



## Notice of a public meeting of

### Planning Committee B

**To:** Councillors B Burton (Chair), Cullwick (Vice-Chair),  
Baxter, Coles, Fenton, Melly, Orrell, Vassie and Warters

**Date:** Monday, 16 December 2024

**Time:** 4.30 pm

**Venue:** West Offices - Station Rise, York YO1 6GA

### AGENDA

**1. Apologies for Absence**

To receive and note apologies for absence.

**2. Declarations of Interest** (Pages 1 - 2)

At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see the attached sheet for further guidance for Members.]

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

To approve and sign the minutes of the last Planning Committee B meeting held on 28 November 2024.

#### **4. Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

**Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is 5:00pm on Thursday, 12 December 2024.**

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#### **5. Plans List**

This item invites Members to determine the following planning applications:

- a) **Church House, 10 - 14 Ogleforth, York, YO1 7JG [24/01140/FUL]** (Pages 11 - 28)

Replacement windows throughout (retrospective). [Guildhall Ward]

**b) Garages At Hawthorn Terrace South, New Earswick, York [23/01879/FUL] (Pages 29 - 70)**

Erection of 5no. dwellings following demolition of existing garages with associated access, parking and landscaping. [Huntington/New Earswick Ward]

**c) 7 Station Road, Haxby, York, YO32 3LS (Pages 71 - 96)  
[24/01047/FUL]**

Erection of 2no. dwellinghouses to side following demolition of 3no. detached garages. [Haxby and Wigginton Ward]

**6. Planning Appeal Performance and Decisions (Pages 97 - 112)**  
This report informs Members of planning appeal decisions determined by the Planning Inspectorate between 1 July and 30 September 2024.

**7. Urgent Business**

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

Democracy Officer:  
Jane Meller

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

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### Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) <b>OR</b> Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) <b>OR</b> Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

## City of York Council

## Committee Minutes

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Meeting	Planning Committee B
Date	28 November 2024
Present	Councillors B Burton (Chair), Cullwick (Vice-Chair), Baxter, Coles, Melly, Orrell, Vassie and Warters
Officers Present	Becky Eades, Head of Planning and Development Services David Johnson, Planning Officer Sharon Jackson, Planning Officer Sandra Branigan, Senior Lawyer Jodi Ingram, Lawyer

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**34. Apologies for Absence**

Apologies were received and noted for Cllr Fenton.

**35. Declarations of Interest**

Members were asked to declare at this point in the meeting any disclosable pecuniary interests or other registrable interests that they might have in the business on the agenda, if they had not already done so in advance on the Register of Interests.

None were declared.

**36. Minutes**

Resolved: That the minutes of the last meeting held on 17 October 2024 were approved as a correct record.

**37. Public Participation**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

**38. Plans List**

Members considered a schedule of reports of the Development Manager, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

**39. 3 - 7 Coney Street, York [23/00420/FUL]**

Members considered a full application by Helmsley Securities Limited, for external works to include extensions to the roofs to create an additional storey, partial demolition of no.5 Coney Street to form a walkway connection to the rear and new shopfronts in association with the creation of commercial, business and service floorspace (Class E), 7 no. residential units (Class C3).

The Head of Planning and Development Services gave a presentation on the plans and provided an update to the officer recommendation, as further clarity was required for the wording of conditions relating to investigation works and a further condition was needed with regard to waste management. The recommendation had been amended to read 'Approve, subject to the final wording of the conditions being delegated to the Head of Planning and Development Services.'

In response to questions on the plans, officers confirmed the arrangements for the bin store and collections and clarified the location of the cycle parking. References to 'snickleway' and 'ramp walkway' in the report were confirmed to refer to the same route, it was also confirmed that the proposed Juliet balconies had been removed from the scheme.

Public Speaker

Max Reeves, the Development Director for the applicant, spoke in support of the application. He highlighted the intention to bring underused upper floors of city centre buildings into residential use and the subsequent economic benefits. He also noted the level of public consultation that contributed to the development and explained that the planned snickleway broadly followed historic access to the riverside.

The applicant, along with the architect and planning consultant, responded to questions from Members and confirmed that the details relating to the sustainability of the development would form part of the BREEAM specification, the majority of the development was redevelopment rather than new build. A management plan would cover the waste management from the commercial restaurants and there was sufficient space planned to be able to manage future government targets for recycling. The application was not part of the previous application due to different owners and timescales.

Officers responded to questions from Members and reported that they were satisfied that there was sufficient provision for the recycling and waste collection; The floor space of the retail units provided as part of the whole

scheme was commensurate with the current offering; There was a phased requirement for the works in relation to the fabric of the buildings and the city's archaeologist had a watching brief on the development; The application was received prior to when the biodiversity net gain requirements came into effect. The river sat outside the red line boundary and would not form part of the biodiversity enhancement plan.

Following a brief debate, Cllr Warters proposed the officer recommendation to approve the application, this was seconded by Cllr Cullwick. On being to put a vote, members voted unanimously in favour, and it was:

Resolved: That the application be approved,

Reason: Officers have considered the desirability of sustaining and enhancing the significance of the listed buildings and putting them to a viable use consistent with their conservation and the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, as required by Paragraph 203 of the NPPF. They have also considered the impact it would have on the significance of the heritage assets (listed building and conservation area), as required by Paragraph 205 of the NPPF, and have judged that there will be less than substantial harm. However, as it is considered there will be harm, there is a need to weigh the proposal against the public benefits as outlined in Paragraph 208 of the NPPF. In this respect there are the benefits of bringing the upper floors back into residential use, there are works that will improve the external appearance of the buildings and thereby the contribution that they make to the townscape, there will be an economic benefits of new restaurant uses and there is also improved access to the riverside that will make a contribution to the amenities of the conservation area. In this respect it is considered that the public benefits clearly outweigh the identified harm.

All other planning considerations as set out in the report are considered to be acceptable or can be mitigated by appropriate planning conditions. The proposals accord with policy and legislation concerning heritage assets. They comply with national planning guidance, as contained in the National Planning Policy Framework December 2023, and policies in the Publication Draft York Local Plan 2018.

**40. 3 - 7 Coney Street, York [23/00421/LBC]**

Members considered an application for Listed Building Consent, alongside the application at item 5a. The officer recommendation for this application was also amended in the update to:

‘Approve, subject to the final wording of the conditions being delegated to the Head of Planning and Development Services.’

Cllr Warters moved the officer recommendation as outlined above and this was seconded by Cllr Baxter. Members voted unanimously in favour and it was therefore:

Resolved: That the application be approved, as per the amendment contained in the update.

Reason: In assessing the proposal officers have considered the desirability of sustaining and enhancing the significance of the listed buildings and putting them to a viable use consistent with their conservation and the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, as required by Paragraph 203 of the NPPF. They have also considered the impact it would have on the significance of the heritage assets (listed building and conservation area), as required by Paragraph 205 of the NPPF, and have judged that there will be less than substantial harm. Great weight has been given to the asset’s conservation. As it is considered there will be harm, there is a need to weigh the proposal against the public benefits as outlined in Paragraph 208 of the NPPF. In this respect there are the benefits of bringing the upper floors back into residential use, there are works that will improve the external appearance of the buildings and thereby the contribution that they make to the townscape, there will be the economic benefits of new restaurant uses in an attractive location that the public can enjoy and there is also improved access to the riverside and improvements to the public realm that will make a significant contribution to the amenities of the conservation area. In this respect it is considered that the public benefits clearly outweigh the identified harm.

The proposals accord with policy and legislation concerning heritage assets. They comply with national planning guidance, as contained in the National Planning Policy Framework December 2023, and policies in the Publication Draft York Local Plan 2018.

[5.08 – 5.13 pm, the meeting adjourned.]

**41. Model Farm House, The Green, Upper Poppleton, York, YO26 6DP [23/01704/FUL]**

Members considered a full application by Robin Garland for the construction of 1no. dwelling on land to the rear of Model Farm following demolition of Nissen huts and barn with associated access, landscaping and parking and restoration of existing pole barn.

The Head of Planning and Development Services gave a presentation on the plans, there was no update to the Officer's report.

Public Speakers

John Davies spoke in objection to the application raising concerns over harm to the conservation area and the setting of the listed buildings, stating that there was no significant public benefit to the application. He also challenged the assessment of the number of dwellings on the site.

In response to questions from Members he stated that the church hall was used by a number of community groups, as well as the nursery. He did not expect the proposed house to provide affordable housing.

Edie Jones, Chair of the Neighbourhood Plan, also spoke in objection to the application. She stated that during the development of the plan, the Nissan huts were not considered to be suitable for refurbishment or development and the proposed building would have a negative impact on the church hall.

In response to questions from Members, she stated that the proposal would not add to the ambience and was not suitable for the site. She reported that the neighbourhood plan had taken around three and a half years to be ratified.

Jamie Pyper, the agent for the applicant, spoke in support of the application, noting that the application sat outside the green belt and could not be seen from the village green. He highlighted the applicant's

willingness to work with conservation groups and officers and his ambition to complete the once derelict site.

He responded to questions from Members and advised that the scale of the application had been reduced to one dwelling and the replacement for the Nissan hut had also been reduced in height.

Officers reported, in response to questions from Members, that there were four dwellings on the site, with one of the buildings being treated as an annex to the main house. The annex would require planning permission should it be sold in the future. The Neighbourhood plan should be allocated full weight in the planning process. The height differential between the proposed building and the existing Nissan huts was minimal and there was no longer any agricultural use of the buildings.

The Senior Lawyer addressed comments by one of the public speakers, noting that the officer's report identified less than substantial harm to the heritage assets which meant that the test set out in paragraph 208 of the National Planning Policy Framework (NPPF) applied, meaning the public benefit of the scheme had to be balanced against the harm.

Following a brief debate, the Chair proposed the Officer recommendation to approve the application, this was seconded by Cllr Baxter. On being put to a vote, with Members voting five in favour, two against and with one abstention it was:

Resolved: That the application be approved, subject to the conditions contained within the report.

Reason: The application is in a sustainable and accessible location and in a predominantly residential area. The development is judged to lead to less than substantial harm to the character and appearance of the Conservation Area and the setting of listed buildings in accordance with paragraph 208 of the NPPF, however this harm is considered to be outweighed by public benefits for its contribution to the housing supply in a sustainable location. In addition, the proposal is compatible in its relationship to neighbouring properties in so far that it would not appear overly intrusive and acceptable levels of outlook and privacy will be retained.

The proposal, therefore subject to conditions is considered to comply to sections 66 (1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, policies PNP4 and PNP6a of the Upper Poppleton



and Nether Poppleton Neighbourhood Plan, the provisions of the National Planning Policy Framework and Policies D4 and D1 of the 2018 Draft Local Plan.

[5.52 – 5.58 pm, the meeting adjourned.]

**42. Land To The West Of 1 To 8 Garthway, New Earswick, York  
[22/00440/FULM]**

Members considered a major full application by Joseph Rowntree Housing Trust for the erection of 14no. dwellings with associated infrastructure following the demolition of 2 no. garage courts.

The Head of Planning and Development Services gave a presentation on the plans and outlined the officer's recommendation for approval subject to a Section 106 agreement.

In response to questions from Members on the plans, the Senior Lawyer advised on the legal position in relation to the treatment of hedges and the Head of Planning advised it would not be reasonable to include a condition on the management of the hedge by future residents. Officers further clarified that the hedge was owned by CYC, sat outside the red line boundary of the application and was currently leased and maintained by a third party.

Public Speaker

Kathryn Jukes, the agent for the applicant, spoke in favour of the application, noting that they had agreed a management plan for the hedge with CYC officers which would protect the hedge in its entirety. The ability to add solar panels through permitted development rights was also mentioned.

In response to questions from Members, the agent further clarified the position relating to the hedge confirming there were no plans to touch it. She also restated that solar panels were being considered by the Trust's management, but she was unable to confirm that they would be included.

Following debate, Cllr Orrell proposed an additional condition for the inclusion of solar panels on the housing, with the final wording to be agreed with the Chair and Vice-Chair. This was seconded by Cllr Warters. This was put to a vote and with Members voting three in favour, four against and one abstention, the motion fell.

Cllr Coles proposed the officer recommendation to approve the application, and this was seconded by Cllr Melly. With Members voting six in favour, one against and one abstention it was therefore:

Resolved: That the application be approved, subject to a Section 106 agreement.

Reason: The proposal would provide 14 new houses all of which would be affordable housing provided by a Registered Social Housing Provider, this complies with the NPPF and draft local plan policy H10 and its aim of encouraging higher rates of affordable provision. This has very significant weight in the planning balance. The proposed design and layout are appropriate to its surroundings and will have a neutral impact on the setting of the conservation area. The demolition of the garages would be an inconvenience to the users but would not have an unacceptable impact on highway safety; due regard has been given to the requirements of the Public Sector Equality Duty. The impact on the living conditions of neighbouring dwellings is not considered to be harmful. Planning conditions can address or mitigate all other material planning considerations. Subject to conditions and the completion of a legal agreement to secure affordable housing, the provision of housing is considered to outweigh any identified harms and the development would accord with the NPPF, and the draft Local Plan 2018.

Cllr B Burton, Chair

[The meeting started at 4.33 pm and finished at 6.35 pm].

**COMMITTEE REPORT**

**Date:** 16 December 2024      **Ward:** Guildhall  
**Team:** East Area      **Parish:** Guildhall Planning Panel  
**Reference:** 24/01140/FUL  
**Application at:** Church House 10 - 14 Ogleforth York YO1 7JG  
**For:** Replacement windows throughout (retrospective)  
**By:** Mr Alexander McCallion  
**Application Type:** Full Application  
**Target Date:** 5 December 2024  
**Recommendation:** Refuse

**1.0 PROPOSAL**

Church House sits on the southwest side of Ogleforth in the City Centre. It comprises a former commercial building, industrial in appearance and three storeys in height with attic space previously used for storage. It is roughly 'T' shape in plan, constructed from red brick to Ogleforth and pink-brown brick on side and rear elevations, with a pitched slate roof. The main part of the building was constructed in the late 19th century, and substantially altered in the 20th century, including the three storey plant extension on its south east elevation.

1.1. Church House is not listed but is within the Central Historic Core Conservation Area and Character Area 9: The Minster Precinct. It is within the City Centre Area of Archaeological Importance. The whole of the site, and area to the west is within the scheduled monument: York Minster Cathedral Precinct.

1.2. Church House is considered to be within the setting of the following listed buildings: York Minster (Grade I), St Williams College (Grade I), Listed as one entry: Nos. 5 Chapter House Street and 16, 18 and 20, Ogleforth (Grade II), Cromwell House, No. 13 Ogleforth (Grade II\*) and No. 11 Ogleforth (Grade II). There are views from Ogleforth across the site's car park towards the rear of St William's College and the Minster beyond.

1.3. This is a retrospective application for replacement windows throughout.

Site History

1.4. Permission was granted, subject to conditions, in 2022 for the conversion of office to form 11no. apartments (Use Class C3) with associated external works and landscaping, including 2no. additional windows, new roof lights, new ramped access

and refuse/bicycle store, under 21/00601/FULM. Condition 12 stated that 1:10 elevation drawings and horizontal and vertical typical cross sections of all new and replacement windows and doors and method of opening for the windows (the one brick deep reveal shall be maintained and shown on the drawings) shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing on site. Once approved, the works shall be carried out in accordance with these details as approved.

1.5. Under application AOD/23/00280, for Condition 12 (large scale details) of 21/00601/FULM, the submitted details for the replacement windows were found to be unacceptable and were not approved. This is because the windows were found not to be in accordance with the approved plans and as proposed and installed cause harm to the character and appearance of this part of the Central Historic Core Conservation Area.

#### Planning Committee call-in

1.6. The application has been called in for determination by the committee by Councillor Melly to consider the impact on the Conservation Area.

## **2.0 PLANNING POLICY**

2.1. Planning applications should be determined in accordance with the development plan unless there are material considerations that indicate otherwise.

2.2. The Minster Precinct Neighbourhood Plan is the adopted development plan relevant to the application site.

### **Minster Precinct Neighbourhood Plan**

2.3. Neighbourhood Plan Policies relevant to the determination of this planning application are:

- Policy A4 – Design Excellence
- Policy C1 – Historic Environment

2.4. Policy A4 states that development proposals should demonstrate design excellence and be inspired by and contribute to the distinctive and historic nature of the Precinct, be resilient to climate change and extreme weather events, and reduce carbon emissions. As appropriate to their scale and nature development proposals will be supported which meet stated criteria including:

- Reinforces the importance of the distinctive character of the Neighbourhood Area, by having regard to scale, height, density, layout, appearance and materials;
- Delivers distinctive and innovative design which achieves the highest practical energy efficiency.....Where proposals relate to designated heritage assets, care will need to be taken to ensure that any proposals related to environmental performance are considered against the significance of the heritage asset and do not cause unacceptable harm to the asset's significance.

2.5. Policy C1 states that development proposals should protect, conserve and seek opportunities to enhance the internationally important historic environment of the Minster Precinct. Development proposals will be supported where they meet stated criteria, including:

- Respond positively to, protect and reinforce the significance and distinctiveness of heritage assets...;
- Conserve the significance of designated heritage assets by protecting and enhancing architectural and historic character, historical associations.....through consideration of.....design, materials...and views both from and towards the asset.
- Avoid harm to significance, and where harm cannot be avoided, reduce harm to the minimum necessary, and finally mitigate or compensate any residual harm.

Development Proposals that will result in less than substantial harm to the significance of designated heritage assets will not be supported without clear and convincing justification.

### **Planning (Listed Buildings and Conservation Areas) Act 1990**

2.6. The application site sits adjacent to a Conservation Area. 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 the conservation area.

2.7. The application site sits near a number of GII listed buildings. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### **National Planning Policy Framework (NPPF)**

Application Reference Number: 24/01140/FUL

Item No: 5a

2.8. The NPPF is a material planning consideration in planning decisions. This sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development. The relevant sections of the NPPF for the determination of this planning application are:

- Section 12 – Achieving well-designed places.
- Section 16 – Conserving and enhancing the historic environment.

2.9. Paragraph 135 states that planning policies and decisions should ensure that developments will achieve several 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.

2.10. The NPPF also places great importance on good design. Paragraph 139 says development that is not well designed should be refused especially where it fails to reflect the local design policies and government guidance on design.

2.11. The policy guidance in Chapter 16 – Conserving and enhancing the historic environment – states in paragraph 201 that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. They should consider 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.

2.12. Paragraph 203 (a) requires that when determining planning applications, local planning authorities should take account of sustaining and enhancing the significance of any heritage asset. Paragraph 207 states that where a proposed development will lead to substantial harm to or the total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

## **City of York Draft Local Plan (2018)**

2.13. The Draft Local Plan 2018 was submitted for examination on 25 May 2018. Formal examination hearings have now taken place and a response from the Inspector is awaited. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF. Draft policies relevant to the determination of this application are:

- Policy SS3: York City Centre
- Policy D1: Placemaking
- Policy D11: Extensions and Alterations to Existing Buildings
- Policy D4: Conservation Areas
- Policy D5: Listed Buildings

2.14. Policy SS3 (York City Centre) states that the special qualities and distinctiveness of the area should be conserved and enhanced.

2.15. Policy D1 (Placemaking) seeks development proposals to improve poor existing urban and natural environments, enhance York's special qualities, better reveal the historic environment, and protect the amenity of neighbouring residents. Development proposals that fail to make a positive contribution to the city or cause damage to the character and quality of an area or the amenity of neighbours will be refused. This policy, subject to modifications, is afforded moderate weight.

2.16. Policy D11 (Extensions and Alterations to Existing Buildings) states that proposals to extend, alter or add to existing buildings will be supported where the design responds positively to its immediate architectural context, local character and history in terms of the use of materials, detailing, scale, proportion, landscape and space between buildings. Proposals should also sustain the significance of a heritage asset, positively contribute to the site's setting, protect the amenity of current and neighbouring occupiers, contribute to the function of the area and protects and incorporates trees.

2.17. Policy D4 (Conservation Areas) aims to protect the setting of conservation areas, stating that development proposals will be supported where they conserve or enhance the special character and appearance of the conservation area and leave qualities intrinsic to the wider context unchanged.

2.18. Policy D5 (Listed buildings) states that Proposals affecting a listed building or its setting will be supported where they preserve, enhance or better reveal those

elements which contribute to the significance of the building or its setting. The more important the building, the greater the weight that will be given to its conservation.

### **3.0 CONSULTATION RESPONSES**

#### **INTERNAL**

##### Design and Conservation (Conservation)

3.1. Object to the application and recommends refusal on the grounds that the proposals have a harmful impact on the conservation area.

#### **EXTERNAL**

##### Guildhall Planning Panel

3.2. Object to the application, noting that they regret that the application is retrospective.

##### York Civic Trust

3.3. Object to the application on both procedural and aesthetic grounds. The windows should not have been installed before permission was granted. Due to the heavy gauge of the window bars (they appear approximately twice as thick as their predecessors) and the white colour, the new windows resemble uPVC more so than the Crittal-style of the previous windows. Consequently, they are highly visually intrusive and negatively impact the Conservation Area and surrounding listed buildings. There are other, more appropriate double-glazed options available.

### **4.0 REPRESENTATIONS**

4.1. Two no. representations have been received.

4.2. One no. objection to the proposals as the struts between the panes are very wide, with square edges rather than being angled towards the window. The strut widths vary between 5.2, 5.7 and 8.2cm, which makes a feature of the dividing struts.

4.3. One no. supportive comment highlighting the further steps the Minster has been taking and will take to improve the energy efficiency of the many historic buildings for which it has responsibility.



## 5.0 APPRAISAL

5.1. The key issues which need to be considered in the determination of this planning application are as follows:

Design and Visual Amenity

Impact on the Conservation Area

Impact on the setting of listed buildings

5.2. Church House is situated on Ogleforth, within The Central Historic Core Conservation Area. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention is paid to preserving or enhancing the character and appearance of that area. The area is detailed within the Central Historic Core Conservation Area Appraisal Character Area Nine: The Minster Precinct. The Precinct has a very distinctive character which sets it apart from the rest of the historic core. One of the noted strengths of the area is its superb views and charming streets.

5.3. Church House, although originally commercial in nature is still an attractive building, making a positive contribution to the conservation area. Windows and window detailing form a significant part of the character of the building, especially to the front elevation. Ogleforth is a narrow street, mostly residential in nature. It has eight listed buildings and as a street scene is highly attractive. Many of the buildings have fine elegant timber windows with narrow timber profiles. Church House presents as one of the largest buildings on the street, and its atypical nature in form and former commercial use contributes to explaining the evolution of the street and wider conservation area. However, this atypical nature does not mean that windows that look different to neighbours are by definition always good (because this building is different). The impact of their appearance as sympathetic to the design contribution made by the original windows and their visual contribution and harmony with the overall street scene are still important factors.

5.4. Prior to refurbishment, the windows were Crittall Style and had distinctive profiles in section, representational of the appearance of steel constructed windows, with very narrow sightlines on the face. They were single glazed and fixed externally with putty, giving the glazing bars a v shaped profile. The ground floor windows on the principal elevation were painted grey, with the rest being painted white. The replacement windows are white, powder coated, double-glazed and thermally broken metal windows and casements.

5.5. The windows prior to refurbishment made a positive contribution to the character and appearance of the building and the conservation area and the setting of adjacent listed buildings. The retrospective windows show a radical negative change in appearance. With the in-principle accepted addition of double glazing, change is to be expected, but the proposal lacks the visual elegance of the original slim sightlines and lacks a spirit of the complexity of steel constructed windows.

5.6. These highly multipaned windows have lots of frame components and multiple small glass areas. Therefore, small differences in face width of the window frame make a significant visual impact. Here, the new windows have wide frames making an uncharacteristic dominance of the appearance of the frame. A typical profile width on the face with opener is 80.5mm, or 51mm on the face without opener.

5.7. Modern windows are generally wider in frame profile than old metal windows especially because they need to accommodate heavier double-glazing, but use of astragals (overlaid profiles) can mimic visually slimmer profiles and minor differences in frame width would have made a significant difference to the appearance of a window.

5.8. Part of the character of the industrial nature of the original building is that it has lots of large windows to flood the industrial building with daylight. This means that negative impact of the design type of a single window design is highly replicated. Additionally, its white colour gives it the appearance of uPVC windows of low quality.

5.9. The principle of double glazing replacement windows was agreed as part of planning permission 21/00601/FULM. Given this, the suitability or not of the windows does not revolve around issues of low carbon retrofit. It revolves around issues of design quality. The NPPF places great importance on good design and beauty. It states that development that is not well designed should be refused especially where it fails to reflect local design policies and national design guidance. NPPF para 203(a) also states that great weight should be given to the conservation of a designated heritage asset. The adopted Neighbourhood Plan policy A4 states that development proposals will be supported which reinforce the importance of the distinctive character of the Neighbourhood Area, by “having regard to appearance and materials” and “delivers distinctive and innovative design which achieves the highest practical energy efficiency”, however the policy continues that “where proposals relate to designated heritage assets, care will need to be taken to ensure that any proposals related to environmental performance are considered against the significance of the heritage asset and do not cause unacceptable harm to the asset’s significance.” Neighbourhood Plan policy C1 states that development proposals should protect, conserve and seek opportunities to enhance the

internationally important historic environment of the Minster Precinct. Development proposals will be supported where they “respond positively to, protect and reinforce the significance and distinctiveness of heritage assets...; Conserve the significance of designated heritage assets by protecting and enhancing architectural and historic character, historical associations.....through consideration of.....design, materials...and views both from and towards the asset. Avoid harm to significance, and where harm cannot be avoided, reduce harm to the minimum necessary, and finally mitigate or compensate any residual harm. Development Proposals that will result in less than substantial harm to the significance of designated heritage assets will not be supported without clear and convincing justification.”

5.10. The windows that have been installed as part of this retrospective application are not the only option available that would have allowed the use of double glazing. The proposed windows of this application are at disharmony with the street scene by virtue of their crude proportions, detailing and dominant bulky frames. This distracting feature in a prominent location on the street fails to preserve or enhance the character or appearance of the Conservation Area and harms the appearance of the building. Due to these characteristics it also harms to a minor degree the setting of listed buildings- particularly those in the street scene with intervisibility. Further to this, the windows are not sympathetic or representational in character to earlier Church House windows they replaced. These earlier windows contributed both to the architectural qualities of the building and to an understanding of its former commercial nature.

5.11. The justification provided by the applicant in their Heritage Assessment (HA) for the installation of these windows is that the principle of replacement double glazed windows has already been established and is an important aspect of the fabric upgrade to maximise thermal efficiency and to minimise energy consumption and running costs. The installed windows are energy A rated. Implications of new double-glazed windows that could achieve BREEAM rating of very good was that the profiles of the glazing bars would have to change, with some additional visual impact over and above the pre-existing windows. The HA disputes that the windows resemble UPVC and state that the colour and appearance will weather over time. The applicant's HA expresses the view that the new windows have created a subtle change in the character and appearance of Church House overall. It acknowledges a small adverse effect from the design of certain windows, but concludes that this change, in their view, “does not materially change or harm the building's early-twentieth century industrial character, or turn Church House from a neutral feature of the conservation area to a discordant or detracting one.” In terms of the impact on townscape and the Conservation Area the HA takes the view that any impact is limited and localised and that the windows do not look incongruous or a material or noticeable change, considering that “the windows sit comfortably in a townscape

which includes a variety of window forms, including recently approved modern windows of varying types.” Continuing that the “change is very subtle and insufficient to turn Church House from a neutral feature in the Conservation Area to a detracting one.”

5.12. The applicant has asserted that a number of public benefits arise from the retrospective application including;

- The conversion of Church House, of which these windows are an integral part will now generate income for the care of the fabric of York Minster, a Grade I listed building and scheduled monument.
- The 5-year income from this property will generate 23% of the funds needed to reduce the heritage deficit.
- The energy performance of the windows is A rated thus meeting the BREEAM Very Good target and Part L of Building Control (amended 2023).
- The retrofit project, and indeed the Neighbourhood Plan forms part of a major exhibition in London showcasing York Minster’s leading work on decarbonisation in a heritage estate. This leadership approach in a climate emergency should be treated as an important public benefit.

5.13. This new windows result in less than substantial harm (in the lower half of less than substantial) to designated heritage assets. The public benefits listed above are considered to relate to a wider estate strategy that were relevant as part of the permitted planning application 21/00601/FULM and are not considered to arise from this retrospective proposal. As this application is for the retrospective installation of windows alone, the benefits are considered to be private. Any benefits of low carbon contributions are not a relevant factor because a double-glazed replacement is agreed in principle and could be achieved without the identified harms. Therefore, in attributing considerable importance and weight to the identified harm to the significance of the designated heritage assets, no public benefits have been cited which outweigh the identified harms. Consequently, the proposal does not satisfy requirements under paragraph 208 of the NPPF and is considered to be contrary to the requirements of Neighbourhood Plan policies A4 and C1 in this regard.

## **6.0 Conclusion**

6.1. The proposal would harm the character of the building, the character and appearance of the conservation area and the setting of listed buildings. There are considered to be no public benefits that outweigh the harm to the designated heritage assets. The application is contrary to Sections 72 and 66 of Planning (Listed Buildings and Conservation Areas) Act 1990, policies A4 and C1 of York Minster Precinct Neighbourhood Plan, Section 16 of the NPPF and Policy D4 of the City of

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York Draft Local Plan. For the reasons outlined above, the application is recommended for refusal.

## **7.0 RECOMMENDATION: Refuse**

1 The windows by reason of their crude proportions, detailing and dominant bulky frames are a distracting feature in a prominent location in the street which fails to preserve or enhance the character and appearance of the Conservation Area. Due to these characteristics it also harms to a minor degree the setting of listed buildings, particularly those in the street scene with intervisibility with the application building. The windows also harm the appearance of Church House and are not sympathetic or representational in character to the building or the windows they replaced, these earlier windows contributed both to the architectural qualities of the building and to an understanding of its former commercial nature.

The proposal harms the character of the building, conservation area and setting of listed buildings. There are considered to be no public benefits that outweigh the harm to the designated heritage assets. The application is contrary to Sections 72 and 66 of Planning (Listed Buildings and Conservation Areas) Act 1990, policies A4 and C1 of the adopted York Minster Precinct Neighbourhood Plan, section 16 of the National Planning Policy Framework and Policy D4 of the City of York Draft Local Plan (2018).

## **8.0 INFORMATIVES:**

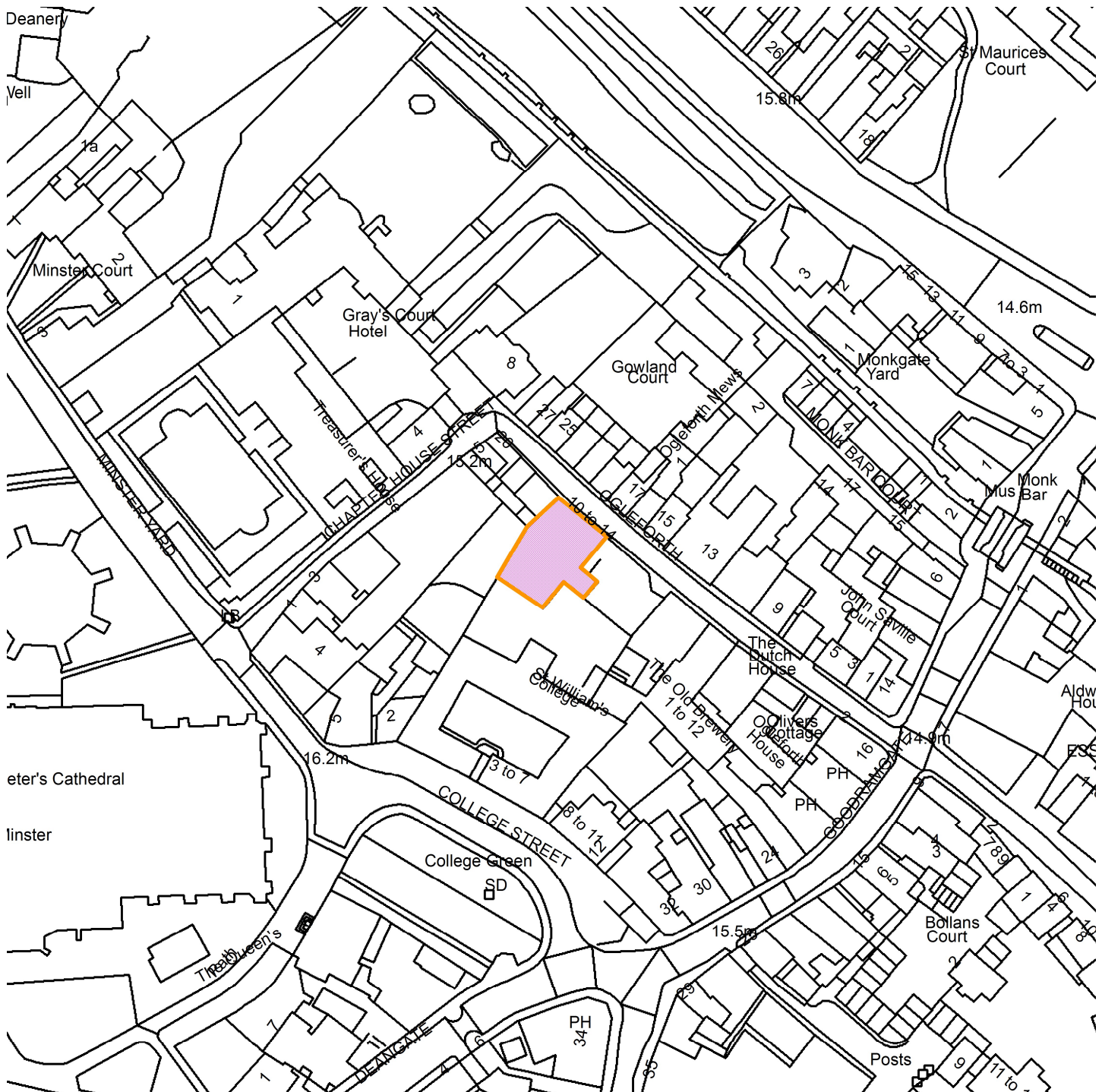
### **Contact details:**

**Case Officer:** Anna Gallie  
**Tel No:** 01904 554418

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# Church House, 10 - 14 Ogleforth, York

24/01140/FUL



Scale : 1:1195

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<b>Organisation</b>	City of York Council
<b>Department</b>	Env, Transport & Planning
<b>Comments</b>	Site Location Plan
<b>Date</b>	05 December 2024
<b>SLA Number</b>	Not Set

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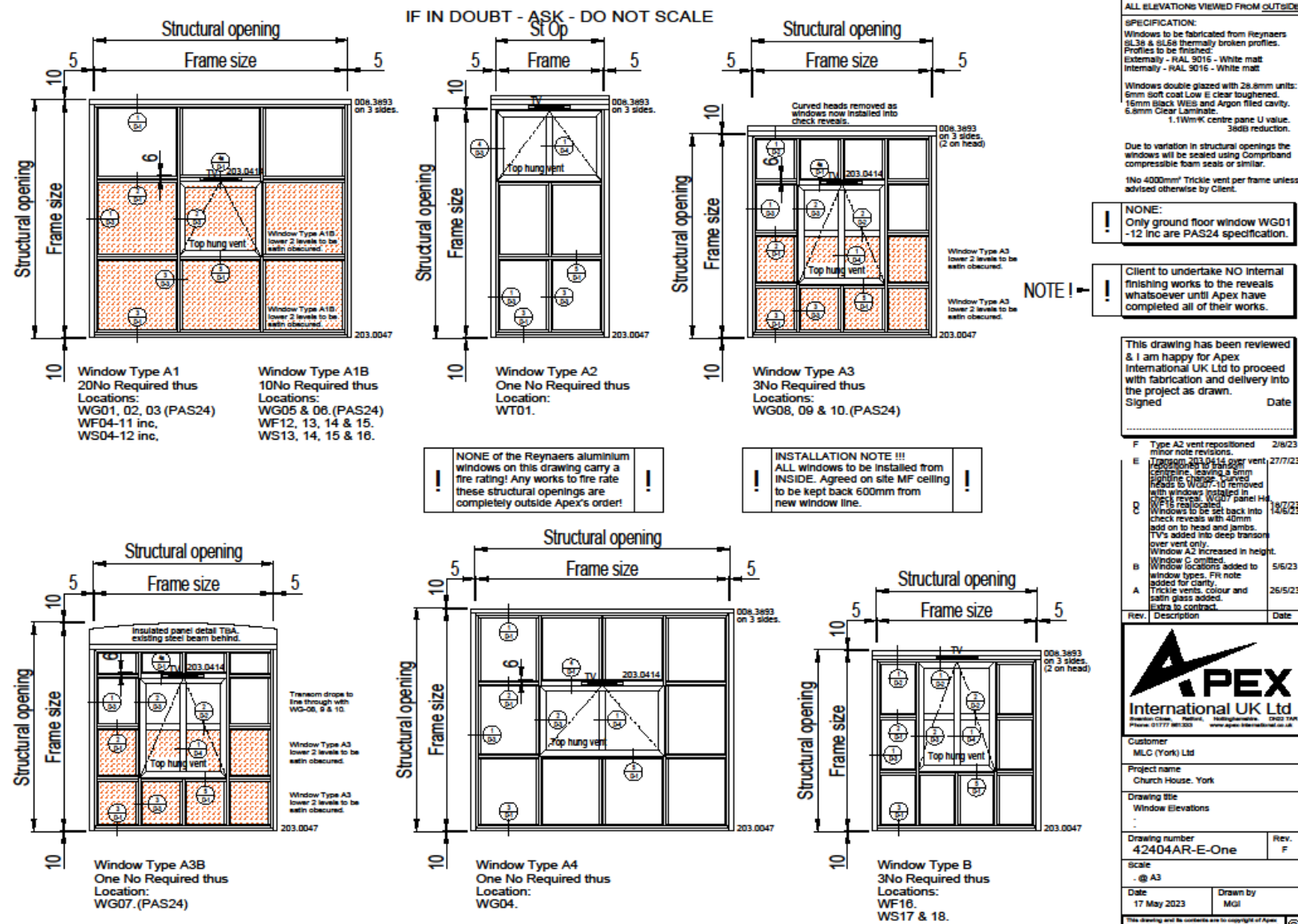


## Planning Committee B

24/01140/FUL

Church House 10 - 14 Ogleforth

## Window elevations



Pre-existing windows  
Ground and first floor





As installed windows



**COMMITTEE REPORT**

**Date:** 16 December 2024      **Ward:** Huntington/New Earswick

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

**Reference:** 23/01879/FUL  
**Application at:** Garages At Hawthorn Terrace South New Earswick York  
**For:** Erection of 5no. dwellings following demolition of existing garages with associated access, parking and landscaping  
**By:** Joseph Rowntree Housing Trust  
**Application Type:** Full Application  
**Target Date:** 3 October 2024  
**Recommendation:** Approve subject to Section 106 Agreement

**1.0 PROPOSAL**

1.1. Planning permission is sought for the erection of 5no. dwellings (in the form a terrace) following the demolition of the existing garages on Hawthorn Terrace South in New Earswick. The dwellings will each have 2no. bedrooms. To the front of the dwellings will lie a landscaped open area and to the rear each dwelling will host its own private rear garden bound by a hedge and gate. A cycle store (including a general garden store) is provided in each rear garden.

1.2. Tree removal is required and includes the felling of 21no. trees (a mixture of category B and C). Landscaping is proposed through new footpaths, tree planting, hedging and shrubbery. 5no. parking spaces will be provided alongside a visitor parking space. During the course of the application, negotiations have taken place and an updated application form has been provided to confirm all 5no. dwellings will be affordable (social, affordable or intermediate rent).

1.3. The site currently contains 18no. single storey garages in 2 rows, with hardstanding to the front of each garage. The adopted highway (Hawthorn Terrace South) lies to the south. To the north of the garages is a band of mature trees and existing open space (Hawthorn Terrace South AGS). A footpath (not a public right of way) lies in between the garages and connects to the open space and surrounding paths. The site lies within the New Earswick Conservation Area. The dwellings immediately to the North (6-12 Ivy Place), North East (1-5 Ivy Place) and South (1-31 Station Ave odd numbers) are Grade II Listed. The site lies within Flood Zone 1.

1.4. The following site history is relevant:

- 08/00848/FUL – Erection of three storey detached dwelling. Withdrawn: 09.08.2008 (Land to the east of the garage block)

1.5 The application is reported to Planning Committee B as the application was called in by Councillor Carol Runciman on the following grounds;

- Parking is limited in New Earswick
- Cutting down of mature trees
- Damage the character of the village which is in a Conservation Area.
- Flooding in the area and the sewage system may already be overloaded.

## **2.0 POLICY CONTEXT**

### **NATIONAL PLANNING POLICY FRAMEWORK**

2.1. The revised National Planning Policy Framework (NPPF) was published in December 2023 and sets out the government's planning policies for England and how these are expected to be applied.

2.2. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004).

### **PUBLICATION DRAFT LOCAL PLAN (DLP 2018)**

2.3. The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. Formal examination hearings have taken place and a response from the Inspectors is awaited. The draft policies can be afforded weight in accordance with paragraph 48 of the NPPF.

2.4. Key relevant DLP 2018 policies are:

H2 – Density of Residential Development

H3 – Balancing the Housing Market

H10 – Affordable Housing

D1 – Placemaking

D2 – Landscape and Setting

D4 – Conservation Areas

D5 – Listed Buildings

GI2 – Biodiversity and Access to Nature

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GI2a – Strensall Common Special Area of Conservation (SAC)  
GI4 – Trees and Hedgerows  
GI5 – Protection of Open Space and Playing Fields  
CC2 – Sustainable Design and Construction of New Development  
ENV2 – Managing Environmental Quality  
ENV3 – Land Contamination  
ENV4 – Flood Risk  
ENV5 – Sustainable Drainage  
WM1 – Sustainable Waste Management  
T1 – Sustainable Access  
T8 – Demand Management

### **3.0 CONSULTATIONS**

#### **INTERNAL**

##### Archaeology

3.1. Do not wish to impose any archaeological condition. Do not believe any archaeological resource of any significance to be under threat.

##### Public Protection

3.2. Recommend conditions; CEMP, working hours, land contamination and an EV charging point informative.

##### Ecologist

3.3 No objections but recommend a biodiversity enhancement condition and informatives regarding nesting birds, hedgehogs, wildlife and lighting.

3.4 The works would not have any conceivable effect on Strensall Common Special Area of Conservation (SAC).

##### Landscape Architect

3.5 Two trees to be felled would be worthy of a Tree Preservation Order. The proposed landscape scheme, in the context of the proposed development, provides adequate mitigation for the loss of trees. The Landscape Architect has no objection to the proposed development subject to conditions.

##### Carbon Reduction



3.6 Recommend conditions with regards to reducing carbon emissions and water consumption.

### Highways

3.7HDC can't support this application, because although the car parking requirement (5 spaces + 1 visitor space) for the proposed dwellings has been met, the demolition of the existing garages to facilitate the new dwellings will result in the loss of up to 18 existing car parking spaces (plus further usable 'tandem' parking space in front of the garages) and the applicant has not provided sufficient evidence to prove that the garages are not being used for the parking of cars within them.

### Housing Development

3.8 Strongly welcomed. The affordable housing proposed is of excellent quality and is additional to the policy requirement as no affordable homes would be expected under Policy H10 for a site this size. All homes will exceed the good practice Nationally Designed Space Standards guidance, providing well designed homes with the living and storage space needed for residents.

3.9 The homes proposed in this application would make an important contribution towards meeting the local need. By providing 2 bed homes, the proposed development would also make an important contribution to meeting the highest priority need types identified in the Local Housing Market Assessment.

3.10 This application sets a very high standard of design quality and access to shared outdoor space provision nearby in New Earswick.

3.11 The provision of energy efficient homes may be expected to particularly benefit lower-income affordable housing occupants, who would realise proportionally greater budgetary savings from reduced energy costs.

### Education

3.12 The application is fewer than 10 dwellings and less than 1000m2 in built floor area so no contribution is requested.

### Flood Risk Management Team

3.13 Having assessed the submitted Permeability Testing Report – Re: S231210 dated 29 January 2024 by Solmek, now agree to the submitted Drainage Layout  
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Plan – Re: P15691-500 Revision A dated 13th September 2023 by Goodson Associates.

3.14 In summary, the submitted Drainage Layout Plan – Re: P15691-500 Revision A dated 13<sup>th</sup> September 2023 showing foul water being connected to the public foul sewer in Chestnut Grove and surface water connected to the public surface water sewer in Hawthorn Terrace South at a restricted rate of 2.6 (two point six) litres per second with appropriate attenuation up to and including the 1 in 100 year event with 30% climate change event is acceptable in principle and therefore recommend conditions.

### Design and Conservation

3.15 Conclude that the new development would result in a low to very low level of harm to the historic environment (comprising the setting of the listed buildings and the character and appearance of the conservation area); this considers the desirability of removing the uncharacteristic garages against the impacts of replacing them with the proposed row of dwellings and the resultant erosion of the architectural and spatial qualities of the conservation area. Improvement of architectural matters could be explored and would reduce harm but concerns over the spatial aspects of the scheme would remain due to the constrained site layout. The level of harm falls within the 'less than substantial' category and therefore, in line with the requirements of the NPPF, public benefits must be weighed against the harm.

### EXTERNAL

#### New Earswick Parish Council

3.16 Object on the following grounds;

- Erosion of open land in the Parish changing the character of the Conservation Area.
- Including this application and other developments, there will be 247no. additional residents in a small suburb of York.
- Garage re-provision is subject to availability and in much reduced stock.
- Parking already difficult for residents and visitors.
- Implication for drainage and sewage disposal. Areas of New Earswick have been flooded in recent years.
- Removal of established trees.

#### Foss Internal Drainage Board

3.17 Recommend a pre-commencement condition to secure details of surface water and foul water discharge.

### Yorkshire Water

3.18 The drainage details submitted on drawing 500 (revision A) dated 13/09/2023 that has been prepared by Goodson Associates require amendments. The following points should be addressed:

- a.) evidence should be submitted to show that other (than discharge to public sewer) means of surface water disposal have been considered and why they have been discounted
- b.) evidence of existing impermeable areas positively draining to the public sewer is required to prove rate of discharge

3.19 The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal.

- a.) Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.
- b.) The developer and Local Planning Authority are strongly advised to seek comments on surface water disposal from other drainage bodies as further restrictions may be imposed.

3.20 As the proposal site is currently undeveloped, no positive surface water is known to have previously discharged to the public sewer network. Surface water discharge to the existing public sewer network must only be as a last resort and the developer is required to eliminate other means of surface water disposal.

- a.) As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public surface water sewer at a restricted rate of 2.6 litres per second.

## **4.0 REPRESENTATIONS**

4.1. 20 letters of objection were received on the following grounds;

- Felling of mature trees.
- Beauty of the village being destroyed by JRHT
- Overshadow neighbouring properties
- Loss of light
- Too close to neighbours

- Overlooking and privacy concerns.
- Existing garages neglected and unused.
- Restrict road access
- Parking concerns in the vicinity
- Traffic
- Noise
- Existing utilities are poor
- Construction disruption
- Cramped environment
- Overdevelopment
- Design and appearance concerns.
- Reduction of green and natural landscape
- Ecological and biodiversity concerns.
- Infrastructure not maintained for existing properties.
- Loss of open space
- High density
- New builds should have PV panels, heat pumps and insulation.
- The area serves as a turning point for delivery vans, trades, waste collection and emergency vehicles.
- Lose a tourist/visitor attraction of the Garden Village.
- Loss of view.
- If the garages are to be demolished should be replaced by parking instead.
- Garages are needed.
- Local facilities will struggle.
- Devalue properties (*Officer note: this is not a material planning consideration*)
- Impact on Conservation Area and neighbouring Listed Buildings.
- Already large-scale housing development in the vicinity.
- Pollution
- Detrimentially impact on mental health and wellbeing

## 5.0 APPRAISAL

### Key Issues

5.1. The key issues are as follows:

- Principle of Housing
- The Impact on Heritage Assets (Conservation Area and the setting of neighbouring Listed Buildings)
- Design and Layout of the site
- Loss of Open Space
- Highways, Access and Loss of Garages
- Residential Amenity and Public Protection

- Drainage & Flood Risk
- Trees
- Ecology
- Sustainable design and construction
- Planning obligations
- Planning balance
- Public Sector Equalities Duty

## **Principle of Housing**

### Policy

5.2. Paragraph 60 of the NPPF states that to support the Government's objective of significantly boosting the supply of housing, it is important that sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed.

5.3. Policy H2 of the Draft Local Plan (2018) (Density of Residential Development) states that to ensure the efficient use of land and help maintain local services and public transport provision, housing developments within the suburban area will be expected to achieve a net density of 40 units/ha and within rural areas and villages is 35 units/ha.

5.4. Policy H3 of the Draft Local Plan (2018) requires new residential development to maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. The background text to policy SS1 of the Draft Local Plan (2018) advises evidence suggests there is a need for 9,396 affordable homes in York between 2017-2033.

### Assessment

5.5. The application site is unallocated in the Draft Local Plan (2018), however is predominately previously developed land within an urban area. The proposal seeks to provide 5no. dwellings on a 0.13ha site. The proposal is below the density requirements for a suburban site and above the density requirements for a rural village. Taking into account the site constraints, the density of development is considered acceptable. The development would make effective use of underutilised land, by providing much needed housing in a highly sustainable location.

5.6. The development proposes 100% affordable housing provision (all rental dwellings). The applicant states that as an established Registered Social Housing Provider, Joseph Rowntree Housing Trust expect to retain ownership of the units

and offer them for rent. The provision of 5no. affordable dwellings exceeds policy requirements and is a significant benefit of the scheme.

5.7. Policy SS1 of the Draft Local Plan (2018) includes a priority to deliver at least 45% of the 9,396 affordable dwellings required to meet the needs of residents unable to compete on the open market within the plan period 2017-2033. Principles within the policy include directing development to sustainable locations. The background text acknowledges only at least 2,360 affordable homes are expected to be delivered through the site allocations and affordable housing policies in policy H7 (student housing which seeks an affordable housing contribution) and policy H10 (affordable housing). It is estimated around 3,265 (35%) affordable homes can be delivered in the plan period when windfall sites (sites not allocated in the plan) and the Council's Housing Delivery Programme are factored in. This however is still significantly short of the target set in the Draft Local Plan (2018). In previous years delivery of affordable homes have fallen short of the average levels needed to achieve the target by the end of the plan period. The Council is therefore reliant on windfall sites such as the application site to meet the target for affordable housing delivery in the Draft Local Plan (2018).

5.8. The provision of housing, with all houses proposed to be affordable on previously developed land, has significant weight in the planning balance, and complies with the NPPF and policies SS1, H2 and H3 of the Draft Local Plan (2018).

### **The Impact on Heritage Assets (Conservation Area and the setting of neighbouring Listed Buildings)**

#### Policy

5.9. Section 72 of the Planning (Conservation Areas & Listed Buildings) Act requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of a conservation area. This is supported by Policy D4 of the Draft Local Plan which seeks to protect Conservation Areas and its setting.

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

5.11. Section 16 of the NPPF, conserving and enhancing the historic environment, advises 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.

5.12. Proposals affecting a Listed Building or its setting will be supported where they preserve, enhance or better reveal those elements which contribute to the significance of the building. Development should help secure a sustainable future for a building at risk. This is set out within Policy D5 of the Draft Local Plan (2018).

5.13. Paragraph 206 of the NPPF states any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss (paragraph 207 of the NPPF).

5.14. 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 (paragraph 208 of the NPPF).

### Assessment

5.15. New Earswick is an early garden village, with most of the early buildings within the village listed at Grade II. It was designed at the turn of the last century to provide pleasant affordable houses, within a green setting and to foster a sense of community. Its significance is derived from its evidential value as a model village of garden city principles and the way in which this shaped low-cost housing in Britain; also, because it was created by a significant York organisation, Rowntree's (the majority of the village still in its ownership today). The relationship between built form and landscape is of critical importance and significance is enhanced by the high survival rate of the original design intention including the characteristic arts and crafts style architecture.

5.16. The site is adjacent to and forms part of the setting of several grade II listed buildings which formed part of the first phase of the creation of the village, up to circa 1910. Those that most closely related to the site are two rows of dwellings – nos. 1-5 and nos. 6-12 Ivy Place, both dating from 1910. Two further blocks of Ivy Place are located to the east (nos. 13-15 and nos. 16-20) and form a loose U shaped layout. To the south are three terraces facing south onto Station Avenue

(with back gardens facing north towards the development site). The listed buildings' significance derives from their survival largely in their original form, the application of the arts crafts style of architecture, which is constant (but in varying forms), through the village and the way in which they evidence the garden village principles, including factors such as the layout and leafy setting.

5.17. Historic map analysis and photos within the submitted documents, show that until at least 1950, the open space to the north of the site was divided into gardens, with a footpath running along their southern boundary. In the 1970's, the layout was changed such that Hawthorn Terrace South was inserted further south than the footpath (therefore curtailing the rear gardens of the Station Avenue dwellings), the gardens removed forming the current open space and the garages inserted. These changes were part of wider changes in the village to allow for houses to face onto green space, influenced by the Radburn Concept and therefore have some significance in showing the evolution of the village and the continued application of concepts relating to the garden city movement.

5.18. The garages date from circa 1970. There are other examples of similar structures within the conservation area. Due to the age and plain, utilitarian form of the garages and areas of hard standing, the garages are considered to be of no architectural interest and a detracting feature within the conservation area and setting of the listed buildings. There is therefore no objection to the principle of the demolition of the garages from a heritage perspective, although the removal of enclosed parking spaces would result in street parking / hardstanding for car parking which would result in a minor harmful effect upon the character of the Conservation Area.

5.19. Following the demolition of the garages, it is proposed to erect a row of 5no. dwellings, in terrace form, adjacent to 1-5 and 6-12 Ivy Place (Listed Buildings) and as such would result in a U-shape layout, which is characteristic in the Conservation Area. The form and layout would therefore not appear out of character. The open space was created at a later date and is not an original feature of the designed layout, nevertheless it contributes positively to the setting and creates spaciousness.

5.20. In terms of design, the proposal seeks a well-detailed row of dwellings to match those on Ivy Place and this is not objected to in principle and would serve to maintain the established architectural character. The overall form reflects the existing and features such as set-back front doors within arched entrances and fenestration pattern are maintained. It is important high-quality traditional details are used, such as timber windows, matching roof tiles, facing bricks and associated mortar. Detailing such as ridge, verge and eaves details also should be agreed

before installation. These elements have been conditioned, alongside sample roof and wall materials.

5.21. The front gardens directly face the open space with no enclosure which is beneficial as it reflects the existing character and sense of openness. The dwellings to the rear will host small, south facing gardens which will be bound by a hedge boundary, which reflects the boundary treatment in the Conservation Area. Small brick outbuildings are proposed which negates the need for ad-hoc outbuildings in the future.

5.22. The Conservation Officer raises concerns regarding the rear boundary extending up to the road which allows for no pavement or grass verge on the southern edge of the site. This is uncharacteristic in the surrounding streets and presents some harm to the Conservation Area. The existing sense of spaciousness of the immediate area will be diminished by the proposed development, with a greater scale of built form and enclosed gardens provided to the rear extending up to the road and further vehicles on the road.

5.23. The existing trees, which screen the garages and define the edge of the open space, would be removed but planting is provided elsewhere in Ivy Place in order to mitigate their removal and as such would not be result in harmful impacts on the heritage assets.

5.24. In terms of hard landscaping, the surface material of the parking area is shown as standard block paving in the visuals provided. Materials should be characteristic of the area and as such a condition is added to view and approve materials before their first use to ensure they are suitable.

5.25. The development would result in a low to very low level of harm to the historic environment (comprising the setting of the listed buildings and the character and appearance of the conservation area). The harm is as follows; spaciousness reduced due to increase in built form, lack of pavement/grass verge, and the visual impact of cars in the vicinity. The level of harm falls within the 'less than substantial' category and therefore in line with the requirements of the NPPF, public benefits must be weighed against the harm which is explored at 5.73.

## **Design and Layout of the site**

### Policy

5.26. Policy D1 of the Draft Local Plan (2018) supports development where they improve poor existing urban environments. Design considerations include the urban



structure, grain, density, massing, spacing, scale and appearance. Policy D2 of the Draft Local Plan (2018) relates to landscaping and seeks to protect and enhance landscape quality and character. Development proposals should recognise the significance of landscape features such as mature trees, hedges, historic boundaries and other important character elements, and retain them in a respectful context where they can be suitably managed and sustained. Proposals should contain sustainable, practical and high quality soft and hard landscaping. Policy WM1 relates to waste management and seeks to ensure sufficient and adequate waste storage arrangements.

### Assessment

5.27. The proposed dwellings are to be constructed in a terrace form with a projecting element, which matches the general housing style in this area. The dwellings are suitably sited and aid in forming a U-shape with the existing dwellings on Ivy Place. The proposed housing addresses and embraces the open space; and forms a rational fourth side to the enclosure. There is no front boundary treatment to retain the openness. The rear boundary treatment is hedging which is a prominent feature in the Conservation Area and is welcomed. The design is suitable and assimilates with the surroundings. The materials proposed are brickwork and roof tiles which are considered acceptable for the setting.

Therefore, aside from heritage considerations, the proposal would not detract from the street scene or general character of the area and, therefore, complies with national and local planning policy regarding design and visual amenity. In terms of waste management, there is adequate space to the rear of the site to host bins for all 5 no. dwellings and this will be concealed from public view given the boundary treatment in place. The proposal is considered to accord with policy D1, D11 and WM1 of the Draft Local Plan (2018).

### **Loss of Open Space**

#### Policy

5.28. Policy GI5 of the Draft Local Plan (2018) states development proposals will not be permitted which would harm the character of, or lead to the loss of, open space of 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.

5.29. Paragraph 103 of the NPPF (2023) states existing open space and land, should not be built on unless:

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- 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.

### Assessment

5.30. The proposed development encroaches slightly onto the designated open space (Hawthorn Terrace South AGS) to the north and east of the site. A small proportion of open space to the north is lost to form the proposed front gardens and paths. To the east a small amount of open space is lost to form the parking spaces labelled 'VP' and '5' and the boundary forming this area of hardstanding. The amount lost is approximately 300m<sup>2</sup> (0.03ha).

5.31. The Agent states the loss is required in order to allow for highway safety, to allow for the ability for vehicles to manoeuvre and that the area in the car park will still be open space and accessible to the public. The Agent states Willow Bank (another site for residential development granted permission 20/02495/FULM) includes an amount of open space that far exceeds the policy requirement, so it will deliver compensatory open space for the small amount being lost at Hawthorn Terrace South.

5.32. Policy GI5 refers specifically to open space of recreational importance, whilst paragraph 103 of the NPPF refers to any open space. The Local Planning Authority consider the whole of the designated open space is of recreational importance by providing a green area allowing for informal interactions and an outdoor amenity space.

5.33. An assessment has not been provided by the applicant to demonstrate the open space is surplus to requirements (in conflict with part a of paragraph 103 of the NPPF). The 2017 Green Infrastructure Update shows that Huntington and New Earswick has a deficit of 9.27ha of amenity green space and the development is not for alternative sports or recreational provision (therefore in conflict with part c of paragraph 103 of the NPPF).

5.34. Turning to policy GI5 of the Local Plan and part b of paragraph 103 of the NPPF (which seek the same aims), the loss of the open space resulting from the proposed development would not be replaced by equivalent or better provision elsewhere. The Agent states Willow Bank provides compensatory open space however this is not proposed to be linked or secured via this application and this is already to be provided regardless of the outcome of this application.

5.35. Taking the above matters into consideration, the proposal conflicts with policy GI5 of the Draft Local Plan and paragraph 103 of the NPPF (2023). However Officers consider the loss of the open space is minimal in this instance and the proposal would still allow for an informal green space to be accessible to the public. The loss of the small amount of open space (which is not being replaced elsewhere) is causing limited harm, especially when considering the scale of loss. This harm and conflict are to be weighed in the planning balance at 5.73.

## **Highways, Access and Loss of Garages**

### Policy

5.36. The NPPF focuses development in sustainable and accessible locations allowing opportunities to promote sustainable transport modes. Paragraph 115 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Paragraph 116 seeks priority to be given to pedestrian and cycle movements, meet needs of people with disabilities and enable charging of plug-in and ultra-low emission vehicles.

5.37. The above is reflected in draft policy T1: Sustainable Access, which supports development that minimises the need to travel and maximises the use of more sustainable modes of transport. Policy T1 of the 2018 emerging Local plan supports the approach of the NPPF in that it seeks the safe and appropriate access to the adjacent adopted highway, giving priority to pedestrians and cyclists.

5.38. Policy T8 of the Draft Local Plan states development should comply with the Council latest parking standards guidance, incorporate appropriate demand management measures that reduce congestion, improve public transport journeys, ease pedestrian and cycle access to, within and through the development and improve the streetscape.

### Assessment

5.39. The site is considered to be within a sustainable location close to local facilities, public transport and is less than 100m from a high frequency bus stop. The site is close to the cycle network which gives off-road access to the orbital route and onward connection via off-road and on-road cycle paths to the hospital, city centre and railway station.

5.40. Each dwelling requires 2no. secure and covered spaces for cycle parking. The application is accompanied by an outbuilding plan which is to host 2no. cycles and storage in the rear garden of each dwelling. The outbuilding is 2.1m x 2m, which is considered a sufficient size for 2no. cycles. The Highways Officer notes the location of the door is such that at least one of the cycles will have to be removed to access garden items in the store. It is recommended that either double doors or a second door be provided to avoid this. Officers however note this is a minor inconvenience and would not be a ground for refusal. Bins are to be located adjacent to the outbuilding. Cycle parking is adequately considered and the outbuilding plan can be conditioned to ensure they are in place prior to occupation and retained for their intended use to encourage sustainable travel.

5.41. The proposal seeks to provide 5no. designated parking spaces for the new occupiers and 1no. visitor car parking space. These are of sufficient size (2.5m x 5m). The Highways Officer notes the car parking requirement is met for the proposed development. However the Highways Officer notes the demolition of the existing garages to facilitate the new dwellings will result in the loss of up to 18no. existing car parking spaces (plus further usable 'tandem' parking space in front of the garages).

5.42. Officers note that at the time of the site visit, no vehicles were parked directly in front of the garages (4no. wouldn't be able to park in front due to the adopted highway). 2no. cars and 1no. van were parked on street to the south of the garages on Hawthorn Terrace South, with further space on street in the immediate vicinity. Officers have also considered vehicle parking on Hawthorn Terrace South via Google Street View at different time periods (March 2024, June 2023, April 2012, September 2008). During these periods, cars parking immediately south of the site on street on Hawthorn Terrace South ranged from 2 – 3 vehicles with space available for more. There are no parking restrictions (e.g yellow lines) in the immediate vicinity allowing for unrestricted on street parking, however yellow lines are proposed on the northern side of Hawthorn Terrace South to prevent double parking and to allow access to the car park and rear gardens. The installation of yellow lines would fall outside of the planning process.

5.43. In November 2023, the Agent noted, 14no. out of the 18no. garages were let (8no. lived within 150m, 5no. lived within 300m and 1no. lived outside the village).

All garage tenants were given notice and the garages are now in the possession of the Applicant. The Agent notes the following:

“There is a general trend where such garage blocks are no longer a popular choice for the parking of cars. Many blocks of garages are considered to be unsafe, inconvenient or too small given how cars have become larger over the years. These general trends are true of the garages off Hawthorn Avenue South. Consequently, JRHT is finding that the garages are being used mostly for storage of household goods rather than the parking of vehicles. Currently, there are only two tenants who use the garages for their intended purpose of providing parking for cars, which means that the garages are underutilised for their intended purpose. Of the 14no., three occupiers got in touch requesting alternate garage provision. The applicant will seek to allocate an alternative garage for these occupiers. Given that other garage sites around New Earswick are subject to redevelopment then JRHT has chosen to take back possession of all affected garages so as to provide an opportunity for all those who wish to retain a garage to be able to apply at the same time, thereby offering a means to prioritise those in most need. Available garages across New Earswick are being allocated according to a policy developed by JRHT that intends to offer those with disabilities a garage first, followed by existing tenants. Consideration is also being given to the proximity of garage allocations to homes.”

5.44. The proposed loss of the garages has resulted in objections and issues could arise for those with protected characteristics, for example disabled parking arrangements and proximity of parking to existing dwellings. This potentially engages s.149 of the Act (Public Sector Equality Duty). The PSED does not specify a particular substantive outcome but ensures that the decision made has been taken with due regard to its equality implications. Officers have given due regard to the aims of the Act. The provision of 5no. affordable houses has significant weight in the decision making process and it is considered the applicant has reasonably considered garage re-allocation for those that require them, including giving priority to disabled occupants. It is not considered that the applicant's garage policy could reasonably be included as a planning condition.

5.45. The loss of the garages may result in some increase in on-street parking in the local area, however the impact is considered relatively limited, in particular given that the new occupants will be provided with parking. At the time of site visit, vehicle parking on street in this location was low. Significant weight is given to the sustainable location in terms of public transport options and cycle/walking routes to amenities and services. The proposals are considered to be acceptable in terms of their impact on the surrounding highway network and no harm is identified in this

respect. The proposal complies with policy T1 and T8 of the Draft Local Plan (2018) and paragraph 116 of the NPPF (2023).

## **Residential Amenity**

### Policy

5.46. Paragraph 135(f) of the NPPF seeks a high standard of amenity for existing and future users. This is reflected in policy ENV2 of the Draft Local Plan (2018). Policy ENV3 of the Draft Local Plan (2018) relates to land contamination.

### Assessment

5.47. The proposed dwellings will be located in a similar position to the existing single storey garage block, although will be larger in scale due to their two storey nature. Windows are proposed on the north, south and east elevations. Occupiers will be provided with suitable outlook and light. The western elevation of the proposed block hosts no windows therefore no overlooking issues will arise facing this direction.

5.48. The fenestration on the northern elevation will overlook the existing shared open space and the windows are located over 30m from 6-12 Ivy Place, which is considered an acceptable distance to prevent loss of privacy. The windows on the eastern elevation are located over 30m from dwellings to the east on Ivy Place. Although not directly applicable (given that this proposal is for new builds), the Councils' House Extensions Design Guide advises a first-floor window should be located 21m from the neighbouring elevation and this guidance is met.

5.49. Concerns are raised regarding overlooking and loss of privacy towards 1-5 Ivy Place however the fenestration on the northern elevation will face towards the shared open space and the windows are on a 45 degree angle from this row of houses which mitigates direct loss of privacy. The proposal will create a similar relationship to that of number 5 and number 6.

5.50. The fenestration on the south (rear) elevation will be located approximately 22m (at its closest point) from the rear elevation of the dwellings on Station Avenue and 13m from their gardens, which is considered a suitable distance to prevent loss of privacy. The proposed block is considered a suitable distance from all dwellings in the vicinity to prevent overshadowing and from being overbearing.

5.51. A site investigation is needed to find out whether land contamination is present. If contamination is found, appropriate remedial action will be required to

ensure that the site is safe and suitable for its proposed use. The Public Protection Officer recommends conditions to cover this and these conditions have been added.

5.52. As there are residential properties surrounding the proposed site and concerns have been raised from local residents, the Public Protection Officer recommends that controls are put in place to minimise noise, vibration and dust during demolition and construction. A working hours condition is recommended however a Construction Environmental Management Plan (CEMP) condition is considered to be unreasonable because of the small scale of the development.

5.53. Overall and subject to conditions, the proposed development is not considered to cause residential amenity concerns in line with policy ENV2 and ENV3 of the Draft Local Plan (2018) and paragraph 135(f) of the NPPF.

## **Drainage and Flood Risk**

### Policy

5.54. In chapter 15, the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk but, where development is necessary, making it safe without increasing flood risk elsewhere. Draft local plan policies ENV4/5 of the 2018 draft plan reflect the aims of the NPPF.

### Assessment

5.55. The Flood Risk Management witnessed infiltration testing on this site and noted that due to the presence of dense clay subsoil down to a depth of 1.5m below ground level and groundwater seepage, soakaways will not work on this site.

5.56. The submitted Drainage Layout Plan (rev A Dated 13<sup>th</sup> September 2023) shows foul water being connected to the public foul sewer in Chestnut Grove and surface water connected to the public surface water sewer in Hawthorn Terrace South at a restricted rate of 2.6 (two point six) litres per second with appropriate attenuation up to and including the 1 in 100 year event with 30% climate change event. A Permeability Testing Report (Re: S231210 dated 29th January 2024 by Solmek) has also been submitted. The Flood Risk Management Team have assessed the submitted reports and agree to the drainage layout plan, which have been conditioned, alongside a condition requesting separate drainage for foul and surface water.

## **Trees**

## Policy

5.57. Policy GI4 of the Draft Local Plan (2018) specifically relates to trees and hedgerows. Development will be permitted where it:

- i. recognises the value of the existing tree cover and hedgerows, their biodiversity value, the contribution they can make to the quality of a development, and its assimilation into the landscape context;
- ii. provides protection for overall tree cover as well as for existing trees worthy of retention in the immediate and longer term and with conditions that would sustain the trees in good health in maturity;
- iii. retains trees and hedgerows that make a positive contribution to the character or setting of a conservation area or listed building, the setting of proposed development, are a significant element of a designed landscape, or value to the general public amenity, in terms of visual benefits, shading and screening.
- iv. does not create conflict between existing trees to be retained and new buildings, their uses and occupants, whether the trees or buildings be within or adjacent to the site;
- v. supplements the city's tree stock with new tree planting where an integrated landscape scheme is required; and,
- vi. Provides suitable replacement planting where the loss of trees or hedgerows worthy of retention is justified.

## Assessment

5.58. The application is accompanied by an Arboricultural Impact Assessment and Arboricultural Constraints Appraisal, prepared by Bowland Tree Consultancy LTD (dated September 2023). The reports conclude 21no. trees are to be removed in order to construct the development due to the root damage that would be incurred and their incompatibility with the proposed development. The trees to be removed are as follows;

- 1no. Silver Birch Tree (category B1)
- 1no. Common Holly Tree (category C1)
- 3no. Western Red Cedar Tree (category C1)
- 13no. Lawson Cypress (category C1/2)
- 3no. Jacquemont's Birch Trees (category B1/2)

5.59. The trees are located to the rear of the long run of the existing garages and help screen the back of the garages from the main open space to the rear, which in  
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turn is bordered and overlooked on three sides by existing properties on Ivy Place. The trees also help to define the southern edge of the open space. Due to the low height of the garages, a large proportion of the canopy cover, provided by these trees, is visible over the top; the trees therefore also contribute to the amenity of this street, which is also overlooked by the rear of properties on Station Avenue. They therefore offer significant value to the public amenity. All the trees across the site and Ivy Place are located in the Conservation Area. The Landscape Architect considers the Silver Birch Tree and 3no. Jacquemont's Birch Trees are worthy of protection and should be weighed in the planning balance. The loss of the trees worthy of protection is therefore in conflict with part ii and part iii of policy GI4 of the Draft Local Plan (2018) and this is explored further in the planning balance at 5.69.

5.60. The proposed landscape scheme includes generous new tree planting alongside the southern footpath and in the southeast corner of Ivy Place and includes 18no. new trees, hedge and shrubs. The Landscape Architect confirms the scheme provides adequate mitigation for the loss of the trees in the context of the proposed housing development, given the quantity of other trees in the area and the quantity and type of proposed tree planting. However small amendments are requested by the Landscape Architect to include Birch trees in the southeast corner of the open space, the crab apple in the south easter corner should be replaced with a different species and moving the Oak so it has more space to develop. The Landscape Architect concludes there is no objection subject to appropriate conditions including an updated landscape scheme and an Arboricultural Method Statement.

## **Ecology**

### Policy

5.61. Policy GI2 of the Draft Local Plan (2018) relates to biodiversity and access to nature. Policy GI2(a) of the Draft Local Plan (2018) relates to Strensall Common Special Area of Conservation (SAC) which seeks to maintain the integrity of the SAC. Paragraph 180 (d) of the NPPF (2021) seeks to ensure development contributes and enhances the natural and local environment by minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

5.62. Statutory (mandatory) biodiversity net gain is not applicable for this development given the date of submission (October 2023).

### Assessment

5.63. The application site is located c.4km to the south-west of Strensall Common SAC and as such sits within its Impact Risk Zone (IRZ). The potential impacts of the proposed works should therefore be considered. Habitats Regulations Assessment (HRA) is the process that competent authorities must undertake to consider whether a proposed development plan or programme is likely to have significant effects on a European site designated for its nature conservation interest.

5.64. As a competent authority it is the Local Planning Authority's responsibility to identify where further assessment is required, this may include the provision/production of a Habitat Regulations Assessment, or a conclusion that further assessment is not required. This application was considered in light of the assessment requirements of the Conservation of Habitats and Species Regulations 2017 by City of York Council, which is the competent authority responsible for authorising the project (proposed development) and any assessment of it required by the Regulations. Having considered the nature, scale, timing, duration and location of the project, it was concluded that the proposed works should be eliminated from further assessment as it could not have any conceivable effect on Strensall Common SAC.

5.65. Ecological enhancements have been recommended within the Preliminary Ecological Appraisal with the aim of providing biodiversity net gain post construction. These include the provision of bat roosting features (section 8.2.5), bird boxes (section 8.4.7) and hedgehog features (section 8.7.4.4). A planning condition has been added to secure these. Informatives are recommended to remind the applicant of works near nesting birds, hedgehogs and wildlife and lighting.

## **Sustainable Design and Construction**

### Policy

5.66. Policy CC2, part A, of the Draft Local Plan (2018) as recently amended states all new residential development of 1 or more dwellings should achieve;

- i) on-site carbon emissions reduction of a minimum of 31% over and above the requirements of Building Regulations Part L (2013) and seeking to achieve 75%, of which at least 19% should come from energy efficiency measures; and,
- ii) a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

Pending anticipated changes to Building Regulations, developments should further aim to achieve up to a 75% reduction in carbon emissions over and above the

requirements of Building Regulations Part L (2013) unless it is demonstrated that such reductions would not be feasible or viable. The Target Emissions Rate (TER) for proposed new dwellings should be calculated using version 10 of the Standard Assessment Procedure (SAP). Any higher level of reductions required through Building Regulations or other legislation will supersede the above requirements.

### Assessment

5.67. The applicant has provided an Energy Statement in Respect of Sustainable Design and Construction within their Planning Statement. This statement describes the following measures which are proposed to reduce the carbon impact of the development:

- Fabric-first approach (wall insulation, roof insulation, glazing)
- Passive solar gain
- Air source heat pumps
- LED lighting
- Thermostats

5.68. The use of a fabric first approach, energy efficiency technologies, monitoring technologies and heat pumps is supported and aligns with the energy hierarchy. The applicant also states plans to limit water consumption through controlling the size of toilet cisterns and fitting showers with spray heads. In order to meet part A of policy CC2 a condition has been added to secure carbon reduction and water consumption rates in line with the draft local policy.

### **Planning Balance**

5.69. To summarise, the following harm and conflict with policy has been identified as a result of the scheme;

- a) A low level of less than substantial harm identified to the setting of the Listed Buildings and to the character and appearance of the Conservation Area (spaciousness reduced due to increase in built form, lack of pavement/grass verge, and the visual impact of cars in the vicinity).
- b) Moderate harm arising from the loss of 4no. category B trees which are worthy of protection. This is in conflict with part ii and part iii of policy GI4 of the Draft Local Plan (2018).
- c) Limited harm arising from the loss of a small proportion of open space (which is not replaced elsewhere). This is in conflict with paragraph GI5 of the Draft Local Plan (2018) and paragraph 103 of the NPPF (2023).

5.70. In line with the requirements of the NPPF (paragraph 208) and policy D4 of the Draft Local Plan (2018), public benefits must outweigh any harm identified to the heritage assets (as set out at 5.69(a)). For the purposes of the overall assessment in the planning balance, the following public benefits of the scheme are identified;

- a) 5no. affordable rent dwellings (secured by a Section 106 agreement). This is a significant benefit of the scheme taking into account the tenure proposed and is a public benefit. This exceeds policy requirements.
- b) Residential development on previously developed land, in a sustainable location close to public transport links and amenities. This is a significant public benefit.
- c) Removal of the garages which are considered a visual detriment in the Conservation Area. This is a public benefit.

5.71 Taking all of the above into consideration, the provision of affordable housing and proposed public benefits put forward, are considered to outweigh the identified harms. In order to secure the affordable housing benefit, a S106 is required. As such the development would accord with paragraph 208 of the NPPF (2018) and policy D4 of the Draft Local Plan (2018). The benefits would also overcome the conflict with policy identified at 5.69(b) and 5.69(c).  
giving considerable importance and weight to the identified harm, it is considered that the proposals would have an acceptable effect on this designated heritage asset

### **Public Sector Equalities Duty**

5.72 Section 149 of the Equality Act 2010 contains the Public Sector Equality Duty (PSED) which requires public authorities, when exercising their functions, to have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share relevant protected characteristic and persons who do not share it.

5.73 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to the characteristic;

- b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

5.74 The PSED does not specify a particular substantive outcome but ensures that the decision made has been taken with “due regard” to its equality implications.

5.75 Officers have given due regard to the equality implications of the proposals in making this recommendation. There is no indication or evidence (including from consultation on this application) that any equality matters are raised that would outweigh the material planning considerations.

## **Planning Obligations**

5.76 Policy DM1 of the Draft Local Plan (2018) states; New development will be supported by appropriate physical, social and economic infrastructure provision.

5.77 Paragraph 57 of the NPPF states planning obligations must only be sought where they are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

5.78 It is reasonable to secure the affordable housing via a S106 agreement to ensure they are maintained and retained as such in the future as this is a significant benefit of the scheme. The obligation should secure dwellings for affordable rent.

## **6 CONCLUSION**

6.1 The proposal would provide 5no. two-bedroom affordable houses (to rent) all of which would be provided by a Registered Social Housing Provider. This is in excess of the policy requirements for affordable housing for a development of this size. This has significant weight in the planning balance. Other benefits include; the utilisation of previously developed land for residential development in a sustainable location, removal of the uncharacteristic garages, suitable landscaping and parking for new occupiers and visitors.

6.2 Less than substantial harm has been identified to New Earswick Conservation Area (spaciousness reduced due to increase in built form, lack of pavement/grass verge and the visual impact of cars in the vicinity). Moderate harm has been identified from the loss of 4no. category B trees which are worthy of protection.

Limited harm arises from the loss of a small proportion of open space (which is not replaced elsewhere).

6.3 The design and layout of the proposal is considered appropriate for the setting. The impact on the living conditions of neighbouring dwellings is not considered to be harmful. The proposal is not considered to have a detrimental impact on the highway network and garage occupiers have been given the opportunity to relocate. Due regard has been given to the Public Sector Equalities Duty. Matters such as ecology, landscaping, sustainability, drainage, amenity and trees can be addressed by condition.

6.4 In the planning balance the provision of affordable housing and proposed public benefits are considered to outweigh the identified harms. In coming to this conclusion, considerable weight and importance has been paid to paying special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and preserving the listed buildings or their setting. As such the development would accord with paragraph 208 of the NPPF (2018) and policy D4 of the Draft Local Plan (2018). The benefits would also overcome the conflict with policy identified at 5.69(b) and 5.69(c).

## **7.0 RECOMMENDATION:**

i That delegated authority be given to the Head of Planning and Development Services to APPROVE the application subject to:

a. The completion of a Section 106 Agreement to secure the following planning obligations:

- Affordable Housing: 100% provision

ii The Head of Planning and Development Services be given delegated authority to finalise the terms and details of the Section 106 Agreement.

iii The Head of Planning and Development Services be given delegated authority to determine the final detail of the following planning conditions:

1      TIME2      Development start within three years

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

Location plan; drawing number 20843-BSB-00-XX-DR-A-0014, revision P1, dated 29/08/2023.

Proposed floor plans, sections and elevations; drawing number 20843-BSB-00-XX-DR-A-0010, revision P1, dated 31/01/2023.

Outbuilding and bin storage plan and elevations; drawing number 20843-BSB-00-XX-DR-A-0013, revision P1, dated 29/08/2023.

Proposed block plan; drawing number 20843-BSB-00-XX-DR-A-0015, revision P1, dated 29/08/2023.

Proposed elevations; drawing number 20843-BSB-00-XX-DR-A-0017, revision P1, dated 29/08/2023.

Proposed site layout plan; drawing number 20843-BSB-00-XX-DR-A-0019, revision P1, dated 07/09/2023.

Proposed house type A; drawing number 20843-BSB-00-XX-DR-A-0020, revision P1, dated 07/09/2023.

Proposed house type B, drawing number 20843-BSB-00-XX-DR-A-0021, revision P1, dated 07/09/2023.

Reason: In the interests of proper planning.

3 Prior to development (excluding demolition), a site investigation and risk assessment must be undertaken to assess the nature, scale and extent of any land contamination and the potential risks to human health, groundwater, surface water and other receptors. A written report of the findings must be produced and is subject to approval in writing by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

4 Where remediation works are shown to be necessary, development (excluding demolition) shall not commence until a detailed remediation strategy has been submitted to and approved by the Local Planning Authority. The remediation strategy must demonstrate how the site will be made suitable for its intended use and must include proposals for the verification of the remediation works. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the proposed remediation works are appropriate and will remove unacceptable risks to identified receptors.

5 Prior to first occupation or use, remediation works must be carried out in accordance with the approved remediation strategy. On completion of those works, a verification report (which demonstrates the effectiveness of the remediation carried out) must be submitted to and approved by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the agreed remediation works are fully implemented and to demonstrate that the site is suitable for its proposed use with respect to land contamination. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

6 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, if remediation is necessary, a remediation strategy must be prepared, which is subject to approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and approved by the Local Planning Authority. It is strongly recommended that all reports are prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

7 Before the commencement of development, an Arboricultural Method Statement (AMS) including a scheme of Arboricultural supervision regarding protection measures for existing trees within and adjacent to the application site shall be submitted to and approved in writing by the local planning authority. Amongst the detail within the AMS, the statement shall cover details and locations of protective fencing, ground protection, a schedule of tree works if applicable, site rules and prohibitions, phasing of protection measures, method of demolition and site clearance, site access during development operations, types of construction machinery/vehicles to be used, parking arrangements for site vehicles, locations for stored materials, locations and means of installing utilities, location of site compound. A copy of the document shall be available for reference and inspection on site at all times. The development shall be implemented in accordance with the approved details.

Reason: To ensure every effort and reasonable duty of care is exercised during the development process in the interests of protecting the existing trees shown to be retained which are considered to make a significant contribution to the amenity and setting of the development and the conservation area.



8 Prior to commencement of the construction of walls in the development hereby permitted, a sample brick panel (measuring 1m x 1m) shall be deposited on site and approved in writing by the Local Planning Authority. Development shall then be carried out in strict accordance with the approved details.

Reason: To ensure the materials are suitable for the Conservation Area and its setting (including the setting of the Listed Buildings) in line with policy D4 of the Draft Local Plan (2018).

9 Prior to commencement of the construction of walls in the development hereby permitted, a sample of the roofing material shall be deposited on site for the written approval of the Local Planning Authority. Development shall then be carried out in strict accordance with the approved details.

Reason: To ensure the materials are suitable for the Conservation Area and its setting (including the setting of the Listed Buildings) in line with policy D4 of the Draft Local Plan (2018).

10 Prior to commencement of the construction of walls in the development hereby permitted, details of the ridge, verge and eaves shall be submitted for the written approval of the Local Planning Authority. Development shall then be carried out in strict accordance with the approved details.

Reason: To ensure the materials are suitable for the Conservation Area and its setting (including the setting of the Listed Buildings) in line with policy D4 of the Draft Local Plan (2018).

11 Prior to commencement of the external walls of the development hereby permitted, a biodiversity enhancement plan/drawing and a timetable for its implementation shall be submitted to and be approved in writing by the local planning authority. The content of the plan shall include, but not be limited to the recommendations set-out in the Preliminary Ecological Appraisal, provided by Wold Ecology Ltd., dated August 2022. Development shall be carried out in accordance with the approved details and timetable.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to contribute to and enhance the natural and local environment by minimising impacts on, and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

12 Within two months of commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the species, stock size, density (spacing), and position

of trees, shrubs and other plants. The approved scheme shall be implemented within a period of six months of the practical completion of the development. Any trees or plants which within the lifetime 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 the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site, since the landscape scheme is integral to the amenity of the development and mitigation of lost trees.

13 Prior to the installation of the paths and car park hereby permitted, details of the proposed surface materials shall be deposited on site and approved in writing by the Local Planning Authority. Development shall then be carried out in strict accordance with the approved details.

Reason: To ensure the materials are suitable for the Conservation Area and its setting in line with policy D4 of the Draft Local Plan (2018).

14 The windows in the development hereby permitted shall be timber and no other materials shall be used without the prior written approval of the Local Planning Authority. Timber windows shall be retained for the lifetime of the development.

Reason: To ensure the materials are suitable for the Conservation Area and its setting (including the setting of the Listed Buildings) in line with policy D4 of the Draft Local Plan (2018).

15 The development shall be carried out in accordance with the details shown on the submitted Flood Risk Assessment and Drainage Strategy Report (FRA&DSR) - Re: P15691-DSR-01 rev A dated 13th September 2023, unless otherwise approved in advance in writing by the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage.

16 The dwellings shall achieve a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

The fabric energy efficiency shall achieve a 19% or more reduction in carbon emissions (compared to the target emission rate as required under Part L of the Building Regulations 2013).

The Target Emission Rate (TER) for the new dwellings should be calculated using version 10 of the Standard Assessment Procedure (SAP) and submitted to the Local Planning Authority prior to construction to demonstrate that an overall reduction in carbon emissions of at least 75% above Part L of the Building Regulations 2013 is

achieved. If a reduction of 75% or more cannot be achieved a statement shall be submitted to demonstrate that such a reduction would not be feasible or viable, and shall be approved in writing by the Local Planning Authority prior to construction.

Reason: In the interests of securing a sustainable development in line with policy CC2 of the Draft Local Plan (2018).

17 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 0800 to 1800 hours

Saturday 0900 to 1300 hours

Not at all on Sundays and Bank Holidays

Reason: To protect the amenity of the locality.

18 No dwelling shall be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles and the approved cycle storage areas have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

19 No dwelling shall be occupied 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.

20 No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

## **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 more information with regards to highways and drainage
- Secured affordable housing and conditions.

## 2. DRAINAGE NOTE

i) The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.

ii) The applicant should be advised that the Yorkshire Waters or NAV's prior consent is required (as well as planning permission) to make a connection of foul and surface water to the public sewer network.

## 3. Electric Vehicle Charging Point informative :

In line with paragraph 112 of the National Planning Policy Framework, developments should be designed to 'enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations'.

In line with Building Regulations, Electric Vehicle (EV) charge point provision ('active provision') is required for all residential developments in York, unless the development has no parking. To prepare for increased demand for charging points in future years, appropriate cable routes ('passive provision') should also be included in the scheme design and development.

Approved Document S: infrastructure for charging electric vehicles outlines the required standards and provides technical guidance regarding the provision of EV charge points and cable routes.

From 15th June 2022, Approved Document S applies to new residential and non-residential buildings; buildings undergoing a material change of use to dwellings; residential and non-residential buildings undergoing major renovation; and mixed-use buildings that are either new or undergoing major renovation.

### **Contact details:**

**Case Officer:** Natalie Ramadhin

**Tel No:** 01904 555848

# Garages at Hawthorn Terrace South, New Earswick

23/01879/FUL



Scale : 1:1195

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<b>Organisation</b>	City of York Council
<b>Department</b>	Env, Transport & Planning
<b>Comments</b>	Site Location Plan
<b>Date</b>	05 December 2024
<b>SLA Number</b>	Not Set

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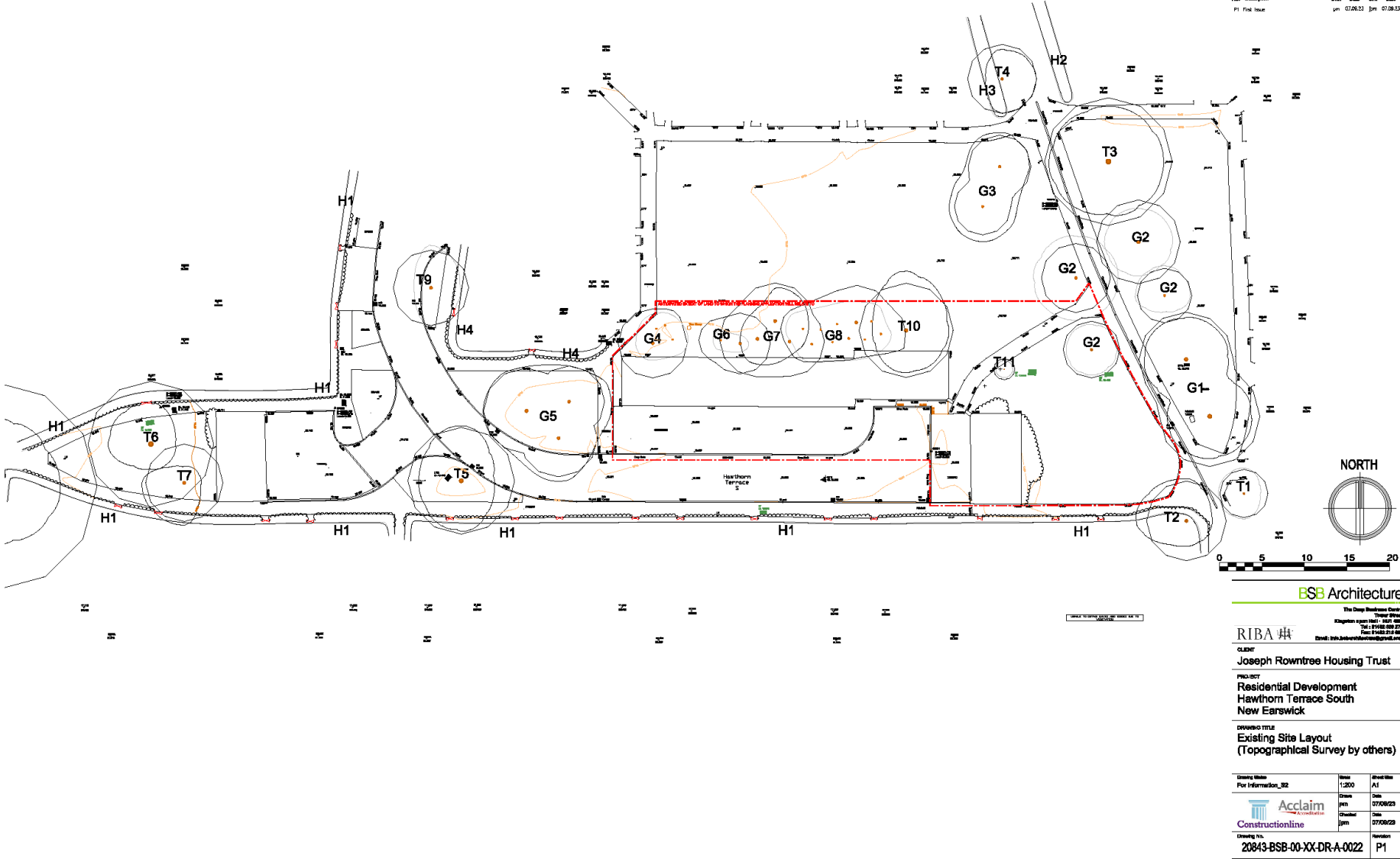


## Planning Committee B

23/01879/FUL

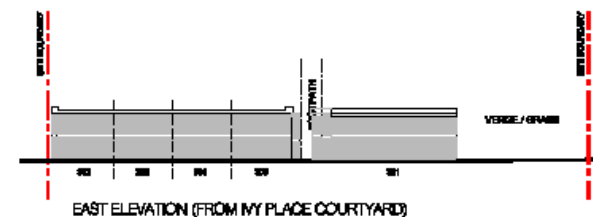
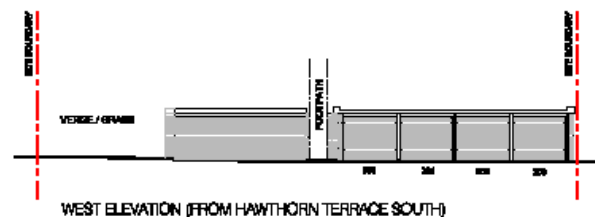
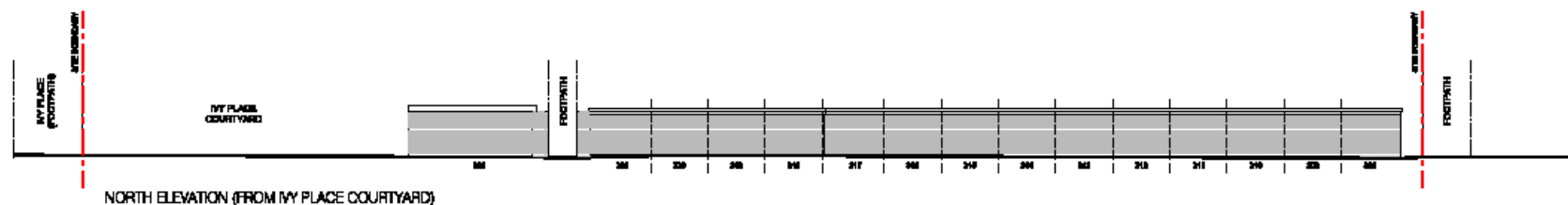
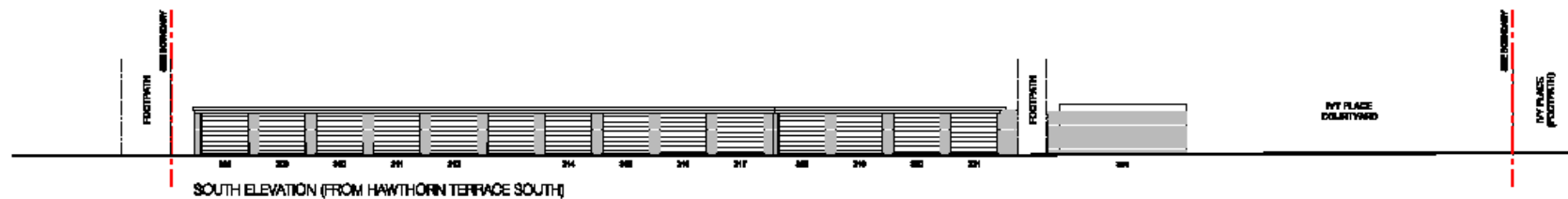
Garages at Hawthorn Terrace South New Earswick

Existing site plan





## Existing garage blocks

[illegible]

Page 65

1 2 3 4 5 6 7 8

**BSB Architecture**  
The New Residential Studio  
10000 Highway 101, Suite 100  
Edmonton, Alberta T6E 4E8  
Tel: (780) 443-1100  
Fax: (780) 443-1101  
Email: [info@bsbarchitecture.com](mailto:info@bsbarchitecture.com)

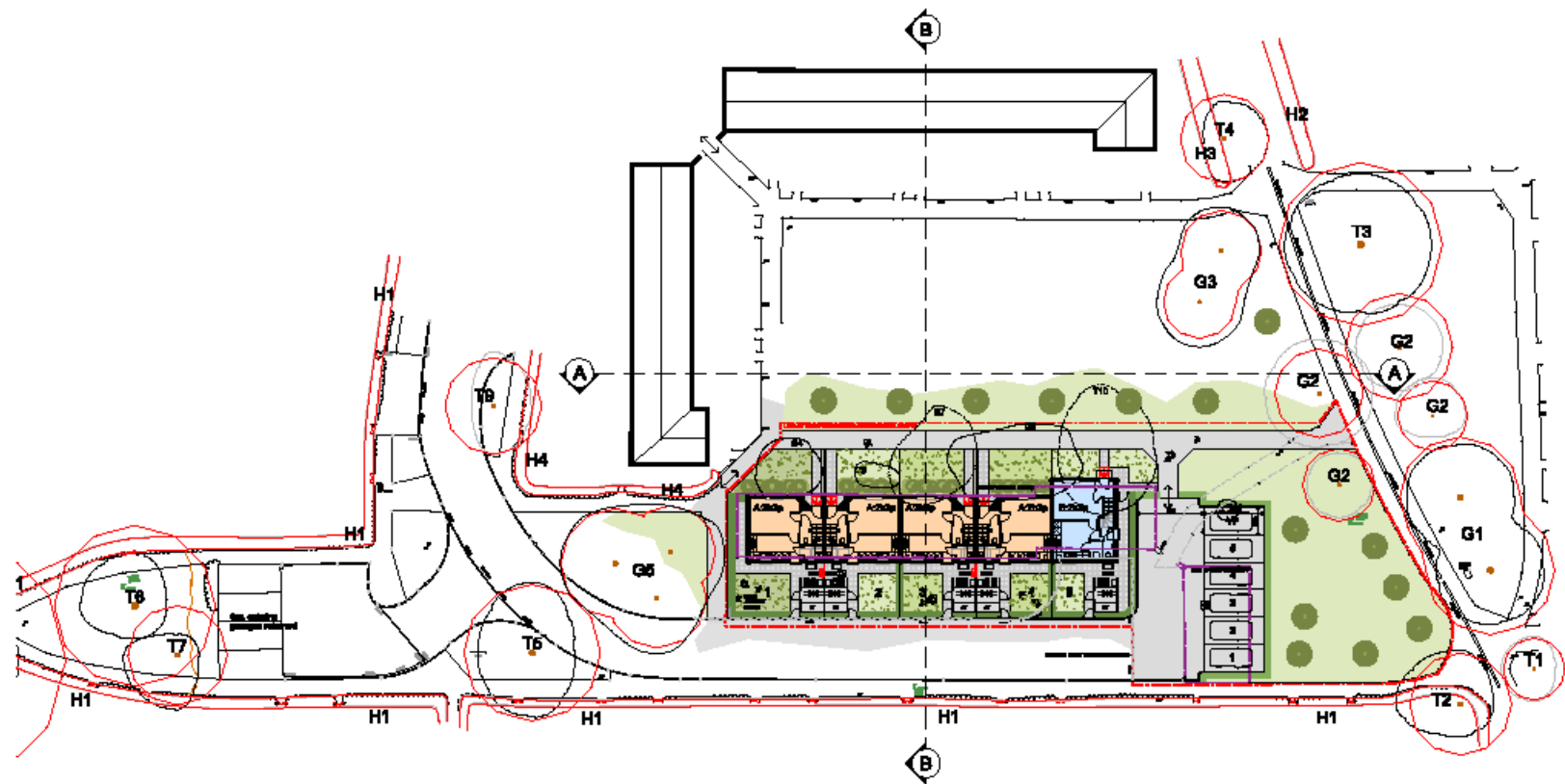
**RIBA 華**  
CLUB  
**Joseph Rowntree Housing Trust**

**PROJECT**  
Residential Development  
Site 2, Hawthorn Terrace South  
New Ewerick

**EXISTING TITLE**  
**Existing Garage Elevations**

Working Status	DATE	ISSUED FOR
For Information, RZ	1-2-20	AS
	DATE	DATE
	BY	BY
	BY	BY
Working Title	20043-B58-00-XX-DR-A-0016	Revision P1

Proposed site layout



PROPOSED SITE LAYOUT  
scale 1:500 A3/A1

**SCHEDULE OF ACCOMMODATION:**

A : 2nd Storey Units	40
B : 1st Storey Units	40
<b>Total</b>	<b>80</b>

Public - 1st (Indicated)  
for visitor parking bay (V1)

**NOTES:**

- LEVEL ACCESS LANDING - 1000mm x 1000mm to be provided to ensure accessibility. Proprietary design to be agreed with City of York Council.
- PERIMETER BETWEEN PROPERTIES TO REMAIN - 1000mm to be provided to ensure accessibility. Proprietary design to be agreed with City of York Council.



**LEGEND:**

	PARKING BAYS - To be agreed with City of York Council.
	HERBAGE - 1000mm high to rear of property.
	HERBAGE - 1000mm high to rear of property.

**TURF:**  
To be provided to ensure accessibility. Proprietary design to be agreed with City of York Council.

**PLANTING AREA:**  
To be provided to ensure accessibility. Proprietary design to be agreed with City of York Council.

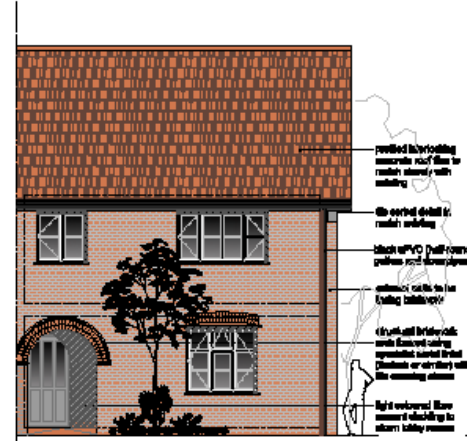
**POC PARKING PLAYS:**  
All units access paths to be 1000mm wide. Paths around perimeter of building to be 1000mm wide. Green belt area 1:10.

**ESB Architecture**  
RIBA #  
Client: Joseph Rowntree Housing Trust  
Project: Residential Development  
Hawthorn Terrace South  
New Earswick  
Proposed Site Layout  
6m 25/7p Homes  
Scale: 1:500  
Date: 16 Dec 2024  
Author: [Name]  
Check: [Name]  
Drawn: [Name]  
Project: P1

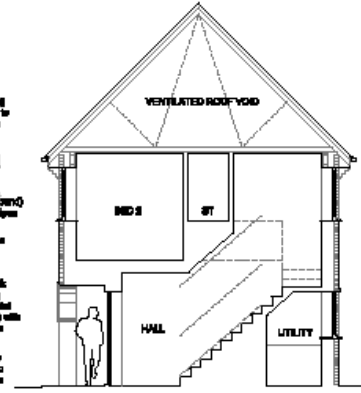
## Proposed house type A



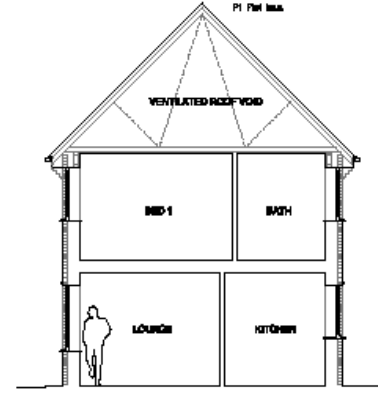
**FIRST FLOOR LAYOUT**  
**HOUSE TYPE A**  
**3 BED / 2 BATH HOUSE**  
**Frd Floor Area = 20.3sq²**



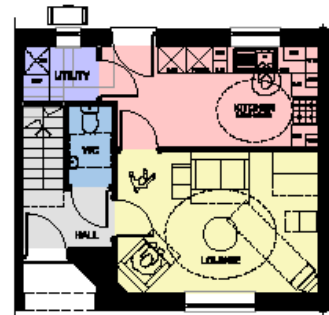
**FRONT ELEVATION  
HOUSE TYPE A  
2 BED / 2 BATH HOUSE**



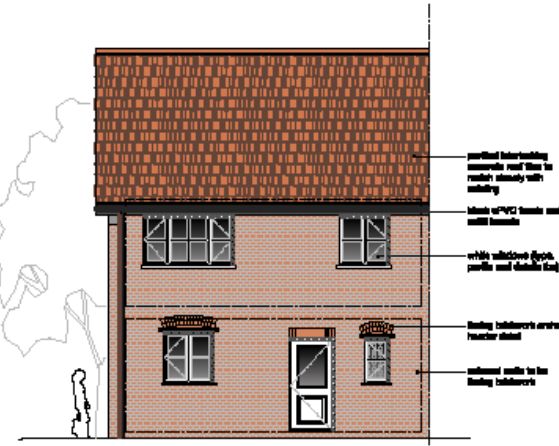
**TYPICAL SECTION  
HOUSE TYPE A  
2 BED / 1 B PERSON HOUSE**



**TYPICAL SECTION  
HOUSE TYPE A  
2 BED / 9 PERSON HOUSE**



**GROUND FLOOR LAYOUT**  
**HOLING TYPE A**  
**2 HOLES / 3 PERSONS PER HOLE**  
**Ground Floor Area = 24,000 sq ft**  
**Total Gross Internal Floor Area = 21,500 sq ft**



REM: ELEVATION  
 HOUSE TYPE A  
 2 BED / 2 BATH HOUSE



**GAME ELEVATION**  
**HOUSE TYPE A with 8 Rooms**  
**2000 / 8 PERSON HOUSE**

[illegible]

REV: 00000001	DATE: 07/24/03	TIME: 07:00:00
PI: 00000001	PI: 00000001	PI: 00000001



**BSB** Architecture

RIBA 

**CLW**  
**Joseph Rowntree Housing Trust**

**PROJECT**  
**Residential Development**  
**Hawthorn Terrace South**  
**New Earewick**

**House Type A 2b/3p**  
**Plans, Sections & Elevations**

<b>Headquarters</b> <b>For Information: 00</b>	<b>Ready</b> <b>1:50D</b>	<b>Sheet Size</b> <b>A3</b>
 <b>Acclaim</b> <i>Associates</i> <b>Constructionline</b>	<b>Width</b> <b>900</b>	<b>Date</b> <b>07/09/2002</b>
	<b>Official</b> <b>Open</b>	<b>Date</b> <b>07/09/2002</b>
	<b>Drawing No.</b> <b>20643-B5B-05-XD-CR-A-0020</b>	
		<b>Revision</b> <b>P1</b>

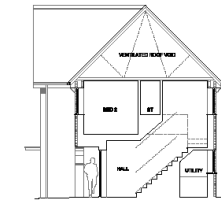
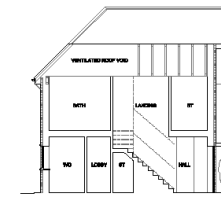
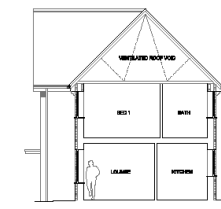
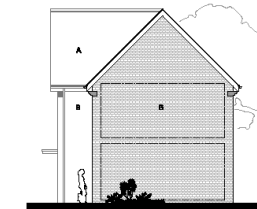
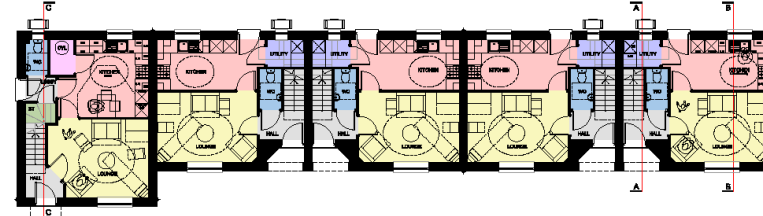
### Proposed house type B



## Proposed block and floor plans



- Metallic layer:
  - A - profiled (basic particle) interlocking concrete roof tiles
  - B - facing interlock
  - C - vertically insulated from upward condensation
- Painted linear windows (white) & doors (colourful)
- Pre-insulated brickwork with complete with window frames to form recessed entrance
- White doors, roof fascias across roof windows with the existing gip
- Eaves with tiled eaves detail where indicated
- Corrugated metal roof eaves
- Painted fascia, eaves and barge boards (pink)
- Black uPVC rainwater goods

[illegible]

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## COMMITTEE REPORT

**Date:** 16 December 2024      **Ward:** Haxby And Wigginton

**Team:** West Area      **Parish:** Haxby Town Council

**Reference:** 24/01047/FUL

**Application at:** 7 Station Road Haxby York YO32 3LS

**For:** Erection of 2no. dwellinghouses to side following demolition of 3no. detached garages

**By:** Miss Elizabeth Lumley-Holmes

**Application Type:** Full Application

**Target Date:** 18 December 2024

**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 No. 7 Station Road Haxby comprises a brick built two storey end of terrace property dating to the early 20<sup>th</sup> Century with a substantial side garden incorporating a block of garages giving on to a back lane. The site lies adjacent to the junction of Station Road and Usher Lane. Planning permission ref: 98/01265/FUL previously gave permission for a development of four flats in a two-storey traditionally designed structure completing the terrace. Planning permission is now sought for erection of two four-bedroom houses with “rooms in the roof” on the previously approved footprint.

#### Ward Councillor Call-In

1.2 The application has been called in for consideration at Planning Committee by Councillors Cuthbertson and Hollyer on the grounds that the proposal is over-development, it is not consistent with the street scene, it would lead to the loss of a sight line at the junction of Usher Lane and Station Road and would appear out of character with the remainder of the terrace on the north side of Station Road.

### 2.0 POLICY CONTEXT

#### NATIONAL PLANNING POLICY FRAMEWORK

2.1 The National Planning Policy Framework December 2023 (NPPF) sets out the government's planning policies for England and how these are expected to be applied. Its planning policies are material to the determination of planning applications. The NPPF sets out that the purpose of the planning system is to 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, which are interdependent and need to be pursued in mutually supportive ways (paragraph 8).

2.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004).

## DRAFT LOCAL PLAN 2018

2.3 The Draft Local Plan 2018 (DLP 2018) has been subject to examination. Proposed modifications in respect of Policy H5 Gypsies and Travellers have been subject to consultation. The DLP 2018 policies can be afforded weight in accordance with paragraph 48 of the NPPF. Draft policies relevant to the determination of this application are:

H2 – Density of Residential Development

D1 – Place Making

D2 – Landscape and Setting

CC2 – Sustainable Design and Construction of New Development

ENV2 – Managing Environmental Quality

ENV5 – Sustainable Drainage

T1 – Sustainable Access

GI 2 -Biodiversity and Access to Nature

## 3.0 CONSULTATIONS

### INTERNAL

#### Public Protection

3.1 Raise no objection to the proposal subject to any permission incorporating an informative in respect of demolition and construction.

#### Front Line Flood Risk Management



3.2 Raise no objection to the proposal subject to conditions requiring submission and approval of the details of the proposed attenuation scheme and rate of surface water discharge.

#### Highway Network Management

3.3 Raise no objection in principle to the proposal but express concern in respect of the size of the proposed garages and their suitability for combined cycle and vehicle parking, the lack of a dedicated bin store and collection point and visibility onto the rear back lane access for vehicles and pedestrians.

#### Design and Conservation (Ecology)

3.4 Raise no objection in principle to the proposal subject to any permission being conditioned to require the submission and prior approval of a Biodiversity Net Gain Plan together with on-site biodiversity enhancements.

#### EXTERNAL

##### Haxby Town Council

3.5 Raise concerns in respect of the impact of the proposal on the building line on Usher Lane, whether the palette of materials would match the adjoining properties in the terrace, who has right of access on to the rear back lane and the impact of the proposal upon traffic flow on to Usher Lane.

##### Yorkshire Water Services Limited

3.6 Raise no objection to the proposal subject to any permission being conditioned to secure the submission and prior approval of a scheme of surface water drainage.

##### Foss (2008) Internal Drainage Board

3.7 Raise no objection to the proposal subject to Yorkshire Water confirming that sufficient sewer capacity exists to accommodate flows from the site and prior approval is given to a surface water drainage scheme.

## **4.0 REPRESENTATIONS**

4.1 A total of nine objections from three individuals have been submitted in respect of the proposal.

4.2 The following is a summary of the objections:

- The proposed design would not match that of the adjacent terrace and would have an adverse impact upon the visual amenity of the wider street scene.
- Insufficient parking space has been provided for the number of bedrooms proposed.
- The proposal would lead to a loss of residential amenity for neighbouring properties through increased noise.
- The proposal would erode the existing building line of Usher Lane.
- Concern in respect of the impact of construction upon neighbouring properties.
- Concern in respect of the removal of the asbestos within the existing garages.

## **5.0 APPRAISAL**

### **Key Issues**

5.1 The key issues are as follows:

- Principle of the Development
- Highways and Access
- Design and Layout of the site
- Residential Amenity and Public Protection
- Drainage & Flood Risk
- Sustainable design and construction
- Biodiversity

### **PRINCIPLE OF THE DEVELOPMENT**

5.2 Central Government Planning Policy as outlined in Section 5 and specifically paragraph 60 of the NPPF is to significantly boost the supply of homes. This relates directly to the presumption in favour of sustainable development outlined in paragraph 8b) of the NPPF where the provision of a sufficient number and range of homes to meet the needs of present and future generations is a major social

objective of the planning system to support the development of strong, vibrant and healthy communities.

5.3 Paragraph 69 of the NPPF sets a requirement in most circumstances to identify a five-year supply of deliverable sites of which small sites such as the present proposal may form an important element. The authority at present has a deliverable supply of 4.1 years and so substantial weight should be afforded to the proposal as contributing towards that delivery.

## HIGHWAYS AND ACCESS

5.4 Central Government planning policy as outlined in paragraph 115 of the NPPF indicates that development should only be refused on highway grounds if there would be an unacceptable impact upon highway safety or the residual cumulative impact upon the road network would be severe. Policy T1 of the DLP 2018 indicates that development will be supported where it minimises the need to travel and provides safe, suitable and attractive access to all transport users to and within in it. That should include safe and appropriate access to the adjacent adopted highway, safe and secure layouts for motorised vehicles and provide sufficient convenient, secure and covered cycle storage within the curtilage of the new buildings.

5.5 Concern has been expressed by Highway Network Management and objectors in respect of the location and dimensions of the proposed car parking and the use of the rear back lane. The proposal is seeking permission for four bedroomed properties however the site lies within an area where on-street parking is available. The scheme has been amended to allow for parking spaces to each property to a standard dimension and to make the illustrated garages for cycle storage only. The proposed off-road parking spaces together with the cycle parking would be accessed from the rear back lane and would be associated with a dedicated bin storage area with the bins collected from the rear as with the adjacent properties. The section of boundary wall adjacent to the junction of the back lane with Usher Lane would be lowered by 1 metre to improve visibility for vehicles entering and leaving the back lane. This parallels the arrangement offered in the previously approved now lapsed scheme. It is considered the proposals as amended would now comply with the requirements of Policy T1 of the DLP 2018.

## DESIGN AND LAYOUT OF THE SITE

5.6 Central Government planning policy as outlined in paragraph 135c) of the NPPF indicates that planning decisions should ensure that developments are sympathetic to local character and history including the surrounding built

environment and landscape setting whilst not preventing or discouraging appropriate innovation or change. Policy D1 of the DLP 2018 indicates that development proposals will be supported where they enhance respect and complement the historic arrangement of street blocks, plots and buildings and demonstrate that the resulting density of the development proposal would be appropriate for the site and neighbouring context.

5.7 The application site comprises a substantial side garden with a block of disused garages giving onto a back lane to the rear. The street block which the site forms part of has a highly distinctive character. The adjacent properties on Station Road comprise a short terrace of brick built two storey Edwardian Houses with two blocks of Edwardian semis beyond. Further to the east and south are more modern properties dating to the 1970s and 80s with deeper front gardens incorporating a narrow band of mature street trees which make a significant contribution to the character of the wider area. To the rear, Usher Lane has a clearly definable character of its own with a mix of 1930s and 1950s semis set within medium sized plots with a clear building line along the eastern side tapering slightly towards the junction with Station Road. To the west of the junction are much older properties dating to earlier in the 19<sup>th</sup> Century which survive from Haxby's previous agricultural origins.

5.8 The previous approval for the site which lapsed in the early 2000s envisaged the erection of two properties similar in design to the Edwardian terrace with an identical palette of materials and pattern of detailing including bay windows on the Station Road frontage. Objectors have raised concerns in respect of the relationship of the chosen design to that prevailing in the surrounding area and the extent to which the proposals represent an over development of the site. The proposed properties have been designed to similarly reflect the pattern of the earlier adjacent properties with a set down of approximately 30cm at ridge level. The street entrance to both properties is via a porch combined with a bay window detail that reflects that of the adjoining neighbours. A similar key-block detail in art stone is incorporated to demarcate external windows and doorways with the use of side rather than top hung sash windows. In terms of treatment of the rear elevation a centrally placed bathroom/kitchen extension is proposed which parallels the treatment of the adjoining property. The design of the proposals clearly pays reference to the adjacent development and as such complies with the requirements of paragraph 135c) of the NPPF and the DLP 2018 policy D1.

5.9 The site comprises a substantial side garden with a block of three garages to the rear. The plot coverage of the new properties is similar to that of the adjacent properties. Ridge heights and overall volumes are slightly lower with the areas of

external space around the neighbouring plots comparable to that proposed. The proposal is not therefore felt to be over-development as suggested.

5.10 Concerns have been expressed by objectors in terms of impact upon the building line on Usher Lane which the proposed dwellings would appear to close the view northwards along Usher Lane. The previous planning permission ref: 98/01265/FUL remains a material consideration to which due weight should be given notwithstanding the passage of time. This envisaged a development occupying the same built footprint now proposed. The side garden which the development would occupy is also disproportionate in size in the local context and the brickwork in the gable to No 7 has been tooled with the intention of accepting an additional property although it cannot be clear as to the intended width. Giving due weight also to the previously outlined Government aspiration to boost the supply of homes, notwithstanding the degree of harm to the street scene it is felt on balance that the proposal is acceptable.

## RESIDENTIAL AMENITY AND PUBLIC PROTECTION

5.11 Central Government planning policy as outlined in paragraph 135f) of the NPPF indicates that planning decisions should create places with a high standard of amenity for all existing and future occupiers. Policy D1 of the DLP 2018 as modified indicates that development proposals will be supported where they improve poor existing urban and natural environments ensuring that design considers residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.

5.12 Concerns have been raised by objectors in respect of the potential impact upon neighbouring properties from noise generated by the new dwellings together with potential impacts generated by the construction process. The application site is well proportioned and does not directly adjoin other properties other than 7 Station Road which is in the ownership of the applicant with whom it shares a party wall. There would be unlikely to be any greater noise impact upon the owner of No 7 than from the occupants of No 5 or other properties further along the terrace. In terms of the construction process the site can be accessed from both Usher Lane and Station Road and the nature of the site is such that impacts may largely be contained within the site. The requirements of paragraph 135f) of the NPPF and Policy D1 of the DLP 2018 as modified can therefore be complied with.

## DRAINAGE AND FLOOD RISK

5.13 Central Government planning policy as outlined in paragraph 173 of the NPPF indicates that in determining planning applications local planning authorities should

ensure that flood risk is not increased elsewhere. The application site is in Flood Zone 1 and so is at the lowest assessed risk of flooding from riparian sources. The previous permission from 1998 was approved subject to a detailed drainage strategy. The Front-Line Flood Risk Management Authority are satisfied that providing the strategy is amended to take account of more recent policy the development is acceptable in drainage terms. Subject to any permission being conditioned accordingly the proposal is therefore felt to be acceptable in drainage terms.

## SUSTAINABLE DESIGN AND CONSTRUCTION

5.14 Policy CC2 of the DLP 2018 seeks to ensure that new development, specifically residential development should be designed to a high standard of sustainability and energy efficiency. In the current case the proposal has been designed to achieve a substantial reduction in carbon emissions as outlined in the revised Design and Access Statement. Proposed measures include the provision of ground source heat pumps to the rear of each property with solar PV on the south facing roof slope of both properties adjoining Station Road. Their use is intended to provide for the generation of the majority of each dwellings' energy needs. The building fabric is also designed to maximise sustainability by virtue of its traditional form. The site is also sustainably located being in close proximity to the amenities of the Haxby District Centre as well as in close proximity to bus connections to the City Centre as well as cycle links to the City Centre. It is therefore felt that the requirements of Policy CC2 can be complied.

## BIODIVERSITY

5.15 Central Government planning policy as outlined in paragraph 180d) of the NPPF indicates that planning decisions should minimise impacts upon and provide net gains for biodiversity. Recent amendments to the 1990 Town and Country Planning Act require an improvement of a minimum of 10% in biodiversity above the existing situation according to a standard methodology. Policy GI 2 of the DLP 2018 indicates that any development where appropriate should result in net gain to and help to improve biodiversity in the wider locality.

5.16 The application site is relatively modest and lies in a relatively densely developed area which limits the degree of Biodiversity Net Gain which can be achieved on site. The submitted details have been amended since submission to secure the provision of green roofs to the proposed garages. In order to address the deficiency of provision for biodiversity within the site it will be necessary to seek further provision for biodiversity enhancement within the site involving the provision

of bat, swift and/or bird boxes which may be secured by condition to any planning permission.

5.17 In terms of the required off-site provision, that may be achieved by means of a Biodiversity Gain Plan which would be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. This would provide for the purchase of units that would make up the deficit in terms of on-site provision from a Biodiversity Credits provider such as the Environment Bank. Provision would be secured by means of the statutory pre-commencement condition which could include the provision of a certificate demonstrating purchase of the units also prior to commencement of the development. Subject to any permission being conditioned to require the appropriate provision the proposal is felt to be appropriate and compliant with paragraph 180d) of the NPPF and Policy GI 2 of the DLP 2018.

## **6.0 CONCLUSION**

6.1 The proposal relates to the erection of two dwelling houses within the substantial side garden to No 7 Station Road Haxby. The proposal comprises a revised re-submission of an earlier lapsed scheme for erection of two properties permitted in 1998. The design and layout of the proposal is felt to be acceptable following on from the earlier consent and as amended the proposal is felt to be acceptable in Highway terms. The location of the proposal is sustainable and the proposed drainage arrangements are acceptable. Subject to any permission being appropriately conditioned to secure the required biodiversity net gain the proposal is felt to be acceptable in planning terms and approval is recommended.

## **7.0 RECOMMENDATION: Approve**

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

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

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

Drawing Refs: 02B Proposed Ground Plan  
03B Proposed First Floor Plan  
04B Proposed Attic and Roof Plan

Application Reference Number: 24/01047/FUL

Item No: 5c

05 Elevations and Section  
06B Garage Elevations  
Location and Site Plan

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 beyond foundation level. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices sample materials should 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 The site shall be developed with separate systems of drainage for foul and surface water onsite and combined off site.

Reason: In the interest of satisfactory and sustainable drainage.

5 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The information to be submitted and approved shall include site specific details of:

- i) the flow control device manhole, means by which the surface water discharge rate shall be restricted to a maximum rate of 1.0 (one) litres per second, and
- ii) the attenuation tank, the means by which the surface water attenuation up to the 1 in 100-year event with a 30% climate change allowance shall be achieved, and
- iii) surface water drainage calculations to the above criteria.

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

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



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

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

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

Reason: In the interests of highway safety.

8 Each dwelling hereby approved shall be provided with a Schwegler bird box and additionally a Swift Box or Swift Brick erected to the satisfaction of the Local Planning Authority prior to first occupation of the dwelling. The boxes/bricks shall then be retained thereafter for the lifetime of the development.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraphs 185-188 of the NPPF (2023) to contribute to and enhance the natural and local environment by minimising impacts on, and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures."

9 A minimum of 2 bat boxes shall be sited on the new buildings on site. These shall be either Schwegler 1FQ box or 1FR/2FR integral bat box. As per the recommendations in the PEA bat boxes should be sited on the south, east or west elevations, 3-5m above ground level and away from artificial lighting.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraphs 185-188 of the NPPF (2023) to contribute to and enhance the natural and local environment by minimising impacts on, and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

10 No development the subject of this permission shall be undertaken prior to a Biodiversity Gain Plan being submitted to and approved in writing by the Local Planning Authority. That plan shall include but not be exclusive to the following

information :

- i) Measures taken to minimise harm to the on-site biodiversity habitat and any other habitat arising from the development.
- ii) The pre and post development value of the on-site habitat.
- iii) Any off-site biodiversity gain allocated to the development.
- iv) Any biodiversity credits purchased to off-set the development and whether or not from a registered provider.

The development shall thenceforth be undertaken in strict accordance with the detail of the plan thereby approved.

Reason: To safeguard the biodiversity of the site and the wider area and to secure compliance with paragraph 180d) of the NPPF and to comply with Policy GI 2 of the City of York Draft Local Plan 2018.

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

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

## **8.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. BIODIVERSITY NET GAIN**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be the Council of the City of York.

The Biodiversity Gain Plan shall include but not be exclusive to the following information :

- i) Measures taken to minimise harm to the on-site biodiversity habitat and any other habitat arising from the development.
- ii) The pre and post development value of the on-site habitat.
- iii) Any off-site biodiversity gain allocated to the development.
- iv) Any biodiversity credits purchased to off-set the development and whether or not from a registered provider.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

*Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.*

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - (i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or
  - (ii) the application for the original planning permission\* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
  - 4.1 Development which is not 'major development' (within the meaning of [article 2\(1\) of the Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)) where:
    - i) the application for planning permission was made before 2 April 2024;
    - ii) planning permission is granted which has effect before 2 April 2024; or
    - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).
  - 4.2 Development below the de minimis threshold, meaning development which:
    - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
    - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

\* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

#### Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

#### The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

## 2. 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:

- i) Sought clarification of the provision for biodiversity net gain
- ii) Sought amendment of the layout to address highways and access concerns

## 3. DRAINAGE:

The applicant is advised that the Yorkshire Waters prior consent is required (as well as planning permission) to make a connection of foul and surface water to the public sewer network.

## 4. CONSTRUCTION AND DEMOLITION:

- a. All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:  
Monday to Friday 08.00 to 18.00  
Saturday 09.00 to 13.00  
Not at all on Sundays and Bank Holidays.

- b. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS

5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".

- c. Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions. 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](https://www.york.gov.uk/downloads/download/304/developers_guide_for_controlling_pollution_and_noise_from_construction_sites)
- d. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.
- e. There shall be no bonfires on the site.

## 5. ELECTRIC VEHICLE CHARGING:

In line with paragraph 112 of the National Planning Policy Framework, developments should be designed to 'enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations'.

In line with Building Regulations, Electric Vehicle (EV) charge point provision ('active provision') is required for all residential developments in York, unless the development has no parking. To prepare for increased demand for charging points in future years, appropriate cable routes ('passive provision') should also be included in the scheme design and development.

Approved Document S: infrastructure for charging electric vehicles outlines the required standards and provides technical guidance regarding the provision of EV charge points and cable routes.

From 15th June 2022, Approved Document S applies to new residential and non-residential buildings; buildings undergoing a material change of use to dwellings; residential and non-residential buildings undergoing major renovation; and mixed-use buildings that are either new or undergoing major renovation.

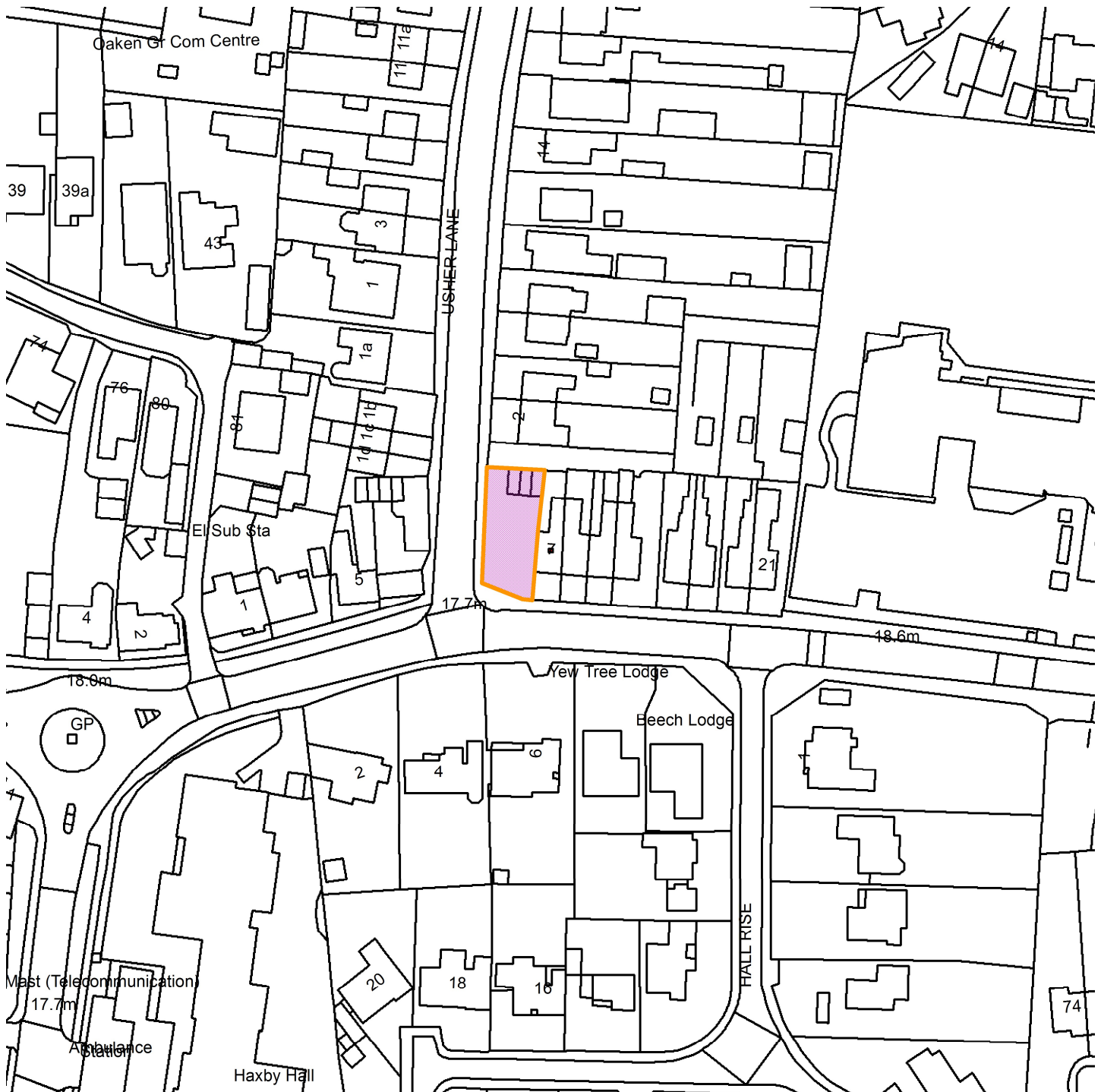
CYC Building Control should be consulted on all proposals for EV charge point provision (active and passive) to ensure compliance with current Building Regulations.

### Contact details:

**Case Officer:** Erik Matthews  
**Tel No:** 01904 551416

## 7 Station Road, Haxby, YO32 3LS

24/01047/FUL



Scale : 1:1195

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<b>Organisation</b>	City of York Council
<b>Department</b>	Env, Transport & Planning
<b>Comments</b>	Site Location Plan
<b>Date</b>	05 December 2024
<b>SLA Number</b>	Not Set

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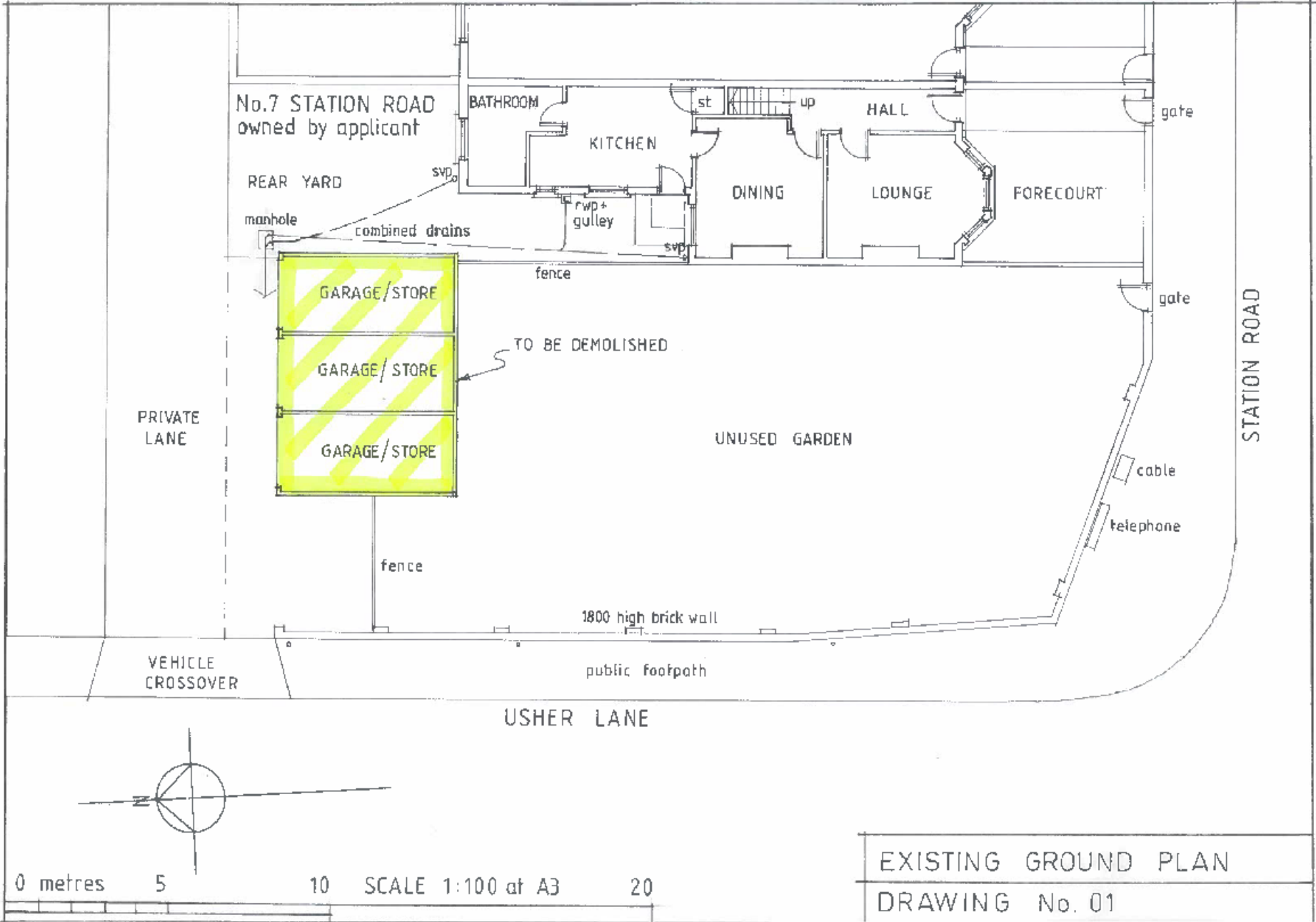


## Planning Committee B

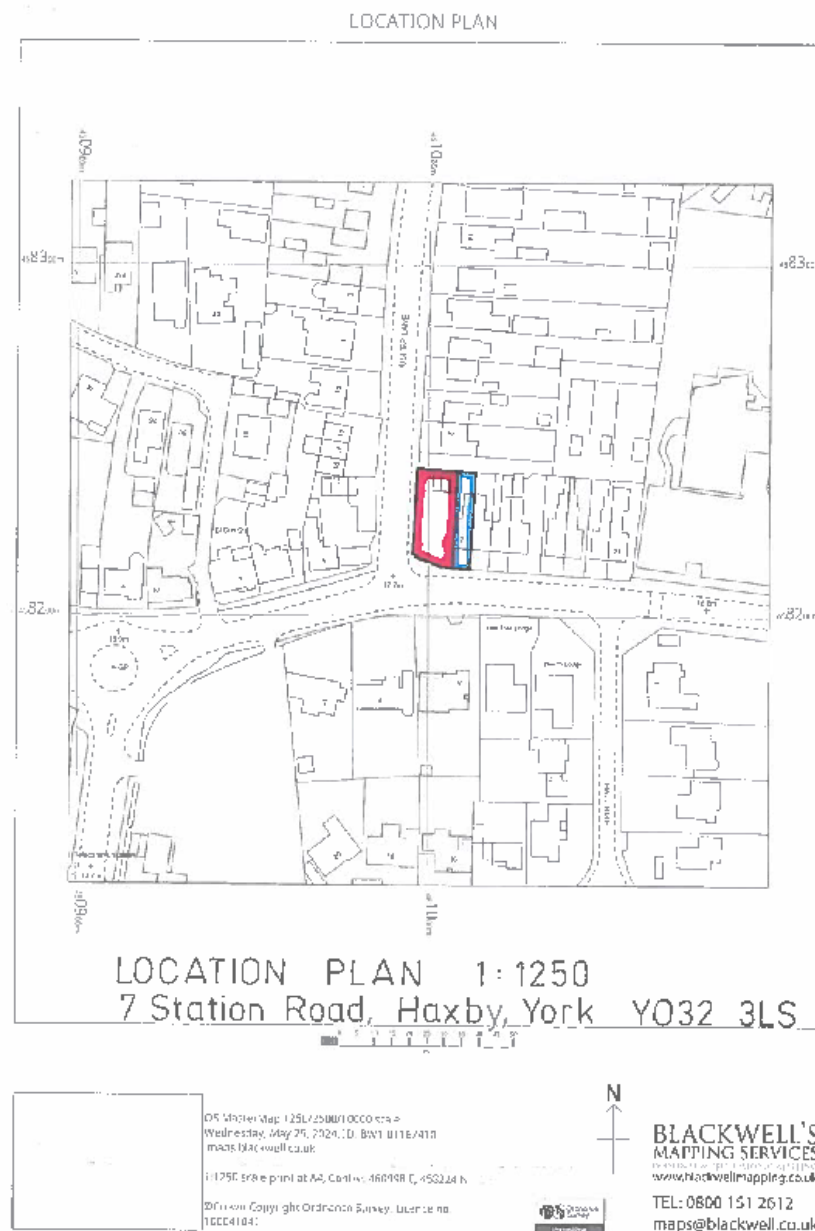
24/01047/FUL

7 Station Road Haxby

Existing site plan



# Proposed site layout

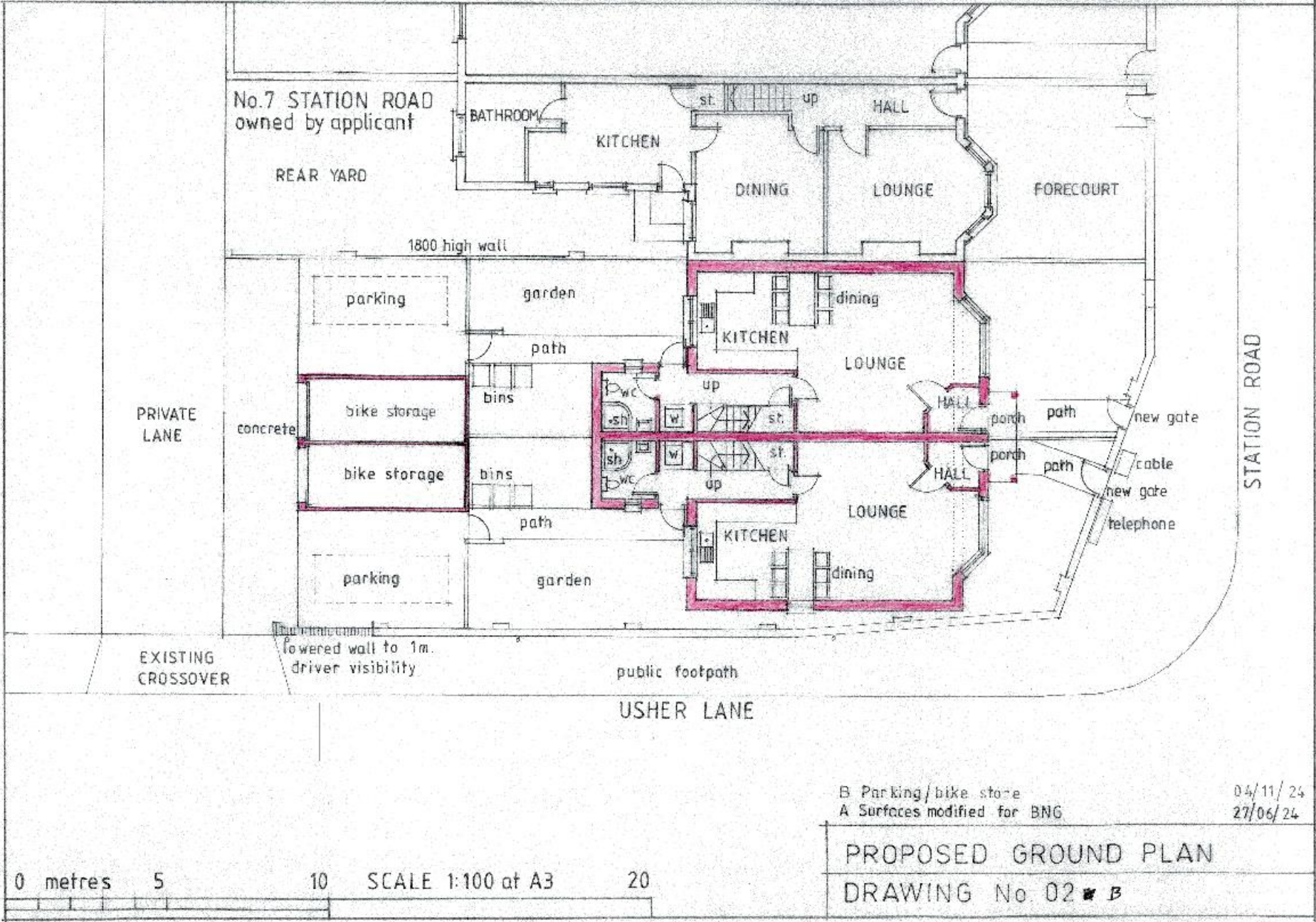


Proposed elevations



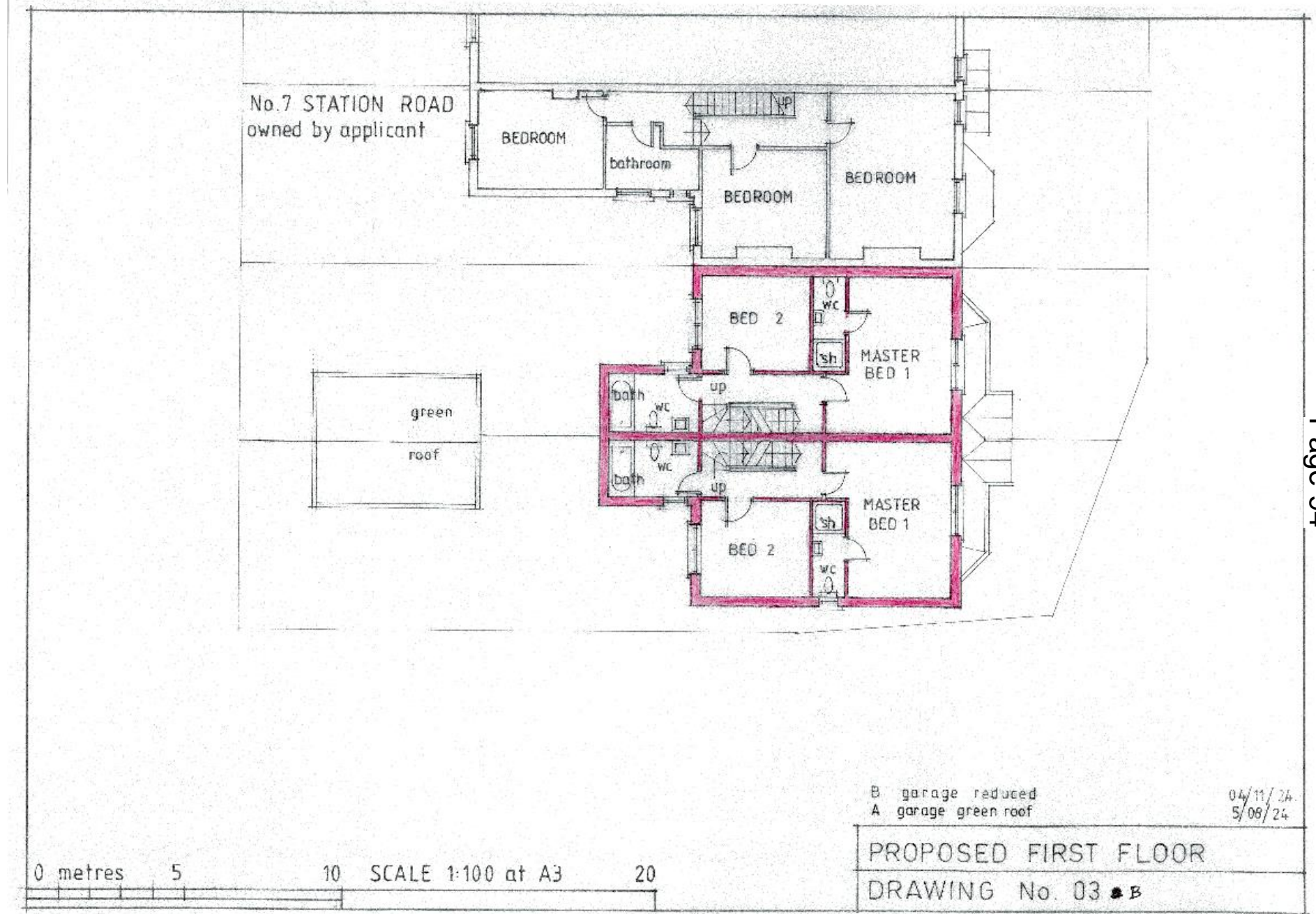


Proposed ground floor plan

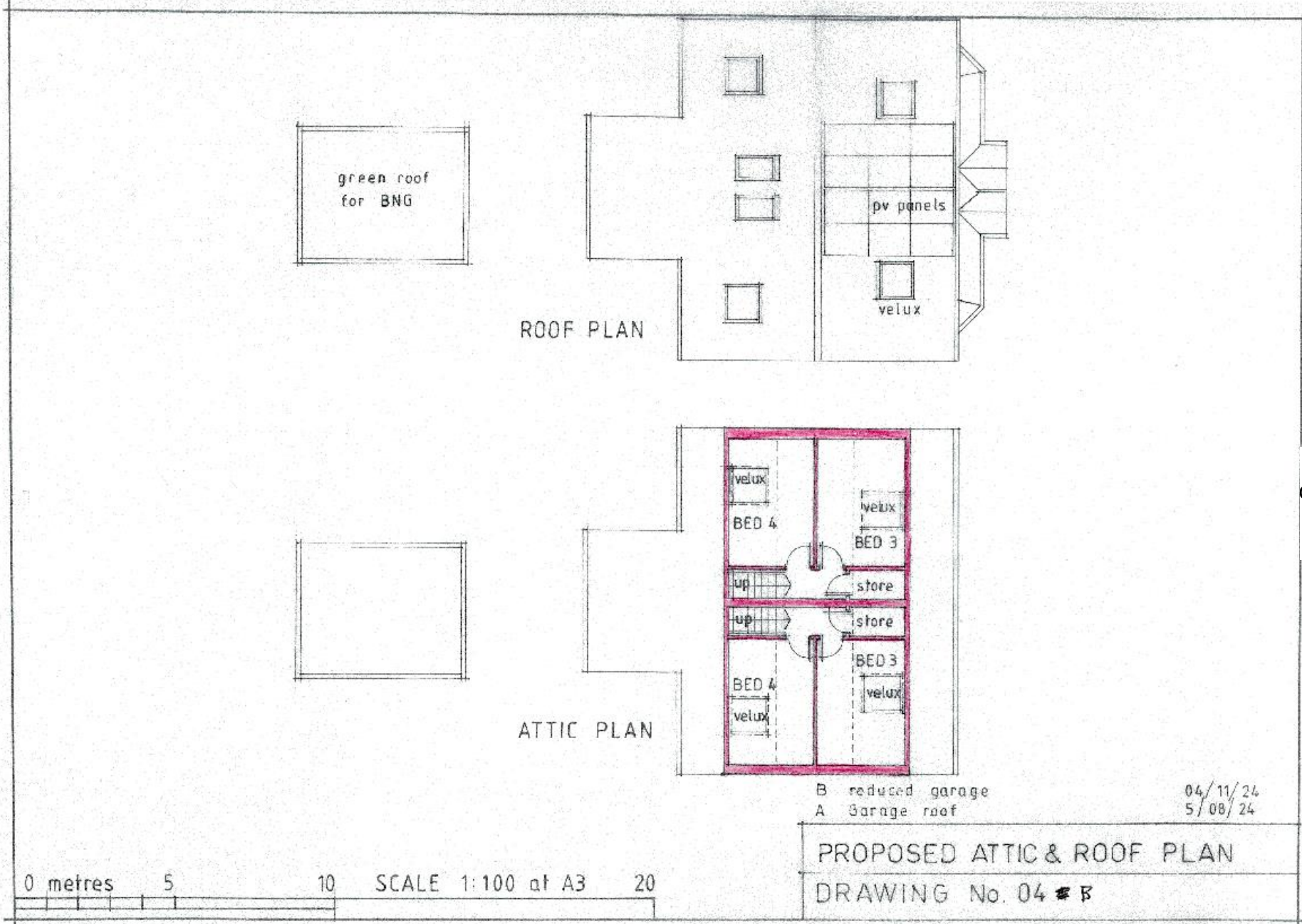




## Proposed first floor plan

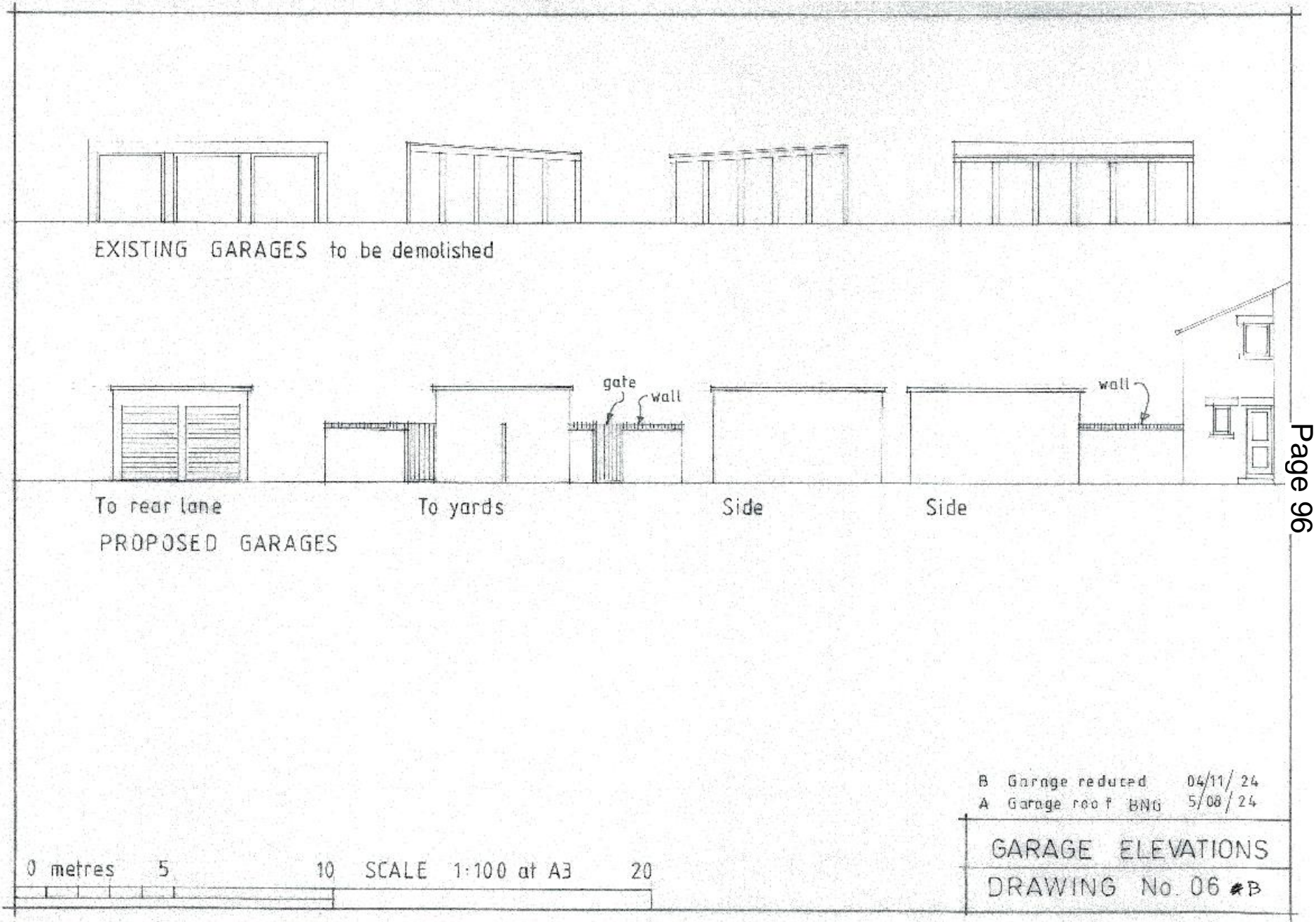


Roof and attic plan





Existing and proposed  
garages







## Planning Committee B

16 December 2024

### Planning Appeal Performance and Decisions

- 1 This report informs Members of planning appeal decisions determined by the Planning Inspectorate between 1 July and 30 September 2024. Appendix A is a list of the appeals decided, a summary of each decision is provided in appendix B and a list of outstanding planning appeals in appendix C.
- 2 Appeal statistics are collated by the Planning Inspectorate (PINs) on a quarterly and annual basis. The Government use the 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 Table 1 shows results of planning appeals decided by the Planning Inspectorate for the quarter for all types of planning appeals such as those against the refusal of planning permission, listed building applications and lawful development certificates. In the nearest corresponding quarter the Planning Inspectorate allowed 28% of appeals determined in England. Appeals against conditions of approval do not form part of the PINs statistics but when received are used in tables 1 and 2 for information.

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

	<b>01/07/24 to 30/09/24</b>
Allowed	5
Split decision	1
Dismissed	10
Total Decided	16
<b>% Allowed</b>	<b>31%</b>

- 4 There were no appeal decisions received during the quarter relating to an application for “major” development.
- 5 One of the appeals determined followed a decision to refuse permission made by Planning Committee A

**Table 2: Appeals following a Committee Decision**

23/02117/FUL	Change of use of agricultural land to the siting of 104 storage containers (use class B8) - retrospective (resubmission)	BHE Self Storage Self Storage Facility Lambshill Towthorpe Moor Lane Strensall	Appeal Dismissed
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- 6 For the 12 months period 1 October 2023 to 30 September 2024, 28% of CYC appeals decided were allowed. In England, for the most recent return, 28% of appeals were allowed.

**Table 3: CYC Planning Appeals 12-month Performance**

	<b>01/10/23 to 30/09/24</b>	01/10/22 to 30/09/23
Allowed	<b>17</b>	24
Dismissed	<b>40</b>	43
Split decision	<b>3</b>	0
Total Decided	<b>60</b>	67
<b>% Allowed</b>	<b>28%</b>	36%

- 6 The latest available figures from the Department of Levelling Up Housing and Communities (the assessment criteria set out in paragraph 2 above) show that, over the 2-year rolling assessment period, 0.7% of the total CYC decisions made in respect of non-major applications and 0% of total decisions made in respect of major applications were overturned at appeal. The comparison figures for England are 0.9% and 2.2% respectively. There were no appeals in respect of “county-matter” applications during the period.
- 8 The list of outstanding appeals is attached at Appendix C. There are 21 appeals of all types awaiting determination. None of the appeal decisions pending relate to a Major development or a committee decision.

### **Consultation**

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

### **Council Plan**

- 10 The report is relevant to the “A health generating city, for children and adults,” “A fair, thriving, green economy for all,” Sustainable accessible transport for all,” “Increasing the supply of affordable good quality housing” and “Cutting carbon, enhancing the environment” city priorities of the Council Plan 2023-2027.

### **Implications**

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

### **Risk Management**

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

### **Recommendation**

- 16 That Members note the content of this report.

### **Reason**

- 17 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,  
Development Management

**Chief Officer Responsible for the report:**

Becky Eades  
Head of Planning and Development  
Services

**Report  
Approved**



**Date** 05.12.2024

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

**Wards Affected:**

**All**

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

## Appendices

- |            |  |
|------------|--|
| Appendix A | Planning Appeals decided between 1 July and 30 September 2024              |
| Appendix B | Summaries of Planning Appeals decided between 1 July and 30 September 2024 |
| Appendix C | Planning Appeals Outstanding at 5 December 2024                            |

## Appendix A – Planning Appeals decided between 1 July and 30 September 2024

Date report run: 05-Dec-2024

Ward	Appeal number	Proposal	Address	Date decided	Decision
Acomb	APP/C2741/W/24/3339398	Change of use from residential dwelling to short term holiday let	14 Newlands Drive York YO26 5PQ	13/08/24	Appeal Dismissed
Fulford And Heslington	APP/C2741/W/23/3333593	Change of use from public house (sui generis) to ground floor coffee shop (use class E), 3no. flats to first and second floor levels. Erection of a single storey rear extension following removal of conservatory with associated external works, boundary treatment and parking.	Bay Horse Public House 105 Main Street Fulford York YO10 4PN	08/08/24	Part Allowed/ Part Dismissed
	APP/C2741/X/24/3341027	Certificate of lawfulness for proposed development of a single storey rear extension and rear extension to existing outbuildings	Botland House Main Street Heslington York YO10 5EG	29/07/24	Appeal Dismissed
Guildhall	APP/C2741/W/23/3324215	Change of use of footway to form seating areas to front and side, installation of awning to front and 2no. additional awnings to side and installation of folding glass doors to front (retrospective)	Il Paradiso Del Cibo 40 Walmgate York YO1 9TJ	29/07/24	Appeal Dismissed
	APP/C2741/Y/24/3343936	External alterations including display of 1no. non-illuminated painted sign - retrospective	The Little Yorkshire Candle Company72 Goodramgate York YO1 7LF	02/09/24	Appeal Dismissed
Hull Road	APP/C2741/D/24/3346270	Single storey side/rear extension, additional storey and installation of solar panels to side roofslope following demolition of garage (resubmission)	9 Eastfield Court York YO10 5JA	10/09/24	Appeal Dismissed
Micklegate	APP/C2741/W/24/3338708	Replacement windows and external doors throughout	Mount CourtH olgate Road York	16/07/24	Appeal Dismissed
	APP/C2741/W/24/3340772	Demolition of existing light industrial building	Camerons Gt Autos Ltd Vehicle Repair Workshop 12 The Crescent York YO24 1AW	30/08/24	Appeal Allowed
	APP/C2741/D/24/3344171	Single storey rear extension with pergola to rear and installation of solar panels to rear roofslope	The Nursery79 Bishopthorpe Road York YO23 1NX	08/08/24	Appeal Allowed

Osballdwick And Derwent	APP/C2741/W/24/3339173	Change of use from office (use class E) to Large House in Multiple Occupation (sui generis)	65 Osballdwick Lane York YO10 3AY	25/07/24	Appeal Dismissed
	APP/C2741/D/24/3340479	Erection of detached garage	Berkshire3 Newsham House Barns Main Street Holtby York YO19 5UD	29/07/24	Appeal Allowed
Strensall	APP/C2741/D/24/3345717	Erection of outbuilding to provide covered parking with installation of EV charging point	The Grange Foss Bank Farm Strensall Road York YO32 9SW	02/09/24	Appeal Allowed
	APP/C2741/W/24/3342868	Change of use of agricultural land to the siting of 104 storage containers (use class B8) - retrospective (resubmission)	BHE Self Storage Self Storage Facility Lambshill Towthorpe Moor Lane Strensall York YO32 9SR	18/09/24	Appeal Dismissed
Wheldrake	APP/C2741/D/24/3337077	Single storey side extension after removal of garage/pantry	Greenacres York Road Deighton York YO19 6EY	17/07/24	Appeal Dismissed
	APP/C2741/D/24/3338894	Erection of summerhouse to side (retrospective)	Newstead Front Street Naburn York YO19 4RR	29/07/24	Appeal Allowed
	APP/C2741/D/24/3341120	Two storey front extension and single storey rear extension	Orchard Farm Wheldrake Lane Wheldrake York YO19 6BQ	11/07/24	Appeal Dismissed

## Appendix B - Summaries of Planning Appeals decided between 1 July and 30 September 2024

Case number	Appeal by	Description	Address	Outcome
24/00016/REF	Mr Jeremy Preston	Single storey rear extension with pergola to rear and installation of solar panels to rear roofslope	The Nursery79 Bishopthorpe RoadYorkYO23 1NX	Appeal Allowed
<b>Notes</b>				
<p>Permission was sought for a large, single storey rear extension occupying the full width of the site, extending some 10m into the garden. The extension would extend no further than existing extensions to the property, however it would infill the full width of the site up to 10.2m. The extensions was of unconventional design, which given its significant scale, massing and materials was considered by officers to appear at odds with the prevailing linear development of the terrace and resulting in a harmful addition to the dwelling. The application was refused on the grounds of poor design. The inspector noted however that this approach (contemporary detailing, metal finishes) would assist in distinguishing the new elements from the original and this would not represent poor design or detract from the character of the dwelling. The inspector also noted that the extension would not be seen in public views and whilst the level of unity of neighbouring properties would be reduced and the historic footprint altered it was concluded that the new detailing would not represent poor design or result in harm to the existing character or appearance of this property or the wider area. No specific comment was made in terms of the scale or massing or that it would go against the prevailing linear development. The inspector referred to the Council's House Extensions and Alterations SPD and acknowledged that contrasting materials would be considered on a case by case basis. it was then concluded that as the works overall, would not dominate the house or clash with its appearance, it would not be at odds with SPD guidance.</p>				

Case number	Appeal by	Description	Address	Outcome
24/00013/REFCPD	Mr Timothy James (Tim) Clark	Certificate of lawfulness for proposed development of a single storey rear extension and rear extension to existing outbuildings	Botland House Main StreetHeslingtonYorkYO10 5EG	Appeal Dismissed
<b>Notes</b>				
<p>The appeal related to a semi-detached dwelling at Botland House, Main Street Heslington and the refusal of a Certificate of Development for a single-storey rear extension. The issues of contention related to when the property (originally detached) became semi-detached and when the existing outbuildings were added to the property. The reason for refusal was that, the resulting new entrance lobby extension (as shown on drawing 004 revision 2) would project more than 3.0m beyond the original rear wall of the dwelling and would therefore breach the tolerance for a non-detached dwelling, set out in Class A (i) of the General Permitted Development Order. The Inspector considered the conflicting positions taken by the applicant and Local Authority and concluded that for planning purposes the property constituted an end of terrace and not a detached dwelling. He then considered the historical development of the property, including existing outbuildings and concluded that the proposal did not fall within Class A tolerance, as it would project more than 3.0m beyond the original rear wall.</p>				

Case number	Appeal by	Description	Address	Outcome
24/00023/REF	Mr Ivan Zhou	Single storey side/rear extension, additional storey and installation of solar panels to side roofslope following demolition of garage (resubmission)	9 Eastfield CourtYorkYO10 5JA	Appeal Dismissed

#### Notes

Planning permission was refused for a 'Single storey side/rear extension, an additional storey and installation of solar panels to side roofslope'. There were 3 reasons for refusal, an over-development of the plot, mainly through the introduction of the additional storey being an over dominant and incongruous addition to a modest sized property, loss of privacy from the additional storey resulting in windows in close proximity to the boundary with neighbours, and poor design eroding most of the front garden through the introduction of a cycle store, harming visual amenity and the character of the house and streetscene. The Inspector upheld the reasons for refusal on over-development and loss of privacy to neighbours. They supported the LPA with particular regard to the additional storey which would add bulkiness and scale which was at odds with the character of the area, which is characterised by bungalows and smaller houses, but with a consistent form. The increased scale was significant and attention would be drawn to the house and its contrasting form which would appear 'cramped and austere'. When all elements of the proposal were considered, a large and incongruous development would ensue. The Inspector also concluded that given this increase in size and scale, the relationship with neighbours would change in the tight knit context. In particular the close proximity of a new first floor bedroom window to 5 Sussex Close, resulting in a clear and unobstructed view into the rear garden would be introduced where currently there was no such impact. However, the Inspector did not support the erosion of the front area for a cycle store refusal reason, concluding that a scheme could be provided which was appropriate in the streetscene, and a condition could be imposed to safeguard this.

Case number	Appeal by	Description	Address	Outcome
24/00014/REF	Mr M Atkins	Erection of detached garage	Berkshire3 Newsham House BarnsMain StreetHoltbyYorkYO19 5UD	Appeal Allowed

#### Notes

The site is in the green belt and involved relatively new build homes following demolition of buildings previously on site. The permission for the new builds removed permitted development rights for additional outbuildings. The appeal was for a triple garage. An exception to inappropriate development in the Green Belt is for extensions, provided the extension does not result in disproportionate additions over and above the size of the original building. The Inspector considered that whilst the building was an outbuilding rather than an extension, with it being incidental to the main house, it can be considered under the aforementioned criteria, as established by case law. The proposed building would only increase the footprint of the dwelling by 20%; it was therefore not a disproportionate addition. The garage was found not to conflict with Green Belt policy and the appeal was allowed.



Case number	Appeal by	Description	Address	Outcome
24/00015/REF	Network Rail (Infrastructure) Ltd	Demolition of existing light industrial building	Camerons Gt Autos Ltd Vehicle Repair Workshop12 The CrescentYorkYO24 1AW	Appeal Allowed

#### Notes

The application site relates to a light industrial building dating to the early 20th Century framing the end of The Crescent. It sits within the Central Historic Core Conservation Area at the boundary of the The Crescent and Station Area character areas. The building is of no particular townscape merit but it is representative of the characteristic railway related structures in the environs of the station and forms a valuable townscape function of closing off the pattern of development. The previous motor trade use had ceased and Network Rail applied for planning permission to demolish the unlisted building in the Conservation Area. Following on from the Inspector's Site Visit we were informed that Network Rail had partially undertaken the work removing the roof and part of the rear wall of the building on alleged safety grounds. The Inspector requested views on any approval being conditioned to secure the remaining walls and gable end to ensure that the function of the site in townscape terms remained. The Inspector duly allowed the appeal with that condition in place.

Case number	Appeal by	Description	Address	Outcome
24/00012/REF	Mr Michael Overington	Change of use from residential dwelling to short term holiday let	14 Newlands DriveYorkYO26 5PQ	Appeal Dismissed

#### Notes

The proposal was to change the use of a two-bedroom detached bungalow (C3) from a residential family home to a short-term holiday letting property in a predominantly residential area. The applicant lives in an adjacent property and confirmed they would be responsible for the future management of the holiday let. The LPA acknowledged that holiday let accommodation would support tourism that would contribute to the economy for York. However, it was considered that the proposed use would have the potential to create harm to neighbour amenity on the grounds that a short stay holiday let would result in more comings and goings near neighbour's gardens and houses, and potentially greater levels of noise and disturbance at more anti-social hours than would normally be reasonably expected with a family home. The harm established was not considered to be outweighed by the intension of the applicant to manage any disruption to neighbour amenity resulting the applicant being refused. The Inspector agreed with the LPA on matters of harm to neighbour amenity and did not consider any disturbance to the property could be controlled by the applicant. The Inspector was not made aware of any other management plan to demonstrate the control of activities that would be practicable or enforceable. The Inspector balanced their assessment of the proposal on draft local plan policies D1(placemaking) and ENV2 (managing environmental quality) and concluded they weighed against planning permission being granted. The appeal was dismissed.

Case number	Appeal by	Description	Address	Outcome
24/00011/REF	Mr Reece Fisher-Lowry	Replacement windows and external doors throughout	Mount Court Holgate Road York	Appeal Dismissed

#### Notes

Planning permission was sought for replacement windows throughout this building, which is one of the more modern buildings on Holgate Road. It is however set within the Holgate Road part of the Central Historic Core Conservation Area. The windows were proposed to be altered from mock sash timber windows to UPVC casement windows. The LPA considered them to be bulky with a poor overall finish, contrasting in a number of ways to the existing openings, and wider area. The use of white UPVC further added to what the LPA considered to be a poor quality design and appearance, which resulted in harm to the character and appearance of the building and the wider conservation area. The Inspector acknowledged that the application building was more contemporary, but that it still harmonised with the well-established character and appearance of the area, which extended to the fenestration details, and which helped provide unity and cohesion across the area. They also noted a particular unity to the northern side of Holgate Rd where the application site is situated, and which they agreed was an important feature of the Conservation area. They concluded that the proposed windows were very much at odds with this unity, introducing bulky UPVC casement style windows, which represented a significant deviation from the historic window form. The Inspector concluded that 'the proposed window treatment would significantly undermine the ability of Mount Court to adequately acknowledge and resonate with its wider predominantly Victorian heritage context'. There were no public benefits which outweighed this harm. The appeal was dismissed.

Case number	Appeal by	Description	Address	Outcome
24/00010/REF	Mrs Janet Astley	Two storey front extension and single storey rear extension	Orchard Farm Wheldrake LaneWheldrakeYorkYO19 6BQ	Appeal Dismissed

#### Notes

The proposals were for a domestic extension in the Green Belt. In terms of whether the development was inappropriate by definition, the Inspector noted the NPPF doesn't define what is a disproportionate addition - it is a matter of judgement. However householder SPD guidance document advises that to extend the original footprint by more than 25% has traditionally been considered to be a disproportionate addition. The Council calculated a 75% volume increase and the inspector agreed cumulatively extensions would be significant. The building is within a very open agricultural landscape. Spatially, the extensions would result in built development where there is presently none. The appeal proposal would thus increase the volume and massing of the existing dwelling. Visually, the proposal would be predominantly screened from the road and neighbouring properties due to its isolated position and various boundary vegetation. However, the proposal would still be visually apparent at close range. The lack of a public view may mitigate its impact but does not preclude all inherent visual harm to openness. Overall, the proposal would thus result in harm to openness, both spatially and visually. The appeal was dismissed.

Case number	Appeal by	Description	Address	Outcome
23/00047/REF	Arborfield Estates Limited	Change of use from public house (sui generis) to ground floor coffee shop (use class E), 3no. flats to first and second floor levels. Erection of a single storey rear extension following removal of conservatory with associated external works, boundary treatment and parking.	Bay Horse Public House105 Main StreetFulfordYorkYO10 4PN	Part Allowed/ Part Dismissed

#### Notes

The application proposed the change of use of the Bay Horse Public House (sui generis use) in Fulford to a coffee shop (use class E) with 3no. residential flats above (C3 use). The first refusal reason related to the loss of a valued community facility (public house with rooms) and the loss was not considered justified (in conflict with paragraph 93 of the NPPF and policy HW1 of the Draft Local Plan). The LPA did not consider the new coffee shop a community facility. It had not been demonstrated that reasonable attempts have been made to actively market the land and premises to demonstrate the community facility was no longer financially viable and no consultation had taken place with the local community. The Inspector however concluded the change of use of the ground floor from a public house to a coffee shop, would not adversely affect the provision of community facilities and considered the coffee shop of equivalent capacity and quality as the public house, therefore re-provision on site. The Inspector noted viability testing and marketing was not required as part i of Policy HW1 had been met (although only limited weight was attached to this policy). The second refusal reason related to concerns regarding works to the front of the building in the Conservation Area (new entrance door, awning and 2m high timber fence). The Inspector agreed these works would be detrimental, therefore issued a split decision, noting the change of use could take place without the refused external works.

Case number	Appeal by	Description	Address	Outcome
24/00003/REF	Beverley Quinn	Single storey side extension after removal of garage/pantry	Greenacres York Road Deighton York YO19 6EY	Appeal Dismissed

#### Notes

Planning Permission was sought for a single storey side extension following demolition of a garage. The application site is in the general extent of the green belt and within the landscape setting of the Escrick conservation area . The application was refused on two grounds: inappropriate development in the green belt arising from a disproportionate addition, having some impact also on openness, and harm to the character and appearance of the conservation area. The previous planning permission for a garage at the site, which has been implemented, was contingent on the removal of the existing garage/store, in the interests of preserving openness. The proposal would instead replace the existing garage/store with a larger structure, in addition to the approved garage. The inspector concurred with both reasons for refusal concluding that the extension would be inappropriate development in the green belt having both a visual and spatial impact on openness. It was also concluded that the scale and location of the extension would have a detrimental impact on the character and appearance of the conservation area. None of the reasons put forward by the applicant were considered to constitute very special circumstances that would outweigh the harm identified.

Case number	Appeal by	Description	Address	Outcome
24/00009/REF	Mr Isa Demir	Change of use from office (use class E) to Large House in Multiple Occupation (sui generis)	65 Osbaldwick LaneYorkYO10 3AY	Appeal Dismissed

#### Notes

The application proposed the change of use of an office (E class) to a large HMO (sui generis) on Osbaldwick Lane. The application was retrospective. The first refusal reason related to the proposed loss of employment premises which was unjustified and insufficiently evidenced. The Inspector agreed and noted a lack of comprehensive and meaningful marketing and lack of objective assessment in terms of the shortcomings of the premises for employment generating uses. The proposal was in conflict with paragraph 85 of the NPPF and draft policy EC2 of the Local Plan. A second refusal reason stated an additional HMO in this location would have a detrimental impact on the character of the area, would result in harm to the amenity of neighbours (noise, lack of management, refuse, disturbance, comings and goings) and result in further erosion in the balance of the wider community. The Inspector agreed and noted the large percentage of HMOs at street level and the change in character and intensity of the use. The Inspector concluded the applicant had not adequately evidenced an absence of harm. Neither had the applicant proposed appropriate mitigation for the harm that the appeal proposal could impose on its immediate context so as to align with the clear purposes of the SPD and the requirements of Policy ENV2 and paragraph 135 of the NPPF. The appeal was therefore dismissed.

Case number	Appeal by	Description	Address	Outcome
24/00008/REF	Mr P Waterhouse	Erection of summerhouse to side (retrospective)	Newstead Front StreetNaburnYorkYO19 4RR	Appeal Allowed

#### Notes

The application was submitted retrospectively for a large wooden summer house with veranda on stilts to the side of a detached bungalow on Front Street, Naburn. The site is the Green Belt and within flood zone 3, high risk of flooding. Planning permission was refused for three reasons, due to the lack of flood risk assessment; its scale, position and design which caused a degree of harm to the openness and permanence of the Green Belt; and loss of privacy. Officers considered that prior to the summerhouse being erected, the adjacent garden was unusually private in that it was not overlooked by neighbouring properties, the summerhouse could have been orientated straight down the garden and therefore not caused loss of privacy and the boundary should not have been reduced in height by the applicant. In dismissing the Appeal, the Inspector gave very limited weight to the policies in the Publication Draft Local Plan (2018 as modified 2023). They considered that the summerhouse, whilst detached from the dwelling, related physically and functionally to it and should therefore be treated as an extension to the house in terms of undertaking a Green Belt assessment. They concluded that it was not inappropriate development in the Green Belt. The Inspector considered the building to be an outbuilding rather than permanently habitable and being raised on stilts, the risk of flood damage was minimised, and would not restrict flood water or increase flood risk elsewhere. Taking a pragmatic approach, in the absence of an FRA, they considered it acceptable on these grounds. They also did not agree that there was an unacceptable loss of privacy for the neighbours as overlooking was to the end section of the garden which was also adjacent to an area of land owned by York Marina and accessible to the public and some overlooking of gardens was not unusual or unacceptable. The Appeal was allowed.

Case number	Appeal by	Description	Address	Outcome
24/00017/REF	Mr Tony Murphy	Erection of outbuilding to provide covered parking with installation of EV charging point	The Grange Foss Bank Farm Strensall RoadYorkYO32 9SW	Appeal Allowed
<b>Notes</b>				
<p>Permission was sought for a detached 3-bay outbuilding to be used for covered parking, EV charging and storage for garden maintenance equipment. The site is within the general extent of the green belt. Permission was refused as the proposal comprised a new building in the green belt which did not fall within one of the exceptions set out in paragraph 154 of the National Planning Policy Framework. As such it was considered to be inappropriate development in the green belt. The applicant put forward that the building should be considered as an extension and therefore should reasonably be considered to fall within the exceptions for extension / alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building. This view is supported by judgement in Warwick DC v SSLUHC, Mr J Storer &amp; Mrs A Lowe [2022] EWHC 2145. The judge found that with regard to the exceptions included in government guidance at that time, an extension can include structures which are physically detached from the building of which they are an extension. The inspector acknowledged that the proposed outbuilding would be located adjacent to the driveway of the property and would be very closely associated with the dwelling. In light of the judgment above the inspector considered the outbuilding to fall within the category of extension to the existing dwelling. As part of the assessment, it was also determined that the scale of the outbuilding would not be disproportionate to the dwelling (large 5 bedroom property) and that there would be no harm to the character and appearance of the area and no harm to openness or to any purposes of the green belt.</p>				

Case number	Appeal by	Description	Address	Outcome
24/00018/REF	Mr Simon Dunn	Change of use of agricultural land to the siting of 104 storage containers (use class B8) - retrospective (resubmission)	BHE Self Storage Self Storage Facility Lambshill Towthorpe Moor Lane Strensall York YO32 9SR	Appeal Dismissed
<b>Notes</b>				
<p>The application proposed the change of use of agricultural land for the siting of 104 storage containers on land at Lambshill. The application was retrospective. The application was refused at Planning Committee on two grounds; inappropriate development in the Green Belt (and very special circumstances not identified) and adverse impact on landscape character. The Planning Inspector agreed the development would fail to meet any of the exceptions set out in the NPPF, therefore the containers were considered inappropriate development in the Green Belt. The Inspector concluded the development caused harm to the character and appearance of the area. The Planning Inspector gave substantial weight to Green Belt harm and when combined with the other identified harm to landscape character, the harm was not outweighed by the benefits put forward and the very special circumstances necessary to justify the proposal did not exist. The appeal was dismissed.</p>				

Case number	Appeal by	Description	Address	Outcome
24/00021/REFLBC	Mr Anthony Vickers	External alterations including display of 1no. non-illuminated painted sign - retrospective	The Little Yorkshire Candle Company72 GoodramgateYorkYO1 7LF	Appeal Dismissed
<b>Notes</b>				
The appeal building is a Grade 1 listed building (of the highest importance / significance). The appeal related to painted signs. The signs due to their size were deemed to detract from the simple architectural form, character and appearance of the building. The inspector was unconvinced that such a large sign was the only means of successfully advertising the business. In considering whether public benefits outweighed the harm the inspector found no evidence as to the viability of the business or the degree to which the proposal contributes to that and no specific evidence to demonstrate that more appropriate alternative signage would not have the same benefit as the existing. The appeal was dismissed.				

Case number	Appeal by	Description	Address	Outcome
23/00026/REF	Mr Silesu	Change of use of footway to form seating areas to front and side, installation of awning to front and 2no. additional awnings to side and installation of folding glass doors to front (retrospective)	Il Paradiso Del Cibo40 WalmgateYorkYO1 9TJ	Appeal Dismissed
<b>Notes</b>				
The scheme was for outside seating on the pavement in front of the premises and for full height front windows and awnings. The site is not within the city centre footstreets. It is in the central historic core conservation area. The footpath is 2-3m wide and the seating encroached over most of the footpath. The arrangement left little space for pedestrians to pass by, still less to pass one another, forcing them to step off the footway into the road. This would be hazardous, and particularly so for those with buggies and wheelchair users. The appeal was dismissed as the arrangement was in conflict with the NPPF in respect of avoiding unacceptable impact on highway safety and to seek to prioritise pedestrian movements. The full height glazing and awning also subject to the appeal were not characteristic of the architecture of the host building and other historic properties in the street. the appeal was also dismissed in terms of harm to the conservation area.				

## Appendix C - Planning Appeals Outstanding at 5 December 2024

Date report run: 05-Dec-2024

Ward	Appeal number	Proposal	Address	Date appeal lodged
Dringhouses And Woodthorpe	APP/HH/2131	High hedge investigation appeal against approval	54 White House Gardens York YO24 1EA	02/03/23
	APP/C2741/W/24/3352230	Erection of a covered external seating area to side, comprising of 1800mm high timber fencing, timber planters, relocation of parasol and festoon lighting	The Dick Turpin 49 Moorcroft Road York YO24 2RQ	19/09/24
Fulford And Heslington	APP/C2741/W/24/3350098	Erection of 4no. detached dwellings with associated access, parking and landscaping	40 Fordlands Road York YO19 4QG	14/08/24
Guildhall	APP/C2741/W/24/3350732	Change of use from a dwellinghouse (use class C3) to short term letting accommodation for up to 10 people (sui generis)	17 Penleys Grove Street York YO31 7PW	05/08/24
	APP/C2741/W/24/3351531	Removal of condition 7 (internal noise levels) of permitted application 21/00908/FUL	70 Walmgate York YO1 9TL	09/09/24
Haxby And Wigginton	APP/C2741/D/24/3354089	Dormer and bay window to front	3 Windsor Drive Wigginton York YO32 2QG	21/10/24
Heworth	APP/C2741/X/22/3303954	Certificate of lawfulness for use of building as a dwelling within Use Class C3	20B Asquith Avenue York YO31 0PZ	26/07/22
Holgate	APP/C2741/W/24/3347577	Change of use of 12-14 Acomb Road from commercial premises to Large House in Multiple Occupation (sui generis), dormer to rear and associated alterations to fenestration	12 Acomb Road York YO24 4EW	05/01/24
Hull Road	APP/C2741/W/24/3349195	Change of use from dwelling house (use Class C3) to House in Multiple Occupation (use Class C4) (retrospective)	234 Melrosegate York YO10 3SW	31/07/24
	APP/C2741/W/24/3354141	Retrospective change of use from dwelling house (use Class C3) to House in Multiple Occupation (use Class C4) (retrospective)	3A Harington Avenue York YO10 3SU	21/10/24

Micklegate				
	APP/C2741/X/24/3346887	Certificate of lawfulness for proposed use of 8no. flats as short term holiday lets	Crescent Court The Crescent York	24/06/24
	APP/C2741/W/24/3349800	Erection of 1no. dwelling to rear following demolition of detached garage	2 Norfolk StreetYorkYO23 1JY	09/08/24
	APP/C2741/Z/24/3350979	Display of 1no internally illuminated fascia sign and 2no. non-illuminated fascia signs (Retrospective)	Roomzzz Aparthotel York Terry Avenue York YO23 1FG	29/08/24
	APP/C2741/W/24/3353477	Change of use from dwelling (Use Class C3) to House in Multiple Occupation (use Class C4), to include dormer to rear and 2no. rooflights to front roofslope	44 Kyme Street York YO1 6HG	09/10/24
Osballdwick And Derwent	APP/C2741/D/24/3347585	Single storey side and rear extension after removal of garage and rear projections	24 Nursery Gardens Osballdwick York YO10 3QL	05/07/24
	APP/C2741/W/24/3347910	Change of use to children's day nursery (use class E) including alterations and extensions (resubmission)	71 Osballdwick Village Osballdwick York YO10 3NP	11/07/24
	APP/C2741/W/24/3349410	Single storey side/rear extensions, porch to front and conversion of garage to habitable space	52 Moat Field Osballdwick York YO10 3PT	02/08/24
Rural West York	APP/C2741/X/24/3343593	Certificate of lawfulness for proposed development of an outbuilding to rear and an in-ground swimming pool	The Old Vicarage Main Street Askham Richard York YO23 3PT	01/05/24
Strensall	APP/C2741/W/24/3350353	Erection of shed - retrospective	Land To The Rear Of 34Westpit Lane S tremsall York	19/08/24
	APP/C2741/W/24/3352899	Outline application (with access, layout and scale being considered) for erection of 6no. dwellings with associated access, car parking and landscaping after demolition of buildings	Pigotts Autoparts Sheriff Hutton Road Strensall York YO32 5XH	30/09/24
Wheldrake	APP/C2741/D/24/3354516	Erection of detached garage outbuilding	Pasture Farm Main Street Deighton York YO19 6HD	28/10/24