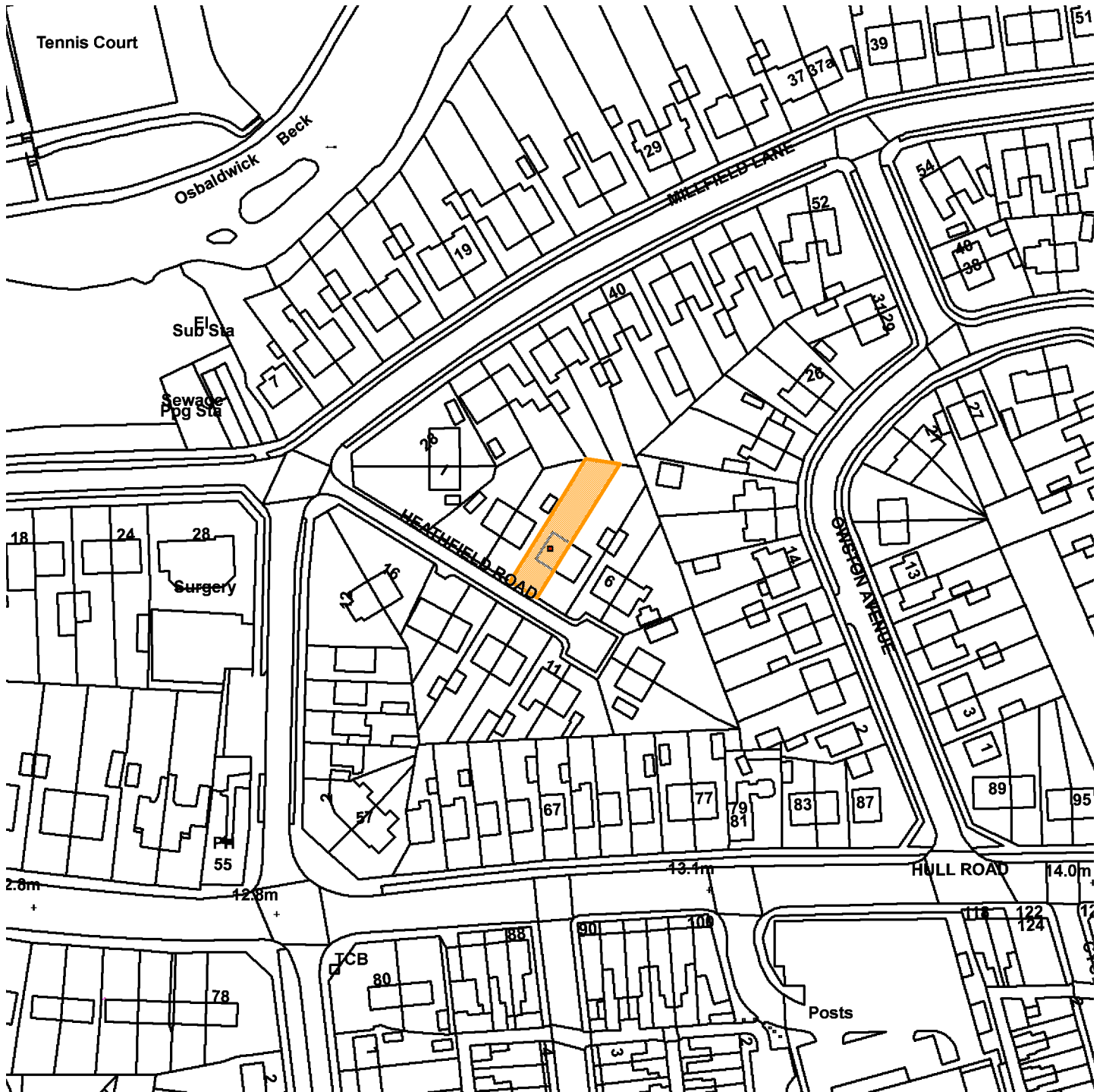
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16/02576/FUL

4 Heathfield Road, YO10 3AE



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Scale : 1:1377

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<b>Organisation</b>	City of York Council
<b>Department</b>	Economy & Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	20 December 2016
<b>SLA Number</b>	Not Set

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