



**Notice of a public meeting of  
Planning Committee**

- To:** Councillors Reid (Chair), Shepherd (Vice-Chair), Ayre, Boyce, Carr, Cullwick, Cuthbertson, D'Agorne, Doughty, Funnell, Galvin, Looker, Richardson, Taylor and Warters
- Date:** Thursday, 14 June 2018
- Time:** 5.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

**AGENDA**

**Site Visits**

Would Members please note that there will be no mini-bus for the site visit for this meeting. Members should meet at the site at 10.00am on Tuesday 12 June 2018. The site is signposted from Clifton Park Avenue.

**1. Declarations of Interest**

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

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

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

**2. Minutes (Pages 5 - 12)**

To approve and sign the minutes of the last meeting of the Planning Committee held on 19 April 2018.

### 3. **Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5:00pm on Wednesday 13 June 2018. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the Committee.

To register, please contact the Democracy Officer for the meeting on the details at the foot of this agenda.

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The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at [http://www.york.gov.uk/download/downloads/id/11406/protocol\\_for\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings\\_20160809.pdf](http://www.york.gov.uk/download/downloads/id/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809.pdf)

### 4. **Plans List**

This item invites Members to determine the following planning applications:

#### a) **Clifton Alliance Cricket Club, Shipton Road, Clifton, York [18/00306/FUL]** (Pages 13 - 24)

Erection of building for storage, scorers box and WC/kitchen facilities following the removal of existing mower garage and pre-fabricated garage to rear of pavilion [Rawcliffe and Clifton Without Ward] **[Site Visit]**

### 5. **Appeals Performance and Decision Summaries** (Pages 25 - 52)

This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 January

and 31 March 2018, and provides a summary of the salient points from appeals determined in that period (Annex A). A list of outstanding appeals at date of writing is also included (Annex B).

## 6. Urgent Business

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

### Democracy Officer

Angela Bielby

Contact details:

- Telephone: 01904 552599
- Email: a.bielby@york.gov.uk

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

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

Contact details are set out above.

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

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی میا کی جا سکتی ہیں۔ (Urdu)

 (01904) 551550

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**PLANNING COMMITTEE****SITE VISITS****Tuesday 12 June 2018****There will be no mini-bus for this visit.**

<b>TIME (Approx)</b>	<b>SITE</b>	<b>ITEM</b>
10:00	Clifton Alliance Cricket Club Shipton Road Clifton  Members should meet at the site which is signposted from Clifton Park Avenue	<b>4a</b>

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## **Abbreviations commonly used in Planning Reports**

(in alphabetical order)

AOD	above ordnance datum
BREEAM	building research establishment environmental assessment method
BS	British standard
CA	conservation area
CIL	Community Infrastructure Levy (Regulations)
CEMP	construction environmental management plan
CYC	City of York Council
DCLP	Draft Development Control Local Plan 2005
DCSD	Design Conservation and Sustainable Development team
dB	decibels
DEFRA	Department for Environment, Food and Rural Affairs
EA	Environment Agency
EDS	ecological design strategy
EIA	environmental impact assessment
EPU	Environment Protection Unit
FRA	flood risk assessment
FTE	full time equivalent
FULM	major full application
GCN	great crested newts
HGV	heavy goods vehicle
IDB	internal drainage board
IPS	interim planning statement
LBC	listed building consent
LGV	large goods vehicle
LPA	local planning authority
NERC	Natural Environment and Rural Communities Act (2006)
NHBC	National House Building Council

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
OAN	objectively assessed need
OUTM	major outline application
PROW	public right of way
RAM	reasonable avoidance measures
RTV	remedial target value
RSS	Regional Spatial Strategy
SHMA	Strategic Housing Market Assessment
SINC	Site of Interest for Nature Conservation
SHLAA	Strategic Housing Land Availability Assessment
SFRA	Strategic Flood Risk Assessment
SPD	Supplementary Planning Document
TPO	tree preservation order
TRO	Traffic Regulation Order
VDS	village design statement
WSI	written scheme of investigation
VAS	vehicle activated signage
VOA	Valuation Office Agency
WHO	World Health Organisation



City of York Council

Committee Minutes

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Meeting	Planning Committee
Date	19 April 2018
Present	Councillors Reid (Chair), Shepherd (Vice-Chair), Ayre, Carr, Cullwick, Cuthbertson, D'Agorne, Funnell, Galvin, Pavlovic, Richardson, Taylor, Warters, Douglas (Substitute for Councillor Doughty) and Flinders (Substitute for Councillor Looker)
Apologies	Councillors Doughty and Looker

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### Site Visits

Application	Reason	In attendance
Land to East of St Leonard's Hospice and 13 to 20 The Square, Dringhouses, York	As the recommendation was to approve and objections had been received	Councillors Carr, Cuthbertson, D'Agorne, Flinders, Galvin, Reid, Shepherd and K Taylor

#### 44. Declarations of Interest

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

#### 45. Minutes

Resolved: That the minutes of the last meeting held on 14 March 2018 be approved and then signed by the chair as a correct record.

**46. Public Participation**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee.

**47. Plans List**

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

**48. Land to East Of St Leonard's Hospice and 13 to 20 The Square, Dringhouses, York [17/02619/FULM]**

Members considered a major full application from Philippa Crowther for the erection of a three-storey building comprising 30 apartments, community hub and offices (use class B1) for the Wilberforce Trust with associated access and parking on land to East of St Leonard's Hospice and 13 to 20 The Square, Dringhouses, York. This also included the construction of 13 car parking spaces for the adjacent hospice.

An officer update was given which advised Members that there had been no objection from Network Management to the access arrangements or traffic generation data provided, subject to conditions. Members were advised that Network Management had commented that:

The applicant had provided evidence of nationally recognised TRICS data, which showed that that traffic generated by the development would not exceed 10 movements per hour at peak times.

- The Grove was of sufficient width to accommodate the combined traffic of existing residential development on The Grove and additional predicted traffic.
- Following the concerns raised by residents it had been found that there had been no personal injury accidents at the junctions with Tadcaster Road and The Grove or The Square that were attributed to turning in and out of the cul-de-sacs.
- The requested bus stop improvements (installation of RNIB capable real time bus information screens at the nearest bus

stops) provided positive and sustainable transport measures to and from the site for staff, visitors and residents. Members were advised that the applicant had agreed this condition.

- They agreed that the additional parking for and accessed from St Leonard's Hospice was justified given the difficulties experienced by staff and visitors.

Officers further advised of two additional highway conditions and a condition regarding the Mean of Enclosure. The additional highway conditions were as follows:

1. The development shall not be begun until details of the junction between the internal access road and the highway, including tactile crossing to footway opposite, have been approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans.

2. The development shall not come into use until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb and verge to match adjacent levels.

The additional condition regarding the Mean of Enclosure was detailed as follows:

3. Details of all means of enclosure to the site boundaries, including details of the gates for the pedestrian and emergency vehicle access to/from The Square, shall be submitted to and approved in writing by the Local Planning Authority before the construction of the development commences and shall be provided in accordance with the approved details before the development is occupied. Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties.

Members were then advised that if they were minded to approve the application, the application would need to be referred to the Secretary of State under section 77 of the Town and Country Planning Act 1990.

Following the officer update, Members raised a number of points and questions in relation to the application:

- A Member raised concern regarding the landscape scheme being in place for five years (Condition 8) and suggested that

this be amended to last the lifetime of the scheme. The Interim Head of Development Services explained the reason for this and advised that the committee could put conditions in place for the period of time for the landscape scheme.

- A Member highlighted that there had been a number of minor collisions at the junctions with Tadcaster Road and The Grove or The Square and it was clarified that there had been no personal injury accidents at those junctions that were attributed to turning in and out of the cul-de-sacs.
- With reference to Condition 11, officers were asked if the Drainage Board had been consulted and they responded that Yorkshire Water and the Council's Flood Risk Team had been consulted. Officers clarified that the land was not within a Drainage Board area. They further advised that Condition 11 could be amended to include the drainage of surface water.

The applicant, Philippa Crowther (Chief Executive of the Wilberforce Trust) spoke in support of the application with regard to care issues. She noted the history of the charity and explained that the accommodation would support 25 adults in York who qualify for independent supported living. She advised that current housing was not purpose built and the continued adaptation of the housing presented challenges. She noted the changing needs of the aging population and the impact of a lack of accommodation on people with visual impairment and sensory needs.

In response to Member questions, Philippa Crowther clarified that:

- The Wilberforce Trust would project manage the build and property in the future.
- The Wilberforce Trust had worked closely with the Chief Executive and Trustees of St Leonard's Hospice on the impact of the construction on residents at St Leonard's Hospice.
- The viability of the funding for the accommodation was explained.
- If the Wilberforce Trust disposed of units there would be a net gain of six units.
- An explanation of access to the site was given, including gated access to The Square.
- Details of the mutual advantage of working in partnership with St Leonard's Hospice was given. These advantages

included the use of a cafe and sensory garden and shared back end office services.

- It was noted that the distance between the northern corner of the development and St Leonard's Hospice was 58m.

Graeme Holbeck (O'Neill Associates), agent for the applicant, then spoke in support of the application in relation to planning issues. He stated that the site was designated in the emerging Local Plan for specialist housing in association with the Wilberforce Trust. In reaching this point, the site had undergone various assessments with the conclusion being that it was acceptable to release the land in the green belt. The site was surrounded by developments on three sides and at the site visit, it was shown that housing on the two sides of the site to the north and south had established a development line on to the east. He gave an overview of the external layout of the development and acknowledged that the site was in the green belt, which required very special circumstances in order to enable its release. He noted the NPPF guidance which stated that these would not exist unless the potential harm to the green belt was clearly outweighed by other considerations and he outlined the reasons why this was the case for the application, which was recommended for approval by officers.

In response to Member questions, Graeme Holbeck and Philippa Crowther clarified that:

- Concerning the suggestion of the landscape scheme being extended from for five years (Condition 8) to the lifetime of the development, the needs of residents change over time, and the Wilberforce Trust may want to extend the sensory garden. It was noted that the second phase of the stage of the plan was shown and confirmed that there were no plans to change the scheme.
- The applicant would be willing to accept 09:00 to 17:00 for delivery times. It was noted that the amended delivery times may restrict the time for the completion of the development.
- The Wilberforce Trust would work with the transitions team on moving people into the new accommodation.
- The choice to build 30 flats was made following discussions with the Council's Adult Social Care team and through financial constraints.
- The applicant would be willing to accept an amended drainage condition.

Members debated the application in detail. During debate Officers clarified that:

- There could be a standard surface water drainage condition
- Regarding safety, the response from the highways management team didn't highlight any personal injury accidents attributed to turning in and out of the cul-de-sacs. It was confirmed that Member concern regarding the safety of cyclists could be passed back to the highways authority.

The Senior Solicitor also advised Members that:

- Within green belt the legal test was that very special circumstances must clearly outweigh the harm to the green belt and any other harm.
- The legal tests for conditions were that planning conditions should only be imposed when they were necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Members debated the application, giving consideration to whether very special circumstances clearly outweighed the harm to the green belt and any other harm. They debated the conditions related to the period of time for the landscape scheme, drainage and delivery times. Following debate it was:

Resolved:

That the application be APPROVED subject to REFERRAL to the Secretary of State under section 77 of the Town and Country Planning Act 1990 (as the development is over 1000m<sup>2</sup> within Green Belt), the completion of a S106 to require the provision of on site affordable housing (equating to 9 affordable homes for rent), the installation of RNIB capable real time bus information screens at the two nearest bus stops, the conditions listed in the report and other amended conditions below (amendments shown in **bold**):

#### Amended Condition 11

No development shall take place until details of the proposed means of disposal of foul water drainage and **surface water** drainage for the whole site, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority. Furthermore unless otherwise agreed in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to

completion of the foul drainage works and **surface water drainage** in accordance with the details as approved.

Reason: To ensure that no foul water discharges take place until proper provision has been made for their disposal. It is necessary to require this information prior to commencement of any ground works on site as the provision of drainage is fundamental to the delivery of the scheme and the drainage works may result in irreversible harm to protected trees on site.

Remove Condition 16

Upon completion of the development, delivery vehicles and waste removal vehicles to the development shall be confined to the following hours:

- Monday to Friday 08:00 to 18:00;
- Saturday 09:00 to 13:00;
- Not at all on Sundays and Bank Holidays

Reason: To safeguard the amenity of occupants.

Additional highway conditions:

1. The development shall not be begun until details of the junction between the internal access road and the highway, including tactile crossing to footway opposite, have been approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

2. The development shall not come into use until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb and verge to match adjacent levels.

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

Additional condition regarding Mean of Enclosure

Details of all means of enclosure to the site boundaries, including details of the gates for the pedestrian and emergency vehicle access to/from The Square, shall be submitted to and approved in writing by the Local Planning Authority before the

construction of the development commences and shall be provided in accordance with the approved details before the development is occupied.

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

Reason:

- i. The proposal involves the erection of a new building with associated ancillary works and the provision of additional parking to serve St. Leonard's Hospice. However, the site lies within the general extent of York's Green Belt. As specific Green Belt policy within the NPPF indicates that development should be restricted, the presumption in favour of sustainable development established by paragraph 14 of the NPPF is not engaged and the more restrictive Green Belt policies in the NPPF apply. The proposal would result in harm to the Green Belt by reason of inappropriateness as well as additional harm to the openness and purposes of the Green Belt and substantial weight is attached to this harm. Other identified potential harms to biodiversity and non-designated heritage assets could be mitigated against by conditions.
- ii. It is considered that the benefits that would be provided by the scheme, when taken together, being the delivery of supported living homes with on-site office and ancillary facilities operated by a charitable organisation for adults with disabilities who receive a package of care and support and the provision of needed additional parking to serve an existing hospice, are of sufficient weight to clearly outweigh the Green Belt harm and other harm identified. Therefore, very special circumstances exist to justify the proposal and the application is recommended for approval subject to conditions. One such condition should be the restriction of the use to class C3b in view of the identified need being accepted as a favour contributing to the very special circumstances justifying inappropriate development in the Green Belt.

Cllr A Reid, Chair

[The meeting started at 5.00 pm and finished at 6.20 pm].



**COMMITTEE REPORT**

**Date:** 14 June 2018      **Ward:** Rawcliffe and Clifton Without

**Team:** Householder and Small Scale Team      **Parish:** Clifton Without Parish Council

**Reference:** 18/00306/FUL

**Application at:** Clifton Alliance Cricket Club Shipton Road Clifton York YO30 5RE

**For:** Erection of building for storage, scorers box and WC/kitchen facilities following the removal of existing mower garage and pre-fabricated garage to rear of pavilion.

**By:** Mr Paul Walton

**Application Type:** Full Application

**Target Date:** 19 June 2018

**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The proposal is for a replacement groundsman's hut for Clifton Alliance Cricket Club. It will include facilities for storage of equipment, umpires' changing facilities and a scoring box. The existing store and a detached single garage to the rear of the cricket pavilion are to be demolished.

1.2 The proposal is to site the new building close to the existing storage facility on the West side of the site adjacent to Clifton Ings. It will measure approximately 7m by 13m with a ridge height of approximately 5.5m. The building will be orientated so that it faces on to the cricket pitch.

1.3 The site sits to the rear of York Sports Club and is accessed from a track leading off Clifton Park Avenue. It is within the general extent of the Green Belt and adjacent to Clifton Ings SSSI. The area is covered by a Tree Protection Order. A purpose built cricket pavilion was constructed on site in 1996 and there is a dwelling, previously the cricket pavilion but now privately owned, adjacent to this. To the rear of the pavilion is a pre-fabricated single garage. The existing store sits in the West corner of the site adjacent to the boundary. The site is within Flood Zone 3.

1.4 The application is to be determined at planning committee because the proposal represents inappropriate development in the Green Belt.

**2.0 POLICY CONTEXT**

2.1 Policies:

City of York Draft Local Plan Incorporating the Fourth Set of Changes (2005)

Application Reference Number: 18/00306/FUL

Item No: 4a

GP1 Design  
GB1 Development within the Green Belt  
GB13 Sports facilities outside settlements

Emerging Local Plan 2018

D1 Placemaking  
GI5 Protection of Open Space and Playing Fields  
GB1 Development in the Green Belt

### **3.0 CONSULTATIONS**

#### INTERNAL

Planning and Environmental Management (Ecology)

3.1 It is considered unlikely that the proposal will impact on the adjacent SSSI providing that foul water can be adequately dealt with.

Planning and Environmental Management (Archaeology)

3.2 The site is in an area which is of archaeological interest as a result of its potential for Roman remains. It is recommended that, in accordance with the NPPF, groundworks should be monitored through an archaeological watching brief.

#### EXTERNAL

Foss Internal Drainage Board

3.3 The site is not within the Board's district.

Environment Agency

3.4 While the FRA is lacking in content, the EA accept that the proposed development is of low vulnerability to flood risk and behind a flood defence. The increase in footprint over the buildings to be removed is small and they have no objections to the proposal.

Neighbour notification and publicity

3.5 Representation has been received from the residents of the dwelling adjacent to the cricket pitch. They object to the proposal for the following reasons:

- No need for additional buildings on site
- The building is too big
- It is not necessary for the success of the club
- Concern that the buildings proposed for demolition will not be removed from site
- Noise from operation of roller shutter doors from early in the morning 7 days a week
- The proposal is excessively high resulting in a prominent structure
- It obscures views of the Ings

- The existing building should be extended
- No need for a second scoring box
- There are existing umpire changing facilities in the garage
- No need for kitchen and toilet facilities for umpires
- Noise from the extractor fans for the showers would be disturbing
- No mention of the SSSI to the rear of the site within the documentation
- Concern about increased flood risk
- Light pollution
- Concern that some of the buildings may be used for commercial business not associated with the club
- The proposal is beyond the existing building line

## **4.0 APPRAISAL**

### **4.1 KEY ISSUES**

- Policy context
- Principle of the development - Assessment of harm to Green Belt
- Other considerations - Operational need; neighbouring amenity issues; flood risk; impact on visual amenity and openness.

## **POLICY CONTEXT**

### Development Plan

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

### City of York Draft Local Plan Incorporating the Fourth Set of Changes

4.3 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. Policy GB13 refers to the provision of sports facilities outside settlement limits.

## Emerging Local Plan

4.4 The Regulation 19 consultation on the Publication York Local Plan Draft 2018 is now complete and the Plan has been submitted to the Secretary of State for Examination. The emerging Local Plan policies can only be afforded limited weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

4.5 The site is recognised as existing open space within the emerging Local Plan. Policy GI5 Protection of Open Space and Playing Fields is relevant. This supports development proposals which improve the quality of existing pitches and reflect an understanding of the issues affecting community sport. The text associated with the policy goes on to say that proposals which provide ancillary recreational facilities will be determined on their own merits and will only be supported where they respect the character of the area and improve, amongst other things, sports facilities.

## The National Planning Policy Framework NPPF

4.6 The NPPF was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

4.7 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be restricted. Your officer's view is that this presumption does not apply to this proposal as the proposal constitutes inappropriate development within the general extent of the Green Belt as identified in the RSS and therefore justifies the application of the more restrictive policies in Section 9 to the NPPF.

4.8 Paragraph 70 of the NPPF states that 'to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should .... ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.' Paragraph 73 goes on to say that 'Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.'

## GREEN BELT

4.9 As noted above, saved Policies YH9C and Y1C of the Yorkshire and Humberside Regional Strategy define the general extent of the York Green Belt and

as such Government Planning Policies in respect of the Green Belt apply. Central Government Planning Policy as outlined in paragraphs 79 to 90 of the National Planning Policy Framework identifies Green Belts as being characterised by their openness and permanence. Substantial weight should be given to any harm to the Green Belt.

4.10 The NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential characteristics of the Green Belt are its openness and permanence.

The Green Belt serves 5 purposes:

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

4.11 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 90 does allow certain types of development including the re-use of buildings provided they are of permanent and substantial construction.

## PRINCIPLE OF THE DEVELOPMENT

### ASSESSMENT OF HARM TO GREEN BELT

4.12 Para. 89 of the NPPF states that the construction of new buildings within the Green Belt is inappropriate except in certain circumstances. These exceptions include the provision of appropriate facilities for outdoor sport and outdoor recreation providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

4.13 The proposed building is substantially larger than the two stores which it will replace and sited further into the site, away from site boundaries, than is currently the case. The proposed building will measure 5.3m to the ridge with a footprint of 13.5m by 7m compared with the existing which measures 3.5m to the ridge and has a footprint of 6.8m by 4.5m. The existing building sits in the corner of the site between a hedgerow and the bund in the neighbouring Ings while the new building will sit further in to the site beyond the line of the existing buildings but still well related to the cricket ground. It has therefore been determined that the proposal, while providing facilities for outdoor sport, is inappropriate development in the Green Belt as a result of its siting and increased scale.

4.14 Changes to the proposal to reduce the height and amend the siting to a less prominent position have been considered but it is noted that these details have been

determined by the need for a more functional scorers' box. If the building was to be constructed on the site of the existing garage it would result in the scorers' box not facing on to the pitch. If the building was pushed closer to the boundary of the site then it would no longer be possible to have the drive-through arrangement which allows easier access to equipment.

4.15 The NPPF states that inappropriate development is by definition harmful to the Green Belt and should only be approved in very special circumstances. Substantial weight should be attached to the harm arising due to the inappropriate nature of the proposal. Additionally, harm can be identified as a result of an encroachment in to the countryside as a result of the scale and siting of the proposal. This is somewhat mitigated by the proposed removal of 2 existing buildings however the footprint of the new building is approximately 30% greater than the 2 buildings to be removed and the volume is approximately 3 times the existing buildings.

## OTHER CONSIDERATIONS

### Very special circumstances

4.16 In accordance with para. 87 of the NPPF inappropriate development should only be approved in very special circumstances. The applicant has put forward the following very special circumstances:

- The club has 165 children involved in cricket and is still expanding. Improved facilities are essential to the continuing success of the club and accommodating additional members.
- The first team has recently been promoted to the Yorkshire League and the current facilities do not meet the standards required for that league. Umpires are required to have separate changing facilities to players and therefore currently get changed in a garage to the rear of the pavilion.
- The scoring box on the existing pavilion is in line with the centre wickets meaning that during games using the centre wickets (Yorkshire league games) scorers cannot see the wicket through the near sight screen. The proposal provides a scoring box in a more practical situation.
- The existing garage is too small and does not function well as the single entrance means that equipment can get stuck at the back and is not easy to access. The drive-through design of the proposal will resolve this.

### Flood Risk

4.17 The site is within Flood Zone 3. The use of the structure for essential facilities for outdoor recreation falls within the water compatible use in flood risk terms and as

such is considered appropriate development within FZ3a. A sequential test has not been undertaken however it is accepted that, as a consequence of the nature of the development, it has to take place within the cricket ground, which is within FZ3a, and no other site in an area of lower flood risk would be suitable.

### Drainage

4.18 Drainage is proposed to a mains sewer. There are no records of a sewer in the vicinity of the site and confirmation is being sought from the applicant as to the proposed means of foul water drainage. Given the proximity to the Clifton Ings SSSI it is particularly important that this issue is adequately resolved.

### Impact on character and visual amenity

4.19 The proposal represents an increase in height over the existing building of approximately 2.0m. In terms of its design the proposal will be similar to the existing store with a pitched roof and red brick walls. While the change in scale and siting will result in a building which is in proportion with other structures on the site when viewed from within the site, it will appear significantly larger when viewed outside the site. A bund within Clifton Ings runs adjacent to the boundary of the site. A public footpath runs along the top of this bund as well as an additional path at a lower level and closer to the river. The building will introduce increased built development in to the views from the public footpaths as a result of its increase in scale. From the lower path the view will be of a larger roof form while from the closer path most of the building will be visible and there will be some obstruction of views across the wider site.

### Residential Amenity

4.20 A representation has been received from the occupiers of the Pavilion Cottage. This raises a number of issues which have mostly been covered in the body of this report. Concerns related to the loss of view are not material planning considerations. The issue of increased noise disturbance is also raised in relation to the roller shutter doors and kitchen facilities proposed. There is a roller shutter door on the existing store. The proposal includes 4 roller shutter doors but is no closer to the residential property and the doors are angled away from the dwelling unlike the current situation. A small kitchenette is proposed to cater for the umpires. The proposed building is a similar distance as the existing store from the dwelling. It is not considered that these uses will result in any increased intensity of use that is likely to impact significantly on neighbouring residential amenity.

## **5.0 CONCLUSION**

5.1 The site lies within the general extent of the Green Belt as identified in the RSS to which S38 of the 1990 Act applies. The proposal is therefore assessed against more restrictive policies in the NPPF relating to protecting the Green Belt.

5.2 The NPPF indicates that very special circumstances cannot exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this case, harm has been identified by way of inappropriateness as a result of the scale and siting of the proposed building. Additionally it conflicts with one of the five purposes of including land within the Green Belt and has limited impact on the openness of the Green Belt and visual amenity as a result of the scale and positioning of the building within an otherwise undeveloped location. Substantial weight is to be afforded to these harms to the Green Belt. The applicant has put forward a case for very special circumstances to clearly outweigh these harms which include the success of the club particularly in its junior teams and the promotion of the first team to the Yorkshire League; the inadequate facilities provided by the existing store; the need to provide adequate umpires' facilities; and the poor siting of the existing scoring box.

5.3 It is further recognised that policy within the NPPF and emerging Local Plan supports the sustainable development of high quality sports facilities which are important for their contribution to the health and wellbeing of communities.

5.4 Officers consider that the very special circumstances put forward by the applicant are sufficient to outweigh the identified harm. Therefore the very special circumstances necessary to justify the inappropriate development in the Green Belt do exist and planning permission should be approved.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 PLANS2 Approved plans and other submitted details

3 Within 2 months of the building hereby approved coming in to first use, the garage and existing groundsman's hut, as highlighted on proposed site plan 112 P01 submitted 24th April 2018, shall be demolished and the sites made good.

Reason: In the interests of visual amenity and to protect the openness of the Green Belt.

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



commences.

Reason: The site lies within an area of archaeological interest and the development may affect important archaeological deposits which must be recorded during the construction programme

5 VISQ8 Samples of exterior materials to be app

6 Prior to construction details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, shall submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to first occupation of the building hereby approved.

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

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

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

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

Requested details of the applicant's very special circumstances.

#### **Contact details:**

**Author:** Alison Stockdale Development Management Officer (Tues - Fri)

**Tel No:** 01904 555730

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18/00306/FUL

Clifton Alliance Cricket Club, Shipton Road, York



GIS by ESRI (UK)



Scale : 1:2307

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<b>Organisation</b>	City of York Council
<b>Department</b>	Economy & Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	05 June 2018
<b>SLA Number</b>	

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**Planning Committee**

**14 June 2018**

**Area Planning Sub Committee**

**3 May 2018**

**Appeals Performance and Decision Summaries**

**Summary**

- 1 This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 January and 31 March 2018, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals at date of writing is also included.

**Background**

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. The Government propose to use the quarterly statistical returns as one of a number of measures to assess the performance of local planning authorities. To assess the quality of decisions, this will be based on the number of decisions that are subsequently overturned at appeal. The threshold whereby a Local Planning Authority is eligible for designation as under-performing is 10% of the Authority's total number of decisions on applications made during the assessment period being overturned at appeal.
- 3 The tables below include all types of appeals such as those against refusal of planning permission, against conditions of approval, listed building applications and lawful development certificates. Table 1 shows results of appeals decided by the Planning Inspectorate, for the quarter 1 January to 31 March 2018 and the corresponding quarter for 2017, Table 2 shows performance for the 12 months 1 April 2017 to 31 March 2018 and the corresponding period 2016/17.

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

	<b>01/01/18 to 31/03/18(Last Quarter)</b>	<b>01/01/17 to 31/03/17 (Corresponding Quarter)</b>
Allowed	3	3
Part Allowed	0	0
Dismissed	18	6
Total Decided	21	9
<b>% Allowed</b>	<b>14%</b>	<b>33%</b>
% Part Allowed	-	-

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

	<b>01/04/17 to 31/03/18 (Last 12 months)</b>	<b>01/04/16 to 31/03/17 (Corresponding 12 month period)</b>
Allowed	12	7
Part Allowed	1	3
Dismissed	39	32
Total Decided	52	42
<b>% Allowed</b>	<b>23%</b>	<b>17%</b>
% Part Allowed	2%	7%

**Analysis**

- 4 Table 1 shows that between 1 January and 31 March 2018, a total of 21 appeals were determined by the Planning Inspectorate. Of those, 3 were allowed (14%). There were no appeals relating to “major” developments during this reporting period. By comparison, for the same period 2016, out of 9 appeals 3 were allowed (33%). Using the assessment criteria set out in paragraph 2 above, 0.8% of the total decisions made in the quarter were overturned at appeal.
- 5 For the 12 months between 1 April 2017 and 31 March 2018, 23% of appeals decided were allowed, which is below to the national percentage figure of 31% of appeals allowed, but up on the previous 12 month figure. Using the assessment criteria set out in paragraph 2 above, 0.7% of the total decisions made in the 12 month period were overturned at appeal.
- 6 The summaries of appeals determined between 1 January and 31 March 2018 are included at Annex A. Details as to of whether the application was dealt with under delegated powers or by committee are included

with each summary. In the period covered one appeal was determined following a decision at sub-committee/committee.

**Table 3: Appeals Decided 01/01/2018 to 31/03/2018 following Refusal by Committee / Sub-Committee**

Ref No	Site	Proposal	Officer Recom.	Appeal Outcome
16/02263/ FUL	The Ridings, 95 York Rd, Dunnington	1 dwelling	Approve	Allowed

- 7 The list of current appeals is attached at Annex B. There are 19 planning appeals lodged with the Planning Inspectorate (excluding tree related appeals but including appeals against enforcement notices).
- 8 We continue to employ the following measures to ensure performance levels are maintained at around the national average or better:
- i) Officers have continued to impose high standards of design and visual treatment in the assessment of applications provided it is consistent with Paragraph 56 of the NPPF and draft Development Control Local Plan Policy.
  - ii) Where significant planning issues are identified early with applications, revisions are sought to ensure that they can be recommended for approval, even where some applications then take more than the 8 weeks target timescale to determine. This approach is reflected in the reduction in the number appeals overall. This approach has improved customer satisfaction and speeded up the development process and, CYC planning application performance still remains above the national performance indicators for Major, Minor and Other application categories.
  - iii) Additional scrutiny is being afforded to appeal evidence to ensure arguments are well documented, researched and argued.

### **Consultation**

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

### **Council Plan**

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

### **Implications**

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

**Risk Management**

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

**Recommendation**

- 16 That Members note the content of this report.

**Reason**

- 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  
Interim Head of  
Development Services,  
Directorate of Economy  
and Place

**Chief Officer Responsible for the report:**

Mike Slater  
Assistant Director (Planning and Public  
Protection)

**Report  
Approved**



**Date** 24.04.2018

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

**Wards Affected:**

All  Y

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



**Annexes**

**Annex A – Summaries of Appeals Determined between 1 January  
and 31 May 2018**

**Annex B – Outstanding Appeals at 24 April 2018**

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## Appeal Summaries for Cases Determined 01/01/2018 to 31/03/2018

**Application No:** 16/02638/CLU  
**Appeal by:** Mr Paul Joseph Waddington  
**Proposal:** Certificate of lawfulness for use as a House in Multiple Occupation for up to 4no. occupants within Use Class C4  
**Site:** 31 Blossom Street York YO24 1AQ  
**Decision Level:** DEL  
**Outcome:** ALLOW

Application refused on grounds of insufficient information to prove the lawful use of the property as an HMO, including ambiguous evidence, gaps in tenancy agreements and insufficient evidence to prove the type and level of occupation that the CLU application was seeking to prove. Inspectors Decision. He advises that the Council provides no evidence to contradict the appellants evidence nor does it appear to point to any ambiguity in the appellants case. Whilst he agrees that the appellants evidence is lacking in documentation, he considers that the statements of truth of the appellant, the solicitor and to be consistent and unambiguous. He considered that the valuation reports were consistent with this evidence.

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**Application No:** 16/02663/FUL  
**Appeal by:** Mr Richard Fowler  
**Proposal:** Erection of 1no. dwelling  
**Site:** The Ridings 95 York Street Dunnington York YO19 5QW  
**Decision Level:** CMV  
**Outcome:** ALLOW

The above application related to the erection of a two-bedroom bungalow in a relatively large side/rear garden towards the edge of Dunnington. There had been much recent residential development in the vicinity of the plot. The application was recommended for approval but overturned at sub-committee. It was refused because...it would overdevelop the site and be out of character with the established form of the local area. It would appear shoe-horned into the garden of the host property and provide a poor level of amenity for future occupants. In addition, the parking and vehicle manoeuvring arrangements would create the potential for conflict between occupants of the host dwelling and the proposed dwelling. The Inspector allowed the appeal. In justifying his decision he had regard to the landscaped street frontage, the distance the proposed bungalow would be from the street, the low height of the building and falling ground level, the communal space for vehicle manoeuvring, the similar amount of development that had been undertaken at the attached property and the separation from windows serving habitable rooms in nearby homes. He considered the proposal would not amount to over-development, would be acceptable in the context and any limited harm to issues of planning concern would be outweighed by the benefits of the scheme.

---

**Application No:** 17/00845/FUL  
**Appeal by:** Mr Spencer Knowles  
**Proposal:** One and two storey rear extension, rear dormer and raised eaves height to the front roof slope (amended scheme)  
**Site:** 68 Russell Street York YO23 1NW  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal relates to the refusal of a one and two storey rear extension, rear dormer and raised eaves to the front roof slope at 68 Russell Street - a mid-terraced dwelling. The application was refused due to design, scale, mass and location of the rear extension which would have resulted in significant harm to the appearance and rhythm of the rear section of terrace and would have failed to relate to the existing dwelling. Raising the eaves of the front roof slope was also considered to appear incongruous in the street and would have been at odds with the houses either side resulting in harm to the appearance of the terrace. In addition the application was also refused due to impact on residential amenity, specifically with regard to dominance, outlook and overshadowing. There was no objection to the rear dormer as it could have been constructed under permitted development allowances. The Inspector agreed with the harmful impact the rear extensions would have on the adjoining residents at both no. 66 and 70, with regard to dominance, outlook and loss of light. However with regard to the impact on the character of the area, the Inspector found that due to the varied rear roofscape that the proposed rear extensions would not harm the character and appearance of the host property or the area. The raised eaves height was considered however to have an incongruous appearance that would result in an awkward arrangement. The appeal was dismissed with regard to the one and two storey rear extension and raised eaves height, however the rear dormer, by virtue of the permitted development fallback position was allowed.

---

**Application No:** 17/01022/FUL  
**Appeal by:** Mr G Harrison  
**Proposal:** Erection of 4no. detached dwellings with integral garages  
(resubmission)  
**Site:** Land Adjacent To 141 Broadway York  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal application proposed the erection of four two storey detached family houses on an undeveloped triangular piece of land north of the junction of Heslington Lane and Broadway. The proposal was refused permission on the grounds that it would fail to integrate with the local environment, would adversely impact on the character and appearance of the local environment and would provide inadequate amenity space for one of the properties. In dismissing the appeal, the Inspector considered that the proposal would not reflect the prevailing pattern of development and would be out of keeping with the overall grain of development. As such, it would have a significant detrimental effect on the character and appearance of the surrounding area. Further, he felt that the proposed scheme would result in an inadequate level of private outdoor amenity space for dwellings 1 and 2 and would therefore harm living conditions of future residents. He concluded that the balance of harm would outweigh the benefits of the scheme, being the creation of four family sized dwellings in an accessible and sustainable location.

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**Application No:** 17/01034/FUL  
**Appeal by:** Mr Graham Barker  
**Proposal:** Two storey side extension with dormer to front and single storey rear extension  
**Site:** 13 Burn EstateHuntingtonYorkYO32 9PZ  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application site is a detached extended bungalow on Burn Estate. The dwelling is located in an area of detached bungalows which host various styles of dormer front windows, roof extensions and rear projections. These dwellings host large rear gardens onto the river Foss. Planning permission was sought for a two storey side continuing the height of the host dwelling and the full width of the driveway. The proposal included a single storey rear extension. The application was refused on the grounds that the lack of set down and scale of the development would dominate the existing house and erode the natural space between houses which is an important characteristic of the street. It was considered that this mass would lead to a terracing effect which would add further harm to the character and appearance of the street. The Council did not consider that the extended dwellings in close proximity of the site has set a precedence for this type of development. The Council requested revised plans which did not address the concerns raised by the Council. The appellant produced revised plans for the Inspector which were dismissed. The Inspector agreed with the Council dismissed the appeal on the grounds that would be unduly dominant,lacking in subservience and which would result in a cramped appearance to the street scene. The Inspector also stated that other extensions nearby did not represent comparable circumstances resulting in the appeal being dismissed.

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**Application No:** 17/01269/FUL  
**Appeal by:** Mr Duncan Lewis  
**Proposal:** Two storey side and single storey rear extensions, porch to front and 2no. dormers to rear (resubmission)  
**Site:** 6 Rawcliffe Drive York YO30 6PE  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal site is a semi-detached dwelling located on the junction of Rawcliffe Drive and Saville Grove. Planning permission was sought for a wide two storey side extension, including a porch to the principal elevation and two large flat roof dormer windows covering the full rear roof slope. This application was a re-submission of a previously withdrawn proposal and which was subject to a pre-planning enquiry. The Council refused the application on the grounds that the size and scale of the two storey extension was considered to lack the subservience normally associated with two storey extensions. In addition would introduce an unduly prominent development which would adversely affect the corner location of this house and wider street scene. It was considered that the size and scale of the dormer extensions to the rear roof slope would represent an unduly large addition which would dominate and overwhelm the existing house and street scene. The Council offered advice on achieving appropriate extensions in connection with the guidance of the SPD and other national and local policies of which were forwarded to the applicant. However, the applicant was unwilling to revise the application on the grounds that he felt that there were other similar types of extensions within the vicinity. The Council did not agree that existing extensions were compatible with the application. The Inspector agreed with the Council and dismissed the development on the grounds that overall bulk and scale and design of the proposed development would be harmful to the character and appearance of the appeal site and the surrounding area. The Inspector agreed that the extension partly reflected the nearby extensions but this extension was much wider and more prominent.

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**Application No:** 17/01308/ADV  
**Appeal by:** Carluccio's Limited  
**Proposal:** Display of 3no. awnings  
**Site:** Carluccios3 St Helens SquareYorkYO1 8QN  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal relates to 3 fabric awnings, which have been attached without consent to retractable canopy mechanisms in the application property and the applications are therefore retrospective. No.3 St Helens Square has an imposing neo-classical composition and makes a particularly important contribution to the character of the Square. The retractable awning mechanisms are of traditional construction and their retention is encouraged.. However, the canopies have white cross hatching and lettering on a bright blue background which creates a very strident and discordant tone that is at odds with the historic character of the building and the character and appearance of the conservation area and its visual amenities. The fact that this occurs in triplicate across the front elevation only serves to intensify the adverse impact of the approach. The Inspector considered that the eye-catching design of the awnings stood out in contrast with the more muted greys and greens on surrounding buildings. He also considered that the white cross hatching on the blue background appeared gaudy when viewed alongside the more subdued palette in evidence in the wider streetscene and introduced a discordantly brash element in an otherwise restrained commercial environment. He also took account that 3 relatively large awnings occupied a significant proportion of the building facade and when viewed together, the extent of contrasting hatching appeared overly conspicuous and distracted from the handsome detailing on the building itself and was at odds with its historic character. He concluded that the proposal would fail to preserve the special architectural interest of the listed building and would fail to preserve or enhance the character of the Conservation Area. He considered the harm would thus be less than substantial but he felt that any public benefit that could be achieved by a suitable designed alternative; consequently it could not outweigh the harm.

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**Application No:** 17/01309/LBC  
**Appeal by:** Carluccio's Limited  
**Proposal:** Retention of 3no. awnings to front (retrospective)  
**Site:** Carluccios3 St Helens SquareYorkYO1 8QN  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal relates to 3 fabric awnings, which have been attached without consent to retractable canopy mechanisms in the application property and the applications are therefore retrospective. No.3 St Helens Square has an imposing neo-classical composition and makes a particularly important contribution to the character of the Square. The retractable awning mechanisms are of traditional construction and their retention is encouraged.. However, the canopies have white cross hatching and lettering on a bright blue background which creates a very strident and discordant tone that is at odds with the historic character of the building and the character and appearance of the conservation area and its visual amenities. The fact that this occurs in triplicate across the front elevation only serves to intensify the adverse impact of the approach. The Inspector considered that the eye-catching design of the awnings stood out in contrast with the more muted greys and greens on surrounding buildings. He also considered that the white cross hatching on the blue background appeared gaudy when viewed alongside the more subdued palette in evidence in the wider streetscene and introduced a discordantly brash element in an otherwise restrained commercial environment. He also took account that 3 relatively large awnings occupied a significant proportion of the building facade and when viewed together, the extent of contrasting hatching appeared overly conspicuous and distracted from the handsome detailing on the building itself and was at odds with its historic character. He concluded that the proposal would fail to preserve the special architectural interest of the listed building and would fail to preserve or enhance the character of the Conservation Area. He considered the harm would thus be less than substantial but he felt that any public benefit that could be achieved by a suitable designed alternative; consequently it could not outweigh the harm.

---

**Application No:** 17/01624/FUL  
**Appeal by:** Mr Matthew Hendry  
**Proposal:** Dropped kerb to form access to front and creation of driveway  
**Site:** 71 Main Street Bishopthorpe York YO23 2RA  
**Decision Level:** DEL  
**Outcome:** DISMIS

This application sought permission for a dropped kerb to the front of the site to create vehicle access to an existing area of hardstanding. This two-storey mid-terraced cottage is sited along the Main Street serving Bishopthorpe, and is located within the conservation area. It was considered that the proposed conversion of the front garden of this cottage to a parking space via the insertion of a dropped kerb would have a significantly detrimental effect on the immediate setting of the historic cottage, the terraced row it sits within and the wider conservation area by the erosion of the largely undeveloped front garden character of the historic streetscape and asset. This would be open to public view within the conservation area. The Inspector agreed and considered the need for family parking and noted that whilst there were other examples of dropped kerbs within the area, they were within a different context to the host, and whilst the works were less than substantial the public and private benefits identified by the appellant do not outweigh the harm to the conservation area.

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**Application No:** 17/01705/FUL  
**Appeal by:** Mr Nader Siabi  
**Proposal:** Conversion of 5no. flats to 9no. flats and four storey rear extension  
**Site:** 8 Wenlock Terrace York  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application was for a four storey rear extension to a four-storey mid-terraced property on Wenlock Terrace, Fishergate. The site is in the Fulford Road Conservation Area and the distinctive rear elevations of the terrace are highly visible in the public domain from various points around the site. The property is subdivided into five flats over five floors and the proposed extension would provide nine flats over five floors. The application was refused as it caused harm to the conservation area and to neighbour amenity and there were no public benefits that outweighed such harm. The Inspector agreed that the terrace has a prominent, highly visible and imposing presence in the local area. The proposed extension would obscure and remove much of the original features of the property and redefine its building line on its rear elevation. It would diminish the character of the original property and its principal design features. The proposed development would have a significant harmful effect on the property and its surrounding area and would neither conserve nor enhance the character and appearance of the CA as a designated heritage asset. The Inspector also agreed there was harm to neighbour amenity at No.9 Wenlock Terrace as a result of the full height, full width extension. It would create an unacceptable sense of enclosure and a material loss of daylight to the rear windows at first and second floor level to No.9, and a loss of outlook through creating a tunnel effect from the rear windows. In the planning balance, the Inspector considered the provision of additional housing in a central and sustainable location to be of limited benefit and that the significant harm identified to the conservation area and neighbour amenity clearly outweighed it. The Appeal was dismissed.

---

**Application No:** 17/01846/FUL  
**Appeal by:** Mr Mark Druery  
**Proposal:** First floor rear extension and alterations to existing single storey rear extension  
**Site:** 63 St Pauls Terrace York YO24 4BJ  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal relates to the refusal of a first floor rear extension and alterations to the existing single storey rear extension to a mid-terraced dwelling. Permission had previously been granted for a replacement single storey rear extension. The extension would have had a flat roof set down from the eaves of the existing dwelling and would have been finished in slate grey boards. The application was refused due to its design, height and materials that would have resulted in a dominant and uncharacteristic form of development that would appear incongruous and out of keeping with the traditional surrounding development. As such the extension would result in significant harm to the appearance of the dwelling and rear section of terrace. The inspector agreed with the points made in the delegated report with regard to design, materials and height. It was also noted that the use of aluminium doors and windows would not reflect the typical fenestration of the area and that it would introduce a markedly contemporary feature in an area characterised by traditional design. In addition the Inspector also felt that the extensions would appear dominant and incongruous when viewed from the adjoining St Pauls Square/Holgate Road Conservation Area and as a result would fail to preserve the setting of the conservation area. The appeal was dismissed.

---

**Application No:** 17/01887/FUL  
**Appeal by:** Mr Russell  
**Proposal:** Single storey extension to south elevation  
**Site:** Park Cottage Askham Park Jacksons Walk Askham  
Richard York YO23 3QP  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal relates to proposals for a single storey flat roof garden room extension of a contemporary design to the south elevation of Park Cottage, Askham Park, Askham Richard, the former estate manager's house at Askham Park and now one of five dwellings formed from the former stables and coach house set around a courtyard. The complex is located in open countryside in the green belt. The proposals were refused permission on the grounds that the extension was of an inappropriate design and a disproportionate addition to the original dwelling that would be inappropriate development in the green belt. The Inspector considered that the extension would not be a disproportionate addition in line with paragraph 89 of the NPPF, therefore the proposals would not be inappropriate development in the green belt. However, within the context of the sensitively converted group of former farm buildings, the contemporary design of the extension would read as a discordant addition that would detract from the distinctive Edwardian period architecture of the group of buildings. The flat roof design of the extension would be at odds with the architectural design and character. The extension would project forward of the south elevation's consistent building line, thus detracting from the unified form of the building complex, which was sensitively converted to respect its origins as part of a rural estate. The full height glazing and the aluminium finish of the flat roof fail to take cues from the palette of external materials used in the host dwelling and those adjoining. The strong horizontal emphasis would also jar with the vertical emphasis of the existing fenestration. The Inspector concluded that the proposed extension would materially harm the character and appearance of the host dwelling and the group of former estate buildings and on this basis the appeal was dismissed.

---

**Application No:** 17/01895/FUL  
**Appeal by:** Mr & Mrs Orange  
**Proposal:** Retention of existing rooflights to side roofslope.  
**Site:** 35 The CranbrooksWheldrakeYorkYO19 6AZ  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal site related to the retention of five roof lights to the north side roof slope. The windows have been installed following the conversion of the loft space and the construction of flat roof box style side dormer windows to the other south side of the roof. The dormers are permitted development because the windows are obscure - glazed and non-opening. The loft conversion has provided two bedrooms separated by a bathroom and landing areas. The roof lights are positioned in pairs of two to each bedroom and one serving the bathroom. The Council refused the application on the grounds of the potential material impact on the adjacent occupiers at 37 The Cranbrooks, particularly in terms of overlooking and loss of privacy. The objections received from these residents related to concerns regarding the loss of privacy and overlooking into their lounge and kitchen areas and front and rear gardens. The Council inspected the internal rooms of this dwelling and the upper floor of the appeal site. It was evident that having viewed this relationship by standing within these roof openings serving the bedrooms across no.37, they would affect the neighbour's privacy especially the windows overlooking into principal living rooms. The Council offered advice to on the scheme. However, the applicant was unwilling to revise the application. The Inspector agreed with The Council on the grounds that the occupiers of No 37 would be conscious of the possibility of rooms being overlooked, and this would affect the sense of privacy they would reasonably expect to enjoy in a main living room and front garden.

---

**Application No:** 17/01926/FUL  
**Appeal by:** Mr & Mrs Howard  
**Proposal:** Use of house as a large 8 bed House in Multiple Occupation, two storey side and single storey rear extensions and bike store to rear.  
**Site:** 34 Deramore Drive York YO10 5HL  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application property is a detached dwellinghouse located on a corner site. It is already operating as an HMO and it is likely that if an application for CLU was applied for it would be successful. The application subject of the appeal was refused on grounds of the number of HMO's in the locality was already causing problems for residents, lack of household, the required expansion of car parking into the front/side garden areas would have an adverse impact on the visual amenity of the streetscene and the first floor side extension would be a large, dominant and incongruous addition that would harm the character and appearance of the streetscene. Inspectors Decision: Dismissed on grounds that the proposed two storey extension would be an incongruent and over-dominant addition. On other issues he was not satisfied that an additional two bedrooms would lead to a significant exacerbation of the problems that residents were experiencing nor did he feel that lack of household storage was an issue. He considered that only an extremely small area of grass would be lost and that the parking would be extended to an area that already had a hard standing, which would largely be screened by an existing hedge, that parking of vehicles is not uncommon at the front and the side of nearby dwellings and a significant area of lawn would still be retained at the front of the appeal property.

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**Application No:** 17/01949/OUT  
**Appeal by:** Mr Nikolai Krasnov  
**Proposal:** Outline application for erection of 1 no. dwelling  
**Site:** 44 Tranby Avenue Osbaldwick York YO10 3NJ  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application sought outline consent for the erection of a detached three bedroom house on the side garden of the existing semi-detached house, a triangular shaped corner plot at the junction of Tranby Avenue and Baysdale Avenue. It was refused under delegated powers due to the harm to the character and amenity of the streetscene and surrounding area. Whilst the application was outline with indicative details only of access, siting, layout and appearance, the limited space to the side of the existing dwelling would mean that any three bedroom dwelling would sit in close proximity to the existing semi-detached pair of houses 44-46 Tranby Avenue and forward of properties on Baysdale Avenue. This would result in a cramped and constrained arrangement and an incongruous addition within the existing pattern of development. In dismissing the appeal, the Inspector concurred with the Authority's assessment and concluded that the proposal would have a significant detrimental effect on the street scene and would diminish the prevailing character and appearance of the surrounding area, contrary to Local Plan policies GP1 and GP10 and relevant sections of the NPPF.

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**Application No:** 17/01966/FUL  
**Appeal by:** Mrs Beverley Shipley  
**Proposal:** Erection of 1.8m fence to side and rear boundaries and 1.2m fence to front (retrospective)  
**Site:** 9 Manor Park Road York YO30 5UB  
**Decision Level:** DEL  
**Outcome:** DISMIS

9 Manor Park Road occupies a corner site at the junction with Manor Park Grove, which is a small cul-de-sac. The appeal relates to a 1.8m high fence constructed along the side and rear boundary which reduces to circa 1.2m along the front boundary. The fence construction consists of a concrete plinth and concrete posts with close boarded fence panels (see attached photo). Planning permission for a two storey side extension to the property was approved in February 2017 subject to a condition that an existing mature hedge on the side and rear boundaries was to be protected during construction. Although the extension has not been built, the hedge has been removed and a fence has been erected with no planning application being submitted for its construction. The application which is the subject of this appeal is therefore retrospective. The Inspector considered the fence to be a solid, stark and imposing feature and noted that as it immediately abutted the pavement there was no opportunity to soften its appearance with planting. He considered that the height and materials of the fence were entirely at odds with the low boundary brick walls, fences and hedges of the surrounding properties and that the development was an incongruous addition which conflicts with the open, spacious character and appearance of the area. He also noted that although the appellant had offered to paint the fence a different colour, this would not address the height of the fence or the incongruous nature of the concrete plinth and posts. It would not, therefore, address the harm to the character and appearance of the area that arose from the development.

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**Application No:** 17/02048/FUL  
**Appeal by:** Mr And Mrs Parker  
**Proposal:** Construction of 2no. dormers to rear to replace 5no. existing dormers  
**Site:** Highfield HouseBad Bargain LaneYorkYO19 5XE  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal related to proposals to change 5 small vertical proportioned pitched roof dormers on the rear of a dwelling in the countryside to two large pitched roof dormers. The appeal property is relatively isolated and sits in substantial grounds with large industrial style buildings immediately to the rear. It is located in the Green Belt. The Inspector dismissed the appeal. The property had previously been enlarged to be at least twice the size of the building that sat on the site prior to the 1960s. She considered the proposed additions to the roof would be cumulatively disproportionate to the size of the original home. This would conflict with NPPF advice requiring extensions to not result in disproportionate additions over the size of the original building. She considered there would be a moderate impact on openness. She felt that the design of the dormers and the context was such that the large dormers would not harm visual appearance.

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**Application No:** 17/02078/FUL  
**Appeal by:** Mr Nigel Watson  
**Proposal:** Erection of attached dwelling (revised scheme)  
**Site:** 36 Danesfort AvenueYorkYO24 3AW  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal relates to a proposed two-bedroom self-contained dwelling attached to a semi-detached home on a corner plot in suburban York. In 2016 (16/01496/FUL) an application was submitted for a detached dwelling to the side of the home. This was considered unacceptable. Following negotiations a scheme was approved for an attached dwelling that in appearance would appear as a subservient two-storey side extension. The appeal relates to a revised scheme submitted several months later seeking to widen the approved dwelling by around 1m and simplify the fenestration. It was refused because it was considered that the proposed development would neither replicate the form of the attached dwelling nor appear as a subservient addition to it and as such would not harmonise with the adjacent dwellings and would appear as an incongruous, awkward and prominent addition to the streetscene. The Inspector dismissed the appeal. She stated that the scheme was unacceptable because the enlarged dwelling would appear over wide relative to the host, would be unduly prominent and the shape and location of the proposed windows would be out of character.

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**Application No:** 17/02088/ADV  
**Appeal by:** Mr dale harrison  
**Proposal:** Display of 1no. LED internally illuminated fascia sign, 5no. non illuminated 3mm aluminium panels, 6no. cut dibond panels, 1no. double sided totem sign with illuminated graphics and 1no. non illuminated double sided post mounted sign  
**Site:** Smith Brothers Ltd Osbaldwick Link Road Osbaldwick York YO10 3JA  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application site is a two storey warehouse previously occupied by Smith Brothers kitchen showroom and warehouse. The building is located on Osbaldwick Link Road and outside Osbaldwick village settlement limits and within the CYC Green Belt. This application sought advertisement consent for 10. internally and non- illuminated signs to the principal and side elevation of the building and one free standing post mounted directional sign and one internally illuminated totem to be positioned on the grass verge outside the site. The Council refused the internally illuminated totem sign on its prominent position, size, appearance would constitute unnecessary clutter, to the detriment of the semi-rural character of the area and the openness of the green belt. The Council did not consider that the other two noticeable non- illuminated totem signs along the grass verge were similar to this application. The Inspector agreed with the Council and concluded that the asserted effect of the totem sign on the economic viability of the business would not outweigh the amenity of the location.

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**Application No:** 17/02452/FUL  
**Appeal by:** Ms Carol Edwards  
**Proposal:** Erection of boundary fence to front, side and rear boundaries and new area of hardstanding to front (retrospective)  
**Site:** 1 The LinkFulfordYorkYO10 4LB  
**Decision Level:** DEL  
**Outcome:** DISMIS

This application sought permission (retrospectively, further to the removal of high hedging) for the erection of a timber close boarded front, side and rear boundary fencing, to a height of 1.85 metres. The fencing was above an existing low brick boundary wall to the front and one side boundary. The host site lies within a residential area on a prominent corner location, and the overall character and appearance of the surrounding area is open with low front boundary walls and soft landscaping. It was therefore considered that the boundary fence, by reason of its design, height, appearance and use of materials on a prominent corner location constituted an incongruous and unduly imposing feature in the streetscene, to the detriment of visual amenity, resulting in a stark, solid and harsh feature in this area, to which the Inspector agreed. Whilst the applicant suggested that the fence appeared tidier and was safer for passers by, the Inspector considered that these supposed benefits did not outweigh the harm to the visual appearance of the surrounding area.

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<b>Decision Level:</b>	<b>Outcome:</b>
DEL = Delegated Decision	ALLOW = Appeal Allowed
COMM = Sub-Committee Decision	DISMIS = Appeal Dismissed
COMP = Main Committee Decision	PAD = Appeal part dismissed/part allowed

## Outstanding appeals

<b>Officer: Carolyn Howarth</b>					<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
20/04/2017	17/00012/REF	APP/C2741/D/17/3172865	H	211 Hamilton Drive West York YO24 4PL	Single storey side extension	
<b>Officer: David Johnson</b>					<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
03/04/2018	18/00020/REF	APP/C2741/W/18/3196459	W	9 Sails Drive York YO10 3LR	Use of property as a 7 bed House in Multiple Occupation (retrospective)	
<b>Officer: Erik Matthews</b>					<b>Total number of appeals:</b>	<b>2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
04/04/2018	18/00021/REF	APP/C2741/W/18/3196858	W	Land Adjacent Hopgrove Roundabout Beechwood	Outline planning application with all matters reserved for erection of petrol filling station, restaurant and 50-bedroom hotel with associated access, car parking and landscaping (resubmission)	
29/09/2017	17/00035/REF	APP/C2741/W/17/3180738	I	Proposed Dwelling To The South Of Mayfields Dauby	Erection of 1no. agricultural/horticultural workers dwelling	
<b>Officer: Esther Priestley</b>					<b>Total number of appeals:</b>	<b>3</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
29/09/2016	16/00041/TPO	APP/TPO/C2741/5453	W	Two Oaks 39 York Road Strensall York YO32 5UB	Fell Oak tree (T1) protected by Tree Preservation Order No.: 1975/1	
12/05/2014	14/00017/TPO	APP/TPO/C2741/3909	W	14 Sails Drive York YO10 3LR	Fell Silver Brch (T3,T11), Mountain Ash (T5), Oak (T8), Trees protected by Tree Preservation Order CYC15	
09/05/2014	14/00015/TPO	APP/TPO/C2741/3907	W	7 Quant Mews York YO10 3LT	Crown Reduce Silver Birch (T1,T2), Trees protected by Tree Preservation Order CYC 15	
<b>Officer: Elizabeth Potter</b>					<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
13/02/2018	18/00016/REF	APP/C2741/W/18/3193550	W	18 Eastholme Drive York YO30 5SW	Change of use of newsagent (use class A1) to cafe (use class A3)	

<b>Officer: Hannah Blackburn</b>						<b>Total number of appeals: 3</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
09/02/2018	18/00013/REF	APP/C2741/W/18/3194870	W	40 Main Street Wheldrake York YO19 6AE	Erection of dormer bungalow with parking and external alterations to outbuilding	
08/03/2018	18/00018/EN	APP/C2741/C/17/3185328	W	Bumper Castle Inn Wigginton Road York YO32	Appeal against Enforcement Notice dated 15 August 2017	
09/02/2018	18/00012/REF	APP/C2741/W/18/3193786	W	Rear Of Redthorne Murton Way York YO19 5UJ	Erection of 2no. semi detached dwellings following demolition of motor vehicle repair workshop	
<b>Officer: Heather Fairy</b>						<b>Total number of appeals: 2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
20/02/2018	18/00017/REF	APP/C2741/W/18/3193879	W	Cherry Tree Cottage Millfield Lane Nether	Erection of 1no. dwelling	
21/03/2018	18/00022/REF	APP/C2741/W/18/3196443	W	Deighton Lodge Limited Rush Farm (Game Farm)	Variation of conditions 3 and 4 of permitted application 16/00267/FUL (for the change of use from guesthouse to mixed use guesthouse and wedding venue) to increase number of weddings from 15 to 25 in total in any calendar year and to allow the side garden to be used for wedding ceremonies	
<b>Officer: Jonathan Kenyon</b>						<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
13/06/2017	17/00029/NON	APP/C2741/W/17/3177821	P	British Sugar Corporation Ltd Plantation Drive York	Outline application for the development of the site comprising up to 1,100 residential units, community uses (D1/D2) and new public open space with details of access (to include new access points at Millfield Lane and Boroughbridge Road and a new link road, crossing the Former Manor School Site) and demolition of the Former Manor School buildings (duplicate application)	
<b>Officer: Kevin O'Connell</b>						<b>Total number of appeals: 3</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
06/12/2017	17/00049/REF	APP/C2741/W/17/3189768	I	The Homestead Murton Lane Murton York	Replacement of mobile home with dwelling	
06/11/2017	17/00054/EN	APP/C2741/C/17/3188555	I	Crabtree Farm York Road Deighton York YO19 6ES	Appeal against Enforcement Notice dated 6th October 2017	

06/11/2017 17/00054/EN APP/C2741/C/17/3188556 I Crabtree Farm York Road Appeal against Enforcement Notice dated 6th  
Deighton York YO19 6ES October 2017

**Officer: Matthew Parkinson** **Total number of appeals: 1**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
17/06/2011	11/00026/EN	APP/C2741/C/11/2154734	P	North Selby Mine New Road To North Selby Mine	Appeal against Enforcement Notice

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

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
13/11/2017	17/00044/REF	APP/C2741/X/17/3177133	W	54 Barstow Avenue York YO10 3HE	Certificate of lawfulness for use as a House in Multiple Occupation within Use Class C4

**Officer: Rachel Tyas** **Total number of appeals: 2**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
26/01/2018	18/00006/REF	APP/C2741/W/18/3193333	W	Land Adjacent To 15 Monk Bar Court York	Conversion of workshop and erection of three storey extension to create 1 no. dwelling (revised scheme)
02/10/2017	17/00053/ENL	APP/C2741/F/17/3185628	W	Sutlers Bar And Restaurant 54 - 56 Fossgate York YO1	Appeal against Enforcement Notice dated 9 August 2017

**Officer: Victoria Bell** **Total number of appeals: 1**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
06/09/2017	17/00040/EN	APP/C2741/C/17/3179132	W	Poppleton Garden Centre Northfield Lane Upper	Appeal against Enforcement Notice dated 11 May 2017

**Total number of appeals: 22**

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