



**Notice of meeting of
East Area Planning Sub-Committee**

To: Councillors Hyman (Chair), Cregan (Vice-Chair),
Douglas, Firth, Funnell, B Watson, Moore, Orrell, Taylor
and Wiseman

Date: Thursday, 10 June 2010

Time: 2.00 pm

Venue: The Guildhall, York

AGENDA

Site Visits for this meeting will commence at 10.00 am on Wednesday 9 June 2010 from Union Terrace Car Park.

1. Declarations of Interest

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. Minutes (Pages 5 - 9)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 13 May 2010.

3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **Wednesday 9 June at 5.00 pm**.

4. Plans List

To determine the following planning applications related to the East Area.

a) **Hawthorn Terrace South, New Earswick, (Pages 10 - 28)
York, YO32 4BL**

This is a listed building consent application for the installation of replacement white timber double glazed windows at numbers 1 to 16 (inclusive) Hawthorn Terrace, New Earswick. **[Site Visit]**

b) **Ivy Place, New Earswick York , YO32 4BS (Pages 29 - 44)**

This is a listed building consent application for the installation of replacement white timber double glazed windows at numbers 1 to 20 (inclusive) Ivy Place, New Earswick. **[Site Visit]**

c) **Townends Accountants Harlington House 3 (Pages 45 - 60)
Main Street Fulford York, YO10 4HJ**

This application is for a change of use from office (use class B1) to residential care home (use class C2) with internal and external alterations, two storey rear extension and dormers to rear roof slope. **[Site Visit]**

d) **Townends Accountants Harlington House 3 (Pages 61 - 67)
Main Street, Fulford, York. YO10 4HJ**

This application is associated with that for the conversion and extension of the frontage building at the site (ref:10/00178/FUL), also considered on this agenda. It involves the erection of a stand alone building in the rear garden of the frontage building following demolition of the existing single storey buildings formerly in employment uses. **[Site Visit]**

e) **3 Westlands Grove York YO31 1DR (Pages 68 - 72)**

Planning permission is sought to erect a single storey extension ("orangery") situated to the rear of the flat roof extension. The proposed extension would measure approx 2.7 metres in height incorporating a flat roof with a pitched aluminium framed "lantern" set into the roof, giving a total height of approx 3.4 metres. The extension would project from the rear wall of the dwelling by approx 3.8 metres, with a total width of approx 6.0 metres.

5. Urgent Business

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

6.

Democracy Officer:

Name- Judith Cumming

Telephone – 01904 551078

E-mail- judith.cumming@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

Contact details set out above.

**EAST AREA PLANNING
SUB-COMMITTEE****SITE VISITS****Wednesday 9 June 2010**

TIME	SITE
10:00	Depart from Union Terrace Car Park
10:10	Hawthorn Terrace/ Ivy Place (4a and b)
10:45	Harlington House, 3 Main Street, Fulford (4c)

Could Members please contact the Democracy Officer by Friday 4th June if they require transport to the Site Visits.

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- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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City of York Council

Committee Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	13 MAY 2010
PRESENT	COUNCILLORS HYMAN (CHAIR), CREGAN (VICE-CHAIR), DOUGLAS, FIRTH, MOORE, TAYLOR, MORLEY (SUBSTITUTE), B WATSON (SUBSTITUTE) AND WATT (SUBSTITUTE)
APOLOGIES	COUNCILLORS FUNNELL, KING, ORRELL AND WISEMAN

61. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting, any personal or prejudicial interests they may have in the business on the agenda.

Councillor Moore declared a personal and non prejudicial interest in Agenda Item 4b (Clifton Hospital: Outstanding Section 106 in relation to management of the landscape) in his work with Clifton Without Parish Council in relation to this.

62. MINUTES

RESOLVED: That the minutes of the meeting of the Sub-Committee held on the 15 April 2010 be approved and signed by the Chair as a correct record.

63. PUBLIC PARTICIPATION

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

Details of speakers registered to speak on the planning applications will be recorded under the relevant application.

64. PLANS LIST**64a 4 Derwent Road York YO10 4HQ**

Members considered an application for the erection of a pair of semi detached houses following the demolition of an existing dormer bungalow. This application had been amended from a previous application presented to the Committee in October 2009 and included an extension of the basement to incorporate a home office and additional storage space. The application had been brought to the committee by Councillor D'Agorne, as

the Ward Member. He expressed concerns about the application relating to drainage, subsidence and multi occupancy and the precedents this would set.

Officers provided updated information at the meeting(full details of which are attached to the agenda for this item) relating to additional conditions which were not included in the report these were as follows:

- That a condition be added so that the basement level of the property, if approved, be restricted to avoid using the space as additional bedroom accommodation
- That a further condition be added to control the height of the development, ensuring that the existing ground level of the site be agreed in writing.

The updated information also provided additional comments from the applicant, in response to comments from local residents, responding to their points:

- That the application seeks to enable the implementation of a 'sustainable homes' planning condition.
- That the visual impact on the street scene remains the same
- That parking provision and density, which are key planning policies are complied with.
- That the application does not require a change of use for the site.
- That a requirement to obtain building regulations approval before granting planning permission would run contrary to the proper consideration of the application.
- That the planning authority has sufficient powers to introduce planning conditions to address any legitimate concerns that local residents might have,

Representations in opposition were heard from a local resident, Mr Farrant. He spoke about how he had major concerns about the application and stated that the depth of the basement proposed at 4 Derwent Road, would undermine the foundations of the immediate neighbouring properties at 2 and 6 Derwent Road. He questioned why there had been not been a hydrological study carried out on the site in relation to this. He suggested that the working hours of construction should be reduced from the times suggested on Monday to Friday from 8:00-18:00 to 8:00-17:00. Finally, he suggested that the new application should also focus on daylight provision in relation to the development of the basement.

Representations in support were heard from the applicant, Mr Breeze. He commented how he was seeking amended consent to address a condition relating to sustainable homes. He stated that the application was not for multi occupancy, and that if it was, then he would have to apply for further approval.

Councillor Cregan asked the applicant whether he would be willing to alter the hours of construction from 8:00-17:00.

The applicant responded that he was happy to alter them.

Councillor Taylor asked Officers to explain what the potential effects that this application would have on the foundations of neighbouring properties.

Officers replied that the Health and Safety Executive requires all planning applications to ensure that the building is safe and complies with the Party Wall Act. Additionally the application was situated in a low flood risk area.

Councillor Moore asked whether any comments had been received from the Council's Archaeologist in relation to the proposal.

Officers responded that they had contacted John Oxley prior to the meeting and he had confirmed that the site was not within an area of archaeological importance and that he did not require an archaeological watching brief condition to be attached.

Councillor Moore also stated that he was surprised that no consultation appeared to have taken place within the Council's Structures and Drainage Officers(Engineering Consultancy.)

Officers replied that the application did not include additional development outside of the footprint of the existing building, and thus would not result in any additional surface water drainage issues. They added that the application had been discussed with the Environment Agency, who had confirmed that they had no major concerns. In particular, there were no flood risk issues in this area of York, and depth of the basement would be well above the level of any underlying aquifer.

Councillor Moore asked the applicant to clarify the depth of the basement and any associated foundations.

The applicant's builder, who was in attendance, replied that the proposed basement would be approximately 12 inches below the level of the basement. It would be approximately 2.5 metres below the level of standard foundations.

Councillor Brian Watson asked whether the provision of additional accommodation in the basement could result in an additional bedroom being created on the ground floor.

Officers replied that this situation could arise, but also stated that it was unlikely that additional living accommodation would be created in the basement due to lack of external windows.

Councillor Cregan moved the Officer's recommendation for approval and stated that if the property was being used as a House of Multiple Occupancy(HMO) it would require another planning application.

Councillor Brian Watson seconded the Officer's recommendation.

Councillor Taylor commented that if new conditions was added preventing the use of the basement as bedrooms, then the possibility of the property

becoming an HMO would be highly unlikely. He added that the issues with the foundations and groundwater would be dealt with by Building Control Officers. Finally he welcomed the offer of restricting the construction hours from 8:00-17:00.

Councillor Hyman questioned whether the application could be delegated to Officers to make the decision and whether it would be appropriate to add an archaeological watching brief condition as had been suggested by Councillor Moore.

Officers expressed concerns to Members that if such a condition was unnecessary, it would result in an unjustified additional financial burden on the developers.

Councillor Cregan commented that the application was sited on former meadow land and that an archaeological condition would be seen as unreasonable in this respect.

RESOLVED: That the application be approved subject to the conditions listed in the report and the additional paper circulated by Officers at the meeting.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to amenity, sustainability, flood risk, highway safety and impact on local services. As such the proposal complies with Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing, Planning Policy Guidance Note 13: Transport and Planning Policy Statement 25: Development and Flood Risk and policies SP6, GP1, GP4A, GP15A, H3C, H4A, H5A and T4 of the City of York Development Control Local Plan.

64b Clifton Hospital: Outstanding Section 106 in relation to Management of the Landscape.

Members received an update on the discussions that have taken place with regard to the outstanding Section 106 issues in relation to Clifton Hospital.

Members were asked to note the progress made with regard to the completion of the Section 106 agreement and the work still required in order to achieve a satisfactory conclusion.

Members were asked to note that a further report would be prepared when the management plan is formally submitted to the Council for acceptance and any details are available with regard to the possible further land transfer.

Representations were heard from a member of Clifton Without Parish Council. He told Members that Parish Councillors felt sceptical as to what would happen with the Section 106. He added that the area in question was forlorn and that so far none of the obligations on the landowner had not been complied with. He added that he felt that there was a need for enforcement action to be taken on the landowners.

Further representations were heard from a local resident who stated that he was pleased with the work that the Countryside Officer, Bob Missin, had done already. He commented on issues surrounding the footpaths on the site and asked if the proposed footpath crossed a piece of land that was environmentally protected or not. He questioned whether the footpaths on the site could be considered as Public Rights of Way.

Bob Missin told Members that the other routes on the site, asides from the proposed definitive route, were not rights of way although they may or may not have established rights on them. He explained if new routes were to be created then a large number of people would need to be involved to provide evidence for establishment of any rights of access. Additionally, the workload on existing footpath claims in York was very high and at the present time could take many years before it could be considered.

Finally he stated that the Committee could not impose permissive access on the land as part of the Section 106 agreement as they were separate issues.

Councillor Moore stated that he believed that no enforcement action was needed on the landowner, if other parts of the Section 106 agreement were in progress. He added that he was happy to contact the Legal department in relation to the creation of the new public footpath across the site and the land transfer.

Members suggested that individual comments on the Section 106 be passed on to relevant departments and that a representative from the Legal department be invited to address the Committee with an update on this in July.

- RESOLVED:
- (i) That the report be noted.
 - (ii) That an update from the Legal department in relation to Public Rights of Way on the site and the land transfer is provided to the Committee for their July meeting.

Cllr K Hyman, Chair

[The meeting started at 2.05 pm and finished at 2.50 pm].

COMMITTEE REPORT

Committee: East Area
Date: 10 June 2010

Ward: Huntington/New Earswick
Parish: New Earswick Parish Council

Reference: 10/00424/LBC
Application at: Hawthorn Terrace South, New Earswick, York, YO32 4BL
For: Installation of replacement white timber double glazed windows at 1-16 Hawthorn Terrace
By: Joseph Rowntree Housing Trust
Application Type: Listed Building Consent
Target Date: 19 May 2010
Recommendation: Refuse

1.0 PROPOSAL

1.1 This is a listed building consent application for the installation of replacement white timber double glazed windows at numbers 1 to 16 (inclusive) Hawthorn Terrace, New Earswick.

1.2 The application relates to the following entries in the Statutory List of Buildings of Special Architectural or Historic Interest;

- No.'s 1-4 (consecutive) Hawthorn Terrace, New Earswick. Terrace consisting of two pairs of cottages, built in 1907 to a design by Parker and Unwin for the Joseph Rowntree Village Trust. Grade II Listed Buildings.
- No's 5-8 (consecutive) Hawthorn Terrace, New Earswick. Terrace consisting of two pairs of cottages, built in 1907 and designed by Parker and Unwin for the Joseph Rowntree Village Trust. Grade II Listed Buildings.
- No.'s 9-12 (consecutive) Hawthorn Terrace, New Earswick. Terrace of four cottages, built circa 1907 and designed by Parker and Unwin for the Joseph Rowntree Village Trust. Grade II Listed Buildings.
- No.'s 13-16 (consecutive) Hawthorn Terrace, New Earswick. Terrace consisting of two pairs of cottages, built circa 1909-1914 and designed by Parker and Unwin for the Joseph Rowntree Village Trust. Grade II Listed Buildings.

1.3 The group of Grade II Listed Buildings is situated in New Earswick, established in 1901 as a garden village by Joseph Rowntree, the chocolate manufacturer. The master plan and building designs are those of Barry Parker and Raymond Unwin, pioneers of the Garden City movement.

1.4 In 1986, some 222 domestic dwelling houses in New Earswick were included in the Statutory List of Buildings of Special Architectural or Historic Interest as Grade II

Listed Buildings. The majority of the listed dwelling houses are situated to the east of Haxby Road. In 1991, New Earswick was designated as a Conservation Area.

1.5 Joseph Rowntree Housing Trust seeks to improve the thermal performance of rented houses in New Earswick for their tenants. 127 of the Listed dwelling houses in the village have 230mm thick solid external brick walls rather than cavity walls. In order to improve the thermal performance of these properties it is proposed to install double glazed timber framed window replacements and dry lining to the inside face of external walls (the drylining proposal to which there are no objections have already been approved under delegated powers) . This initial application relates to 16 dwellings located on Hawthorn Terrace. A further application has also been submitted for similar works to properties at 1-20 Ivy Place (Planning Reference 10/00427/LBC), also to be considered on this agenda.

1.6 The existing windows incorporate slender frames with fine glazing bars that replicate the proportions of the glazing of the original windows (Refer Brochure: New Earswick, York, published by the Joseph Rowntree Village Trust in July 1913.)

1.7 The current design philosophy is to replace the arrangement of the sashes and method of opening to match the existing windows. The external reveal depth will remain the same as existing. The windows are to be timber constructed double glazed units.

1.8 The application is accompanied by a supporting statement incorporating a design and access statement and an assessment of the proposed window replacements with regard to national heritage planning policies including an additional statement considering the proposal against the new Planning Policy Statement 5 'Planning for the Historic Environment' which superseded Planning Policy Guidance Note 15 'Planning and the Historic Environment' in March of this year.

1.9 The application has been called into committee by Cllr Runciman 'due to the concerns of residents that their homes should reach a decent standard as soon as possible and that these applications are of significant importance for the future of sustainable measures in New Earswick.'

Planning History

1.10 Listed building consent was refused for the install of the same design of double glazed window in January 2010. That application included internal dry lining of the walls. The reasons for refusal related to the design of the particular window and the lack of information on other alternatives which could have been considered other than replacement windows. (The dry lining proposal was not controversial and has been re-submitted as separate applications).

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area New Earswick CONF

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYHE3

Conservation Areas

CYHE4

Listed Buildings

CYGP4A

Sustainability

3.0 CONSULTATIONS

INTERNAL

3.1 Conservation Officer - The Conservation Officer has commented extensively in relation to this development and these comments are incorporated into the report. Overall the Conservation Officer whilst not objecting to the principle of the development does have strong reservations about the details of the replacement windows and is objecting to the proposal.

EXTERNAL

3.2 New Earswick Parish Council - Support the application

3.3 Conservation Areas Advisory Panel - The Panel made the following comments as part of the discussions on the previously refused application:-

The applicant made a presentation to the Panel prior to the matter being discussed. The Panel's views on the proposals were mixed however on the close of discussion the majority vote was against the existing proposals. It was suggested that, in future, a management plan for the estate be prepared and this should also consider Article 4 Directions.

Considerations to take from the meeting include:-

- Using thin glazing (Histoglass or Slimlite)
- Removal of glazing bar
- Entirely different, more modern window

- Investigate different manufacturers

3.4 In addition to the Conservation Area Advisory Panel comments the chair of the panel has written a further letter expressing their concern about the details of the proposal. This letter can be summarised as follows:-

- The panel's concerns relate to the impact the windows will have on the listed buildings in the New Earswick Conservation Area. The panel's assessment of the significance of the buildings is based on the following:-

1. New Earswick is the earliest planned community to be built under the influence of the ideals of the Garden Cities Association, founded in 1899. Commencing 1901, the village pre-dates the better known Letchworth Garden City (begun 1903) and Hampstead Garden Suburb (begun 1907), and was regarded as a model for social reformers in England and abroad.

2. From the start, houses were experimental and designed to make the execution of daily chores easier and less onerous through improved domestic arrangements. They were to differ radically from the crowded and dark C19 terrace housing in which many of the eventual tenants were likely to be living.

3. Their small-scale modest appearance was a conscious harking-back to pre-industrial vernacular housing which is why they were described as 'cottages' in contemporary literature.

4. Both terraces which are the subject of these applications were constructed in the first phase of building before the 1914-18 War. The designs of both, developed during this period, were included as models in the government Manual for the 'state-aided housing schemes' of the 'Homes fit for Heroes' campaign initiated by the 1919 Housing Act.

- For the above reasons it is considered that the houses in the origins and development of early social housing is of the highest. The Panel are concerned that to replace the windows in the way proposed will have a detrimental effect on their character and appearance. The window design made with timber with an aluminium element and a 'stuck on' glazing bar of an unspecified material applied to the surface is considered to be contrary to advice within policy HE4 of the Local Plan and GP4a sustainability which says that development should be of a high quality design, with the aim of conserving and enhancing local character and distinctiveness. It is also felt that the altered dimensions of the windows would have a disruptive effect on the simple but carefully proportioned elevations of the houses and will have an adverse impact on the appearance of the listed buildings.

- The panel conclude that based on the advice of PPS5 Officers should work with the applicant to find a less harmful solution to their long - term need to find more energy-efficient replacement window design for the village.

3.5 The application was referred back to the Advisory panel who made the following additional comments:-

The panel reiterated their previous comments. Considerations to take from the meeting were as previously stated (see above)

PUBLICITY

3.6 The application has been advertised by means of a site notice dated 6th April 2010 and by newspaper advert dated the 7th April 2010. Neighbour notification letters have also been sent.

4.0 APPRAISAL

4.1 Key issue

- Consideration of the effect of the development on the Special Interest of the Listed buildings

4.2 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining whether to grant listed building consent for any works the Local Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.3 Since the submission of this Listed Building Consent application, and indeed the consideration of the previously refused application for the same development, Planning Policy Statement 5: Planning for the Historic Environment,(PPS5) and the Historic Environment Planning Practice Guide have been published on 23 March 2010. PPS5 sets out the Government's national policies on planning for the conservation of the historic environment and supersedes previous advice set out within PPG15.

4.4 PPS5 states that the Government's objectives are to deliver sustainable development by ensuring that policies and decisions concerning the historic environment;

- recognise that heritage assets are a non-renewable resource
- take account of the wider social, cultural, economic and environmental benefits of heritage conservation; and
- recognise that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term.

4.5 Elements of the historic environment that are worthy of consideration in planning matters are called 'heritage assets', including buildings, parks and gardens, standing, buried and submerged remains, areas, sites and landscapes. Listed Buildings are considered to be 'designated assets'.

4.6 PPS 5 contains a number of policies to assist in the decision making process. Policy HE1: Heritage Assets and Climate Change says Local Planning Authorities should consider opportunities for the modification of heritage assets so as to reduce carbon emissions and secure sustainable development. However, where such proposals to mitigate climate change have a potentially negative effect on heritage assets local authorities should help the applicant to identify feasible solutions that

deliver similar climate change mitigation but with less or no harm to the significance of the heritage asset and its setting.

4.7 Policy HE7: Policy principles guiding the determination of applications for consent relating to all heritage assets states 'the key to sound decision-making is the identification and understanding of the differing, and perhaps conflicting, heritage impacts accruing from the proposals and how they are to be weighed against both each other and any other material planning considerations that would arise as a result of the development proceeding'.

4.8 Policy HE9: Additional Policy Principles Guiding the Consideration of Applications for Consent relating to Designated Heritage Assets. This policy considers that there should be a presumption in favour of the conservation of designated heritage assets and that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Where it is considered that a proposal has a harmful impact on the significance of a designated heritage asset, which is less than substantial harm, local planning authorities should weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm.

4.9 PPS5 Historic Environment Planning Practice Guide (The Guide) has been published to assist with the interpretation of PPS5 and requires at Paragraph 14 that the 'nature of the interest and the significance of the interest' is identified and defined. Significance, as defined in the PPS, encompasses all of the different interests that might be grounds for designating a heritage asset. Paragraph 17 states 'applications will have a greater likelihood of success and better decisions will be made when applicants and local planning authorities assess and understand the particular nature of the significance of an asset, the extent of the assets fabric to which the significance relates and the level of importance of that significance' paragraph 74 requires local planning authorities to use expert advice to inform their decision-making where the need to understand the particular significance of a heritage asset and any proposed impact demands it.

4.10 The Guide makes reference to the scale of heritage assets. Due to the large number of designated heritage assets or listed buildings situated within New Earswick village, this cluster should be considered as a 'large asset'. Paragraph 174 of the Guide states that, 'An inconsistency of approach to repair and restoration because of different ownership, or in methods and techniques may result in a loss of significance by obscuring the evidential value of the asset as a whole.'

4.11 The Guide, paragraph 185, states that, 'The insertion of new elements such as doors and windows is quite likely to adversely affect the building's significance. New elements may be more acceptable if account is taken of the character of the building'.

4.12 POLICY HE3 of the City of York Development Control Plan- Incorporating the Proposed 4th Set of Changes seeks to protect the character and appearance of Conservation Areas. Supporting text of the policy further states that the elevational

treatment of all sides of any development and roofscape are important, not simply the street frontage.

4.13 POLICY HE4 of the City of York Development Control Plan- Incorporating the Proposed 4th Set of Changes states that Listed Building consent will only be granted for internal or external alterations when there is no adverse effect on the character, appearance or setting of the listed building.

4.14 Policy GP4a of the City of York Development Control Plan- Incorporating the Proposed 4th Set of Changes '. 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development and sets out those issues to consider as part of a sustainably designed development.

Consideration of the effect of the development on the Special Interest of the Listed Buildings:

4.15 This listed building application is for the insertion of replacement windows within 16 listed properties forming part of a total of 120 such properties within New Earswick. An application for the replacement of the windows was refused in January 2010. This application is a resubmission for exactly the same window design as previously considered.

4.16 The application, like the original submission, is supported by a specialist report by Roger Wools and Associates, Heritage Consultants, this report has also been updated by the submission of an additional statement to address new guidance in PPS5. The thrust of the report and additional statement can be understood by summarising the conclusion and recommendations of the submitted documentation which are:-

- The reasons for listing properties at New Earswick are noted in the many descriptions for individual blocks and these include the association with Joseph Rowntree and the influence he and the village had through the whole of the United Kingdom on the development of high standard public housing for the less wealthy members of society.

- New Earswick as a cohesive architectural design has survived remarkably well and still displays those features that were influential in the national context. Fairly radical changes to aspect and layout of the properties have taken place in the last 100 years providing greater comfort and facilities for residents and in the spirit of Joseph Rowntree who wished his workers to have housing that was of a good standard and that was socially appropriate.

- PPG15 (paragraph 1.3) emphasises that it is the management of change that is the primary issue with historic assets.

- Paragraph 3.13 of PPG15 is quoted (see paragraph above)

- The 1960 English Joinery Manufacturers Association (EJMA) windows are in 2009 reaching the stage where replacement windows is required and with energy prices

rising rapidly, the poor thermal performance of the windows imposes a heavy cost upon tenants on low incomes. There is therefore an imperative for their replacement. The JRHT acknowledges the historic merit of the village and is seeking to reconcile these often conflicting objectives of preservation and improvement.

- The proposal put forward that is represented by a prototype timber window incorporating sealed double-glazed units. This has been discussed with the council for almost two years and significant alterations to the proposals have been made in response to the comments of the Conservation Officers. The proposed windows are considered to be an effective compromise.

- When tested against heritage policy as set out in paragraph 3.5 of PPG15 in relation to the defined special interest of a listed building, the proposal as revised in option B for the casement windows is acceptable in preserving the special interest i.e. not causing harm. Therefore listed building consent should be granted.

- The changes made to the small sealed units since May 2009 have satisfactorily addressed the cumulative effect of the reflective quality of the spacer beads of the units.

- The proposed treatments of both the larger casement window units and the multi-paned windows are acceptable.

- The dry-lining proposals are acceptable.

- section 3.10 of the report defines the 'special interest' of the buildings it is an important point with reference to PPG15 that the proposals enable the original use of the listed buildings as family dwellings to be preserved.

- The windows are considered to be acceptable for both the listed and unlisted dwellings of the village and as such would preserve the uniformity of appearance that is an important part of the visual appearance of the area.

- PPG15 requires that a first stage is to assess what makes up the 'special interest' of the listed building that gives rise to designation. It is considered that the report does this.

- The special interest of the buildings would be preserved i.e. not harmed

- It falls to the decision maker to weigh any loss of special interest that they might judge to occur against other wider planning policies including PPS22 on climate change.

4.17 The additional statement concludes:-

- Having viewed the application against the new PPS5 and accompanying practice guide Roger Wools concludes that the special interest of the listed buildings would be preserved i.e. not harmed

- PPS5 states that it is the duty of the decision maker to weigh any potential loss of interest that it might judge to occur against other wider planning policies including PPS22 on climate change.

- There are no significant changes between PPG15 and PPS5 that would militate against the approval of the submitted development. The PPS does however incorporate recent Government policy on climate change and the need to address these issues. This is new in terms of heritage policy and a material consideration that adds support to the applications.

4.18 The Local Planning Authority is required by PPS5 Historic Environment Planning Practice Guide, Paragraph 14 and 17 to identify and define the 'nature of the interest and the significance of the interest'. With regard to the Listed Buildings at nos 1-20 Ivy Place, New Earswick, the general criteria for assessment of the current proposals (the definition of the nature of the interest and the significance of the interest) are considered to be as follows:-

i. The buildings and layout for New Earswick were designed by the architects, Barry Parker and Raymond Unwin, notable as pioneers of the Garden City movement, and of national significance. Parker and Unwin closely considered the harmonious relationship between adjacent buildings and between buildings and their settings within the village. The simplicity of the design of the village architecture followed Morris' ideals of truth of materials and honesty of construction. Unifying features in the design of the dwelling houses are the gables, hipped roofs and design of the fenestration, where windows are formed of multiples of a single standardised glass pane. Standardisation of design and materials formed a unifying element of the village architecture. The special architectural and historic interest of the Listed dwelling houses at New Earswick is defined by the design philosophy employed by Parker and Unwin in the layout, architectural design of buildings and spaces that exist at New Earswick.

ii. Parker and Unwin's standardised designs for terraces of cottages in New Earswick are of national significance as prototypes of municipal housing developed in Britain from the 1920's onwards as part of the 'Homes for Heroes' building campaign. As stated in the list descriptions for nos 1-20 Ivy Place, 'The particular significance of New Earswick lies in its contribution to the development of low cost housing in Britain. Experience gained and practices introduced here were incorporated extensively into the Tudor Walters Report of 1918 which was instrumental in the passing of the Addison Act of 1919. Plans from New Earswick influenced the Government Manual on low cost housing which followed the Act.' As stated in section i., it is Parker and Unwin's layout, design, and materials of the cottages at New Earswick that defines the special architectural and historic interest of the buildings.

iii. The dwelling houses at nos 1-20 Ivy Place are arranged as four terraces around a three sided quadrangle. The unity of the scale, design and materials of this group of dwelling houses is consistent within this part of New Earswick, to the east of Haxby Road. The Listed Buildings' share the particular architectural forms or details of other buildings nearby'. The standardised design of the dwelling houses including the gables, roofs and fenestration pattern arranged within a master plan designed by

Parker and Unwin, forms part of the special architectural and historic interest of this group of Listed Buildings and is recognised in the designation of New Earswick as a Conservation Area.

4.19 The Conservation Officer acknowledges that, in principle, the installation of double glazed timber framed windows to the listed dwelling houses is likely to improve the thermal performance of the buildings, enhance the living conditions of tenants and bring associated benefits to the local community. However, the Conservation Officer has considered the details of the window design and has concluded that the proposed design is likely to have a negative effect on the significance of the individual designated heritage assets and this 'large asset' (see paragraph 4.9 above) or group of Listed Buildings at New Earswick because the standardised design by chosen window manufacturer, Whitakers Windows, has severely restricted the design of the replacement windows due to standardised factory manufacturing processes. The Conservation Officer considers that the proposed designs for the replacement windows are likely to have a negative effect on the significance of the designated heritage assets or the special architectural interest of the Listed Buildings for the following reasons;

i) Thickness of the frame and the ratio of the glazing to the timber frame. In order to accommodate the thickness of the double glazed unit and the multi point locking system, the frames are broader than those for single glazing. This results in a clumsy appearance with proportionally thicker frames and less glazing present. Other more acceptable manufactured types of timber framed double glazed windows are available.

ii) Thickness of the double glazed unit and appearance of the spacer bar. The thickness of the double glazed unit is proposed at 28mm. Due to the thickness of the glazed unit it is possible to view the spacer bar and two panes of glass that form the unit, on closer inspection, from the exterior. The spacer bar appears visually intrusive within the context of the traditional design of the Listed dwelling house.

iii) Applied or 'stuck on' surface mounted glazing bars to external face of double glazed unit. It is proposed to replicate the existing multi pane windows by means of the introduction of an applied or 'stuck on' glazing bar, that does not present a convincing or authentic appearance as a true glazing bar when viewed, on closer inspection, from the exterior.

iv) Timber beads and aluminium beads at base of the double glazed unit. The beading replaces the putty line to the exterior of the windows. The profile and width of the beads contributes to the uncharacteristic heavy appearance of the window frames. The aluminium bead at the base of the double glazed unit is likely to have a different weathered appearance from the adjacent timber beads. There is a visible, horizontal gap between the base of the aluminium bead and the frame of the sash that detracts for the traditional appearance of the Listed dwelling house.

v) Visible horizontal gap beneath base of sash window and frame. In addition to the visible gap between the aluminium bead and the timber frame of the sash window, there is a visible gap between the base or bottom rail of the sash window

and the outer frame. This visible, horizontal gap is repeated at the base of each sash window and detracts from the traditional appearance of the Listed dwelling house.

vi) Use of friction hinges and modern ironmongery/handles. The casements with friction hinges have a different appearance to the existing casements with butt hinges. The friction hinges create a visual separation between the open sash and the frame. The modern handles have the appearance of those for modern UPVC replacement windows and fail to respect the traditional character of the existing window furniture.

4.20 Both the Conservation Officer and the applicant's specialist Heritage Consultant, in general, define the nature of the interest and the significance of the interest of the buildings in more or less the same way. The main areas at issue are the emphasis placed on the part that the windows play in adding to the special interest of the buildings, whether the particular details of the proposed window are acceptable and whether there are such community benefits that are of overriding importance.

4.21 Policy HE9 of PPS5 says that where it is considered that a proposal has a harmful impact on the significance of a designated heritage asset, which is less than substantial harm, local planning authorities should weigh the public benefit of the proposal against the harm. The Applicant's Specialist concludes that the differences in the windows when compared with the existing will be negligible when viewed from the public realm and will be small but acceptable when viewed at close quarters. More weight is however attached to the community benefits that would accrue to residents from installing double glazed windows in terms of reduced heating bills. Other documentation submitted by the Joseph Rowntree Housing Trust to support the proposal indicates that the type of window required by the Conservation Officer would cost an additional £5,600 per dwelling unit (and possibly some impact on the type of guarantees provided for the windows).

4.22 The Conservation Officer does not object to the principle of double glazing, however, having had an opportunity to view the new windows already installed on the unlisted properties in Poplar Grove, still holds that the windows, for the reasons explained above, would be harmful to the special interest of the buildings. Furthermore, as an alternative to the current proposals for window replacements, secondary glazing and draught strips could be installed to the existing windows to improve their thermal performance. The Conservation Officer has concluded therefore that the proposed window designs will have a negative effect on the significance of the designated heritage assets or special architectural interest of the Listed Buildings that outweighs the public benefit of the improved thermal performance of the double glazed windows. Thermal performance of the Listed dwelling houses could be improved through the installation of secondary glazing and draught proofing measures that will not have a negative effect or harm the significance of the designated heritage assets and would ensure their optimum viable use.

4.23 There has to be significant sympathy for the tenants and the financial benefits to them of insulating the properties. There is also understanding that the Trust has limited budgets and the potential additional costs of an alternative new window,

where there are so many properties that need to be refurbished, could be prohibitive. In terms of the tenants dry lining of the properties has already been approved under delegated powers and the Conservation Officer has indicated that whilst the detail of the particular window is likely to be harmful, the principle of the use of double glazed unit is acceptable. Officers conclude, therefore, that it is possible to meet the needs of the tenants and reduce their financial burden for heating costs. In terms of the Trusts additional financial burden in choosing another window type which would address (or partially address) the concerns of the Conservation Officer, the submitted details refer to an additional £5,600 per unit. However this is not supported by quotes from alternative window companies/ joinery firms or any other corroborative evidence and therefore it is difficult to attach significant weight to this argument. Furthermore there is little consideration of whether secondary glazing and draught strips could achieve a similar level of thermal performance, although Joseph Rowntrees state that it is an option not favoured by tenants, or that a more holistic approach that includes a range of measures to improve thermal performance has been considered. Such an approach could include a range of measures, such as the insulation of cold bridging locations including roofs/soffits to bay windows, the fitting of draught seals to openings and installation of loft insulation.

4.24 There remains a disagreement between the applicant's specialist and the Council's Conservation Officer regarding the acceptability of the window detail and in coming to a view in relation to the relevant merits of the arguments put forward, officers are mindful of advice within PPS5 which states at Paragraph 76 'The key to sound decision-making is the identification and understanding of the differing, and perhaps conflicting, heritage impacts accruing from the proposals and how they are to be weighed against both each other and any other material planning considerations that would arise as a result of the development proceeding.' The Conservation Officer, whilst accepting the principle of double glazing, has clearly set out the elements of the window detail that need to be improved for the detailed design to be acceptable and officers consider that the applicant has not clearly indicated, with supporting evidence, why these areas of concerns can not be addressed. For this reason, officers support the Conservation Officers view that the windows as submitted are unacceptable; the detailed design of the current proposals will have a negative effect on the significance of the designated heritage assets or the special architectural and historic interest of this group of Listed Buildings and should be resisted.

4.25 In terms of sustainability; since the previous refusal for the installation of the replacement windows, new guidance in PPS 5 places greater emphasis on climate change and the need for climate change to be considered within the decisions relating to the historic environment. This is consistent with advice within PPS1 'Delivering Sustainable Development'. The applicant makes reference in his submission to PPS22 'Renewable Energy'. PPS22 discusses how to deal with applications submitted for renewable energy proposals but is relevant to this proposal in its opening paragraphs when it says that Government's aim to cut carbon emissions will be aided by improvements to energy efficiency. The Local Plan policies, in particular GP4a, states that proposals for all development should respond to the principles of sustainable development. However Policy GP4a also states that development should be of a high quality design with the aim of conserving and enhancing the local character and distinctiveness of the city. Whilst accepting that

there is greater emphasis on the issues of climate change objectives within PPS5, officers are satisfied, based on the advice from the Conservation Officer, that it would be possible to achieve an appropriate design of double glazed window for the dwellings and therefore that it is possible with a differently designed window to achieve a better solution both in terms of the visual quality of the buildings and the area, and the sustainable objectives of both Central Government advice and Local Plan policy.

5.0 CONCLUSION

5.1 PPS5 states that the Government's objectives are to deliver sustainable development by ensuring that policies and decisions concerning the historic environment:

- recognise that heritage assets are a non-renewable resource
- take account of the wider social, cultural, economic and environmental benefits of heritage conservation; and
- recognise that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term.

5.2 The Conservation Officer acknowledges that, in principle, the installation of double glazed timber framed windows to the listed dwelling houses is likely to improve the thermal performance of the buildings, enhance the living conditions of tenants and bring associated benefits to the local community. However, the detailed design of the proposed timber framed double glazed windows is likely to have a negative impact on the special architectural interest of the Listed Buildings at nos 1-16 Hawthorn Terrace and their setting within the village. Furthermore there is no consideration of whether secondary glazing and draught strips could achieve a similar level of thermal performance or that a more holistic approach that includes a range of measures to improve thermal performance have been considered.

5.3 In terms of the Trusts' additional financial burden in choosing another window type which would address (or come towards addressing) the concerns of the Conservation Officer; the submitted details refer to an additional £5,600 per unit. However, this is not supported by quotes from alternative window companies/ joinery firms or any other corroborative evidence and therefore it is difficult to attach significant weight to this argument.

5.4 Whilst accepting that there is greater emphasis on the issues of climate change objectives within PPS5, officers are satisfied, based on the Conservation Officers advice, that it would be possible to achieve an appropriate double glazed window for the dwellings and therefore that it is possible with a differently designed window to both achieve a better solution in terms of the visual quality of the buildings and area and the sustainable objectives of both Central Government advice and Local Plan policy.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 It is considered that the proposed installation of a standardised design of window has severely restricted the design of the replacement windows due to standardised factory manufacturing processes. It is considered that the proposed replacement windows would be harmful to the special interest of the listed buildings and their setting due to their detailed design and appearance, in particular:

- (i) the thickness of frame and ratio of the glazing to the timber frame;
- (ii) the thickness of the double glazed unit and appearance of the spacer bar;
- (iii) the applied or 'stuck on' surface mounted glazing bars;
- (iv) the timber beads and aluminium beads at the base of the double glazed unit;
- (v) the visible horizontal gap beneath the base of sash window and frame and
- (vi) the use of friction hinges and modern ironmongery/handles.

The design and appearance of the windows are considered to be contrary to Central Government advice in Policies HE1 and HE9 of Planning Policy Statement 5 'Planning for the Historic Environment', advice within the Historic Environment Planning Practice Guide March 2010 and Policy HE3, Policy HE4 and GP4a of the City of York Draft Local Plan Incorporating the Fourth Set of Changes (Approved April 2005)

2 It is considered that the application is not supported by sufficient evidence to demonstrate that a more holistic, less harmful approach that includes a range of measures, including secondary glazing and draught strips, could not be installed to the existing windows in order to improve their thermal performance. This is considered to be contrary to Central Government advice contained within Planning Policy Statement 5 ' Planning for the Historic Environment' and The Historic Environment Planning Practice Guide March 2010

Contact details:

Author: Diane Cragg Development Control Officer (Mon/Tues)
Tel No: 01904 551657

NEW EARSWICK

Conservation Area No. 20 (38.6 ha)

Introduction

New Earswick was designated as a conservation area in 1991 and includes practically all of the original village.

History

In 1901 Joseph Rowntree bought 150 acres of agricultural land, the first step in the philanthropist's dream come true. Some houses were completed in 1904 "In an effort to provide houses which shall be artistic in appearance, sanitary and thoroughly well built and yet within the means of working men earning about 25 shillings a week" (Evening Press, December 1904). His son, Seebohm Rowntree saw through much of the implementation of his father's vision. The houses were designed by Parker and Unwin, at 12 per acre, each complete with social and educational facilities; The Folk Hall (1905), school (1912), surgery and followed by facilities for the increasing number of elderly or infirm residents.

In 1970 the houses were found to be structurally sound, but refurbishment and modernisation was carried out. Today the village is managed by The Joseph Rowntree Memorial Housing Trust, and has a Council of its own elected Members from the community.

Important Buildings

The originality, authenticity and sheer visual appeal of Parker and Unwin's designs is reflected in the concentration of listed buildings in New Earswick, quite unusual in any village, however old or new. Included are most of the buildings, notably the Folk Hall and Primary School, complete streets of housing and many other groups of housing.

Character

Harmony of layout, design, material, detailing and landscaping created a concept that caught the spirit of the age, founding a completely new village settlement that had come to epitomise the "garden village" at its best. It was also a bold concept; at the time only very modest expansion for housing had taken place in the countryside around York.

The layout re-established the virtues of streetscape in its tree-lined and often traffic free avenues complemented by pleasant cul-de-sacs leading off to either side. The street pattern flows around the public amenity spaces and community buildings at the heart of the village. Natural features are utilised, like the stream at the southern end of the village, with generous tree planting and the unifying elements of hedgerows as front garden boundaries, and grass verges. With gardens front and rear, the village has matured and the houses are set in leafy surrounds.

The architectural style of the buildings is based on an Arts and Craft's rationale. They are endowed with a character of their own and are essentially simple, yet are sympathetic to the rural setting; in spirit with the vernacular of the area, yet not a copy; rather an interpretation with an imaginative, consistent form and detailing to create a deeply satisfying sense of unity and identity. These qualities are reinforced by the materials used; bricks originally from a nearby brickyard (now a Nature Reserve) and French tile roofing.

The qualities of the modelling and domestic scale of building harmonises the development, whether terraces, semi-detached units or the larger public buildings; yet also allows an appropriate sense of order and variety to be established between them. Roofscape is interesting throughout, complemented by gables and a carefully

controlled range of dormers: from a flat-roofed or gable style to the paired dormers raising from roofs that flow down to the first floor level on some of the houses. The simple range of casement windows used are entirely in sympathy with the mood and character of the development.

The main elements of the character and appearance of the area are:-

- (1) The social vision translated into reality with humanity and harmony to create a distinct sense of place and community: truly a "village of vision"
- (2) The qualities of the layout, creating attractive streetscapes and pleasant private gardens and public spaces.
- (3) The imaginative, yet simple, authentic building designs of Parker and Unwin, establishing a whole village with consistence and style, yet which is natural, varied and uncontrived
- (4) The consistent use of materials and landscaping contributing to the "garden village" character.



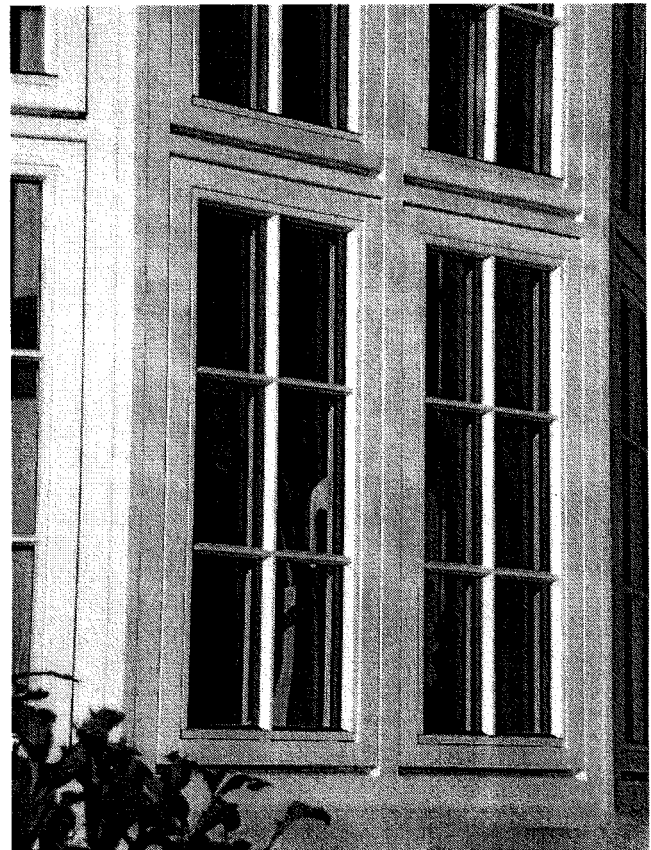
Photograph A - Existing Windows at no.s 13-16 Hawthorn Terrace, New Earswick.



Photograph B - Existing Windows at no.s 1-2 Hawthorn Terrace, New Earswick.



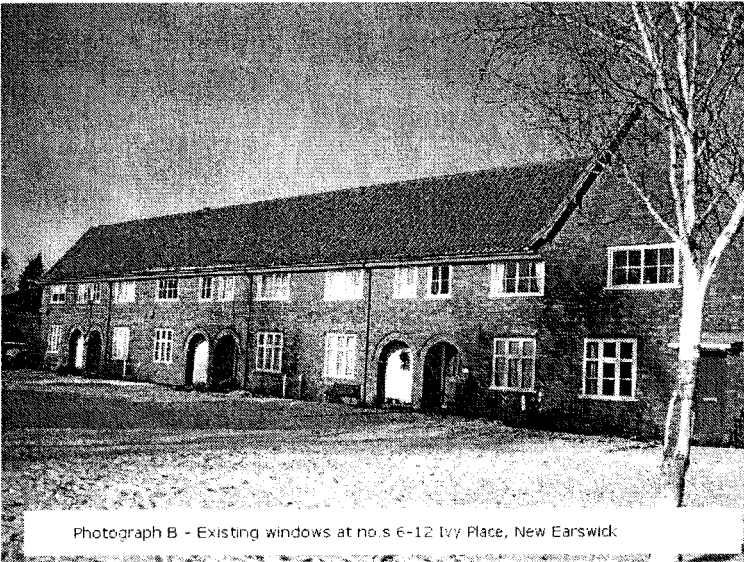
Photograph C - Window samples at no.s 1,3,5 and 7 Poplar Grove, New Earswick.



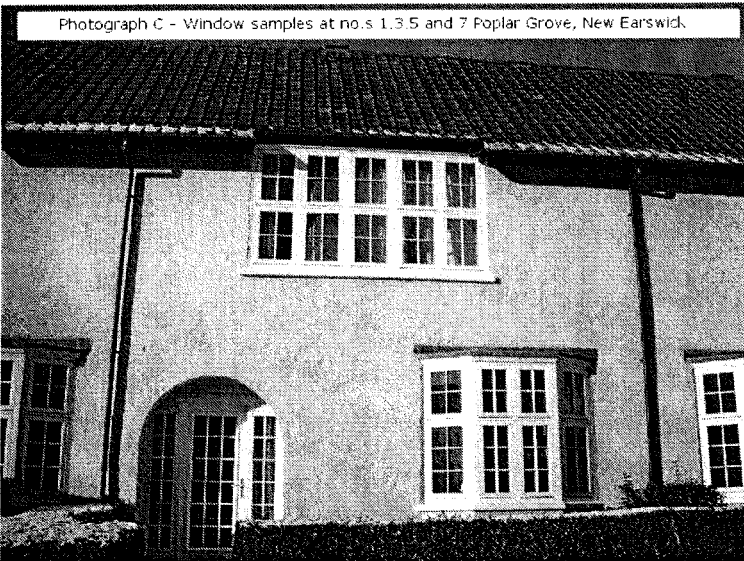
Photograph D - Window samples at no.s 1,3,5 and 7 Poplar Grove, New Earswick.



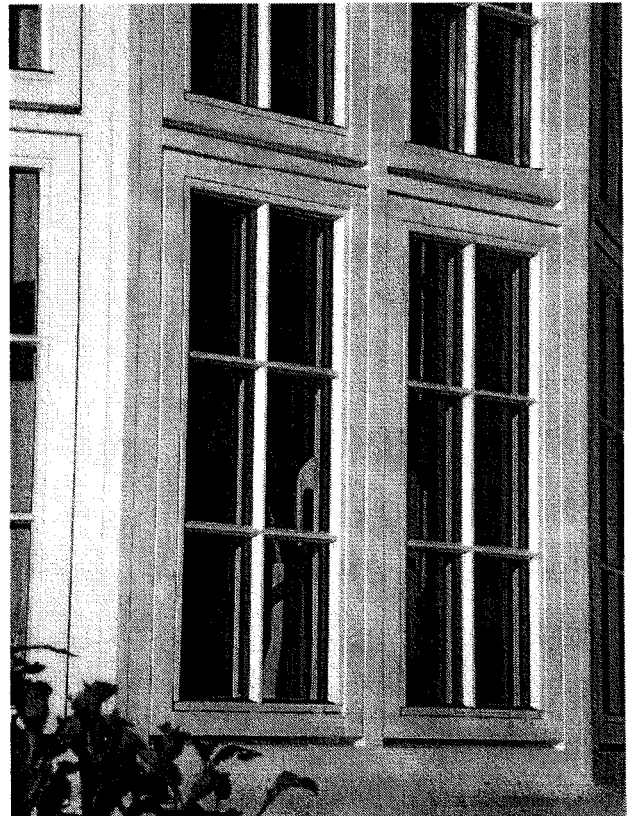
Photograph A - Existing windows at no.s 11-12 Ivy Place, New Earswick.



Photograph B - Existing windows at no.s 6-12 Ivy Place, New Earswick.



Photograph C - Window samples at no.s 1,3,5 and 7 Poplar Grove, New Earswick.



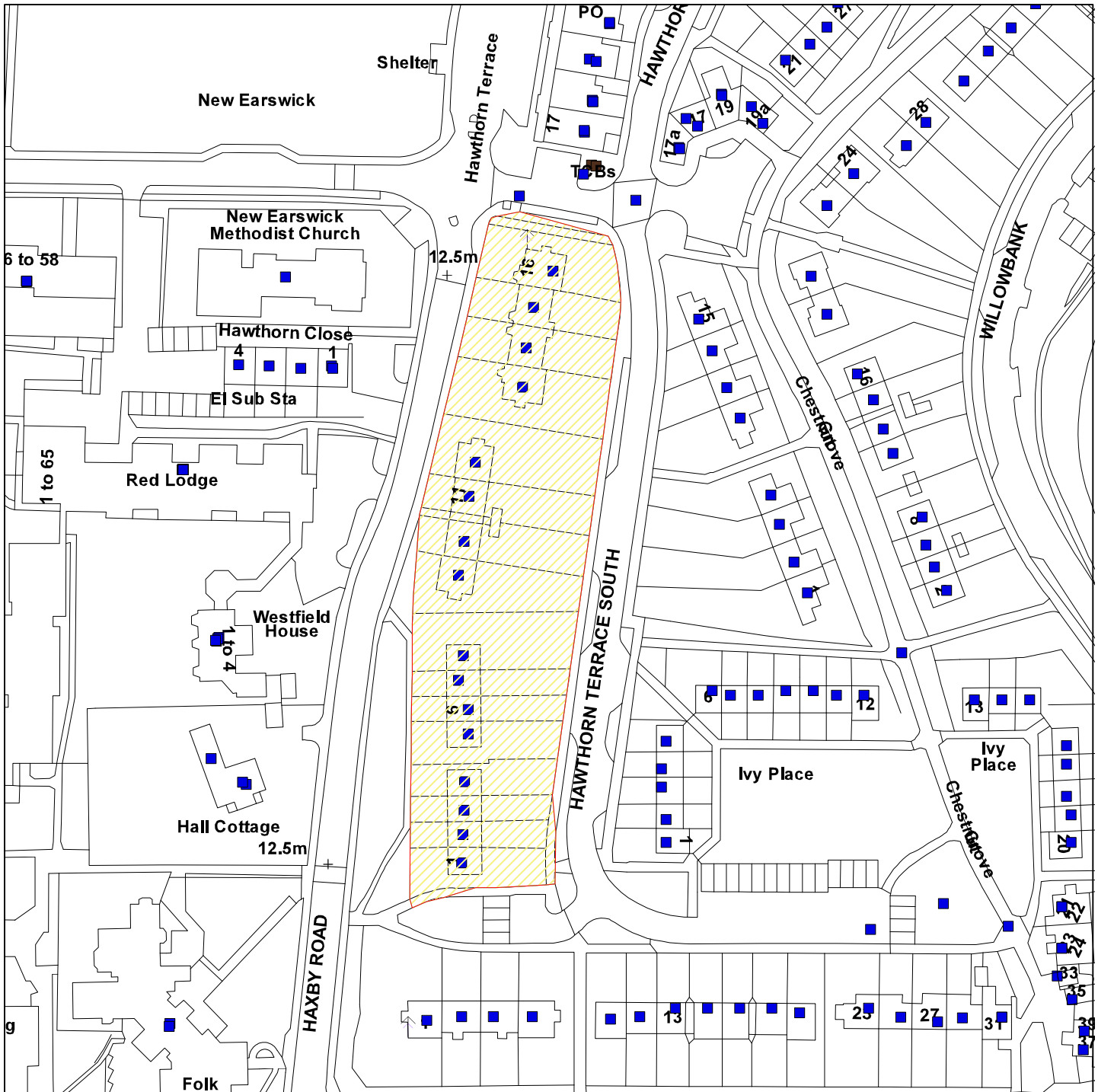
Photograph D - Window samples at no.s 1,3,5 and 7 Poplar Grove, New Earswick.

Hawthorn Terrace, New Earswick

10/00424/LBC



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Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	01 June 2010
SLA Number	Not Set

COMMITTEE REPORT

Committee: East Area
Date: 10 June 2010

Ward: Huntington/New Earswick
Parish: New Earswick Parish Council

Reference: 10/00427/LBC
Application at: STREET RECORD Ivy Place New Earswick York , YO32 4BS
For: Replacement white timber double glazed windows to 1-20 Ivy Place (resubmission)
By: Joseph Rowntree Housing Trust
Application Type: Listed Building Consent
Target Date: 19 May 2010
Recommendation: Refuse

1.0 PROPOSAL

1.1 This is a listed building consent application for the installation of replacement white timber double glazed windows at numbers 1 to 20 (inclusive) Ivy Place, New Earswick.

1.2 The application relates to the following entries in the Statutory List of Buildings of Special Architectural or Historic Interest;

- No.'s 1 - 5 (consecutive) Ivy Place, New Earswick. Terrace. 1910. Designed by Parker and Unwin for the Joseph Rowntree Village Trust.
- No.'s 6 - 12 (consecutive) Ivy Place, New Earswick. Terrace. 1910. Designed by Parker and Unwin for the Joseph Rowntree Village Trust.
- No.'s 13 - 15 (consecutive) Ivy Place, New Earswick. Terrace. 1910. Designed by Parker and Unwin for the Joseph Rowntree Village Trust.
- No.'s 16 - 20 (consecutive) Ivy Place, New Earswick. Terrace 1910. Designed by Parker and Unwin for the Joseph Rowntree Village Trust.

1.3 The group of Grade II Listed Buildings is situated in New Earswick, established in 1901 as a garden village by Joseph Rowntree, the chocolate manufacturer. The masterplan and building designs are those of Barry Parker and Raymond Unwin, pioneers of the Garden City movement.

1.4 In 1986, some 222 domestic dwelling houses in New Earswick were included in the Statutory List of Buildings of Special Architectural or Historic Interest as Grade II Listed Buildings. The majority of the listed dwelling houses are situated to the east of Haxby Road. In 1991, New Earswick was designated as a Conservation Area.

1.5 Joseph Rowntree Housing Trust seeks to improve the thermal performance of rented houses in New Earswick for their tenants. 127 of the Listed dwelling houses in the village have 230mm thick solid external brick walls rather than cavity walls. In order to improve the thermal performance of these properties it is proposed to install double glazed timber framed window replacements and dry lining to the inside face of external walls (the drylining proposal to which there were no objections have

already been approved under delegated powers) . This initial application relates to 20 dwellings located on Ivy Place. A further application has also been submitted for similar works to properties at 1-16 Hawthorne Drive (Planning Reference 10/00424/LBC).

1.6 The existing windows are comprised of slender frames with fine glazing bars that replicate the proportions of the glazing of the original windows (Refer Brochure: New Earswick, York, published by the Joseph Rowntree Village Trust in July 1913.)

1.7 The current design philosophy is to replace the arrangement of the sashes and method of opening to match the existing windows. The external reveal depth will remain the same as that existing. The windows are to be timber constructed double glazed units.

1.8 The application is accompanied by a supporting statement incorporating a design and access statement and an assessment of the proposed window replacements with regard to national heritage planning policies including an additional statement considering the proposal against the new Planning Policy Statement 5 'Planning for the Historic Environment', which superseded Planning Policy Guidance Note 15 'Planning and the Historic Environment' in March of this year.

1.9 The application has been called into committee by Cllr Runciman 'due to the concerns of residents that their homes should reach a decent standard as soon as possible and that these applications are of significant importance for the future of sustainable measures in New Earswick.'

Planning History

1.10 Listed building consent was refused for the installation of the same design of double glazed window in January 2010. That application included internal dry lining of the walls. The reasons for refusal related to the design of the particular window and the lack of information on other alternatives which could have been considered other than replacement windows. (The dry lining proposal was not controversial and was re-submitted as separate applications).

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area New Earswick CONF

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYHE3
Conservation Areas

CYHE4
Listed Buildings

CYGP4A
Sustainability

3.0 CONSULTATIONS

INTERNAL

3.1 Conservation Officer - The Conservation Officer has commented extensively in relation to this development and these comments are incorporated into the report. Overall the Conservation Officer whilst not objecting to the principle of the development does have strong reservations about the details of the replacement windows and is objecting to the proposal.

EXTERNAL

3.2 New Earswick Parish Council - Support the application

3.3 Conservation Areas Advisory Panel - The Panel made the following comments as part of the discussions on the previously refused application:-

The applicant made a presentation to the Panel prior to the matter being discussed. The Panel's views on the proposals were mixed however on the close of discussion the majority vote was against the existing proposals. It was suggested that, in future, a management plan for the estate be prepared and this should also consider Article 4 Directions.

Considerations to take from the meeting include:-

- Using thin glazing (Histoglass or Slimlite)
- Removal of glazing bar
- Entirely different, more modern window
- Investigate different manufacturers

3.4 In addition to the Conservation Area Advisory Panel comments the chair of the panel has written a further letter expressing their concern about the details of the proposal. This letter can be summarised as follows:-

- The Panel's concerns relate to the impact the windows will have on the listed buildings in the New Earswick Conservation Area. The Panel's assessment of the significance of the buildings is based on the following:-

1. New Earswick is the earliest planned community to be built under the influence of the ideals of the Garden Cities Association, founded in 1899. Commencing 1901, the

village pre-dates the better known Letchworth Garden City (begun 1903) and Hampstead Garden Suburb (begun 1907), and was regarded as a model for social reformers in England and abroad.

2. From the start, houses were experimental and designed to make the execution of daily chores easier and less onerous through improved domestic arrangements. They were to differ radically from the crowded and dark C19 terrace housing in which many of the eventual tenants were likely to be living.

3. Their small-scale modest appearance was a conscious harking-back to pre-industrial vernacular housing which is why they were described as 'cottages' in contemporary literature.

4. Both terraces which are the subject of these applications were constructed in the first phase of building before the 1914-18 War. The designs of both, developed during this period, were included as models in the government Manual for the 'state-aided housing schemes' of the 'Homes fit for Heroes' campaign initiated by the 1919 Housing Act.

- For the above reasons it is considered that the houses in the origins and development of early social housing is of the highest. The Panel are concerned that to replace the windows in the way proposed will have a detrimental effect on their character and appearance. The window design made with timber with an aluminium element and a 'stuck on' glazing bar of an unspecified material applied to the surface is considered to be contrary to advice within policy HE4 of the Local Plan and GP4a "Sustainability" which states that development should be of a high quality design, with the aim of conserving and enhancing local character and distinctiveness. It is also felt that the altered dimensions of the windows would have a disruptive effect on the simple but carefully proportioned elevations of the houses and will have an adverse impact on the appearance of the listed buildings.

- The panel conclude that based on the advice of PPS5 Officers should work with the applicant to find a less harmful solution to their long - term need to find more energy-efficient replacement window design for the village.

3.5 The application was referred back to the Advisory panel who made the following additional comments:-

The panel reiterated their previous comments. Considerations to take from the meeting were as previously stated (see above)

PUBLICITY

3.6 The application has been advertised by means of a site notice dated 6th April 2010 and by newspaper advert dated the 7th April 2010. Neighbour notification letters have also been sent.

4.0 APPRAISAL

4.1 Key issue

- Consideration of the effect of the development on the Special Interest of the Listed buildings

4.2 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 says that in determining whether to grant listed building consent for any works the Local Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.3 Since the submission of this Listed Building Consent application, and indeed the consideration of the previously refused application for the same development, Planning Policy Statement 5: Planning for the Historic Environment,(PPS5) and the Historic Environment Planning Practice Guide have been published on 23 March 2010. PPS5 sets out the Government's national policies on planning for the conservation of the historic environment and supersedes previous advice set out within PPG15.

4.4 PPS5 states that the Government's objectives are to deliver sustainable development by ensuring that policies and decisions concerning the historic environment;

- recognise that heritage assets are a non-renewable resource
- take account of the wider social, cultural, economic and environmental benefits of heritage conservation; and
- recognise that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term.

4.5 Elements of the historic environment that are worthy of consideration in planning matters are called 'heritage assets', including buildings, parks and gardens, standing, buried and submerged remains, areas, sites and landscapes. Listed Buildings are considered to be 'designated assets'.

4.6 PPS 5 contains a number of policies to assist in the decision making process. Policy HE1: Heritage Assets and Climate Change says Local Planning Authorities should consider opportunities for the modification of heritage assets so as to reduce carbon emissions and secure sustainable development. However, where such proposals to mitigate climate change have a potentially negative effect on heritage assets, local authorities should help the applicant to identify feasible solutions that deliver similar climate change mitigation but with less or no harm to the significance of the heritage asset and its setting.

4.7 Policy HE7: Policy principles guiding the determination of applications for consent relating to all heritage assets states 'the key to sound decision-making is the identification and understanding of the differing, and perhaps conflicting, heritage impacts accruing from the proposals and how they are to be weighed against both each other and any other material planning considerations that would arise as a result of the development proceeding'.

4.8 Policy HE9: Additional Policy Principles Guiding the Consideration of Applications for Consent relating to Designated Heritage Assets. This policy considers that there should be a presumption in favour of the conservation of designated heritage assets and that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Where it is considered that a proposal has a harmful impact on the significance of a designated heritage asset, which is less than substantial harm, local planning authorities should weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm.

4.9 PPS5 Historic Environment Planning Practice Guide (The Guide) has been published to assist with the interpretation of PPS5 and requires at Paragraph 14 that the 'nature of the interest and the significance of the interest' is identified and defined. Significance, as defined in the PPS, encompasses all of the different interests that might be grounds for designating a heritage asset. Paragraph 17 states 'applications will have a greater likelihood of success, and better decisions will be made, when applicants and local planning authorities assess and understand the particular nature of the significance of an asset, the extent of the assets fabric to which the significance relates and the level of importance of that significance'. Paragraph 74 requires local planning authorities to use expert advice to inform their decision-making where the need to understand the particular significance of a heritage asset and any proposed impact demands it.

4.10 The Guide makes reference to the scale of heritage assets. Due to the large number of designated heritage assets or listed buildings situated within New Earswick village, this cluster should be considered as a 'large asset'. Paragraph 174 of the Guide states that, 'An inconsistency of approach to repair and restoration because of different ownership, or in methods and techniques may result in a loss of significance by obscuring the evidential value of the asset as a whole.'

4.11 The Guide, paragraph 185, states that, 'The insertion of new elements such as doors and windows is quite likely to adversely affect the building's significance. New elements may be more acceptable if account is taken of the character of the building'.

4.12 POLICY HE3 of the City of York Development Control Plan- Incorporating the Proposed 4th Set of Changes seeks to protect the character and appearance of Conservation Areas. Supporting text of the policy further states that the elevational treatment of all sides of any development and roofscape are important, not simply the street frontage.

4.13 POLICY HE4 of the City of York Development Control Plan- Incorporating the Proposed 4th Set of Changes states that Listed Building consent will only be granted for internal or external alterations when there is no adverse effect on the character, appearance or setting of the listed building.

4.14 Policy GP4a of the City of York Development Control Plan- Incorporating the Proposed 4th Set of Changes '. 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development and sets out those issues to consider as part of a sustainably designed development.

Consideration of the Effect of the development on the Special Interest of the Listed Buildings

4.15 This listed building application is for the insertion of replacement windows within 20 listed properties forming part of a total of 120 such properties within New Earswick. An application for the replacement of the windows was refused in January 2010. This application is a resubmission for exactly the same window design as previously considered.

4.16 The application, like the original submission, is supported by a specialist report by Roger Wools and Associates, Heritage Consultants. This report has also been updated by the submission of an additional statement to address the new PPS5. The thrust of the report and additional statement can be understood by summarising the conclusion and recommendations of the submitted documentation which are:-

- The reasons for listing properties at New Earswick are noted in the many descriptions for individual blocks and these include the association with Joseph Rowntree and the influence he and the village had through the whole of the United Kingdom on the development of high standard public housing for the less wealthy members of society.

- New Earswick as a cohesive architectural design has survived remarkably well and still displays those features that were influential in the national context. Fairly radical changes to aspect and layout of the properties have taken place in the last 100 years providing greater comfort and facilities for residents and in the spirit of Joseph Rowntree who wished his workers to have housing that was of a good standard and that was socially appropriate.

- PPG15 (paragraph 1.3) emphasises that it is the management of change that is the primary issue with historic assets.

- Paragraph 3.13 of PPG15 is quoted (see paragraph above)

- The 1960 English Joinery Manufacturers Association (EJMA) windows are in 2009 reaching the stage where replacement windows is required and with energy prices rising rapidly, the poor thermal performance of the windows imposes a heavy cost upon tenants on low incomes. There is therefore an imperative for their replacement. The JRHT acknowledges the historic merit of the village and is seeking to reconcile these often conflicting objectives of preservation and improvement.

- The proposal put forward that is represented by a prototype timber window incorporating sealed double-glazed units. This has been discussed with the council for almost two years and significant alterations to the proposals have been made in response to the comments of the Conservation Officers. The proposed windows are considered to be an effective compromise.

- When tested against heritage policy as set out in paragraph 3.5 of PPG15 in relation to the defined special interest of a listed building, the proposal as revised in option B for the casement windows is acceptable in preserving the special interest i.e. not causing harm. Therefore listed building consent should be granted.

- The changes made to the small sealed units since May 2009 have satisfactorily addressed the cumulative effect of the reflective quality of the spacer beads of the units.
- The proposed treatments of both the larger casement window units and the multi-paned windows are acceptable.
- The dry-lining proposals are acceptable.
- section 3.10 of the report defines the 'special interest' of the buildings it is an important point with reference to PPG15 that the proposals enable the original use of the listed buildings as family dwellings to be preserved.
- The windows are considered to be acceptable for both the listed and unlisted dwellings of the village and as such would preserve the uniformity of appearance that is an important part of the visual appearance of the area.
- PPG15 requires that a first stage is to assess what makes up the 'special interest' of the listed building that gives rise to designation. It is considered that the report does this.
- The special interest of the buildings would be preserved i.e. not harmed
- It falls to the decision maker to weigh any loss of special interest that they might judge to occur against other wider planning policies including PPS22 on climate change.

4.17 The additional statement concludes:-

- Having viewed the application against the new PPS5 and accompanying practice guide Roger Wools concludes that the special interest of the listed buildings would be preserved i.e. not harmed
- PPS5 states that it is the duty of the decision maker to weigh any potential loss of interest that it might judge to occur against other wider planning policies including PPS22 on climate change.
- There are no significant changes between PPG15 and PPS5 that would militate against the approval of the submitted development. The PPS does however incorporate recent Government policy on climate change and the need to address these issues. This is new in terms of heritage policy and a material consideration that adds support to the applications.

4.18 The Local Planning Authority is required by PPS5 Historic Environment Planning Practice Guide, Paragraph 14 and 17 to identify and define the 'nature of the interest and the significance of the interest'. With regard to the Listed Buildings at nos 1-20 Ivy Place, New Earswick, the general criteria for assessment of the current proposals (the definition of the nature of the interest and the significance of the interest) are considered to be as follows:-

i. The buildings and layout for New Earswick were designed by the architects, Barry Parker and Raymond Unwin, notable as pioneers of the Garden City movement, and of national significance. Parker and Unwin closely considered the harmonious relationship between adjacent buildings and between buildings and their settings within the village. The simplicity of the design of the village architecture followed Morris' ideals of truth of materials and honesty of construction. Unifying features in the design of the dwelling houses are the gables, hipped roofs and design of the fenestration, where windows are formed of multiples of a single standardised glass pane. Standardisation of design and materials formed a unifying element of the village architecture. The special architectural and historic interest of the Listed dwelling houses at New Earswick is defined by the design philosophy employed by Parker and Unwin in the layout, architectural design of buildings and spaces that exist at New Earswick.

ii. Parker and Unwin's standardised designs for terraces of cottages in New Earswick are of national significance as prototypes of municipal housing developed in Britain from the 1920's onwards as part of the 'Homes for Heroes' building campaign. As stated in the list descriptions for nos 1-20 Ivy Place, 'The particular significance of New Earswick lies in its contribution to the development of low cost housing in Britain. Experience gained and practices introduced here were incorporated extensively into the Tudor Walters Report of 1918 which was instrumental in the passing of the Addison Act of 1919. Plans from New Earswick influenced the Government Manual on low cost housing which followed the Act.' As stated in section i., it is Parker and Unwin's layout, design, and materials of the cottages at New Earswick that defines the special architectural and historic interest of the buildings.

iii. The dwelling houses at nos 1-20 Ivy Place are arranged as four terraces around a three sided quadrangle. The unity of the scale, design and materials of this group of dwelling houses is consistent within this part of New Earswick, to the east of Haxby Road. The Listed Buildings' share the particular architectural forms or details of other buildings nearby'. The standardised design of the dwelling houses including the gables, roofs and fenestration pattern arranged within a masterplan designed by Parker and Unwin, forms part of the special architectural and historic interest of this group of Listed Buildings and is recognised in the designation of New Earswick as a Conservation Area.

4.19 The Conservation Officer acknowledges that, in principle, the installation of double glazed timber framed windows to the listed dwelling houses is likely to improve the thermal performance of the buildings, enhance the living conditions of tenants and bring associated benefits to the local community. However, the Conservation Officer has considered the details of the window design and has concluded that the proposed design is likely to have a negative effect on the significance of the individual designated heritage assets and this 'large asset' (see paragraph 4.9 above) or group of Listed Buildings at New Earswick because the standardised design by chosen window manufacturer, Whitakers Windows, has severely restricted the design of the replacement windows due to standardised factory manufacturing processes. The Conservation Officer considers that the proposed designs for the replacement windows are likely to have a negative effect

on the significance of the designated heritage assets or the special architectural interest of the Listed Buildings for the following reasons;

i) Thickness of the frame and the ratio of the glazing to the timber frame. In order to accommodate the thickness of the double glazed unit and the multi point locking system, the frames are broader than those for single glazing. This results in a clumsy appearance with proportionally thicker frames and less glazing present. Other more acceptable manufactured types of timber framed double glazed windows are available.

ii) Thickness of the double glazed unit and appearance of the spacer bar. The thickness of the double glazed unit is proposed at 28mm. Due to the thickness of the glazed unit it is possible to view the spacer bar and two panes of glass that form the unit, on closer inspection, from the exterior. The spacer bar appears visually intrusive within the context of the traditional design of the Listed dwelling house.

iii) Applied or 'stuck on' surface mounted glazing bars to external face of double glazed unit. It is proposed to replicate the existing multi pane windows by means of the introduction of an applied or 'stuck on' glazing bar, that does not present a convincing or authentic appearance as a true glazing bar when viewed, on closer inspection, from the exterior.

iv) Timber beads and aluminium beads at base of the double glazed unit. The beading replaces the putty line to the exterior of the windows. The profile and width of the beads contributes to the uncharacteristic heavy appearance of the window frames. The aluminium bead at the base of the double glazed unit is likely to have a different weathered appearance from the adjacent timber beads. There is a visible, horizontal gap between the base of the aluminium bead and the frame of the sash that detracts for the traditional appearance of the Listed dwelling house.

v) Visible horizontal gap beneath base of sash window and frame. In addition to the visible gap between the aluminium bead and the timber frame of the sash window, there is a visible gap between the base or bottom rail of the sash window and the outer frame. This visible, horizontal gap is repeated at the base of each sash window and detracts from the traditional appearance of the Listed dwelling house.

vi) Use of friction hinges and modern ironmongery/handles. The casements with friction hinges have a different appearance to the existing casements with butt hinges. The friction hinges create a visual separation between the open sash and the frame. The modern handles have the appearance of those for modern UPVC replacement windows and fail to respect the traditional character of the existing window furniture.

4.20 Both the Conservation Officer and the applicant's specialist Heritage Consultant, in general, define the nature of the interest and the significance of the interest of the buildings in more or less the same way. The main areas at issue are the emphasis placed on the part which the windows play in adding to the special interest of the buildings, whether the particular details of the proposed window are

acceptable and whether there are such community benefits that are of overriding importance.

4.21 Policy HE9 of PPS5 says that where it is considered that a proposal has a harmful impact on the significance of a designated heritage asset, which is less than substantial harm, local planning authorities should weigh the public benefit of the proposal against the harm. The Applicant's Specialist concludes that the differences in the windows when compared with the existing will be negligible when viewed from the public realm and will be small but acceptable when viewed at close quarters. More weight is however attached to the community benefits that would accrue to residents from installing double glazed windows in terms of reduced heating bills. Other documentation submitted by the Joseph Rowntree Housing Trust to support the proposal indicates that the type of window required by the Conservation Officer would cost an additional £5,600 per dwelling unit (and possibly some impact on the type of guarantees provided for the windows).

4.22 The Conservation Officer does not object to the principle of double glazing, however, having had an opportunity to view the new windows already installed on the unlisted properties in Poplar Grove, still holds that the windows, for the reasons explained above, would be harmful to the special interest of the buildings. Furthermore, as an alternative to the current proposals for window replacements, secondary glazing and draught strips could be installed to the existing windows to improve their thermal performance. The Conservation Officer has concluded therefore that the proposed window designs will have a negative effect on the significance of the designated heritage assets or special architectural interest of the Listed Buildings that outweighs the public benefit of the improved thermal performance of the double glazed windows. Thermal performance of the Listed dwelling houses could be improved through the installation of secondary glazing and draught proofing measures that will not have a negative effect or harm the significance of the designated heritage assets and would ensure their optimum viable use.

4.23 There has to be significant sympathy for the tenants and the financial benefits to them of insulating the properties. There is also understanding that the Trust has limited budgets and the potential additional costs of an alternative new window, where there are so many properties that need to be refurbished, could be prohibitive. In terms of the tenants dry lining of the properties has already been approved under delegated powers and the Conservation Officer has indicated that whilst the detail of the particular window is likely to be harmful, the principle of the use of double glazed unit is acceptable. Officers conclude, therefore, that it is possible to meet the needs of the tenants and reduce their financial burden for heating costs. In terms of the Trusts additional financial burden in choosing another window type which would address (or partially address) the concerns of the Conservation Officer, the submitted details refer to an additional £5,600 per unit. However this is not supported by quotes from alternative window companies/ joinery firms or any other corroborative evidence and therefore it is difficult to attach significant weight to this argument. Furthermore there is little consideration of whether secondary glazing and draught strips could achieve a similar level of thermal performance, although Joseph Rowntrees say that it is an option not favoured by tenants, or that a more holistic approach that includes a range of measures to improve thermal performance has

been considered. A holistic approach could include a range of measures, such as the insulation of cold bridging locations including roofs/soffits to bay windows, the fitting of draught seals to openings and installation of loft insulation.

4.24 There remains a disagreement between the applicant's Specialist and the Conservation Officer regarding the acceptability of the window detail and in coming to a view in relation to the relevant merits of the arguments put forward, officers are mindful of advice within PPS5 which states at Paragraph 76 'The key to sound decision-making is the identification and understanding of the differing, and perhaps conflicting, heritage impacts accruing from the proposals and how they are to be weighed against both each other and any other material planning considerations that would arise as a result of the development proceeding.' The Conservation Officer, whilst accepting the principle of double glazing, has clearly set out the elements of the window detail that need to be improved for the detailed design to be acceptable and officers consider that the applicant has not clearly indicated, with supporting evidence, why these areas of concerns can not be addressed. For this reason, officers support the Conservation Officers view that the windows as submitted are unacceptable; the detailed design of the current proposals will have a negative effect on the significance of the designated heritage assets or the special architectural and historic interest of this group of Listed Buildings and should be resisted.

4.25 In terms of sustainability; since the previous refusal for the installation of the windows, new guidance in PPS 5 places greater emphasis on climate change and the need for climate change to be considered within the decisions relating to the historic environment. This is consistent with advice within PPS1 'Delivering Sustainable Development'. The applicant makes reference in his submission to PPS22 'Renewable Energy'. PPS22 discusses how to deal with applications submitted for renewable energy proposals but is relevant to this proposal in its opening paragraphs when it says that Government's aim to cut carbon emissions will be aided by improvements to energy efficiency. Local Plan policies, in particular GP4a, state that proposals for all development should respond to the principles of sustainable development. However, GP4a also states development should be of a high quality design with the aim of conserving and enhancing the local character and distinctiveness of the city. Whilst accepting that there is greater emphasis on the issues of climate change objectives within PPS5, officers are satisfied, based on the Conservation Officers advice, that it would be possible to achieve an appropriate double glazed window for the dwellings and therefore that it is possible with a differently designed window to achieve a better solution in terms of the visual quality of the buildings and area, and the sustainable objectives of both Central Government advice and Local Plan policy.

5.0 CONCLUSION

5.1 PPS5 states that the Government's objectives are to deliver sustainable development by ensuring that policies and decisions concerning the historic environment;

- recognise that heritage assets are a non-renewable resource
- take account of the wider social, cultural, economic and environmental benefits of heritage conservation; and

- recognise that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term.

5.2 The Conservation Officer acknowledges that, in principle, the installation of double glazed timber framed windows to the listed dwelling houses is likely to improve the thermal performance of the buildings, enhance the living conditions of tenants and bring associated benefits to the local community. However, the detailed design of the proposed timber framed double glazed windows is likely to have a negative impact on the special architectural interest of the Listed Buildings at nos 1-20 Ivy Place and their setting within the village. Furthermore there is no consideration of whether secondary glazing and draught strips could achieve a similar level of thermal performance or that a more holistic approach that includes a range of measures to improve thermal performance have been considered.

5.3 In terms of the Trusts additional financial burden in choosing another window type which would address (or come towards addressing) the concerns of the Conservation Officer; the submitted details refer to an additional £5,600 per unit. However, this is not supported by quotes from alternative window companies/ joinery firms or any other corroborative evidence and therefore it is difficult to attach significant weight to this argument.

5.4 Whilst accepting that there is greater emphasis on the issues of climate change objectives within PPS5 Officers are satisfied, based on the Conservation Officers advice that it would be possible to achieve an appropriate double glazed window for the dwellings and therefore that it is possible with a differently designed window to achieve a better solution in terms of the visual quality of the buildings and area and the sustainable objectives of both Central Government advice and Local Plan policy.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 It is considered that the proposed installation of a standardised design of window has severely restricted the design of the replacement windows due to standardised factory manufacturing processes. It is considered that the proposed replacement windows would be harmful to the special interest of the listed buildings and their setting due to their detailed design and appearance, in particular:

- (i) the thickness of frame and ratio of the glazing to the timber frame;
- (ii) the thickness of the double glazed unit and appearance of the spacer bar;
- (iii) the applied or 'stuck on' surface mounted glazing bars;
- (iv) the timber beads and aluminium beads at the base of the double glazed unit;
- (v) the visible horizontal gap beneath the base of sash window and frame and
- (vi) the use of friction hinges and modern ironmongery/handles.

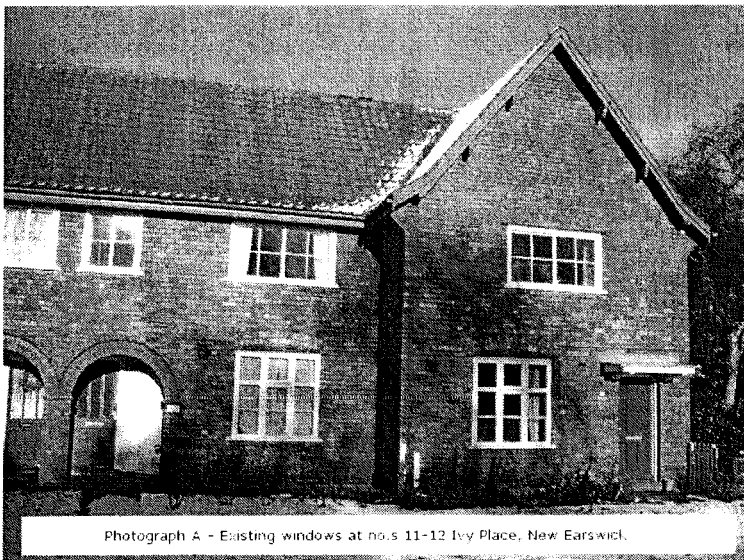
The design and appearance of the windows are considered to be contrary to Central Government advice in Policies HE1 and HE9 of Planning Policy Statement 5 'Planning for the Historic Environment', advice within the Historic Environment

Planning Practice Guide March 2010 and Policy HE3, Policy HE4 and GP4a of the City of York Draft Local Plan Incorporating the Fourth Set of Changes (Approved April 2005)

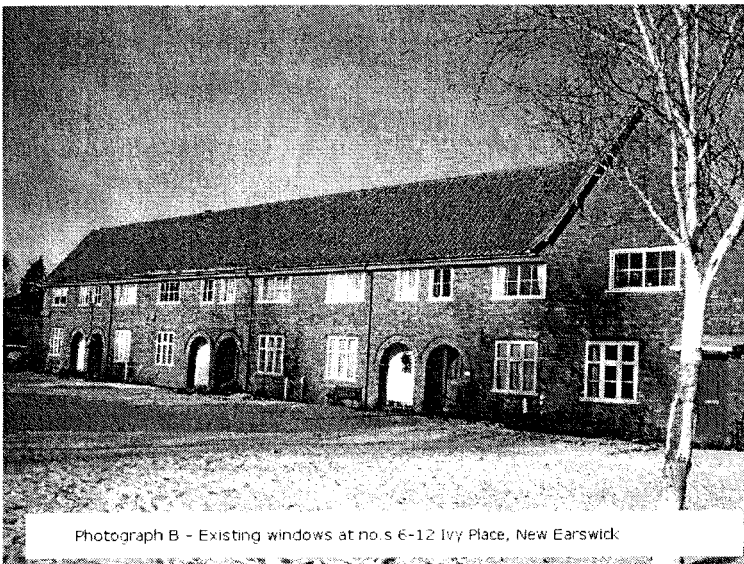
2 It is considered that the application is not supported by sufficient evidence to demonstrate that a more holistic, less harmful approach that includes a range of measures, including secondary glazing and draught strips, could not be installed to the existing windows in order to improve their thermal performance. This is considered to be contrary to Central Government advice contained within Planning Policy Statement 5 'Planning and the Historic Environment' and The Historic Environment Planning Practice Guide March 2010

Contact details:

Author: Diane Cragg Development Control Officer (Mon/Tues)
Tel No: 01904 551657



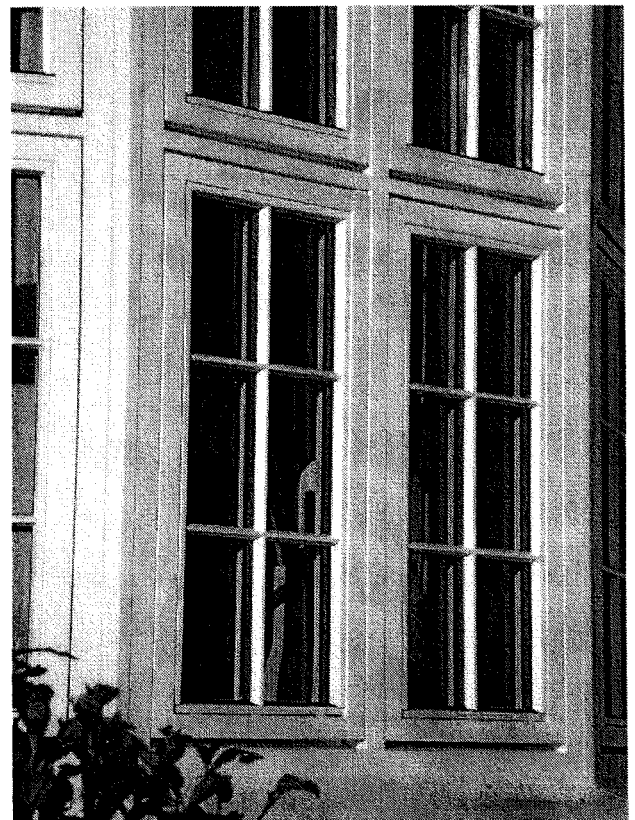
Photograph A - Existing windows at nos 11-12 Ivy Place, New Earswick.



Photograph B - Existing windows at nos 6-12 Ivy Place, New Earswick



Photograph C - Window samples at nos 1, 3, 5 and 7 Poplar Grove, New Earswick.



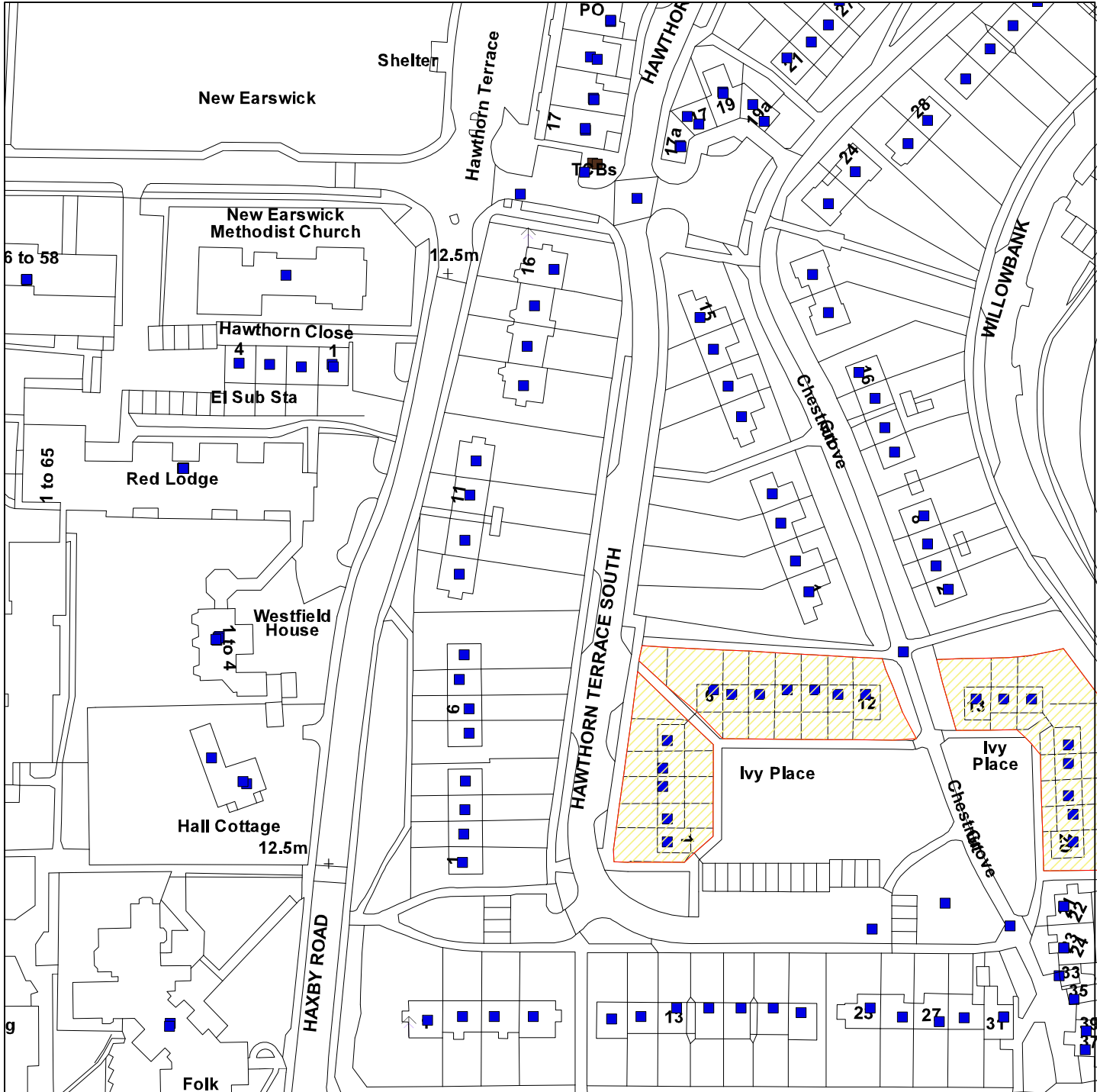
Photograph D - Window samples at nos 1, 3, 5 and 7 Poplar Grove, New Earswick:

Ivy Place, New Earswick

10/00427/LBC



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	01 June 2010
SLA Number	Not Set

COMMITTEE REPORT

Committee: East Area
Date: 10 June 2010

Ward: Fulford
Parish: Fulford Parish Council

Reference: 10/00178/FUL
Application at: Townends Accountants Harlington House 3 Main Street Fulford York. YO10 4HJ
For: Change of use from office (use class B1) to residential care home (use class C2) with internal and external alterations, two storey rear extension and dormers to rear roof slope
By: Milewood Healthcare Ltd
Application Type: Full Application
Target Date: 2 April 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 **SITE:** The application site is located on the western side of Main Street, within the village of Fulford. It comprises a three storey detached unlisted period property, Harlington House, with a part one storey and part two storey flat-roofed rear extension beyond which are various single storey ancillary buildings. A driveway leads from Main Street along the northern elevation of the main building to a car parking area at the rear of the site. Harlington House was last used for offices and the rear structures for various employment and industrial uses. The frontage building falls within the Fulford Village Conservation Area, though the rear buildings fall outside the boundary.

The site lies within an area of primarily residential uses. There are dwelling houses to the north, east and south, a guest house also to the south fronting Main Street and a large residential home and almshouses to the west on the opposite side of Main Street. The access road to the site also serves a single storey residential property to the east, 1 Main Street.

1.2 **PROPOSAL:** The application proposes the conversion and extension of the frontage property to accommodate a care home falling within Use Class C2 (Residential Institutions). The existing rear extensions would be replaced with a two storey extension the length of the existing single storey addition. The care home would provide living space for 11 residents in single bedrooms with shared kitchen, living and dining facilities. Staff facilities would also be provided within the extended building. Eight parking spaces are shown adjacent to the driveway with the remainder of the space at the rear being given to garden following the demolition of the existing buildings.

1.3 **APPLICANT'S CASE:** The following documents have been submitted with the application and form the applicant's case.

Design, Access and Sustainability Statement: This confirms the proposed use of the building as a care home to house 11 residents being cared for at the proposed residence. It states that the proposed operators manage many other care homes in the region with a care home in Strensall providing highly individual specialist care. The whole site is currently vacant, but the frontage building has been used as an accountant and financial services practice and more recently as a similar B1 office and the huts to the rear for various industrial businesses including a shirt factory and computer repairs.

Statement from Milewood Healthcare: The company was established in 2004 and operates nine homes in Yorkshire. It cares for clients who come from the local area and have a learning disability requiring support from a qualified team while living in the community. The residents live quite normal lives accessing the local colleges, etc. The company's home in Strensall has had no issue from any neighbours or community. Harlington House will be focused on providing learning disabled services for the city of York. The activities will have less impact locally than the site originally did and the proposal will improve what is a fairly run down industrial site.

The application has been amended to remove the proposed dormers on the rear roof slope and propose obscure glazing to new windows.

1.4 HISTORY: No relevant planning history for site recorded.

Application also before Council for erection of detached building at rear to provide additional accommodation for the proposed care home (10/00519/FUL).

1.5 The application has been called in for a Committee decision by Councillor Aspden, principally due to the impact on Fulford Conservation area, including the impact on views and the overdevelopment of the site. In addition, the amenity of local residents would be negatively affected by the development, and this includes traffic safety concerns.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Fulford CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYSP6
Location strategy

CYGP1
Design

CYGP3

Planning against crime

CYGP4A
Sustainability

CYGP11
Accessibility

CGP15A
Development and Flood Risk

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYT4
Cycle parking standards

CYH12
Conversion of redundant offices

CYH17
Residential institutions

CYE3B
Existing and Proposed Employment Sites

3.0 CONSULTATIONS

3.1 PUBLICITY:

The application was advertised by way of press and site notices as well as letters being sent to the parish council, adjacent residents and internal and external consultees. The consultation period has expired.

3.2 INTERNAL

Environmental Protection Unit - Raises some concerns regarding noise as set out below and recommend conditions to address:

- noise from early morning and late night deliveries to and from the site may have a detrimental effect on the amenity of nearby residents;
- noise from any air conditioning units or kitchen extraction units, which can affect neighbouring residential amenity;
- noise from the road may affect the amenity of future occupants of the development;
- noise associated with demolition and construction affecting neighbouring residents.

Highway Network Management - No objections to principle of this proposal, though highlight potential over-provision of car parking. Changes required to cycle parking, which could be secured by condition.

Environment and Conservation (Conservation) - Harlington House is of good architectural quality and appears unaltered. It is much taller than those around it, and consequently is prominent in the street scene. It makes a positive contribution to the special architectural or historic interest of the conservation area. The roof lights set high in the roof slope will be unduly prominent, with few others in the street scene. The dormers to the rear are disproportionately large and sit uncomfortably with the proportions of the building. By virtue of their location, scale and the prominence of the building in the street scene, they will be very prominent to the point of being obtrusive. Proposed alterations to windows on north west side elevation enhance the appearance of the building and its contribution to character of the conservation area. The rear extension is appropriate in scale and design (consideration to be given to roof oversail). The outbuildings are of no special architectural or historic interest. Due to the undue prominence of the roof lights to the front elevation and the obtrusive, overbearing dormers to the rear, the proposal fails to preserve the character of the conservation area.

York Consultancy (Drainage) - The development is in low risk Flood Zone 1 and should not suffer from river flooding. No objections, as the proposed development represents a reduction in impermeable hard paved area and subsequent reduction in surface water run-off.

3.3 EXTERNAL

Conservation Areas Advisory Panel - The panel felt that the extension was acceptable, however it was considered that the roof lights on the front were too visible in the street scene as were dormers on the rear elevation. The panel felt that conservation roof lights on the rear elevation would be acceptable.

Fulford Parish Council - Objects on following grounds:

- Regret loss of offices with weekday and office hour only operation;
- Proposed use will result in around the clock activity, transforming the quiet character of the area and causing disturbance and loss of amenity to neighbours;
- Changes to Harlington House would be out of scale in the conservation area and surrounding area and the dormer windows would be a further intrusive and uncharacteristic feature;
- Windows in extension will result in overlooking and loss of privacy to occupants of nos. 38-42 Anson Drive;
- Potential for increased noise and disturbance;
- Vital security lighting will increase the lighting pollution in area adversely affecting neighbours amenity and character of conservation area;
- Concerned about vehicles from house at rear reversing down drive onto A19;
- Parking provision is inadequate for numbers of residents and on-street parking will be lost by A19 road corridor scheme.

Representations from local residents and business owners of eight properties raising following concerns and objections:

- Insufficient information submitted about type of person to be cared for;
- Query re: level of car parking;
- Highway safety on A19 and shared driveway from increased traffic and vehicles reversing out because of loss of turning area in existing car park;
- On street parking hazard to A19 and affect ability of passing traffic to park;
- Private issues re: waste water and surface water drainage;
- Loss of light-industry and office uses with daytime working and minimum footfall and vehicle noise;
- 24 hour residential operation would result in impact on quiet residential area in terms of privacy, feeling of being overlooked and disturbance from increased traffic and noise from activity within the building and garden;
- Affect on house value and appeal due to type of care offered, increased activity and disturbance and change to outlook and privacy;
- Safety and security of area compromised due to accommodation of adults with learning difficulties and those that could be accommodated under Class C2 or from use as bail hostel;
- Conversion of building to four storeys results in unacceptable change in its appearance resulting in overbearing impact and property that is not in-keeping with other properties in area;
- Misleading statements and errors contained in supporting statements re: sustainability, disabled access;
- Reduces number of people that could be employed at the premises to 6 resulting in loss to the local economy;
- The site does not have the amenities for care and to serve the young people and their needs;
- Proposal, together with the building in grounds, will result in gross overdevelopment.

4.0 APPRAISAL

4.1 KEY ISSUES

- loss of employment premises;
- compatibility of use;
- affect on residential amenity;
- affect on heritage assets;
- impact on visual amenity;
- access, parking and highway safety;
- drainage issues.

4.2 POLICY CONTEXT

Relevant Central Government planning policy is contained in Planning Policy Statement 1: Delivering Sustainable Development (PPS1), Planning Policy Statement 3: Housing (PPS3), Planning Policy Statement 5: Planning for the Historic Environment (PPS5) and Planning Policy Statement 25: Development and Flood Risk (PPS25). PPS1 encourages good design that takes the opportunity to improve

the character of the local environment. PPS3 seeks to create sustainable, inclusive, mixed communities in all areas. PPS5 sets out the planning policies on the conservation of the historic environment. It requires local planning authorities to take into account the desirability of sustaining and enhancing the significance of heritage assets and ensure that new development makes a positive contribution to the character and local distinctiveness of the historic environment. It establishes the presumption in favour of the conservation of designated heritage assets. PPS25 outlines the approach to be taken in new developments to reduce flood risk.

The City of York Development Control Local Plan policies outlined in section 2.2 are material to the consideration of this application. Of particular relevance are policies HE2 and HE3 relating to development within conservation areas, E3b and H12 relating to loss of employment premises, and H17 relating to the provision of residential institutions.

4.3 LOSS OF EMPLOYMENT PREMISES

Local Plan Policy E3b seeks to protect land currently in use for employment from other forms of development. The site has previously been used for offices in the frontage building and a variety of employment uses in the units to the rear, including a shirt factory and computer repair business. There appears to have been no planning permission for these uses, but have become established and evolved over time. The last users of the site vacated approximately a year ago. Since this point, the site has been advertised for sale, though further confirmation is awaiting on this from the previous owners of the site as it has now been purchased by the applicant.

However, regardless of this, it is considered that the retention of industrial and office premises at the site is not necessary to meet the City's supply of employment land, in either quantitative or qualitative terms.

The industrial units (likely to be for light industrial uses falling under B1c, though could be general industrial B2) are not suitably located, due to the proximity to residential properties and the potential for noise disturbance from activity associated with their reuse. The buildings themselves are dated and may need rebuilding to offer facilities that meet modern requirements. Furthermore, the Employment Land Review undertaken on behalf of the Council, though it did not include this site, suggests that there is sufficient existing sites for light and general industrial sites to meet the City's requirements.

The Employment Land Review also suggests that there is adequate office space provision for the City's requirements and confirms that the policy impetus is for office premises to be provided within or adjacent to the City Centre. Again, there is the issue of the appropriateness of this building for modern office requirements.

Therefore, in light of the above, despite the lack of evidence regarding marketing of this site, it is considered that there are insufficient grounds to refuse the application on the basis of loss of industrial and office accommodation.

4.4 PRINCIPLE OF CONVERSION

The site is located within a sustainable location with good accessibility to the City Centre. The surrounding area is largely residential with dwellinghouses around the site and a bed and breakfast to the south at no. 5. Across the road are the Sir John Hunt Memorial homes and further south than this, the entrance into the Royal Masonic Benevolent Institute site, which comprises a care home and sheltered accommodation. The proposed use as a home providing residential accommodation for individuals in need of care but integrated into the community, is considered to be, in principle, an appropriate and compatible use. It accords with the aim of PPS3 to create sustainable, inclusive and mixed communities and with the general approach of 'care in the community'.

4.5 RESIDENTIAL AMENITY

Concern has been expressed by local residents and the owners of the business to the south, supported by the parish council, about the potential erosion of their amenity due to the 24/7 operation of the home. This is in terms of loss of privacy and disturbance associated with activity outside the hours of operation of those businesses that previously occupied the buildings on site and through the intended and potential future residents. The impact of a proposed development on residential amenity is a material consideration as can the fear of anti-social behaviour.

The main bulk of the building is already present. Any reuse of it would allow overlooking of surrounding properties and a degree of disturbance, including residential accommodation or offices. The only new windows facing the main objectors properties are to be obscure glazed, at an oblique angle, and with a separation distance of over 19m. As a result of this distance and the sheer size of the main building, any overshadowing is likely to be minimal.

Local residents perceive that the occupation of the building as a care home may result in disturbance from noise and anti-social behaviour. However, it is noted that this is a managed facility with a high staff to client ratio and therefore any issues arising would be able to be dealt with at source. Likewise, there would be a 24 hour staff presence at the site, which would highlight any issues of crime or anti-social behaviour around the building. There is also concern about light pollution and noise from vehicles moving at night when staff change shift. Whilst no external lighting is shown on the plans, a condition could be attached to control any such lighting that is to be installed in order to avoid glare and pollution. The number of staff stated is low and any disturbance from vehicles arriving or leaving at shift changes in the morning and late evening would be unlikely to cause significant harm over and above what can reasonably be expected in an urban area due to the numbers of vehicles involved, likely short time period of activity and presence of high boundary enclosures.

The Environmental Protection Unit has requested conditions to address the potential of noise disturbance to surrounding residents and future residents of Harlington House.

4.6 CONSERVATION AREA

Harlington House itself falls within, and makes a positive contribution to, the Fulford Village Conservation Area. Both the Conservation Area Advisory Panel and the Council's Conservation Officer raised concerns about the rear dormers and front roof lights. Revised plans have been submitted to remove the dormers to the rear, though retain the two conservation roof lights. Whilst their introduction is unfortunate, they would be positioned high in the roof slope on a tall building within the street scene. The side elevation and replacement extension would improve the appearance of the building and consequently the appearance of the conservation area. The use itself is residential in nature and there are examples of other care homes and sheltered accommodation in the vicinity and within the conservation area. As such, it is not considered that its character would not be unduly affected.

4.7 SUSTAINABILITY

One of the main themes of Central Government planning policy relates to the need to deliver sustainable development, as set out in Planning Policy Statement 1. The proposal involves conversion of an existing building in a sustainable location, close to the City Centre, local facilities and services, bus routes and the City's cycle network. The supporting statement submitted with the planning application considers the proposal against the Local Plan Policy GP4a (Sustainability) and confirms the sustainable location of the site.

4.8 PARKING, ACCESS AND HIGHWAY SAFETY

The existing vehicular access to the site is to be retained. This serves the site and a single dwelling house to the rear. The number of parking spaces to serve the use exceeds the Council's maximum parking standards though these are for sheltered accommodation not care homes. The Council's Highway Engineer has been consulted and raises no highway objection in principle, but queries the parking levels. The number of spaces takes account of the associated application for the ancillary building to the rear (10/519/FUL). A condition could be attached to require a revised parking scheme with reduced numbers in the event that the ancillary accommodation is not granted planning permission, which could include the provision of a turning area to avoid vehicles having to reverse along the shared drive onto the A19.

The revised plan shows a relocated cycle parking area that satisfies the Highway Engineer, subject to details being submitted via a condition.

4.9 FLOOD RISK

The site lies in Flood Zone 1 (Low Probability of Flooding) and as such is unlikely to suffer from river flooding. The proposal would reduce the extent of hard surfacing on site and would therefore be unlikely to increase surface water run-off.

The issue of drainage raised by the neighbour to the rear is a private matter and has been referred to the agent, who has confirmed that all new drainage to serve the site will take account of that from the neighbouring property and addressed accordingly.

4.10 OTHER MATTERS

The application submitted relates to the conversion and extension of Harlington House to a care home falling within Use Class C2 'Residential Institutions'. The applicant is Milewood Healthcare Ltd, who has confirmed in writing that the service they provide is for individuals with learning disabilities from the local area who are supported by a qualified team. However, and as pointed out by local residents, Use Class C2 includes other forms of residential institutions and facilities offering care to people in need of care.

The implications of the permitted change within Class C2 to other forms of residential care homes and whether it is possible to restrict this through condition is being investigated further and Members will be updated at the Committee. It is not usual, however, for such a restriction to be added as it would prevent care homes with similar characteristics and planning implications being able to operate from the site. Such conditions are, therefore, normally considered not to meet the test of reasonableness required of conditions, unless there are strong planning reasons to justify such a restriction.

The impact of the development on house values for surrounding properties raised by their occupants is unfortunately not a matter that can be taken into account as part of the consideration of this planning application.

5.0 CONCLUSION

5.1 The proposal involves the conversion and extension of a substantial unlisted building that is currently not occupied to a care home falling within Use Class C2. The building fronts and is accessed from the A19. It falls within the Fulford Village Conservation Area and is largely surrounded by residential properties.

5.2 Concern has been expressed by Fulford Parish Council and the local community in the vicinity of the site regarding the impact that a 24/7 operation as a care home could have on the character of the area and amenity of its residents. However, the application proposes a managed residential facility to allow supported care in the community for 11 individuals in 11 bedrooms with shared communal areas. The comments of residents are noted and whilst it is accepted that the operation of the facility would differ to that of office and light industrial uses, it is considered that the proposed use would be compatible with the residential uses and the level of activity generated unlikely to significantly erode the amenity that can be expected in an urban area.

5.3 On balance, the application is recommended for approval subject to 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:-

MIL/221/01 002 Rev.B dated 1.4.2010;
MIL/221/01 003 Rev.B dated 1.4.2010;

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 premises shall be used for a residential care home and for no other purpose, including any other purpose in Class C2 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: So that the Local Planning Authority may re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

4 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

New windows and roof lights;

Reason: So that the Local Planning Authority may be satisfied with these details.

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

Reason: So as to achieve a visually cohesive appearance.

6 Notwithstanding the details shown on the approved plans, an amended scheme for vehicle parking shall be submitted to and approved in writing by the Local Planning Authority, before commencement of the use of the extended building as a care home. The building shall not be occupied until the areas shown on the revised plan for parking and manoeuvring of vehicles have been constructed and laid out in accordance with the plan, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

7 HWAY18 Cycle parking details to be agreed

8 All deliveries to and despatch from the site shall be confined to 08:00 to 18:00 Monday to Friday, 09:00 to 18:00 on Saturday and not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents form noise.

9 Details of all machinery, plant and equipment to be installed in or located on the site as part of the use hereby permitted, which is audible outside the site boundary when in use, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include maximum (L_{Amax}) and average sound levels (L_{Aeq}), octave band noise levels, the position of plant, equipment and machinery and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the Local Planning Authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed first use and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the local residents and occupants of the development.

10 Prior to the commencement of the development, a scheme shall be submitted to and approved in writing by the Local Planning Authority, demonstrating that the building envelopes shall be constructed to achieve internal noise levels of 30 dBA Leq 1 hour and 45 dB(A) L_{max} (between 23:00-07:00) in bedrooms and 35 dB(A) Leq 1 hour (between 07:00-23:00) in all other habitable rooms. These noise levels are with windows shut and other means of acoustic ventilation provided. Once approved in writing this scheme shall be implemented before the use hereby approved is occupied.

Reason: To protect the amenity of the residents.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- loss of employment premises;
- compatibility of use;
- affect on residential amenity;
- affect on heritage assets;
- impact on visual amenity;
- access, parking and highway safety;
- drainage issues and flood risk

As such the proposal complies with national planning advice contained within Planning Policy Statement 1: Delivering Sustainable Development (PPS1), Planning Policy Statement 3: Housing (PPS3), Planning Policy Statement 5: Planning for the

Historic Environment (PPS5) and Planning Policy Statement 25: Development and Flood Risk (PPS25) and policies SP6, GP1, GP4A, GP15A, HE2, HE3, T4, H12, H17 and E3b of the City of York Development Control Local Plan.

Contact details:

Author: Hannah Blackburn Development Control Officer

Tel No: 01904 551477

COMMITTEE UPDATE – 10 June 2010

Plans Item 4c – Harlington House, 3 Main Street, Fulford, York (10/00178/FUL)

Plans Item 4d – Harlington House, 3 Main Street, Fulford, York (10/00519/FUL)

History for site

Following further investigation, the full relevant planning history for the site has been identified as is as follows:-

First record found is for 1974, when permission granted for use of buildings for storage purposes. No industrial process or retail sales were permitted and the hours of commercial deliveries were restricted to between 7:00 and 19:00 and not on Sundays.

The building(s) appears to have become offices in late 1970's with permission in 1985 for change of use of loading bay to offices/store and various applications allowed for extensions in 1991.

In 1985 permission was granted for one of the office buildings to manufacture of clothing. This prevented retail sales, external storage, the assembly of articles or activities of the nature of manufacture to take place and machinery operation to between 7:00-19:00 and required a minimum of 4 car parking spaces.

Additional comment from applicant

Letter from agent in response to points raised at site visit:-

- Revised drawings submitted to reduce number of roof lights on rear block, reducing perceived overlooking issues;
- Landscape plan submitted to show cohesive solution to site. Confirmation that garden and amenity requirements were designed in conjunction with Milewood Healthcare and their objectives for their potential residents. Courtyard style garden will act as a planting base and would be enhanced for micro garden and raised planter projects, including mini vegetable plots at east and south parts of garden;
- Intention for domestic style porch lights over the entrance doors, garden and car park;
- Information about history of site and marketing. Main building has been empty since last year and the rear buildings since 2005. The site went on sale in August 2009 and the current owners, Milewood Healthcare, completed their purchase in January 2010. The existing buildings are outdated and in need of upgrading with the rear buildings no capable of meeting sensible modern requirements;
- Proposed use would create significant employment creating a home for 19 residents with higher level of care;
- Shift changes approximately 8am and 8pm with little or no activity after this time in the evening. Normal activity during the day.
- Disabled bay included in car parking area. Project with be subject to normal DDA and Part M compliance as part of building regulations, with housing of client group determined by City of York Council;

Application 10/00178/FUL

COMMITTEE UPDATE – 10 June 2010

Plans Item 4c – Harlington House, 3 Main Street, Fulford, York (10/00178/FUL)

Plans Item 4d – Harlington House, 3 Main Street, Fulford, York (10/00519/FUL)

Additional condition controlling external lighting at the site:-

Details of any external lighting for the buildings and site shall be submitted to and approved in writing by the Local Planning Authority prior to being installed. Reason: In the interests of residential amenity.

Application 10/00519/FUL

Additional responses

Two additional emails from local residents, raising following points:

- would block pleasant view to Fenby Fields;
- noise disturbance day and night;
- light pollution;
- scale and nature not in-keeping with area;
- detrimental effect on feeling of integrity and security of the neighbourhood;
- site to retain as B1 status;
- affect value of adjacent properties.

Response from City Archaeologist:- Requires archaeological watching brief on all groundworks as the site lies in an area which has produced significant prehistoric, Roman and medieval features and deposits.

Response from Environmental Protection Unit:- Similar concerns as application for conversion of main building. Requests condition relating to all machinery, plant and equipment be attached to address concerns and informatives regarding contamination and hours of construction works.

Response from York Consultancy (Drainage):- The development is in low risk Flood Zone 1 and should not suffer from river flooding. As the proposed development represents a reduction in impermeable hard paved area and subsequent reduction in surface water run-off then the Engineering Consultancy has no objections.

Additional conditions and informative

- Amend condition 2 to take account of revised plans showing reduced numbers of roof lights. Plan numbers to read:- MIL/221/02 002 Rev.A, MIL/221/02 003 Rev.A and 9001/101.
- ARCH2 (Watching brief)
- NOISE7 (Hours of construction work)
- HT1 (Height of development) - 6.7 metres.

COMMITTEE UPDATE – 10 June 2010

Plans Item 4c – Harlington House, 3 Main Street, Fulford, York (10/00178/FUL)

Plans Item 4d – Harlington House, 3 Main Street, Fulford, York (10/00519/FUL)

- The low level roof lights on the north facing roof slope required for means of escape, shall be fitted with obscure glazing and shall remain as such at all times. Reasons: In the interests of residential amenity.
- Details of all machinery, plant and equipment to be installed in or located on the site as part of the use hereby permitted, which is audible outside the site boundary when in use, shall be submitted to and approved in writing by the local planning authority. These details shall include maximum (L_{Amax}) and average sound levels (L_{Aeq}), octave band noise levels, the position of plant, equipment and machinery and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed first use and shall be appropriately maintained thereafter. Reason: To protect the amenity of the local residents and occupants of the development during operation of any noise emitting machinery, plant and equipment.
- Details of any external lighting for the buildings and site shall be submitted to and approved in writing by the Local Planning Authority prior to being installed. Reason: In the interests of residential amenity.

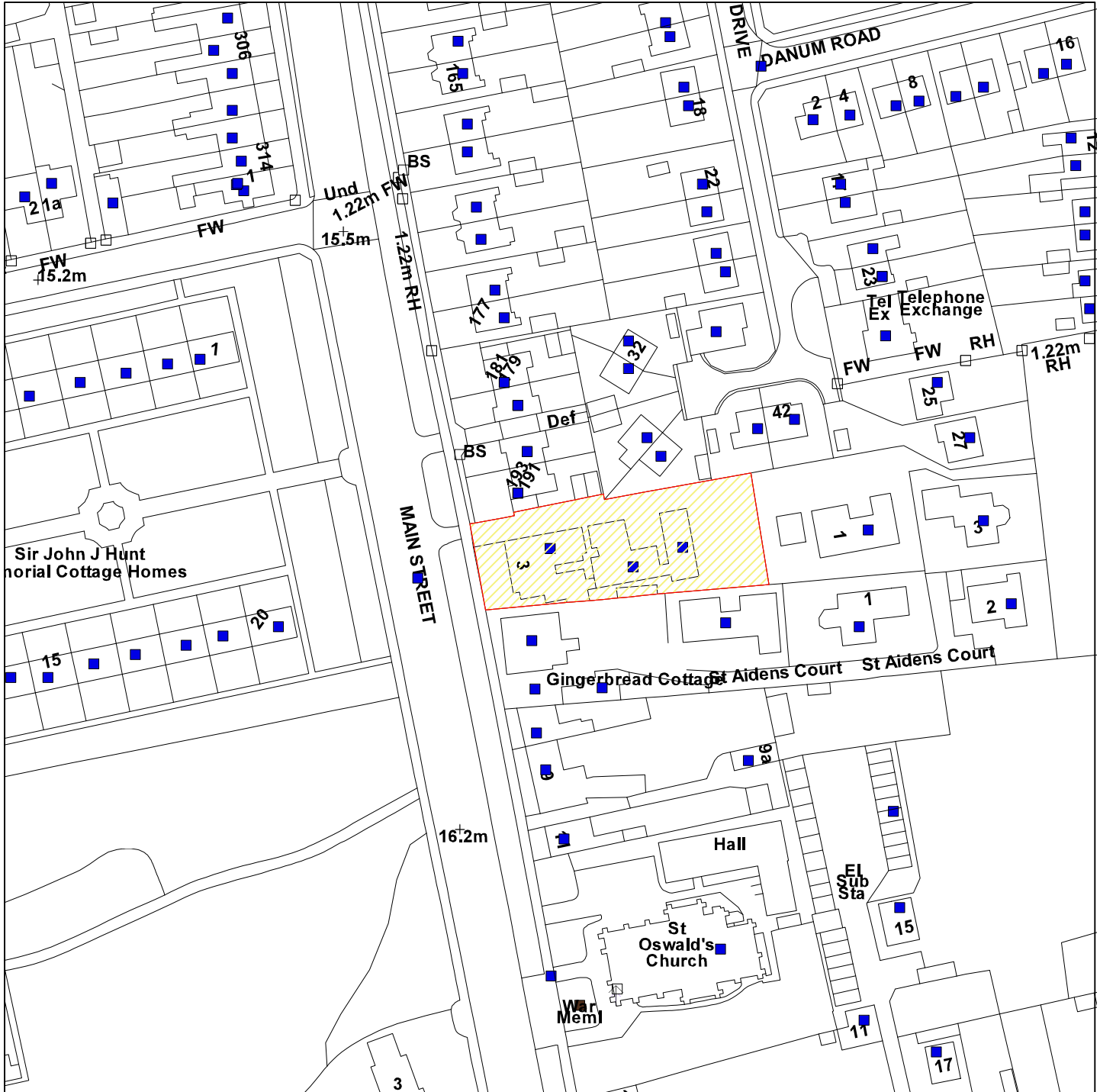
Informative: Contamination.

Harlington House, 3 Main Street, Fulford York

10/00178/FUL and 10/00519/FUL



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Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	01 June 2010
SLA Number	Not Set

COMMITTEE REPORT**Committee:** East Area**Ward:** Fulford**Date:****Parish:** Fulford Parish Council**Reference:** 10/00519/FUL**Application at:** Townends Accountants Harlington House 3 Main Street Fulford York, YO10 4HJ**For:** One and a half storey pitched roof ancillary building for use as a residential care home to rear of Harlington House (amended scheme)**By:** Milewood Healthcare Ltd**Application Type:** Full Application**Target Date:** 19 May 2010**Recommendation:** Approve**1.0 PROPOSAL**

1.1 This application is associated with that for the conversion and extension of the frontage building at the site (ref:10/00178/FUL), also considered on this agenda. It involves the erection of a stand alone building in the rear garden of the frontage building following demolition of the existing single storey buildings formerly in employment uses. The rear part of the site within which the building is proposed, falls outside the Fulford Village Conservation Area. The building would consist of a one storey building with a second floor within the roof space. It would be ancillary to the proposed use of the frontage building as a care home (Use Class C2), providing eight rooms (referred to on drawings as units), with ancillary communal accommodation. The roof of the building would be hipped and would have conservation roof lights in all roof slopes other than that facing 1 Main Street to the rear of the site. The supporting statement submitted is the same as for the application for the main building.

1.2 The application has been called in for a Committee decision by Councillor Aspden, principally due to the impact on Fulford Conservation area, including the impact on views and the overdevelopment of the site. In addition, the amenity of local residents would be negatively affected by the development, and this includes traffic safety concerns.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Fulford CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYSP6
Location strategy

CYGP1
Design

CYGP3
Planning against crime

CYGP4A
Sustainability

CYGP9
Landscaping

CGP15A
Development and Flood Risk

CYHE2
Development in historic locations

CYH17
Residential institutions

CYE3B
Existing and Proposed Employment Sites

3.0 CONSULTATIONS

3.1 PUBLICITY:

The application was advertised by way of press and site notices as well as letters being sent to the parish council, adjacent residents and internal and external consultees. The consultation period has expired.

3.2 INTERNAL

Highway Network Management - No objections to principle of this proposal subject to conditions, though highlight potential over-provision of car parking and dimensions of parking bays.

Environment and Conservation (Conservation) - The revised scheme is something of an improvement in that the scale has been reduced and dormers omitted. However, the design is uninteresting, employing the idiom of a small domestic bungalow, to a building of substantial scale. This would not be an issue were it not for the haphazard arrangement of the rooflights, particularly on the northwest elevation.

The number, and alignment on three different levels will draw attention, to the detriment of the setting of Harlington House, and the contribution the site makes to the character and appearance of the conservation area. The number of roof lights could be reduced without substantial loss of amenity within the building. Requests conditions, should planning permission be granted.

Environment and Conservation (Countryside) - Requests bat mitigation and enhancement measures given the potential for bat habitats in the existing single storey buildings on site that are to be demolished to allow for the new building.

3.3 EXTERNAL

Fulford Parish Council - objects to the application.

- Harm to conservation area due to over-development and views of new ancillary building;
- Lack of usable amenity space;
- Amenity of neighbours from overlooking and loss of privacy, noise nuisance seven days a week;
- Security and crime at site as no clear separation of public and private spaces nor security lighting;
- Parking provision is insufficient and does not include disabled bays;
- Road safety.

Letters from residents of five residential properties and one business, raising objections on following grounds:

- building would block out winter sunlight;
- loss of employment site;
- disturbance from a "24/7" care home rather than business hours;
- mass and overdeveloped appearance;
- detract from whole ethos of Fulford area and conservation area;
- loss of privacy from roof lights;
- building not DDA compliant;
- security lighting is unacceptable;
- impact on value of property;
- concern about potential change within Use Class B2 in future;
- plans propose bringing buildings containing volatile people within feet of homes;
- loss of outlook;
- risk and danger to local community.

4.0 APPRAISAL

4.1 KEY ISSUES

- loss of employment premises;
- compatibility of use;
- affect on residential amenity;
- affect on heritage assets;

- impact on visual amenity;
- access, parking and highway safety;
- drainage issues.

4.2 POLICY CONTEXT

Relevant Central Government planning policy is contained in Planning Policy Statement 1: Delivering Sustainable Development (PPS1), Planning Policy Statement 3: Housing (PPS3), Planning Policy Statement 5: Planning for the Historic Environment (PPS5) and Planning Policy Statement 25: Development and Flood Risk (PPS25). PPS1 encourages good design that takes the opportunity to improve the character of the local environment. PPS3 seeks to create sustainable, inclusive, mixed communities in all areas. PPS5 sets out the planning policies on the conservation of the historic environment. It requires local planning authorities to take into account the desirability of sustaining and enhancing the significance of heritage assets and ensure that new development makes a positive contribution to the character and local distinctiveness of the historic environment. It establishes the presumption in favour of the conservation of designated heritage assets. PPS25 outlines the approach to be taken in new developments to reduce flood risk.

The City of York Development Control Local Plan policies outlined in section 2.2 are material to the consideration of this application. Of particular relevance are policies HE2 and HE3 relating to development within conservation areas, E3b and H12 relating to loss of employment premises, and H17 relating to the provision of residential institutions.

4.3 APPRAISAL

This application relates to an ancillary block of accommodation to the proposed care home at Harlington House being considered under application 10/00178/FUL. The principle of the use at this site involving the loss of premises for employment uses is considered under that application, but is considered to be acceptable with an appropriate and compatible use being proposed. The main issue here is to consider the additional implications of developing within the grounds of the frontage building and the impact this has on the surrounding area.

The proposed building itself has little architectural merit, though does not draw attention away from the main frontage property and would be viewed against the backdrop of other lower level simpler designed properties that surround the site. The applicant has been asked and has agreed to reduce the number of roof lights in the north facing roof slope and have the remainder at a higher level, which is likely to be the only roof slope particularly visible from within the adjacent conservation area. Revised plans are awaited confirming this. The Conservation Officer, whilst commenting on the uninteresting design and number and alignment of roof lights, does not object to the scheme.

Whilst the building would be closer to the surrounding residential properties than the existing employment buildings proposed to be demolished under the application for the main property, particularly that to the south, it has been designed to minimise any impact. There would be no overlooking from the ground floor windows due to

the presence of high boundary walls and the roof lights have been positioned largely above the head height of an individual within the rooms they serve. Taking into account the distances, orientation and height of boundary walls, it is considered that the building would not cause any significant overshadowing of the surrounding properties.

Again, there is the issue of disturbance from noise and activity. However, this is a managed facility related to that of Harlington House with the amenity area that serves the two buildings enclosed between them. Although small, this is considered by the applicant to be sufficient for the purposes of the future residents of the site and its location away from boundaries with dwelling houses would minimise the potential for erosion of their amenity. In addition, it is likely that activity in the evenings and early mornings would be confined to within the building and therefore any potential disturbance to surrounding occupants would be reduced.

The number of parking spaces proposed under the application for Harlington House itself, would serve the two related buildings. A turning area has been provided for use by the care home, but also by the occupants of the dwelling house to the east, 1 Main Street. Although the Council's Highway Officer notes that the number of spaces is still above Council's maximum requirements and that the spaces themselves are below the recommended dimensions, he has not objected to the scheme.

The Council's Countryside Officer has requested a condition be attached to any approval to mitigate any disturbance to, and enhance, bat habitats.

5.0 CONCLUSION

5.1 On balance, the proposal to provide a two storey ancillary building to the rear of Harlington House in association with the operation of the frontage property, is considered to be acceptable subject to 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:-

MIL/221/02 002 dated March 2010;

MIL/221/02 003 dated March 2010;

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 premises shall be used for a residential care home in connection with

Harlington House and for no other purpose, including any other purpose in Class C2 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: So that the Local Planning Authority may re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

4 VISQ8 Samples of exterior materials to be app

5 VISQ7 Sample panel ext materials to be approv

6 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Vertical section through side elevation of building indicating eaves, window head, window, sill, wall and plinth detail at scale of 1:10;
Roof lights - to be flush fitting;

Reason: So that the Local Planning Authority may be satisfied with these details.

7 No development shall take place until full details of what measures for bat mitigation and conservation are proposed and have been submitted to and approved by the Local Planning Authority. The measures shall include:

- i A plan of how demolition work is to be carried out to accommodate the possibility of bats being present;
- ii Details of what provision is to be made within the new building to replace the features lost through the demolition of the original structure. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts and should at least replace or substitute for what is existing;
- iii The timing of all operations.

The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Council.

Reason: To take account of and enhance habitat for a protected species. It should be noted that under PPS9 the replacement/mitigation proposed should provide a net gain in wildlife value.

INFORMATIVE: If bats are discovered during the course of the work, then work should cease and Natural England consulted before continuing.

8 HWAY19 Car and cycle parking laid out

9 HWAY21 Internal turning areas to be provided

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- loss of employment premises;
- compatibility of use;
- affect on residential amenity;
- affect on heritage assets;
- impact on visual amenity;
- access, parking and highway safety;
- drainage issues and flood risk

As such the proposal complies with national planning advice contained within Planning Policy Statement 1: Delivering Sustainable Development (PPS1), Planning Policy Statement 3: Housing (PPS3), Planning Policy Statement 5: Planning for the Historic Environment (PPS5) and Planning Policy Statement 25: Development and Flood Risk (PPS25) and policies SP6, GP1, GP4A, GP15A, HE2, HE3, T4, H12, H17 and E3b of the City of York Development Control Local Plan.

Contact details:

Author: Hannah Blackburn Development Control Officer

Tel No: 01904 551477

COMMITTEE REPORT

Committee: East Area

Ward: Heworth Without

Date:

Parish: Heworth Planning Panel

Reference: 10/00722/FUL

Application at: 3 Westlands Grove York YO31 1DR

For: Erection of single storey orangery to rear

By: Mr & Mrs W Woolley

Application Type: Full Application

Target Date: 17 June 2010

Recommendation: Approve

1.0 PROPOSAL

1.1 The Site.

The application relates to a traditional hipped roof detached dwelling located on Westlands Grove off Stockton Lane. The existing dwelling incorporates a two storey side extension consisting of an integral garage with first floor bedrooms, set back from the principal elevation. A further two storey extension is situated to the rear, incorporating a flat roof single storey element supporting a balcony and railings at first floor level. The property is set back from the public highway behind a modest brick wall and privet hedge.

1.2 The Proposal.

Planning permission is sought to erect a single storey extension ("orangery") situated to the rear of the flat roof extension. The proposed extension would measure approx 2.7 metres in height incorporating a flat roof with a pitched aluminium framed "lantern" set into the roof, giving a total height of approx 3.4 metres. The extension would project from the rear wall of the dwelling by approx 3.8 metres, with a total width of approx 6.0 metres.

1.3 Property History.

Erection of a two storey pitched side and rear extension and single storey flat roof rear with balcony and railings approved 6th August 1996 (Ref:7/04/8883/FUL)

1.4 The application is to be considered at the East Area Planning Sub - Committee because the applicant is an employee of City of York Council.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

3.1 Internal

None Consulted

3.2 External

3.2.1 Heworth Planning Panel - No comments received at the time of writing.

3.2.2. Adjacent occupiers were consulted on 7th May 2010 - no comments received at the time of writing.

3.2.3 Any responses received will be reported verbally.

4.0 APPRAISAL

4.1 Key Issues

1. Impact on the existing dwelling.
2. Impact on neighbours.
3. Impact on the surrounding area

The relevant policies and guidance:

4.2 PLANNING POLICY STATEMENT 1 sets out the Government's overarching planning policies. It sets out the importance of good design in making places better for people and emphasises that development that is inappropriate in context or fails to take the opportunities available for improving an area should not be accepted.

4.3 Draft Local Plan Policy CYH7 - 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.

4.4 Draft Local Plan Policy CYGP1 - sets out a series of criteria that the design of development proposals are expected to meet. These include requirements to (i)

respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.4 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that good design and a scale of development that respects the original dwelling are essential to making a quality extension (para 1.12).

4.6 Design:

The development would extend approximately 6.0 metres along the rear elevation with a projection of 3.8 metres and is considered to be acceptable in terms of size and scale and its relationship to the existing dwelling. There will still be a large area of amenity space following development. Matching brickwork would be used with substantial areas of glazing in painted hardwood frames. The pitched aluminium framed "lantern" would provide an interesting and attractive design feature. The structure as a whole would remain subservient to the size and scale of the existing house.

4.7 Visual Amenity:

The development would use an appropriate style of materials in keeping with the character, design and external appearance of the existing property and the surrounding area. Due to its position on the rear of the property the extension would not be visible from the street and thus would have little or no impact on the character or appearance of the area

4.8 Impact on the Neighbours

The development would be located approximately 2 metres away from the boundary with the adjacent semi-detached property at 5 Westlands Grove, and approximately 3 metres from the boundary with 1 Westlands Grove. Both boundaries are well screened. The extension is single storey with a flat roof containing a raised "lantern" which would be glazed and of lightweight appearance. Having regard to the size and scale of the extension and the separation distances to the site boundaries, it is considered that the proposal would not result in direct overshadowing or loss of light nor create an overbearing dominant structure when viewed from the adjacent neighbouring properties. In addition, adjacent dwellings to the rear of the proposal located on Stockton Lane are of a significant distance away and would not be materially affected.

5.0 CONCLUSION

The proposed extension would not have a detrimental impact on the surrounding neighbourhood or an overbearing impact on adjacent properties within close proximity of the proposal. Thus the proposal is considered to be in accordance with Draft Local Plan Policies GP1 and H7 and national planning advice in relation to design contained within PPS1. As such approval is recommended.

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:-

Drwg No OM14683-PI Rev A

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

3 VISQ1 Matching materials

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposed single storey extension, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the residential amenity of neighbours and the effect on the character and appearance of the streetscene. As such the proposal complies with Policies H7 and GP1 of the City of York Local Plan Deposit Draft.

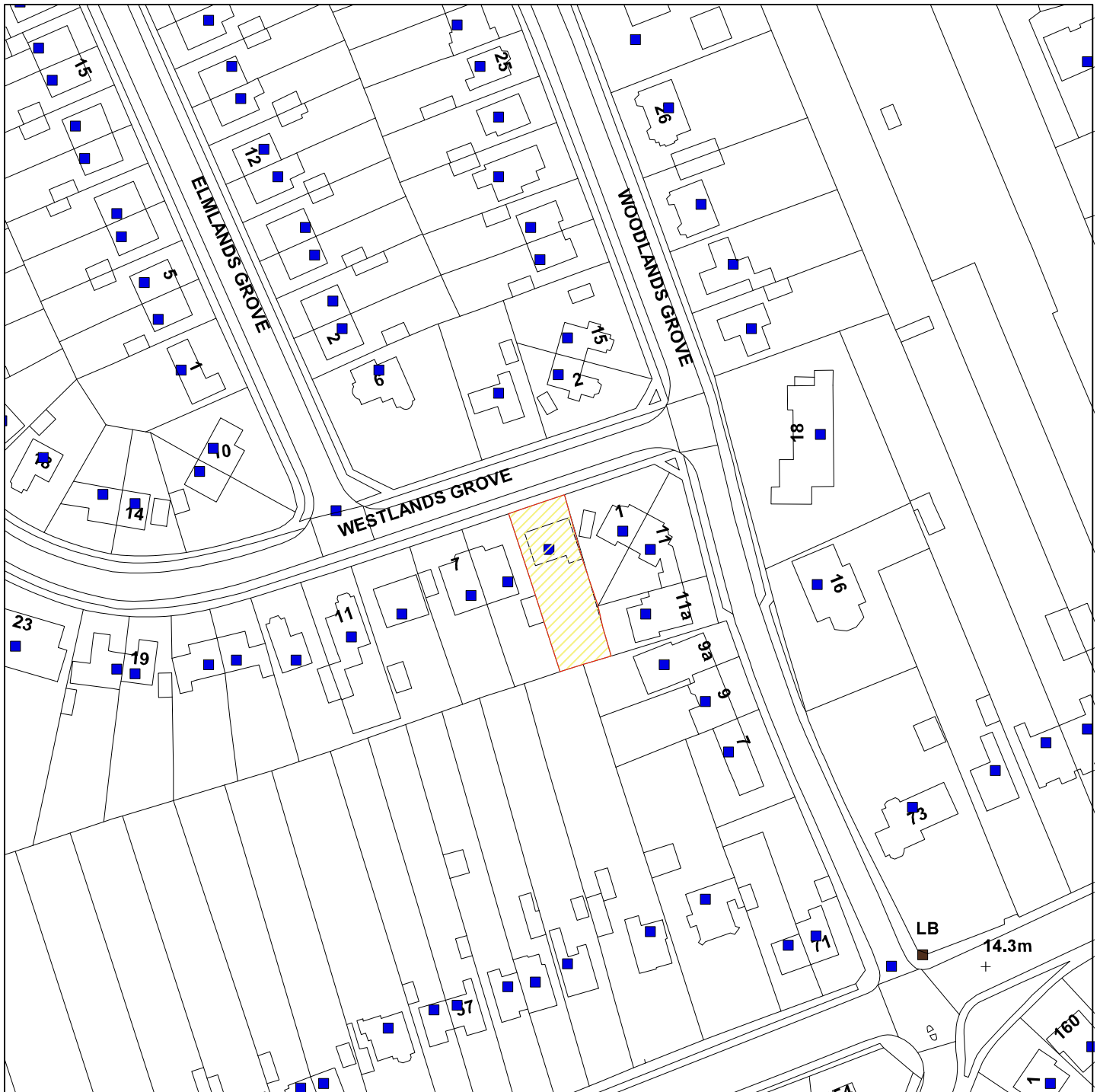
Contact details:

Author: Sharon Jackson Development Control Assistant

Tel No: 01904 551359

3 Westlands Grove

10/00722/FUL



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	01 June 2010
SLA Number	Not Set