



## Notice of a public meeting of

### Planning Committee B

- To:** Councillors Hollyer (Chair), Melly (Vice-Chair), Craghill, Crawshaw, Daubeney, Fisher, Galvin, Orrell and Perrett
- Date:** Thursday, 10 November 2022
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

### AGENDA

**1. Declarations of Interest**

At this point in the meeting, Members are asked to declare any disclosable pecuniary interest or other registerable interest they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests.

**2. Minutes**

(Pages 1 - 12)

To approve and sign the minutes of the last Planning Committee B meetings held on 17 October 2022 and 19 October 2022 [to follow].

**3. Public Participation**

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

**Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is 5:00pm on Tuesday, 8 November 2022.**

To register to speak please visit [www.york.gov.uk/AttendCouncilMeetings](http://www.york.gov.uk/AttendCouncilMeetings) to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

## **Webcasting of Public Meetings**

Please note that, subject to available resources, this meeting will be webcast including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at [www.york.gov.uk/webcasts](http://www.york.gov.uk/webcasts).

During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates ([www.york.gov.uk/COVIDDemocracy](http://www.york.gov.uk/COVIDDemocracy)) for more information on meetings and decisions.

### **4. Plans List**

This item invites Members to determine the following planning applications:

- a) **6 Garrow Hill Avenue, York, YO10 3HY** (Pages 13 - 28)  
**[22/00513/FUL]**  
Single storey side and rear extension with bin store to rear. [Hull Road Ward]
- b) **19 Hillcrest Avenue, Nether Poppleton, York,** (Pages 29 - 52)  
**YO26 6LD [22/00731/FUL]**  
Erection of detached dwelling with integral garage following demolition of dwelling. [Rural West York Ward]
- c) **York College, Sim Balk Lane, York, YO23 2BB** (Pages 53 - 80)  
**[22/01278/FULM]**  
Two storey side extension to the construction centre. [Dringhouses and Woodthorpe Ward]
- d) **56 Westminster Road, York, YO30 6LY** (Pages 81 - 100)  
**[22/01631/FUL]**  
Single storey side and rear extension, loft conversion and dormer to rear, and raised terrace to rear following demolition of existing detached garage. [Clifton Ward]

## 5. Urgent Business

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

Democracy Officer:

Jane Meller

Contact details:

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

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

Contact details are set out above.

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

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

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City of York Council

Committee Minutes

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Meeting	Planning Committee B
Date	17 October 2022
Present	Councillors Hollyer (Chair), Melly (Vice-Chair), Crawshaw, Daubeney, Fisher, Orrell, Perrett and D'Agorne (Substitute for Cllr Craghill)
Apologies	Councillors Craghill and Galvin
Officers Present	Gareth Arnold, Development Manager Erik Matthews, Development Officer Sophie Prendergast, Development Officer Rachel Tyas, Development Officer Heidi Lehane, Senior Solicitor

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### **23. Declarations of Interest (4.34 pm)**

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

Councillors Orrell and Fisher declared a personal, non-prejudicial interest relating to item 4a, Central Library Gardens, Museum Street, York, as they knew one of the public speakers, Barry Ferguson. The personal, non-prejudicial interest was subsequently withdrawn at the start of item 4a, as the speaker had left the meeting.

Cllr D'Agorne declared a personal, non-prejudicial interest for item 4b, Clifton Without County Junior School, Rawcliffe Drive, York, as he knew one of the registered speakers, Andy Dearden, personally. He also declared, for reasons of transparency, that his partner was the Executive Member for Housing and Safer Neighbourhoods.

### **24. Minutes (4:36 pm)**

The Chair noted the record of apologies from Cllr Daubeney and the attendance of his substitute, Cllr Fenton, had been omitted from the minutes of the last meeting, held on 1 September 2022.

Resolved: Subject to the amendment identified above, the minutes of the last meeting held on 01 September 2022 were approved as a correct record.

## **25. Public Participation (4.36 pm)**

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme, in relation to Agenda Item 4d, 36 Farndale Avenue, York, YO10 3NH.

Cllr Warters, Ward Member for Osbaldwick and Derwent Ward, objected to the application due to concerns regarding a lack of parking provision. He urged the committee to decide to defer consideration of the application, to allow for Highway Development Control comments to be received. He also raised concerns regarding condition 4 and stated that it was not possible to ensure that the bin and bike storage would be used by the tenants.

## **26. Plans List (4.40 pm)**

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

## **27. Central Library Gardens, Museum Street, York [21/02758/FUL] (6.37 pm)**

Members considered a full application for change of use of land at Central Library Gardens, Museum Street, York, to form a 12-hole mini-golf course for a period of 7 years.

The Development Manger gave a presentation on the application and the Development Officer provided an update that outlined an additional representation from York Civic Trust which maintained their objection.

### Public Speakers

Alison Cammiss, a CYC officer, spoke in a private capacity in favour of the application. She explained how the applicant's volunteer work linked with the social aims of the project.

Susan Brook, Chief Finance Officer, Explore York, spoke in favour of the application. She informed Members that the expected benefits of the venture would increase revenue and visitor numbers to Explore and would meet the wider aims for visitors to explore, learn and understand. In response to questions from Members she stated that the resurfaced path would remain at the end of the tenancy, and they had projected a 20-30,000 increase in visitor numbers annually. She also confirmed that other events took place in the space.

David Finch and Helen Burkitt, spoke in favour of the application as the applicants. They highlighted their aim to manage the space positively and to broaden the appeal to a wider audience. They detailed the design of the site and emphasised that it would be fully accessible.

In response to Members questions, they explained that the application was for 7 years which included a 12-month leeway for set up and to reinstate the site at the end of the lease. They also clarified the build materials and business hours which would be used.

Officers also explained that the permanent nature of the build meant that it could not be considered a temporary application. Any required lighting fixtures were manageable through conditions.

Following debate, Cllr Daubeney moved the officer recommendation to refuse the application. This was seconded by Cllr Orrell. A vote was taken and with seven votes in favour and one against it was;

Resolved: That the application be refused.

Reason: The proposal for a mini-golf course on Library Lawn in the city centre was not supported. There is moderate level of harm within the less than substantial category to the setting of designated heritage assets of the highest significance individually and for their group value in Mint Yard, with monuments spanning York's 2000-year history. This harm is caused by the removal of the neutral green foil of the lawn and replacement with a busy mini-golf course constructed of artificial materials, including miniature buildings and structures from coloured concrete, with rubber mulch, resin flexi-pave and imprinted concrete surfacing. The statutory duty in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. The proposal would be harmful to the significance of the Conservation Area and neither its

character nor appearance would be preserved or enhanced and would have an adverse effect on the significance of designated heritage assets. These harms would be less than substantial within the meaning of the NPPF. Any such harm nevertheless is given great weight in accordance with paragraph 199 of the NPPF and fails to be outweighed in the heritage balance with the public benefits of the development. The harm is not clearly and convincingly justified and is not outweighed by sufficient public benefits. Therefore, in accordance with paragraphs 199 and 202 of the NPPF, the public benefits do not outweigh the great weight to be given to the less than substantial harm identified. It is therefore contrary to Section 16 of the NPPF and emerging policies D4, D5, D8 and D10 of the eLP. Further to this the design is inappropriate for the historic Page 40 Application Reference Number: 21/02758/FUL Item No: 4a context and is thus not in accordance with Section 12 of the NPPF and D1 Placemaking.

There is also harm caused by the commercialisation and therefore loss of public open space, which is unique in character, is not surplus to requirements and cannot be replaced with space of equivalent value. As such it is contrary to section 8 of the NPPF and emerging policies DP3 and G15 of the eLP.

**28. Clifton Without County Junior School, Rawcliffe Drive, York [22-00685-OUTM] (4.41 pm)**

Members considered a Major Outline Application at Clifton Without County Junior School, Rawcliffe Drive, York, for the part demolition of former school buildings and erection of two storey block and single storey extension for new library and associated uses, external works including car park, terrace, play areas and pedestrian and cycle access to adjacent school. Outline proposals for a residential development were also included within the application.

Cllr Crawshaw asked to formally record that he believed that Cllr D'Agorne, the Executive Member for Transport, should not take part in the decision-making process for the item. He felt this as Cllr D'Agorne's partner was the Executive Member for Housing and Safer Neighbourhoods, and the application had been submitted by CYC. In addition, council policy was to expand Explore libraries. This was noted by the Chair and entered into the minutes as a formal comment.



The Development Manager gave a presentation on the application and the Development Officer provided a further update to the report that covered the following amendments and new conditions:

### **Amended conditions**

#### **Delegated Authority to officers to amend Conditions 5, 16 – 19, 25, 26 to clarify the trigger points for the condition.**

**Condition 6** should be amended to read “prior to the commencement of the library phase of the development” with the reference to replacement of planting for a period of ten years from substantial completion of development deleted.

**Condition 7** should be amended to read “All trees identified within the application site identified in the Rosetta Landscape Design Tree Survey Dated March 2022 as being Category A or Category B except the Japanese Cherry (Kanzan specimens) shall be retained as part and parcel of the finished layout.

**Condition 12** should be amended to read “A strategy for Electric Vehicles (EVs) covering the site as a whole.....”

**Condition 24** should be amended to read “parallel crossing for cycles and pedestrians....”

**Condition 23** references to Rawcliffe Drive should be amended to read Rawcliffe Lane.

**Condition 28** should be amended to read: “The development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority and carried out in accordance with these approved details.

Details shall include –

- Surface water discharge from the whole site via storage with a restricted discharge of 29 (twenty nine) litres per second. This includes 24 (twenty four) litres per second from the new library and 5 (five) litres per second from the new housing site...
- Evidence of existing positive drainage to public sewer, the points of connection and proposed outfall. “

#### **New Conditions:**

31 The library element of the development hereby authorised shall be begun by not later than the expiration of three years from the date of this permission.

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

32 Prior to the commencement of development a detailed management plan to secure the retention of the hedge bounding the site adjoining the Fairway outside of the approved pedestrian/cycle access to Vale of York

Academy shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include measures to secure the hedge including appropriate fencing and measures for the replacement of any hedging which dies or is removed without the permission of the local planning authority.

No part of the hedge shall be removed unless permission is granted either by details approved under this condition or pursuant to the reserved matters for the routing of service runs or access points.

Reason: To safeguard a hedge of townscape importance and to secure compliance with Policy G14 of the 2018 Publication Draft Local Plan.

32 The drawing accompanying the "Layout" reserved matter application for the Housing phase shall include the full extent of the canopy and root protection area of any tree identified as being category A or B in the Rosetta Landscape Design Tree Survey Dated March 2022.

Reason: To safeguard a hedge of townscape importance and to secure compliance with Policy G14 of the 2018 Publication Draft Local Plan.

33 Prior to the housing phase of the development commencing details of the cycle parking areas for residential occupiers, including means of enclosure, shall be submitted to, and approved in writing by the Local Planning Authority. The submitted details shall follow the guidance in respect of cycle parking for residential dwellings outlined in the City of York Cycle Parking Guidance dated June 2016. The buildings shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

34 To manage and maintain the ecological value of the site a landscape and ecological management plan(s) (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.

h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason: To ensure wildlife mitigation, compensation and enhancements measure are managed and maintained appropriately.

### Public Speakers

Andy Dearden, a local resident, spoke in objection to the application. He highlighted residents' concerns regarding the loss of the hedge and requested that a condition was included to protect the hedge and manage access from the Fairway.

Caroline Dearden submitted a written statement in objection, which the Chair read out in full. She stated that the hedge is species rich and part of a continuous wildlife corridor from Clifton Ings to Clifton Backies which is regularly used by hedgehogs.

Helen Sweeting, a local resident, spoke in objection to the plans although she welcomed the new library/community hub. She highlighted the existing natural environment currently enjoyed by the community but also identified the need for supported housing as well as accommodation for the elderly.

Anne Leonard, a local resident, suggested the housing scheme should develop purpose-built housing for older people, to free up housing for younger people and support adult social care services. She identified benefits of developing links with the Vale of York Academy, to integrate older people within the community and reduce isolation.

Richard Ginn, a local resident, spoke in support of the application but he believed that there were some inaccuracies in the report concerning the biodiversity of the hedgerow. He raised concerns regarding traffic flows and suggested vehicle access off Rawcliffe was preferable than Fairway. In response to questions from Members he highlighted the importance of retaining existing green space.

Sarah Garbacz, Chief Operating Officer, York Explore, spoke in support of the application, highlighting the planned work within communities developing digital access and working with partner organisations. In

response to questions from Members, she explained that users were expected to come from across the city hence the need for on-site car parking. She confirmed that access to the library would be secured, this would allow access to the housing development.

Tom Stoneham, Treasurer of the Snappy Trust, spoke in support of the application and explained the Trust's role in the development process as a partner organisation to York Explore.

Project officers from City of York Council (CYC), Andy Laslett and Mark Wilson and the project architect, Alan Thomas were in attendance to respond to questions. They explained that the housing application was for outline permission only and a commitment to retain the majority of the hedge had been agreed by the Executive. The development of the library required the capital receipt from the housing project, for which there were no specific plans.

Officers responded to further questions from Members and confirmed the following:

- All matters were reserved on the outline planning permission for the housing development. It was not possible to stipulate the use of the site beyond its use for housing.
- It was not possible to have a section 106 agreement as CYC are the applicant but a scheme for education, offsite play, and affordable housing as per the draft Local Plan could be conditioned via a Grampian condition.
- Access to the school site could be conditioned for school times only, if required.
- All category A and B trees were to be retained.

Following debate, the Chair moved the officer recommendation, subject to the amended and additional conditions contained in the update, and further additional conditions in consultation with the Chair and Vice-Chair on affordable housing; education; open space/sport/play and hours of use of the school gate. Condition 32 would be amended to encourage vehicle access to housing site from Rawcliffe Drive, not to preclude access from Fairway. The exact wording to be delegated to the Chair and Vice-Chair. The motion was seconded by Cllr Fisher.

A vote was taken and with seven votes in favour and one vote, from Cllr D'Agorne, against the motion it was therefore;

Resolved:

- i. That the application be approved subject to the additional conditions contained in the update.
- ii. The wording of additional conditions, as outlined above, agreed in consultation with the Chair and Vice-Chair.

Reason:

The former Clifton Without CJ School site Rawcliffe Drive comprises a medium sized brick-built structure set within a large site last used as a school in Page 68 Application Reference Number: 22/00685/OUTM Item No: 4b 2011. Outline planning permission is sought for partial demolition of the building and construction of a replacement Clifton 'Explore' (Library) with all detailed matters within this application and the remainder of the site to the south adjoining The Fairway for residential development. It is felt that the replacement library subject to appropriate conditions restricting on-street parking and surface water drainage together with biodiversity enhancements would be acceptable in planning terms and approval is recommended. In terms of the proposed residential development at the southern edge of the site, the land includes a mature boundary hedge adjoining the Fairway with a grouping of trees of significant townscape importance to the rear. Residential development of this land in principle accords with policy. All matters are reserved. As such, consideration of details of access, appearance, layout and scale will be subject to reserved matters applications. A condition is proposed requiring retention of category A and B trees as part of this scheme.

[6.30 pm – 6.36 pm, meeting adjourned]

**29. Bootham and Monk Ward Conservative Club, 77-79  
Clarence Street, York [22/00599/FULM] (7.22 pm)**

Members considered a major full application for the erection of two and three story 34 room student accommodation building following demolition of existing buildings at 75-79 Clarence Street, York.

The Development Manager gave a presentation on the application and the Development Officer outlined two additional conditions, firstly for the windows on north-eastern elevation that served a corridor to be of

obscured glass, the second specified the boundary treatments on the northwest and south-eastern boundaries.

The architect, Nick Watson, and his colleagues explained the layout of the studios and apartments. A representative from the University of York, who was in attendance, also explained the management of the site once operational. They confirmed that the Construction Management Plan (CMP) would be handled by the contractor, who was yet to be appointed.

Officers responded to further questions from Members and confirmed existing conditions would limit hours of operation and noise. An additional condition could be added to include an Highway Method of Works (HMW) which would cover the direction of deliveries.

Following debate, Cllr Orrell proposed the officer recommendation to approve the application subject to the section 106 agreement, the further two conditions contained within the update and an additional condition to include an HMW.

This was seconded by Cllr Daubeney. On being put to a vote, with Members voting unanimously in favour, it was;

Resolved: That the application be approved subject to the section 106 agreement, the additional conditions contained within the update and an Highway method of works including direction of deliveries from Clarence Street.

Reason: The presumption in favour of sustainable development in paragraph 11d of the NPPF applies to this application. This means permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. 6.2 There would be no significant adverse effect, in terms of the loss of the current use of the site, that would outweigh the benefits of the proposed use. Historic houses would be demolished but as they are outside of a conservation area and do not merit consideration as non-designated heritage assets. Their loss would not be a justifiable reason for refusal on heritage grounds. The scheme allows a more efficient use of the site and would meet current environmental standards. It is therefore consistent with the environmental objectives of the NPPF. The design of the replacement building has been amended to reflect design advice, its massing, scale, and articulation

now considered to be generally respectful of both the Clarence Street and Page 110 Application Reference Number: 22/00599/FULM Item No: Page 19 of 32 Union Terrace context. There is no identified harm to the Central Historic Core Conservation Area, which is adjacent the site. 6.3 The scheme has been designed to the extent that there would be no undue effect on neighbours' amenity and provides adequate amenities for its future occupants. Technical matters can be addressed, to achieve policy compliance, through conditions in respect of sustainable design and construction, biodiversity, drainage, archaeology, the highway network and ground conditions and pollution.

[8.00 pm – 8.05 pm the meeting adjourned for a comfort break. Cllr Fisher left the meeting.]

**30. 36 Farndale Avenue, York, YO10 3NH [22/00611/FUL] (8.06 pm)**

Members considered a full application for a two-storey side and single storey rear extensions, dormer to rear, bin and bicycle storage structure to side including demolition of garage at 36 Farndale Avenue, York.

The Development Manager gave a presentation on the application and provided an update to the report which amended condition 4 to add "Waste and recycling shall not be stored otherwise than within the approved bin store". He also highlighted the recent planning appeal decision for Deramore Drive, York, which ruled that car parking spaces should be large enough to ensure independent use.

In response to Members questions it was confirmed that:

- There was a preference for 3 parking spaces.
- There was no requirement to apply for change of use permission unless the lounge became an additional bedroom.
- The property was listed on the HMO database.

Following debate, Cllr Melly moved the Officer recommendation to approve the application. This was seconded by Cllr D'Agorne. On being put to the vote, with four Members in favour and three against, it was;

Resolved: That the application be approved.

Reason: Having assessed the proposed development, all material considerations and all representations received, the proposed extensions to the dwelling are deemed to represent an appropriate form of development that will not result in significant harm to the amenity of nearby residents and that includes an acceptable design.

Cllr A Hollyer, Chair

[The meeting started at 4.31 pm and finished at 8.23 pm].



**COMMITTEE REPORT**

**Date:** 10 November 2022      **Ward:** Hull Road  
**Team:** East Area                      **Parish:** Hull Road Planning  
Panel

**Reference:** 22/00513/FUL  
**Application at:** 6 Garrow Hill Avenue York YO10 3HY  
**For:** Single storey side and rear extension with bin store to rear  
**By:** Ms. Nejla Aslan  
**Application Type:** Full Application  
**Target Date:** 2 September 2022  
**Recommendation:** Householder Approval

**1.0 PROPOSAL**

1.1 This application, as amended, seeks permission for the erection of a single storey extension to the side and rear of a two-storey semi-detached dwelling on Garrow Hill Avenue, close to Hull Road. The host dwelling is the end property of a block of four attached houses. The wider area is characterised by similar blocks of a uniform design.

1.2 This application has been called in by Cllr. Pavlovic for consideration by the planning committee, on the grounds of overdevelopment of the site out of character with the street scene and the potential use of the dwelling as a House in Multiple Occupation (HMO).

Property History

1.3 App. ref. 08/00454/FUL – Erection of two storey pitched roof building to form ground and first floor apartments – refused 22nd April 2008.

**2.0 POLICY CONTEXT**2018 Draft Local Plan

## D11 – Extensions and Alterations to Existing Buildings

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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of conformity of the relevant policies in the emerging plan with policies in the previous NPPF (published March 2012).

### 2005 Development Control Local Plan

#### H7 – Residential Extensions

2.2 The Development Control Local Plan (DCLP) was approved for development control purposes in April 2005. For decision making, its policies are material considerations when they are in accordance with the NPPF although it is considered that their weight is very limited.

## **3.0 CONSULTATIONS**

### Hull Road Planning Panel

3.1 No response.

### Ouse & Derwent Internal Drainage Board

3.2 The Board has assets in the wider area. These watercourses are known to be subject to high flows during storm events. The Board commented on the application, setting out their guidelines for any increase in surface water discharge as a result of the proposed works, and where their consent would be required.

## **4.0 REPRESENTATIONS**

## Neighbour notification

4.1 The application was advertised by neighbour notification letter on 2no. occasions, the second consultation period following amendments to the scheme. 15no. objections were received during this second consultation period, on the following grounds:

- HMO issues - the proposed scheme has the characteristics of an HMO. The area limit for HMOs has been surpassed and its potential use as such would exacerbate existing parking issues. Associated issues involving rubbish and noise would arise.
- Visual amenity – the extension would be too large, out of character with the area, and would result in the loss of green space. The neighbourhood risks becoming too built up. The scheme would result in the loss of garden space at the property.
- Neighbour amenity – The extension would cause harm to the outlook from no.51 Barstow Ave and look directly into the garden of the property opposite. Sunlight would be disrupted to the properties opposite the site.
- Parking – there are existing issues with parking in the area.
- Other issues – concerns raised over disruption during the construction phase of the development.

## **5.0 APPRAISAL**

### KEY ISSUES

5.1 Impact on the dwelling and character of the surrounding area; impact on neighbour amenity.

### POLICY CONTEXT

#### National Planning Policy Framework

5.2 The National Planning Policy Framework (NPPF) sets out the Government's overarching planning policies, and at its heart is a presumption in favour of sustainable development. Paragraph 130 (NPPF Chapter 12, 'Achieving Well-Designed Places') states that planning policies and decisions should ensure that developments will achieve a number of aims, including that they are sympathetic to local character, surrounding built environment and their landscape setting. The NPPF also places great importance on good design. Paragraph 134 says that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

### 2018 Draft Local Plan

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

### 2005 Development Control Local Plan

5.4 Draft Local Plan Policy H7 concerns Residential Extensions, and states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality of the development; (ii) the design and scale are appropriate in relation the main building; (iii) there is no adverse effect on neighbour amenity; (iv) proposals respect the spaces between dwellings; and (v) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

### House Extensions and Alterations Supplementary Planning Document (2012)

5.5 The SPD provides guidance relating to such issues as privacy, overshadowing, oppressiveness and general amenity as well as advice which is specific to the design and size of particular types of extensions, alterations and

detached buildings. A basic principle of this guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the road/street-scene it is located on. Furthermore, proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook. Section 12.2 advises that, if not sensitively designed and located, side extensions can erode the open space within the street and create an environment that is incoherent and jumbled. Section 12.4 states that unduly wide extensions should normally be avoided, unless they have been designed to successfully harmonise with the architectural features of the original property. Section 13.2 advises that regard must be paid to the impact of a single-storey rear extension on sunlight, its relationship to windows and the height of the proposed structure.

## ASSESSMENT

### Impact on the dwelling and character of the surrounding area

5.6 The application property is sited at the junction of Garrow Hill Avenue and Barstow Avenue, with its side elevation facing Barstow Avenue, separated by an expanse of garden. As initially proposed, the scheme involved the erection of a two-storey extension to the side of the host dwelling. This would have caused significant visual harm to the character of the dwelling, the adjacent residential row, and the wider street scene, by virtue of its lack of subservience and overall scale in a prominent position on the house. The scheme was revised to comprise of a single storey 'wraparound' extension with pitched roof.

5.7 As amended, the proposed side extension would be of a reasonable width when viewed from in front of the main dwelling, and sympathetic to the main house in terms of overall scale and design. Although in a prominent position on the house, it would not project beyond the building line of the adjacent street and would not be considered to have an undue impact on the character of the wider street scene.

5.8 The proposed rear part of the extension would be well screened from public view at the rear of the house and of a reasonable scale and design in relation to the main dwelling.

### Impact on neighbour amenity

5.9 The side part of the proposed addition would be well distanced from all neighbouring properties and would remain set well within the large open garden to the side of the property. To the rear of the main house, at the side boundary with no.8, the proposed extension would be of a reasonable depth (approximately 3 metres), and would not be considered to have an undue impact on the amenity of the adjacent neighbour.

### Parking

5.10 There is no off-street parking provided at the property, with parking spaces available on-street and in the adjacent bay that serves the row of dwellings of which the house forms a part. In light of the use of the property as a C3 dwellinghouse and the proximity of nearby public transport links and the city centre, the proposed increase in accommodation at the property would be considered acceptable in parking terms.

### Bin and cycle storage

5.11 Access would be retained at the back of the proposed extension to the rear garden for the storage of cycles and bins. Conditions have been added to ensure the provision of appropriate storage facilities in this location, given the lack of internal storage space shown on the revised plans.

### Additional accommodation and HMO use

5.12 As originally proposed and previously amended, the proposals had characteristics of a House in Multiple Occupation. Further revisions were sought to ensure that an acceptable level of internal communal living space existed to reflect the existing status of the property as a Class C3 dwellinghouse. The application does not propose the change of use of the property to an HMO (Use Class C4), which would be required if the proposed accommodation were to be occupied by between 3 and 6 unrelated people. The granting of consent for the proposed extension does not authorise such a use and would not prejudice the outcome of any future application for such a use, which would be considered on its own merits. An informative has been added in relation to this.

### Surface Water Drainage

5.13 The scale of the extension is not considered significant in drainage terms and any additional surface water run-off would be difficult to attenuate. A condition related to drainage is not recommended in these circumstances and drainage details should be dealt with under Building Regulations. An informative has been added to inform the applicant of the need for the Board's consent for any discharge in any watercourse within the Board's District.

## 6.0 CONCLUSION

6.1 The proposal is considered to comply with National Planning Policy Framework (2021), policy D11 of the City of York Publication Draft Local Plan 2018, policy H7 of the 2005 City of York Draft Local Plan, and advice contained within Supplementary Planning Document 'House Extensions and Alterations' (Dec. 2012).

## 7.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years

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

Drawing no. A102 Rev. A (revision dated 23rd May 2022) - Proposed Elevations  
Drawing no. A101 Rev. B (revision received 31st August 2022) - Proposed Plans  
Drawing no. A103 Rev. A (revision dated 23rd May 2022) - Proposed Sections  
Drawing no. A105 Rev. A (revision dated 23rd May 2022) - Site and Location Plan

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

3 VISQ1 Matching materials

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

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

## **8.0 INFORMATIVES:**

### **Notes to Applicant**

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Sought and received revised plans to reduce the impact of the proposed development on the character of the dwelling and the wider area.

#### **2. HOUSE IN MULTIPLE OCCUPATION**

The existing dwellinghouse is considered to be within the C3 Use Class of the Town and Country Planning (Use Classes) Order 1987 (as amended). Planning permission would be required for a change of use from a dwellinghouse to a house in multiple occupation, given the Article 4 Directive which is in place, which has the effect of bringing such changes within planning control. It should be noted that it is likely that HMO thresholds have been exceeded in the area. The use of the property as an HMO at this time would be unauthorised, and could result in enforcement action being taken by the local planning authority.

#### **3. CONSENT - DISCHARGE**

Under the Board's Byelaws, the written consent of the Ouse and Derwent Internal Drainage Board is required prior to any discharge, or increase in the rate of discharge, into any watercourse (directly or indirectly) within the Board's District.

#### **Contact details:**

**Case Officer:** Sam Baker

**Tel No:** 01904 551718



# 6 Garrow Hill Avenue, York YO10 3HY

22/00513/FUL



GIS by ESRI (UK)



Scale : 1:1428

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<b>Organisation</b>	City of York Council
<b>Department</b>	Directorate of Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	26 October 2022
<b>SLA Number</b>	Not Set

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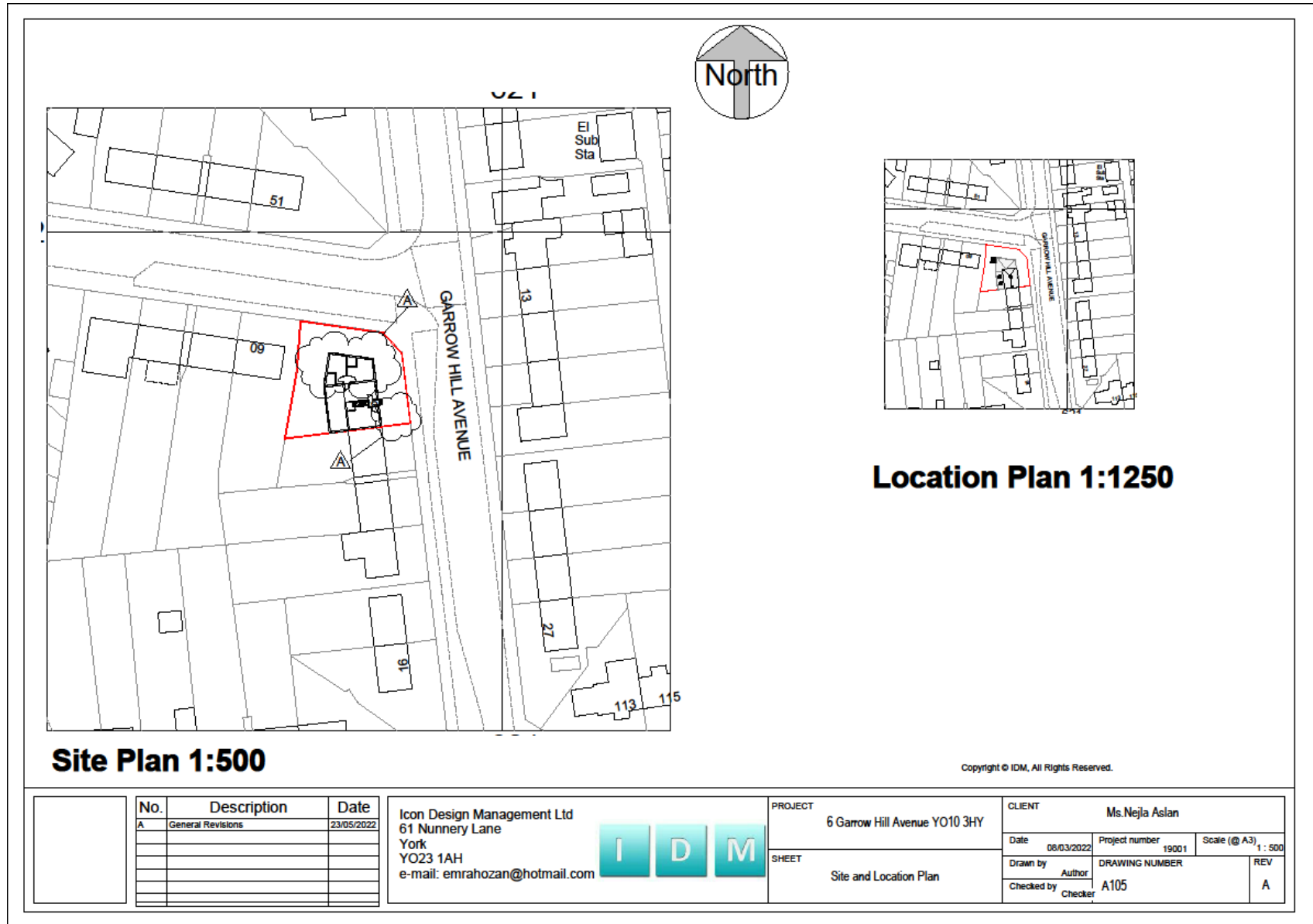


## Planning Committee B

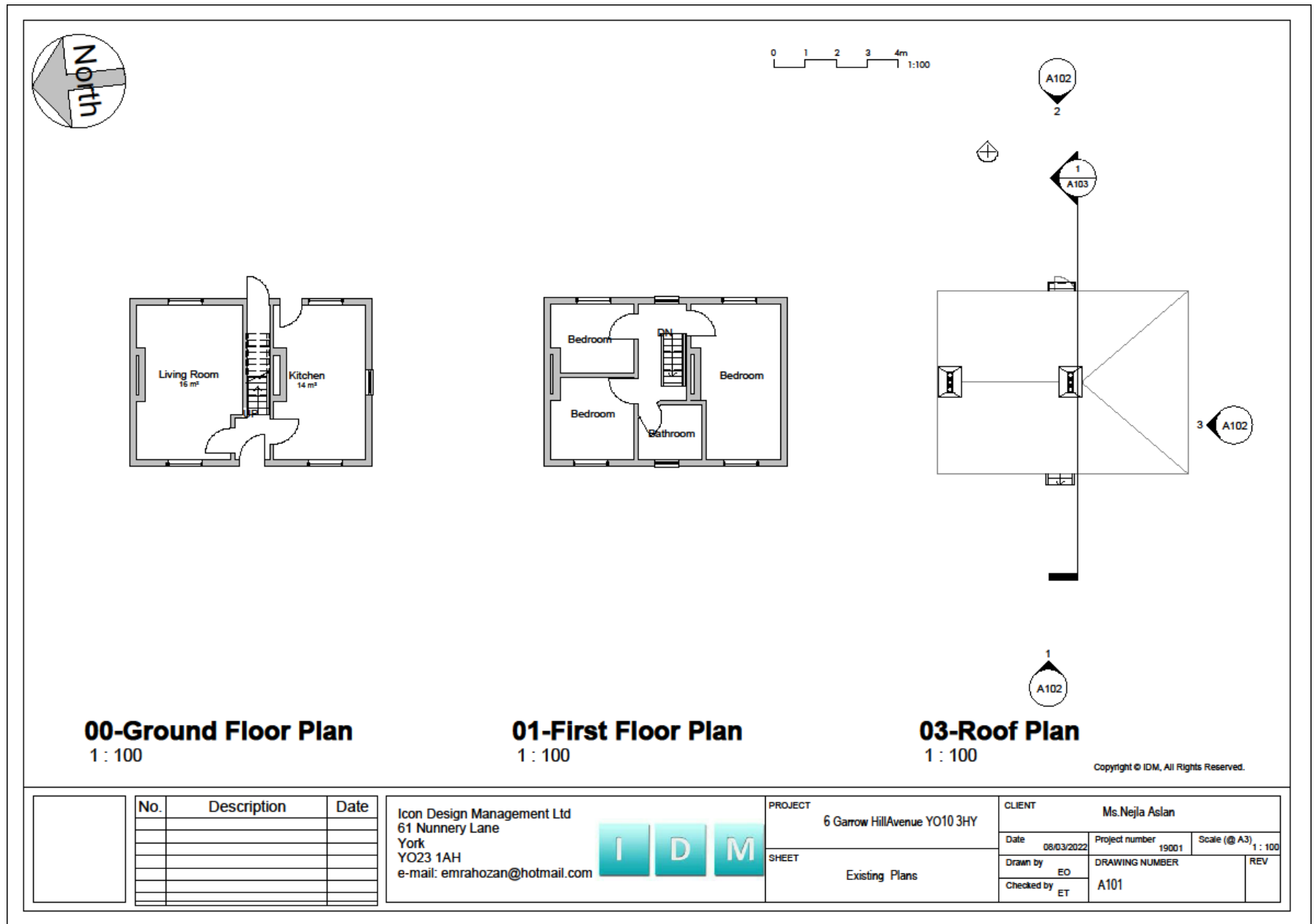
22/00513/FUL

6 Garrow Hill Avenue

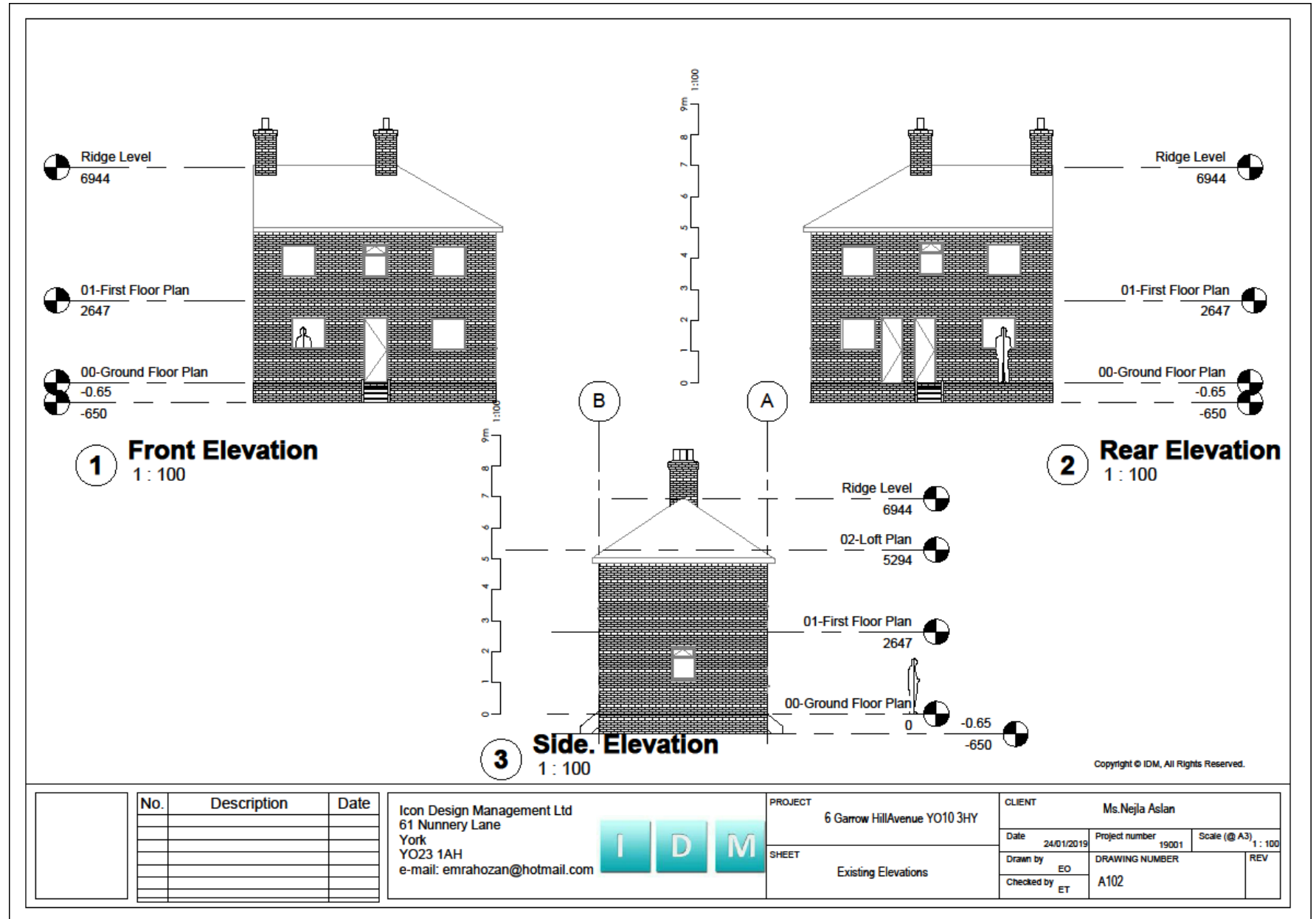
# Site Plan



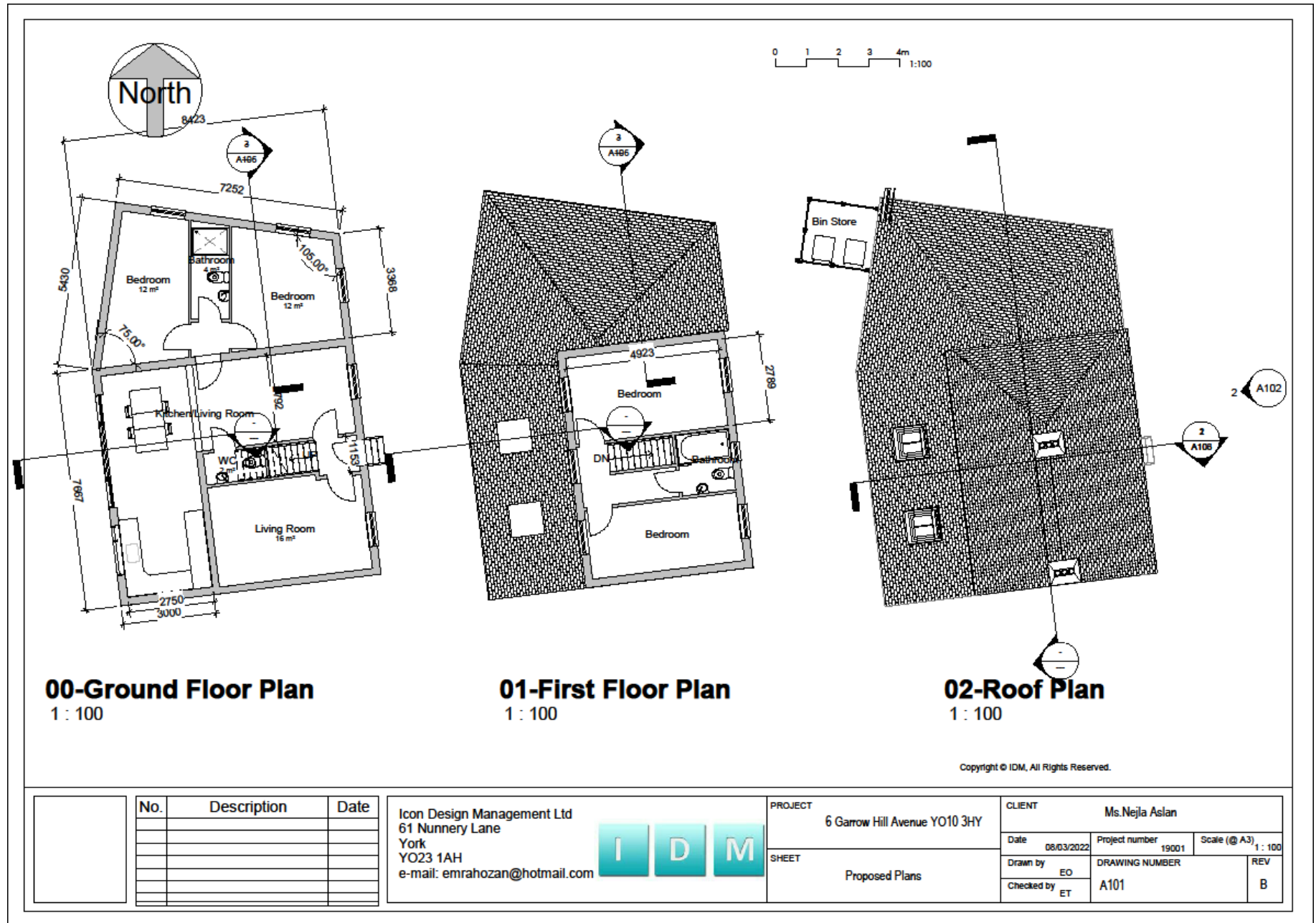
As existing floor plans



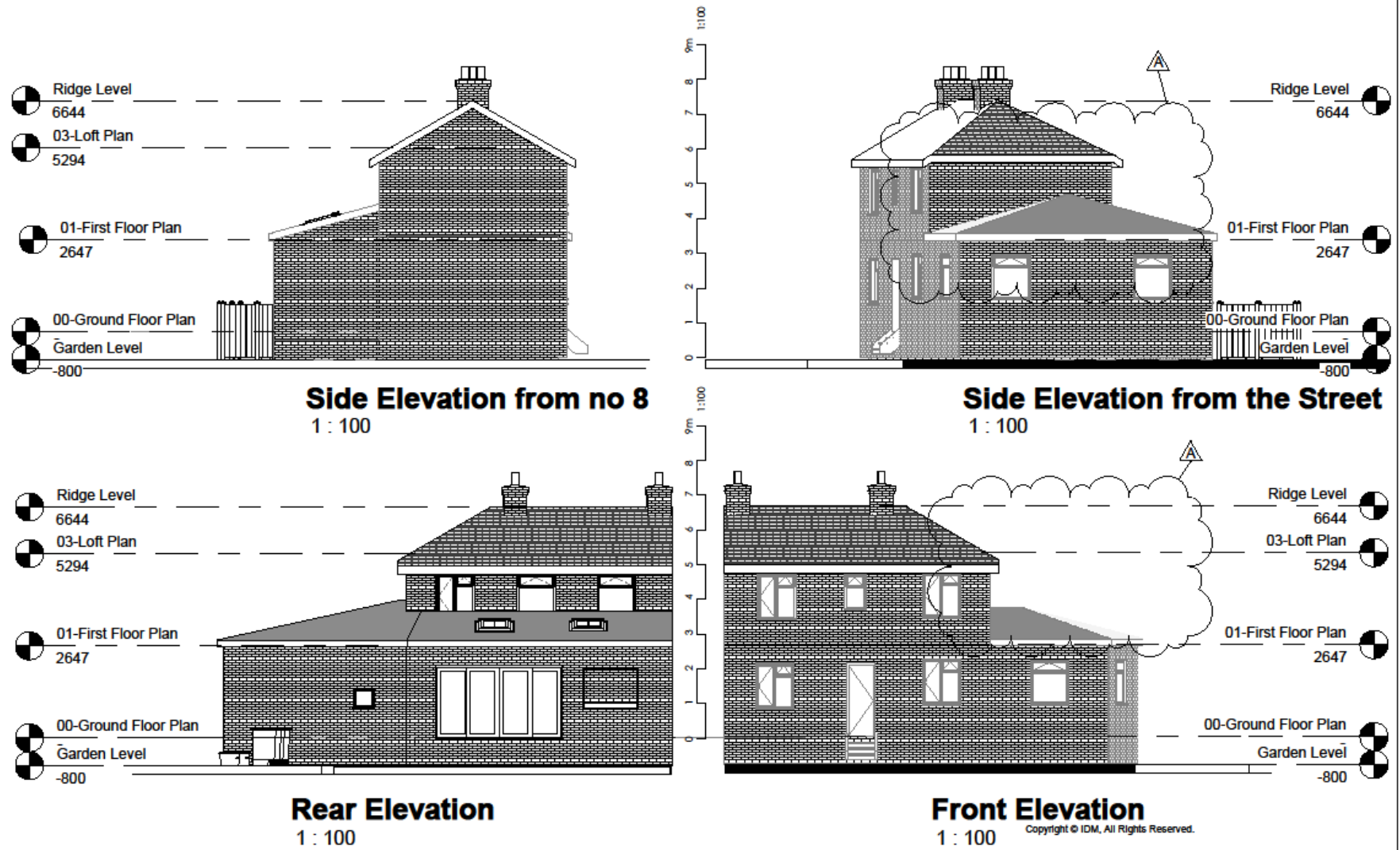
As existing elevations



# Proposed floor plans



# Proposed elevations



No.	Description	Date
A	General Revisions	23/05/2022

Icon Design Management Ltd  
61 Nunnery Lane  
York  
YO23 1AH  
e-mail: emrahozan@hotmail.com



PROJECT	6 Garrow Hill Avenue YO10 3HY			CLIENT	Ms.Neja Aslan		
SHEET	Proposed Elevations	Date	08/03/2022	Project number	19001	Scale (@ A3)	1 : 100
		Drawn by	EO	DRAWING NUMBER	A102	REV	A
		Checked by	ET				





D1 Placemaking

CC1 Renewable and Low Carbon Energy

CC2 Sustainable Design and Construction of New Development

ENV5 Sustainable Drainage

### 2.3 Development Control Local Plan 2005

GP1 Design

GP4a Sustainability

## **3.0 CONSULTATIONS**

### EXTERNAL

#### Nether Poppleton Parish Council:

3.1 The application was subject to objections made by the Parish Council in respect of the original scheme. The Parish Council have been notified on the revised plans and have raised no objections.

#### Ainsty Internal Drainage Board (IDB):

3.2 The Board requires further details of a satisfactory drainage scheme and obtain any necessary consent from the Board before any commencement of development. The Board have requested conditions for drainage works to be submitted and agreed before development is brought in to use.

### INTERNAL

#### Highway Network Management

3.3 Officers have no objections, subject to detailed conditions.

#### Public Protection

3.4 Officers recommend that the planning conditions are attached to any planning approval in the event of contamination being discovered.

#### Flood Risk Management

3.5 No objection subject to condition requiring the submission of a drainage scheme.

## **4.0 REPRESENTATIONS**

### Neighbour Notification and Publicity

4.1. A total number of 23 objection letters were received on the original scheme. The neighbours have been notified on the revised drawings and a total number of 13 objections have been received which are outlined below:

### Design, Visual Appearance/ Street scene

- The revised design is only a cosmetic change to the frontage
- The increase to the ridge height will make the building top heavy, more conspicuous when viewed from the pavement.
- Non-compliance with Village Design Statement.
- Visually incompatible, incongruous, and out of keeping with the remaining houses in the Avenue.
- Vastly different to the houses on Hillcrest Avenue.
- The site is far too small for such a radical design.
- Solar panels will dominate the roof slope.
- Removal of overgrown trees in the rear garden will make the house plainly visible to many passing people using the public foot path located at the rear of the site.
- Removal of a good quality home from housing stock rather than building on another site.
- Demolition of the bungalow could impact on pollution, waste and materials which will be destined for landfill. Contradicts the aims of meeting higher environmental energy efficiency standards.
- Application was widely objected to by residents on Hillcrest Avenue in sight line of the development for whom did not receive notification letters.
- Diminish the value of houses and bungalows on Hillcrest Avenue.
- The application will set a precedence for demolition and similar re-development of other properties.

### Amenity

- Loss of privacy for residents located at the rear of the site, following the removal of trees from the garden.
- Out of keeping for the neighbours at numbers 17 and 21 Hillcrest Avenue.
- Increased ridge height will lose light for the neighbours at numbers 17 and 21 Hillcrest Avenue.

- Increased overlooking for neighbours.
- Impact on neighbours caused by construction noise, vibrations, dust, and grime during the demolition and construction of the development.
- Impact to access caused by building lorries and vans during the construction.
- Personal reasons to keep access clear for resident who requires 24 hour/ 365 days per year access on to the road for medical reasons.

## **5.0 APPRAISAL**

### 5.1 Key Issues

- Principle of development
- Design and Visual Appearance
- Character, and Appearance of the Street scene
- Neighbour Amenity
- Highway safety
- Flood Risk and Drainage

### The Upper/Nether Poppleton Development Plan 2017

5.2 The Development Plan is the Upper Poppleton and Nether Poppleton Neighbourhood Plan which came into force with effect from 19 July 2017. Section 38(6) of the Planning and Compensation Act 2004 and the NPPF at paragraph 47 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. Policy PNP 4 (Village Design Statement) states that proposals for development within the villages of Upper Poppleton and Nether Poppleton will be supported where they bring forward high quality design appropriate to their character and appearance. All new developments within the settlement limits of the villages should respect the Design Guidelines. Policy PNP 6a (Housing) sets out parameters for replacement and new dwellings. Policy PNP11 ( Climate Change and Renewable Energy) supports development for energy conservation and use renewable energy technology.

### National Planning Policy Framework July 2021

5.3 Central Government guidance is contained in the National Planning Policy Framework ("NPPF"). The revised National Planning Policy Framework was published July 2021 (NPPF) and its planning policies are a material consideration in the determination of planning applications. The advice provided in Paragraph 11 establishes the presumption in favour of sustainable development, which runs through both plan-making and decision-taking. In decision-taking this means

approving development proposals without delay that accord with an up-to-date development plan. In the absence of relevant development plan policies or where they are out-of-date, permission should be granted unless policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

#### Publication Draft Local Plan 2018

5.4 The DLP was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. Phase 2 of the hearings concluded in May 2022. Phase 3 of the hearings took place in July 2022 and Phase 4 took place in September 2022. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

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

#### Development Control Local Plan 2005

5.5 The Development Control Local Plan (DCLP) was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF. However, such policies can be afforded very limited weight. The site is included in the main built-up area of the city on the Proposals Map that accompanies the plan.

### **Appraisal**

#### Principle of Development

5.6 PNP 11 of the Neighbourhood Plan states that new developments that exceed the building regulations regarding energy conservation and use renewable energy

technology will be particularly supported. Developers may also wish to consider harvesting rainwater and storm runoff, recycling grey water, and porous surface provision wherever appropriate solar photovoltaics for energy capture and high standard of floors walls and roof to reduce energy. Paragraph 158 of the NPPF states that the planning system should support the transition to a low carbon future and, among other things, support renewable and low carbon energy. Policy CC2 of the emerging Draft Local Plan states that developments which demonstrate high standards of sustainable design and construction will be encouraged.

5.7 The principle of the proposed replacement bungalow is to build a sustainable zero carbon dwelling. This will be achieved through the construction of an internal thermal proprietary system on a rafter foundation with external low carbon insulating materials, inclusive of Photovoltaics Panels to generate solar power and reduce fossil fuel consumption. The design specification of the development is to provide a high level of energy efficiency and insulation which aims to cut down the cost of fuel bills by preventing energy waste and reduces carbon dioxide emissions causing pollution and climate change. As such subject to detailed material planning considerations the application would contribute to National Governments incentives for reducing carbon emissions.

#### Design and Visual Appearance

5.8 PNP 6a of the Neighbourhood Plan states that within the settlement limit of the two villages proposals for the subdivision of an existing dwelling or for the construction of a single dwelling within the curtilage of a domestic property will be supported where the proposals are; in character with the surrounding development; designed to safeguard the amenities of existing residential properties; designed to provide appropriate elements of garden and amenity space; and designed to provide appropriate levels of parking and vehicular access to the City of York Council standards at the time of application. Policy PNP 4 (Village Design Statement) states that proposals for development within the villages of Upper Poppleton and Nether Poppleton will be supported where they bring forward high quality design appropriate to their character and appearance. The design statement has clear guidelines on development of buildings within Poppleton. It states that the size, scale, and massing of buildings should harmonise with neighbouring properties and spaces. Also, that matching materials should be used wherever possible to blend in with existing buildings. All new developments within the settlement limits of the villages should respect the Design Guidelines.

5.9 Chapter 12 of the NPPF gives advice on design, placing great importance to that design of the built environment. Paragraph 130 states that planning decisions

should ensure that development will add to the overall quality of the area, be visually attractive, be sympathetic to local character and history, and have a high standard of amenity for existing and future users. This advice is reflected in 2018 Draft Local Plan policy D1 (Place making) and DCLP policy GP1 (Design).

5.10 The application as originally submitted included a design with a wide gable roof constructed in a metal sheeting with complete render to all four elevations. It was considered that design, massing, and types of materials would be unsympathetic to the prevailing street scene and adjacent neighbours.

5.11 The revised plans propose a different design of a hipped roof dwelling constructed in concrete roof tiles, reclaimed either from the existing dwelling or elsewhere. It will have a ridge height set at approximately 640mm taller than the existing bungalow at approximately 6.4 metres parallel with the highway and lowered on the rear elevation. The external walls will be constructed with re-claimed bricks to the principal front elevation and K Rend silicone thermal white render to the side and rear walls, with of powder coated aluminium fenestration and rainwater goods. The proposed footprint will increase original floor area from 123.5 square metres to 125.5 square metres to re-line the rear elevation. The external frontage, low front boundary wall and driveway will be retained as the original layout, and replacement fencing will be erected to the side neighbouring boundaries. The rear garden will be subject to some removal of trees and overgrown vegetation on the rear garden boundary. The trees are not subject to any Tree Preservation Orders.

#### Character and Appearance of the Street scene

5.12 In terms of character and appearance, the pattern of development on Hillcrest Avenue is made up of a combination of proportionally spaced pitch roof bungalows of similar appearance and large detached double fronted houses. Although the house types vary to some degree, they have generally all been constructed in matching light red/yellow bricks with brown/ red tiled roofs which creates a cohesive pattern to the street scene.

5.13 In this context, by virtue of the use of re-claimed materials to the front elevation and minor increase the ridge height, the dwelling would not appear out of character with the appearance of the dwellings in the street scene. Further, the footprint of the dwelling will remain compatible to the laid out spacing between dwellings and garden plots. As such, the form and density of the dwelling would not erode the spacious quality of the street scene or detract from the established pattern and grain of development in this area.

5.14 The use of external render would be a change to the prevailing visual character of the street. However, the render is proposed for external walls confined to the garden elevations set behind the enclosure of the side and rear boundary treatment. The appearance of render would not be overly assertive from public views around the property or from the public footpath which runs along the rear of the site.

#### Impact on Neighbour Amenity

5.15 Policy PNP4 and PNP6a of the Neighbourhood Plan set out guidelines to safeguard the amenities of existing residential properties. The NPPF states in Paragraph 130(f) states that developments should create places with a high standard of amenity for all existing and future users. The policy advises that decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life because of new development. This advice is reflected in 2018 Draft Local Plan policy D1 (Place making) and DCLP policy GP1 (Design).

5.16 The application property lies immediately to the rear of no. 17 and the side of 21 Hillcrest Avenue. The internal and external areas of these dwellings have been inspected during the site visit.

5.17 The dwelling at No.17 Hillcrest Avenue is a corner plot and has its main garden to the south side and is well placed to receive good amounts of sunlight. This garden is screened by a 1.8m fence and vegetation which retains privacy and restricts any issues concerning overlooking and garden enjoyment. The rear of no.17 has a narrow section of paved garden. This rear facing wall incorporates a double aspect window serving the kitchen/ breakfast room. It provides views facing towards the application property, which is set back by approximately 840 mm from the boundary. This window does afford oblique skyline views which will be generally retained following the construction of the new dwelling. Moreover, the windows contained to the front and side elevations to no.17, will not be overshadowed. A single bedroom window is proposed in the side elevation facing no.17.

5.18 The bungalow on the opposite (north-eastern) side elevation at no.21 Hillcrest has a north facing rear garden. The new dwelling would be set back by 920mm from the joint boundary which is denoted by a 1.8m fence. From the perspective of the rear garden the increase to the footprint will be the nearest visual element. However, this is a modest increase in depth which would not project beyond the rear elevation of this neighbouring property. Moreover, by virtue of its hipped roof and low eaves height the new dwelling would not appear overbearing when viewed from the garden. No.21 has a wide outlook to the front which would not be significantly affected by the new dwelling. Further, no principal windows would be affected



because of the development and there are no proposed windows shown on the elevation side facing this property.

### Access and Parking

5.19 The NPPF focuses development in sustainable and accessible locations allowing opportunities to promote sustainable transport modes. Paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. Paragraph 112 states that development proposals should give priority to pedestrian and cycle movements, meet the needs of people with disabilities and enable charging of plug-in and ultra-low emission vehicles. The above is reflected in emerging Local Plan Policy T1: Sustainable Access, which supports development that minimises the need to travel and maximises the use of more sustainable modes of transport.

5.20 The revised plans illustrate there will be no major alterations to the vehicle entry and car and cycle parking. There would still be sufficient external amenity space on the plot, following development and the proposal is acceptable in terms of off-road parking, cycle storage, or refuse storage. However, it is considered relevant to impose a condition to require the provisions for car and cycle parking to be laid out, and for provision made for electric vehicle charging points.

### Flood Risk and Drainage

5.21 Chapter 15, the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk but, where development is necessary, making it safe without increasing flood risk elsewhere. Draft local plan policies, GP15a of the 2005 draft plan and ENV4/5 of the 2018 draft plan reflect the aims of the NPPF. The site is in low-risk flood zone 1 and should not suffer from river flooding.

5.22 The Ainsty Internal Drainage Board have established that the nearest watercourse to the site is subject to high flows during storm event. The Board have recommended a condition for drainage works to be submitted and agreed before development is brought in to use to be submitted for approval.

## **6.0 CONCLUSION**

6.1 The application site lies within the village of Nether Poppleton in a sustainable and accessible location and in a predominantly residential area. The proposed new

dwelling will be an embodied low carbon “Passive – Standard” bungalow with integral garage which would contribute to National Governments incentives for reducing carbon emissions. In the planning balance, it is considered that by virtue of the design changes made to the proposal and the introduction of re-claimed materials to highly visible elevations would be likely to appropriately integrate into the prevailing character and appearance of the street scene. Moreover, the revised plans appear more compatible in its relationship to neighbouring properties in so far that it would not appear overly intrusive and acceptable levels of light and privacy will be retained. Therefore, approval is recommended subject to detailed conditions on the grounds that the scheme is compliant with policies PNP4, PNP6a and PNP11 of the Upper Poppleton and Nether Poppleton Neighbourhood Plan, The National Planning Policy Framework (NPPF), the Emerging Draft Local Plan 2018, and the Development Control Local Plan 2005.

**7.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Proposed Ground Floor Plan (drawing number 05 revision D)  
Proposed Elevations & Sections (drawing number 06 revision D)  
Proposed Site Plan (drawing number 07 revision B)

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

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

Reason: So as to achieve a visually cohesive appearance.

4 None of the boundary walls enclosing the site shall be lowered or breached without the prior written permission of the Local Planning Authority. Any part of the front wall removed during the construction process shall be rebuilt to its former height and design within 3 months of the first occupation of the dwelling.

Reason: In the interests of the visual amenities of the area.

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

Reason: In the interests of highway safety.

6 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

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

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

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

8 The development shall incorporate sufficient capacity within the electricity distribution board for one dedicated radial AC single phase connection to allow the future addition of an Electric Vehicle Recharge Point (minimum 32A) within the garage space (if provided) or parking area for each dwelling. Prior to the construction of any dwelling above foundation level the applicant shall submit a drawing for the written approval of the local planning authority which identifies the proposed location for a future Electric Vehicle Recharge Point within the curtilage of each new dwelling and shall ensure that any necessary trunking/ducting is in place to enable cables to be run to the specified location.

Reason

To ensure future electric vehicle charge points can be easily added to the property in accordance with the National Planning Policy Framework and the City of York Council Low Emission Strategy to encourage the uptake of electric vehicles in the interests of carbon reduction.

9 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation

scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

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

Reason: To protect the amenities of adjacent residents.

## **8.0 INFORMATIVES: Notes to Applicant**

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: Sought revised drawings to address concerns regarding design.

### **2. CONTROL OF POLLUTION ACT 1974**

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

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

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

(c) The best practicable means, as defined by Section 72 of the Control of Pollution

Act 1974, shall be employed at all times, in order to minimise noise emissions.

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

(e) There shall be no bonfires on the site

### 3. AVOIDING DAMAGE TO THE HIGHWAY GRASS VERGE

Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused, by activities relating directly to the approved development (e.g. delivery of building materials via HGV's). The Council is particularly concerned at the increasing impacts and damage occurring to grass verges. This is detrimental to residential amenity, can present safety issues and places an unreasonable financial burden on the Council, if repairs are subsequently deemed necessary. Therefore, applicants/developers are strongly advised to work proactively with their appointed contractors and delivery companies to ensure that their vehicles avoid both parking and manoeuvring on areas of the public highway (grass verges) which are susceptible to damage. The council wishes to remind applicants that legislation (Highways Act 1980) is available to the authority to recover any costs (incurred in making good damage) from persons who can be shown to have damaged the highway, including verges. If the development is likely to require the temporary storage of building materials on the highway, then it is necessary to apply for a licence to do so. In the first instance please email [highway.regulation@york.gov.uk](mailto:highway.regulation@york.gov.uk), with details of the site location, planning application reference, anticipated materials, timelines and volume. Please refer to the Council website for further details, associated fees and the application form.

### 4 ELECTRIC VEHICLE CHARGING POINTS

Any future Electric Vehicle Charging Points need to be professionally installed. The installation process routinely involves wall mounting a charge point on an exterior wall / garage wall and connecting it safely to the mains electricity supply. All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation.

The Government's Electric Vehicle Homecharge Scheme' offers a grant to reduce the cost of installing a home electric vehicle charge point. For more information see the Office for Zero Emission Vehicles' (OZEV) website at:

<https://www.gov.uk/government/collections/government-grants-for-low-emission-vehicles>. All electrical circuits/installations should comply with the electrical requirements in force at the time of installation.

The above requirement does not preclude the installation of Electric Vehicle Charge Point from the outset, if desired.

Details of passive provision to be included within household pack for first occupant, to include location of proposed Electric Vehicle Recharge Point, trunking/ducting

provided and details of distribution board location and capacity.

#### 5 SURFACE WATER DRAINAGE

The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal. The applicant is advised that the prior consent of Yorkshire Water is required as well as planning permission to make a connection of foul and surface water to the public sewer network.

**Contact details:**

**Case Officer:** Sharon Jackson

**Tel No:** 01904 551359

# 19 Hillcrest Avenue, Nether Poppleton, YO26 6LD

22/00731/FUL



Scale : 1:2284

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<b>Organisation</b>	City of York Council
<b>Department</b>	Directorate of Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	26 October 2022
<b>SLA Number</b>	Not Set

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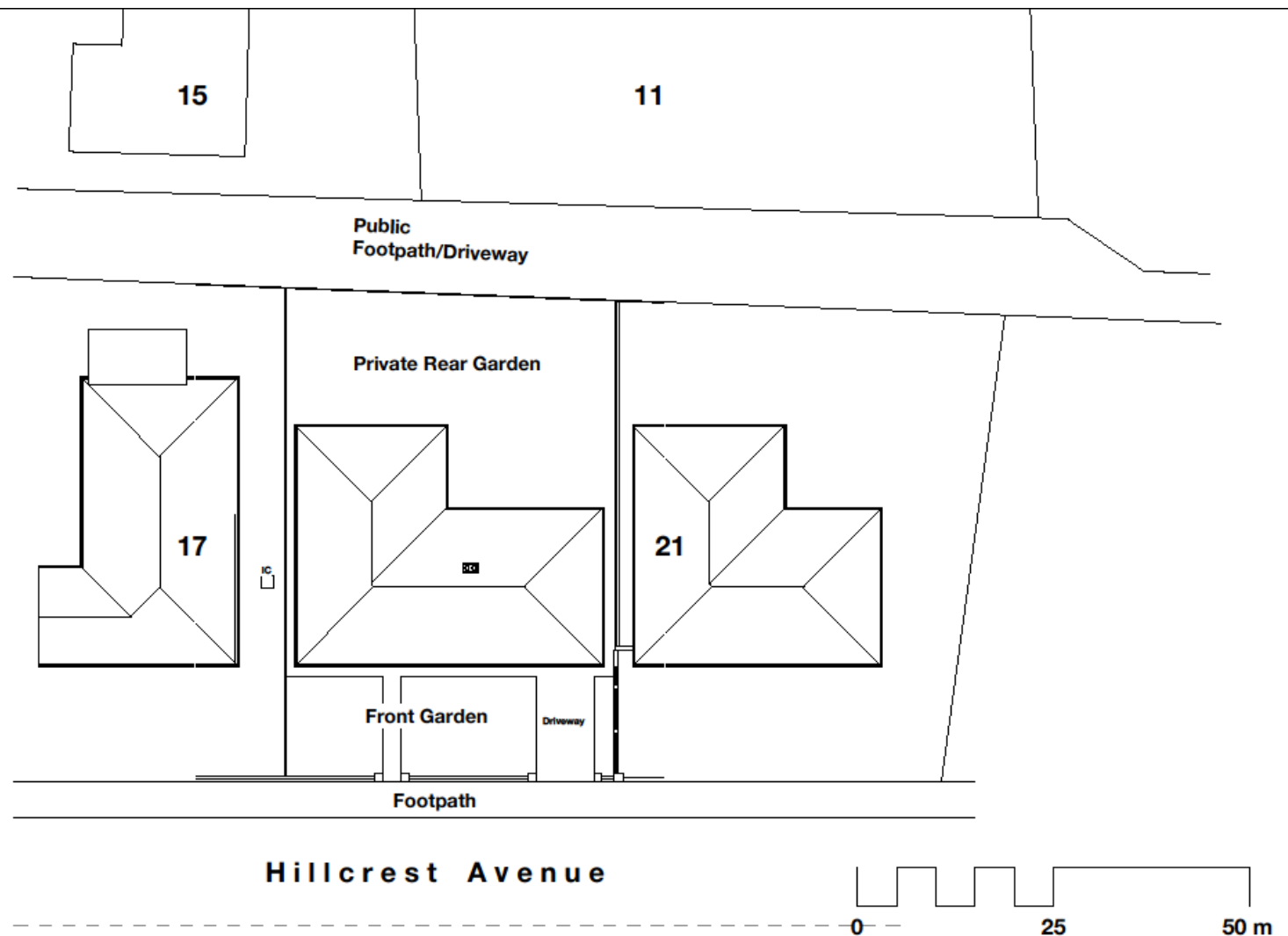


## Planning Committee B

22/00731/FUL

19 Hillcrest Avenue Nether Poppleton

Existing site plan



**SAMUEL KENDALL ASSOCIATES LTD**  
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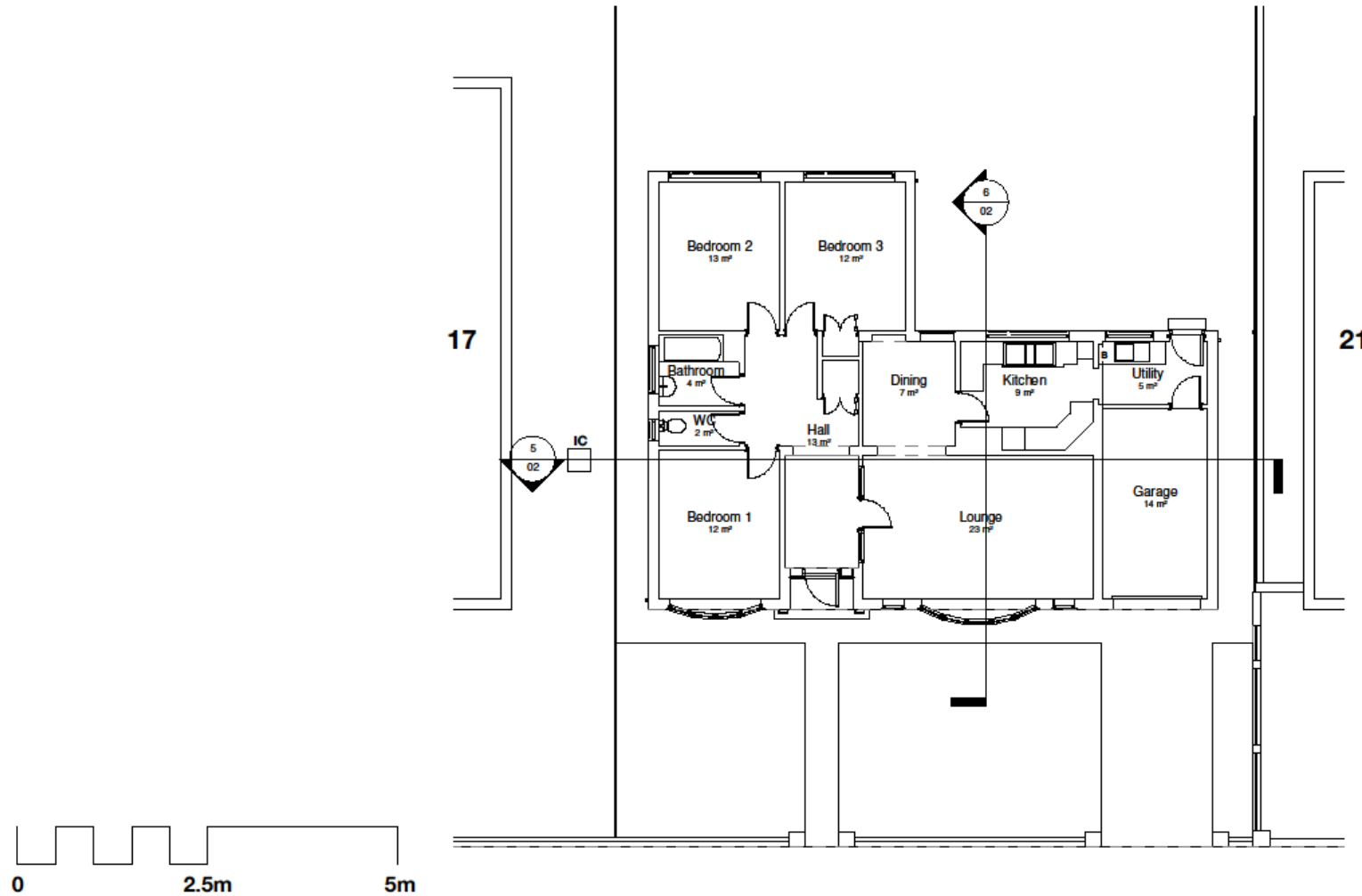
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			Revision Description Further detailed.	DWG No. <b>03</b>	REV <b>A</b>

As existing floor plans



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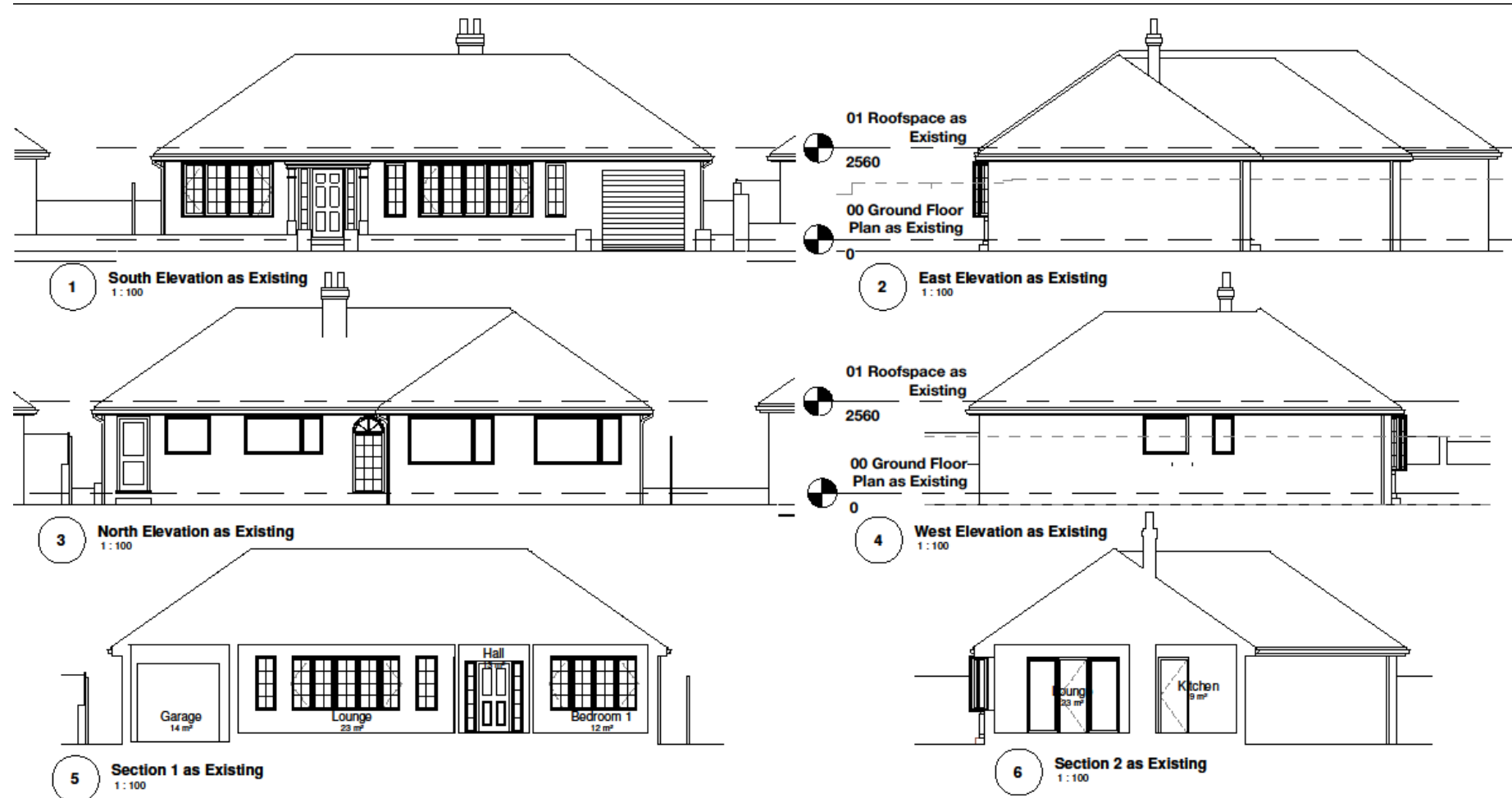
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			Revision Description	Project Number	1 : 100
			DWG No.	REV	
			<b>01</b>		

As existing elevations



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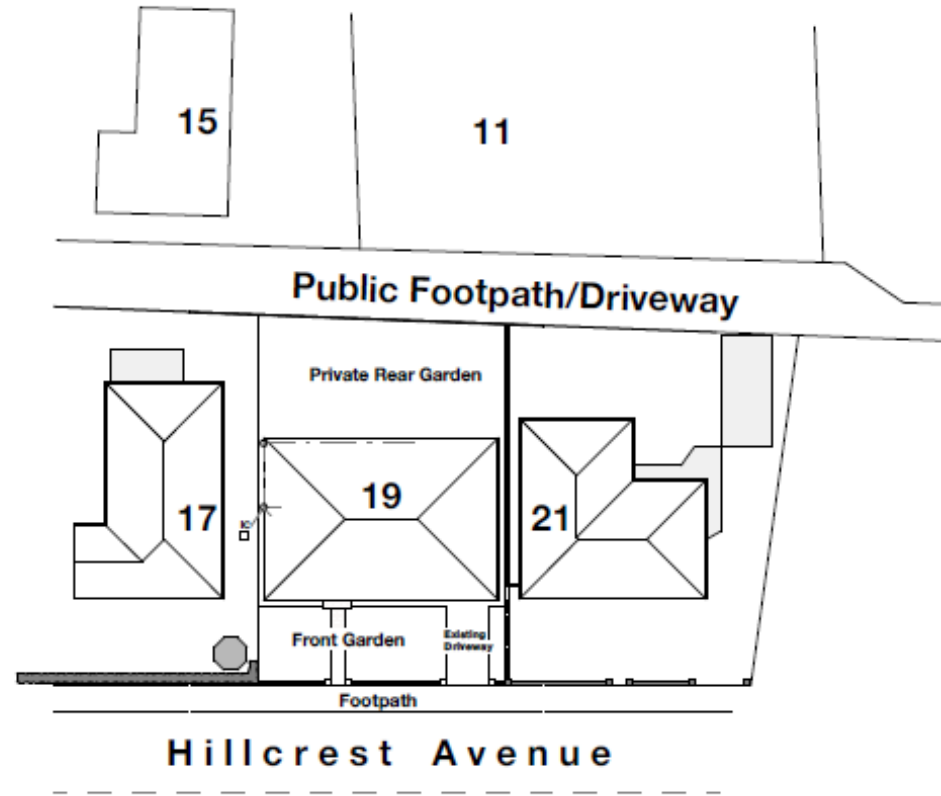
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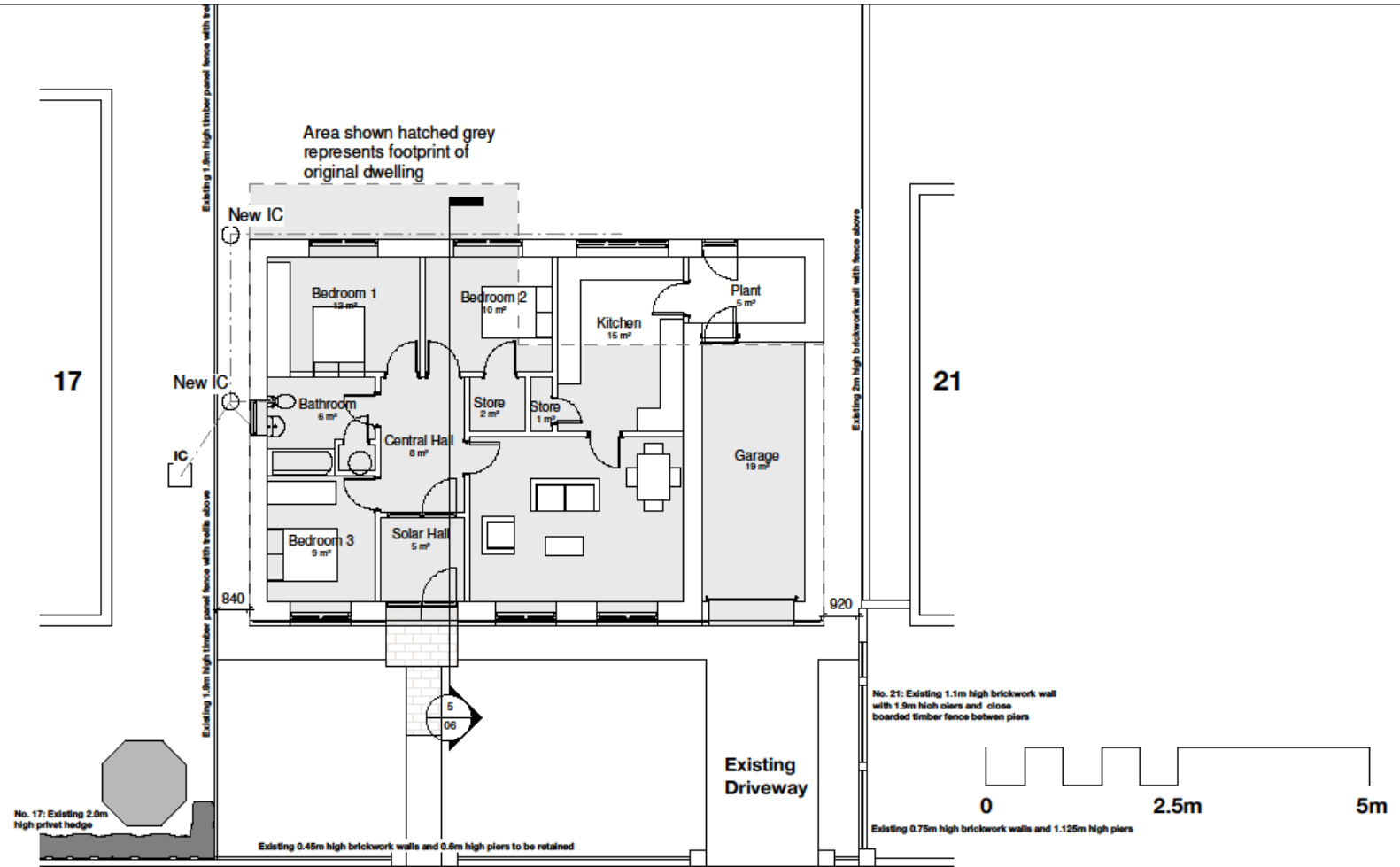


<b>CLIENT</b> <b>GARETH EDE</b> <small>All dimensions are to be checked on site prior to commencement of the works, any error or omission immediately reported to Samuel Kendall Associates Ltd. All services shown are approximate and the principal contractor is to establish the true positions prior to the commencement of any works on site.</small>	<b>PROJECT</b> <b>PROPOSED REPLACEMENT DWELLING at</b> <b>19 HILLCREST AVENUE, NETHER</b> <b>POPPLETON, YORK, YO26 6LD 07.02.22.</b>	<b>SHEET</b> <b>Elevations &amp; Sections as</b> <b>Existing</b>	Date	Project number	Scale (to A3)
			Revision Description	Project Number	1 : 100
				DWG No.	REV
				<b>02</b>	

# Proposed Site Plan



# Proposed floor plans



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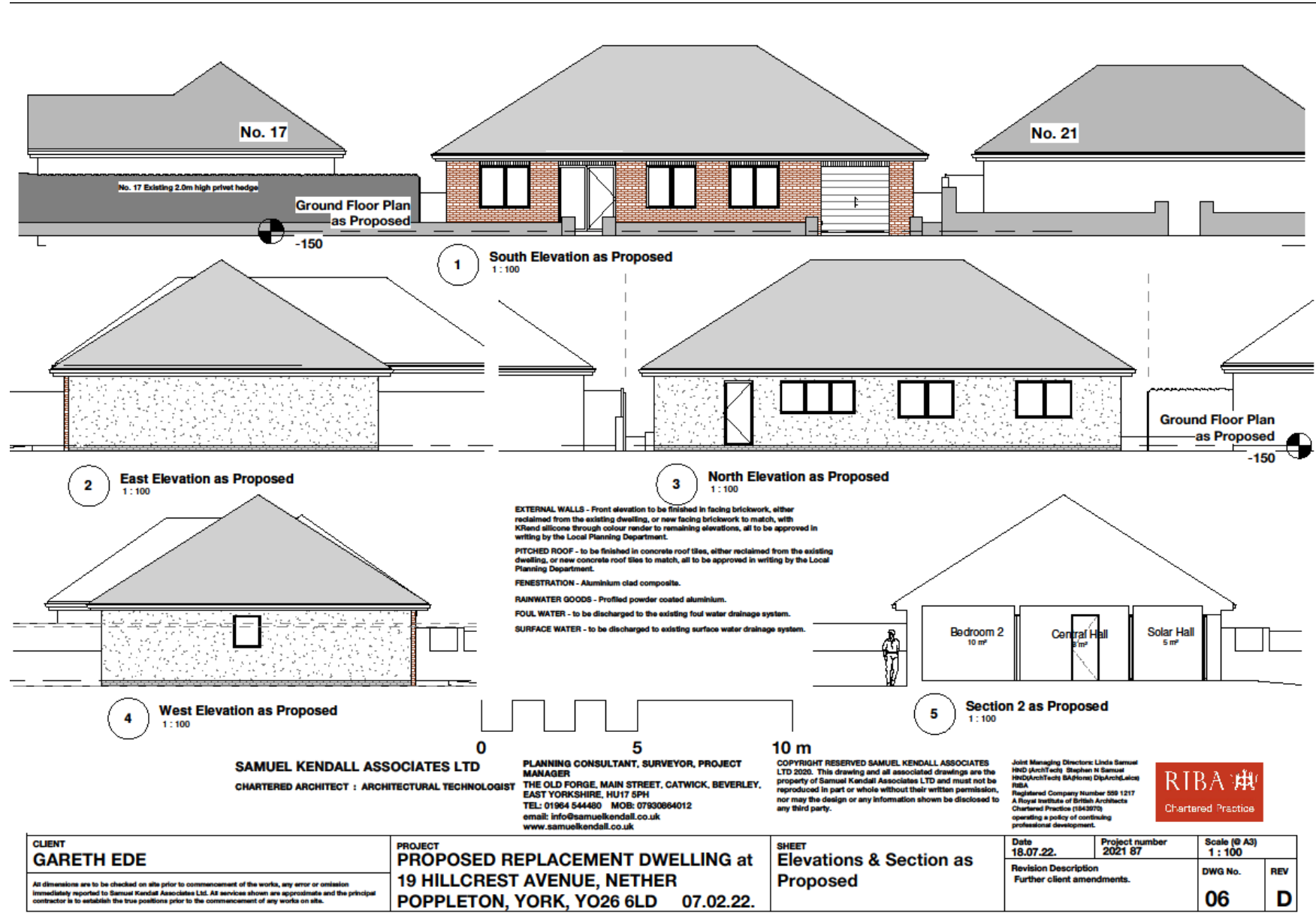
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			Revision Description Further client amendments.	DWG No. 05	REV D

# Proposed elevations



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**COMMITTEE REPORT**

**Date:** 10 November 2022      **Ward:** Dringhouses And Woodthorpe

**Team:** West Area      **Parish:** Dringhouses/Woodthorpe Planning Panel

**Reference:** 22/01278/FULM  
**Application at:** York College Sim Balk Lane York YO23 2BB  
**For:** Two storey side extension to the construction centre  
**By:** Mr Geoff Wroe  
**Application Type:** Major Full Application  
**Target Date:** 7 October 2022  
**Recommendation:** Approve

**PROPOSAL**

1.1 The application site relates to The Construction Education Centre at York College located on Tadcaster Road. Planning permission is sought to extend the building at two storey height for the provision of creating workshops to practice practical manual trade skills at ground floor with academic studying and office space on the first-floor level. The extension will be situated within the defined settlement limit on an existing brownfield site, which has been allocated for educational purposes in the draft 2018 local plan.

1.2 The proposal has been advanced as a solution to replace the 2no. marquees used as additional workshops for the practice manual skills which have temporary planning approval until September 2023. The accompanying Design and Access Statement has explained a permanent solution is required to accommodate the large capacity of students enrolled in the construction faculty.

**Relevant Planning History**

- Erection of two storey building to accommodate construction skills centre (class D1) following demolition of existing meeting centre (ref: 14/00899/FULM) approved 04.07.2014
- Siting of marquee for temporary period until July 2022 (retrospective) (ref: 21/00604/FUL) approved 06.05.2021
- Siting of additional marquee for temporary period until July 2022 (retrospective) (ref: 21/01231/FUL) approved 14.07.2021
- Retention of additional marquee (as approved 21/01231/FUL) for temporary period until September 2023 approved (ref: 22/00984/FUL)

## **2.0 POLICY CONTEXT**

### 2.1 The Publication Draft Local Plan (2018)

ED7 York College and Askham Bryan College

D1 Placemaking

CC1 Renewable and Low Carbon Energy

CC2 Sustainable Design and Construction of New Development

ENV3 Land Contamination

ENV5 Sustainable Drainage

T1 Sustainable Access

D2 Landscape and Setting

GI2 Biodiversity and Access to Nature

### 2.2 Development Control Local Plan 2005

GP1 Design

GP6 Contaminated Land

NE7 Habitat protection

## **3.0 CONSULTATIONS**

### EXTERNAL

#### Woodthorpe and Dringhouses Planning Panel

3.1 The Planning Panel support the development

#### Ainsty Internal Drainage Board (IDB)

3.2 The Board have no objections to the application.

### INTERNAL

#### Highways Network Management

3.3 Objections on the grounds that there is insufficient information provided to address the loss of 26no. parking spaces within the designated multi-storey car park. Officers have advised that further information is required explaining the impact the reduced parking numbers will have to any additional numbers of staff, students and visitors expected at the College because of the proposed development. Seeks planning conditions/obligations to secure a Travel Plan, car parking surveys in The Square and a TRO to secure parking restrictions dependent on the result of the surveys.

## Design, Conservation and Sustainable Development (Ecology)

3.4 The application is subject to further information supplied regarding potential ecological constraints requested by The Ecology Officer. Based on the information supplied Officers have no objection subject to conditions to support protected and notable habitats and species during building works or vegetation clearance

## Public Protection

3.5 Public Protection have no objections subject to relevant conditions to be submitted for approval and informatives for the attention of developers during construction.

## **4.0 REPRESENTATIONS**

4.1 The application was advertised by neighbour consultation letters and site notice. No comments have been received.

## **5.0 APPRAISAL**

### 5.1 Key Issues

- Design and Scale
- Sustainability
- Visual Appearance of the wider street scene
- Amenity/ Public Protection
- Highway Implications
- Ecology Issues

## Policy Context

### National Planning Policy Framework July 2021

5.2 Central Government guidance is contained in the National Planning Policy Framework ("NPPF"). The revised National Planning Policy Framework was published July 2021 (NPPF) and its planning policies are a material consideration in the determination of planning applications. The advice provided in Paragraph 11 establishes the presumption in favour of sustainable development, which runs through both plan-making and decision-taking. In decision-taking this means approving development proposals without delay that accord with an up-to-date development plan. In the absence of relevant development plan policies or where they are out-of-date, permission should be granted unless policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly

or demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

### Development Plan

5.3 Section 38(6) of the Planning and Compensation Act 2004 requires determinations be made in accordance with the development plan unless material considerations indicate otherwise. The retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS") illustrates the general extent of the Green Belt around York with an outer boundary about 6 miles from the City Centre. The site lies within the built-up area of the City and the land is not considered to serve any Green Belt purpose, it is therefore considered not to be within the general extent of the Green Belt.

### Publication Draft Local Plan 2018

5.4 The DLP was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. Phase 2 of the hearings concluded in May 2022. Phase 3 of the hearings took place in July 2022 and Phase 4 took place in September 2022. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

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

### Development Control Local Plan 2005

5.5 The Development Control Local Plan (DCLP) was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF. However, such policies can be afforded very limited weight. The site is included in the main built-up area of the city on the Proposals Map that accompanies the plan.

### Assessment of Development

5.6 Policy ED7 (York College and Askham Bryan College) of the emerging DLP supports development for future expansion of teaching, administration, research

operations and student accommodation the college. Sufficient land has been identified on the DLP proposals map to facilitate anticipated growth of York College and continued delivery of its facilities in one location.

### Scale and Design

5.7 The Construction Centre is located at the southern edge of the York College complex. The Centre is a part two and single storey building constructed in blue brick and white render with a central glazed atrium on the northern elevation (main entrance) and timber panelling surrounding the upper floor windows. The two-storey extension will be situated on the southern elevation of the centre. The building is triangular and will be set at approximately 9.72 metres in height to match the height of the host building. The ground floor will be laid out with a bricklaying workshop and a joinery workshop for students to practice manual skills. The first floor will be designated to academic study and will include additional office space. The external elevations to the southeast and west will feature glazing matching the heights of the existing facility. The elevation facing towards Sim Balk Lane will be a feature brickwork tower extending 2.35 metres above the parapet wall height which will allow access onto the roof for maintenance. The outside areas around the building will be made good with landscaping and paving.

### Sustainability

5.8 Paragraph 158 of the NPPF states that the planning system should support the transition to a low carbon future and, among other things, support renewable and low carbon energy. Policy CC2 'Sustainable Design and Construction of New Development' states that developments which demonstrate high standards of sustainable design and construction will be encouraged. Development proposals will be required to demonstrate energy and carbon dioxide savings in accordance with the energy hierarchy and water efficiency. The policy as modified requires that all new non-residential buildings with a total internal floor area of 1000m<sup>2</sup> or greater should achieve BREEAM 'Excellent' (or equivalent).

5.9 The accompanying Sustainability Statement explains the quality of materials have been selected because of their life cycle impact and low embodied energy to create a well-insulated building. The finishes and windows will be selected that are durable, safe and help noise control emitting from and into the new facility. The consumption of energy will be controlled by maximising solar gain as previously stated and through high levels of thermal design. This will be supported by the efficient use of artificial light both inside and outside. These light fittings will be carefully selected and controlled by presence detectors/solar cells and will utilise high efficiency LED bulbs to reduce energy consumption.

Visual Appearance of the wider street scene

5.10 Chapter 12 of the NPPF gives advice on design, placing great importance to that design of the built environment. Paragraph 130 states that planning decisions should ensure that development will add to the overall quality of the area, be visually attractive, be sympathetic to local character and history, and have a high standard of amenity for existing and future users. Policy D1 of the Publication Draft City of York Local Plan indicates that development proposals will be supported where they demonstrate that the combined effect of new development does not dominate other buildings and spaces paying particular attention to adjacent buildings.

5.11 The extension will be situated to the southern elevation of the Construction Centre in proximity to the main vehicular entrance from Sim Balk Lane. The extension will be set back from the east elevation of the construction centre by approximately 20 metres and situated back from the tree lined boundary separating the College complex from Sim Balk Lane. The public views of the extension will be generally oblique because of the gradients of the land and mature landscaping to the site boundaries. In longer distance views approaching from Bishopthorpe along Sim Balk Lane, it is considered with the use of matching materials and scale its appearance will read as part of the construction centre. Therefore, the proposal will appear subservient to the site surrounds and would not detract from the adjacent open countryside of which contributes to the character and appearance of the local environment.

Amenity/ Public Protection

5.12 Paragraph 130(f) of the NPPF seeks to achieve a good standard of amenity for all existing and future occupants. Policy GP1 of the 2005 Development Control Draft Local Plan and policies D1 and D11 of the 2018 Draft Local Plan seek to ensure that development proposals do not unduly affect the amenity of nearby residents in terms of noise disturbance, overlooking, overshadowing or from overbearing structures. The main College complex lies directly adjacent to residential housing located on Chessingham Gardens and The Grove. The Construction Centre is set substantially back from the housing estates and screened by the substantially higher buildings of the main College building.

5.13 Paragraph 185 of the NPPF states that planning polices, and decisions should aim to avoid giving rise to significant adverse impacts on health and quality of life. Policy ENV2 of the 2018 Draft Plan require that there should be no undue adverse impact from noise disturbance. The Council's Public Protection Unit have requested further information to be secured through several conditions for details for assessment to protect the amenity of nearby properties and the environmental qualities of the area.

## Highway Implications

5.14 The NPPF encourages development that is sustainably located and accessible. Paragraph 110(b) requires that all development achieves safe and suitable access for all users. It advises at paragraph 111 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Further, paragraph 112 requires development to, inter alia, give priority first to pedestrians and cycle movements and create places that are safe, secure, and attractive thereby minimising the scope for conflicts between pedestrians, cyclists, and vehicles. Policy T1 of the 2018 Draft Local Plan supports the approach of the NPPF in that it seeks the safe and appropriate access to the adjacent adopted highway, giving priority to pedestrians and cyclists.

5.15 The multi storey car park has a total of no.611 car spaces, inclusive of no.14 disabled spaces and no.84 motorcycle spaces. The proposed extension will result in the loss of no. 26. parking spaces. The College have provided some figures of a noticeable decline in car park users through calculations of parking permits. These figures are only estimated because most students have occasional permits because they do not attend the college five days a week. The estimated changes documented between Covid pandemic during the years 2019- 2020/21 indicated there was a total of 1633 permits provided, which breaks down to 666 permits for staff, and 967 permits for students. In the subsequent years of 2022 up to 2023 these numbers have reduced to 678 permits which breaks down as 327 staff permits, and 351 students permits. Further, the College have concluded that because of the positioning of the marquees for over 21 months there are surplus parking spaces daily. Also, the College have increased the daily number for college bus routes from 12 routes to 15 routes therefore moving students away from car travel to our subsidised buses.

5.16 The Council's Highway Network Management team has no objections to the scheme in principle, subject to several highway conditions. Concerns have been raised over the lack of information provided for expected additional number of staff, students, and visitors to the site because of the additional accommodation required to facilitate additional students. Officers have proposed a condition for an up to date Travel Plan, to include on street parking surveys to be completed around the College complex and have sought s106 obligations to secure support for the Travel Plan and to provide for parking restrictions in The Square (a residential development to the north of the site) dependent on the result of recommended parking surveys. Members will be updated on these matters at the meeting.

## Ecology Issues

5.17 Paragraph 174 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by, inter alia, minimising impacts on and

providing net gains for biodiversity. The NPPF advises that if significant harm to biodiversity from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Draft Local Plan policies reflect this advice in relation to trees, protected species, and habitats.

5.18 The Council's Ecologist is satisfied with the additional submitted ecology information subject to conditions to support protected and notable habitats and species.

## **6.0 CONCLUSION**

6.1 The proposal is for a two- storey extension to The Construction Education Centre at York College. Policy ED7 of the emerging DLP supports development for future expansion to the site and sufficient land has been identified on the DLP proposals map to facilitate anticipated growth of York College and continued delivery of its facilities in one location. The extension will provide additional workshops to practice practical manual trade skills and additional classrooms for academic studying and more office space. The proposal has been advanced as a permanent solution to the existing temporary marquee to accommodate students enrolled with the construction faculty. The extension is of an appropriate scale and design and would not harm the character of the area. Therefore, approval is recommended subject to detailed conditions on the grounds that the scheme is compliant with the National Planning Policy Framework (NPPF) and the Emerging Draft Local Plan 2018, with particular reference to policy ED7.

## **7.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

### Approved Plans

Location Plan dated 5th September 2022 (drawing number 8681-BOW-XX-XX-DR-A-0012 revision P1)

Proposed Site Plan dated 5th June 2022 (drawing number 8681-BOW-XX-OO-DR-A-0007 revision P1)

Proposed Level 01 Plan dated 18th February 2022 (drawing number 8681-BOW-XX-XX-DR-A-0012 revision P2)



Proposed Roof Plan dated 25th February 2022 (drawing number 8681-BOW-XX-XX-DR-A-0005 revision P3)

Proposed Block Plan dated 5th February 2022 (drawing number 8681-BOW-XX-XX-DR-A-0014 revision P1)

Existing and Proposed Sections dated 5th September 2022 (drawing number 8681-BOW-XX-ZZ-DR-A-0013 revision P2)

Proposed Elevations dated 25th February 2022 (drawing number 8681-BOW-XX-ZZ-DR-A-0004 revision P3)

Existing and Proposed 3D Views dated 25th February 2022 (drawing number 8681-BOW-XX-ZZ-DR-A-0006 revision P2)

Proposed Views dated 5th June 2022 (drawing number 8681-BOW-XX-ZZ-DR-A-0008 revision P2)

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

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

Note: Because of limited storage space at our offices sample materials should be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

4 Prior to the commencement of the development hereby authorised full details of a scheme of mitigation for surface water discharges from the building hereby authorised shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include areas of compensation for loss of existing landscaped areas and permeable surfaces and shall comprise either a proportionate increase in the capacity of the existing system of attenuation or a replacement on a like for like basis of existing impermeable surfaces with a landscaped or other permeable surface. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason:- To minimise flood risk and to secure compliance

5 All ecological enhancements as detailed in the Preliminary Ecological Appraisal with Preliminary Bat Roost Assessment provided by ECUS (September 2022) shall be included within the development. As this information has already been submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 174 d) of the NPPF (2021) to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

6 Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control, and removal of Wall cotoneaster (*Cotoneaster horizontalis*) on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: To ensure that an adequate means of eradicating or containing the spread of an invasive non-native species listed on Schedule 9 of The Wildlife and Countryside Act 1981 (as amended) and to prevent further spread of the plant which would have a negative impact on biodiversity and existing or proposed landscape features.

Informative - invasive non-native species: The applicant is reminded that Wall cotoneaster, which is present on site, is listed on Schedule 9 of The Wildlife and Countryside Act (1981 as amended) making it an offence to "introduce plant or cause to grow wild" these species. Steps should be taken to prevent further spread of the plant which would have a negative impact on biodiversity and existing or proposed landscape features.

7 No building works or vegetation clearance shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful and detailed check of suitable habitat for active birds' nests immediately before the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that nesting birds are protected from harm during construction. All British birds, their nests, and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended.

Informative - nesting birds: The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Suitable habitat is likely to contain nesting birds between 1st March and 31st August inclusive. Suitable habitat is present on the application site and is to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present.

8 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014+ A1 2019, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

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

9 All piling operations shall be carried out using the method likely to produce the least vibration and disturbance. Full details of the dates, times and duration of operations shall be submitted to and approved in writing by the Local Planning Authority before any piling operations are begun and piling operations shall take place in accordance with the approved details.

10 All external lighting, other than that required for emergency or security purposes, shall be turned off by 23:00 on any day.

A full Lighting Impact Assessment undertaken by an independent assessor detailing predicted light levels at neighbouring residential properties including a description of the proposed lighting, a plan showing vertical illuminance levels (Ev) and all buildings within 100 metres of the edge of the site boundary.

Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for the appropriate Environmental Zone contained within the following table taken from the Institute of Light Professionals Guidance Notes for the Reduction of Obtrusive Lighting.

Environmental Zone Ev [lux]	Sky Glow ULR [Max %]					Light Intrusion (into windows)		
	Luminaire Intensity I [candelas]		Pre-curfew Post- curfew			Building Luminance Pre-curfew Post- curfew		Average L
[cd/m2]								
E0	0	0	0	0	0	0		
E1	0	2	0	2,5000	0			
E2	2.5	5	1	7,500500	5			
E3	5.0	10	2	10,000	1,00010			
E4	15	25	5	25,000	2,50025			

## Notes:

ULR = Upward Light Ratio of the Installation is the maximum permitted percentage of luminaire flux that goes directly to the sky

Ev = Vertical Illuminance in Lux- measure flat on the glazing at the centre of the window

I = Light intensity in Candelas (cd)

L = Luminance in Candelas per Square metre (cd/m2)

Curfew = the time after which stricter requirements for the control of obtrusive light apply, this is generally taken as 23:00

Reason: To protect the amenity of the surrounding environment.

11 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, if remediation is necessary, a remediation strategy must be prepared, which is subject to approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and approved by the Local Planning Authority. It is strongly recommended that all reports are prepared by a suitably qualified and competent person.

12 The development hereby permitted shall achieve a BREEAM rating of at least Excellent. A Post Construction Assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate submitted to the Local Planning Authority within 12 months of first use (unless otherwise agreed). Should the development fail to achieve a 'Excellent' BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority within 3 months of the submission of the above mentioned certificate demonstrating what remedial measures shall be undertaken to achieve a 'Excellent' rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: To fulfil the environmental objectives of the NPPF and support the

transition to a low carbon future, and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018

13 HWAY40 Dilapidation survey

14 The extension shall not be occupied until a Full Travel Plan has been submitted and approved in writing by the LPA. The Travel Plan should be developed and implemented in line with local and national guidelines taking into account the existing Updated Travel Plan and supplementary travel surveys, as required by the LPA. In addition to providing an update to the general content of the Travel Plan, The Updated Travel Plan should specifically include details of current staff / student nos. and projected staff / student nos. arising from the proposed development.

The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 9 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly annual travel surveys carried out over period of 4 years from the first survey shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure that traffic flows from the site can be safely accommodated and to promote the usage of sustainable means of transport.

## **8.0 INFORMATIVES:**

### **Notes to Applicant**

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

\*\*\*\*IN

#### **2. Informative - Hedgehogs:**

The applicant is advised to consider using permeable fencing or leaving occasional gaps suitable to allow passage of hedgehogs. Any potential hibernation sites including log piles should be removed outside the hibernation period (which is between November and March inclusive) to avoid killing or injuring hedgehog.

Hedgehogs are of priority conservation concern and are a Species of Principal Importance under section 41 of the NERC Act (2006). An important factor in their recent population decline is that fencing, and walls are becoming more secure, reducing their movements and the amount of land available to them. Small gaps of approximately 13x13cm can be left at the base of fencing to allow hedgehogs to pass through. Habitat enhancement for hedgehogs can easily be incorporated into developments, for example through provision of purpose-built hedgehog shelters or log piles. <https://www.britishhedgehogs.org.uk/wp-content/uploads/2019/05/developers-1.pdf>

3. Informative - wildlife and lighting: When designing external lighting its potential impacts on light sensitive species should be considered. Direct lighting and light spill should be avoided where new roosting and nesting features are installed, on trees and 'green' linear features, such as hedgerows. Advice on lighting design for light sensitive species is available from the Bat Conservation Trust (2018) Bats and artificial lighting in the UK guidance: <https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?mtime=20181113114229&focal=none>

#### 4. INFORMATIVE:

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

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

(f) There shall be no bonfires on the site

**Contact details:**

**Case Officer:** Sharon Jackson

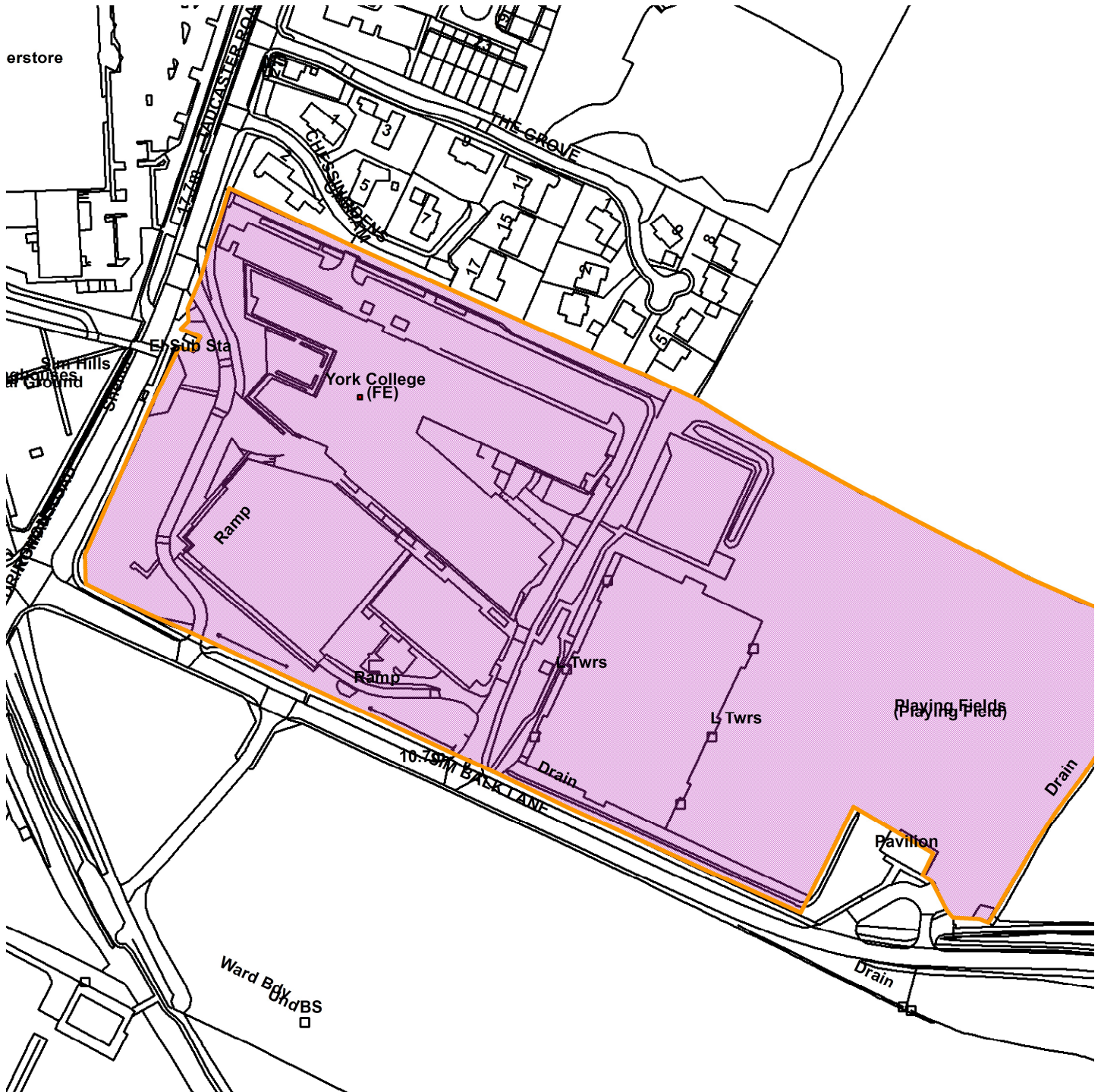
**Tel No:** 01904 551359

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# York College, Sim Balk Lane, York YO23 2BB

22/01278/FULM



Scale : 1:2657

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<b>Organisation</b>	City of York Council
<b>Department</b>	Directorate of Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	31 October 2022
<b>SLA Number</b>	Not Set

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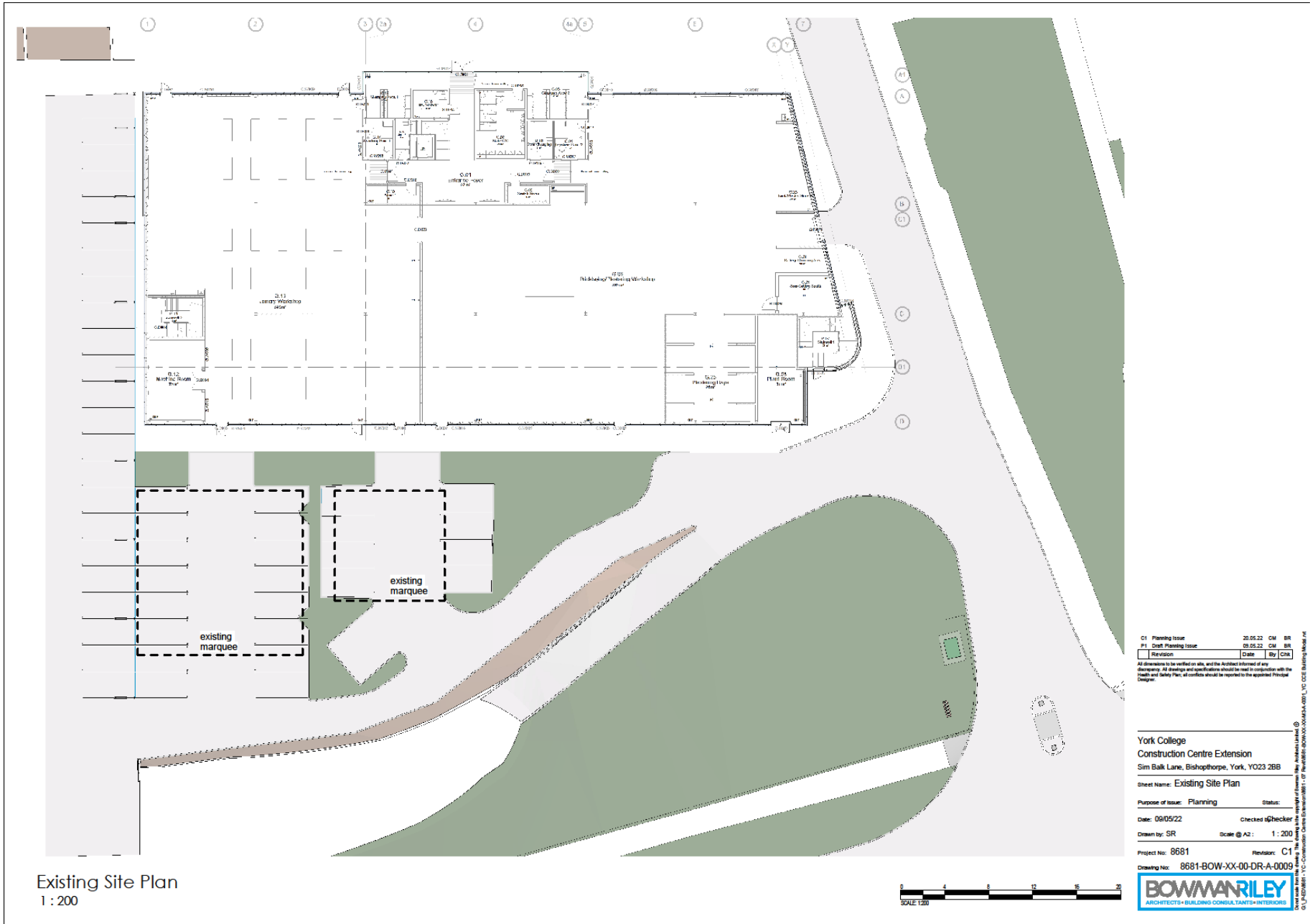


## Planning Committee B

22/01278/FULM

York College Sim Balk Lane

# Existing site plan



Existing Site Plan  
1 : 200

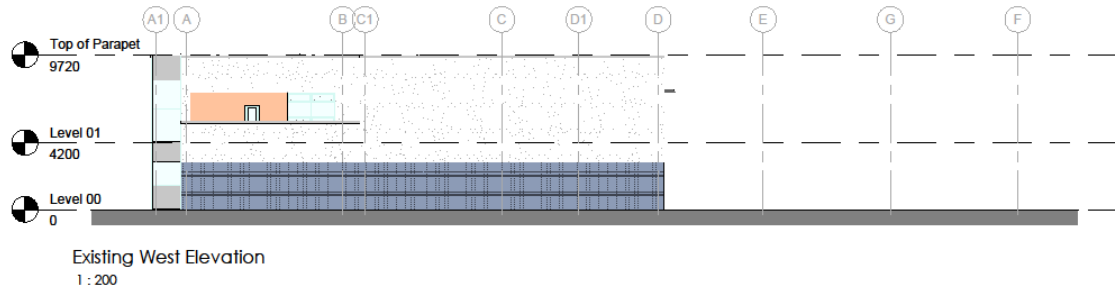
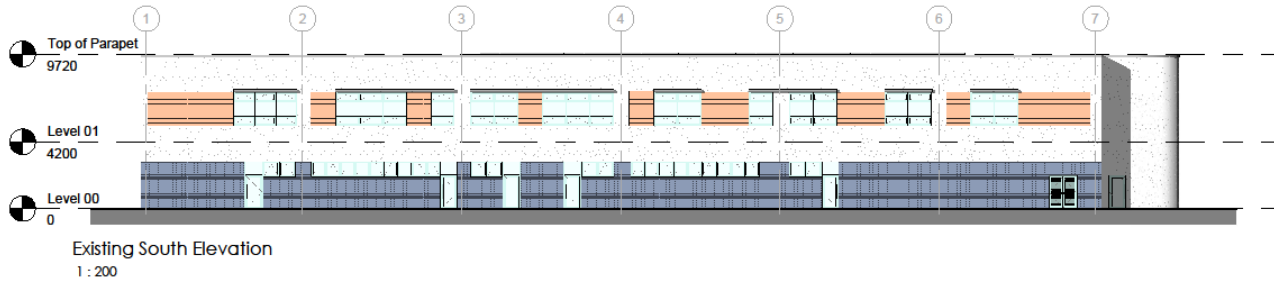
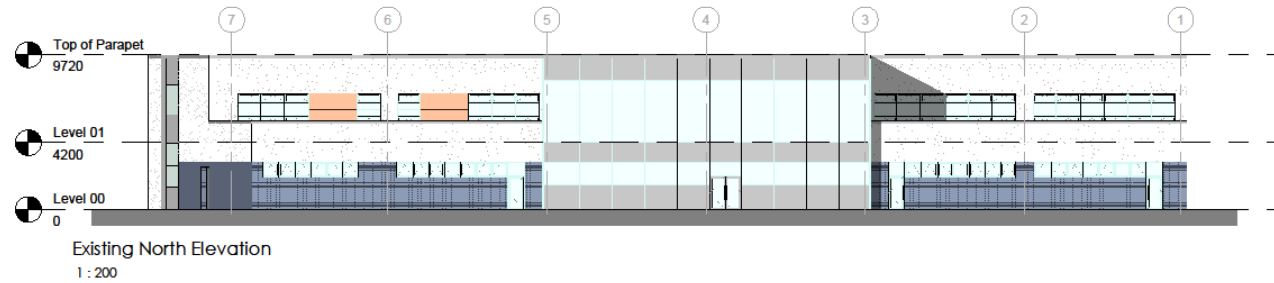
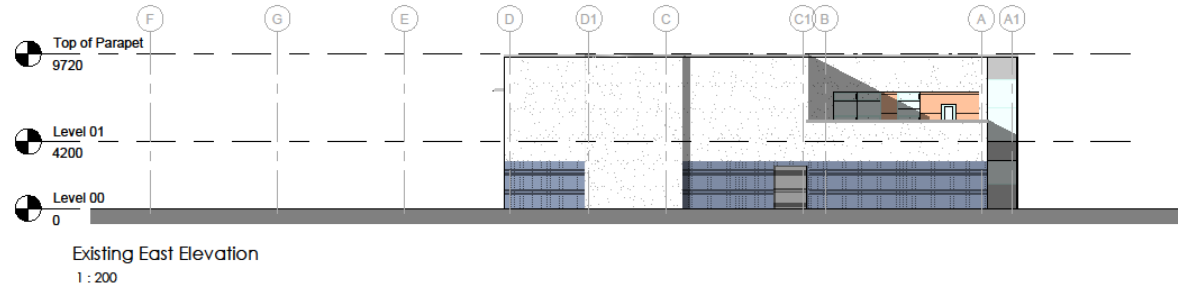
C1	Planning Issue	20.05.22	CM	BR
P1	Draft Planning Issue	09.05.22	CM	SR
	Revision	Date	By	CHK

All dimensions to be verified on site, and the Architect informed of any discrepancy. All drawings and specifications should be read in conjunction with the Health and Safety Plan; all conflicts should be reported to the appointed Principal Designer.

York College  
Construction Centre Extension  
Sim Balk Lane, Bishopthorpe, York, YO23 2BB  
Sheet Name: Existing Site Plan  
Purpose of Issue: Planning Status:  
Date: 09/05/22 Checked by/Checker:  
Drawn by: SR Scale @ A2: 1 : 200  
Project No: 8681 Revision: C1  
Drawing No: 8681-BOW-XX-00-DR-A-0009



As existing elevations



C1 Planning Issue	20.05.22	CM	BR
P1 Draft Planning Issue	09.05.22	CM	BR
Revision	Date	By	Chk

All dimensions to be verified on site, and the Architect informed of any discrepancy. All drawings and specifications should be read in conjunction with the Health and Safety Plan, all conflicts should be reported to the appointed Principal Designer.

York College  
Construction Centre Extension  
Sim Balk Lane, Bishopthorpe, York, YO23 2BB  
Sheet Name: Existing Elevations

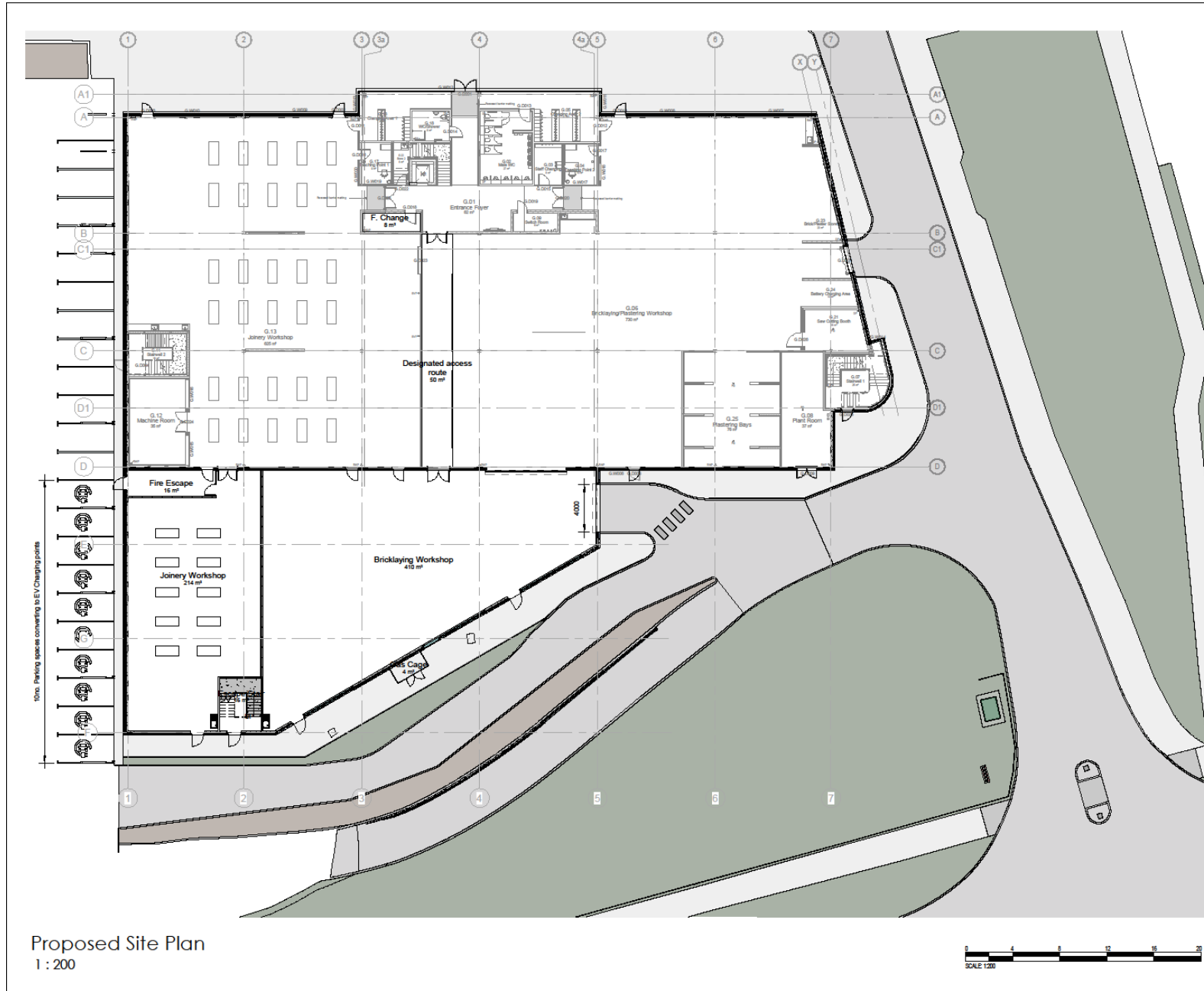
Purpose of Issue: Preliminary Status:  
Date: 02/25/22 Checked by: BR  
Drawn by: CM Scale @ A2: 1 : 200  
Project No: 8681 Revision: C1

Drawing No: 8681-BOW-XX-ZZ-DR-A-000



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# Proposed Site Plan



Proposed Site Plan  
1 : 200

C1	Planning Issue	20.05.22	CM	BR
P1	Cost Planning Issue	05.05.22	CM	BR
	Revision	Date	By	CHK

All dimensions to be verified on site, and the Architect informed of any discrepancy. All drawings and specifications should be read in conjunction with the Health and Safety Plan, of conflicts should be reported to the appointed Principal Designer.

York College  
Construction Centre Extension  
Sim Balk Lane, Bishopthorpe, York, YO23 2BB

Sheet Name: Proposed Site Plan

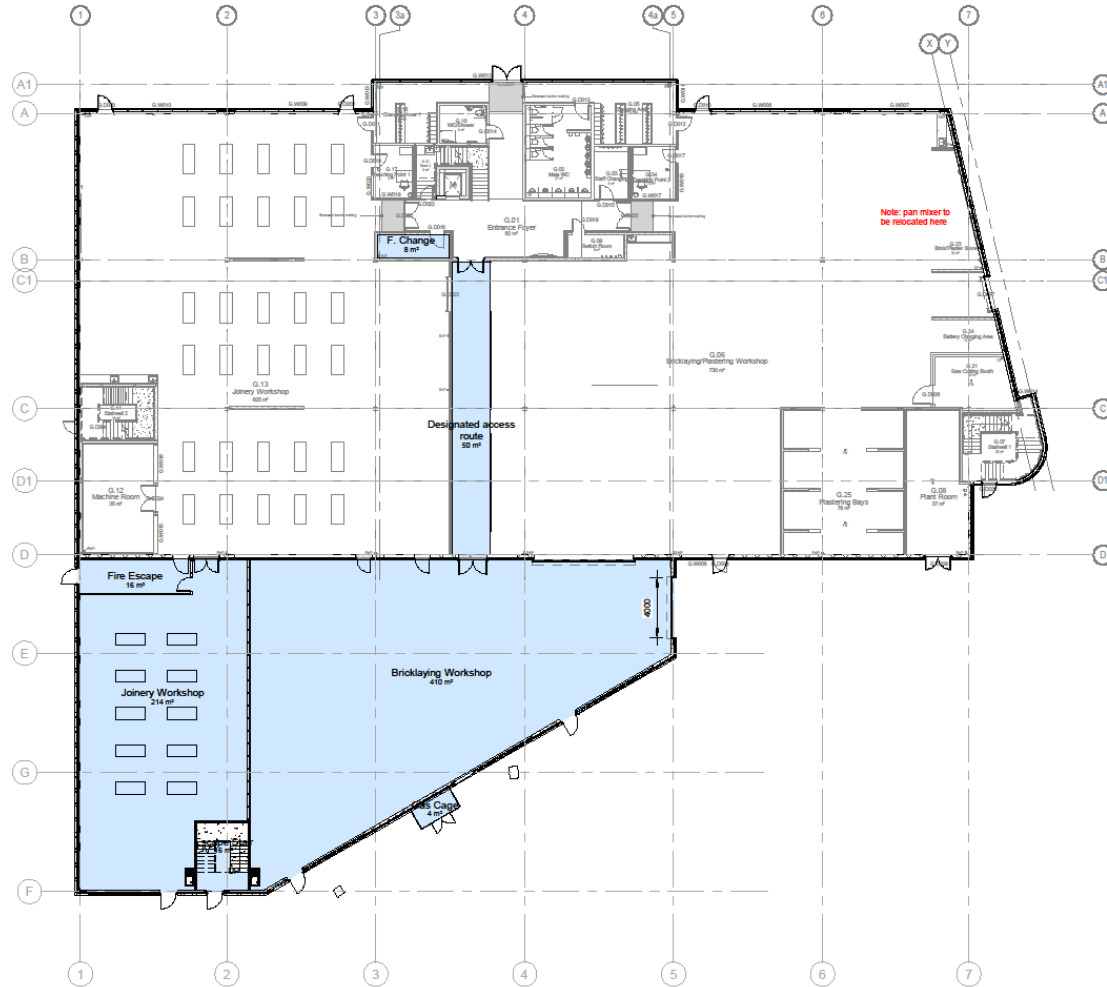
Purpose of Issue: Planning      Status:

Date: 05/09/22      Checked by: BR  
Drawn by: CM      Scale @ A2: 1 : 200

Project No: 8681      Revision: C1  
Drawing No: 8681-BOW-XX-00-DR-A-0007

**BOWMAN RILEY**  
ARCHITECTS • BUILDING CONSULTANTS • INTERIORS

# Proposed ground floor plan



Proposed Level 00 Plan  
1 : 200

C1	Planning Issue	20.05.22	CM	BR
P4	Deck Planning Issue	09.05.22	CM	BR
P2	Issued for coordination	28.04.22	CM	BR
P2	Updated to A/R sketches following client meeting	19.04.22	CM	BR
P1	Updates following client meeting	25.02.22	CM	BR
Revision	Date	By	Chk	

York College  
Construction Centre Extension  
Simi Balk Lane, Bishopthorpe, York, YO23 2BB

Sheet Name: Proposed Level 00 Plan

Purpose of Issue: Preliminary Status:  
Date: 02/19/22 Checked by: BR  
Drawn by: CM Scale @ A2: 1 : 200

Project No: 8681 Revision: C1  
Drawing No: 8681-BOW-XX-00-DR-A-0001



# Proposed first floor plan



Proposed Level 01 Plan  
1 : 200

Construction staff and operatives must ensure the principle contractor has provided thorough and accurate information on all health and safety aspects of the design identified on this drawing include the review of Designers/contractors risk assessments, Method Statement, Permit to work, Pre Construction Information

Designers Risk Schedule										
Ref Number	Hazard Category	Description	Associated Product	Associated Activity	Associated Location	Agreed Mitigation	Risk Likelihood	Risk Consequence	Level of Risk	Date Identified
H1	Fire Escape	Travel distances in excess of single direction travel.			First floor lab	Option to escape through other room to be reviewed with building control	Low	High	High	19.04.22

C1	Planning Issue	20.05.22	CM	BR
P4	Draft Planning Issue	09.05.22	CM	BR
P2	Issued for construction	28.04.22	CM	BR
P2	Updated to A11 sketches following client meeting	19.04.22	CM	BR
P1	Updates following client meeting	25.02.22	CM	BR
	Revision	Date	By	Chk

All dimensions to be verified on site, and the Architect informed of any discrepancy. All drawings and specifications should be read in conjunction with the Health and Safety Plan; all conflicts should be reported to the appointed Principal Designer.

York College  
Construction Centre Extension  
Sim Balk Lane, Bishopthorpe, York, YO23 2BB  
Sheet Name: Proposed Level 01 Plan

Purpose of Issue: Preliminary Status:

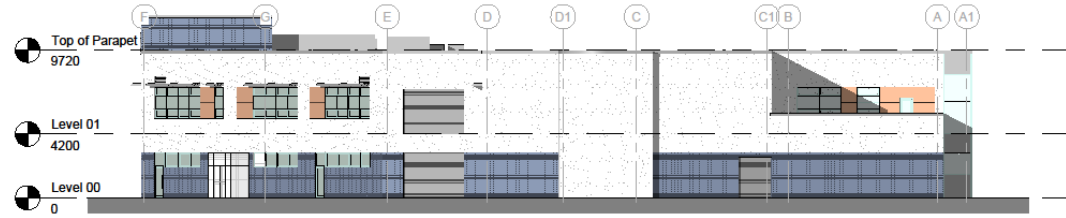
Date: 02/19/22 Checked by: BR  
Drawn by: CM Scale @ A2: 1 : 200

Project No: 8681 Revisor: C1  
Drawing No: 8681-BOW-XX-01-DR-A-0002

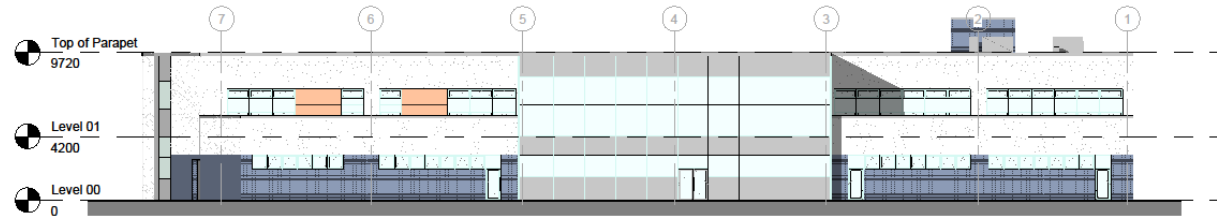




# Proposed elevations



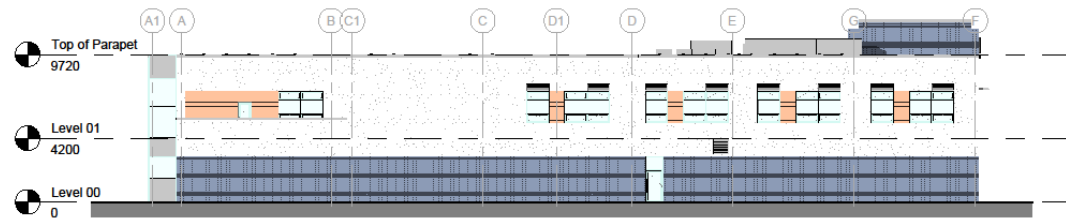
Proposed East Elevation  
1 : 200



Proposed North Elevation  
1 : 200



Proposed South Elevation  
1 : 200



Proposed West Elevation  
1 : 200



P3	Elevation updated to show high level	01.06.22	CM	CM
Zho	louvers			
C1	Planning Issue	20.05.22	CM	BR
P2	Draft Planning Issue	09.05.22	CM	BR
P1	Issued for coordination	28.04.22	CM	BR

All dimensions to be verified on site, and the Architect informed of any discrepancy. All drawings and specifications should be read in conjunction with the Health and Safety Plan, which details should be reported to the approved Principal Designer.

York College  
Construction Centre Extension  
Sim Balk Lane, Bishopthorpe, York, YO23 2BB

Sheet Name: Proposed Elevations

Purpose of Issue: Preliminary Status:

Date: 02/25/22 Checked by: BR

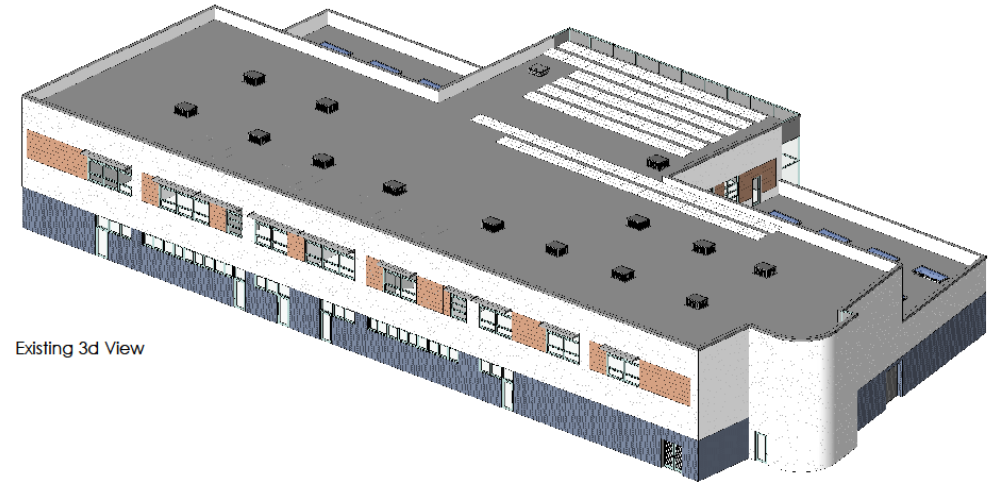
Drawn by: CM Scale @ A2: 1 : 200

Project No: 8681 Revision: P3

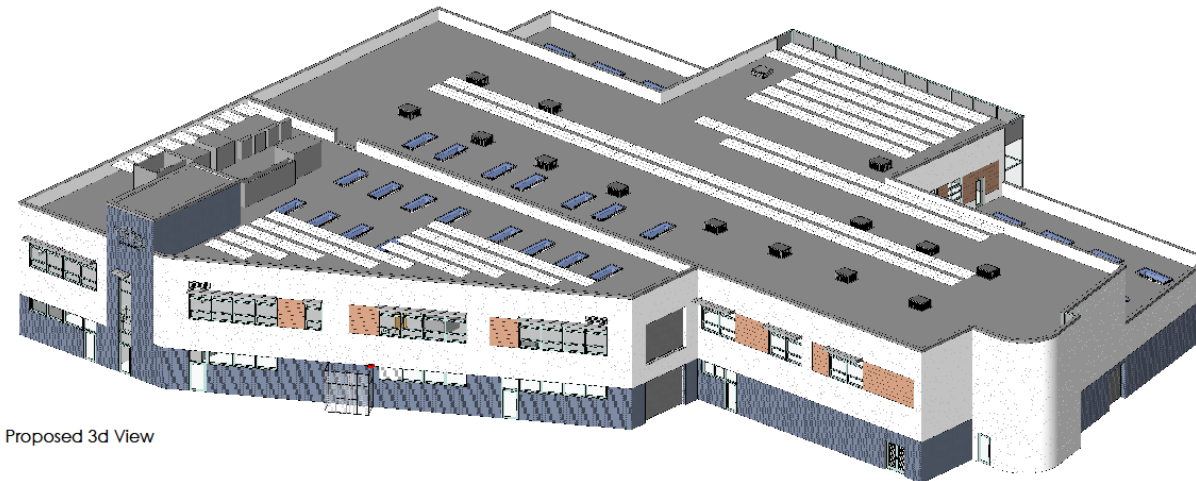
Drawing No: 8681-BOW-XX-ZZ-DR-A-0004



# Existing and proposed 3D views



Existing 3d View



Proposed 3d View

P2	Roof plan updated with new stairwork	01.05.22	GM	CM
	shown			
C1	Planning Issue	20.05.22	CM	BR
P1	Draft Planning Issue	09.05.22	CM	BR
	Revision	Date	By	CHK

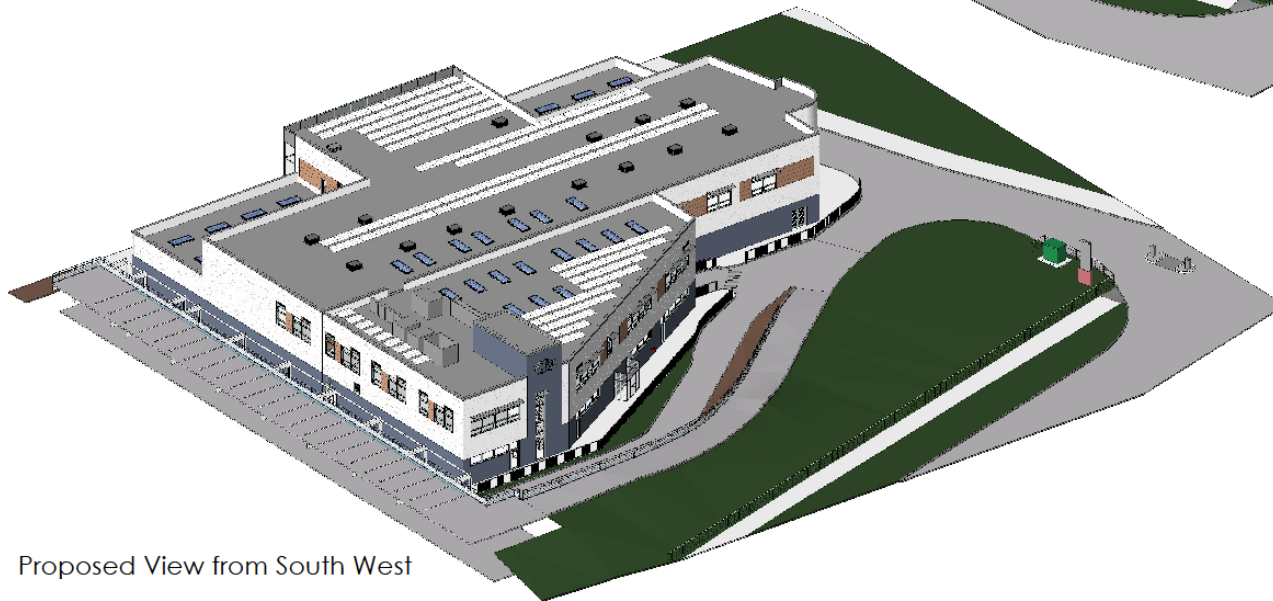
All drawings to be verified on site, and the Architect informed of any discrepancy. All drawings and specifications should be read in conjunction with the Health and Safety Plan; all conflicts should be reported to the appointed Principal Designer.

York College  
 Construction Centre Extension  
 Sim Balk Lane, Bishopthorpe, York, YO23 2BB  
 Sheet Name: Existing & Proposed 3d View  
 Purpose of Issue: Preliminary Status:  
 Date: 02/25/22 Checked by: BR  
 Drawn by: CM Scale: @ A2:  
 Project No: 8681 Revision: P2  
 Drawing No: 8681-BOW-XX-ZZ-DR-A-0006





Proposed View from South East



Proposed View from South West

P2	Roof plan updated with new staircase shown	01.06.22	CM	CM
C1	Planning Issue	20.05.22	CM	BR
P1	Draft Planning Issue	09.05.22	CM	BR
Revision	Date	By	Chk	

All dimensions to be verified on site, and the Architect informed of any discrepancy. All drawings and specifications should be read in conjunction with the Health and Safety Plan, all conflicts should be reported to the appointed Principal Designer.

York College  
Construction Centre Extension  
Sim Balk Lane, Bishopthorpe, York, YO23 2BB

Sheet Name: Proposed Views

Purpose of Issue: Planning Status:

Date: 05/09/22 Checked by: BR

Drawn by: CM Scale @ A2:

Project No: 8681 Revision: P2

Drawing No: 8681-BOW-XX-ZZ-DR-A-0008



Drawing created by: CM  
 Drawing checked by: BR  
 Drawing issued by: BR  
 Drawing title: Proposed Views  
 Drawing number: 8681-BOW-XX-ZZ-DR-A-0008  
 Drawing date: 05/09/22  
 Drawing scale: A2  
 Drawing status: Planning  
 Drawing project: 8681  
 Drawing sheet: 01 of 01  
 Drawing sheet name: Proposed Views  
 Drawing sheet number: 01  
 Drawing sheet total: 01  
 Drawing sheet name: Proposed Views  
 Drawing sheet number: 01  
 Drawing sheet total: 01

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**COMMITTEE REPORT**

**Date:** 10 November 2022      **Ward:** Clifton  
**Team:** West Area              **Parish:** Clifton Planning Panel

**Reference:** 22/01631/FUL  
**Application at:** 56 Westminster Road York YO30 6LY  
**For:** Single storey side and rear extension, loft conversion and dormer to rear, and raised terrace to rear following demolition of existing detached garage  
**By:** Mr Jones  
**Application Type:** Full Application  
**Target Date:** 16 November 2022  
**Recommendation:** Householder Approval

**1.0 PROPOSAL**

1.1 This application seeks for permission for a single storey side and rear extension, box dormer to the rear, and raised terrace following demolition of an existing detached garage to the rear at No.56 Westminster Road. The host dwelling is a semi-detached property located in Clifton Area of York.

1.2 Following discussion with the agent, a revised plan was received which increased the height of the boundary treatment to the raised rear terrace by 0.5 metres.

**2.0 POLICY CONTEXT**

Publication Draft Local Plan 2018

D11 - Extensions and Alterations to Existing Buildings

Development Control Local Plan 2005

CYGP1 - Design

CYH7 - Residential Extensions

**3.0 CONSULTATIONS**

Clifton Planning Panel

3.1 Commented in support of the proposal.

## **4.0 REPRESENTATIONS**

### Neighbour Notification and Publicity

4.1 - One letter of objection was received on behalf of the neighbouring residents at No.58 Westminster Road, raising the following concerns:

- The proposals constitute significant enlargement to the host dwelling, which would create a sense of enclosure to the garden amenity space and pathway access to the garden.
- The garden terrace would lead to overlooking and a loss of privacy.
- The difference in levels between the application property and No.58 would exacerbate the impact of the proposals.
- The proposals are out of character with the surrounding area and would erode the distinguished spacing between buildings.

## **5.0 APPRAISAL**

### KEY ISSUES:

- Visual impact on the dwelling and surrounding area;
- Impact on neighbouring amenity

### RELEVANT PLANNING POLICY:

5.1 The most up to date representation of key relevant policy issues here is the National Planning Policy Framework, July 2021 (NPPF). This sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development.

5.2 Paragraph 130 states that planning policies and decisions should ensure that developments will achieve a number of aims, including:

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping

- are sympathetic to local character and history, including the surrounding built environment and landscape setting
- create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users.

5.3 The NPPF also places great importance on good design. Paragraph 134 says development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design. Significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

5.4 The Publication Draft Local Plan ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019, phase 2 of the hearings concluded in May 2022, phase 3 of the hearings took place in July 2022, with phase 4 commencing in September 2022. In accordance with paragraph 48 of the NPPF, the Draft Plan policies can be afforded weight according to:

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

5.5 Policy D11 (Extensions and Alterations to Existing Buildings) states that proposals to extend, alter or add to existing buildings will be supported where the design responds positively to its immediate architectural context, local character and

history in terms of the use of materials, detailing, scale, proportion, landscape and space between buildings. Proposals should also sustain the significance of a heritage asset, positively contribute to the site's setting, protect the amenity of current and neighbouring occupiers, contribute to the function of the area and protects and incorporates trees.

5.6 The York Development Control Draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications, although it is considered that their weight is limited except when they are in accordance with the NPPF.

5.7 Development Control 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.

5.8 Development Control Local Plan Policy GP1 refers to design for all types of development. Of particular relevance here are the criteria referring to good design and general neighbour amenity.

5.9 The approved Supplementary Planning Document 'House Extensions and Alterations' dated December 2012 which provides guidance on all types of domestic types of development. A basic principle of this guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the road/streetscene it is located on. In particular, care should be taken to ensure that the proposal does not dominate the house or clash with its appearance with the extension/alteration being subservient and in keeping with, the original dwelling. The character of spacing within the street should be considered, and a terracing effect should be avoided. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook. Guidance in sections i, ii, iii, iv, v, vi, vii, x, xi and xii are relevant to the determination of the application.

#### The Application Property

5.10 No.56 Westminster Road forms the left-hand semi-detached property, located on an established residential street within Clifton. The application property backs on to the grounds of St Peter's School. The street is characterised predominantly by period semi-detached and detached properties, alike in their character and



appearance however varying slightly in their individual designs. Properties are largely evenly distributed with an established building line to the front.

## Design and Visual Amenity

5.11 The application seeks permission for a single storey mono-pitch side and rear extension. The proposal would project 2.2 metres from the side elevation and span a depth of approximately 10 metres, with a 1.8 metre setback proposed from the front elevation. To the rear, the proposal would project 3.5 metres from the existing rear elevation and to a total width of 8.2 metres. The proposal would measure 2.5 metres in height to the eaves and 3.55 metres in total. The proposal comprises glazed doors and 1no. full height window to the rear, and 1no. door to the front facing elevation. No windows are indicated to the side elevation. 3no. rooflights are proposed to the rear roof pitch and 1no. to the side.

5.12 To the roof, a box dormer is proposed to the rear pitch. The dormer would measure 5.75 metres in width and 2.6 metres in height, projecting approximately 3.95 metres from the pitch of the original roof. A Juliet balcony with glass balustrade and double doors is proposed to the rear, 1no. window to the side gable and 2no. rooflights to the front elevation.

5.13 The proposal also comprises demolition of a detached rear garage, to form a raised terrace to the same footprint and elevation. Due to the elevated height, a store would be retained beneath the terrace, as accessed from the rear garden. A glass balustrade is proposed fronting the amenity space of the host dwelling, with a 1.4-metre-high boundary wall fronting the adjacent neighbour.

5.14 The proposals would provide an enlarged kitchen, utility, and living space, and store accessed from the principal elevation. To the first floor and loft space, an enlarged bathroom, additional shower room and 1no. additional bedroom are proposed. Materials indicated are red brick, clay tiles, and UPVC, to match the appearance of the existing dwelling.

5.15 The single storey rear enlargement would not be open to public view. The proposal would span the entire width of the application site to the rear, however, would project to a modest depth, similar to the adjoined neighbour, and would retain ample rear amenity space. The rear amenity space is situated at a lower level to the main dwelling. Paragraph 7.1 of the SPD states that extensions should normally be in-keeping with the appearance, scale, design, and character of both the existing

dwelling and the streetscene. It is viewed that the enlargement's scale and projection would not appear out of proportion or scale with the host dwelling and is viewed as in-keeping and proportionate with the dwelling and surrounding area, not dominating the house or clashing with its appearance.

5.16 The side projecting element as proposed would result in the loss of through-access to the rear garden for the host dwelling, however the enlargement incorporates a suitably sized store as accessed from the front elevation in addressing the need to provide storage for cycles as referenced in paragraph 12.8 of the SPD. Acceptable provision for car parking and the storage for bins to the front garden would also be retained. The side enlargement is modest in its eaves and total height and would not cause an imbalance to the host dwelling or street scene. Paragraph 12.3 states that side extensions should normally be subservient to the main house. The enlargement would be erected to a setback position from the principal elevation and would have a roof pitch and style that is sympathetic with and reflects that of the original house, in compliance with paragraph 7.4(f) of the SPD. It is not viewed that element of the scheme would not cause a visual terracing-effect or deteriorate the spacing between buildings to a harmful degree.

5.17 The rear terrace proposed would be formed following demolition of the existing detached garage set to the rear of the dwelling and adjacent with the boundary at No.58 Westminster Road. Paragraph 7.4(g) of the SPD states that where possible the opportunity should be taken to improve the appearance of an existing building, particularly by the removal/replacement of unsightly alterations or extensions that have been added in the past. It is viewed that removal of the existing garage would improve character and openness to the rear of the application site. The terrace would conform to the same footprint and elevation as the existing structure to be removed, incorporating a glazed balustrade fronting the rear amenity space, and brick wall fronting the boundary. Formation of the terrace is considered appropriate in the context of the dwelling and surroundings and would be in-keeping with the host dwelling following demolition of the garage. The terrace is not considered to cause any adverse impact to the streetscene or character of the area and would be contained to the rear and not open to public view.

5.18 The proposed dormer would take up a large proportion of the rear roofscape however would not be particularly prominent in public views. It should be noted that under the General Permitted Development Order 2015, a dormer similar to that proposed in its size and siting would be permissible without the need for Planning Permission. As such, the fallback position is that this is a material planning

consideration, and the dormer as proposed is viewed as an acceptable element of the scheme. In its design, the form of fenestration is viewed to conform well with the existing dwelling, and materials would be in-keeping and sympathetic with the host dwelling, in accordance with paragraph 7.4(d) and (e) of the SPD which states that external materials should match that of the existing dwelling, and openings should be in scale with the extension and match the proportions, style, and method of opening of existing windows. Its scale would be proportionate to similar enlargements at surrounding properties, and therefore would not form an incongruous addition to local context or appear overbearing to the host dwelling. 1no. new window is indicated to the side elevation. This is modest in its size and sited appropriately to the elevation, alike to the form of another window present to the first-floor side elevation.

5.19 The overall design, scale and materials of the proposals put forward within this application are considered appropriate with the existing dwelling and the proposal is not considered to cause any adverse impact to the streetscene or character of the area, in accordance with paragraph 7.1 and 7.2 of the SPD.

#### Neighbour Amenity

5.20 The side and rear enlargement would sit adjacent with the boundary of No.58 Westminster Road. No.58 is set slightly lower than the application property. The height of the side and rear enlargement would not unduly impact amenity to this side elevation, comprising a low eaves and total height. No windows are proposed to the side elevation of the enlargement, there is an inset door to the ground floor side of No.58 which does not appear to serve a habitable room. The side extension would not unduly harm amenity in terms of the space between dwellings. To the first-floor side elevation of No.58 are 2no. windows, however, these would be situated above the roof pitch of the side enlargement proposed and would not be adversely impacted by loss of light over their existing provision in accordance with paragraph 5.2 of the SPD which states that assessment should consider the impact that a proposal will have on the established character of an area and the existing feeling of openness. To the rear, the kitchen of No.58 is served by a bay window which wraps round to partially face the boundary. This window retains good outlook to the rear and would not be adversely impacted by the side and rear projections of the proposal. Its outlook as existing is partially restricted by the detached rear garage which would be removed as part of the scheme. The rear terrace in replacement to the existing garage would retain the same siting and elevation as garage, however the main structure's removal would somewhat increase levels of openness to the

rear. In terms of privacy, the boundary treatment indicated to a height of 1.4 metres is not viewed to cause adverse harm in regard to overlooking or loss of privacy over the existing conditions to the side of the host dwelling, with this area likely to be utilised for seating. Additional second floor windows proposed at the host dwelling are not considered to result in additional undue loss of privacy, over and above those existing windows already in place at the host. The dormer, due to its fair distance from the main rear amenity space and windows to habitable rooms of No.58, would not impact amenity to the neighbouring property in regard to loss of light or dominance.

5.21 The proposal is not considered significant in terms of the impact on neighbouring amenity to No.54 Westminster Road. No.54 comprises a similar array of enlargements to those proposed, including a single storey rear projection and rear box dormer. As such, the proposal would not cause any adverse harm, not projecting beyond these existing forms at the neighbouring property. Additional windows proposed at the host are not considered to result in additional undue loss of privacy.

## **6.0 CONCLUSION**

6.1 The proposed works will respect the general character of the building and area and the impact on the amenity of neighbouring residents would be acceptable. It is considered it complies with national planning guidance, as contained in the National Planning Policy Framework, Publication Draft York Local Plan 2018, City of York Council Development Control Local Plan 2005 and the City of York Council's Supplementary Planning Document (House Extensions and Alterations).

## **7.0 RECOMMENDATION:** Householder Approval

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

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

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

Ground Floor Plan Proposed - Dwg. No: 2205-D-20-021A; First Floor Plan Proposed

- Dwg. No: 2205-D-20-022A; Second Floor Plan Proposed - Dwg. No: 2205-D-20-023B; Roof Plan Proposed - Dwg. No: 2205-D-20-024; Elevations Proposed - Dwg. No: 2205-D-22-024E; Site Plan Proposed - Dwg. No: 2205-D-90-003

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 materials to be used externally shall match those as stated on the planning application form submitted with this application, and as demonstrated on the plan reference '2205-D-22-024E'.

Reason: To achieve a visually acceptable form of development.

## **8.0 INFORMATIVES:**

### **Notes to Applicant**

#### **Contact details:**

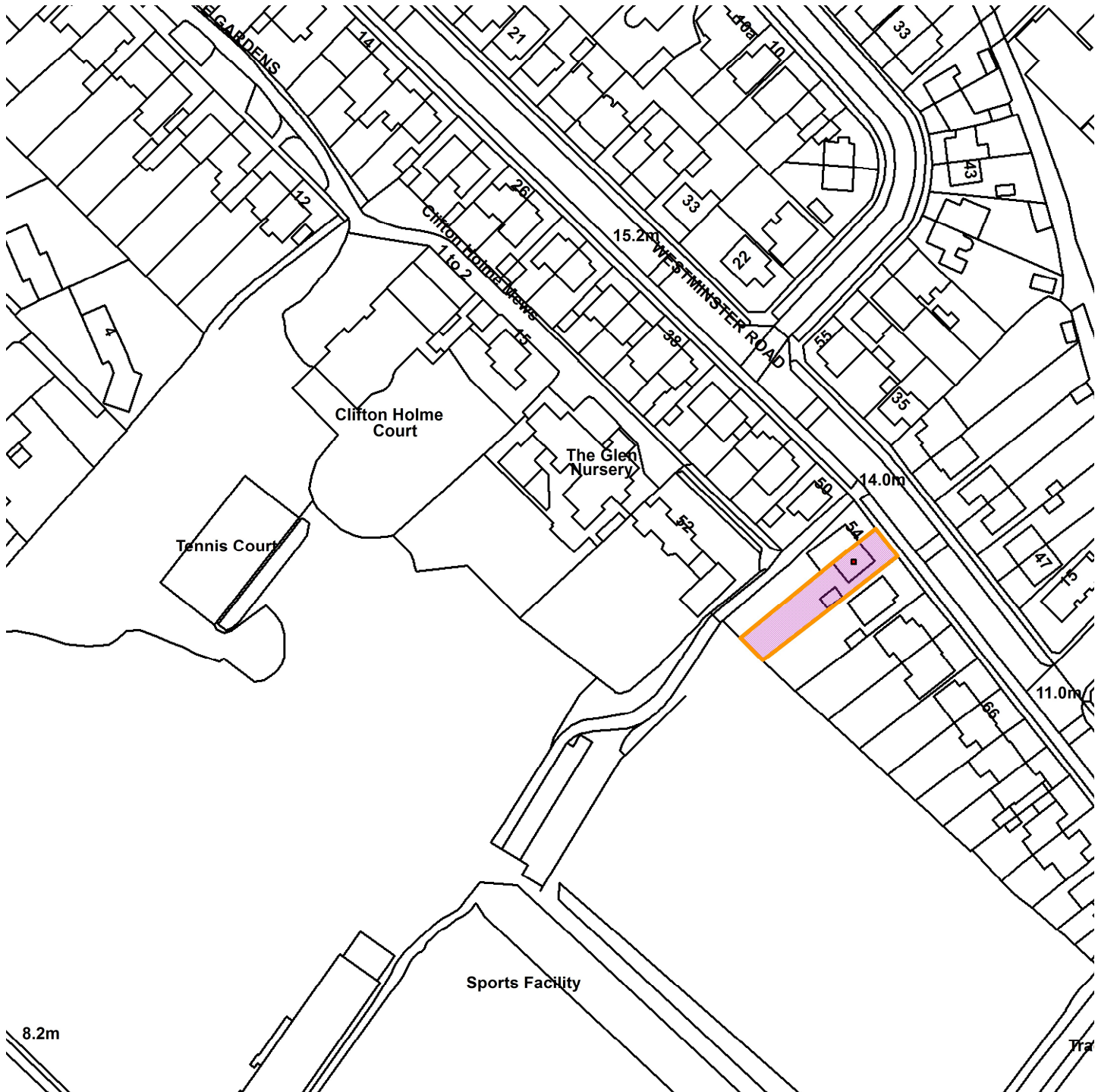
**Case Officer:** Owen Richards

**Tel No:** 01904 552275

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# 56 Westminster Road, York YO30 6LY

22/01631/FUL



Scale : 1:1428

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<b>Organisation</b>	City of York Council
<b>Department</b>	Directorate of Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	26 October 2022
<b>SLA Number</b>	Not Set

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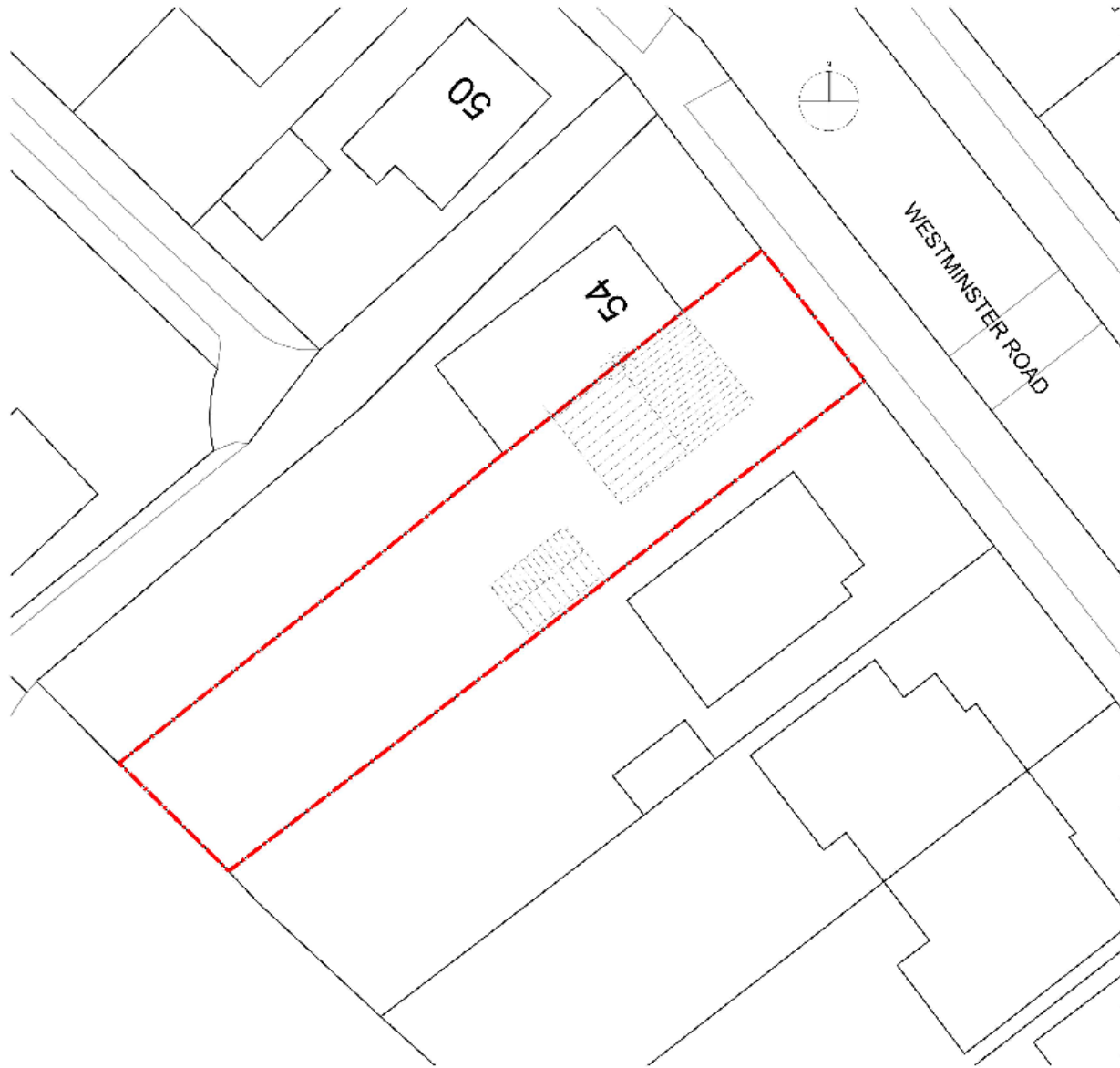


## Planning Committee B

22/01631/FUL

56 Westminster Road

# Existing Site Plan



For the purpose of planning, the following copy of the site plan shall be used. This copy has been made by, and is to the effect of the agreement in force between the landowner and the planning authority. It is a copy of the site plan as it appears on the ground and is not a copy of the site plan as it appears on the ground. It is a copy of the site plan as it appears on the ground and is not a copy of the site plan as it appears on the ground. It is a copy of the site plan as it appears on the ground and is not a copy of the site plan as it appears on the ground.

**Issue Purpose: PLANNING APPLICATION**

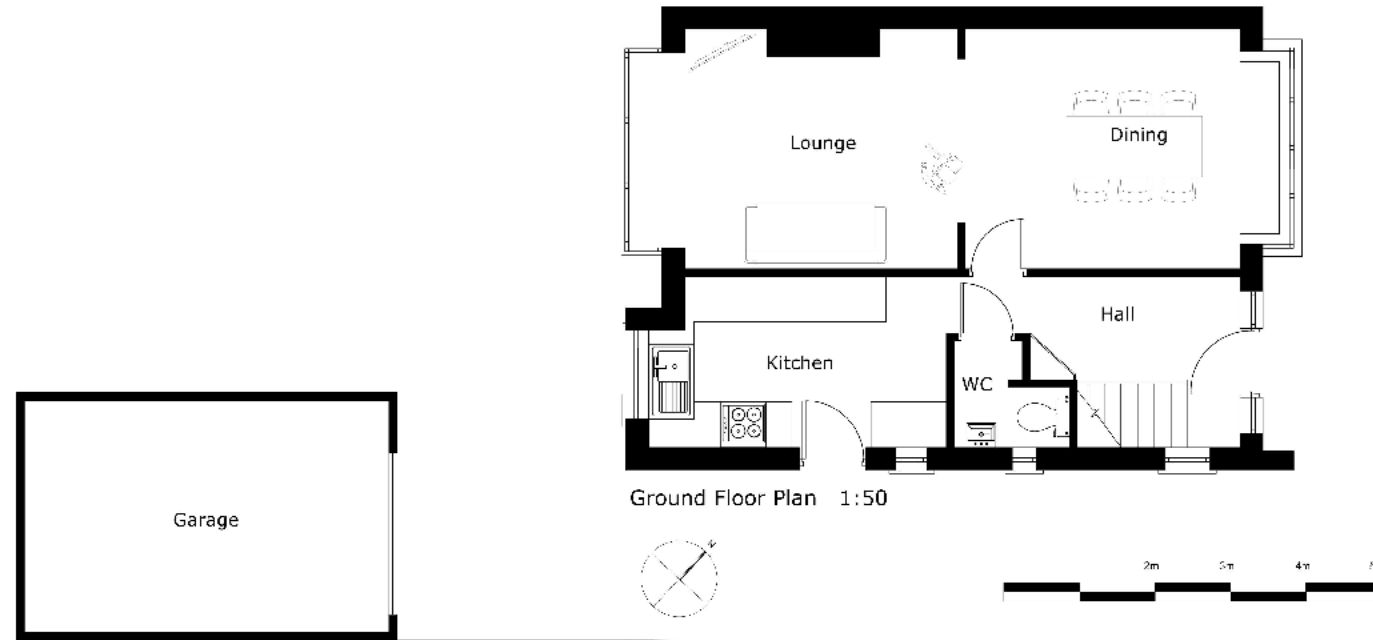
Client: Mr and Mrs Jones  
 Project: 86 Westminster Road  
 Title: Site Plan Refiling

Issue Date: 29.07.22  
 Issue No: 2206245  
 Version: RH 0.11 M.

Drawn by: [Name] Reviewer: [Name]  
 2205 - D - 90 - 002 - [Symbol]  
 Site Location: [Address]

# As existing Ground floor plans

This document is the property of the Planning Department and is to be used for the purposes of the planning application only. It is not to be used for any other purpose. The information contained herein is for the use of the applicant only and is not to be used for any other purpose. The information contained herein is for the use of the applicant only and is not to be used for any other purpose.



**Issue Purpose: PLANNING APPLICATION**

Client: Mr and Mrs Jones  
Project: 58 Winton Road  
Title: Ground Floor Plan Extension

Issue: RH - A - 1 - ML

Drawing Number: 2205-D-20-011

Issue Date: 20/04/22

Scale: 1:50/2/3

Client: Mr and Mrs Jones  
Project: 58 Winton Road  
Title: Ground Floor Plan Extension

Issue: RH - A - 1 - ML

Drawing Number: 2205-D-20-011

Issue Date: 20/04/22

Scale: 1:50/2/3

Client: Mr and Mrs Jones  
Project: 58 Winton Road  
Title: Ground Floor Plan Extension

Issue: RH - A - 1 - ML

Drawing Number: 2205-D-20-011

Issue Date: 20/04/22

Scale: 1:50/2/3

As existing elevations

The purpose of this drawing is to show the existing elevations of the building.

This drawing is made for use with the planning application. It is not intended to be used for any other purpose. It is the responsibility of the applicant to ensure that the drawing is accurate and that it complies with the requirements of the planning application. It is not intended to be used for any other purpose.

North East (Street) Elevation 1:100

South East Elevation 1:100

South West Elevation 1:100  
(Garage shown dashed for clarity)

North West Elevation/Section 1:100

Issue Purpose: PLANNING APPLICATION

Client: Mr and Mrs Jones

Project: BR Weston and Field

Title: Elevations and Erection

Issue Date: 18.08.22

Scale: 1:100/3/45

Drawn by: RH, AJH, M.

2205 - D - 22 - 014

Issue Date: 18.08.22

Scale: 1:100/3/45

# Proposed site plan



This site plan is prepared for the purpose of providing information to the public and is not intended to be used as a legal document. It is the responsibility of the user to ensure that the information is accurate and up-to-date. The user should consult the relevant planning authorities for more information.

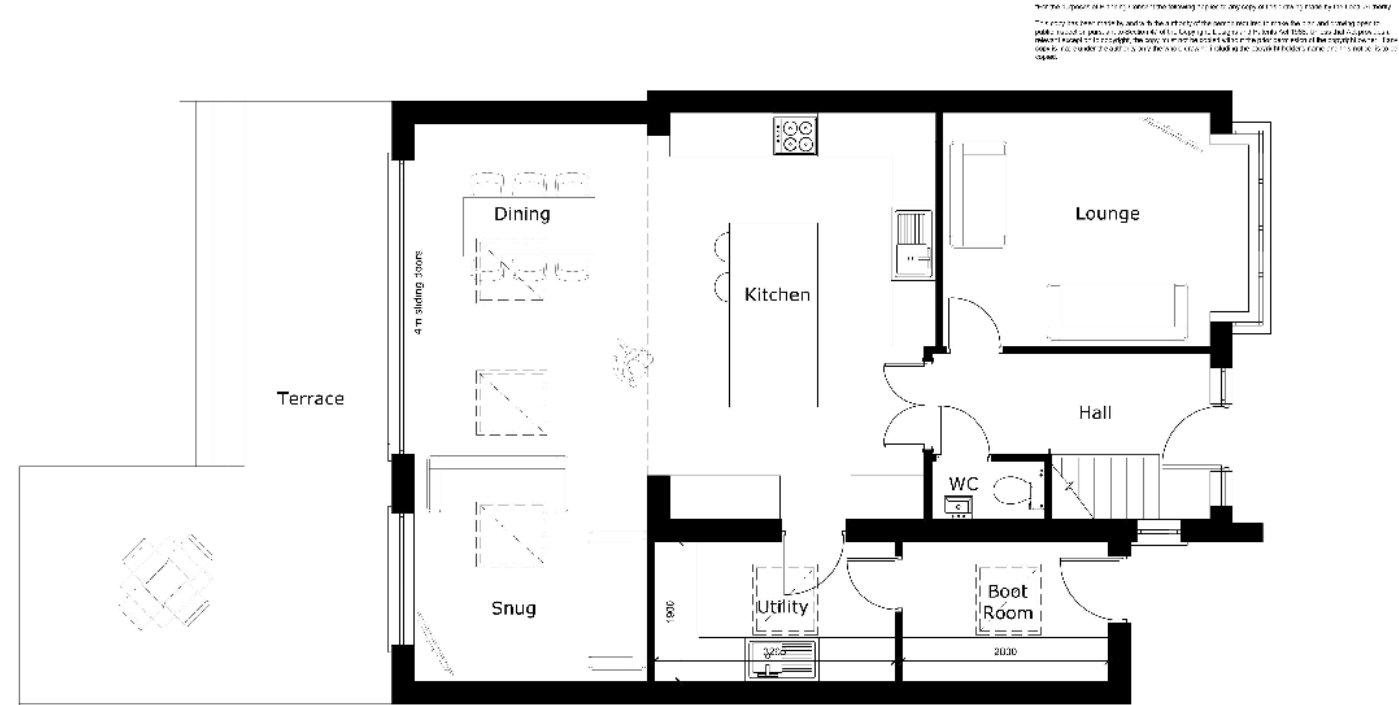
Issue Purpose: PLANNING APPLICATION

Plot: 54  
 Project: 2205-D-90-003



Client:	Mr and Mrs Jones	Issue Date:	11/11/22
Project:	54 Westminster Road	Date:	28/07/22
Title:	Site Plan Proposal	Scale:	1:2000/AS
Drawn By:	R. Jones	Drawn:	RH, AJ, ML
2205 - D - 90 - 003		Checked:	
Project Manager:	David D. Davidson, G.	Approved:	

# Proposed ground floor plan



Ground Floor Plan 1:50



Issue Purpose: PLANNING APPLICATION

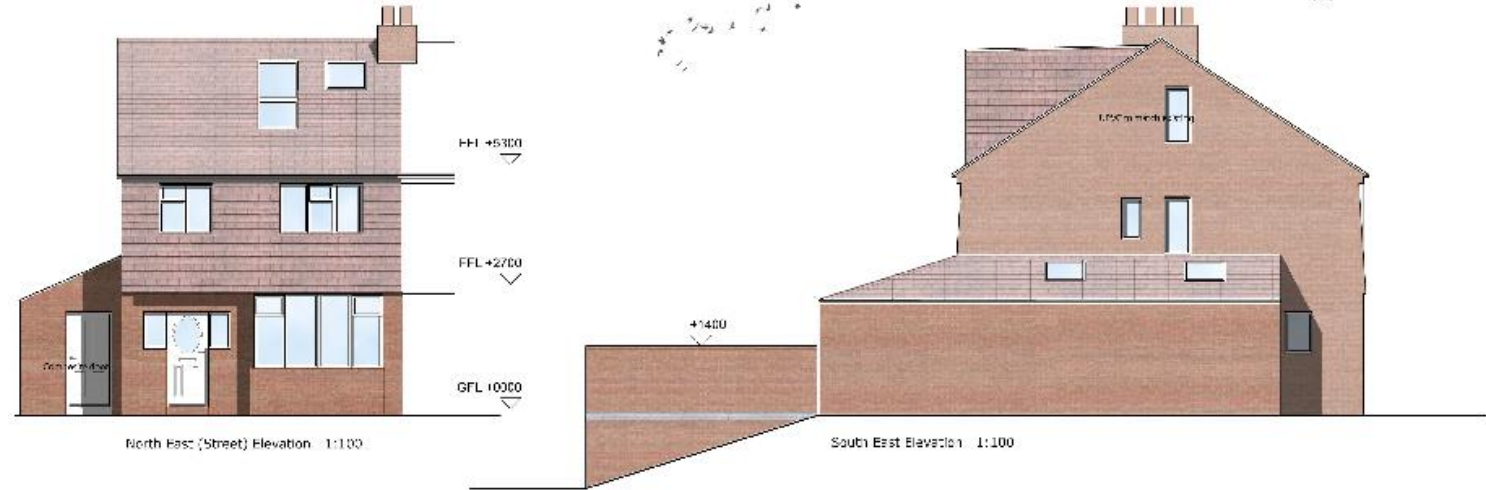
Architect Design Ltd  
27M21 220510  
www.architect.co.uk



Client:	Wendy Mae Jones	Issued:	1 week
Project:	58 Woodside Road	Date:	20.04.22
Title:	Ground Floor Plan Proposed	Scale:	1:50/2A5
Drawn By:		Checked:	RH / JH / ML
Drawing Number:	2205 - D - 20 - 021	Revision:	
Project Reference:	2205 - D - 20 - 021 - A		


# Proposed Elevations

To the purpose of Planning Control this to be applied in any copy of this drawing made by the local authority.  
 This drawing has been made by and with the aid of the person named in the title and is intended to be used as a guide only. It is not to be used for any other purpose without the written consent of the person named in the title. The copyright in this drawing is reserved by the person named in the title. No part of this drawing may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the person named in the title.



Issue Purpose: PLANNING APPLICATION

Architect:  
 01900 156196  
 www.abodhi.co.uk



Client:	Mrs and Mr. Jones	Issue From:	Local
Project:	55 Westminster Road	Date:	13.03.22
Title:	Elevations Process	Scale:	1:100 @ A2
Drawn By:	Arch	Checked By:	ML

Drawing Number: 2205 D 22 024  
 Section: E  
 Stage: Materiality - Design - Construction - C

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