



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

- To:** Councillors Galvin (Chair), Flinders (Vice-Chair),  
Shepherd, Cannon, Craghill, Crawshaw, Dew, Fenton,  
Gillies, Hunter and Mercer
- Date:** Thursday, 7 February 2019
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West  
Offices (F045)

**AGENDA**

**1. Declarations of Interest**

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

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

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

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

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 6 December 2018.

**3. Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer (on the contact details listed at the foot of this agenda). The deadline for registering is at **5.00 pm on Wednesday 6 February 2019**.

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## **4. Plans List**

To determine the following planning applications:

**a) Hazelwood Guest House, 24 - 25 Portland Street, York, YO31 7EH [18/02444/FUL] (Pages 11 - 22)**

Change of use from hotel (use class C1) to 8no. flats (use class C3) with management office and single storey extension to side/rear (Guildhall) **(Site Visit)**.

**b) Club Salvation, George Hudson Street, York, YO1 6JL [18/01866/FULM] (Pages 23 - 34)**

Conversion of first, second and third floors and erection of a roof level extension to create 19no. serviced apartments, change of use of 23 and 25 Tanner Row ground floor and basement to A3 with ancillary accommodation with conversion of ground floor of 31 George Hudson Street to amenity space for serviced apartments above (Micklegate).

**c) Club Salvation, George Hudson Street, York, YO1 6JL [18/01867/LBC] (Pages 35 - 42)**

Internal alterations to Nos 27-31 George Hudson Street involving the removal of existing partitions and the installation of new partitions and doorways to enable conversion of the properties to serviced apartments (Micklegate).

**d) Fishergate County Garage, 14 Heslington Lane, York, YO10 4LR [18/01480/FUL] (Pages 43 - 58)**

Variation of condition 2 (approved plans) of permitted application 16/02665/FUL (Conversion of garage into 1no. dwelling) to alter position of rooflights, omit enclosed yard to rear to provide bedroom with roof terrace, incorporation of vehicle turntable, alterations to first floor windows with associated internal alterations (retrospective) (Fulford and Heslington) **(Site Visit)**.

**e) 16 Ashwood Glade, Haxby, York, YO32 3GQ [18/02094/FUL] (Pages 59 - 68)**

Erection of a single storey side and rear extension (Haxby and Wigginton) **(Site Visit)**.

**f) 33 Burton Green, York, YO30 6JZ [18/01443/CLU] (Pages 69 - 74)**

Certificate of lawfulness for use as a House in Multiple Occupation within Use Class C4 (Clifton).

**5. Urgent Business**

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

Democracy Officer:

Chris Elliott

Contact details:

- Tel: (01904) 553631
- Email: [christopher.elliott@york.gov.uk](mailto:christopher.elliott@york.gov.uk)

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

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

Contact details are set out above.

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

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**

**AREA PLANNING SUB COMMITTEE****SITE VISITS****Wednesday 6 February 2019**

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

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
10:10	Hazelwood Guest House, 24 - 25 Portland Street	4a
10:45	16 Ashwood Glade, Haxby	4e
11:20	Fishergate County Garage, 14 Heslington Lane	4d

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Meeting	Area Planning Sub-Committee
Date	6 December 2018
Present	Councillors Galvin (Chair), Flinders (Vice-Chair), Cannon, Craghill, Crawshaw, Dew, Fenton, Gillies, Hunter, Mercer and Shepherd

#### **46. Declarations of Interest**

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

Cllr Gillies declared a personal, non prejudicial interest in agenda item 4a due to him knowing the applicant.

#### **47. Minutes**

Resolved: That the minutes of the Area Planning Sub-Committee held on 6 September 2018 and the 4 October 2018 be approved and then signed by the Chair as a correct record subject to the following amendment to minute 34d from the meeting held on 6 September 2018:

Amend line to read as follows:

- Some Members felt that there would be a degree of harm to the conservation area, ~~which outweighed the public benefit of the sign~~ \*and were unable to identify any public benefit associated with the sign.

#### **48. Public Participation**

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

#### **49. 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.

**50. The Mount Royale Hotel, 117-119 The Mount, York, YO24 1GU  
[18/00848/FUL]**

Members considered a full application from Mr Stuart Oxtoby for the erection of 2 dwellings with associated parking following the demolition of existing dwelling, workshop and storage.

Officers provided an update on two representations that had been received with regards to this application. The first was from the Council's Flood Risk Management team, asking for conditions to be included regarding foul and surface water drainage. The second was from the Council's Archaeologist requesting three conditions relating to the sites archaeological importance, that were as follows:

- An archaeological watching brief
- Details of foundation design
- The recording of archaeological stone found within the garden

Officers also clarified for the committee the planning legislation and policy position relating to listed buildings and conservation areas. Officers explained the recommendation for refusal stating that the proposal would not preserve the setting of the listed building or the character and appearance of the conservation area by eroding the contribution that the space makes to the historic layout of this heritage asset through the truncating of the existing curtilage and introducing modern intrusion. Officers stated that the proposal does not preserve the setting of the listed building as required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 nor does it preserve or enhance the character or appearance of the conservation area as required by Section 72 of the 1990 Act.

It was reported that the Conservation officer had identified 'less than substantial' harm to the conservation area with this proposal however according to the NPPF, any harm must be weighed against public benefit.

The public benefits outlined in the application were:

- The replacing of low quality existing buildings with a high quality development.
- A lower overall footprint
- The provision of accommodation

It was the view of the planning officer that these were private benefits or minor public benefits that did not outweigh the harm to the heritage assets.



Mr Chapman, the agent for the applicant, spoke in support of the application. Mr Chapman highlighted to the committee that there had been no objections from neighbours or from Historic England. Mr Chapman also pointed out that the conservation officer had declared 'less than substantial' harm would be caused and that the proposal would not affect the setting of the listed building.

Cllr J Hayes then spoke in support of the application. Cllr Hayes said that he believed the proposal would have limited impact on the listed building and that it was separated from the Mount Royale Hotel by gardens, trees and shrubs. Cllr Hayes also explained that the current buildings on site were of poor quality and that the proposal would improve the site.

During debate, some Members indicated that they did not believe that this development would harm the setting of the listed building nor have a detrimental impact to the conservation area.

Other Members did see the impact that this development would have on the listed building and discussed the importance of the removal of trees within the site and the impact this would have on the street scene. Members noted that despite the lack of objections and poor maintenance of the current buildings on this site, it was a poor argument to suggest that due to a lack of stewardship, the development should be allowed.

Resolved: That subject to the additional conditions below, the application be approved and delegated authority be given to officers alongside the Chair and Vice-Chair to finalise the wording of the approval.

Conditions:

- i) Development to start within three years
- ii) Approved plans condition
- iii) An archaeological brief
- iv) Details of foundation design
- v) Photographic record of medieval, architectural fragments in garden
- vi) Large scale details including windows, doors, elevations and gate.
- vii) Supply of boundary details
- viii) Sample of materials
- ix) Landscaping scheme
- x) Cycle parking details
- xi) Restriction of working hours
- xii) Electrical sockets for vehicles
- xiii) Method statement
- xiv) Foul and surface water drainage details

xv) Refuse arrangements with Mount Royale Hotel

Reason: As Members felt the degree of harm was less than substantial and did not believe that this development would harm the setting of the listed building nor have a detrimental impact to the conservation area.

**51. Garage Court Site at Newbury Avenue, York [18/02441/GRG3]**

Members considered a variation of condition 16 of permitted application 18/00410/GRG3 to alter the date for the provision of 4 public parking spaces.

Officers explained that currently the condition explicitly states that the parking spaces must be provided prior to the commencement of works on site. Officers informed the committee that due to the placement of a telecoms box in the same vicinity as the proposed parking spaces, the parking spaces could not currently be delivered. It was requested that the trigger point for the condition be varied to 'prior to the commencement of the superstructure of the bungalows', to allow demolition and ground works to take place before the spaces are provided.

Cllr Waller, Ward Member, then addressed the Committee. Cllr Waller highlighted the importance of rebuilding the trust with the Community with regards to the enforcement of conditions such as this and requested a firmer commitment be given to deliver the parking spaces. Cllr Waller also highlighted the narrow streets in this area, potential issues with the no.24 bus and further traffic and highway concerns.

The Housing Development Manager then informed the committee that due to the specific way in which Virgin Media (the owners of the telecoms box) manage their contracts, they were unable to move the box prior to a contract being agreed between the Council and the developer. The officer stated that he believed this would be resolved very soon.

Resolved: That delegated authority be granted to officers in consultation with the Chair and Vice-Chair to approve the variation of condition 16 of permitted application 18/00410/GRG3.

Reason: It is considered that it would be unreasonable to refuse the application to relax the trigger point for condition 16 to allow demolition to commence prior to the provision of the parking spaces. The level of parking provision is small and the delay in their provision would not have any significant impact on residential amenity or the safety of the public highway but

would delay the provision of five Council houses for which there is a known need.

**52. Lincoln Court, Ascot Way, York [18/01872/FULM]**

Members considered a Major Full Application from the City of York Council for a three storey rear extension to accommodate 10 sheltered independent living apartments with communal facilities, single storey front extension to form a new main entrance, erection of plant room to side, reconfiguration of parking provision and associated landscaping works including new boundary fencing.

Officers highlighted two parts of the update for the committee. The first was to clarify that the proposal was for 10 apartments and associated facilities for elderly people on a sheltered independent living basis and not as an extra-care scheme as was originally stated in the report. The officer also informed the committee that Sport England had originally objected to the removal of the MUGA but then rescinded their objection, however the Council had received a more recent objection from Sport England and had been unable to contact them for clarity prior to the meeting.

Vicky Japes, the Older Person's Accommodation Manager, then addressed the committee to explain the scheme. Ms Japes explained that this project would modernise and refurbish the current buildings and provide an extra 10 affordable homes that were needed in this area of the city.

Cllr Waller, Ward Councillor, also addressed the committee. Cllr Waller welcomed the modernisation and encouraged the officers to continue to engage with residents on the development.

Members requested assurance from the officer that the placement of the boiler/plant room next to bedrooms, would not become a problem, as this had been an issue raised by residents. The officer explained that they were aware of the concerns and had carried out a number of tests to discover the level of vibration and noise that would be associated with the placement of the boiler/plant room in its location. The officer said that it would not be an issue.

In response to member questions, the officer also highlighted the engagement work that Council officers had been undertaking and would continue to undertake in the weeks and months ahead.

Members asked the officer to state whether residents would have to move out during the construction phase. The officer stated that advice

would be needed from Health and Safety colleagues on that matter and that this may become clearer as plans develop.

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

Reason: It is considered that the proposal would not give rise to an adverse impact upon the visual amenity of the wider street scene, the residential amenity of neighbouring properties or the safety and convenience of highway users.

**53. Hob Moor Community Primary School, Green Lane, Acomb, York, YO24 4PS [18/01475/GRG3]**

Members considered an application by the City of York Council for the creation of a new area of playing fields, wetland areas and timber walkways, erection of fabric shelter over outdoor class space.

The Development Management Officer informed the committee that there were a number of additional drainage conditions and that these had been added as an update to the report.

Members were interested to understand how the 'community use' of the playing fields would work in practical terms. Officers informed the committee that the school would lead on the organisation of the community use of the playing fields. The fields would only be allowed to be used by the community outside of school hours and that the school were fully supportive of the idea.

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

Reason: Due to the loss of playing field space to accommodate another development, this proposal ensures that Hob Moor Primary School does not lose sports pitch provision. Subject to any approval being appropriately conditioned in terms of archaeology and biodiversity impact, the proposal is felt to be appropriate in planning terms.

**54. Windsor House, 22 Ascot Way, York, YO24 4QZ [18/01467/GRG3]**

Members considered an application from the City of York Council for the erection of a part single storey, part two storey centre for disabled children and their families following the demolition of existing care home with associated parking, access and landscaping works (includes part of Hob Moor School site).

Cllr Waller, Ward Councillor, then addressed the committee and paid tribute to the team who submitted this application who have consulted with the community and the ward committee on a number of occasions. Cllr Waller also expressed concerns regarding traffic congestion and highway issues, particularly during construction.

In response to member questions, officers explained that they did not expect the centre to be a major trip generator due to many of the service users accessing the centre via minibus. To further mitigate against these fears, the design also included areas specifically for 'drop off' to alleviate any pressure on the highway system.

Members questioned the officers on the potential inclusion of photovoltaics within the application and discussed the sustainability and BREEAM standards of the building.

Officers informed the committee that photovoltaics were being considered for this building and if deemed appropriate, could be included as a non-material amendment at a later stage. Officers also explained why BREEAM standard 'Excellent' was not within the budget of this project and that there had to be a balance between the use of funds for the standard of sustainability and the use of the building.

Members agreed that the Centre of Excellence would be a great asset to the City and that there was a great deal of support for this application.

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

Reason: It is felt that the proposal is acceptable in terms of its impact upon the visual amenity of the wider street scene. The proposed alternative playing field provision is acceptable and no material harm would be caused to the safety and convenience of highway users on the surrounding network. It is felt that the proposal would be consistent with the requirements of Policy D1, GI5 and HW4 of the Publication Draft City of York Local Plan and the proposal is therefore acceptable in planning terms.

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

Members were presented with a report outlining Appeals Performance and Decision Summaries for their comment.

In response to member questions on the number of appeals noted in the report, officers explained that this was a statistical anomaly and that only if the number appeals continued in this way would it be a concern.

Resolved: That members note the report.

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

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

Members received a quarterly update on Planning Enforcement Cases.

It was proposed by members that consideration be given to establishing a review process for older enforcement cases. Members were keen to highlight that only in consultation with Ward Councillors should this approach be considered due to the importance of some enforcement cases with members of the community.

Resolved: That members note the content of the report

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

Cllr J Galvin, Chair

[The meeting started at 16:30 and finished at 18:50].

**COMMITTEE REPORT**

**Date:** 7 February 2019      **Ward:** Guildhall  
**Team:** Major and      **Parish:** Guildhall Planning Panel  
Commercial Team

**Reference:** 18/02444/FUL  
**Application at:** Hazelwood Guest House, 24 - 25 Portland Street, York  
YO31 7EH  
**For:** Change of use from hotel (use class C1) to 8no. flats (use  
class C3) with management office and single storey  
extension to side/rear  
**By:** Mr Matt Cullen  
**Application Type:** Full Application  
**Target Date:** 12 February 2019  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The proposal is for the change of use of the existing guesthouse (C1 use) in to 8 flats (C3 use class) and a management office. Internal alterations are included within the proposal and a small single storey rear extension.

1.2 The applicant's intention is to use the property as a supported living facility with office space for staff. There are 4 parking spaces to the rear.

1.3 The scheme has been brought forward by the applicant who is working in partnership with City of York Council Adult Social Care to provide the accommodation. Future residents are likely to be individuals diagnosed as being on the autistic spectrum who have predominantly been living at home. The individuals have the potential to live more independently but do not have the appropriate skills. It is hoped that the site on Portland Street will allow residents to learn the life skills needed to move on to independent living. The support package includes 24 hour on site support as well as 1:1 support where appropriate.

1.4 The application has been called in by Councillor Craghill who has reiterated neighbour concerns about overdevelopment, impacts on traffic and parking, and residential amenity.

**SITE AND SURROUNDINGS**

1.5 The site is currently used for a guesthouse with 14 letting rooms, communal rooms and an attic flat.

1.6 The property is within the Central Historic Core Conservation Area within character area 5 (Gillygate). Portland Street dates back to the late 19th Century and consists of terraces of attractive 3 storey dwellings with small front gardens. Some of the properties have been subdivided in to flats although it appears that the majority are still single dwellings. The application site is notable for having large modern box dormers to front and rear unlike other properties within the streetscene.

1.7 Portland Street is a cul-de-sac leading to Bootham School. It is part of a Residents Parking Zone and is heavily parked to both sides. There is also vehicular access to the rear of the property from Claremont Terrace.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area  
Conservation Area Central Historic Core

2.2 Policies:

### Emerging Local Plan

D1 Placemaking  
D4 Conservation Areas  
DP3 Sustainable Communities  
DP4 Approach to Development Management  
T1 Sustainable Access

### Development Control Local Plan (DCLP) 2005

GP1 Design  
HE3 Conservation Areas  
H7 Residential extensions  
H8 Conversions

## **3.0 CONSULTATIONS**

INTERNAL

### Design, Conservation and Sustainable Development

3.1 No comments.

### Public Protection

3.2 No objections or conditions recommended in relation to the proposal.



## EXTERNAL

### Guildhall Planning Panel

#### 3.3 Insufficient information provided to assess the impact on the local community

### Neighbour notification and publicity

3.4 Three representations have been received making general comments in relation to the proposal and twenty three letters objecting to the scheme. The issues raised in the representations are:

- There may not always be staff on site
- Insufficient staffing particularly at night
- The building could end up being used as open market flats
- Fire safety issues
- Could the range of health needs of residents change to require more intensive care?
- Parking issues
- Refuse storage
- Impact on children walking to Bootham School
- Disruption from building work
- Concern about anti-social behaviour
- Inappropriate development in a residential area and near a school
- City centre noise not conducive to providing residents with a quiet environment
- Security concerns for students at Bootham School
- Transient nature of residents will be harmful to community spirit in local area
- No external space for residents
- Large increase in population on street
- Increase in traffic from visitors both private and care providers
- The proposed change of use is contrary to a deed relating to the property
- Confirmation required that the site will be well managed
- Access for emergency vehicles
- Noise and disturbance to existing residents - impact on amenity
- Impact on character of conservation area from change to multiple occupation
- Property should be returned to family housing
- Contrary to the 'Subdivision of Dwellings' Draft SPD
- Over-development of the site
- Contrary to 'HMO' Draft SPD
- Loss of internal staircase harmful to character of property and Conservation Area - would also result in the property being difficult to convert back to a dwelling
- Proposal will bring the concentration of HMO's above guidance levels
- Risk of sewer flooding

## 4.0 APPRAISAL

## 4.1 KEY ISSUES

- Principle of the development;
- Impact on the character and appearance of the Conservation Area;
- Amenity issues;
- Highways considerations.

## PLANNING POLICY

### National Planning Policy Framework (NPPF)

4.2 The National Planning Policy Framework (NPPF) sets out the Government's overarching planning principles. Para.11 refers to the presumption in favour of sustainable development and requires that where there are no relevant development plan policies or the policies are out of date then permissions should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Para.59 states that, to support the Government's objective of boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

### Publication Draft York Local Plan 2018

4.3 The Publication Draft Local Plan ("2018 Draft Plan") was submitted for examination on 25 May 2018. The emerging Local Plan policies contained within the 2018 Draft Plan can be afforded some weight at this stage of its preparation subject to their conformity with the NPPF and the level of outstanding objection to the policies in accordance with paragraph 48 of the NPPF. The evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

4.4 It is considered that in accordance with paragraph 48 of the NPPF, taking account of the stage of preparation of the 2018 Draft Plan, the lack of significant objection and the degree of consistency with the NPPF the policies outlined in paragraph 2.1 carry more than limited weight.

### The Development Control Local Plan 2005

4.5 The Development Control 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 but are of very limited weight.

## APPRAISAL

### Principle of the development

4.6 The site is within a residential side street off a shopping street located just outside the city centre and is unallocated within the emerging Local Plan. The change of use from guesthouse to a C3 residential use is considered appropriate to the character of the area and as such the change of use is considered acceptable in principle subject to other material planning considerations.

4.7 The applicant has provided detail on the proposed operation of the property in order to evidence that the use falls within the C3b use class. This use class allows for up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems. In this instance 8 flats are to be provided, mostly single occupancy flats but also a 2 bed and a 3 bed flat. Each flat is self contained and will have living and cooking facilities and is typical of the layout of a residential unit. Carers will not live-in but will support residents according to their personal needs and will provide assistance to residents in completing day to day tasks as required rather than completing tasks themselves on behalf of residents. An office is provided as a base for carers and to provide a full time support for residents on a shift basis. The scale of the office has been determined by the layout of the existing building and is relatively large as a result of this. It is not intended to provide on-site living accommodation for staff who will visit on a shift basis.

4.8 The C3 'Dwellinghouses' use class also includes C3a 'Use of a dwellinghouse by a single person or by people to be regarded as forming a single household' and C3c 'Use of a dwellinghouse by not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4 'Houses in multiple occupation')'. The layout of the property clearly allows for occupation within any of the C3 use class sub-divisions.

4.9 Given the prevailing residential character of Portland Street and the proposed layout of the properties, clearly C3a and C3c use would also be acceptable. It is therefore not considered appropriate to restrict the use solely to C3b; the description of the proposal reflects this and use of the property, like most residential properties, could move freely between C3a, b and c.

4.10 Para.59 of the NPPF states that the needs of groups with specific housing requirements should be addressed. This proposal seeks to provide housing to address a specific need and which accords with the character of the locality in a sustainable location.

### Impact on the character and appearance of the Conservation Area

4.11 External changes to the building are minimal. To the front no changes are proposed. To the rear the existing wood clad lean-to outbuilding will be replaced by a small brick built extension of a similar design. The extension will be approximately 0.5m higher and will extend further towards the rear elevation of the main building. The extension remains subordinate to the host building and is of an appropriate design. The use of matching materials will be a visual improvement on the existing wood clad structure.

4.12 Policy D4 of the emerging Local Plan requires that development within Conservation Areas preserves or enhances the special character and appearance of the Conservation Area. As a result of the location, scale and form of the proposed extension it is considered that the proposal meets the requirements of policy D4 and preserves the character and appearance of the Conservation Area.

4.13 Internally, revised plans have been received retaining the staircase for 25 Portland Street which would allow for easier conversion of the site back in to two properties if required. A number of properties within the locality have already been subdivided into flats. In addition, the proposed change of use to C3 is considered in keeping with the character of the Conservation Area in this locality and the character of the properties which were clearly originally built as residential properties.

### Amenity issues

4.14 The proposal provides acceptable amenity for future residents and flats will benefit from good levels of light. There is little external amenity space associated with the property but this is typical of a city centre location, and given the generous floor areas of the flats, should not impact detrimentally on residents' amenity. The basement flat will be served by existing lightwells with large bay windows to the front providing adequate light levels.

4.15 The site is currently occupied by a guesthouse with a flat in the roofspace. There are approximately 14 guest rooms within the guesthouse. The proposal represents a reduction in bed spaces within the building and as such is not considered to result in any intensification of use likely to impact on neighbouring residents.

4.16 Concerns regarding noise and disturbance from large numbers of support staff related to the proposed C3b use are noted. The guesthouse currently employs 2 fulltime and 3 part time workers while the proposed supported living facility will be staffed with 2 workers in the day time and 1 overnight. Residents will already have a certain level of independence and staff will provide additional support as residents move to more independent accommodation. It is not considered that the level of

staffing proposed will result in significant increases in comings and goings over and above the existing situation.

### Highways considerations

4.17 The site provides off-street parking to the rear. This will provide some parking for staff. The city centre location with good access to public transport should reduce the reliance on private vehicles.

4.18 The site is within a Residents Parking Zone (RPZ) which is currently over-subscribed. The guesthouse would be eligible for permits to allow visitors to use the community spaces on Lord Mayors Walk while as a C3 use residents would be eligible for multiple parking permits to parking anywhere within the RPZ. While it is unlikely residents of the proposed supported living facility will own cars, it is recognised that the RPZ cannot accommodate further vehicles and therefore a condition is recommended for submission of a scheme to remove the site from the RPZ so residents are not eligible for parking permits. This would be funded by the developer.

4.19 Cycle and bin storage is required and will be secured by condition.

### Other considerations

4.20 Matters of child safeguarding have been considered but it is not considered that there is anything inherent in the scheme which raises concern in this regard.

4.21 The change of use raises no drainage concerns as it does not represent any significant intensification of use in drainage terms. The extension does not result in an increase in impermeable surface and should therefore not impact on surface water flooding.

4.22 Residents have drawn attention to the Council's supplementary planning documents 'Subdivision of dwellings' and 'Houses in multiple occupation'. The HMO SPD is not relevant to this scheme which does not propose an HMO; similarly consideration of the concentration of HMOs in the area is not relevant. The 'Subdivision of dwellings' SPD relates primarily to the subdivision of existing dwellings but there is also some relevance to subdivision of other buildings which is relevant to consideration of this proposal. The issues raised in the SPD relate predominantly to amenity concerns for future residents and existing neighbours of the development and are issues which are covered elsewhere in this report.

4.24 A number of objections relate to the applicant's operation of the site and are not material planning considerations relevant to consideration of this planning application.

## 5.0 CONCLUSION

5.1 The proposal is for a change of use of the existing guesthouse (use class C1) to a residential C3 use, specifically the applicant has indicated that the use will fall within the C3b sub-division. The subdivision of the property results in 8 flats with 11 bedrooms in total, and a management office. The proposed use is considered to support the Government's objective to boost the supply of homes and address the needs of groups with specific housing requirements (para.59 NPPF) and contribute to the achievement of sustainable development through supporting strong, vibrant and healthy communities and by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations (para.8 NPPF). Changes to the use of the property and minor extension to the rear are considered to preserve the character and appearance of the Conservation Area.

5.2 The proposal meets relevant policy within the Local Plan and NPPF and is therefore recommended for approval subject to planning conditions.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Location plan

Proposed and existing elevations 44 RevA

Proposed basement and ground floors 200 RevB

Proposed first, second and third floors 201 RevC

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

3 VISQ1 Matching materials

4 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Measures to remove the site from the Residents Parking R14 zone.

Reason: The change to residential units will have an impact on residents parking bays which are heavily oversubscribed in the vicinity of this property. It is considered that it would be necessary to remove the proposed site from the resident's parking zone prior to occupation so that it will not be placed under further pressure.

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

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

6 Prior to first occupation details of the bin storage areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the bin storage areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the storage of bins.

Reason: In the interests of visual and residential amenity.

## **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 (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 further information on the proposed use.

Imposed appropriate planning conditions.

#### **Contact details:**

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

**Tel No:** (01904) 555730

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18/02444/FUL

24-25 Portland Street, York, YO31 7EH



Scale : 1:553

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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>	29 January 2019
<b>SLA Number</b>	

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**COMMITTEE REPORT**

**Date:** 7 February 2019      **Ward:** Micklegate  
**Team:** Major and      **Parish:** Micklegate Planning  
Commercial Team      Panel

**Reference:** 18/01866/FULM  
**Application at:** Club Salvation George Hudson Street York YO1 6JL  
**For:** Conversion of first, second and third floors and erection of a roof level extension to create 19no. serviced apartments, change of use of 23 and 25 Tanner Row ground floor and basement to A3 with ancillary accommodation with conversion of ground floor of 31 George Hudson Street to amenity space for serviced apartments above.

**By:** Mr Brown  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 11 February 2019  
**Recommendation:** Refuse

**1.0 PROPOSAL**

- 1.1 Club Salvation (No 23/25 Tanner Row) comprises a Night Club dating to the early 1980s situated within a three storey brick built Victorian terrace at the junction of George Hudson Street and Tanner Row which was partially lowered in the 1950s. Adjoining the building to the south west in George Hudson Street is a development of three storey brick built shops with flats above comprising Nos 27, 29 and 31 which are Grade II Listed. Planning permission together with a parallel Listed Building Consent is sought for conversion of the Night Club and the adjacent properties into a development of serviced flats (19no.) with retail units and a restaurant cafe (A3) at ground floor level. An upper level extension to the former Night Club is proposed as part of the development.
- 1.2 The upper floors are presently in use as a series of small flats and bed sits with a single aspect. The roof level extension to 25 Tanner Row has however been amended from three storeys to a single storey with accommodation within a mansard roof above to address Conservation concerns. The proposed shop front to 25 Tanner Row has also been amended to alter its proportions in relation to the elevation above.

**2.0 POLICY CONTEXT**

2.1 Publication Draft City of York Local Plan (2018) Policies:-

D1 Place making

Application Reference Number: 18/01866/FULM

Item No: 4b

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D4 Conservation Areas  
H10 Affordable Housing

2.2 York Development Control Local Plan (2005) Policies:

CYGP1  
Design

CYH2A  
Affordable Housing

CYHE2  
Development in historic locations

CYHE3  
Conservation Areas

### **3.0 CONSULTATIONS**

INTERNAL:-

Public Protection:-

3.1 Raise no objection in principle to the proposal but raise concerns in respect of the poor air quality and the surrounding area and the associated impact upon the amenity of potential residents of the serviced flats. Concern is also expressed in terms of the potential impact of noise from traffic and plant associated with neighbouring shops and restaurants and odour from adjoining restaurants on the amenity of potential occupants of the serviced flats. A series of detailed conditions in respect of each issue in the event of permission being forthcoming.

Housing Services:-

3.2 Request that a commuted sum payment be made in respect of the provision of affordable housing off site in line with the Authority's adopted standards.

Design, Conservation and Sustainable Development (Archaeology):-

3.3 Raise no objection to the proposal subject to a watching brief being undertaken on works within the building basement.

Design, Conservation and Sustainable Development(Conservation):-

3.4 Object to the proposed development on the grounds that the proposed roof level extension to 23 Tanner Row would give rise to substantial harm to the character and appearance of the Conservation Area by virtue of introducing a conjectural reconstruction. The proposed replacement shop front is also opposed on the grounds that it would appear stark and visually jarring when viewed in the context of the floors above. An objection has been sustained in respect of the revised scheme with the mansard roof felt to be excessively bulky and inappropriate in appearance with a palette of materials inappropriate to the locality. The amendments to the shop front of No 25 Tanner Row are not felt to address the earlier concerns.

EXTERNAL:-

Micklegate Planning Panel:-

3.5 Raise no objection in principle to the proposal but express concerns in relation to the proposed roof level extension to 23 Tanner Row which is felt to be too high and the roof design to be inappropriate.

York Civic Trust:-

3.6 Raise no objection to the proposed roof level extension to 23 Tanner Row which is felt to restore the historic pattern of the street scene.

#### **4.0 APPRAISAL**

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- \* Impact upon the character and appearance of the Central Historic Core Conservation Area;
- \* Impact upon the Amenities of Prospective Occupants of the Properties;
- \* Provision of Affordable Housing;
- \* Highway Issues.

LOCAL PLAN:-

4.2 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in July 2018, although the weight that can be afforded to them is very limited.

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

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

#### IMPACT UPON THE CHARACTER AND APPEARANCE OF THE CENTRAL HISTORIC CORE CONSERVATION AREA:-

4.4 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in exercising any functions under the Planning Acts with respect to any buildings or other land in a Conservation Area, special regard shall be paid to the desirability of preserving or enhancing the character or appearance of the area. Where it is identified that a proposed development will give rise to harm to a heritage asset, recent case law has emphasised that this statutory requirement is in addition to the policy tests contained in the NPPF. It has also emphasised that the desirability of preserving or enhancing the character or appearance of the area should be afforded considerable importance and weight and that the over-arching "special regard" required by section 72 imposes a statutory presumption against the grant of planning permission.

4.5 BUILDING SIGNIFICANCE:- The Central Historic Core Conservation Area in the vicinity of the proposal is characterised by a mix of shop units with living accommodation above along with larger grander formally residential properties dating from the Late 18th Century onwards stretching back from the property frontages at a high pattern of density. The application site lies on a main vehicle and pedestrian thoroughfare with a mix of small scale retail, food and drink and leisure uses. Directly to the north the pattern of density and scale increases with a number of office developments and a hotel dating from the 20th Century.

4.6 THE PROPOSAL:- The proposal as submitted envisaged the construction of a three storey extension to resemble that which formerly existed prior to partial demolition in the 1950s. The ground floor would be occupied by a mix of retail units with serviced apartments (19no) above with a reconstruction of the former shop front to No 25. The scheme has subsequently been amended to reduce the scale of the accommodation from three storeys to a single additional storey with further accommodation incorporated into a mansard roof above. The amendment was sought to address Conservation concerns in respect of the scale of the proposed

extension and its impact upon the character and appearance of the Conservation Area. The treatment of the shop front to 25 Tanner Row has also been amended to alter its proportions in relation to the elevation above. Further exclusively internal works are proposed in respect of Nos 27-31 George Hudson Street in order to facilitate the conversion of the upper floors of the properties to serviced apartments.

4.7 ASSESSMENT OF IMPACT:- Central Government Planning Policy as outlined in paragraph 193 of the NPPF indicates that when considering the impact of a development on the significance of a Designated Heritage Asset then great weight should be given to the asset's conservation. This applies irrespective of whether substantial harm, total loss or less than substantial harm occurs. Paragraph 196 indicates that in the case of less than substantial harm to the significance of a Designated Heritage Asset then any harm should be weighed against the public benefit that would be generated by the proposal. At the same time Policy D4 of the Publication Draft City of York Local Plan (2018) indicates that within Conservation Areas development would be supported where they are designed to preserve and enhance the character and significance of the Conservation Area, respect its important views and are accompanied by an appropriate evidence based assessment of the special qualities of the Conservation Area and its contribution towards them.

4.8 The wider proposal for conversion of the former Night Club and associated properties into serviced apartments with retail units and a restaurant/cafe below has been justified on the basis that the proposal would result in the removal of unsympathetic external alterations which caused to the character and appearance of the Conservation Area by earlier. The initial proposal incorporated a three storey roof level extension to the corner property on the basis of it being a reasonable approximation of its pre-1950 appearance. However, it would have appeared highly unbalanced and visually jarring particularly in views from Tanner Row to the east and also looking north along George Hudson Street.

4.9 The scheme has subsequently been amended to reduce the scale of the roof level extension to a single storey with accommodation within a mansard roof above. The additional storey is acceptable in principle however it has not proved possible to derive an acceptable solution in terms of the mansard roof which is disproportionate in its form. The roof appears excessively bulky and angular in its appearance. The submitted drawings indicate the use of a profile metal roof rather than a conventional slate which would be the most appropriate material in the local context. It would therefore appear highly alien and visually jarring in middle and longer distance views within the Conservation Area, The dormer windows as proposed also appear too tall in relation to their width and sit too far in front of the plane of the roof as a consequence of which they would also appear unduly prominent in the wider street scene. At the same time the proposed shop front for 23/25 Tanner Row appears unduly plain and simple and would visually jar with the architectural quality

of the facade above. The amended scheme is similarly inappropriate in terms of its proportions relative to the elevation above.

4.10 It is felt that the proposal would result in less than substantial harm to the character and appearance of the Conservation Area. The reinstatement of the contribution of the corner properties to the visual amenity of the wider street scene and their wider contribution to the character of the Conservation Area has been put forward by the applicant as a public benefit to balance the harm. However, it is felt that the jarring relationship of the proposed shop front to the upper levels of 25 Tanner Row and the poor relationship of the proposed mansard roof and associated dormer windows to its wider surroundings would have a significant harmful impact upon the character and appearance of the Conservation Area and the requirements of paragraph 196 of the NPPF and Policy D4 of the Publication Draft City of York Local Plan would not be complied with.

#### IMPACT UPON THE AMENITIES OF PROSPECTIVE OCCUPANTS OF THE PROPERTIES:-

4.11 Central Government Planning Policy as outlined in paragraph 127 f) of the NPPF indicates that planning decisions should create places with a high standard of amenity for all existing and future users. At the same time Policy D1 (Place making) of the Publication Draft City of York Local Plan (2018) indicates that planning decisions should safeguard the residential amenity of all new and existing occupants of development.

4.12 The upper floors of No's 27-31 Tanner Row are presently in use as a mix of small flats and bed sits following the earlier pattern of usage as residential accommodation associated with the shops below. George Hudson Street in the direct vicinity is a major thoroughfare for both traffic and pedestrians for much of the day with high levels of vehicle related noise and poor air quality. At the same time the rear of the properties face directly on to a well used multi-storey car park and the kitchen extraction outlet for a neighbouring restaurant. Public protection have offered no objections to the proposal subject to a number of conditions including details of an acceptable form of ventilation (a mechanical ventilation). This however would need to be provided from the rear of the properties which may give rise to harm to the significance of the Listed Building complex the nature of which would need to be further assessed when details are submitted. It is considered given the existing residential units at the site and the city centre nature of the site that the proposal subject to conditions is acceptable in terms of amenities of future residents in this instance.

#### PROVISION OF AFFORDABLE HOUSING:-

4.13 The proposal seeks the provision of 19 one and two bedroom serviced apartments on the upper floors of Nos 27-31 George Hudson Street and 23/25



Tanner Row. Serviced apartments fall within the Class C3 General Housing Use Class if capable of long term residential use . Policy H10 of the Publication Draft City of York Local Plan indicates that with developments above the level of the adopted threshold in respect of general open market housing then either or a commuted sum contribution is payable or fixed rate of on-site provision is required in respect of affordable housing. In the case of urban brown field developments the rate of provision would be at a rate of 15% on developments of 5 to 10 units and 20% above that level. It is noted that the applicant has indicated a willingness to accept a condition attached to any planning permission restricting occupation of each apartment to a maximum period of 28 days in any one year. Notwithstanding that, the application is for a form of Use Class C3 (General Housing) which would attract the need for a financial contribution to secure compliance with Policy H10 of the Publication Draft Local Plan. However, this has not been requested as the proposal is being recommended for refusal by virtue of the harm it would cause to the character and appearance of the Conservation Area.

#### HIGHWAY ISSUES:-

4.14 The application site lies within the inner Urban Area at the edge of the City Centre and has no on site parking. The Adopted Car Parking Standards (2005) indicate a required standard of one space per unit. There is no scope to accommodate any vehicle parking on site and therefore the requirement would be secured by means of a commuted sum payment secured by Section 106 Agreement, attached to any planning permission to secure provision elsewhere in the near vicinity, at the rate of £3,000 per space. Similarly in terms of cycle parking, there is no existing formal provision on site and the nature and layout of the site means that it would be extremely difficult to make the necessary provision within the development. The requirement of one space per unit would be secured by commuted payment at the rate of £300 per space by means of a commuted sum secured by Section 106 Agreement. The delivery arrangements to the site would remain unchanged from the existing situation.

## 5.0 CONCLUSION

5.1 Club Salvation (No 23/25 Tanner Row) comprises a Night Club dating to the early 1980s situated within a three storey brick built Victorian terrace at the junction of George Hudson Street and Tanner Row which was partially lowered in the 1950s. Adjoining the building to the south west in George Hudson Street is a development of three storey brick built shops with flats above comprising Nos 27, 29 and 31 which are Grade II Listed . Planning permission together with a parallel Listed Building Consent is sought for conversion of the Night Club and the adjacent properties into a development of serviced flats with retail units and a restaurant cafe at ground floor level. An upper level extension to the former Night Club is proposed as part of the development. It is felt that the proposed upper level mansard extension would not be appropriate and would be harmful to the character of the

Conservation Area by virtue of its excessive bulk, angular appearance and inappropriate material. At the same time the proposed shop front to 25 Tanner Row even as amended would also be harmful to the character and appearance of the Conservation Area by virtue of the jarring juxtaposition with the highly decorative frontage above. As a consequence the proposal would not comply with the requirements of paragraphs 193 and 196 of the NPPF and is unacceptable in planning terms. It is therefore recommended that planning permission be withheld.

## **6.0 RECOMMENDATION: Refuse**

1 The proposed mansard roof with associated dormers by virtue of its inappropriate material and bulky, overly angular appearance would erode the contribution of the wider group to the character and appearance of the Central Historic Core Conservation Area, notably in short and middle distance views within the surrounding streetscape. As such it is considered that the proposals would lead to less than substantial harm to the designated heritage asset and that there are no identified public benefits that would outweigh this harm. Thus the proposal conflicts with the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and fails to comply with guidance for heritage assets contained within the National Planning Policy Framework, (paragraphs 193 and 196), Policy D4 (Conservation Areas) of the Publication Draft York Local Plan 2018

2 The proposed shop front to 25 Tanner Row would give rise to visually jarring and wholly alien relationship between the ground floor treatment to the property and the highly decorative facade above which is fundamental to the contribution of the wider group to the character and appearance of the Central Historic Core Conservation Area. As such it is considered that the proposals would lead to less than substantial harm to the designated heritage asset and that there are no identified public benefits that would outweigh this harm. Thus the proposal conflicts with the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and fails to comply with guidance for heritage assets contained within the National Planning Policy Framework, (paragraphs 193 and 196), Policy D4 (Conservation Areas) of the Publication Draft York Local Plan 2018.

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

Application Reference Number: 18/01866/FULM

Item No: 4b

Sought the amendment of the design to the roof top extension to Nos 23 and 25 Tanner Row to lessen its impact upon the character and appearance of the Central Historic Core Conservation Area.

Notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

**Contact details:**

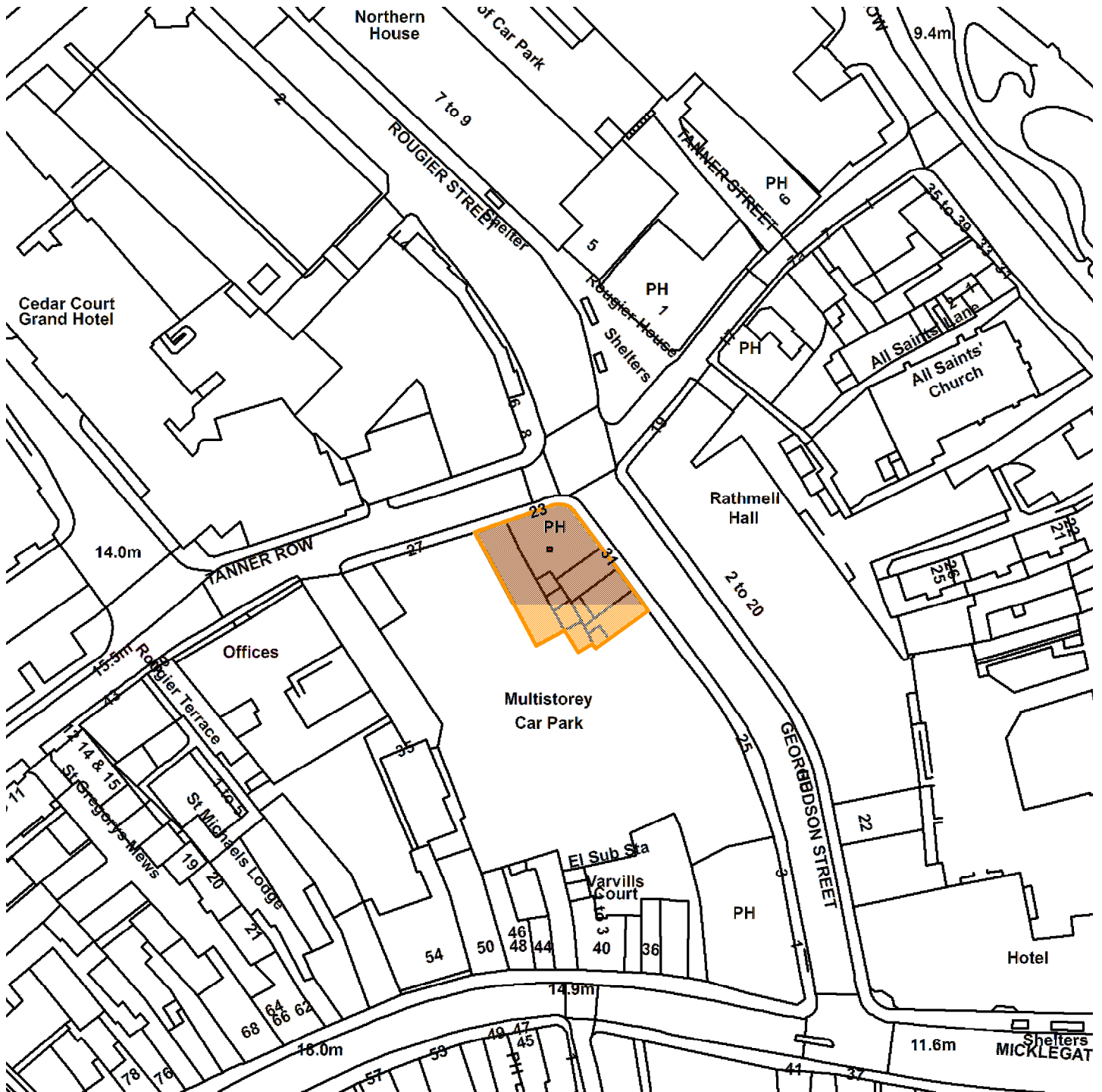
**Author:** Erik Matthews, Development Management Officer

**Tel No:** (01904) 551416

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# 18/01866/FULM and 18/01867/LBC

Club Salvation, George Hudson Street, York, YO1 6JL



Scale : 1:1106

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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>	29 January 2019
<b>SLA Number</b>	

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**COMMITTEE REPORT**

**Date:** 7 February 2019      **Ward:** Micklegate  
**Team:** Major and      **Parish:** Micklegate Planning  
Commercial Team      Panel

**Reference:** 18/01867/LBC  
**Application at:** Club Salvation George Hudson Street York YO1 6JL

**For:** Internal alterations to Nos 27-31 George Hudson Street involving the removal of existing partitions and the installation of new partitions and doorways to enable conversion of the properties to serviced apartments.

**By:** Mr Brown  
**Application Type:** Listed Building Consent  
**Target Date:** 11 February 2019  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 Club Salvation comprises a Night Club dating to the early 1980s situated within a three storey brick built Victorian terrace at the junction of George Hudson Street and Tanner Row which was partially lowered in the 1950s. The Night Club occupies the ground and first floors with a manager's flat and ancillary offices above. Adjoining the building to the south west in George Hudson Street is a development of three storey brick built shops with flats above comprising Nos 27, 29 and 31 which are Grade II Listed and in the same ownership. The entrance to the night club lies partially within the ground floor of No 31. Listed Building Consent is sought for conversion of the adjacent properties in George Hudson Street into a development of serviced flats with retail units and a restaurant cafe at ground floor level as part of a wider conversion scheme incorporating the Night Club itself. The Night Club itself is unlisted and a parallel planning application ref:- 18/01866/FULM is considered on the current agenda for the entire scheme.

1.2 The detail of the scheme has been in part amended to address Conservation concerns to reduce the level of internal alteration.

**2.0 POLICY CONTEXT**

2.1 Publication Draft City of York Local Plan (2018) Policies:-

D5 Listed Buildings

2.2 York Development Control Local Plan (2005) Policies:

Application Reference Number: 18/01867/LBC

Item No: 4c

CYHE2

Development in historic locations

CYHE4

Listed Buildings

CYHE3

Conservation Areas

### **3.0 CONSULTATIONS**

INTERNAL

Design, Conservation and Sustainable Development(Conservation)

3.1 Object to the proposal. Notably it is identified that whilst the proposal seeks to secure the contribution of the complex of buildings to the character and significance of the Central Historic Core Conservation Area, similar improvements can be achieved by simply keeping the buildings in good decorative order without giving rise to any harm to the Listed elements of the complex of buildings. The overall effect would be the loss of the original plan form of the upper floors and the historic value embodied in the plan form, in addition to the loss of primary fabric. This would harm the character of the building as one of special architectural or historic interest

Objection is sustained in respect of the revised scheme which it is felt would still result in an unacceptable loss of plan form and character in respect of each building.

EXTERNAL:-

Micklegate Planning Panel

3.2 Were consulted with regard to the proposal on 6th September 2018. Comments have been forthcoming in respect of the associated full planning application which raises no objection in principle to the change of use of the wider complex.

York Civic Trust

3.3 Raise no objection to the proposed external alterations and extensions to 23/25 Tanner Row which would reinstate the contribution of both buildings to the visual amenity of the wider street scene, objection is however raised to the proposed internal works to Nos 27-31 George Hudson Street which would lead to the loss of important historic fabric from the interior without clear justification.

Application Reference Number: 18/01867/LBC

Item No: 4c



## 4.0 APPRAISAL

### KEY CONSIDERATIONS:-

#### 4.1 KEY CONSIDERATIONS INCLUDE:-

\* Impact upon the Historic Character and Significance of the Listed Buildings.

### LOCAL PLAN:-

4.2 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in July 2018, although the weight that can be afforded to them is very limited.

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

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

### IMPACT UPON THE HISTORIC CHARACTER AND SIGNIFICANCE OF THE LISTED BUILDINGS:-

4.4 Section 16(2) of the 1990 Planning(Listed Buildings and Conservation Areas) Act creates a statutory presumption for the Local Planning Authority to have special regard to the desirability of preserving the Listed Building or its setting and any special historic or architectural features it possesses. As this is a statutory duty it must be given considerable importance and weight in determining the planning application. Where harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission. Central Government Planning Policy as outlined in paragraph 192 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to ensuring the positive contribution that conservation of heritage assets can make to sustainable communities including

their economic vitality and ensuring the desirability of new development making a positive contribution to local character and distinctiveness. Policy D5 of the Publication Draft Local Plan is of particular relevance in this context. This indicates support for proposals affecting Listed Buildings where accompanied by a clear evidence based justification and where the significance and heritage value of the building is maintained.

**4.5 BUILDING SIGNIFICANCE:-** Nos 27, 29 and 31 George Hudson Street comprises a development of three storey brick built shops with dwellings built above to a simplified Georgian form circa 1860. Their special interest arises from their simple form and group value as integral shop units with living accommodation for the shop owner above with the survival on upper floors of original features including partitions on the upper floors with the result that the historic plan form largely remains.

**4.6 THE PROPOSAL:-** The proposal envisages the removal and replacement of existing historic partitions on the first and second floors with Modern screens to achieve Modern fire safety standards. The staircase to the second floor which again survives from the original construction would also be altered to remove a dog leg element. The works are justified on the basis of a need to comply with Modern Building and Fire Safety Regulations in terms of fire separation and the provision of shower rooms.

**4.7 ASSESSMENT OF IMPACT:-** The proposal envisages a re-organisation of the existing internal layout to create a development of serviced apartments that would be used as short term, primarily holiday lets. The total number of flats would remain unaltered however (which is), characteristic internal fabric would be removed and the new partitions would sit awkwardly in respect of the retained stacks and fire places. The significance of the buildings in terms of their survival as mid 19th Century shop units with integral living accommodation would therefore be irrevocably diminished. Central Government Planning Policy in terms of Listed Building Control as outlined in paragraph 193 of the NPPF indicates that when considering the impact of a development upon the significance of a Designated Heritage Asset then great weight should be afforded that asset's conservation with the more important the asset the greater the weight should be. The requirement occurs irrespective of the level of harm identified. Paragraph 189 of the Framework at the same time indicates that in determining applications Local Planning Authorities should require an applicant to describe the significance of Heritage Assets affected.

**4.8** The applicant has not submitted a sufficiently detailed examination as to how the significance of the Listed Buildings would be affected by the proposal and has not explored alternatives as to how the proposed sub-division could be achieved without giving rise to the likely level of harm. Indeed in response to the Conservation

concerns the applicant indicates that the published List description does not make reference to internal features and that there is no evidence of an internal assessment of the buildings having been made. The published List description other than in specific circumstances is not exhaustive and the submitted plan form is clearly indicative of a high degree of surviving historic internal fabric. The necessary assessment of the impact of the proposal upon the significance of the building complex has not been undertaken and neither has an assessment of less harmful alternatives which may achieve the same result in terms of the conversion. The submitted amendments indicate a lesser degree of intervention required however the historic plan form of each building would still be unacceptably disrupted and their character harmed.

4.9 It is felt that the proposal would give rise to less than substantial harm to the character and significance of the Listed Buildings in the context of paragraph 196 of the NPPF. A public benefit has been advanced in terms of the treatment of the adjacent Night Club relative to the visual amenity of the street scene. However it is felt that this does not balance the harm identified to the interior of the buildings.

4.10 The proposal is unacceptable in terms of its impact upon the character and significance of the Listed Building and the requirements of paragraphs 189 and 193 of the NPPF along with the statutory duty within Section 16 of the 1990 Act can not be met.

## **5.0 CONCLUSION**

5.1 Club Salvation comprises a Night Club dating to the early 1980s situated within a three storey brick built Victorian terrace .Adjoining the building to the south west in George Hudson Street is a development of three storey brick built shops with flats above comprising Nos 27, 29 and 31 which are Grade II Listed . Listed Building Consent is sought for conversion of the adjacent properties into a development of serviced flats with retail units and a restaurant cafe at ground floor level as part of a wider scheme incorporating the Night Club.

5.2 The proposal can be identified as giving rise to less than substantial harm to the significance of the Listed properties in terms of the nature of the internal works. No public benefit has however been put forward in order to balance the harm, no consideration has been given to less harm full alternatives and no detailed analysis has been undertaken in respect of the impact of the proposal upon significance of the buildings. Amendments have been made to the internal layout which do not address earlier Conservation concerns in terms of impact upon the significance of the group. Giving appropriate weight to the conservation of the buildings the development does not comply with the requirements of paragraphs 193 and 196 of the NPPF and does not allow for the compliance with the statutory duty in respect of

securing the special interest of the buildings incorporated in Section 16 of the 1990 Act refusal is therefore recommended.

**6.0 RECOMMENDATION:** Refuse

1. The proposals would result in an erosion of the historic plan form and internal physical relationship of the complex of buildings. The removal of historic partitions and door ways and the introduction of new partitions and doorways which bear no relationship to the historic patterns of use or the retained chimneys stacks and stair cases; would result in a loss of legibility of the historic interiors to the detriment of their significance as examples of integrated shop units with associated living accommodation above. As such it is considered that the proposals would lead to less than substantial harm to the designated heritage asset and that there are no identified public benefits that would outweigh this harm. Thus the proposal conflicts with the requirements of Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and fails to comply with guidance for heritage assets contained within the National Planning Policy Framework, (paragraphs 193 and 196), Policy D5 (Listed Buildings) of the Publication Draft York Local Plan 2018 .

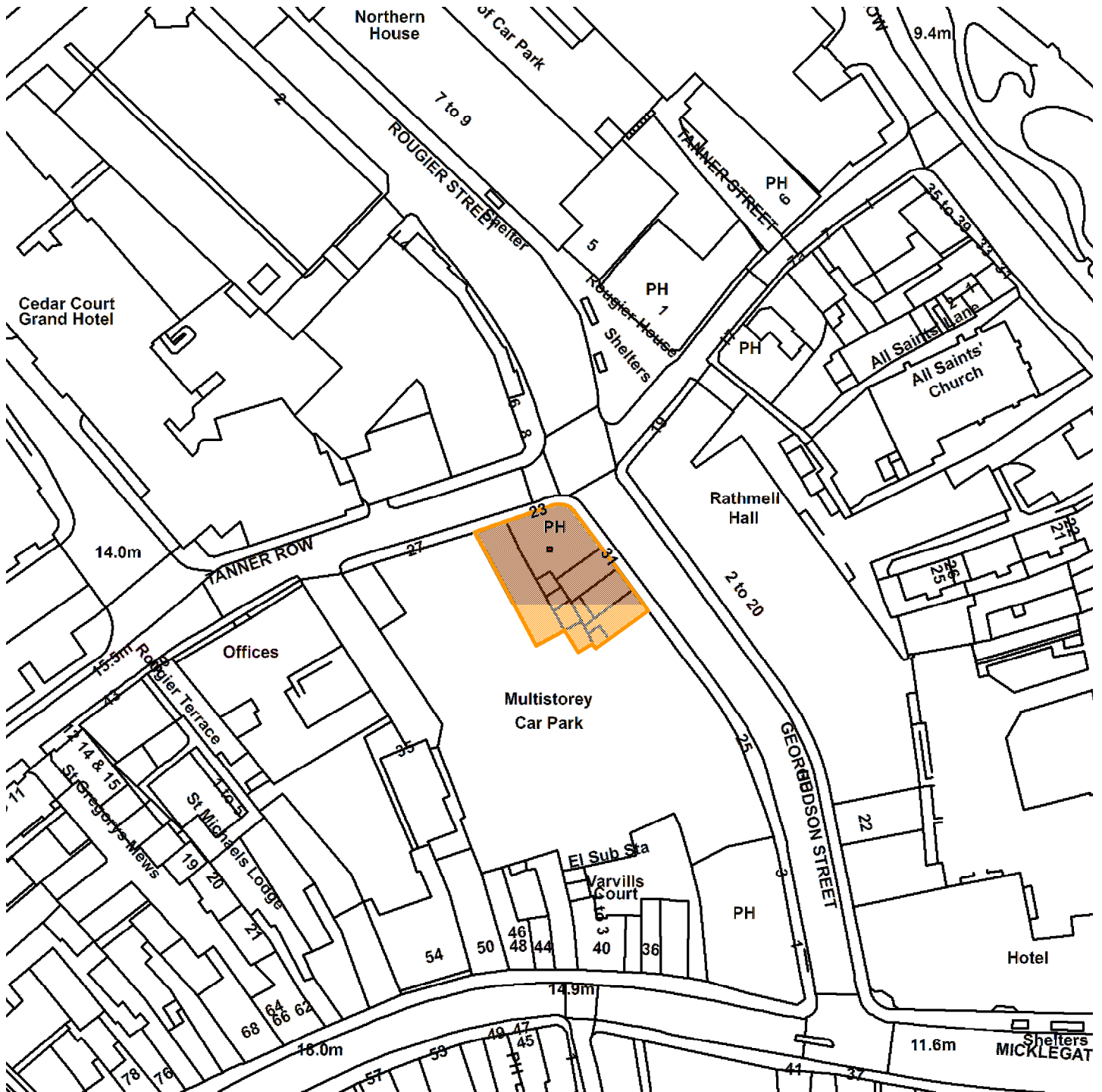
**Contact details:**

**Author:** Erik Matthews, Development Management Officer

**Tel No:** (01904) 551416

# 18/01866/FULM and 18/01867/LBC

Club Salvation, George Hudson Street, York, YO1 6JL



Scale : 1:1106

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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>	29 January 2019
<b>SLA Number</b>	

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**COMMITTEE REPORT**

**Date:** 7 February 2019      **Ward:** Fulford and Heslington  
**Team:** Householder and      **Parish:** Fulford Parish Council  
Small Scale Team

**Reference:** 18/01480/FUL  
**Application at:** Fishergate County Garage 14 Heslington Lane York YO10 4LR  
**For:** Variation of condition 2 (approved plans) of permitted application 16/02665/FUL (Conversion of garage into 1no. dwelling) to alter position of rooflights, omit enclosed yard to rear to provide bedroom with roof terrace, incorporation of vehicle turntable, alterations to first floor windows with associated internal alterations (retrospective).  
**By:** Yorbuild Ltd  
**Application Type:** Full Application  
**Target Date:** 28 August 2018  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 Planning permission is sought for a variation of Condition 2 (approved Plans) of planning permission 16/02665/FUL - Conversion of garage into 1no. dwelling. The alterations include:

- Alterations of the internal accommodation, additional floor,
- To alter position of rooflights and add further additional rooflights;
- Additional windows to north elevation
- Omit enclosed yard to rear to provide bedroom with a first floor roof terrace above;
- incorporation of vehicle turntable;
- Alterations to ground and first floor windows;
- Alterations to the roof

1.2 Revised plans have been submitted during the application process to replace the existing roller shutter door (which does not comply with the approved plans of planning permission 16/02665/FUL) with a timber vehicle and pedestrian door, removal of roof lights on the east and west roof slope. The application is partly retrospective; at the time of the site visits the conversion works were almost finished.

1.3 The site is within the Fulford Village Conservation Area. There are 2 no. listed buildings in close proximity - 17 and 19 Fulford Road. The site is within Flood Zone 1. The existing building was previously used as a vehicle repair workshop.

1.4 Cllr Aspden has requested that the application is considered by committee. Concerns have been raised regarding the insertion of a roller shutter door to the front elevation instead of timber doors which causes harm to the character and appearance of the conservation area. The windows and upstairs first floor terrace, which has been added instead of a garden area, will result in any noise carrying much further and being more intrusive for the amenity of nearby neighbours.

## 1.5 PLANNING HISTORY

- 17/01540/NONMAT - Non-material amendment to permitted application 16/02665/FUL to alter approved internal layout, alterations to proposed window openings and number of openings. Additional window opening in north elevation. Alterations to yard. – Refused.
- 16/02665/FUL - Conversion of garage into 1no. dwelling (resubmission) - Approved
- 16/00372/FUL - Conversion of garage into 1no. dwelling - Refused, on the following grounds: overlooking and loss of privacy

## 2.0 POLICY CONTEXT

2.1 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005:

- CYGP1 Design
- CYGP4A Sustainability
- CYGP6 Contaminated land
- CYNE6 Species protected by law
- CYHE2 Development in historic locations
- CYHE3 Conservation Areas
- CYHE4 Listed Buildings

2.2 The Publication Draft City of York Local Plan ('2018 Draft Plan')

- D1 Placemaking
- D4 Conservation Areas
- D5 Listed Buildings
- D6 Archaeology
- ENV2 Managing Environmental Quality

2.3 Please see the Appraisal Section (4.0) for national and local policy context.

## 3.0 CONSULTATIONS



## INTERNAL CONSULTATIONS

### HIGHWAY NETWORK MANAGEMENT

#### 3.1 No objections

### DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (CONSERVATION OFFICER)

3.2 No feedback has been received for the revised scheme, received comments will be reported at the committee meeting.

3.3 In the comments to the original scheme the Conservation Officer raised concerns regarding the roller shutter door, the rooflights visible from Heslington Lane, and the painting of the Heslington Lane elevations. The Conservation Officer considered that these caused harm.

### DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGY OFFICER)

3.4 The ecological consultants have confirmed that mitigation for bats has been carried under a Science and Conservation Class Licence. No further comment

### DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ARCHAEOLOGY)

3.5 The watching brief was carried out, at the time requested a light photographic recording with the watching brief report. This was not undertaken. The main reason for the condition was to ensure that ground disturbing work was monitored, which it was and a final report was submitted. The original building has since been altered so there would be no real merit in trying to obtain photographic record.

## PUBLIC PROTECTION

3.6 No concerns regarding the external lighting on the western building wall in the roof garden area. This would be very unlikely to cause a statutory nuisance or a loss of amenity to nearby residents. For completeness request the submission of details of the external lights demonstrating that lighting conforms the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E4 from the Institute of Light Professionals, paying particular attention to the luminaire intensity levels and the building luminance levels.

3.7 The roller door to the front of the premises is a standard electric roller door and is quiet. No concerns about loss of amenity to nearby residential dwellings.

3.8 A car turntable is proposed in the garage and the applicant has submitted noise information from the manufacturers of the turntable which states that the noise of the operational motor would be 50 dB(A) at 2 metres. There are no directly adjoining walls of other premises and the nearest premises would be at least 8 metres and PP are satisfied that it would not result in a loss of amenity.

3.9 The applicant has installed a double standard 13 amp 3 pin socket in the garage and this is suitable as a recharge point for Electric Vehicles.

3.10 The site is not in a smoke control area. The stainless steel chimney stack at the rear of the dwelling is in a relatively enclosed area with the eaves of surrounding buildings higher than the stack itself. This stack is lower than other chimneys in the area and this may impede the dispersion of smoke. The chimney stack also has a cowl on the top which may cause the smoke to be reflected back downwards towards the gardens and windows of the nearby residential dwellings and could result in a statutory nuisance due to smoke. Either the stack be increased in height and the restrictive cowl removed or ensure that the efflux velocity through the flu is sufficient to aid dispersion of the smoke.

## EXTERNAL CONSULTATIONS/REPRESENTATIONS

### FULFORD PARISH COUNCIL (to the revised plans)

3.11 The timber doors are more in keeping with the residential character of the area and this revision to the design is very welcome.

3.12 It would also be beneficial if the black paint was removed and the original brickwork revealed as originally approved.

## PUBLICITY AND NEIGHBOUR NOTIFICATION

3.13 One representation of objection to revised scheme:

- No indication of the exterior lighting or the steel chimney on the revised plans. In addition to previously expressed concerns, reflects sunlight directly into dining area as effectively as a mirror.
- There is the addition of obscured glass in many of the windows which overlook other properties. Request that the west gable end window is obscurely glazed.

3.14 Seven representations of objection to original scheme:

- Roller shutter door is not in keeping with the existing street and fails to preserve the character and appearance of the conservation area, causing harm. The original approved plans were for a wooden gated door, the roller shutter has now been installed
- Object to the painting of the building in black, would set a precedent

- The doors and brick detail which were originally approved should be inserted. The scale and design of the original first floor front windows along with the original natural finish to the brickwork, as opposed to the painted black finish, is also more in keeping with the character and appearance of the building and of the conservation area.
- The proposed change from a courtyard garden to a roof terrace will negatively impact on occupants of neighbouring dwellings by virtue that noise will carry further, it is likely this terrace would be in frequent use.
- There is a roof light western roofslope and results in loss of privacy .
- Exterior lighting and industrial shiny metal chimney have been installed and not reflected in the plans. The chimney is at a low level and concerned that the smoke will cause a nuisance to the neighbouring dwellings. The lighting is obtrusive and should be at a lower level and angled down

### 3.15 One representation of comments to the original scheme

- Elevations and plans are incorrectly annotated. Planning and Heritage Statement fails to address the listed building of 19 Main Street

### 3.16 Seven representation of support to the original scheme:

- The work has been undertaken to a high standard and in keeping with industrial / commercial heritage. The altering of the design to allow the living areas to enjoy the roof structure.
- The minor alterations make no difference to the property or its setting.
- The black painted frontage is a benefit and defines an awkward narrow entrance. The roller shutter door is more practical than the previous door and would mean that vehicles are not held up in the road while a manual door is opened

## 4.0 APPRAISAL

### KEY ISSUES

- Visual impact on the building and the area
- Impact on the conservation area and the setting of the adjacent listed building
- Impact to the amenity of the occupants of the neighbouring dwellings
- Impact on highway safety
- Ecology

### ASSESSMENT

#### PLANNING POLICY

4.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.

## PUBLICATION DRAFT YORK LOCAL PLAN (2018)

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

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

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

## DRAFT DEVELOPMENT CONTROL LOCAL PLAN (2005)

4.4 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in July 2018, although the weight that can be afforded to them is very limited.

4.5 The revised National Planning Policy Framework was published on 24 July 2018 (NPPF) and its planning policies are material to the determination of planning applications. It is against the NPPF (as revised) that this proposal should principally be assessed.

4.6 The presumption in favour of sustainable development set out at paragraph 11 of the NPPF does not apply when the application of policies relating to impacts on designated heritage assets indicate that permission should be refused.

4.7 The principle of the change of use of the building to residential was accepted in application 16/02665/FUL.

## IMPACT ON THE SETTING OF LISTED BUILDINGS AND THE IMPACT TO FULFORD CONSERVATION AREA

4.8 In accordance with section 72 of the Planning (Listed Building and Conservation Area) Act 1990, the Local Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area in exercising its planning duties. Where there is found to be harm to the character or appearance of the Conservation Area, or the setting of a listed building, the statutory duty means that such harm should be afforded substantial weight.

4.9 Section 16 of the NPPF advises that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the to the asset's conservation.

4.10 The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. The NPPG states that "It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting."

4.11 No. 14 Heslington Lane is two storeys, with a gable end facing onto Heslington Lane, the building forms an end of a terrace of domestic houses built at the turn of the 19th/20th century. It was constructed of the same brick as the terrace and has a similar slate roof covering. Brick is the predominant construction material in the street scene, with very few properties rendered and painted. Dormers are only present on one building and there are no roof lights visible in the street scene. The site is within the Fulford Village conservation area. The Fulford Village Conservation Area Character Appraisal October (2008) indicates No.14 and attached terrace as being buildings of positive value to the area.

4.12 A roller shutter door has been installed at the front of the building instead of the previously approved vertically boarded doors. The revised proposed plans show timber doors which are considered to be more in keeping with the building and the streetscene. It is considered necessary to condition that the works to the door take place.

4.13 Revised plans have been submitted showing all but two of the rooflights being removed from the eastern elevation; the proposed rooflights are smaller than those on site. The two proposed rooflights on the east roofslope would be partially screened from the streetscene by the neighbouring dwelling (16 Heslington Lane). The approved plans of planning permission 16/02665/FUL show two rooflights in

this roofslope, the position of the rooflights shown in the current proposed plans are considered to be an improvement. The proposed plans introduce further rooflights to the west roof slope. It is considered necessary to condition that the works and alterations to the style, size and location of the rooflights are conditioned to ensure that the works take place, and the harm resulting from the constructed development is removed.

4.14 The proposed elevations show the large rooflights in place on the larger two storey element of the building (set back from the road) as smaller conservation rooflights. It is considered that these works be sought via condition to ensure they take place

4.15 The development as currently constructed is considered to cause harm to the conservation area. The revised proposed plans show the reduced number and size of rooflights together with the timber doors to the Heslington Lane elevation and this is considered to remove the harm to the conservation area from the currently unauthorised development.

4.16 The front elevation of the property has been painted in a dark grey/black colour, causing the building to stand out markedly from the mellowed appearance of the red/ brown brick of the neighbouring terrace, and other buildings constructed of brickwork which is characteristic of this historic street scene. The few buildings within the street that are painted are painted in light colours. The Conservation Officer advises that in allowing the painted finish to remain would dilute the character of the street scene instead of preserving it, therefore resulting in harm. In the original planning permission (16/02665/FUL) there was no condition restricting Class C of Part 2 of the General Permitted Development Order (2015). Class C allows the painting of the exterior of a building as permitted development providing it is not for the purpose of advertisement, announcement, or direction. Removal of these permitted rights is not typical as it does not normally fulfil the 6 tests (National Planning Policy Guidance): necessary, relevant to planning, and the development permitted, enforceable, precise, and reasonable in all other respects. Therefore if the planning permission 16/02665/FUL had been constructed in accordance with the approved plans, the painting of the outside could have taken place after the first use, it could be undertaken as part of its previous use, and the rights have not been restricted in the surrounding buildings. Therefore it is considered that it would be unreasonable to place the restriction on the current application.

## IMPACT TO THE AMENITY OF THE OCCUPANTS OF THE NEIGHBOURING DWELLINGS

4.17 In the revised plans the majority of the bedrooms are now on the ground floor and the main living area is on the first floor. In the main part of the building the accommodation is split over two floors only. In the section facing onto Heslington

Lane an additional floor has been added so the accommodation in this element is split over three floors.

4.18 Two of the (north elevation) ground floor existing windows look directly into the yard of 12 Heslington Lane. In the proposed plans both windows are retained, they would still serve a hallway/staircase. The notation on the plans states that it would be obscure glazing. At the site visit it was noted that the windows could now be opened. The windows were existing when the building was used as a garage. Although there were no hours restrictions on the commercial use, it would have been likely to be concentrated on weekday daytimes. Residential occupancy would represent an increase in overlooking and the perception of overlooking from the existing windows and whilst not to a primary room the relationship of the window to the rear yard and the introduction of a residential use 24/7 would result in a loss of privacy to the occupants of this dwelling. The retention of both windows would be acceptable if they were obscurely glazed and fixed shut to protect the amenity of the occupants of 12 Heslington Lane, this could be sought via condition.

4.19 The proposed plans are indicating that the garage and ground floor bedroom windows in the south elevation would be obscurely glazed which would provide some privacy to the occupants of 23a Main Street. At the site visit the bedroom windows were clear glazed which would not be acceptable by virtue of the impact to the residential amenity of the occupants of 23a Main Street but also to the future occupants of 14 Heslington Lane. The proposed first floor windows in the south elevation would serve the kitchen and dining area. The proposed plans show these windows as obscurely glazed which would remove the concerns regarding overlooking and loss of privacy, the alterations to the glazing could be sought via condition.

4.20 In the revised plans where the previously approved yard was to be located is the largest bedroom ("Bed 1") and above that is an enclosed roof terrace. The enclosing walls of the roof terrace are 2.1 metres from floor level of the terrace which prevents views into the neighbouring gardens. The proposed living room is now on the first floor with the window facing onto the roof terrace. The living room window opening would be 2.4 metres in height, the kitchen and dining room area at a higher floor level to the living room however the terrace walls would prevent views into the neighbouring gardens and dwellings. These alterations would result in a wall of 4.9 metres in height to the rear boundary of 19 Main Street. The original wall height was 3.7 metres, and it was retained at this height in planning permission 16/02665/FUL. The proposed wall is to the east of the garden however the increased height is not considered to result in a further loss of light than that resulting from the two storey original building. The increase in the height of the wall to the boundary is not considered to impact of the significance or the special interests of the adjacent listed building of 19 Main Street.

4.21 The high level window in the west gable would be retained. The cill height would be 3.7 metres above the finished first floor level, as such it would not result in overlooking and a subsequent loss of privacy to the neighbours to the west. However there is potentially sufficient height for an additional storey to be created within the existing envelope as such it is considered prudent to remove this permitted development for an additional storey.

4.22 Concerns have been raised about a constructed chimney, the metal chimney is not shown on the proposed plans and therefore does not form part of this application. Once the building has become a dwelling (with the necessary planning permissions) it would have a series of permitted development rights. The chimney would not fall within permitted development. As the site is within a conservation area planning permission would be required for a chimney installed on a wall or roof slope to a side elevation of a dwelling house (Class G). Therefore the removal of this chimney is a planning enforcement issue.

4.23 Concerns have been raised regarding lighting to the western elevation. Public Protection are satisfied the lighting does not cause a statutory nuisance or a loss of amenity. However if this did become an issue then action could be taken under Public Protection legislation.

#### IMPACT ON HIGHWAY SAFETY

4.24 Off-street parking is proposed within the building using the former vehicular entrance into the building. The turntable within the building will allow vehicles to enter the road in forward gear. There is still sufficient space for the storage of the cycle and refuse bins within the garage area

#### ARCHAEOLOGY

4.25 The Council's Archaeologist in the previous application requested that a light photographic record of the building be made. Whilst a watching brief was submitted (for Condition 5) an acceptable photographic record was not submitted. The Archaeology team have advised that they have received the final archaeology report. The condition was to ensure that ground disturbing work was monitored, and this did take place. The archaeology team have advised that as the works to convert the building have taken place there would be not merit in obtaining the photographic record, as such the condition will not be added.

#### ECOLOGY

4.26 The NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. In the original application for planning permission (16/02665/FUL) a survey had been undertaken which indicated



that a pipistrelle bat roost, in the south elevation, containing 3 bats would be affected by the proposed development. Officers understand that further surveys were undertaken and a licence was gained prior to the works taking place. There was a condition on the original planning permission ensuring that the bat mitigation accommodation be provided in accordance with the survey, it is considered that it is necessary to maintain this condition.

## **5.0 CONCLUSION**

5.1 The alterations shown in the revised proposed plans, rather than what has been constructed, are considered to be acceptable. Subject to conditions it is considered there would not be any further impact to the residential amenity of the occupants of the neighbouring dwellings. Subject to the development in being built in accordance with the approved plans the proposed rooflights and timber garage door would not result in harm to the setting and character of the conservation area.

5.2 Approval is recommended. As the application would be a fresh permission for the overall scheme, ongoing requirements, previously secured by the original planning permission are re-imposed on this application.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

1 The development shall be begun no later than 15 January 2020.

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.

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

Drawing Number 105 Revision P03 'Proposed Site Plan' received 17 December 2018;

Drawing Number 110 Revision P04 'Proposed Ground Floor Plan' received 23 January 2019;

Drawing Number 111 Revision P07 'Proposed First Floor plan & Lower Mezzanine' received 23 January 2019;

Drawing Number 112 Revision P03 'Proposed First Floor plan & Upper Mezzanine' received 17 December 2018;

Drawing Number 130 Revision P05 'Proposed Elevations Sheet 1' received 23 January 2019;

Drawing Number 131 Revision P07 'Proposed Elevations Sheet 2' received 17 December 2018;

Application Reference Number: 18/01480/FUL

Item No: 4d

Drawing Number 132 Revision P07 'Proposed Elevations Sheet 3' received 17 December 2018;

Drawing Number 150 Revision P06 'Proposed Sections - Sheet 1' received 17 December 2018;

Drawing Number 151 Revision P04 'Proposed Sections - Sheet 2' received 03 August 2018;

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

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted in the elevations of the property.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

4 A three pin 13 amp external electrical socket which is suitable for outdoor use shall be installed within the garage for the approved property prior to first use. The socket shall be located in a suitable position to enable the charging of an electric vehicle on the driveway using a 3m length cable.

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

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles

5 Within 3 months of the granting of this planning permission the 6 windows in the south elevation shall at all times be obscurely glazed to a standard equivalent to Pilkington Glass level 3 or above. Once the works have been undertaken the Local Planning Authority shall be notified of the works

Reason: To protect the residential amenity of the occupants of the dwellings abutting the site. So the development complies with Section 12 of the National Planning Policy Framework. So the development accords with approved plans and elevations in Condition 1.

6 The 2 no. ground floor hallway windows (facing the rear yard of 12 Heslington Lane) in the north elevation shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above and remain fixed shut. These works shall take place within 3 months of the granting of this planning permission. Once

the works have been undertaken the Local Planning Authority shall be notified of the works.

Reason: In the interests of the amenities of occupants of adjacent residential properties. So the development complies with Section 12 of the National Planning Policy Framework.

7 The works to rooflights including the removal of rooflights in the north, east and west roof slope and the implementation of conservation style rooflights, so the development accords with approved plans and elevations in Condition 1, shall take place within 3 months of the granting of this planning permission. Once the works have been undertaken the Local Planning Authority shall be notified of the works.

Reason: To protect the visual amenity, character and setting of the Fulford Conservation area, and to protect the visual amenity of the streetscene, and so the proposed development will comply with Section 16 of the National Planning Policy Framework.

8 The replacement of the roller shutter door with the timber doors to the Heslington Road elevation as shown in approved plans and elevations of Condition 1 shall take place within 3 months of the granting of this planning permission. Once the works have been undertaken the Local Planning Authority shall be notified of the works. The replacement timber doors shall be retained and maintained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the visual amenity, character and setting of the Fulford Conservation area, and to protect the visual amenity of the streetscene, and so the proposed development will comply with Section 16 of the National Planning Policy Framework.

9 No additional floor shall be added.

Reason: In the interests of the amenities of occupants of adjacent residential properties. So the development complies with Section 12 of the National Planning Policy Framework.

10 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 Class B 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.

11 The development hereby permitted shall be implemented in accordance with the scheme of mitigation set out in Section 7.0 Mitigation and Compensation of County Garage Fulford, Bat Survey dated September 2016 by Wold Ecology Ltd (received 05 January 2017) in all respects and any variation thereto shall be agreed in writing by the Local Planning Authority before such change is made.

This includes two Schwegler 1FQ bat boxes (or equivalent) sited on the south and west elevations of the building; close to the existing roost site (shown in Plate 3, page 18).

Reason: To ensure the favourable conservation status of a European protected species. National Planning Policy Framework the replacement/mitigation proposed should provide a net gain in wildlife value. So the development complies with Section 15 of the National Planning Policy Framework.

12 HWAY19 Car and cycle parking laid out

## **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 (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 revised plans
- Use of conditions

### **2. DEVELOPMENT INFORMATIVE**

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

## **Contact details:**

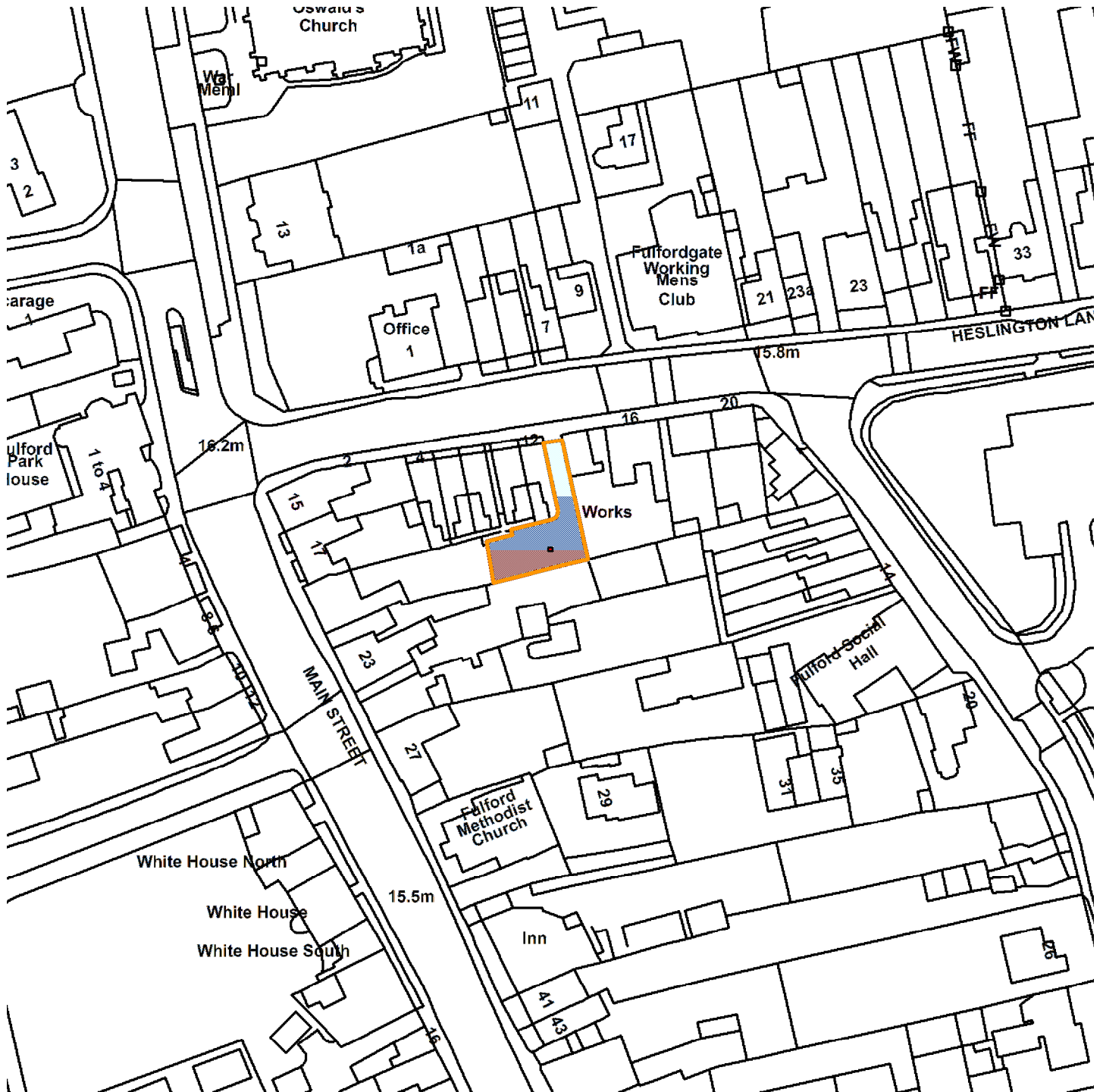
**Author:** Victoria Bell, Development Management Officer  
**Tel No:** (01904) 551347

18/01480/FUL

14 Heslington Lane, York, YO10 4LR



GIS by ESRI (UK)



Scale : 1:1106

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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>	29 January 2019
<b>SLA Number</b>	

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**COMMITTEE REPORT**

**Date:** 7 February 2019      **Ward:** Haxby and Wigginton  
**Team:** Householder and      **Parish:** Haxby Town Council  
Small Scale Team

**Reference:** 18/02094/FUL  
**Application at:** 16 Ashwood Glade Haxby York YO32 3GQ  
**For:** Erection of a single storey side and rear extension.  
**By:** Mr & Mrs Jagger  
**Application Type:** Full Application  
**Target Date:** 14 February 2019  
**Recommendation:** Householder Approval

**1.0 PROPOSAL**

1.1 This application seeks permission to erect a single storey side and rear extension to an existing bungalow. As originally submitted the scheme involved the erection of a single storey rear extension and a detached annexe but this has been amended to just a single storey side and rear extension.

**CALL-IN**

1.2 Cllr Ian Cuthbertson requested a call-in on the original scheme over concerns relating to:

- a) the height of the ridge on the extension
- b) its proximity to neighbouring properties
- c) the size and positioning of the proposed annex
- d) the proposed development's lack of 'fit' with the street scene
- e) the existence of a sewer or water main under the proposed structure

**2.0 POLICY CONTEXT**

2.1 Policies:

City of York Publication Draft Local Plan 2018

D11 Extensions and Alterations

City of York Council Development Control Local Plan 2005

CYGP1 Design

CYH7 Residential extensions

### **3.0 CONSULTATIONS**

#### INTERNAL

##### Flood Risk Management Team (FRMT)

3.1 In respect of the original scheme the FRMT advised that the proposed development has not taken into account the location of the public sewers that cross the site and the application could therefore not be supported.

#### EXTERNAL

##### Environment Agency

3.2 No objection following submission of revised details for the scheme.

##### Yorkshire Water

3.3 Yorkshire Water objected to the original scheme on the grounds that the proposed annexe appeared to be within 2m of a sewer that runs parallel to the north eastern boundary of the site.

##### Neighbour Notification

3.4 Occupants of nos. 1 and 2 Sandringham Close objected to the original proposals in terms of the size of the extensions and potential loss of light and privacy. There were also concerns about flooding and the design not being sympathetic. They have been consulted on the revised scheme and the occupants of no.2 have not made any comments on the revised plans but the occupants of no.1 have advised that they have no objections.

##### Haxby Town Council

3.5 No objections

### **4.0 APPRAISAL**

#### KEY ISSUES

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

#### POLICY CONTEXT



## National Planning Policy Framework

4.3 The National Planning Policy Framework, July 2018 (NPPF) sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development. Paragraph 127 states that planning policies and decisions should ensure that developments will achieve a number of aims including:

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

## Local Plan Policies

### City of York Publication Draft Local Plan 2018

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

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

4.6 Policy D11:Extensions and Alterations is relevant and advises that development proposals will be supported where, inter alia, they respond positively to the immediate architectural context, local character and history in terms of the use of materials and detailing, scale and proportion, landscape design and the space between buildings and protect the amenity of current and neighbouring occupiers.

### City of York Council Development Control Local Plan 2005

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

content of the NPPF. The relevant Local Plan Policies are Policy GP1, which requires development to respect or enhance the local environment, be of a design that is compatible with the character of the area and neighbouring buildings, protect private, individual or community amenity space and ensure residents are not unduly affected by overlooking, overshadowing or dominated by overbearing structures. Policy H7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

### Supplementary Planning Document (SPD) for House Extensions and Alterations

4.8 The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations and was approved on 4 December 2012. The SPD offers overarching general advice relating to such issues as privacy and general amenity as well as advice which is specific to the design and size of particular types of extensions or alterations. Paragraph 7.1 advises that a basic principle is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the street scene generally. In particular, care should be taken to ensure that the proposal does not dominate the house or clash with its appearance. In relation to single storey rear extensions Paragraph 13.2 advises that the Council will have regard to a number of factors including the impact on sunlight, the relationship to windows and the height of the structure

## ASSESSMENT

### Context

4.9 The proposal involves a roughly rectangular site, which is located at the end of a cul-de-sac. There are two houses on its north western boundary (nos. 1 and 2 Sandringham Close) with a bungalow on its north eastern boundary and another on its southern boundary (nos.14 and 18 Ashwood Glade respectively). There is a 2m high close boarded fence along the boundaries with nos. 1 and 2 Sandringham Close and 18 Ashwood Glade. The boundary with no.14 Ashwood Glade consists of a row of shrubs, that ranges from circa 3m to 4m in height.

### Proposals

4.10 The proposed extension in the original scheme was 0.7m higher than the existing property and included a 6.8m high feature chimney on its rear elevation. The scheme also included erecting a detached pitched roof annexe, which would have been 1m from its north western boundary with nos.1 and 2 Sandringham Close and would have been constructed directly over the line of a sewer that runs across the north eastern edge of the site.

4.11 The scheme has now been revised. The detached annexe has been dropped from the scheme and instead this accommodation is now provided in a 12m long, 4m wide flat roofed extension on the north western side of the bungalow; replacing an existing 6m long, 3.5m wide flat roofed garage. It is also much lower (2.9m instead of 5.5m) and with the nearest property (no.1 Sandringham Close) being 10.5m away with a 2m high close boarded fence between it is not considered there would be any adverse impact on neighbours to the north.

4.12 The scheme still includes a rear extension which is slightly wider and longer than originally proposed and now has a flat roof (2.9m high) with a glazed lantern. At its closest point it is sited circa 2m off the boundary with 18 Ashwood Glade to the south. The extension would be facing the side elevation of this property and no.18 has a side garage that would lie between the extension and its own side elevation. Again it is not considered that there would be any adverse impact on the occupants of this property, who have not objected.

4.13 The main external material would be render with a brick plinth and two brick panels (bricks to match existing) below windows on the north elevation. Fenestration consists of grey aluminium framed windows and sliding doors. The extensions have clean, simple lines and it is considered they will sit comfortably on the building and within the surroundings with very little, if any, of the scheme being visible from the street. It is considered the scheme in its revised form is entirely suitable for the location and would complement existing development.

4.14 With regards to the sewer, the latest plan from the architect indicates that the nearest the proposed extension would come to the sewer is 3.56m, which is 0.56 m greater than the distance required by Yorkshire Water.

### Flood Risk

4.15 The site lies within Flood Zone 2 and 3 (medium and high probability zones), however, Paragraph 47 of the PPG advises that minor developments are unlikely to raise significant flood risk issues. The applicants have submitted an FRA in support of the proposals. This confirms that floor levels of the proposed development will be no lower than the existing dwelling and that all new electrical sockets will be at least 450 mm above the internal floor level. It also advises that to ensure that the property does not suffer from water ingress to the sub floors through the air bricks, the current floors will be replaced by solid floors. In view of this officers are satisfied with the proposals in flood risk terms.

## **5.0 CONCLUSION**

5.1 The removal of the detached annexe from the scheme has significantly reduced the visual impact on neighbours to the north. The replacement of a pitched roof on the proposed extension with a flat roof and removal of the feature chimney considerably

reduce the overall visual impact upon the general surroundings and it is considered that they will respect the general character of the building and area and will have no adverse effect on the amenity of neighbouring residents. It is considered the proposals comply with national planning guidance, as contained in the National Planning Policy Framework, Publication Draft York Local Plan 2018, City of York Council Development Control Local Plan 2005 and the City of York Council's Supplementary Planning Document (House Extensions and Alterations).

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Householder Approval

1 TIME2 Development start within three years

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

276.(10).01 revision 5  
276.(10).02 revision 3  
276.(10).03 revision 2  
276.(10).04 revision 3

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

3 The external render shall be off-white and the bricks to be used externally shall match those of the existing building in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

### **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 (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: Removal of annexe and reduction in height of extension

Account has been taken of all relevant national guidance and local policies and with the attachment of conditions the proposal is considered to be satisfactory

**Contact Details:**

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16 Ashwood Glade. Haxby, YO32 3GQ



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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>	29 January 2019
<b>SLA Number</b>	

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## COMMITTEE REPORT

**Date:** 7 February 2019      **Ward:** Clifton  
**Team:** Householder and      **Parish:** Clifton Planning Panel  
Small Scale Team

**Reference:** 18/01443/CLU  
**Application at:** 33 Burton Green York YO30 6JZ  
**For:** Certificate of lawfulness for use as a House in Multiple Occupation within Use Class C4.  
**By:** Rev. Christopher Cullwick  
**Application Type:** Certificate of Lawful Existing Use  
**Target Date:** 14 February 2019  
**Recommendation:** Grant

### 1.0 PROPOSAL

1.1 The application is for a certificate of lawfulness for use as a house in multiple occupation (Use Class C4).

1.2 The application is before sub-committee because the applicant is a City of York Councillor.

### 2.0 CONSULTATIONS

2.1 No comments received.

### 3.0 APPRAISAL

3.1 On 20 April 2012 an Article 4 Direction revoking permitted development rights for the change of use of a Use Class C3 (Dwellings) to Use Class C4 (Houses in Multiple Occupation) came into force for the York urban area.

3.2 The key issue in the determination of this application is whether the applicant has demonstrated on the balance of probability that the existing use of the site as a House in Multiple Occupation commenced at a point prior to 20 April 2012 and has continued in such use until the present date.

2.2 Government Guidance relating to lawful development certificates states that the applicant is responsible for providing sufficient information to support an application to demonstrate whether a use is lawful or not. In the case of an application for an existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence

alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

## EVIDENCE IN SUPPORT OF THE APPLICATION

3.3 The applicant has supplied the following information in support of their application:

- a) a copy of a lease granted to Restore (York) Ltd. (a charity that houses homeless people) from 1 February 2012 to 1 February 2018
- b) a copy of letter dated 5 June 2018 from Restore advising that they leased the property from February 2012 to January 2018 and that it was used continuously by up to 5 unrelated people and a Statutory Declaration dated 5 December 2018 backing the claims made in this letter
- c) a letter (no date) from Youth With A Mission (a Christian missionary organization) which advises that it had a temporary let on the property between 15 January 2018 and 23 May 2018 and that it was used continuously by at least 3 unrelated occupants
- d) a statement from the applicant that after 23 May 2018 the property was cleaned and redecorated and that a group of tenants occupied the property on a 12 month tenancy on 13 July 2018
- e) a copy of a tenancy document for the property for 4 people between 13 July 2018 and 23 June 2019

## EVIDENCE AGAINST THE APPLICATION

3.4 No information or comments to contradict the evidence submitted by the applicant has been submitted.

## ASSESSMENT

3.5 Restore (York) Ltd have confirmed in writing that whilst they used the property they provided floating support for its tenants. Each tenant occupied their own room with a tenancy agreement and shared common areas; bathrooms, kitchen and lounge. However, there was no staff office or base at the property, no Restore staff lived there and it was never run or used as a hostel. Officers are satisfied that this establishes that the application property was not used as a hostel.

3.6 It is considered that the Tenancy Agreements together with the Statutory Declaration from Restore (York) Ltd. and other supporting information indicate that, on the balance of probability, a Use Class C4 status had been established at the property on the key date of 20th April 2012 and has continued until the present date.

## 3.0 CONCLUSION

3.1 On the balance of probability the property was in use as a House in Multiple Occupation (Use Class C4) on 20 April 2012, prior to the introduction of the Article 4 Directive removing permitted development rights for changes of use between Use Class C3 (Dwellinghouses) to Use Class C4 (Houses in Multiple Occupation), and has continued to be used in such a manner up to the present date. A Certificate of Lawful Development for this use is therefore justified.

**4.0 RECOMMENDATION:** Grant

1 The local planning authority is satisfied that, on the balance of probability, the property was in use as a House in Multiple Occupation (Use Class C4) for up to 3 occupants on 20 April 2012, prior to the introduction of an Article 4 Directive removing permitted development rights for changes of use between Use Class C3 (Dwellinghouses) and C4 (Houses in Multiple Occupation) and remains so on the date of this application.

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<b>Organisation</b>	City of York Council
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<b>Comments</b>	Site Location Plan
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