



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

To: Councillors Hollyer (Chair), Crawshaw (Vice-Chair),
Cullwick, Fisher, Galvin, Craghill, Lomas, Melly, Orrell,
Waudby and Webb

Date: Thursday, 5 December 2019

Time: 4.30 pm

**** Venue: ** The Snow Room - Ground Floor, West Offices (G035)**
*****Please note the change in meeting room*****

A G E N D A

Sub Committee Site Visits

The mini-bus for Members of the sub-committee will leave from Memorial Gardens at 10.00 on Wednesday 4th December.

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 - 6)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 7 November 2019.

3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact

details listed at the foot of this agenda. The deadline for registering is at **5.00 pm Wednesday 4 December 2019**.

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4. Plans List

To determine the following planning applications:

- a) **Principal, York Station Road, York, YO24** (Pages 7 - 42)
1AY [19/01322/FULM]

Erection of 4-storey extension to create 45 bedrooms and reception/entrance space, reconfigured car parking and landscaping. **[Micklegate]** [site visit]

- b) **York St John University Sports Centre,** (Pages 43 - 64)
Haxby Road, York, YO31 8TA
[19/01667/FULM]

Erection of indoor tennis facility. **[Huntington/New Earswick]**
[site visit]

- c) **45 Osbaldwick Village, Osbaldwick, York, YO10 3NP [19/02200/FUL]** (Pages 65 - 76)

Two storey side extension following demolition of garage, and dormer to front (resubmission) **[Osbaldwick and Derwent]**
[site visit]

- d) **10 Vicarage Lane, Naburn, York, YO19 4RS [19/02126/FUL]** (Pages 77 - 88)

Two storey side and rear extensions and single storey front extension. **[Wheldrake]** [site visit]

5. **Appeals Performance and Decision Summaries** (Pages 89 - 118)

This report informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 July 2019 and 30 September 2019, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals at date of writing is also included.

6. **Planning Enforcement Cases - Update** (Pages 119 - 122)

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

7. **Urgent Business**

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

Democracy Officer:

Name – Michelle Bennett

Telephone – 01904 551573

E-mail – michelle.bennett@york.gov.uk

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 4th December****The mini-bus for Members of the sub-committee will leave from
Memorial Gardens at 10.00**

TIME (Approx)	SITE	ITEM
10:15	York St John University Sports Centre Haxby Road	4b
10:45	45 Osbaldwick Village Osbaldwick	4c
11:15	10 Vicarage Lane Naburn	4d
11:50	Principal York Station Road	4a

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	7 November 2019
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair) [withdrew from meeting for items 3a and 3b of the Agenda], Cullwick, Fisher, Galvin, Lomas, Melly, Orrell, Webb, Waudby and D Taylor (Substitute)
Apologies	Councillor Craghill

Site Visits

It was noted that there had been no site visits scheduled for this sub-committee meeting.

36. Declarations of Interest

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

Cllr Crawshaw declared a personal and prejudicial interest in agenda items 3a and 3b, 19/01648/FUL and 19/01649/LBC, in that the applicant, Cllr Kilbane, was a colleague and a friend. He declared that he would be leaving the meeting for these items.

37. 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.

38. Plans List

Members considered a schedule of reports of the Assistant Director, Planning and Public Protection, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

38a) 9 Bishophill Junior York YO1 6EN 19/01648/FUL

[Note: Cllr Crawshaw withdrew from the meeting at this point].

Members considered a full application for alterations to the existing building through the reconfiguration of the existing kitchen and a new external opening to the rear garden area.

It was moved and seconded that the application be Approved, and it was therefore:

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

Reason: It is considered that the proposals will preserve the character and appearance of the conservation area and the listed building and that there will be no adverse impact on the amenity of nearby occupants. As such it is considered that they satisfy national guidance in the NPPF and local policies in the Publication Draft Local Plan and Development Control Local Plan, and are acceptable.

38b) 9 Bishophill Junior York YO1 6EN 19/01649/LBC

Members considered an application for Listed Building Consent for Internal alterations, including removal of internal walls, and new large glazing units to side and rear of existing rear extension at the above address.

It was moved and seconded that the application be approved, and it was therefore:

Resolved: That the application be Approved subject to the conditions listed in the report.

Reason: It is considered that the proposed alterations will preserve the special historic and architectural interest of the building. They comply with national planning guidance, as contained in the National Planning Policy Framework and Publication Draft York Local Plan 2018.

**38c) 25 Bedale Avenue Osbaldwick York YO10 3NG
19/01837/FUL**

Members considered a full application for a single storey side and rear extension with rear dormer to the house in multiple occupation.

Cllr Waters spoke in objection to the application. He considered that the over occupation on this site would adversely impact upon the neighbours in terms of noise levels and lack of parking spaces. There were only 3 spaces on the property, given that neighbours park within the curtilage of their properties, he considered the parking to be insufficient. He also considered the layout of the amenity to be inadequate, as the kitchen was next to a toilet and shower room.

Officers confirmed that an appeal on this property remained outstanding. Officers considered that the parking provision for this application was sufficient.

It was moved and seconded that the application be Approved, and it was therefore:

Resolved: That the application be Approved subject to the conditions listed in the report.

Reason: It is considered that the proposals are acceptable in terms of appearance and that there will be no adverse impact on the amenity of nearby occupants. As such it is considered that they satisfy national guidance in the NPPF and local policies in the Publication Draft Local Plan 2018 and Development Control Local Plan 2005, and are acceptable.

Cllr Hollyer, Chair
[The meeting started at 4.30 pm and finished at 4.55 pm].

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COMMITTEE REPORT

Date: 5 December 2019 **Ward:** Micklegate
Team: West Area **Parish:** Micklegate Planning
Panel

Reference: 19/01322/FULM
Application at: Principal York Station Road York YO24 1AY
For: Erection of 4-storey extension to create 45 bedrooms and reception/entrance space, reconfigured car parking and landscaping.
By: Mark Leary
Application Type: Major Full Application (13 weeks)
Target Date: 10 December 2019
Recommendation: Approve

1.0 PROPOSAL

THE SITE

1.1 The Royal York Hotel was designed by the architects of the adjacent railway station in 1878. The building is listed at grade II for its historic interest in being symbolic of the importance of the railway industry to York, especially in relation to the burgeoning tourist and business trade. It is also significant for its powerful large scale aesthetic which was influenced both internally and externally by successive phases of technological development in the industrial and motor ages.

1.2 The hotel is regarded as a landmark within the Central Historic Core conservation area. At the time of its construction, it was probably the largest building in the city with the exception of the Minster, and its stature increased after the west wing (Klondyke) was re-designed and enlarged to seven stories in 1896. The hotel is located within its own grounds just outside the city walls, where the large garden with its mature trees contributes to the open setting of the building, allowing unobstructed views directly towards the Minster and from the city walls.

1.3 To the north of the hotel site adjacent to Leeman Road is the "north annex" or "garden wing". This building was introduced in 1912 to serve as offices and stores for the catering division of the railway complex. It is more utilitarian in character and it was converted for use as a bedroom annex for the hotel in the late C20th and later extended upwards and also linked to the hotel through a new single storey conference venue. This building is historically significant as one of the series of

railway assets developed over the previous two centuries in the northwest corner of the city.

THE PROPOSAL

1.4 This proposal represents the resubmission of a scheme granted planning permission in June 2016, the permission for which expired earlier this year (ref: 15/02596/FULM).

1.5 The proposal involves the erection of a new four/five storey building within the northern part of the grounds towards Leeman Road to create 45no additional bedrooms specifically related to the conference facilities of the hotel through a new dedicated reception point. The new block would be linked to the independent wing dating from 1912 which faces Leeman Road and it would return into the site to address the gardens. Parking would be reduced across the hotel site as a whole and reassembled closer to the conference wing. The existing landscape would be redesigned in these areas.

1.6 The majority of the site is within Flood Zone 1 and 2 apart from an area to the north of the proposed extension which falls within Flood Zone 3a.

2.0 POLICY CONTEXT

2.1 National Planning Policy Framework (February 2019)

2.2 Draft Local Plan (4th set of changes (2005) – relevant policies include:

CYSP7B – York City Centre and Central Shopping Area

CYHE2 – Development in Historic Locations

CYHE3 – Conservation Areas

CYHE10 - Archaeology

CYNE1 – Trees, woodlands, hedgerows

CYHE11 – Trees and landscape

CYV3 – Criteria for hotels and guest houses

CYGP3 – Planning against crime

2.3 Publication Draft Local Plan (2018) – relevant policies include:

DP2 – Sustainable Development
DP3 – Sustainable Communities
SS1 – Delivering Sustainable Growth for York
EC4 – Tourism
SS3 – York City Centre
D1 – Placemaking
D2 – Landscape and Setting
D4 – Conservation Areas
D5 – Listed Buildings
D6 – Archaeology
D7 – The Significance of Non Designated Heritage Assets
ENV4 – Flood Risk
ENV5 – Sustainable Drainage
CC1 Renewable and Low Carbon Energy Generation and Storage
CC2 Sustainable Design and Construction of New Development

3.0 CONSULTATIONS

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (CONSERVATION ARCHITECT)

3.1 The application is for a broadly similar scheme to that which was approved in 2016 (15/02596/FULM) and the differences relate to the Landscape Masterplan. I can only agree with and, therefore reiterate, the comments of the Conservation Architect, Janine Riley, in relation to the original approval 15/02596/FULM, summarised as follows;

The proposals would reinforce and improve the standard of conference facilities at the hotel by adding a new wing with a dedicated reception area. The proposed site appears to be the only location on site where the new wing could be built without its mass intruding on the primary aspect and setting of the main hotel building. In its layout, massing, materials and general design, the new building has been carefully designed to complement the existing building group whilst maintaining the dominance, setting and garden aspect of the Victorian hotel building. Important views would be preserved and some views, such as along the entrance drive from the street and from the city walls, would be enhanced. The new site layout would strengthen the hotel's relationship with the garden even though the garden area would be reduced slightly, and this would preserve the character and appearance of the conservation area.

3.2 In response to Historic England's comments in relation to the current scheme, the applicant has provided visualisations from the City Walls, which it is considered reinforce the assessment provided in considering the previous application that the primacy of the hotel building would not be challenged by the proposed development. Historic England also stated that the 'green space of the garden contributes strongly to the green setting of this part of the City Walls. Whilst the garden does contribute to the setting and therefore the significance of the City Walls it is only one contributor. Its contribution to significance is not diminished, as the proposed development has limited impact on the main green space of the garden. In fact car parking is reduced and views are improved due to the consolidation of the garden planting.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE ARCHITECT)

3.3 Please refer to comments provided in relation to the original approval 15/02596/FULM, summarised as follows. For detailed comments please refer to main body of report.

- The extent of proposed tree losses is contrary to policy since many of the trees are desirable for retention and contribute to the attractive treed, garden/parks character of this part of the conservation area.
- The development results in an incremental loss of city centre green infrastructure.
- The open garden space currently relates to the full length of the main hotel elevation; the proposed site layout reduces this direct association such that the Klondyke wing becomes more associated with the parking and landscape of the development and conference buildings.
- Replacing the car parking along the front of the hotel with lawn, hedging and trees would improve the setting of the Grade II listed building.
- The proposed landscape scheme (with suggested minor revisions) would form an attractive setting for the proposed built development and provide a suitable, attractive edge and foil to a smaller, symmetrical, formal central garden.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (CITY ARCHAEOLOGIST)

3.4 The site is within the Central Area of Archaeological Importance and on the site of a mixed Roman cemetery. An archaeological evaluation was undertaken in October 2015 as part of archaeological investigation of this site.

3.5 A further phase of post-determination evaluation followed by full excavation if Roman deposits are revealed that are preserved above the proposed formation

levels for the new foundations will need to be undertaken to establish the nature, extent and depth of the archaeology below the level reached in this phase of investigations. Conditions are recommended.

PUBLIC PROTECTION

Noise

3.6 Once the extension has been completed the hotel could be adversely affected by noise from the surrounding businesses and area consequently the proposed bedrooms should conform to building regulation specifications and be designed to consider any noise in the surrounding area that might adversely affect the amenity of any guests staying in the hotel and mitigate for these. Either a noise report should be commissioned to ensure that specified internal noise levels are met or this could be conditioned to ensure that noise from the surrounding area is considered and mitigated for. If any service plant or equipment is required then the plant / machinery condition should be applied.

Contamination

3.7 No objections but recommend a condition requiring the reporting of unexpected contamination.

HIGHWAY NETWORK MANAGEMENT

3.8 I can confirm that Highway DC has no objection to this proposal subject to the following design changes and conditions;

- An increase in the provision of staff cycle parking from 10 to 15 spaces to support staff sustainable travel.
- The application aims to reduce the number of car parking spaces available to 35. This is deemed acceptable in this location as it is a highly sustainable location.
- The applicant will review the design of the access road, car parking spaces, and turning head, to ensure that they offer adequate space for vehicles (including delivery vehicles) to manoeuvre without overrunning onto landscaped areas. Access to the car park will be managed by a barrier at the entrance to the site (off Station Road).
- Visitor cycle parking is currently available to the north east of the Station Road entrance for up to 28 bikes in a partially covered shelter. This facility will be improved as part of the proposed development to offer improved location and stands.
- The Leeman Road access will need be stopped up and the applicant will need to reinstate the existing vehicular crossing in line with the existing footway.

- For the Station Road access, the same condition as for the previous application should apply, namely replacing the existing vehicle crossover with York stone paving.

Revised Plans

3.9 Broadly satisfied with the changes but request a delivery vehicle to be tracked using the turning head to enter and leave the site in forward gear.

FLOOD RISK MANAGEMENT

3.10 Comments received in relation to previous 2015 application;
“No objections to the development in principle subject to conditions to protect the local aquatic environment and public sewer network”.

HISTORIC ENGLAND

3.11 Historic England is broadly comfortable with the principle of an extension in this position however the impact of the proposed development upon views from the City Walls is unclear. The Council needs to satisfy itself that the proposals do not erode the green setting of this part of the City Walls. The detailed treatment of the elevation facing the City Walls will also be particularly important. We recommend that before consent is granted your council obtains visualisations from the City Walls; this is in order for your council to satisfy itself that the proposals meet the requirements of the NPPF. This site is also in close proximity to and will share views with the Grade II* listed Railway Station.

3.12 There is the possibility of extensive Roman remains in the area and therefore a thorough mitigation strategy needs to be agreed with your Council. We also recommend that any consent is conditioned to cover agreement of landscape details and the detailing and materials for the new block.

ENVIRONMENT AGENCY

3.13 Parts of the site lies within Flood Zone 2 and 3, the medium and high probability zones. The application is for a hotel extension, which is considered to be a ‘more vulnerable’ land use and it is therefore necessary for the application to pass the Sequential and Exception Tests and to be supported by a site-specific flood risk assessment (FRA).

3.14 An FRA has been submitted which, it is considered, does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. A revised FRA is requested.

Comments in relation to revised FRA

3.15 Based on our review of the revised FRA, we can now remove our objection to the proposal.

3.16 In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the PPG.

YORKSHIRE WATER

3.17 The submitted Flood Risk Assessment & Drainage Strategy Report prepared by Ace, dated 25th February 2016 requires amendments. The means of surface water management has not been properly considered within the report and Yorkshire Water requires further information regarding the means of draining surface water from the development. If permission is to be granted, Yorkshire Water recommend conditions requiring details of the proposed means of disposal of surface water drainage and no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

YORK CIVIC TRUST

3.18 The attempt to keep the massing of the proposed four storey extension in-line with the existing buildings is acknowledged, but York Civic Trust is unable to support the current scheme. The proposed design is lacking in quality, particularly given the dominant position of the site to the entrance of the proposed major redevelopment York Central. The proposal, as stands, is more sympathetic to the nearby Royal Mail centre than the associated Grade II Listed hotel building.

3.19 The York Civic Trust does not object on principle to the use of the area or the expansion of the Principle; however, the proposed design is not appropriate for the location and a missed opportunity to be more sympathetic to the historic hotel and nearby rail station.

CONSERVATION AREAS ADVISORY PANEL

3.20 Although the application refers to a four storey extension the drawings show it is five storeys to the Leeman Road. The Panel was of the opinion that the proposed scheme was overpowering being at least one storey too high – it should relate better to the adjacent building. It was also noted that both the existing hotel and the adjacent building were predominantly masonry buildings with small inset windows whilst the proposed building has large areas of glazing. It was regretted that within the application there were no visuals showing the proposal in relation to the existing hotel and adjacent building.

NORTH YORKSHIRE POLICE

3.21 The application does not contain any detail to show how the applicant has considered crime prevention. Measures which should be considered include;

- Controlled lift and stairwell access
- CCTV for all public entrances/exits and the entrance foyer.
- Lighting to be compatible with any CCTV system installed.
- Space on the outside and inside of the entrance doors should be well illuminated.

3.22 The overall design and layout of the proposed scheme is considered acceptable.

MICKLEGATE PLANNING PANEL

3.23 This is an unsympathetic design. It is too big and not in keeping with the main building. Master planning seems to be lacking.

4.0 REPRESENTATIONS

4.1 Objection letter received from resident of Westgate Apartments, Leeman Road on the basis of the landscaping arrangements as it would appear that the mature trees fronting Leeman Road adjacent to the proposed development would be removed and replaced by Lawn and a single tree. If as part of this redevelopment any of the mature trees fronting Leeman Road are to be removed then I strongly object to this development.

4.2 Comments received on behalf of Royal Mail commenting that the application does not include sufficiently robust noise information that will allow the Council to

determine whether the proposed development includes suitable measures to protect the amenity of future hotel residents from the operational activity at the Royal Mail Delivery Office and Vehicle Park. The Delivery Office employs around 280 staff and 7.5 tonne and light vehicles operate from the site. Across its national estate, Royal Mail is concerned about noise complaints from residents who have moved into new developments adjoining its operational sites. We therefore request that the applicants undertake a noise survey focused on the impact from the Delivery Office prior to the application being determined.

5.0 APPRAISAL

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

- Principle of the proposed development
- Design and External Appearance/ Impact on Heritage Assets
- Landscaping
- Archaeology
- Transport and Access
- Amenity of future occupants of the development
- Flood Risk and Drainage

Section 66 and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

5.2 Section 66 of the 1990 Act requires that in determining planning applications for development which would affect a listed building or its setting the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5.3 Section 72(1) of the 1990 Act refers to any buildings or other land in a conservation area and places a duty on Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

National Planning Policy Framework (NPPF, February 2019)

5.4 The National Planning Policy Framework and its planning policies are material to the determination of planning applications. It is against the NPPF (as revised) that this proposal should principally be assessed.

5.5 The National Planning Policy Framework sets out the Government's overarching planning policies. It states within paragraphs 124, 127 a-f, 128 and 130 that planning should always seek to secure good quality design and a good standard of amenity for all existing and future occupants of land and buildings.

5.6 Paragraph 184 of the NPPF states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 190 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) and should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

5.7 Paragraph 193 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) irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

5.8 Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.9 Section 12 of the NPPF "Achieving well-designed places" sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127 seeks to ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, whilst not preventing or discouraging appropriate innovation or change.

5.10 Section 7 of the NPPF “Ensuring the vitality of town centres” seeks to support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

City of York Draft Local Plan (2005)

5.11 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in February 2019, although the weight that can be afforded to them is very limited. The relevant policies are listed in section 2.2.

Emerging Local Plan

5.12 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

PROPOSAL

5.13 The proposed four storey extension would be located at the northwest end of the grounds close to Leeman Road and would be linked to the existing 1912 “north annex” which faces Leeman Road. From within the site, the proposed building would appear as a three storey brick structure with a fourth floor set back approximately 3m from the parapet and clad in bronze effect cladding. The building footprint would negotiate the change in level between the garden and Leeman Road (almost a full storey) where two bays return onto Leeman Road at four floors in height with an

upper storey set back at an angle. The dedicated reception area would be a simple double height glass and bronze effect clad box with a projecting draught lobby. This would be positioned between the existing and proposed structures at low level facing the garden.

PRINCIPLE OF THE PROPOSED DEVELOPMENT

5.14 This proposal represents the resubmission of a scheme granted planning permission in June 2016, the permission for which expired earlier this year (ref: 15/02596/FULM). No material change to the scheme has occurred in the intervening period. The local plan context, as outlined above, has changed since the original submission. Policies of the Emerging Plan are discussed under each assessment heading. The application site is within the defined city centre, as designated in the 2005 Draft Local Plan and the Emerging Plan. As such the proposed hotel use, in terms of location, is compliant with the NPPF, which states that Local Plans should *'support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation'* and Emerging Local Plan policy SS3 which states that the city centre *"will remain the focus for main town centre uses"*.

5.15 The extension to the hotel at this city centre site would also be compliant with Emerging Local Plan policy EC4 (Tourism), which states that proposals that relate to maintaining and improving the choice and quality of business, conferencing and events facilities to encourage business visitors, will be supported.

5.16 The site is in the city centre, within walking distance of the train station and tourist attractions. The site is suitable for a hotel extension in location terms. The visual impact of the development and amenity are assessed in the other sections of the report.

IMPACT ON HERITAGE ASSETS

5.17 The Royal York Hotel is a Grade II listed building located within the Central Historic Core Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, referred to earlier in this report, imposes a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Section 66 of the same Act requires that in determining planning applications for development which would affect a listed building or its setting the LPA shall have

special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5.18 The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. The current application must be judged on this basis.

5.19 In the NPPF listed buildings and conservation areas are classed as 'designated heritage assets'. When considering the impact of proposed development on such assets local authorities should give great weight to the asset's conservation. Any harm or loss should require clear and convincing justification (paragraph 194).

5.20 As previously advised, this proposal is the resubmission of a scheme granted planning permission in June 2016 with some minor changes relating to the landscaping to accommodate a revised turning head. The massing, materials and design of the new wing are as per the 2016 approved scheme.

5.21 Policy D4 of the Emerging Local Plan states that proposals within or affecting the setting of conservation areas will be supported where they are designed to conserve and enhance the special character and appearance of the conservation area. Policy D1 (Placemaking) states that development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.

5.22 The new wing has been located such that its mass would not be considered to intrude on the primary aspect and setting of the main hotel building. At its closest, it would be 45 metres away from the Klondyke wing (the seven storey west wing of the hotel) and it therefore would not only respect the dominance and setting of the Victorian hotel building but would preserve important views out of the public rooms across the gardens towards the Minster, which informed the original layout of the hotel's public spaces and dining room. The formal part of the garden layout was also centralized on the original plan and this relationship would be retained.

5.23 The proposed new wing would be located over 150 metres from the city walls from where there is a vantage point overlooking the hotel grounds. Historic England has commented that the impact of the proposed development upon views from the City Walls is unclear and in response the applicant has provided visualisations. In views from the city walls, Officers consider that the new wing would be seen as subsidiary and separate to the hotel building as there would be a wide separation gap (45m) and its roof level would be 2 ½ main floors plus attic floor lower than the Klondyke wing and it would be just below the upper string course of the central part of the hotel building. The additional visualisations are considered to reinforce the assessment provided in considering the previous application that the primacy of the hotel building would not be challenged by the proposed development.

5.24 Historic England also note that the green space of the garden contributes strongly to the green setting of this part of the City Walls. Whilst the contribution of the garden to the setting and significance of the City Walls is noted, it is considered to be only one contributor and one which would not be diminished, as the proposed development has limited impact on the main green space of the garden. Vehicular parking is reduced and it is considered that views would be improved due to the consolidation of the garden planting.

5.25 In terms of the massing, materials and design of the new wing, it is considered that it would represent a contemporary compliment to the suite of buildings on site. The majority of the building would be in a matching yellow/buff brick with multi-pane windows and doors set back deeply from the face and framed in bronze. Windows would be grouped to respond to the larger scale of windows in the Victorian hotel. The new entrance would be set at the lower level of the conference foyer. It would be a small glass box with bronze effect cladding over and a projecting draught lobby. This separate simple form is welcomed as a low level device to link the disparate forms of this particular grouping of buildings.

5.26 The proposed building would be one floor higher than the extended 1912 wing which lies adjacent to it. As the top floor would be set back by 3 metres on the garden side and angled away from the road in views from Leeman Road the new building would not be considered to over-dominate its neighbour. The proposed glass bridge linking the two buildings would allow views through into the small courtyard at upper levels and it would be recessed between the two structures.

5.27 Furthermore, views from the service access off Leeman Road towards the Grade II* listed railway shed with its distinctive arched end canopies, would be preserved as the footprint of the new block would protect the viewing corridor.

5.28 Services and plant would be contained in two areas of the new wing: within the lower ground floor and in a screened area on the lower part of the roof set back by 5 metres from the front edge of the building as it faces Leeman Road. In these locations the plant would not be visible from the street, or from the city walls.

5.29 On the basis of the above considerations, the proposed development is considered to accord with Emerging Local Plan policies D1, D4 and D5.

LANDSCAPING

5.30 Policy D2 (Landscape and Setting) of the Emerging Local Plan states that proposals will be encouraged and supported where they conserve and enhance landscape quality and character, and the public's experience of it and make a positive contribution to York's special qualities and recognise the significance of landscape features such as mature trees, hedges, and historic boundaries and York's other important character elements, and retain them in a respectful context where they can be suitably managed and sustained.

Existing Trees

5.31 The existing trees within the application site are a mix of species, namely Hawthorn, Lawson cypress, Swedish Whitebeam and, predominantly Lime. All of the trees are located within the conservation area; and all of the Limes and Sorbus are covered by a tree preservation order. The trees within the site are part of the intrinsic character of the garden and they contribute to the setting of the hotel and to the character of the wider area of mature green landscape in this part of the conservation area.

5.32 The footprint of the new block has been set out to have a short two-bay elevation onto Leeman Road to help preserve part of the stand of trees, which aid in softening the harsh environment of Leeman Road close to the railway bridge. However, the scheme still involves the loss of the majority of the group of trees between the Leeman Road gate and the annex building including most of the line of semi-mature Lime trees fronting Leeman Road. Out of the line of 11no. semi mature Limes trees alongside Leeman Road and the gable end of the existing

annex, 4no trees would be retained although the Landscape Architect advises that it may be appropriate to thin these down to 2no.

Landscaping scheme

5.33 The scheme involves the removal of 25 car parking spaces on site (from 60 to 35) and removes all of the parking immediately in front of the original hotel facade. The remaining number of spaces would be concentrated in front of the Klondyke Wing, Conference Centre and proposed bedroom extension such that the Klondyke Wing would become more directly related with the car parking spaces created by the bedroom extension and replacement planting to which it will form the end vista.

5.34 This proposed parking arrangement and associated planting extends considerably into the open space which currently extends the full length of the main elevation of the hotel. Whilst this results in a loss of a generous area of open garden space, by consolidating the garden space around the formal planting areas, it would provide a strong structure to this side of the garden and dimensionally would create symmetry either side of the formal garden. Furthermore, views would be improved along the main access from Station Road where a broad grassed margin would be introduced and the access road would be reduced from 13 metres wide to 6 metres. The replacement of the car parking to the front of the hotel with lawn, hedging and trees would create an improved visual and physical connection between the hotel and formal, central garden thereby improving the setting of the Grade II listed building.

5.35 In seeking to compensate for the loss of trees from the north part of the site, the proposed landscaping scheme details the planting of 12no. semi mature trees between the proposed car park and the main lawn and an arc of pleached trees in front of the Klondyke Wing/Conference Centre and new block. The proposed planting plan also offers a range of shrubs, herbaceous material, bulbs and lawn, all of which are given structure with a range of clipped hedges. In summary, it is considered that the landscape scheme would form an attractive setting for the proposed extension and provide a suitable attractive edge and foil to a smaller, symmetrical, formal central garden.

5.36 An assessment as to the impact of the proposed development on the setting of the Grade II listed building and the wider Central Historic Core Conservation Area concludes that the development would cause some harm to the designated heritage assets. This is largely due to the loss of mature trees which would erode the

landscape character of the area whilst new trees establish themselves and the loss of a part of the open garden area. Whilst the group of trees along Leeman Road would be significantly reduced, a group would be maintained where it would have the greatest effect next to the service access and the new site layout would strengthen the hotel's relationship with the garden area and this would preserve the character and appearance of the conservation area.

5.37 The harm to the heritage assets is therefore assessed as minor but in these circumstances the council's statutory duty under s.72 gives rise to a strong presumption against planning permission being granted, and considerable importance and weight must be given to the harm, despite it being minor.

5.38 Overall the scheme has a number of public benefits and there are material considerations that are considered to outweigh the impact of the minor harm. The proposal would reinforce and improve the standard of conference facilities at the hotel through the creation of 45no.additional bedrooms specifically related to the conference facilities of the hotel through a new dedicated reception point. In its layout, massing, materials and general design, the new building has been carefully designed to complement the existing building group whilst maintaining the dominance, setting and garden aspect of the Victorian hotel building. Important views would be preserved and some views, such as along the main access from Station Road and from the city walls, would be enhanced.

5.39 The functional and economic benefits of the proposed extension and the overall quality of the design are therefore considered to outweigh the harm.

5.40 Whilst harm to heritage assets is assessed as being minor, such harm has been afforded considerable importance and weight in the overall planning balance.

ARCHAEOLOGY

5.41 Policy D6 of the Emerging Local Plan states that proposals that affect archaeological features and deposits will be supported where they are accompanied by (i) an evidence based heritage statement, (ii) designed to avoid substantial harm to archaeological deposits; and where harm to archaeological deposits is unavoidable, detailed mitigation measures have been agreed with the Council.

5.42 The site is within the Central Area of Archaeological Importance and on the site of a mixed Roman cemetery. An archaeological evaluation undertaken in 2015

revealed a subsoil horizon of probable Roman date that was cut into by three pits of a similar date. Stratigraphically above the pits was a sequence of buried soil horizons; the earliest layer may have Roman origins with later disturbance from post-medieval and early modern activity.

5.43 In order to establish the nature, extent and depth of the archaeology below the level reached in this phase of investigations, a further phase of post-determination evaluation followed by full excavation if Roman deposits are revealed that are preserved above the proposed formation levels for the new foundations, is required. This can be secured through conditions and would result in the proposal according with Policy D6 of the Emerging Local Plan and national planning guidance.

ACCESS AND HIGHWAY ISSUES

5.44 Car parking within the grounds of the Principal Hotel on site has expanded into the gardens and is available alongside the main access road throughout the site. The proposed scheme involves a reduction in the number of car parking spaces to 35 spaces available on site (for short stay and disabled guests only) with valet parking taking cars to private car parks close by as required. This approach is supported in this highly sustainable location. The site is located adjacent to the station and within a short distance of a large number of bus stops which are served by high frequency services.

5.45 Access to the car park will be managed by a barrier at the entrance to the site and the Leeman Road access will be stopped up. The applicant has reviewed the design of the access road, car parking spaces, and turning head since the previous approval to ensure that they offer adequate space for vehicles (including delivery vehicles) to manoeuvre without overrunning onto landscaped areas.

5.46 Although the proposed extension will not result in an increase in staff numbers, the applicant has agreed to increase the number of staff cycle spaces from 10 to 15 spaces (enclosed and covered) to support staff sustainable travel and the existing visitor cycle parking facility will be improved.

IMPACT ON FUTURE OCCUPANTS

5.47 One of the core principles of the NPPF is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

5.48 Although there is the potential for noise from traffic along Leeman Road and from the railway and from existing businesses such as the Royal Mail depot,

considering the proposed end use as hotel accommodation rather than residential, there are no objections on amenity grounds. Conditions are proposed to achieve specified internal noise levels within bedrooms and to require details of plant and machinery. In the event that unexpected contamination is detected during the development works, a condition relating to the reporting of unexpected contamination is recommended.

FLOOD RISK

5.49 Emerging Local Plan Policy EN4 states that new development shall not be subject to unacceptable flood risk and shall be designed and constructed in such a way that mitigates against current and future flood events.

5.50 The majority of the application site is located in Flood Zone 1 and 2 apart from an area to the north of the proposed extension which falls within Flood Zone 3a. The existing hotel is at a higher ground level and not in a flood risk area. The NPPF classifies sites used for hotels as “more vulnerable” development, which is considered appropriate in Flood Zone 3a if the Exception test is passed. In paragraph 160, the NPPF advises that for the Exception Test to be passed it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk and that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

5.51 In undertaking the sequential test, the NPPG advises "*a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere*". This is the only practical site for the expansion of the existing hotel to occur. In conclusion, the sequential test is passed as there is not an alternative location for the development.

5.52 The site specific FRA submitted demonstrates that the development would be safe from flooding and would not increase flood risk elsewhere and therefore accords with Emerging Local Plan Policy EN4. The ground floor level of the extension would be set at 12.25m AOD to match the existing hotel. A lower ground floor is proposed but there will be no sleeping accommodation at this level. The lower ground floor will be used for conference rooms and there would be freely available internal stair access to the upper levels of the extension to provide safe

refuge for staff and guests during a storm event. An informative can be added to the decision to advise the operators to sign up to the EA's flood warning service. Flood resilient construction including the fitting of flood barriers to the existing access points to the lower ground floor, would be incorporated within the design.

5.53 A planning condition is proposed to agree the drainage details.

6.0 CONCLUSION

6.1 This proposal is the resubmission of a scheme granted planning permission in June 2016 with some minor changes relating to the landscaping to accommodate a revised turning head. The local plan context has changed since the original submission and the relevant policies of the Emerging Plan have been detailed. It is considered that there has been no material changes to the policy content in the intervening period to the 2016 approval to warrant a different appraisal of the scheme.

6.2 The application would provide 45no.additional bedrooms specifically related to the conference facilities of the hotel through a new dedicated reception point. There would be some minor harm to designated heritage assets, i.e. the setting of the Royal York Hotel and the Central Historic Core Conservation Area. Having attached considerable importance and weight to the desirability of avoiding such harm, the local planning authority has concluded that it is outweighed by the application's public benefits of improving the conference facilities at this premium hotel and by the new building having been carefully designed to complement the existing building group whilst maintaining the dominance, setting and garden aspect of the Victorian hotel building. Important views would be preserved and some views, such as along the main access from Station Road and from the city walls, would be enhanced. All other issues are satisfactorily addressed.

6.3 The application accords with national planning policy set out in the National Planning Policy Framework and policies of the Draft and Emerging Local Plan.

COMMITTEE TO VISIT

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

180184-3DR-XX-DR-20001 Rev B (Location Plan)
180184-3DR-XX-DR-20002 Rev B (Proposed Site Plan)
180184-3DR-LG-DR-20003 Rev B (Proposed Lower Ground Floor)
180184-3DR-00-DR-20004 Rev A (Proposed Ground Floor Plan)
180184-3DR-01-DR-20005 Rev A (Proposed First Floor Plan)
180184-3DR-02-DR-20006 Rev A (Proposed Second Floor Plan)
180184-3DR-03-DR-20007 Rev A (Proposed Third Floor Plan)
180184-3DR-XX-DR-20008 Rev A (Proposed Roof Plan)
180184-3DR-SE-DR-20010 Rev A (Section AA and BB and FF)
180184-3DR-SE-DR-20011 Rev A (Section CC)
180184-3DR-SE-DR-20012 Rev A (Section DD and EE)
180184-3DR-SE-DR-20020 Rev A (Front Elevation)
180184-3DR-SE-DR-20021 Rev A (North East Elevation)
180184-3DR-SE-DR-20022 Rev A (Leeman Road Elevation)
180184-3DR-DE-DR-20025 Rev A (Facade Detail Section)

Flood Risk Assessment dated 24 October 2019 prepared by Simpson (ref: P19-174)

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. 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 construction of any works above foundation level, large scale details (1:20 & 1:5 as appropriate) of the items listed below shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

- i) Full details of the reception area and draught lobby
- ii) Full details of alterations to the existing conference hall where the link would be formed
- iii) Large scale elevation, section and plan of a typical bay of the new wing, including the parapet, balustrade, roof top extension and roof edge detail
- iv) Full details of the bridge link and its abutment with the existing building
- v) Details of the plant screen showing the outline of proposed plant dotted if possible
- vi) Manufacturers' literature of windows and doors supplemented by drawings showing them in context as necessary

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the setting of the listed building and the wider Central Historic Core Conservation Area.

5 Full details of the hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of the new building hereby approved. The proposals shall include details of planting plans, gates and enclosures, cycle parking, waste compounds and external lighting. Existing historic structures shall be noted on the landscape plan and retained in-situ.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the development in the context of safeguarding the setting of the listed building within the Conservation Area.

6 Before the commencement of development including demolition, excavations, and building operations, an Arboricultural Method Statement (AMS) 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. Amongst others, this statement shall include details and locations of protective fencing, site rules and prohibitions, phasing of works, site access during demolition/construction, types 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 stored materials, locations and means of installing utilities, location of site compound and marketing suite and any other temporary buildings. The document shall also include methodology and construction details and existing and proposed levels where a change in surface material and boundary treatments is proposed within the root protection area of existing trees. A copy of the document will be available for inspection on site at all times.

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

and/or development.

7 Before any landscape works proceed on site, a detailed landscaping scheme to illustrate the number, species, height and position of trees and shrubs to be planted, shall be submitted and approved in writing by the Local

Planning Authority. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of

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

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

8 A programme of post-determination archaeological evaluation is required on this site. The archaeological scheme comprises 3-5 stages of work. Each stage shall be completed and approved by the Local Planning Authority (LPA) before it can be approved/discharged.

A) No archaeological evaluation or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.

B) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

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

D) Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI. It should be understood that there shall be

presumption in favour of preservation in-situ wherever feasible.

E) No development shall take place until:

- details in D have been approved and implemented on site

- provision has been made for analysis, dissemination of results and archive deposition has been secured

- a copy of a report on the archaeological works detailed in Part D should be deposited with City of York Historic Environment Record within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 16 of NPPF.

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

9 A programme of post-determination archaeological mitigation, specifically an archaeological watching brief, is required on this site. The archaeological scheme comprises 3 stages of work. Each stage shall be completed and approved by the Local Planning Authority before it can be approved/discharged.

A) No development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing.

For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.

B) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report (or publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 2 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 16 of NPPF.

Reason: The site lies within an Area of Archaeological Importance and the development may affect important archaeological deposits which must be recorded prior to destruction.

10 The site shall be developed with separate systems of drainage for foul and surface water on and off

site. Foul water shall be restricted to a maximum pump rate of 4.5 (four point five) litres per second.

Reason: In the interest of satisfactory and sustainable drainage.

14 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Simpson, dated 25 February 2016, ref FRA/13810/HL and the following mitigation measures detailed within the FRA:

1. Provision of level for level compensatory flood storage as detailed in the FRA to the 1% CC AEP level.

2. Finished ground floor levels are set no lower than 12.25m above Ordnance Datum (AOD).

3. The flood resilience measures detailed in Section 8.6 are to be incorporated into the development to a level of 11.41mAOD.

4. There are to be no habitable rooms on the lower ground floor in accordance with drawing Number 150002(20) 004 Rev A.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. To reduce the risk of flooding to the proposed development and future occupants.

11 Building works shall not commence until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local

Planning Authority. If discharge to public sewer is proposed , the information shall include, but

not be exclusive to :-

a) evidence to demonstrate that surface water disposal via watercourse are not reasonably practical; and

b) the means of restricting the discharge to public sewer to a maximum of 2.3 (two point three) litres per second.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site. The approval of details is required at this stage in order to ensure that the implementation of an acceptable drainage solution is not compromised by the premature commencement of works at the site.

12 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made.

13 The development shall be carried out in accordance with the submitted flood risk assessment (by Simpson, dated 24 October 2019, reference P19-174) and the following mitigation measures it details:

- Finished ground floor levels shall be set no lower than 12.25 metres above Ordnance Datum (AOD)
- Compensatory storage shall be provided in accordance with Sections 8.8 and 8.9 and appendix F of the FRA
- there is to be no sleeping accommodation on the lower ground floor of the new extension
- the flood proof / resilience measures detailed in section 8.6 of the FRA are to be incorporated into the development.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the

lifetime of the development.

Reason; To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. To reduce the risk of flooding to the proposed development and future occupants.

14 No part of the site shall come into use until the turning areas have been provided in accordance with the approved plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

15 Details of improvements to the existing cycle parking provision, to include an increase in the number of staff spaces to 15 and improved facilities for visitors (retaining at least 28 spaces), shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved 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.

16 The areas shown on the approved plans for parking shall be retained solely for such purpose and shall be retained for the exclusive use of the hotel.

Reason: To reduce congestion on the adjacent roads.

17 A plan detailing the siting of the access barrier to the car park entrance, to be set back a minimum of 15 metres from the back of the footway, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development and the works shall be carried out in accordance with the approved details.

Reason: To prevent obstruction to other highway users.

18 The development hereby permitted shall not come into use until the following highway works have been implemented in accordance with drawing EA_1545_PL_100 Rev A *****or arrangements entered into which ensure the same;

1) Removal of kerbed junction site access on Station Road and replacement with a dropped vehicle crossover design surfaced in Yorkstone paving to match adjacent footway and kerbs.

Reason: In the interests of providing a safe means of access to the site by all modes of transport and to minimise disruptions to the free flow of traffic.

19 The building envelope of the hotel shall be constructed so as to achieve internal noise levels of 30dB LAeq 1 hour and 45dB LA Max (23:00 - 07:00) on more than 10 occasions in any night time period in bedrooms and 35 dB LAeq 1 hour (07:00 - 23:00) in all other habitable rooms. These noise levels are with windows shut and other means of acoustic ventilation provided. The detailed scheme shall be approved in writing by the local planning authority and fully implemented before the use hereby approved is occupied.

Reason: To protect the amenity of future occupants and in the interests of the long-term viability of the building.

20 The combined rating level of any building service noise associated with plant or equipment at the site should not exceed 48dB(A) L90 1 hour during the hours of 07:00 to 23:00 or 39dB(A) L90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenities of nearby residents and businesses

21 Reporting of Unexpected Contamination Condition

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

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

22 The development shall be carried out to a BRE Environmental Assessment Method (BREEAM) standard of 'Excellent'. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building (or in the case of the certificate as soon as practical after occupation) . Where it can reasonably be demonstrated that an excellent is not feasible, full justification for the lower rating shall be submitted to and agreed by the LPA prior to occupation. Should the development fail to achieve a BREEAM standard of 'excellent' or the agreed alternative rating, a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve the agreed standard. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of Policy CC2 of the Emerging Local Plan.

8.0 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 (paragraph 38) 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:

- the use of conditions
 - request for revised FRA
 - revisions to the design of the turning head
2. Yorkshire Water Notes for the Developer:

i) the developer is required to consult with Yorkshire Water's Trade Effluent team (telephone 03451

242424) on any proposal to discharge trade effluent to the public sewer network;

ii) foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must

pass through a fat and grease trap of adequate design before any discharge to the public sewer network; and

iii) under the provisions of section 111 of the Water Industry Act 1991 it is unlawful to pass into any public sewer (or into any drain or private sewer communicating with the public sewer network) any items likely to cause damage to the public sewer network interfere with the free flow of its contents or affect the treatment and disposal of its contents. Amongst other things this includes fat, oil, nappies, bandages, syringes, medicines, sanitary towels and incontinence pants. Contravention of the provisions of section 111 is a criminal offence.

3. FLOOD WARNING ADVICE

The Environment Agency strongly recommend that those responsible for the operation of the development sign up to their flood warning service.

4. INFORMATIVE:

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

Works in the highway - Section 171 - Vehicle Crossing - Section 184 - (01904) 551550 - streetworks@york.gov.uk

5. o Developers' Informative

1. 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.

2. 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".

3. Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions. Some basic information on control noise from construction site can be found using the following link. https://www.york.gov.uk/downloads/download/304/developers_guide_for_controlling_pollution_and_noise_from_construction_sites

4. 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.

5. There shall be no bonfires on the site.

Contact details:

Case Officer: Rachel Tyas

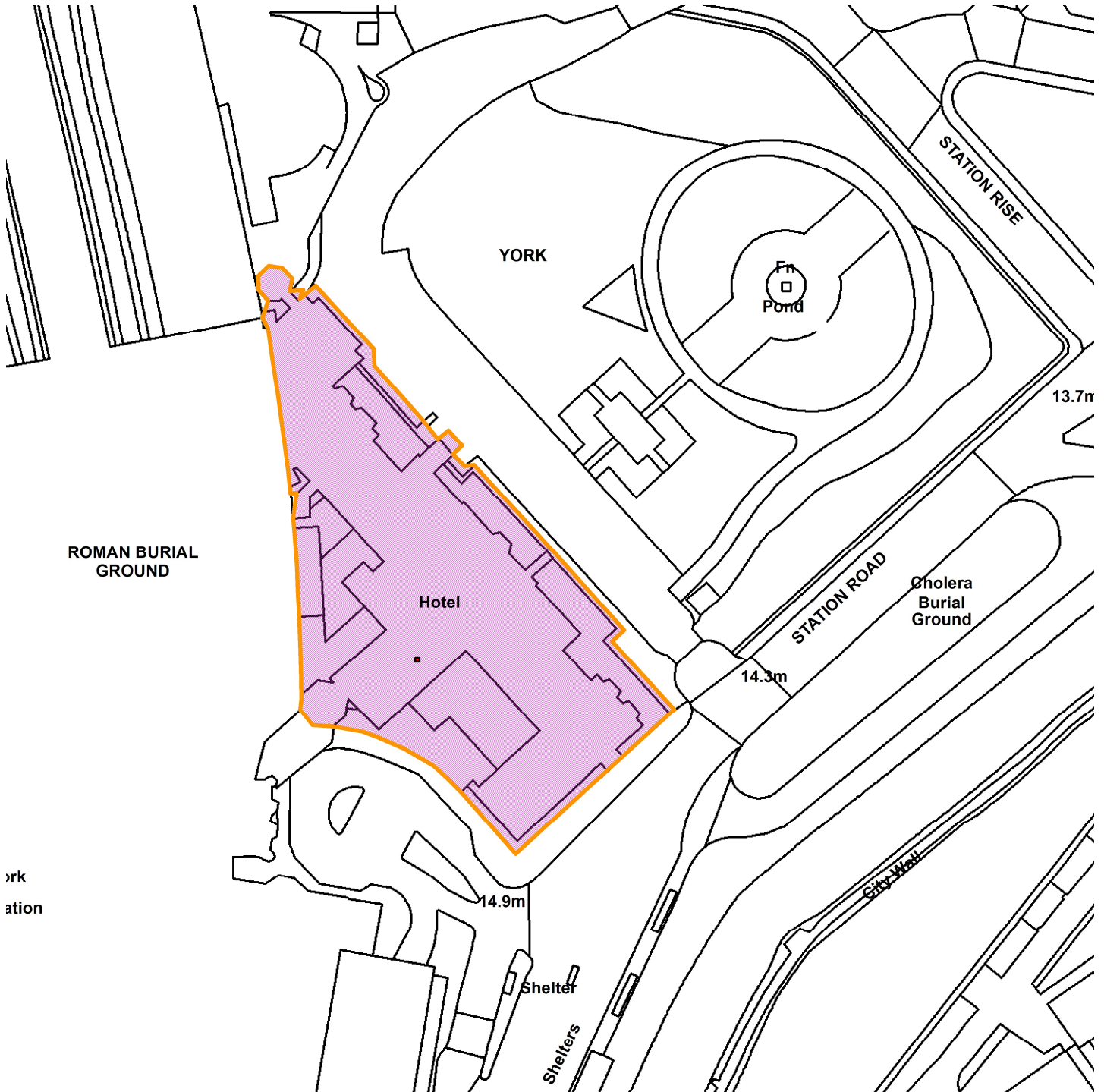
Tel No: 01904 551610

Principal York, Station Road

19/01322/FULM



GIS by ESRI (UK)



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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	26 November 2019
SLA Number	Not Set

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COMMITTEE REPORT

Date: 5 December 2019 **Ward:** Huntington/New Earswick

Team: East Area **Parish:** New Earswick Parish Council

Reference: 19/01667/FULM

Application at: York St John University Sports Centre Haxby Road York YO31 8TA

For: Erection of indoor tennis facility.

By: York St John University

Application Type: Major Full Application (13 weeks)

Target Date: 1 November 2019

Recommendation: Approve

1.0 PROPOSAL

1.1 The application seeks permission to replace the existing two outdoor tennis/netball courts with three indoor tennis courts at the Mille Crux York St John University Sports Park at Haxby Road.

1.2 The site comprises land either side of Haxby Road, for which planning permission was granted in February 2013 for outdoor sports facilities. The site, which covers 24ha, comprises the Northfields site (to the West of Haxby Road) which has 2 football/rugby pitches, 3 football pitches and up to 3 junior pitches. The Mille Crux site (to the east) comprises of a full size 3G all-weather football/rugby pitch, a sand based hockey/multi-sport pitch, 3 outdoor tennis courts and 2 outdoor tennis/netball courts together with grass pitched and a running track along with the Sports Hub building containing teaching facilities, changing facilities, social space and indoor sports hall.

1.3 The application site comprises of an area occupied by two macadam surfaced outdoor courts to the east of the existing Hub building and sports hall. The courts are used for netball and tennis and are enclosed by 3m fencing and illuminated by 6 floodlights on 10m high masts. The site also includes a strip of playing field to the south of the courts and a section of the footpath to the north of the courts.

1.4 The building itself would be a permanent structure comprising of a white tensile membrane roof supported by a wooden framework with metal bracing and steel sheet cladding to the lower level (4m). It would measure approximately 50m by 39m

and would have a curved roof extending between 7m and 11m at its highest. It would accommodate three hard surfaced tennis courts with run back and side runs, meeting standards set by the Lawn Tennis Association. The white roof cover would allow optimal brightness during the day and internal lighting to allow for evening use. Access would be from the north west corner of the building, adjacent to the sports hall, and a short section of covered walkway would be provided along the existing path between the sports hall and existing artificial pitches.

RELEVANT HISTORY

12/03606/FULM - Outdoor sports facilities with floodlighting and associated access, parking and landscaping - Approved 22.02.2013

13/02399/NONMAT - Non-material amendment to approved application 12/03606/FULM to alter car and cycle parking, add vehicle track, extend all-weather pitch and reduce amount of proposed netball courts - Approved 16.08.2013

14/02836/FULM Construction of sports hall with associated changing, teaching and social facilities following demolition of pavilion - Approved 06.03.2015

15/02140/FUL Erection of equipment store and grounds keeping building -Approved 16.11.2015

18/01133/FULM Construction of a 3G sports pitch with associated lighting, fencing and viewing embankments – Approved 17.10.18

2.0 POLICY CONTEXT

City of York Local Plan – Publication Draft February 2018

ED5	York St John University Further Expansion
GI1	Green Infrastructure
G15	Protection of Open Space and Playing Pitches
HW3	Built Sports Facilities

City of York Draft Local Plan Incorporating the 4th set of changes – Development Control Local Plan. Approved April 2005

CYGP7 - Open Space

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 It is unlikely that the proposal will create additional noise to the existing use. Conditions are proposed in connection with details of any machinery to be installed on the building.

Highway Network Management

3.2 No objections but recommend a CEMP condition is attached

EXTERNAL

Yorkshire Water

3.3 No objections on the basis that there is no foul water drainage involved and that surface water is shown to be drained via two outfall positions into the adjacent watercourse

New Earswick Parish Council

3.4 No objections

Clifton Without Parish Council

3.5 Awaiting response

Huntington Parish Council

3.6 Awaiting response

Foss Internal Drainage Board

3.7 The Board has assets adjacent to the site in the form of the River Foss. Under the Land Drainage Act 1991 and the Board's byelaws, the Board's consent (outside of the planning process) is needed for any connection and / or discharge, or change in the rate of discharge, into a Board maintained watercourse, or any ordinary watercourse in the Board's district.

3.8 The applicant is connecting into the existing surface water drainage system. The Board has previously agreed a discharge rate of 6.02 litres per second for the overall Sports Centre facility. As such the discharge rate should remain the same. The Board asks that the storage water system is reviewed in full and for the applicant to provide details of the proposed system and evidence of storage calculations. A condition is proposed to restrict the rate of discharge.

Sport England

3.9 No objections. The proposal has a very limited impact on the playing field, and thus Sport England is able to conclude that the proposal meets playing field policy – exception E5. Sport England is satisfied that the LTA's involvement and part funding of this development obviates the need for conditions securing community use and adherence to technical design guidance.

Lawn Tennis Association

3.10 Support the application. There is currently a significant gap in indoor tennis provision in York compared to other similar sized cities. The only publicly accessible indoor tennis courts in York that does not require membership, are the 3 indoor courts at the University of York and these are not able to meet demand for the number of people that want to play tennis throughout the year.

3.11 The proposed new centre will deliver a broad ranging tennis programme that will help support the development of healthy and active lifestyles for people of all ages in York. There will be an extensive junior tennis programme for children from the age of 3 years. There will be a range of sessions for adults of all ages and standards and will include women's tennis and 50+ session's groups. There is also currently a large tennis programme for people with disabilities as part of the York Disability Tennis Network; however a number of the sessions do not take place during the winter because they are unable to access indoor courts. The new indoor centre will enable these sessions to take place throughout the year and will enable people with different disabilities to continue to enjoy playing tennis during the winter months.

3.12 The centre will also become a regional competition hub, providing more localised tournaments for players in the region.

Flood Risk Management

3.13 The report quotes that the new building will be constructed directly over the area of the existing tennis courts. However, it does in fact extend beyond this and increase the connected impermeable area in excess of 475m². An appropriate drainage design should be provided which should be in line with our Sustainable Drainage Systems Guidance for Developers.

4.0 REPRESENTATIONS

4.1 Neighbours and Publicity – No responses received

5.0 APPRAISAL

KEY ISSUES:-

Principle

Visual Impact

Lighting

Nature Conservation

Community Use

Drainage

5.1 Section 38(6) of the Planning and Compensation Act 2004 requires determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no statutory development plan for York other than the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS"), saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013.

National Planning Policy Framework

5.2 The National Planning Policy Framework (NPPF) was published in July 2019. It sets out government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to-date representation of key relevant policy issues (other than the saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

5.3 Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with

applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

5.4 Paragraph 96 states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

5.5 Paragraph 97 is also relevant which states: 'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Publication Draft Local Plan 2018

5.6 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

5.7 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications. Policies ED5

'York St John University Further Expansion', G11 'Green Infrastructure', G15 'Protection of Open Space and Playing Pitches' and HW3 'Built Sports Facilities' are all relevant to consideration of this application.

5.8 The site is allocated in the Emerging Local Plan as 'Existing Open Space. Policy ED5 'York St John University Further Expansion' states that 'To support the continued success of York St John University the following Sites, as shown on the proposals map, are allocated for the use below: Sports Uses at Land at Northfield, Haxby Road. Paragraph 7.15 states that the allocation of the site reflects York St. John University's ambitions and supports it's major investment in the Sports Park. It will assist in further extension of its strategy for sport that supports the teaching of a range of sports degrees but also for the general fitness and enjoyment of students and community teams who use the site. Paragraph 7.16 states that providing they comply with relevant policies in the rest of the plan, appropriate uses of the allocated sites may include:

- outdoor sports facilities, together with associated car and cycle parking and floodlighting;
- appropriate indoor sports facilities; and
- other outdoor recreational activity

5.9 Policies G11 'Green Infrastructure' states that in planning positively for the creation, protection, enhancement and management of York's networks of green infrastructure it is essential that the Local Plan conserves and enhances York's landscapes, geodiversity, biodiversity and natural environment, recognising the important role of green infrastructure. Section 11 states 'the protection and enhancement of existing recreational open space in York, and through increasing provision in areas where a deficiency has been identified'

5.10 Policy G15 'Protection of Open Space and Playing Pitches' are also relevant. This states that 'Development proposals will not be permitted which would harm the character of, or lead to the loss of, open space of environmental and/or recreational importance unless the open space uses can be satisfactorily replaced in the area of benefit and in terms of quality, quantity and access with an equal or better standard than that which is proposed to be lost. Development proposals will be supported which:

- protects playing pitch provision except where a local area of surplus is indicated in the most up to date Playing Pitch Strategy;

- improves the quality of existing pitches and ensure that any new pitches are designed and implemented to a high standard and fully reflect an understanding of the issues affecting community sport; and
- meets the deficit of pitches in geographically appropriate and accessible way. This could be rectified through re-designation of any current surplus facilities in the area of benefit

5.11 Policy HW3: Built Sports Facilities, of York's emerging Local Plan (2018) indicates that development for new or expanded built sports facilities will be supported where a deficiency in current provision has been identified and where it is well located, accessible to all, and when suitable infrastructure exists or can be created to manage the facility. The policy also states that development of new sports facilities should be co-located with other health and community facilities and schools, where possible to encourage participation in exercise. Any future demand should, in the first instance, be met through extensions and expansion of existing high-quality sustainable sites.

City of York Draft Local Plan Incorporating the 4th set of changes – Development Control Local Plan. Approved April 2005

5.12 The Development Control Local Plan was approved for development management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF (2018).

5.13 The application site is allocated as 'open space' in the Development Control Local Plan. The application site is not within the Green Belt and the open space allocation offers a lower level of protection and importance as open land than a Green Belt designation. The text supporting Development Control Local Plan Policy GP7 'Open Space' states that such land can contribute significantly to the form and character of the City. Open spaces are considered to serve several functions all at once, often combining opportunities for recreation with general amenity or nature conservation value.

Other relevant legislation

5.14 There is no currently adopted Play Pitch Strategy for the City. However, at this stage of preparation it identifies 14 tennis clubs with varying numbers of members and 98 courts ranging from those of poor quality, those in public parks and those on

school sites. The best quality courts were identified as being owned by private fitness clubs and those provided by large community clubs.

5.15 As the application relates to the provision of a new outdoor sports facility on the existing playing field it needs to be considered against exception 5 of Sport England's Playing Fields Policy, which states:

'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'

5.16 The City of York Local Plan Evidence Base Study: Open Space and Green Infrastructure Update (September 2017) is of relevance to this application and the analysis and conclusions of the Open Space and Green Infrastructure Study support the criteria in Policy HW3. The site of the proposed 3G pitch lies within the Huntington and New Earswick Ward where a surplus of outdoor sports facilities is identified. The remainder of the site lies within the Rawcliffe and Clifton Ward, again which has a surplus of outdoor sports provision and within the Heworth Ward which has a deficit. It is noted that the application does not result in the loss of sports provision and would lead to improved facilities on the site.

PRINCIPLE

5.17 The proposed development will provide three covered tennis courts in support of the established use of the site as part of the York St John University Sport Park. The emerging Local Plan allocates the site for sporting use in connection with the University, and supports the provision of appropriate supporting uses, including indoor sports facilities.

5.18 The site currently provides five floodlit outside tennis courts. The use of these pitches is weather dependant and as such they cannot be used year round. In addition the indoor facilities would provide an additional court for use.

5.19 The siting of the development would not impede the implementation of the recent approval for a new 3G pitch to the south of the tennis centre. Plans have also been submitted which identify that there is adequate space to retain the existing Rugby pitch and run off areas which are currently marked out on site and being used until the 3G pitch has been constructed. As such there would be no impact upon existing facilities and no net loss of facilities, with the advantage being one additional court and the facilities being available all year round.

5.20 Concerns have been raised that the only courts that are marked out as netball courts are the two which are proposed to be redeveloped and as such would be lost. However, the applicant has confirmed that existing courts within the sports hall are marked up as tennis/netball courts. The provision of the new internal tennis courts would free up the use of these existing courts to be available for use for netball. Further indoor netball facilities are also available at the Lord Mayor Sports Hall. The applicant has also confirmed that the outdoor netball courts were only used by one community team on 5 occasions so far in 2019.

5.21 The development would therefore accord with the requirements of the NPPF, in particular paragraph 96 which states that access to opportunities for sport and physical activity is important for the health and well-being of communities.

VISUAL IMPACT

5.22 The site context has change considerably over recent years. The site is now relatively built up with the Sports Hub building sited centrally within the site, approximately 70m back from Haxby Road, with the existing fenced sports pitches lying to the north. Planning permission has also been granted for a large 3G pitch to the south measuring 130m by 80m including fencing, floodlight and perimeter fencing, although this has not as yet been implemented.

5.23 Due to site restrictions there is insufficient space for the tennis centre to run in line with the Sports Hub, to its rear, and as such it would be located at 90 degrees. Whilst the majority of the building would still be located behind the Sports Hub, 21m of the tennis centre would project out over the existing outdoor tennis courts and grassed area to the south. In order for the tennis centre to run in line with the Hub one indoor courts would be lost.

5.24 The tennis centre would be of a similar height to the existing Sports Hub building (10.4m) and as such would provide some screening. It would be located 156m back from Haxby Road and would be seen in close context with the existing buildings, pitches, fencing and floodlighting. The sports hall to the rear of the Sports Hub has been constructed with grey cladding to the lower portion with a white upper section and roof. The tennis centre is proposed of similar coloured materials and as such would sit comfortably with the existing buildings on site and as such would not look out of character within the site.

5.25 Views from outside of the site are limited. Mature hedging and trees are located around the perimeter of the site. The nearest residential properties lie approximately 61m to the north of the site and are separated by the River Foss and mature boundary treatment. Whilst these properties lie on slightly lower lying land the distance of separation is considered to be acceptable.

5.26 The development would therefore accord with the requirements of the NPPF, in particular paragraph 96 which states that access to opportunities for sport and physical activity is important for the health and well-being of communities.

AMENITY

5.27 The site of the proposed tennis centre is located some distance from residential properties, the nearest being approximately 61m to the east with those to the south over 200m away. These properties are separated from the application site by the River Foss and landscaping. The proposed development is approximately 11m in height and due to the distance of separation unlikely to resulting any loss of light. Furthermore, as the tennis centre would now provide three indoor tennis courts as opposed to the outdoor courts the level of noise being generated from the site would be reduced. Visitors to the site would be via the main access and walkway to the rear of the building, thus preventing any additional noise disturbance from arising. However, a condition restricting the hours of use of the facility in line with the existing sporting facilities has been proposed.

LIGHTING

5.28 The tennis centre would be internally lit and due to the translucent roof there would be an element of light spillage arising when the centre is in use during darker hours. However, the two existing tennis courts are lit by floodlights at present and whilst the new tennis centre would be larger it is considered that the level of light generated from the development would be limited. Furthermore, a distance of approximately 61m is present to the nearest residential property and natural screening along the boundary is present. A condition restricting the hours of use of the facility is also proposed.

COMMUNITY USE

5.29 The proposals for the tennis centre have been brought forward with the support of and funding from the Lawn Tennis Association. The university have also worked

closely with York Community Tennis Network and Down the Line Sports, who run the tennis programme. The University's existing tennis programme for the courts includes a range of coaching, competition and other activities including student recreation, junior coaching and tennis camps, adult coaching and York league tennis.

5.30 York St John will implement a broad ranging Tennis Development Plan that will help support and maximising tennis participation at the facility for University students and local players of all ages and ability. The Plan will ensure the new facility will secure year round benefits to tennis in York across a wide range of areas, including;

- A student tennis programme providing sessions for players of all standard from recreational tennis to BUCS team matches
- An indoor coaching programme encompassing mini and junior tennis through to adult coaching
- Development of effective links with local schools, providing opportunities for children to try tennis, and participate in programmes and competitions
- Establishing weekly disability coaching sessions and competitions in connection with the York Disability Tennis Network
- Enhance existing tennis programmes/clubs in the area, including the provision of access to local clubs through the winter
- Providing an all year round competition venue, giving players within York and the surrounding area more competitive opportunities and providing a central venue for events
- Providing a facility to host coaching education courses, and establishing and managing a workforce with the skills to facilitate tennis development

The university have worked in partnership with the Lawn Tennis Association and the scheme has been partially funded by them. However, it is considered appropriate to attach a condition securing adequate community use of the facilities.

NATURE CONSERVATION

5.31 An Extended Phase 1 Habitat Survey has been undertaken in connection with the proposed development. The report states that the development will not have an adverse impact on any protected species and associated habitats, including on foraging and commuting bats on the River Foss.

DRAINAGE

5.32 The application site is within Flood Zone 1, and the site is considered to be at low risk of flooding from the river. The site has been developed as a whole with a surface water storage system to restrict run-off from the site before discharging into the River Foss. The tennis centre would be constructed on the existing tennis courts but also on an area which is currently grassed. As such the level of impermeable surface and surface water runoff will increase. The applicant is preparing an updated Drainage Strategy to demonstrate that the site is capable of providing satisfactory discharge rates in line with council guidance. Officers consider that the site is capable of providing a satisfactory drainage arrangement and as such are proposing conditions if the strategy is not received prior to committee.

HIGHWAYS

5.33 The site has been developed as a sports hub and the highway infrastructure is already in place. The scheme only proposes the increase of a single tennis court and it is considered that adequate car parking and cycle parking spaces are available on site for the additional players. A temporary access track is proposed to the front of the sports Hub building to allow for the construction of the new tennis centre as there is no access to the rear of the building due to the presence of the existing pitches. The access track would be served off the existing section of road that exits the site, clear of the junction with Haxby Road, and as such there would be no highway safety implications.

6.0 CONCLUSION

6.1 The provision of the tennis centre would allow for improved sports provision at the Haxby Road site which has the benefit of being able to be used year round. An existing community use agreement is in place at the site. The site is relatively well screened from the highway and the visual intrusion would be limited. It is considered that the application accords with the NPPF, particularly paragraphs 96 and 97, policies ED5, GI1, GI5 and HW3 of the Publication Draft Local Plan (2018) and Policy GP7 of City Of York Draft Local Plan (2005).

COMMITTEE TO VISIT

7.0 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:-

Proposed Site Layout YSJU/2018/TH/04

Proposed Layout YSJU/2018/TH/02 Rev D

North and West Elevations 'Tennis Hall' dated 23/4/2019

South and East Elevations and Cross Section 'Tennis Hall' dated 23/4/2019

Floor Plan 'Tennis Hall' dated 23/4/2019

Tree Protection Measures BA9327AIA Rev A dated 12/7/2019

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

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

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

4 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation

measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed 46dB(A) LA90 1 hour during the hours of 07:00 to 23:00 or 38dB(A) 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

5 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/excavation/preparatory and construction works shall be submitted to and approved in writing by the LPA. Such a statement shall include at least the following information:

- a dilapidation survey jointly undertaken with the local highway authority
- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- how vehicles are to access and egress the site
- how pedestrians are to be safely routed past the site
- details of any implications to the highway of demolition and waste removal vehicle operation
- where contractors will park to avoid affecting the highway
- how large vehicles will service the site
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent

highway.

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

6 VISQ8 Samples of exterior materials to be app

7 HWAY31 No mud on highway during construction

8 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.

Design considerations.

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

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

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

If SuDs methods can be proven to be unsuitable then In accordance with City of York Councils City of York Councils Sustainable Drainage Systems Guidance for Developers (August 2018) 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 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then Greenfield sites are to limit the discharge rate to the pre developed run off rate. The pre development run off rate should be calculated using either IOH 124 or FEH methods (depending on catchment size).

Where calculated runoff rates are not available the widely used 1.4l/s/ha rate can be used as a proxy, however, if the developer can demonstrate that the existing site discharges more than 1.4l/s/ha a higher existing runoff rate may be agreed and used as the discharge limit for the proposed development.

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.

Details of the future management and maintenance of the proposed drainage scheme shall be provided.

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

9 The building hereby approved shall only be used between the hours of 08:00

to 22:00.

Reason: To safeguard the amenities of nearby occupants.

10 The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

11 Prior to the development being brought into use, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of a reasonable pricing policy, hours of use, access by non-university users/non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.

Reason: To secure well managed safe community access to the sports facility and to ensure sufficient benefit to the development of sport in line with planning policy.

Informative: A model Community Use Scheme is available on the Sport England website www.sportengland.org

8.0 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 (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Requested additional information in connection with on site drainage

Attached appropriate conditions

2. INFORMATIVE:

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

(d) Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions. Some basic information on control noise from construction site can be found using the following link.

https://www.york.gov.uk/downloads/download/304/developers_guide_for_controlling_pollution_and_noise_from_construction_site

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

(f) There shall be no bonfires on the site

3. The applicant should be advised that the Foss (2008) Internal Drainage Board's prior consent is required for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a new discharge to the watercourse will also require the Board's prior consent.

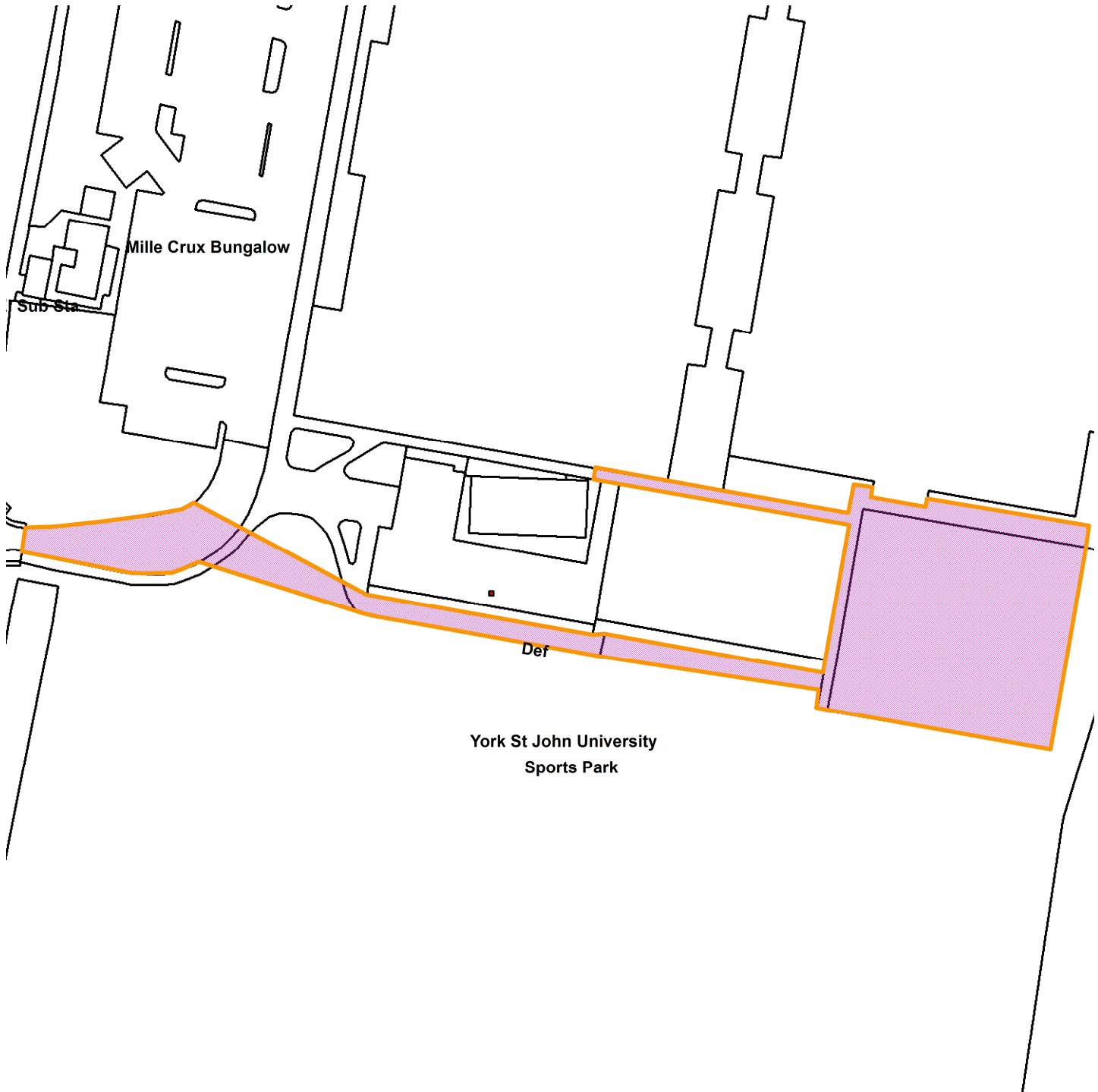
Contact details:

Case Officer: Heather Fairy

Tel No: 01904 552217

York St John University Sports Centre, Haxby Road

19/01667/FULM



Scale : 1:1030

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	26 November 2019
SLA Number	Not Set

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COMMITTEE REPORT

Date: 5 December 2019 **Ward:** Osbaldwick and Derwent

Team: East Area **Parish:** Osbaldwick Parish
Council

Reference: 19/02200/FUL
Application at: 45 Osbaldwick Village Osbaldwick York YO10 3NP
For: Two storey side extension following demolition of garage, and
dormer to front (resubmission)
By: Mr & Mrs Sanderson
Application Type: Full Application
Target Date: 11 December 2019
Recommendation: Householder Refusal

1.0 PROPOSAL

1.1 The application seeks permission for the erection of a two storey side extension following the demolition of the existing single storey garage and the insertion of two front dormer windows.

1.2 The application has been called to committee by Cllr M Rowley in order to allow Members to visit the site and appreciate its context.

2.0 POLICY CONTEXTPublication Draft Plan 2018

D4 – Conservation Areas

D11 – Extensions and Alterations to Existing Buildings

Development Control Local Plan 2005

GP1 – Design

HE2 – Development in Historic Locations

HE3 – Conservation Areas

H7 – Residential Extensions

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3.0 CONSULTATIONS

Osboldwick Parish Council

3.1 No objections

Public Protection

3.2 No objections subject to vehicular recharging facilities being provided.

Highway Network Management

3.3 No objections to the existing parking arrangements which would be retained.

Foss Internal Drainage Board

3.4 No objections to the two storey side extension.

4.0 REPRESENTATIONS

Neighbours and Publicity

4.1 Two responses supporting the scheme on the following grounds:

- The house is in need of an upgrade
- The design creates a symmetrical scheme
- Extending the width of the garage would provide a more usable space
- Dummy windows could be inserted into the side elevation and landscaping planted to break up the side elevation
- No detrimental impact upon the conservation area or Yew Tree Mews
- An approval would enhance the village and all occupant and neighbours

5.0 APPRAISAL

5.1 Key Issues

- Design
- Impact upon the character of the conservation area

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National Planning Policy Framework

5.2 There is no development plan in York other than the saved policies of the Regional Spatial Strategy relating to the general extent of the Green Belt. In the absence of a formally adopted local plan the most up to date representation of key relevant policy issues is the National Planning Policy Framework, February 2019 (NPPF). This sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development.

5.3 Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

5.4 Paragraph 127 states that planning policies and decisions should ensure that developments will achieve a number of aims including:

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- are sympathetic to local character and history, including the surrounding built environment and landscape setting
- create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users

5.5 The NPPF also places great importance on good design. Paragraph 128 says that design quality should be considered throughout the evolution and assessment of individual proposals. Paragraph 130 says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

5.6 The NPPF, Chapter 16 - Conserving and enhancing the historic environment), Paragraph 190 states that Local Planning Authorities should identify and assess the

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particular significance of any heritage asset that may be affected by a proposal. Paragraph 192 a) states that when determining planning applications, local planning authorities should take account of sustaining and enhancing the significance of any heritage asset.

5.7 The NPPF, Chapter 16, Paragraph 193 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. ,

5.8 The NPPF, Chapter 16, Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.9 The Publication Draft Local Plan ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

5.10 The relevant policy is D11 'Extensions and Alterations to Existing Building', which states that it is important to plan positively for the achievement of high quality design for all development proposals. Proposals to extend, alter or add to existing buildings will be supported where the design:

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- responds positively to its immediate architectural context and local character and history, in terms of the use of materials and detailing, scale, proportion, landscape design and the space between buildings;
- the significance of a heritage asset and/or its setting and the character and appearance of conservation areas;
- positively contributes to the setting, wider townscape, landscape and views;
- protects the amenity of current and neighbouring occupiers, whether residential or otherwise.
- contributes to the function of the area and is safe and accessible.
- protects and incorporates trees that are desirable for retention.

5.11 Policy D4: "Conservation Areas" states that development proposals within or affecting the setting of a conservation area will be supported where they; (i) are designed to preserve or enhance the special character and appearance of the conservation area and would enhance and better reveal its significance; (ii) respect important views; and (iii) are accompanied by an appropriate evidence based assessment of the conservation area's special qualities, proportionate to the size and impact of the development and sufficient to ensure that impacts of the proposals are clearly understood.

5.12 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.

5.13 The relevant City of York Council Local Plan Policies are H7 'Residential Extensions', GP1 'Design', HE2 Development in Historic Locations and HE3 Conservation Areas.

5.14 The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations. The SPD was subject to consultation from January 2012 to March 2012 and was approved at Cabinet on 4 December 2012. The SPD offers overarching general advice relating to such issues as privacy and overshadowing as well as advice which is specific to particular types of extensions or alterations. The underlying objectives of the document are consistent with local and national planning policies and is a material consideration when making planning decisions. In connection with side extensions the guidance states that if not sensitively designed and located, side extensions can erode the open space within the street

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and create an environment that is incoherent and jumbled. It goes on to state extensions should also not have a detrimental impact on the streetscene by significantly projecting beyond a clearly defined building line of the adjacent street, or detract from the spaciousness of the area. The roof of a building is an important and prominent element of its design. Unsympathetic roof extensions can have a dramatic effect on a building's visual appearance.

ASSESSMENT

5.15 The application site is within the Osbaldwick Conservation Area. Within such areas, 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.

5.16 The application site is a detached dwelling located at the junction with Osbaldwick Village and Yew Tree Mews, set behind a large front garden, facing the Green. Planning permission was granted in 1986 for the erection of a two storey side extension to the boundary with 43 Osbaldwick Village. The current application seeks permission to replicate the extension to the opposite side elevation, following the demolition of the existing single storey garage, and insert dormer windows to the front elevation of the existing and proposed extensions.

5.17 The proposed extension would be located immediately adjacent to the existing grass verge to the side of the dwelling. It would be set down from the ridge and would be at full two storey height to the rear. From the ridge the front roof would pitch down terminating at single storey eaves height, creating a long roof slope. It is proposed to insert a catslide dormer within this roof slope. The front and rear elevations of the extension would project beyond the main elevations of the existing dwelling slightly, to match the existing extension.

DESIGN

5.18 Concerns are raised in connection with the design of the extension. It is appreciated that the proposed extension would in effect mirror the existing extension which appears to have been approved in 1986. However, it is considered that the existing extension is of poor design and does not relate well to the host building. The long pitched roof is at odds with the dwelling and the forward projection and slight wrap around draws attention away from the main dwelling. It appears to represent

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an odd design choice that introduces an uncharacteristic feature to the host property that detracts from its external appearance. If this style of extension were to be replicated the pleasant character of the host building would be lost. The extensions would subsume the property. Furthermore, when combining the width of the two extensions they would almost double the frontage of the property, creating a scheme which appears to be out of proportion with the host building and dominate the front elevation.

5.19 When assessing the rear elevation of the property the increase in width is apparent. The proposed extension, when combined with the existing, would create an unacceptably elongated rear elevation. The full two storey height and slight rearward projection emphasises the extensions and results in the loss of the original character of the property.

5.20 The scheme also proposes the insertion of catslide dormer windows to the front elevation. Whilst, dormers are present to a modern extension to the neighbouring property they are not a characteristic of the area. Whilst they would break up the massing of the roof they do not appear to sit comfortably within the roof slope. When viewed on site it appears that they would be very narrow in order to be accommodated within the roof and may appear at odds with the host building.

IMPACT UPON THE CHARACTER OF THE CONSERVATION AREA

5.21 As stated the site is located with the Osbaldwick Conservation Area in a prominent position facing onto The Green. It is considered that the proposed extension would detract from the character of the conservation area. The proposed design, in terms of the long roof, is not considered to be a design feature and does not appear to be replicated elsewhere within the vicinity. The existing extension draws undue attention to the property and detracts from the street scene. To replicate this would increase the visual impact the dwelling has upon the conservation area and further detract from its setting.

5.22 In addition the rear elevation of the property is highly visible in views from Yew Tree Mews, which is also located within the conservation area. The properties to this western side of Yew Tree Mews are set back from the highway behind gardens and driveways. The proposed extension at 45 Osbaldwick Village would abut the grass verge. As such the rear elevation of the property projects out considerably past the front elevation of the dwellings to the rear. When viewing the property from Yew

Tree Mews the extension would be overly prominent and would dominate views to the detriment of the street scene.

5.23 Further concerns are raised in connection with the siting of the extension close up to the highway verge, although a small area would be retained to prevent footings and eaves overhanging the boundary. However, it is considered that extending the property in the proposed manner would have a detrimental impact upon the street scene by filling the width of the plot. The openness has been retained, by only a single storey extension being present, which protects the character of the conservation area. Closing this gap, by increasing the height, would result in a loss of openness and would create a narrowed entrance to Yew Tree Mews which is considered to relate poorly to the existing open character within the vicinity of the site.

5.24 It is considered that the proposals will have a detrimental impact upon the character and appearance of the conservation area and as such the application conflicts with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5.25 In assessing the proposal officers have considered the desirability of sustaining and enhancing the significance of the heritage asset and have considered the impact it would have on the significance of this heritage asset, as required by Paragraph 193 of the NPPF, and have judged that there will be less than substantial harm. Whilst the proposed extension would bring balance to the host dwelling and provide improved accommodation for the occupiers it is considered that these are not sufficient to outweigh the harm identified, particularly when considering the weight to be given to the conservation of the asset. There are no public benefits, as outlined in Paragraph 196 of the NPPF, arising which would overcome this objection.

6.0 CONCLUSION

6.1 It is considered that the proposed extension would have a detrimental impact upon the character and appearance of the host dwelling and the conservation area due to the design and massing of the combined extensions. Officer's recommend refusal.

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COMMITTEE TO VISIT

7.0 RECOMMENDATION: Householder Refusal

1 It is considered that the design, form and mass of the two storey side extension, that includes a catslide roof, dormer and forward and rear projections, would represent poor design that fails to relate to the existing house, would appear overly dominant and incongruous and would subsume the host building. Furthermore, the width and mass of the side extension would result in the full width of the plot being filled which would result in a loss of openness which is an important spatial characteristic of the conservation area.

As such, it is considered that the proposal would detract from the streetscene and would harm the character and appearance of the conservation area. For these reasons, the proposal would lead to less than substantial harm to the significance of the designated heritage asset and there are no identified public benefits that would outweigh this harm. Thus, the proposal conflicts with the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and fails to comply with guidance for heritage assets contained within the National Planning Policy Framework, in particular paragraphs 193 and 196 and those on good design in paragraphs 127 and 130. The proposal would not be in accordance with; Policy D1 (Placemaking), Policy D4 (Conservation Areas) and Policy D11 (Extensions and Alterations to Existing Buildings) of the Publication Draft York Local Plan 2018; Policy GP1 (Design), Policy H7 (Residential Extensions) and Policy HE3 (Conservation Areas) of the Development Control Draft Local Plan 2005.

8.0 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 (paragraph 38) in seeking solutions to problems identified during the processing of the application. The application has been resubmitted following the withdrawal of a previous scheme

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which was also recommended for refusal. No amendments have been made to the revised scheme and as such a positive outcome could not be achieved, resulting in planning permission being refused for the reasons stated.

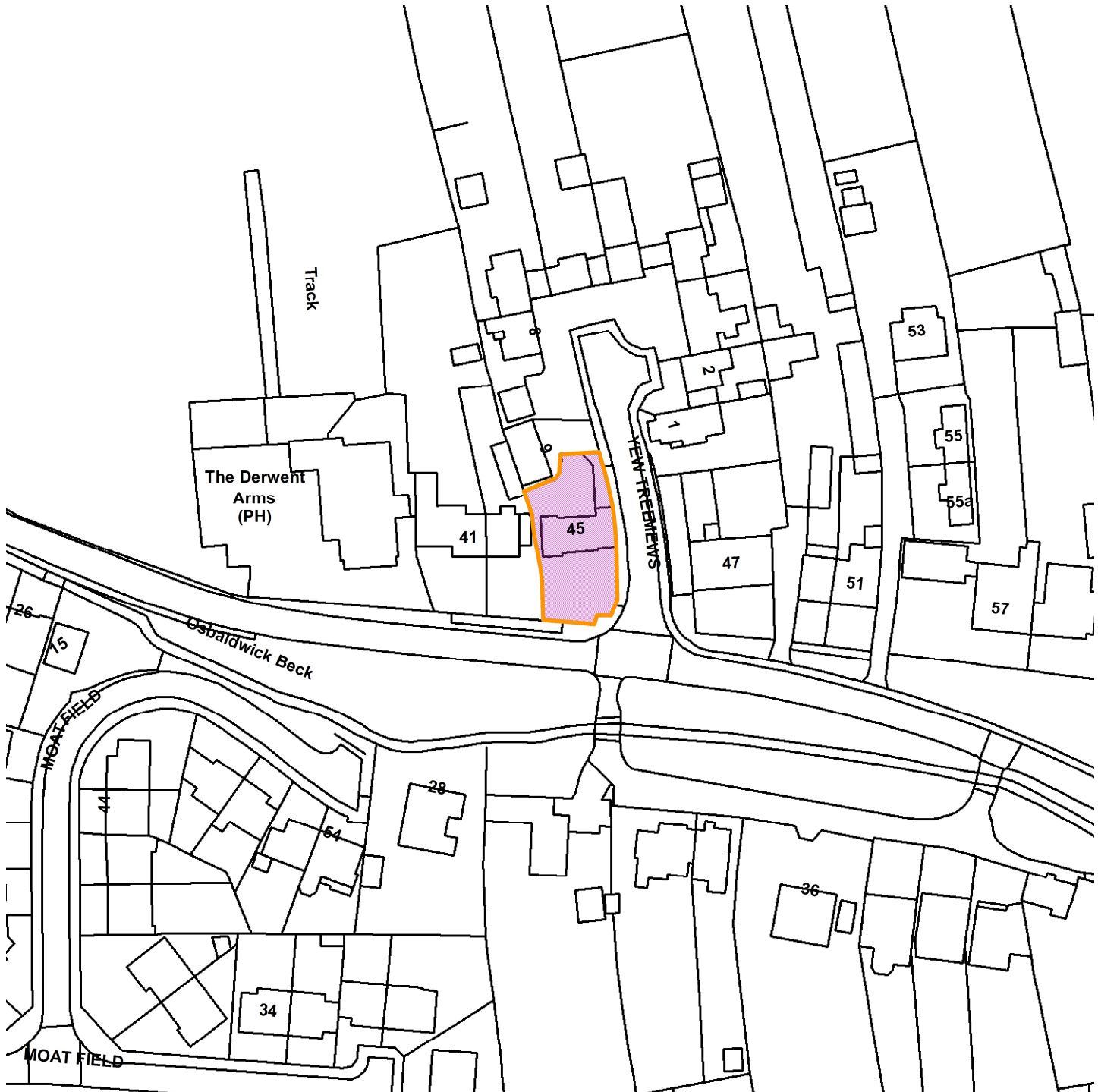
Contact details:

Case Officer: Heather Fairy

Tel No: 01904 552217

45 Osbaldwick Village

19/02200/FUL



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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	26 November 2019
SLA Number	Not Set

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COMMITTEE REPORT

Date: 5 December 2019 **Ward:** Wheldrake
Team: East Area **Parish:** Naburn Parish Council

Reference: 19/02126/FUL
Application at: 10 Vicarage Lane Naburn York YO19 4RS
For: Two storey side and rear extensions and single storey front extension
By: Mr Andrew Holmes
Application Type: Full Application
Target Date: 28 November 2019
Recommendation: Householder Refusal

1.0 PROPOSAL

1.1 The application site is a two storey semi- detached dwelling located on Vicarage Lane in a residential area of identical house types. The dwelling is located within the village settlement limits of Naburn and part of the CYC Green Belt.

1.2 This proposal is a resubmission of a previously refused development (ref: 18/01761/FUL) for the construction of a two storey side and rear extension. The proposal was refused on the grounds of the inappropriate development in the Green Belt and design and appearance.

1.3 The application is supported by a Planning Statement written by Mr Holmes (Applicant). The statement considers there is a lack of clarity to the Green Belt polices and the Council's interpretations to appropriateness and volumes when considering residential extensions. The Applicant has included a possible permitted development fall back for development with a similar foot print.

1.4 Property History

Two storey side and rear extension refused on 13th December 2018
(ref: 18/1761/FUL)

Two storey side and rear extension refused on 8th July 2019 (ref: 19/00829/FUL)

1.5 The application has been brought to Sub Planning Committee by Councillor Christian Vassie to explore the reasons for refusal on the grounds of Naburn's inclusion within the York Green Belt and its impact on the residential streets.

2.0 POLICY CONTEXT

2.1 Development Control Local Plan 2005

CYGP1
Design

CYH7
Residential extensions

CYGB1
Development within the Green Belt

Publication Draft Local Plan 2018

Policy GB1
Development within the Green Belt

Policy D11
Extensions and alterations

3.0 CONSULTATIONS

3.1 Naburn Parish Council - support the application

4.0 REPRESENTATIONS

4.1 Neighbour consultation letters expired on 10.06.2019. There are four letters of support from the following residents at 1,9,12 and 17 Vicarage Lane.

5.0 APPRAISAL

5.1 The key issues are:

- Green Belt

- Character and Openness
- Design
- Permitted Development / Fall Back Position
- Neighbour amenity

Planning Policy

5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for York consists of the saved policies of the revoked Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt.

Saved Policies of the Yorkshire and Humber RSS

5.3 Policy YH9(C) states that the detailed inner boundaries of the Green Belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city. Policy Y1(C1) states that plans, strategies, investment decisions and programmes for the York sub area should in the City of York LDF, define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with policy YH9C. The village of Naburn is approximately 6km (4 miles) and is thus within the boundary of the Green Belt.

National Planning Policy Framework (NPPF) (February 2019)

5.4 The NPPF states that the planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives.

The Publication Draft Local Plan 2018

5.5 The Publication Draft Local Plan ('2018 Draft Plan') was submitted for examination on 25 May 2018. The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less

significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

Development Control Local Plan (2005)

5.6 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. The DCLP does not form part of the statutory development plan, and whilst of very limited weight, its policies are capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. Policy CYGB1 states that permission will only be granted where a) the scale and location would not detract from the open character of the Green Belt b) it would not conflict with the purposes of including land within the Green Belt c) it would not prejudice the setting and special character of the City Of York. Draft DCLP Policy CYGB4 states that the extension and alteration of dwellings in the Green Belt and open countryside will be permitted providing the proposal: a) would not cause undue visual intrusion; and b) is appropriate in terms of design and materials; and c) is small scale compared to the original dwelling.

5.7 The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations. The SPD was subject to consultation from January 2012 to March 2012 and was approved at Cabinet on 4 December 2012. Advice in the document is consistent with local and national planning policies and is a material consideration when making planning decisions. Guidance in sections 7, 13 and 18 relating to townscape, rear extensions and extensions in the green belt are relevant to the determination of the application.

Green Belt

5.8 The village of Naburn was, in the 2005 Draft Local Plan a 'washed over' settlement in the Green Belt. Policy GB2 of the 2005 Plan allowed for more extensive extensions and infill development proposals in 'washed over' areas. However the NPPF no longer contains policies for 'washed over' settlements, stating that "if it is necessary to restrict development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt." The 2018 Publication Draft Local Plan includes Naburn in the Green Belt. The Local Plan Topic Paper TP1 (Approach to defining York's Green Belt) stating that "Naburn remains set in a largely rural landscape surrounded by open country and farming land with leisure facilities developed along the river. Grass verges throughout the village add to the rural feel of the village, alongside the large gardens of many of the houses which add to its open nature." Concluding that "This area exhibits a high

degree of openness, and contributes to the openness of the green Belt. It is recommended to be included in the Green Belt."

5.9 The NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 143 states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states 'substantial weight' should be given to any harm to the Green Belt. Paragraph 145 goes on to set out the types of development that are not inappropriate in the Green Belt. In this regard the national policy establishes that the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building, should be regarded as an exception to inappropriate development in the Green Belt. Policy GB1 of the 2018 Publication Draft Local Plan states that permission will be granted where the scale, location and design of development would not detract from the openness of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and it would not prejudice or harm the character or setting.

5.10 There is no definition in the NPPF of what constitutes "disproportionate". However, the explanatory text to policy GB4 of the 2005 DCLP states that as a guide, a planning application to extend a dwelling by more than 25% of the original foot print will be considered to be a large scale addition and will be resisted accordingly. National Planning Practice Guidance states that assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. It states that openness is capable of having both spatial and visual aspects in other words, the visual impact of the proposal may be relevant, as could its volume.

5.11 In assessing proportionality the proposed development would increase the foot print of the dwelling from 37.23 square metres to 77 square metres which would be over half the size of the original house. Furthermore, the consequence of the additional massing size and scale of the development would also result in a significant increase in the volume of the original dwelling. Taken together, this is considered to represent inappropriate development which, by definition, would be harmful to the Green Belt. For this reason, the proposal would conflict with Central Government planning guidance contained within the NPPF, in addition to policies GB1 and GB4 of the 2005 DCLP and policy GB1 of the 2018 Draft Local Plan. Furthermore, no very special circumstances have been advanced.

Character and Openness

5.12 The NPPF states that openness is an essential characteristic of the Green Belt. The application property occupies a prominent, open location and from the rear lacks any natural screening and is visible across flat areas of open countryside. The

proposed massing of the development would create an overly large development which would be very prominent from rear gardens to the point it would significantly harm the openness of the green belt. It is acknowledged that there are some noticeable large extensions to neighbouring dwellings in this location. However, these extensions would not follow the current Green Belt policy as set out in the NPPF and the emerging Local Plan. As such existing extensions to neighbouring dwellings would not be considered to set precedent for allowing development at this dwelling. Moreover, in dismissing a recent planning appeal for extensions at no.21 Vicarage Lane the Inspector stated that these characteristics provide the street with a sense of greenery, openness and spaciousness.

Design

5.13 The host dwelling is a hipped roof semi -detached property located in a rural street of identical pairs of semi -detached houses. The proposed two storey side extension would be stepped down from the existing roof ridge by 500mm and stepped back from the principal elevation at first floor height by 500mm, including a single storey extension forward of the property frontage. The depth would project beyond the rear elevation at two storey height by 3 metres, incorporating a width of 4.2 metres, reducing to single storey adjacent to the joint boundary. The design and scale of the rear extension is considered to overcome the previous reasons for refusal, which incorporated a wide two storey hipped roof of 9.5 metres in width. This enlargement was considered to constitute an over dominant in incongruous, unattractive development. Therefore, with the use of matching materials the revised proposal would comply with the advice provided in Paragraph 7.1 of the SPD which states that a basic principle is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the street scene.

Permitted development / fall-back position

5.14 The Applicant has demonstrated by a plan submitted on 21 November 2019 the comparison between this proposal and a proposal of a similar foot print which could be achieved under permitted development. The plans illustrate a single storey side and two storey rear extension, which attach to the existing house without connecting together. The criteria contained within Class A of Part 1 (sections h) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). While a substantial development to the rear could be achieved here, it would not necessarily provide the desired space, particularly at first floor without the upper floor to the side extension. Moreover, without the first floor side extension the existing spaces between this dwelling and dwelling at 9 Vicarage Lane and openness would be retained. Hence, it is not considered that the development

described here would result in a recommendation to approve the application on these grounds possible permitted development fall back.

Neighbour Amenity

5.15 In relation to the assessment of neighbour amenity, paragraph 13.2 of the SPD 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. Paragraph 5.2 states that it is important that neighbours' do not feel unduly hemmed in by proposals. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing/loss of light or over-dominance/loss of light. Paragraph 13.6 advises that when deciding the acceptable projection of two-storey extensions a starting point will be the '45 degree guidance', 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 guidance does not take account of the extension's impact on direct sunlight.

5.16 The attached dwelling at 11 Vicarage Lane has a two storey side and rear extension, in addition to a single storey mono-pitched rear extension. The length of the extension would result in a small loss of light during the later part of the day. The house is south facing and is well placed to receive high levels of direct sun light. The first floor sections of the rear extension would be in full view from the rear garden. However, the resulting massing would be set off the boundary by 5 metres, thus would not be so harmful given the openness and garden sizes that exists at the rear. The ground floor sections would be screened from view and the rear openings of this neighbour would be well away from the bi folding doors to the proposed extension. Therefore, it is not considered that the development from the neighbour's aspect would have an oppressive and overbearing impact. Furthermore, the introduction of the full length windows would provide views on to the rear garden and would not result in any significant new overlooking of adjacent properties.

5.17 The dwelling on the opposite boundary at 9 Vicarage Lane is separated from the extension by the width of the driveway. This dwelling hosts a car port on the side driveway which leads to a detached garage located behind the main house. The visible sections of the extension would be from the main house to the detached garage. However, the main outside habitable areas of this rear garden are screened by an existing two storey rear extension. Therefore, whilst the ridge height would be visible from the rear garden, it is not considered that its appearance would unduly oppressive or result in any loss of light. The additional first floor windows are

set well away from the shared boundary serving bedrooms. Thus would not create any additional overlooking or loss of privacy.

6.0 CONCLUSION

6.1 The application site lies within the general extent of the Green Belt, as set out in saved policies Y1 and YH9 of The Yorkshire and Humber Plan - Regional Spatial Strategy. The proposed two storey side and rear extension would more than double the size of the dwelling. This would result in a disproportionate addition over and above the size of the original building. Thus, the proposal would represent inappropriate development in the Green Belt. In addition from the rear of the dwelling, the proposal would be viewed as a solid and substantial domestic scale extension to the original building. This resulting appearance would create a much more visually assertive addition to the property clearly visible across the largely undeveloped and open countryside. Thus, causing harm to the openness of the Green Belt. The benefits of the development to create larger family home is acknowledged. However, these issues are not considered material in assessing the impact of the development within Green Belt. Therefore, as no very special circumstances have been identified that would outweigh this harm. The proposal conflicts with the National Planning Policy Framework 2018 Chapter 13 (Protecting Green Belt Land) in particular paragraphs 133, 134, 143, 144 and 145, Policy GB1 of the Publication Draft York Local Plan 2018 and Policies GB1 and GB4 of the City of York Draft Local Plan 2005, which seek to restrict the size of additions and extensions to existing dwellings in the Green Belt in order to maintain openness.

COMMITTEE TO VISIT

7.0 RECOMMENDATION: Householder Refusal

1 The application site lies within the general extent of the Green Belt, as set out in saved policies Y1 and YH9 of The Yorkshire and Humber Plan - Regional Spatial Strategy. It is considered that the proposed extension, due its significant footprint and size over two storeys would result in a disproportionate addition to the original dwelling, which would represent inappropriate development in the Green Belt. It would create a significant extension to the original property which would harm the openness of the Green Belt. No very special circumstances have been identified that would outweigh this harm. As such the proposal conflicts with the National

Planning Policy Framework 2018 Chapter 13 (paragraphs 133, 134, 143, 144 and 145), Policy GB1 of the City of York Publication Draft Local Plan 2018 and policies GB1 and GB4 of the City of York Draft Development Control Local Plan 2005, which seek to restrict the size of additions and extensions to existing dwellings in the Green Belt in order to maintain openness.

8.0 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 (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority considers that the proposed extension would clearly result in a disproportionate addition to the original dwelling which would represent inappropriate development in the Green Belt, resulting in planning permission being refused for the reasons stated and a positive outcome could not be achieved.

Contact details:

Case Officer: Sharon Jackson

Tel No: 01904 551359

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10 Vicarage Lane, Naburn

19/02126/FUL



Scale : 1:2060

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	26 November 2019
SLA Number	Not Set

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Area Planning Sub Committee

5 December 2019

Planning Committee

11 December 2019

Appeals Performance and Decision Summaries

Summary

- 1 This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 July and 30 September 2019, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals at date of writing is also included.

Background

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. The Government use the quarterly statistical returns as one of a number of measures to assess the performance of local planning authorities. To assess the quality of decisions, this is based on the total number of decisions made by the Local Planning Authorities that are subsequently overturned at appeal. The threshold whereby a Local Planning Authority is eligible for designation as under-performing is 10% of the Authority's total number of decisions on major, non-major and "county-matter" (generally minerals and waste proposals) applications made during the assessment period being overturned at appeal.
- 3 The tables below include all types of appeals such as those against the refusal of planning permission, against conditions of approval, listed building applications and lawful development certificates. Table 1 shows results of appeals decided by the Planning Inspectorate for the quarter 1 July to 30 September 2019 and the corresponding quarter for 2018, Table 2 shows performance for the 12 months 1 October 2018 to 30 September 2019 and the corresponding period 2017/2018.

Table 1: CYC Planning Appeals Last Quarter Performance

	01/07/19 to 30/09/19 (Last Quarter)	01/07/18 to 30/09/18 (Corresponding Quarter)
Allowed	1	6
Split decision	1	0
Dismissed	19	12
Total Decided	21	18
% Allowed	5%	33%
% Split decision	5%	-

Table 2: CYC Planning Appeals 12 month Performance

	01/10/18 to 30/09/19 (Last 12 months)	01/10/17 to 30/09/18 (Corresponding 12 month period)
Allowed	13	27
Split decision	2	0
Dismissed	57	47
Total Decided	72	64
% Allowed	18%	27%
% Split decision	3%	-

Analysis

- 5 Table 1 shows that between 1 July and 30 September 2019, a total of 21 planning appeals were determined by the Planning Inspectorate. Of those, 1 was allowed (5%). There were no appeals relating to the refusal of a “major” development during this reporting period. For the corresponding period 2018, out of 18 appeals 6 were allowed (33%). Using the assessment criteria set out in paragraph 2 above, 0.2% of the total decisions made in respect of non-major applications in the quarter 1 July – 30 September 2019 were overturned at appeal. There were no appeals in respect of major applications or county-matter applications during the quarter. Where a split decision is issued on an appeal (ie part of the appeal is dismissed and part allowed) the appeal is treated as if the local planning authority’s decision has not been overturned for the purposes of the assessment criteria.

- 6 For the 12 months between 1 October 2018 and 30 September 2019, 18% of appeals decided were allowed, which is below the national figure for 2018/19 of 30% of appeals allowed, and below the corresponding 2017/2018 12 month figure. Using the assessment criteria set out in paragraph 2 above, 0.8% of the total decisions made in respect of non-major applications and 2% of total decisions made in respect of major applications in the period 1 October 2018 – 30 September 2019 were overturned at appeal. There were no appeals in respect of county-matter applications during the period.
- 8 The summaries of appeals determined between 1 July and 30 September 2019 are included at Annex A. Details as to whether the application was dealt with under delegated powers or by committee are included with each summary. In the period covered no appeals were determined following a decision to refuse permission made by the sub-committee/committee.
- 9 The list of current appeals is attached at Annex B. There are 20 planning appeals (excl. tree works) lodged with the Planning Inspectorate awaiting determination.
- 10 We continue to employ the following measures to ensure performance levels are maintained at around the national average or better:
 - i) Officers have continued to impose high standards of design and visual treatment in the assessment of applications provided it is consistent with the NPPF and Draft Local Plan Policy.
 - ii) Where significant planning issues are identified early with applications, revisions are sought where possible to enable recommendations for approval, even where some applications then take more than the 8 weeks target timescale to determine.
 - iii) Scrutiny is afforded to appeal evidence to ensure arguments are well documented, researched and argued.
 - iv) Appeal decisions are reviewed and discussed within the team and with senior officers.

Consultation

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

Council Plan

- 12 The report is relevant to the “Well-paid jobs and an inclusive economy,” Creating homes and World-class Infrastructure,” A Greener and cleaner

city,” “Getting around sustainably” and “Good Health and Wellbeing” city outcomes of the Council Plan.

Implications

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

Risk Management

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

Recommendation

- 18 That Members note the content of this report.

Reason

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

Contact Details

Author:

Gareth Arnold
Development Manager,
Directorate of Economy
and Place

Chief Officer Responsible for the report:

Mike Slater
Assistant Director (Planning and Public
Protection)

**Report
Approved**



Date 19.11.2019

Specialist Implications Officer(s) None.

Wards Affected:

All Y

For further information please contact the author of the report.

Annexes

**Annex A – Summaries of Appeals Determined between 1 July and
30 September 2019**

Annex B – Outstanding Appeals at 19 November 2019

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Appeal Summaries for Cases Determined 01/07/2019 to 30/09/2019

Application No: 17/00925/CLU
Appeal by: Mr P Daggett
Proposal: Certificate of lawfulness for use of land as residential garden
Site: Aspen House61 The VillageStockton On The ForestYorkYO32 9UF
Decision Level: DEL
Outcome: DISMIS

The appeal related to an acre of land that has been historically used as a paddock, but for at least 15 years has been maintained as a lawn. In the last 15 years the lands appearance was a closely mown lawn enclosed by a hedge on all sides with a pedestrian access from the front garden of Aspen House, which was located around 15 metres to the side. Aspen House had its own large garden, but the appellant stated that the paddock had over the years been used for family games. The LPA did not question that on the balance of probabilities that the paddock has been maintained as a lawn for over 10 years, but considered that in the absence of any evidence of typical garden uses taking place it did not form part of the planning unit of Aspen House. In 2015 most of the front garden of Aspen House was developed with 2 large detached houses. The paddock was then without consent integrated into the rear garden of one of the homes and the dividing hedgerow removed. It was agreed that from this period the land formed part of the planning unit of a dwelling, however as this had not continued for 10 years did not enable a lawful development certificate to be issued. The Inspector dismissed the appeal stating that the onus is on the appellant to provide evidence of use and that inadequate information had been provided indicating continuous recreational use. He stated that mowing the land and its lawn like appearance was not sufficient to confirm its use as a garden.

Application No: 17/01917/FUL
Appeal by: Mr Sinan Altun
Proposal: Variation of condition 3 of permitted application 04/01687/FUL to extend opening hours to 0800 hours to 0400 hours on the following day on each day of operation
Site: Pizza Kebab House York Limited 3 Matmer House Hull Road York YO10 3JW
Decision Level: DEL
Outcome: DISMIS

The application site is a hot food takeaway in Matmer House, on Hull Road. The application was to vary condition 3 of permitted application 04/01687/FUL to extend the opening hours from 0800 hours to 0400 hours on the following day on each day of operation. The upper floor of Matmer House is in residential use, there is a car park at the rear for use by the commercial premises and there are other dwellings nearby. Whilst the application was supported by a noise report it did not assess noise from the kitchen and despite requests for this information, and a longer monitoring period, it was not provided. Officers had concerns that the noise from the premises and general use of the car park at the rear until 4am would have unacceptable impact on neighbouring residential amenity and the applicant had failed to provide sufficient evidence to prove otherwise. The Inspector agreed that the noise assessment was insufficient and did not take into account the comings and goings of customers and the noise associated with them including car engines, radios, slamming of doors, people conversing at such close proximity to neighbouring residential properties which would inevitably increase noise levels in the early hours of the morning, when residents would reasonably expect a certain degree of peace and quiet. Neighbouring takeaways were similarly restricted to closing at 2300 hours. Therefore in the absence of evidence to demonstrate otherwise it was concluded that the opening hours should not be varied and the Appeal was dismissed.

Application No: 18/00712/FUL
Appeal by: Mr Craig Russell
Proposal: Erection of stable block, formation of manege and new access track.
Site: Park Cottage Askham Park Jacksons Walk Askham
Richard York YO23 3QP
Decision Level: DEL
Outcome: DISMIS

This appeal relates to the erection of a stable block, an unfenced manege and an access track to the south of the group of residential properties at Askham Park which includes the host dwelling, Park Cottage. Askham Park is located to the north east of Askham Richard in an open agricultural setting in the green belt. Main issues:- whether the proposal would be inappropriate development in the green belt- the effect of the proposal on the character and appearance of the area and landscape setting of Askham Park- whether very special circumstances outweigh the harm. The inspector considered that while the manege would be unfenced and only slightly raised above surrounding land, its silica and rubber surface would be apparent, the access track would increase the visual impact and the stable would not be an insubstantial structure such that the scheme would have an adverse impact and fail to preserve openness. Therefore, the development would constitute inappropriate development in the green belt. Askham Park is set within an attractive landscape setting. The access track would run the full length of the southern boundary of the host dwelling and adjoining property and the stable block and manege would be located outside the defined boundaries of existing development. In views from the south west, the scheme would be conspicuous in the undeveloped countryside. The inspector concluded that the development would have a harmful effect on the character and appearance of the area and landscape setting of Askham Park. The inspector found that there were no very special circumstances necessary to justify the development. For these reasons, the scheme was considered contrary to the green belt policies of the National Planning Policy Framework 2019 and the appeal was dismissed. The concurrent appeal relating to ref. 18/01877/FUL for a stable block and yard located in woodland to the west of Askham Park was also dismissed.

Application No: 18/01168/LBC
Appeal by: Mrs Beverley Taylor
Proposal: Alterations to shopfront including 3no. swan neck lights (retrospective)
Site: Kafeneion39 GoodramgateYorkYO1 7LS
Decision Level: DEL
Outcome: DISMIS

The appeal relates to retrospective proposals for alterations to the shopfront with the installation of three swan neck light fittings to the front elevation of no. 39 Goodramgate, York, a grade II listed building located in York Central Historic Core Conservation Area, Character Area 10: The Medieval Streets. The adjoining properties at no. s 41, 43 and 45 Goodramgate are grade I listed buildings and opposite, the Cross Keys Public House, no. 34 Goodramgate and no. s 36, 38 and 40 Goodramgate are grade II listed buildings. The host listed building is currently in use as a cafe/restaurant and has a fascia sign, signage on the large glazed area of the shopfront and a projecting sign suspended from a metal bracket at first floor level to the front elevation. Three swan neck lights with a black coloured finish have been fixed to the painted band below the three first floor windows and above the shopfront. The inspector considered that the fittings are relatively bulky additions to the frontage of the listed building that protrude conspicuously forward and overlap the moulded cornice above the shop fascia which is considered an attractive and visually important historic and architectural feature. As such the inspector considered that given their bulk, design and protrusion, the light fittings are prominent, intrusive features which detract from public views along the frontage of Goodramgate and the wider conservation area. The inspector concluded that in the absence of any significant public benefit, the proposal would fail to preserve the special interest of the grade II listed building, the character and appearance of the conservation area and the setting of nearby listed buildings. The appeal was dismissed.

Application No: 18/01422/FUL
Appeal by: Whitbread PLC
Proposal: Two storey side extension to existing hotel to provide 16no. additional bedrooms, alterations to the existing internal layout to provide an additional 2no. bedrooms and associated alterations to existing car park (resubmission)
Site: Premier Inn Clifton Park Avenue York YO30 5PA
Decision Level: DEL
Outcome: DISMIS

Planning permission was sought for a two storey extension to an existing hotel building located on the former Clifton Hospital site within the general extent of York's Green Belt. Trees adjacent to the hotel and within its car park are protected by a Tree Preservation Order. The appeal application was refused on two grounds: 1. inappropriate development in the Green Belt because it constituted a disproportionate addition over and above the size of the original building in a highly visible location within the Green Belt and historic green wedge, and 2. harm to protected trees from the introduction of additional parking spaces. The Inspector considered that the appeal proposal would have a harmful effect on protected trees. On the issue of Green Belt policy, the Inspector disagreed that the extension would result in a disproportionate addition and found it to not be inappropriate development in the Green Belt. Relatively limited weight was given to the benefits of further tourist accommodation and the social and economic benefits that the development would bring. Appeal dismissed.

Application No: 18/01571/FUL
Appeal by: Ms Angela Serino
Proposal: Change of use of land for the temporary siting for 2 years of a static caravan, construction of earth bunding and associated facilities for use as a combined animal hospital/accommodation and living accommodation for the owner's family and construction of earth bunding (retrospective)
Site: Beetle Bank Farm And Wildlife Sanctuary Moor Lane Murton York YO19 5XD
Decision Level: DEL
Outcome: DISMIS

An application was submitted for the retention of a static caravan with associated earth bunding on land at the Beetle Bank Farm visitor farm Murton. The static caravan was to provide living accommodation as well as serving as an animal hospital and storage area for restricted animals in association with the attraction. It was physically separate from the main site and partially landscaped. The area of bunding was however highly visible from the north and east. The development was refused planning permission because of the degree of landscape harm, the lack of a surface water drainage scheme and the fact that the development was inappropriate within the Green Belt as well as harmful to its openness. The applicant appealed and the Inspector considered the proposal against the relevant paragraphs of the NPPF in terms of Green Belt impact. It was considered that the proposal did not fall within the partial exclusion in terms of changes of use in paragraph 146 and was therefore inappropriate. In terms of a case for very special circumstances that outweighed any harm by reason of inappropriateness and any other harm, it was found that no functional need for the caravan had been established and no evidence had been put forward that if the need for the accommodation were justified that it could not be accommodated within the existing complex of buildings. The appeal was therefore dismissed.

Application No: 18/01811/FUL
Appeal by: Mr Killian Gallagher
Proposal: Demolition and conversion of warehouse to 1no. dwelling with associated alterations and new build
Site: York Beer And Wine Shop28 Sandringham StreetYorkYO10 4BA
Decision Level: DEL
Outcome: DISMIS

The application was for conversion and extension of a warehouse into a three storey dwelling at No.28 Sandringham Street, Fishergate. The site borders the New Walk Terry Avenue Conservation Area. Historically the warehouse provided ancillary storage for the commercial properties at Nos. 114 to 120 Fishergate which was the primary urban relationship. The proposed dwelling was to be constructed at the back of the pavement, with front and rear balconies and followed the ridgeline of the terraces on Sandringham Street. Planning permission was refused on the grounds of over development of the site and poor design which failed to preserve the historic urban form, infilled the gap and which did not respond to the established and desirable characteristics of the street and setting of the conservation area. There was harm to neighbour amenity from the balconies and the removal of all refuse storage for the neighbouring cafe (since addressed).The Inspector agreed that the dwelling would appear as an imposing and prominent addition to the residential street and would be harmfully at odds with the uniform pattern of the terraces on Sandringham Street. It would be overly large from the front and rear, the balconies would appear anomalous in the street scene and the three storeys together with the large amount of glazing would be unsympathetic with the more traditional residential terraces. Harm to the character and appearance of the area and also significant harm to character and setting of the conservation area was identified. Although this harm was less than substantial it was given considerable weight and there were very little public benefits to outweigh the harm identified. The rear balcony, whilst having privacy screening would be overly dominant on the neighbours rear amenity space and would cause additional noise and disturbance. The Appeal was dismissed.

Application No: 18/01822/FUL
Appeal by: Mr I Furby
Proposal: Two storey side and rear extension and single storey side extension and detached bin/bike store to rear in association with use of the house as an HMO.
Site: 57 Tang Hall Lane York YO31 0SL
Decision Level: DEL
Outcome: DISMIS

The application was refused because the layout failed to provide the number of car parking spaces to the standard required and would block access from the front to the rear of the plot restricting the movement of bicycles and bins. It would discourage the use of bicycles, create problems for bin storage and collection and lead to bins and cycles being stored at the front creating a cluttered and unsightly appearance. The replacement of the front garden by a parking area would also have an adverse impact on the streetscene. Also the proposed extensions were of poor design and over dominant additions that would block natural light to the adjoining properties and their harm outlook from the rear. The inspector felt that the parking proposals were acceptable. He also felt that because the two storey extension was set back it would appear subordinate, however, because it would result in a an extensive blank wall with the neighbour (no.55) he considered it would be overbearing and cause loss of outlook from a side bedroom window. He also felt that the loss of the front wall and hedge would detract from the character and appearance of the area.

Application No: 18/01877/FUL
Appeal by: Mr Craig Russell
Proposal: Erection of stable block.
Site: Park Cottage Askham Park Jacksons Walk Askham
Richard York YO23 3QP
Decision Level: DEL
Outcome: DISMIS

This appeal relates to the erection of a stable block and yard located within woodland to the west of the group of residential properties that comprise Askham Park and includes the host dwelling, Park Cottage. Askham Park is located to the north east of Askham Richard in an open countryside setting in the green belt. Main issues:- whether the proposal would be inappropriate development in the green belt- the effect of the proposal on the character and appearance of the area and landscape setting of Askham Park- whether very special circumstances outweigh the harm. The proposed timber stable building and yard would be located in woodland next to the western access road serving Askham Park, close to the formal gated entrance. From the road there are views across the adjacent paddock through the trees to the appeal site. Although the proposals would be in a visually contained location, the inspector considered that the proposed development would be conspicuously sited and would introduce development within an area of woodland that is largely undeveloped. As a result there would be a loss of openness which would result in harm to the green belt and constitute inappropriate development in the green belt. The inspector considered that the west woodland forms an important component of the landscape setting of Askham Park. Although siting the proposal in the woodland would reduce the scheme's wider visual impact, located at the side of the access road it would appear incongruous and have a harmful effect on the landscape setting of Askham Park and the character and appearance of the area. The inspector found that there were no very special circumstances to justify the development. The scheme was considered contrary to the green belt policies of the National Planning Policy Framework 2019 and the appeal was dismissed. The concurrent appeal relating to ref. 18/00712/FUL for a stable block, manege and access track to the south of Park Cottage was also dismissed.

Application No: 18/02056/FUL
Appeal by: Mr Mark Ware
Proposal: Erection of first floor side extension and single storey rear extension.
Site: 51 Bad Bargain Lane York YO31 0QX
Decision Level: DEL
Outcome: DISMIS

The appeal property is an end terraced property in a short two storey residential terrace built around the mid twentieth century. It fronts Bad Bargain Lane with the side elevation facing Gerard Avenue. It was proposed to erect a large two storey side extension that projected beyond the rear elevation. The angle of the side garden is such that the front corner of the extension would be around 8.2m from the boundary with Gerard Avenue, however, the rear corner would be only 3.2m away. The homes fronting Gerard Avenue are set back around 5m from the footpath. The Inspector agreed with the Councils decision that the scale and location of the proposed two storey extension was unacceptable as it would erode the generous openness that was characteristic of the area and be clearly forward of the established building line.

Application No: 18/02260/FUL
Appeal by: Mrs Michelle Bruce
Proposal: Dormer window to rear.
Site: 30 Harden Close York YO30 4WE
Decision Level: DEL
Outcome: DISMIS

The application property is a modern semi-detached house, located within a coherently laid out estate, which is comprised of dwellings with shared design features. In micro terms, the Inspector considered the proposed dormer to be a large box-like structure, extending almost the full width of the roof and would be top heavy and unbalanced in appearance. The scale and design would not respect the host dwelling, or its adjoining twin neighbour. In addition, the structure would form an incongruous structure on the roof scape and harm the visual amenity of the wider neighbourhood. The Inspector noted that the original consent for 87 dwellings (approved in 1994) removed Permitted Development Rights and sited the reason being to ensure the area was not prejudiced by the introduction of inappropriate materials or structures of unacceptable design. She noted the existence of a large rear dormer on a nearby property at Stubden Grove, but also noted that Permitted Development Rights had not been removed from that property. So a large dormer could have been built there without the need for consent. Finally, she stated that a more limited scale of additional living space could be achieved through roof-lights, or a smaller scale dormer (or dormers) and that the benefits to the applicant, in terms of the proposal as submitted, did not outweigh the harm it would cause to the host dwelling and surrounding area.

Application No: 18/02489/FUL
Appeal by: Mrs Sarah Poole
Proposal: Change of use from C4 House in Multiple Occupation to 9 bed House in Multiple Occupation, two storey side and rear extension, single storey rear extension and dormer to rear (resubmission).
Site: 3 Fourth Avenue York YO31 0UY
Decision Level: DEL
Outcome: DISMIS

The application was refused on the grounds that the layout failed to provide a workable on-site car parking arrangement with inadequate turning areas and that car parking in the rear garden would cause significant noise and disturbance for neighbours. The proposed parking space in the front garden would also be difficult if not impossible to manoeuvre into and out of and the substandard parking spaces would mean that occupants would have to park outside of bays to undertake maintenance preventing other vehicles from being able to access spaces. In view of the above, the Council considered that on street parking would occur in a location where the residents were already experiencing problems and there were concerns about the proximity of a telegraph pole and poor visibility at the access. The two storey side and rear extension and rear dormer were also considered to be over dominant and incongruous additions to the townscape. The inspector considered that the side and rear extensions would be overly dominant and that parking in the rear garden would be harmful and out of character. He considered the car parking spaces were unsuitable in their layout and would result in reversing along a long driveway, which he thought would be dangerous.

Application No: 18/02511/FUL
Appeal by: Mr & Mrs Cleaver
Proposal: Use of house as a large 7 bed HMO (Sui Generis) with detached bike and bin store to rear.
Site: 41 Deramore Drive York YO10 5HL
Decision Level: DEL
Outcome: DISMIS

The proposal sought a change of use from a 6 bed detached HMO to a 7 bed one. It was refused on inadequate car and cycle parking and refuse bin provision that would lead to on street parking and cycles and bins being stored in the front curtilage creating a cluttered and unsightly appearance. The Inspector considered that the proposed 3 off-street parking spaces to the front of the property, 2 of them in parallel and the third on an angle in front of the bay window, would be substandard in size, providing little or no circulation space around the vehicles for unloading, maintenance, washing, etc. The front bay window space would be difficult to access and egress and unusable due to its oblique position in relation to the other spaces. The parking layout would also make the passage of pedestrians with wheeled bins or cycles difficult if not impossible and the narrow side access coupled with stepped levels to side and rear would hinder the movement of bins and cycles. The Council requires 4 off-street parking spaces, proposal offers only 3. This would mean parking on the highway in an area where there are already existing parking pressures. There is a Respark zone 8am and 5pm Mon to Fri but demand is likely to be highest in the evening and at weekends and so it would do little to mitigate the additional parking created. Also HMO residents are not eligible for parking permits, so this emphasises the need for adequate off-street parking provision. In addition the number of parked vehicles and restricted access would result in refuse bins and cycles being stored to the front of the property or displaced onto the highway verge, cluttering the frontage and creating an unattractive appearance that would detract from the overall quality of the street scene.

Application No: 18/02813/FUL
Appeal by: Mr Wayne Dixon
Proposal: Change of use of paddock to domestic garden
(retrospective resubmission)
Site: 2 Hawthorne Mews Strensall York YO32 5RR
Decision Level: DEL
Outcome: DISMIS

2 Hawthorne Mews lies in the village of Strensall in a small mews development. The appeal focused upon a patch of uncultivated scrub land that met the riverbank to the north, beyond modest rear gardens. The appellant together with neighbours at Nos 3 and 4 has purchased and transformed this area of land into domestic gardens. A previous application for the same development was refused and subsequently dismissed on appeal because insufficient ecological survey information has been provided to assess the impact of the development on protected species. The Inspector notes that the survey deals with the site as a whole (including 3 adjacent properties at 3, 4 and 5 Hawthorne Mews) rather than discretely, and thus not all of its findings were applicable to the present appeal site. Whilst it was reported that no evidence of water vole was noted during the walkover survey and the development in its present form may mean that harm to otters or their habitat is unlikely, because of the uncertainties arising from the timing of the walkover survey (the ecological survey was carried out in October 2018, a time of year that is not within the optimum survey season for water voles), the restricted views (from further vegetation) encountered and reliance on existing management measures, the Inspector could not be satisfied that protected species or their habitats would not be harmed as a result of the proposals. The appeal is dismissed.

Application No: 18/02834/FUL
Appeal by: Mr Dennis Wright
Proposal: Extension of garden curtilage onto land at the rear (resubmission).
Site: 4 Hawthorne Mews Strensall York YO32 5RR
Decision Level: DEL
Outcome: DISMIS

4 Hawthorne Mews lies in the village of Strensall in a small mews development. The appeal focused upon a patch of uncultivated scrub land that met the riverbank to the north, beyond modest rear gardens. The appellant together with neighbours at Nos 2 and 3 has purchased and transformed this area of land into domestic gardens. A previous application for the same development was refused and subsequently dismissed on appeal because insufficient ecological survey information has been provided to assess the impact of the development on protected species. A Preliminary Ecological Appraisal Report (PEAR) concludes that the site comprised low ecological value, that the current management of the site is considered to have little impact on commuting otters and that no sign of water vole were noted. The Inspector notes that the evidence concerning the effect that the development has had on the protected species of otters and water voles is inconclusive because the site was not surveyed prior to the removal of the natural vegetation and the change of use of the land. The appeal site is located close to the northern boundary of the Strensall Village Conservation Area and is closely adjacent to Strensall Bridge, a grade II listed structure. The Inspector considers that the development has a neutral effect which preserves the character and appearance of the conservation area and setting of adjacent listed buildings and structures causing no harm to their significance. The appeal is dismissed.

Application No: 18/02877/OUT
Appeal by: Mr & Mrs Handley
Proposal: Outline application for erection of 2no. single storey detached dwellings with details of access, layout and scale submitted for approval (appearance and landscaping reserved)
Site: Disused Mod Camp SiteWheldrake LaneElvingtonYork
Decision Level: DEL
Outcome: DISMIS

The appeal application sought outline planning permission, with access, layout and scale not reserved, for the erection of two single storey detached dwellings on land to the south of Elvington village. The site consists of a rectangular piece of land with large concrete slab and part undergrounds bunkers lying outside of the defined settlement limit and within the general extent of York's Green Belt. Planning permission was refused on two grounds: 1. inappropriate development in Green Belt due to greater impact on openness, and 2. insufficient information regarding protected species. Pre-application advice had been given which advised that the proposal was contrary to Green Belt policy and that information would be required about protected species to allow proper assessment. Limited weight was given by the Inspector to local planning policies. It was agreed that the proposal would constitute inappropriate development in the Green Belt and that insufficient survey work on potential impact upon protected species had been provided. The claimed benefits of the scheme, being the mix and supply of housing in the area and properties for family members with local businesses, were afforded limited weight. The Inspector concluded that no very special circumstances necessary to justify inappropriate development in the Green Belt had been identified and that the appellant had failed to adequately assess the proposal in relation to protected species. Appeal dismissed.

Application No: 18/02892/FUL
Appeal by: Mr E King
Proposal: Two storey side extension and two storey and single storey rear extensions after demolition of existing single storey outbuilding.
Site: 5 Hull Road Kexby York YO41 5LA
Decision Level: DEL
Outcome: DISMIS

The appeal property is a semi-detached cottage located within an open setting in the Green Belt. The dwelling has already been significantly extended and has two large detached outbuildings and a greenhouse to the side. The Inspector agreed that although the increase in footprint would be minimal, the increased height, bulk and massing of the development would clearly result in disproportionate additions over and above the size of the original building, and emphasised that the NPPF refers to size rather than footprint when describing inappropriate development. In terms of openness, the Inspector considered that the proposals, together with the previous extensions, would reduce the open area surrounding the original building, and made clear that openness has a spatial element and is not limited to the visual effect of the scheme. Although she felt that the impact on openness would be limited, substantial weight was given to this harm, in accordance with paragraph 144 of the NPPF. Finally, it was considered that the development would be of poor quality design. Although the extensions would somewhat replicate alterations already made to the existing cottage and its neighbour, the Inspector considered these to be unsympathetic alterations, and by replicating them rather than reflecting original features the scheme would not constitute high quality design. She felt that the proposed two-storey extension would appear over-dominant and further unbalance what were originally a pair of modest cottages, and that the changes proposed at roof level would be completely out of character with the styles typically observed in such a rural location. The Inspector dismissed the appeal, concluding that the scheme would constitute inappropriate development in the Green Belt, would cause harm to the openness of the Green Belt, and would harm the character and appearance of the area. She identified no very special circumstances that would have justified the development.

Application No: 18/02950/FUL
Appeal by: Mr D Fuller And Ms C Watson
Proposal: Dormer roof extensions to rear (revised scheme to approval 17/02409/FUL) and front dormer.
Site: 10 Thorpe Street York YO23 1NL
Decision Level: DEL
Outcome: DISMIS

This application sought permission for the siting of a pitched roof front dormer to this mid-terraced two-storey dwelling. The application was refused on the grounds that any front dormer in this location was considered to harm the simple rooflines of the row of dwellings by disrupting the sense of rhythm, thus would harm the character and appearance of the area. In this instance the design of the actual proposed dormer, failed to respect the vertical proportions of the building was thus also considered to harm the appearance of the dwelling. The inspector agreed with these points and also noted that the presence of other front dormers in the street was not a reason, on its own, to allow unacceptable development.

Application No: 19/00032/FUL
Appeal by: Mr Osman Doganozu
Proposal: Installation of external strip light and planter feature above shop front, external planters and change of use of public highway to provide outdoor seating area
Site: Cut And Craft 8 St Sampsons Square York YO1 8RN
Decision Level: DEL
Outcome: DISMIS

The application was refused on the grounds that the provision of an outdoor seating area would constitute an obstruction within the highway and the introduction of foliage, a planting box and LED lighting above the cornice of the shop front would constitute harmful introductions and detract from the architectural and historic character of the wider conservation area and the setting of adjacent listed buildings. The inspector agreed with the LPA on the issue of obstruction. He also considered the planter feature and external planters would be out of keeping and harmful. He found it difficult to judge the external strip light because it was behind the planter feature but because the property already had an illuminated projecting sign at high level and wall mounted lanterns he considered it already had an appropriate level of external lighting. As a result he considered it would be harmful.

Application No: 19/00082/FUL
Appeal by: Blinch (UK) Limited
Proposal: Erection of 2no. roof dormers on the Friargate elevation.
Site: Yh Training Services Ltd York House 15 Clifford Street York YO1 9RG
Decision Level: DEL
Outcome: ALLOW

The appeal was against refusal of permission for 2 dormers on the side (Friargate facing) elevation of 15 Clifford Street. The appeal was allowed on the grounds that there was variety in the existing roofscape in the locality and as the dormers proposed would be discreet due to their location, on a side elevation along a narrow street and positioned between a turret and chimney. He also noted the dormers were of subservient scale compared to other features on the roof of the host building.

Application No: 19/00561/FUL
Appeal by: Mr Martin Reynolds
Proposal: Variation of condition 5 of permitted application 16/00093/FUL to increase the maximum length of stay from 28 days per annum to 56 days per annum, and use pitch 1 as a warden's pitch for eight months of the year.
Site: Cherry Tree Cottage Millfield Lane Nether Poppleton York YO26 6NX
Decision Level: DEL
Outcome: ALLOW

Planning permission was refused for the variation of an occupancy condition at Cherry Tree Cottage caravan site in Nether Poppleton to increase the maximum stay from 28 days to 56 days in a calendar year and to allow for the siting of a warden caravan for up to 8 months a year. The main issue was impact on the openness of the Green Belt. During the appeal process the appellant clarified that they sought to increase the total number of days that a caravan could be on site in any calendar year while retaining the maximum length of any one stay at 28 days and requiring the caravan to be removed from the site for a minimum of two days. The Council accepted this and so did the Inspector. With regard to the warden caravan, the Inspector agreed that this would lead to a significant element of permanence that would impact on the openness of the Green Belt. The Inspector found that this would be contrary to Policy GB1 of the 2018 Draft Plan and PNP1 of the Upper Poppleton and Nether Poppleton Neighbourhood Plan. The appeal was allowed to increase the total occupancy period but not to include a warden caravan.

Decision Level:

DEL = Delegated Decision

COMM = Sub-Committee Decision

COMP = Main Committee Decision

Outcome:

ALLOW = Appeal Allowed

DISMIS = Appeal Dismissed

PAD = Appeal part dismissed/part allowed

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Outstanding appeals

Officer: Alison Stockdale					Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
03/09/2019	19/00060/REF	APP/C2741/W/19/3236411	W	Elverbredde Mill Lane Acaster Malbis York YO23	Demolition of existing bungalow and erection of replacement 2 storey dwelling (resubmission).
25/07/2019	19/00052/REF	APP/C2741/W/19/3233973	P	OS Fields 5475 7267 And 8384 Moor Lane Acomb	Outline planning permission (with all matters reserved except for means of access) for up to 516 residential units (Class C3) with local centre (Use Classes A1-A4, B1a, C3, D1) public open space with pavilion and associated infrastructure and full application for demolition of existing buildings and structures and creation of ecological protection and enhancement zone.
Officer: Brian Williams					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
28/08/2019	19/00056/REF	APP/TPO/C2741/7579	I	York Racecourse Racecourse Road	Fell 18. no G1, mature Lombardy Poplars
Officer: David Johnson					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
05/10/2019	19/00076/EN	APP/C2741/C/19/3238565	W	8 Badger Wood Walk York YO10 5HN	Appeal against Enforcement Notice dated 9 August 2019 identifying two breaches
Officer: David Johnson					Total number of appeals: 3
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
23/08/2019	0619/00065/RE	APP/C2741/W/19/3235893	W	25 Bedale Avenue Osbalwick York YO10 3NG	Two storey rear extension, single storey side and rear extensions, hip to gable roof extension with rear dormer and detached cycle and bin store to rear in connection with existing use as a House in Multiple Occupation
16/04/2019	19/00041/REF	APP/C2741/D/19/3226856	H	15 Yarburgh Way York YO10 5HD	Two storey and single storey side and rear extension and detached cycle and bin storage building to rear in connection with use of house as a C4 HMO.
05/10/2019	19/00066/REF	APP/C2741/W/19/3238563	W	Busk Coffee 114 Fishergate York YO10 4BB	Glazed dormer to front elevation.

Officer: Erik Matthews					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
29/05/2019	19/00047/NON	APP/C2741/W/19/3229825	W	The New England Lodge Country Park Pottery Lane	Erection of porch to front and conservatory to side
Officer: Elizabeth Potter					Total number of appeals: 4
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
08/10/2019	19/00067/REF	APP/C2741/W/19/3238740	W	1 Lambert Court York YO1 6HN	Replacement of timber windows and doors with UPVC to 1 - 14 Lambert Court, 33, 35, 37, 39, 41, 43 Bishophill Senior and 11, 12, 14, 15, 16, 17, 18, 19 Buckingham Street.
24/09/2019	19/00069/REF	APP/C2741/D/19/3237839	H	5 Water End York YO30 6LL	Single storey extension to link house to existing garage and alterations to existing garage to increase height and to provide room in the roof (resubmission)
17/09/2019	19/00074/REF	APP/C2741/D/19/3237733	H	Dexter House The Fold Hessay York YO26 8LF	Two storey and single storey rear extensions (amended scheme).
05/06/2019	19/00070/REF	APP/C2741/X/19/3228845	W	Rufforth Park Wetherby Road Rufforth York YO23	Certificate of Lawfulness for proposed erection of a new detached garage/garden store building with associated hardstanding as detailed on drawing no's 1977/1, 1977/2A and 1977/4.
Officer: Hannah Blackburn					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
17/10/2019	19/00072/REF	APP/C2741/W/19/3239385	W	Old Chestnut House 27 The Village Haxby York YO32	Modification of kitchen ventilation system with external ducting and replacement cowl
Officer: Heather Fairy					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
12/07/2019	19/00068/REF	APP/C2741/X/19/3233177	W	Cherry Tree Cottage Millfield Lane Nether	Certificate of lawfulness for proposed development of poultry run and garaging.
Officer: Lindsay Jenkins					Total number of appeals: 3
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
21/08/2019	19/00062/REF	APP/C2741/W/19/3235766	W	Grange Hotel 1 Clifton York YO30 6AA	Erection of railings to entrance portico and installation of up to 18 LED spotlights and associated cabling and fittings on the front elevation and up to 7 LED spotlights on the Queen Annes Road elevation to illuminate the building.

21/08/2019	19/00063/REFL	APP/C2741/Y/19/3235765	W	Grange Hotel 1 Clifton York YO30 6AA	Erection of railings to entrance portico and installation of individual LED spotlights and associated cabling and fittings on Clifton and Queen Annes Road elevation
10/05/2019	19/00058/REF	APP/C2741/W/19/3228547	I	The Punch Bowl 9 Blossom Street York YO24 1AU	Two storey and single storey extensions with roof terrace garden following the demolition of existing single storey rear extensions and fire escape (resubmission)

Officer: Paul Edwards **Total number of appeals: 1**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
15/09/2019	19/00073/REF	APP/C2741/D/19/3237213	H	50 Huntington Road York YO31 8RE	Dormer window to rear.

Officer: Sandra Duffill **Total number of appeals: 1**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
12/03/2019	19/00034/REF	APP/C2741/D/19/3224523	H	1 Church View The Green Skelton York YO30 1XU	Two storey and single storey rear extension and canopy extension to front.

Officer: Sam Baker **Total number of appeals: 1**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
31/08/2019	19/00071/REF	APP/C2741/D/19/3236293	H	156 Water Lane York YO30 6PL	Siting of a garden shed to front (retrospective).

Officer: Simon Glazier **Total number of appeals: 1**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
29/08/2019	19/00064/REF	APP/C2741/D/19/3236164	H	Martin Hill Farm Moor Lane Haxby York YO32 2QW	Two storey side extension after partial demolition of existing ground floor.

Total number of appeals: 21

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**Area Planning Sub-Committee****5 December 2019****Planning Enforcement Cases - Update****Summary**

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

Background

2. Members have received reports on the number of outstanding enforcement cases within the Sub-Committee area, on a quarterly basis, since July 1998, this report continues this process for the period 1 July 2019 to 30 September 2019.
3. The lists of enforcement cases are no longer attached as an annexe to this report. The relevant cases for their Ward will be sent to each Councillor by email as agreed by the Chair of the Planning Committee.
4. Section 106 Agreements are monitored by the Enforcement team. A system has been set up to enable Officers to monitor payments required under the Agreement.

Current Position.

5. Across the Council area 167 new enforcement investigation cases were received and 190 cases were closed. A total of 449 investigations remain open.
6. During the quarter 3 Enforcement Notices were served. These related to a failure of a development to be completed in matching materials, a failure to provide obscure glazing as shown on the approved plans and the replacement of timber windows with uPVC windows within a Conservation Area.
7. Across the Council area 7 Section 106 cases were closed. A total of 104, Section 106 investigations remain open.

8. A figure of £632'558 has been received from Section 106 payments. This was paid in respect of 8 developments across the city for Education, Open Space/Play and transport.

Consultation.

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

Options

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

The Council Plan

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

Implications

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

Risk Management

12. There are no known risks.

Recommendations.

13. That members note the content of the report.

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

Reason: To update Members on the number of outstanding planning enforcement cases and level of financial contributions received through Section 106 agreements.

Contact Details

Author:

Author's name
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Directorate: **Economy
and Place**

**Chief Officer Responsible for the
report:**

Chief Officer's name
Michael Slater
Assistant Director (Planning and Public
Protection)

**Report
Approved**



Date 24.11.19

Specialist Implications Officer(s) *List information for all*

Implications:

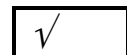
Financial

Patrick Looker

Legal:

Andrew Docherty

Wards Affected: *All Wards*



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