



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

- To:** Councillors Hollyer (Chair), Crawshaw (Vice-Chair),
Craghill, Cullwick, Fisher, Galvin, Lomas, Melly, Orrell,
Waudby and Webb
- Date:** Thursday, 6 June 2019
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West
Offices (F045)

AGENDA

SUB COMMITTEE SITE VISITS

The mini-bus for the sub-committee will leave from Memorial Gardens at 10.00am on Wednesday 5 June 2019.

1. Declarations of Interest

At this point in the meeting, Members are asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on this agenda.

2. Minutes

(Pages 3 - 6)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 4 April 2019.

3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is at **5.00pm on Wednesday 5 June 2019**.

Filming, Recording or Webcasting Meetings

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4. Plans List

To determine the following planning applications:

- a) **25 Garden Flats Lane, Dunnington, York** (Pages 7 - 22)
[18/01851/FUL]
Erection of 2 dwellings with new access following demolition of existing bungalow. (Osbalwick and Derwent) **[site visit]**

- b) **Dean Court Secure Car Park, Rear Of** (Pages 23 - 42)
Portland Street [18/02853/FULM]
Erection of two storey block of 16no. apartments on site of existing private car park with associated cycle and refuse stores. (Guildhall) **[site visit]**

- c) **Hotel Noir Ltd, 3 - 5 Clifton Green** (Pages 43 - 58)
[19/00108/FULM]
Conversion of hotel to 10 Residential Units (use class C3).
(Clifton) **[site visit]**
- d) **1 Chestnut Row, Skelton [19/00384/FUL]** (Pages 59 - 68)
Single storey rear extension. (Rural West York) **[site visit]**
- e) **Unit 10, Monks Cross Shopping Park,** (Pages 69 - 76)
Monks Cross Drive [19/00451/FULM]
Installation of full cover mezzanine. (Huntington and New
Earswick)
- f) **8 Sandyridge, Nether Poppleton** (Pages 77 - 90)
[19/00472/FUL]
Variation of condition 2 of permitted application 18/00541/FUL
(erection of dormer bungalow in rear garden) to alter design and
external appearance of approved dormer bungalow. (Rural West
York) **[site visit]**
- g) **56 St Stephens Road [19/00562/FUL]** (Pages 91 - 98)
Change of use from dwelling (use class C3) to a House in
Multiple Occupation (use class C4). (Westfield) **[site visit]**
5. **Appeals Performance and Decision** (Pages 99 - 128)
Summaries
This report informs Members of the Council's performance in
relation to appeals determined by the Planning Inspectorate
between 1 January and 31 March 2019, and provides a summary
of the salient points from appeals determined in that period. A list
of outstanding appeals at date of writing is also included.
6. **Planning Enforcement Cases - Update** (Pages 129 - 132)
The purpose of this report is to provide Members with a
continuing quarterly update on planning enforcement cases.

7. Urgent Business

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

Democracy Officer:

Chris Elliott

Contact details:

- Telephone – (01904) 553631
- Email christopher.elliott@york.gov.uk

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**

AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 5 June 2019**

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

TIME (Approx)	SITE	ITEM
10.20	25 Garden Flats Lane Dunnington	
11.00	1 Chestnut Row Skelton	
11.20	8 Sandyridge Nether Poppleton	
11.50	56 St Stephens Road	
12.15	Hotel Noir Ltd 3 - 5 Clifton Green	
12.45	Dean Court Secure Car Park Rear Of Portland Street	

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	4 April 2019
Present	Councillors Galvin (Chair), Cannon, Craghill, Crawshaw, Dew, Fenton, Hunter, Mercer, Shepherd and Looker (as a substitute for Cllr Flinders)
Apologies	Councillors Flinders and Gillies

72. Declarations of Interest

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

73. Minutes

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 20 March 2019 be approved and then signed by the Chair as a correct record.

74. Public Participation

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

75. Plans List

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

76. Land to North of Units 1-9 Evans Business Centre, Rose Avenue, Nether Poppleton, York [19/00280/FULM]

Members considered a major full application from Mr Bottomley for the erection of two buildings creating three units for light industrial, general industrial or storage and distribution (use classes B1c, B2 and B8).

The Planning Officer updated the committee on the following:

- That there had been no comments from the Parish Council
- That there were no objections from the Ainsty Internal Drainage Board, subject to a condition relating to surface water drainage, which already exists at condition 11.

The Officer also reminded Members that an application had previously been submitted by the applicant that included this site and was rejected on the basis that it may conflict with a future rail halt. This application is a resubmission with the contentious area of land having been removed.

It was moved and seconded that approval be granted and it was therefore:

Resolved: That approval be granted subject to the conditions listed in the report.

Reason: The proposed units are considered to be acceptable in this business location and would not result in undue harm to the residential amenity of the occupants of the nearby dwellings, subject to conditions. The proposed would be in character with the surrounding development and the development would accord with the NPPF, the Poppleton Neighbourhood Plan (2017), the Draft Local Plan 2005 and the Emerging Local Plan 2018. On balance, the proposal complies with the thrust of national and local planning policy.

77. Urgent Business

The Chair asked the Planning Officer to update the Committee on an application that had been accepted at the previous meeting of this committee (Millthorpe School [18/01162/FUL]).

The Officer stated that due to the committee revising the operational times of the MUGA detailed in the application, Sport England have objected to the varied condition. The application will therefore be sent to the Secretary of State, who will have the option to call in the application. If the application is not called in, the application will be approved as Members agreed on 20 March 2019.

Cllr J Galvin, Chair

[The meeting started at 4.30 pm and finished at 4.40 pm].

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COMMITTEE REPORT

Date: 6 June 2019 **Ward:** Osbaldwick and Derwent
Team: Major and **Parish:** Dunnington Parish
Commercial Team Council

Reference: 18/01851/FUL
Application at: 25 Garden Flats Lane Dunnington York YO19 5NB
For: Erection of 2no. dwellings with new access following
demolition of existing bungalow
By: Mr & Mrs Craven
Application Type: Full Application
Target Date: 14 June 2019
Recommendation: Approve

1.0 PROPOSAL

1.1 Demolition of an extended dormer bungalow and erection of two detached, predominantly 2-storey, houses (plots 1 and 2). A garage on the site would be converted to a summerhouse, which would be linked to the house at plot 1. Each house would have a contemporary appearance with a front porch, two forward-facing dormers and prominent rear-facing gables. Two existing private drives from Garden Flats Lane would be closed and replaced by one new shared access. The access would be located between the two proposed dwellings. It would provide (a) access to parking and turning space for the two new dwellings and (b) access to a recently-built house to the rear of the site. The application has been revised since submission to reduce its scale, materials and proximity to the side boundaries

1.2 The application has been called in by Cllr Warters due to: The contentious nature of the site, previous decisions on the same site having been committee decisions and because the current application represents a gross overdevelopment of the plot with over bearing, incongruous proposals for the street scene.

2.0 POLICY CONTEXT

2.1 Publication Draft Local Plan (2018) – relevant policies:

DP4 – Approach to Development Management
H3 – Balancing the housing market
D1 – Placemaking

2.2 Draft City of York Draft Local Plan (2005) – relevant policies:

CYGP1 - Design
CYGP4A - Sustainability

Application Reference Number: 18/01851/FUL

Item No: 4a

CYH4A - Housing Windfalls

CYGP10 - Subdivision of gardens and infill devt

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 No objections. Add conditions regarding: cycle storage details and method of works to be submitted for approval; removal of redundant vehicular accesses; vehicular areas to be constructed prior to construction; and reinstatement of the public footway.

Public Protection

3.2 No objections. Add standard conditions regarding hours of work, unexpected contamination and provision of recharging facilities for electric vehicles.

Flood Risk Management

3.3 No objections in principle. If planning permission is to be granted add the conditions to secure: separate systems of drainage for foul and surface water; submission of drainage details including attenuation; and no piped discharge prior to the completion/occupation of the surface/foul water drainage works.

EXTERNAL

Dunnington Parish Council

3.4 Objection: The two dormer houses would be out of keeping with other properties on the east side of Garden Flats Lane. Taken with the newly built property to the rear, the site would be too crowded with insufficient garden for the two new proposed properties relative to other properties on that side of the lane, all of which enjoy relatively extensive gardens.

3.5 The development would increase the run-off with much more hard standing required. Garden Flats Lane suffers from excess run off. If planning permission is granted conditions should be attached requiring effective and sustainable surface water runoff measures including attenuation.

Former Cllr J Brooks (representation received when a serving councillor)

3.6 Objection. The scale and mass of the proposed new development are too large and overbearing. This makes the application contrary to GP 10 as the sub

division of the garden would be detrimental to the character of the area. The house on plot 2 would present a large, dominating blank wall to the main living area of 23 Garden Flats Lane and so would be detrimental to the amenity of the neighbour, also contrary to GP 10. The application is an over development of the site.

Yorkshire Water

3.7 In order to protect the local aquatic environment and YW infrastructure add standard conditions regarding separate systems of drainage for foul and surface water, no piped discharge of surface water prior to the completion of surface water drainage works and submission of drainage details including attenuation. The developer must demonstrate that surface water disposal via infiltration or watercourse is not reasonably practical before considering disposal to public sewer.

Foss Internal Drainage Board

3.8 No objections to the principle of the development but the applicant should clarify the drainage strategy to enable a flood risk evaluation to be undertaken. Any approval should include conditions requiring drainage details including attenuation to be submitted for approval.

Neighbour Notification and Publicity

3.9 Four objections have been received raising the following planning issues.

- Overdevelopment
- Size, design, slab level and materials are out of keeping with the area
- Overbearing and visual impact on adjacent occupiers,
- Highway safety due to increased traffic
- Unsafe access, sightlines
- Would exacerbate existing drainage problems
- No need for more large houses in Dunnington
- Unnecessary demolition and environmental cost
- Construction nuisance, obstruction, verge damage

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of development for housing
- Impact on the character of the area;
- Neighbour amenity;
- Access, traffic and highway safety
- Flood risk and drainage.

PLANNING POLICY CONTEXT

4.2 Section 38(6) of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. There is no development plan for the application site.

4.3 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the National Planning Policy Framework (NPPF). It is against this Framework that the application should principally be addressed. Paragraph 38 states that local planning authorities should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

4.4 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. The policies of the draft plan can be afforded limited weight at this stage of preparation, and subject to their conformity with the NPPF. The evidence base underpinning the draft plan is capable of being a material consideration in the determination of planning applications.

4.5 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for development management purposes in April 2005. It does not form part of the statutory development plan for the purposes of s.38(6) and its policies carry very limited weight.

THE APPLICATION SITE

4.6 An extended, detached, dormer bungalow (No.25) in a residential area within Dunnington village. Dedicated access is from Garden Flats Lane. Part of the rear garden of the dwelling has been severed from the curtilage of the existing house to create a building plot for a detached dormer bungalow. Construction of the bungalow (No.25A Garden Flats Lane) is nearing completion. It is reached via a dedicated private drive down the side of No.25. The site of the current planning application excludes the curtilage of No.25A but includes the dedicated private drive.

PRINCIPLE OF DEVELOPMENT FOR HOUSING

4.7 Paragraph 68 of the NPPF requires local planning authorities to support the development of windfall housing sites, particularly within existing settlements, in order contribute to meeting the housing needs in their area. Policy H3 of the Publication Draft Local Plan seeks to balance the housing market and work towards a mix of housing identified in the Strategic Housing Market Assessment (SHMA). The

site is in a sustainable location with good access to public transport and local services. The application would provide a net increase of one house for which there is a clear and demonstrable need. The provision of two houses on the site is, in principle, acceptable.

IMPACT ON CHARACTER OF THE AREA

4.8 The NPPF places great importance on good design. Paragraph 130 says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Policy D1 (Placemaking) of the Publication Draft Local Plan states that development proposals that fail to make a positive design contribution to the city or cause damage to the character and quality of an area will be refused.

4.9 Garden Flats Lane has a suburban residential character. The dwellings on the east side of the street are predominantly bungalows, with or without dormers and/or rooms in the roof space. This side of the street has a predominant building line. The modest height of the dwellings and the clear building line both contribute to the street's character. The roofs of the houses in this part of the Garden Flats Lane generally step down from north to south, reflecting the gradient of the immediate area. The proposed houses would follow this general character, being slightly higher than the adjacent house at No.23 and slightly lower than the adjacent house at No.27. The two proposed houses follow the building line of the street and their heights would be in keeping with the adjacent houses. Separation distances would be in keeping with the character of the street scene.

4.10 Although the east side of Garden Flats Lane mainly comprises bungalows the west side has a wide range of house types including 2-storey detached houses, forward-facing gables, semi-detached houses and a wide variety of dormers. In the context of this northern part of Garden Flats Lane the contemporary design of the proposed houses would not look out of character in the street scene.

4.11 Main external materials in the street are red brick with red, brown or grey roof tiles. Nevertheless a minority of buildings have a wide variety of materials including white render, timber cladding, natural stone and yellow brick. The main external materials of the proposed houses would be light-coloured render for the walls, charcoal-coloured roof tiles and aluminium windows. Bearing in mind the range of materials in the vicinity of the site the proposed materials are acceptable. Overall, the scale, design and appearance of the proposals would be in accordance with the design policies of the NPPF and policy D1 (Placemaking) of the 2018 draft local plan.

4.12 The house at No.25A has been set into the ground by up to 0.9m in order for the developer (who is also the current applicant) to be able to provide a taller house (and therefore more floorspace) than would otherwise be possible, bearing in mind

the site's constraints. Some objectors are concerned that the currently-proposed dwellings would also be set into the ground for the same purpose. The submitted plans do not show any such excavation. The finished floor level (above ordnance datum) of each proposed house is shown on the submitted plans and corresponds with existing ground level, although the floor levels vary from each other to take account of the slope of the surrounding area. The ridge heights of each house are specified on the plans and should be made a condition of approval. The house at plot 1 would be 6.2m above the proposed ground floor level and the house at plot 2 would be 6m above ground floor level. Any material change to the plans as approved would need planning permission.

ACCESS, TRAFFIC AND HIGHWAY SAFETY

4.13 The proposed access between the two proposed houses would in general be 3.1m wide. This is acceptable for a private access to one house (No.25A), including for access by emergency vehicles. Turning space would be provided at the rear of the two proposed houses to enable vehicles from No.25A to join the public highway in forward gear. The two new houses would share this point of access onto the highway with No.25A. Parking and turning space for the two houses would be provided at the front of the site. Localised widening and adequate visibility splays would be provided where the access meets the public highway. All of the permanent works are acceptable in terms of highway safety. The council's highways officers have no objection to the application subject to conditions to remove the two redundant crossovers, and reinstatement of the public footway.

NEIGHBOUR AMENITY

4.14 Paragraph 127(f) of the NPPF advises that decisions should ensure that developments provide a high standard of amenity for existing and future users. Policy D1 (Placemaking) of the Publication Draft Local Plan states that design should consider residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.

4.15 The revisions to the scheme since submission have increased the separation distance between the proposed houses and the side boundaries. The distance from the proposed house at plot 1 to the boundary with No.23 Garden Flats Lane would be approximately 1.2m. The distance from the house at plot 1 to the nearest habitable part of No.23 would be 4.6m. The proposed distance from the house at plot 2 to the boundary with No.27 Garden Flats Lane would be approximately 2.3m. The distance from the house at plot 2 to the nearest habitable part of No.27 would be 5.4m. In both cases the application site is separated from the adjacent house by the neighbour's domestic garage. An attic window at No.23 faces the application site, as do some secondary ground floor windows at No.27. Officers consider that the separation distances are sufficient to prevent the development having an overbearing impact on the neighbouring occupiers. Neither of the proposed houses

would have windows facing the side boundaries. This should be made a condition of approval.

4.16 The house at plot 2 would lie to the north-west of No.27 so would cause no material loss of sunlight/daylight to the occupiers. The house at plot 1 would lie to the south-east of No.23 so could cause some loss of sunlight/daylight to No.23's rear garden. However, some overshadowing is already caused by No.25's existing garage (which will become a summerhouse), No.23's single garage and some retained trees along the boundary. The rear-facing gable of plot 1 and the 3.4m-high link between the house and the summerhouse may cause some overshadowing but it would be limited to a small part of No.23's rear garden and for a limited part of the day only. This impact would not be sufficient to justify refusal of the planning application.

4.17 The proposals would be in accordance with the design policies of the NPPF and policy D1 (Placemaking) of the Publication Draft Local Plan.

FLOOD RISK AND DRAINAGE

4.18 The NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere (paragraph 163). The applicant is proposing to discharge surface water to a public sewer but Yorkshire Water require the developer to first demonstrate that surface water disposal via infiltration or watercourse is not reasonably practicable. The nearest watercourse is remote from the site. In 2016, when the planning application for the house at No.25A was being considered, the council's flood risk officers witnessed a soakaway test within the site of the proposed house. The test showed that infiltration would not be a practicable solution. The applicant subsequently submitted drainage details showing discharge to a public sewer in Garden Flats Lane (The existing house and garage at No.25 already connect to the public sewer network). The details were acceptable and the works have since been carried out to officers' satisfaction. The soakaway test was carried out close to the boundary with the site of the current application. The council's flood risk engineers are confident that the ground conditions between the two locations will not be significantly different to the extent that soakaways would be practicable for the current proposal. Discharge to the public sewer is therefore acceptable subject to drainage details, including attenuation, being made a condition of approval.

OTHER MATTERS RAISED BY CONSULTEES

4.19 The environmental cost of the demolition of the existing house is not sufficient reason to justify refusal. In Dunnington, as in the rest of York district, some housing types are in shorter supply than others. Nevertheless there is a high demand for all housing types. The application would provide a net increase of one house for which there is a clear and demonstrable need. Although the amenity space for each house

would be fairly small it would private and for the use of the occupiers only. The size of the gardens is not so small as to justify refusal of the application. Construction impacts would be dealt with by the highway authority or the council's public protection officers as appropriate under their own legislation. The applicant should be advised of their responsibilities in this regard by the addition of informatives.

5.0 CONCLUSION

5.1 The application would provide one additional house in a sustainable location. The scale, design and materials would be in keeping with the character of the area and would have no significant impact on neighbouring occupiers. The council's highways officers have no objection to the access, parking, traffic generation or highway safety. Contamination and drainage could be dealt with by condition. The application complies with relevant policies of the NPPF and the Publication Draft Local Plan 2018.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out only in accordance with the approved plans numbered CRA-404-002 10/D, CRA-404-001A 11/D and CRA-404-001A 12/C.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the local planning authority.

3 VISQ8 Samples of exterior materials to be app

4 Notwithstanding the information contained on the approved plans:

the ridge height of the dwelling at plot 1 shall not exceed 25.2m AOD
the ridge height of the dwelling at plot 2 shall not exceed 24.375m AOD.

Reason: To ensure that the approved development does not have an adverse impact on the character of the surrounding area or the amenity of adjacent occupiers.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order), no door, window or other opening shall at any time be inserted in the north-western elevation of the house at plot 1 or the south-eastern elevation of the house at plot 2 without the prior written planning permission of the local planning

authority.

Reason: In the interests of the amenity of adjacent residents.

6 Within one month of commencement of development details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the construction of the development commences and shall be provided in accordance with the approved details before the development is occupied.

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

7 Prior to commencement of development, including the importing of materials, excavations, utility works, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing, phasing of works, site access during development operations, type of construction machinery/vehicles to be used including delivery and collection lorries and arrangements for loading/off-loading, parking arrangements for site vehicles, and locations for stored materials. It shall also include construction details and methodology for the driveway where it is located within the canopy spread and potential rooting zones of the trees.

Reason: To ensure that existing trees which are considered to make a significant contribution to the amenity of the area are protected throughout the construction period.

8 Details of cycle parking areas, including means of enclosure, shall be submitted to by the Local Planning Authority and approved in writing. The development shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with the 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.

9 The development shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles in connection with the two dwellings hereby approved 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.

10 The vehicular access hereby approved to the existing dwelling at No.25A Garden Flats Lane, including turning space and manoeuvring space, shall be provided prior to commencement of construction of the two dwellings hereby approved.

Reason: To ensure that safe vehicular access is provided for the occupiers of the existing house at No.25A Garden Flats Lane.

11 The development shall not be occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the footway and kerb to match adjacent levels.

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

12 Prior to first occupation of the development a three pin 13 amp external electrical socket which is suitable for outdoor use shall be installed within the curtilage of each of the dwellings within the application site. The sockets shall be located in a suitable position to enable the charging of an electric vehicle on each driveway using a 3m length cable.

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

NOTES

Optionally, a suitable 'IEC 62196' electrical socket (minimum rated output of 3.7kw /16A) can be provided in addition to the standard 13A 3 pin socket to allow 'Mode 3' charging of an electric vehicle. Mode 3 charging, using a suitable cable and charging point, allows faster charging of electric vehicles. Further advice can be provided by City of York Council's Public Protection team on request.

All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015)."

13 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority. The information shall include site specific details of:

- i) The means by which the surface water discharge rate shall be restricted to a maximum rate of 2.0 (two) litres per second,

- ii) The means by which the surface water attenuation up to the 1 in 100 year event with a 30% climate change allowance shall be achieved, and
- iii) Future management and maintenance of the proposed drainage systems.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and to ensure that these details are acceptable prior to any alterations to ground conditions that may adversely affect the ability to adequately drain the site.

14 The site shall be developed with separate systems of drainage for foul and surface water on site.

Reason: In the interest of satisfactory and sustainable drainage.

15 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works:

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

16 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.

Reason: In the interest of the amenities of neighbouring occupiers

17 In the event that previously unidentified contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall 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 shall be prepared, which shall be subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters,

property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7.0 INFORMATIVES:

Notes to Applicant

1. 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, 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.

2. 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.

From the information supplied, it is not possible to determine if the whole site will drain foul and surface water by gravity to the public sewer network. If the site, or part of it, will not drain by gravity, then it is likely that a sewage pumping station will be required to facilitate connection to the public sewer network. If foul sewage pumping is required, the peak pumped foul water discharge must not exceed 3 (three) litres per second. If surface water pumping is required, the peak pumped surface water discharge must not exceed 2.0 (two) litres per second, to include the 0.65 litres per second from the previously approved dwelling to the rear.

If the above is required the submitted drawing should show the proposed pump rates for foul and surface water.

3. CONTROL OF POLLUTION

a) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".

b) Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions. Some basic information on control noise from construction site can be found using the following link.
https://www.york.gov.uk/downloads/download/304/developers_guide_for_controlling_pollution_and_noise_from_construction_sites

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) There shall be no bonfires on the site.

4. 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 has negotiated changes to the scale of development and its external appearance, thus enabling a positive outcome to be achieved.

Contact details:

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18/01851/FUL

25 Garden Flats Lane, Dunnington, YO19 5NB



Scale : 1:1620

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Organisation	City of York Council
Department	Economy & Place
Comments	Site Location Plan
Date	29 May 2019
SLA Number	

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COMMITTEE REPORT

Date: 6 June 2019 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 18/02853/FULM
Application at: Dean Court Secure Car Park Rear Of Portland Street York
For: Erection of two storey block of 16no. apartments on site of
existing private car park with associated cycle and refuse
stores.
By: Mr Cleminson
Application Type: Major Full Application (13 weeks)
Target Date: 10 June 2019
Recommendation: Delegated Authority to Approve subject to Section 106
Agreement

1.0 PROPOSALApplication site

1.1 The application site is located at the northern end of Bootham Row. It accommodates an overspill car park used for private/contract parking. The site is surrounded by walls which are approximately 3.7m high.

1.2 There are 2-storey houses set within landscaped grounds to the SW and a terrace of houses along Portland Street (ranging in scale and height from 2-3 storey) to the north-east. The grounds of Bootham School are to the western side of the site.

1.3 The site occupies an area of approx. 675 sq m. It is within the Central Historic Core Conservation Area. There are no Listed Buildings immediately surrounding the site and the development would not affect the setting of any Listed Buildings. The site is in an area where there is a low probability of flooding.

Proposals

1.4 The application is for 16 apartments, 15 would be studios; 1 unit would be larger, with 1 bedroom and private outside amenity space.

1.5 The apartments would be contained in a 2-storey building which at its highest point would be some 2m higher than the boundary wall (1.2m higher on the northern, Portland Street side). The building would have an almost flat, over-sailing roof, with sedum covering and timber soffit. The elevations are predominantly brick; the brickwork will be in keeping with the surrounding walls. The apartments would be

offset some 5m from the southern side of the site allowing space for a secure landscaped courtyard spanning the length of the site.

1.6 The scheme has been amended since submission. The original had external access to the upper floor apartments on the southern side of the building. The access are now internal and re-positioned as it was considered the original arrangement would lead to poor amenity for the ground floor units as their primary outlook would have been obscured and over-shadowed. Brickwork is also proposed to the walls, to match the locality rather than use of render.

1.7 The development has bin and cycle storage and 2 car parking spaces on the SE side (from where the site is accessed). There would be an underground storage tank to limit surface water run off which has been positioned to avoid tree roots.

2.0 POLICY CONTEXT

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

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

2.2 Key relevant Publication Draft Local Plan 2018 Policies are as follows -

SS1 Delivering Sustainable Growth for York
H2 Density of Residential Development
H3 Balancing the Housing Market
D1 Placemaking
D4 Conservation Areas

2.3 Relevant policies of the Draft Local Plan 2005 are as follows -

GP1 Design
HE2 Development in Historic Locations
HE3 Conservation Areas
HE10 Archaeology
H2a Affordable Housing
H4a Housing Windfalls
L1c Provision of New Open Space In Development

3.0 CONSULTATIONS

Internal

Archaeology

3.1 This site lies within the central Area of Archaeological Importance and the Central Historic Core Conservation Area in an area that has produced significant undesignated archaeological heritage assets.

3.2 The site lies close to the Roman fortress and medieval city wall, close to the line of a major Roman road, in an area known to contain Roman burials.

3.3 An archaeological evaluation was carried out nearby in Bootham School by On-Site Archaeology in May 2011 (EYO4511). Natural deposits were recorded at a depth of 1.65m below the modern ground level. Due to the location of the site and evidence from investigation at nearby sites it is probable that this site will contain a similar profile of deposits, and that Roman archaeology may survive on the site in the form of features cut into the natural, truncated by medieval ploughing at a depth of between 1.3 and 1.7m below current ground surface.

3.4 In order to mitigate the impact of the development and to record the loss of significance that will arise if the development is approved, it will be necessary to carry out an archaeological watching brief on all ground disturbances.

Education

3.5 As 16 x 1 bed flats only are proposed no education contribution is requested.

Public Health

3.6 Officers commented on the original scheme. They raised concerns over amenity due to the size of the dwellings, the lack of private amenity space and outlook and the low level of cycle and general storage. The plans have subsequently been revised, removing external staircases which will provide more natural light and better outlook to the proposed dwellings.

Public Protection

3.7 Seek electric vehicle charging points to be provided and for a construction management plan to be approved and adhered to during construction. A site investigation and, if necessary remediation, are also required through condition.

Sport and Leisure

3.8 Officers have asked for £3408 as an off-site sport contribution. This would be used at Clarence Gardens Bowls Club and the development of York Hospital Bootham Park pitches.

External

3.9 Officers note that these comments are on the original scheme.

Guildhall Planning Panel

3.10 Object - The density of this development is far too high and not in accordance with the neighbouring properties. There is no guarantee that the properties will be available as low cost housing rather than holiday lets.

North Yorkshire Police - Secure by Design Officer

3.11 Officers asked for further consideration of the following items to improve the safety and security of the scheme -

- Demarcation of defensible space
- Access control to rear of building
- Allocation of car parking spaces to prevent conflict
- Provision of security lighting - all external doors, including the cycle store and refuse/recycling store, should be illuminated with vandal resistant security lighting, operated by a photocell sensor.
- Cycle store - content with secure cycle storage - Sheffield type stands should be included as indicated on the plans.

York Civic Trust

3.12 No objection in principle to re-development of the site but raise concerns over the adverse impact on neighbouring heritage assets and identified vistas and over social amenities resulting from the profile of the scheme.

- The design is not in keeping with the architectural character of either the Bootham Park Hospital or Gillygate Character Areas.
- The slim nature of the site is ill-suited to the proposed long terrace structure.
- Concern as to how fire services would be able to access the majority of the units, lack of parking provision, and fears that poor accessibility and visibility might attract crime.

Yorkshire Water

3.13 The developer is proposing to discharge surface water to public sewer. The developer was asked to provide evidence to demonstrate that more sustainable options; surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer. Note that adequate justification has now been provided which explains why surface can't be direct to a watercourse and why infiltration/soakaway is not possible at this site due to Building Regulations.

3.14 Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event. The developer will also be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of Yorkshire Water/the LPA by means of physical investigation. On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted.

Publicity

3.15 There have been 3 comments from neighbours. Observations were as follows -

- The building would lead to more light loss (due to being approx 1.2 m higher than the existing wall). Even though the roofline of the new development is raked downwards, it will take away around a metre of the skyline to neighbouring premises on Portland Street and there will be considerable loss of light in winter (when it is at a premium).
- Roof-lights would cause overlooking and noise.
- To the east of the proposed development there is a 1st floor roof terrace which will look directly in to the garden of No.9. This should be removed to prevent overlooking and loss of privacy.
- There are comments in favour and against the green roof. Those against would prefer a material more in keeping with the area and note green roofs tend to fail (or do not look as green/lush as anticipated but rather unkempt and ugly).
- It is asked whether the tree in Bootham Row would be lost to allow the scheme.
- There are inadequate spaces in the local residents parking area to accommodate development (officer's note that the site is not in R14 which is the local area i.e. future residents would not be able to apply for permits).

4.0 APPRAISAL

Key Issues

4.1 The Keys Issues are as follows

- Principle of the proposed use
- Character and Appearance of the conservation Area

- Amenity of surrounding occupants
- Amenity of future occupants
- Drainage
- Archaeology
- Sustainable design and construction
- Highways
- Affordable housing
- Off site open space

Assessment

Principle of the proposed use

4.2 According to section 5 of the NPPF the Government's objective is to significantly boost the supply of homes. Section 11 promotes the effective use of land. It states "Planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions". It goes on to state that planning decisions should "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively".

4.3 The section on Promoting Sustainable travel, in paragraph 103, states "significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health".

4.4 The site currently is underused and accommodates a private car park; this itself facilitates a method of travel which is not sustainable. The city has demonstrable housing need and this is an accessible, central, sustainable location. Policy is strongly in favour of the proposed re-use of the site in principle.

4.5 Policy H2 requires an appropriate density of development on sites to ensure the efficient use of land. The amount of development this site can accommodate is influenced by the need to protect neighbouring resident's amenity and the desire to avoid damage to surrounding trees. As such the amount of development proposed is acceptable.

4.6 Policy H3 states that "proposals for residential development will be required to balance the housing market by including a mix of types of housing which reflects the diverse mix of need across the city. This includes flats and smaller houses for those accessing the housing market for the first time, family housing of 2 to 3 beds and homes with features attractive to older people". This scheme provides small

dwellings which would be low cost. Consequently the proposals do not conflict with the approach proposed in policy H3.

4.7 Affordable housing will be secured in accordance with policy H10 and this is discussed later on in the report.

Character and Appearance of the Central Historic Core Conservation Area

4.8 The site is within the Central Historic Core Conservation Area. The Council has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to consider the desirability of preserving or enhancing the character and appearance of designated conservation areas.

4.9 The NPPF in section 16 explains how to assess the impact on heritage assets and when identified harm can be out-weighed by public benefits. It states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Local policies on conservation areas are HE2 and HE3 in the 2005 Draft Local Plan and D4 of the 2018 Publication Draft Local Plan.

4.10 The proposed building would predominantly be screened by the surrounding boundary wall. From the public realm views would be of the east side elevation and the landscaped courtyard beyond the gated access. The side elevation would comprise the brickwork of the main elevation and the single storey section of the building that would be clad in timber. The timber cladding would add visual interest and compliment the brickwork. The brickwork would blend in with its surrounds. Glimpsed views of a landscaped courtyard, including the addition of trees, would be an improvement over the existing car park.

4.11 The existing vista is of the surrounding wall, which is evidently of fairly recent construction and views of tarmac car parking area beyond the gated entrance. The gate is of functional design and the wall has barbed wire at its top in places. From public views the character and appearance of the conservation area would be enhanced.

4.12 Elevated views from surrounding houses are also of a tarmac covered area, used for parking cars. There are a row of garages to the SE of the site, running parallel to Portland Street.

4.13 The proposed use and building form is appropriate to the site. The linear building form relates to the historic and current urban grain. The low roof allows two floors of accommodation, making prudent use of the site. The roof, due to its lack of variation and with it being essentially flat, would be out of character with the prevalent roofscape (in form and materials). However there would not be harm to the character

and appearance of the conservation area due to the secluded location. Views of the roof would be from surrounding houses; the structure would just be apparent above the wall and would replace views into an open car park; this would not harm the setting. The sedum roof and introduction of planting will enhance the natural environment and biodiversity value of the site.

Amenity of surrounding occupants

4.14 The NPPF states that developments should create places with a high standard of amenity for all existing and future users. It goes on to state that decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

Daylight / sunlight

4.15 The building is concentrated towards the north (Portland Street) side of the site. It would exceed the height of the boundary wall on this side by approx 1m but would be spaced the same distance from the boundary. As such there would not be a material impact on sunlight or day-light within surrounding houses and their rear gardens. On the opposite side the building is to the north of neighbouring houses and would be some 5m from the boundary. It would have no material impact on sunlight or day-light.

Overlooking

4.16 Neighbours on Portland Street have raised concerns about overlooking from the first floor outside amenity space. This space has been designed to avoid overlooking, due to the solid wall on the north side, the means of enclosure on other sides, which will be a mix of timber cladding and planting, and by setting the means of enclosure in from the edge of the roof.

4.17 On the south side of the proposed building there would not be views into the communal gardens in Bootham Square because of the boundary wall. 1st floor windows between dwellings would be some 14m apart. The windows at the rear of houses on Bootham Square serve bedrooms. The level of separation would be acceptable for an inner city location such as this. Buildings on Gillygate for example are less than 12m apart in places.

Overbearing / Over-dominance

4.18 The building is only 1m to 2m higher than the existing wall and is offset from the site boundary. It would not be over-bearing or over-dominant.

Amenity of future occupants

4.19 The outlook from the dwellings would be south towards the proposed private courtyard. The scheme has been amended to remove obstructions from ground floor windows. The scheme would create an intimate development with a secure and fairly

tranquil setting, in particular for a city centre site. Such a space would encourage social interaction which is promoted in section 8 of the NPPF. Officers are content with levels of amenity for future residents in this respect. The landscaping and the covered and secure cycle store will be secured through condition.

Drainage

4.20 National policy on drainage / flood risk is to ensure developments are reasonably safe from flood risk and do not increase such risk elsewhere. Local policy in the Strategic Flood Risk Assessment explains drainage and flood risk requirements, including to allow for climate change and to avoid increased flood risk off site.

4.21 The site is not at risk of river flooding. The surface water run-off will be restricted to prevent increased flood risk elsewhere. Run off rates will be in accordance with local requirements (a reduction of 30%); secured through condition. The use of storage onsite and restricted connection into the public sewer is appropriate because a there is not space for a soakaway system at this site and there is no watercourse to directly connect into. Building Regulations dictate that a soakaway cannot be used within 5m of a building or road, 2.5m of a boundary.

Archaeology

4.22 Policy D7 of the Emerging Local Plan requires an understanding of archaeology affected, to avoid substantial harm (preserve 95% of deposits) or where there would be harm, undertake adequate mitigation.

4.23 An understanding of archaeology in the area in part derives from investigation at the neighbouring Bootham School where evaluation was carried out by On-Site Archaeology in May 2011. Natural deposits were recorded at a depth of 1.65m below the modern ground level. Based on understanding of archaeology in the locality officers are content that a watching brief on groundworks (followed by submission of an evaluation of the works) is adequate and can be secured through condition.

Sustainable design and construction

4.24 Publication Draft Local Plan Policy CC1 asks that new buildings achieve a reasonable reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable. Policy CC2 requires energy and carbon dioxide savings in accordance with the energy hierarchy and water efficiency. These policies do acknowledge consideration of wider issues is required when considering the impact, such as historic character. These policies should be given moderate weight given the advanced stage of the emerging Plan's preparation, and the lack of significant objection to these emerging policies.

4.25 The applicants have provided an energy statement specific to the scheme. This predicts that through design of the building fabric (thermal performance, air permeability) and by reducing demand for lighting and restricting water use, the scheme can achieve a reduction in energy use of up to 15% compared to current building regulations. In addition the use of PV panels on the roof could be practical and viable as a low/zero carbon technology.

4.26 The energy efficiency measures can be secured through condition although the extent of PV panels will be limited because of the need to accommodate roof-lights which are necessary for natural light gain (which will contribute to reducing energy demand) because the building would be single aspect.

Highways

4.27 The NPPF states that in assessing applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

4.28 The NPPF goes on to state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.29 The scheme is acceptable on highways grounds due to the following -

- Due to the central location, the size/type of dwellings proposed and availability of alternative and sustainable means of travel low parking provision is acceptable here. Electric vehicle charging facilities and secure covered cycle parking (17 spaces) will be secured through planning conditions.
- The bin store has been located at the front of the site and is therefore practical for waste collection.
- The scale and type of development means there would be a negligible impact on the highway network.

Affordable housing

4.30 Publication Draft Local Plan policy H10 requires 20% affordable housing (3 dwellings) at this site (applicable for schemes of 11 or more dwellings). In this case due to the size/type of the units which are mostly studio (only 1 is has a separate bedroom) an off site contribution is preferable and has been agreed. The level of

contribution will be calculated as the difference between the transfer price and the market value of the dwellings (this option, detailed in policy H10, is reasonable for this scheme due to the size of dwellings proposed; rather than requiring a fixed rate based on the average York property price). This obligation would be compliant with the CIL regulations (part 11) being directly related to the development, reasonable and necessary.

Open space

4.31 Local Supplementary Planning Guidance advises that due to the size of the dwellings proposed contributions may be sought toward amenity space and outdoor sports provisions. National guidance in the NPPG explains when obligations should be sought and pooling restrictions.

4.32 There is a considerable amount of amenity open space on site; some 94 sq m although this falls short of the requirement based on the 2017 Open Space Audit which requires 40.5sq m amenity space per 1 bed dwelling.

4.33 There is a deficit of sports facilities in the Ward (based on the 2017 Open Space and Green Infrastructure Update). Officers have sought £3,408 as an off-site sport contribution. This would be used at Clarence Gardens Bowls Club and the development of York Hospital Bootham Park pitches. This requirement is regulation compliant as the level of contribution is reasonable, the sites are local and the pooling restrictions would not be breached.

4.34 Considering numerous material factors - the site location and nearby amenity open spaces, pooling regulations and the need to identify a scheme that is reasonable and directly related to the development, given the space for new facilities in the Guildhall Ward, a contribution towards amenity open space is not sought.

5.0 CONCLUSION

5.1 Approval is recommended, subject to conditions and completion of a legal agreement to secure contributions towards affordable housing and open space, to make the scheme compliant with the relevant policies contained within the NPPF.

- The scheme is acceptable in principle, providing needed housing in a sustainable location at an under-used site in accordance with sections 5 and 11 of the NPPF.
- In accordance with sections 12 and 16 of the NPPF the scheme is acceptable on design grounds, considering its functionality and its impact on the conservation area and neighbour's amenity. Conditions can be used to ensure the development is sustainable.

COMMITTEE TO VISIT

Application Reference Number: 18/02853/FULM

Item No: 4a

Page 11 of 18

6.0 RECOMMENDATION:

(i) Permission be granted subject to:

- a. Prior completion of a Section 106 Agreement to secure off site contributions towards affordable housing and sports facilities. The affordable housing payment will be for 3 dwellings and the amount calculated as the difference between the transfer price and the market value of the approved dwellings. The off site sports payment would be used at Clarence Gardens Bowls Club and the development of York Hospital Bootham Park pitches.
- b. The conditions outlined in the officer's report (and any update)

(ii) The Assistant Director be granted delegated powers to finalise the terms and details of the Section 106 Agreement

Conditions of approval -

1 TIME2 Development start within three years

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

CLE-309-005 10B - Site plan

CLE-309-005 11B - Proposed plans

CLE-309-005 12B - Proposed elevations

103 p2 - Proposed drainage strategy (Dudleys drawing)

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

3 Investigation of Land Contamination

Prior to any groundworks commencing an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- a survey of the extent, scale and nature of contamination (including ground gases where appropriate);

- an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland
 - and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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.

4 Land contamination - Submission of a Remediation Scheme

Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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.

5 Construction Hours

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.

6 Archaeology - watching brief

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

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

7 Tree Protection

Prior to any groundworks on site details of tree protection measures for the Lime tree to the south-west of the application site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

The details shall include consideration of groundworks, including installation of services, and the re-surfacing works. (It is noted that the submitted arboriculture report recommends that to ensure tree roots are not damaged during the resurfacing the parking area will be surfaced over a cellular confined system which is to be specified within a separate Arboricultural Method Statement).

Reason: In the interests of good design as required by paragraph 127 of the NPPF; to avoid damage to any trees which have amenity value and make a positive contribution to the character and appearance of the conservation area.

8 Drainage

Prior to the commencement of construction details of site specific foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

Details shall include the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason: In accordance with section 14 of the NPPF, so that the Local Planning

Authority may be satisfied with these details for the proper and sustainable drainage of the site.

9 Materials

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 it would be appreciated if sample materials could 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: In the interests of good design and the character and appearance of the conservation area, in accordance with NPPF paragraphs 127 and 185.

10 Large scale details

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

- Timber cladding - Setting out and details of finish.
- Outside amenity space to unit 16 - details of the means of enclosure in context.

Reason: In the interests of good design and the character and appearance of the conservation area, in accordance with NPPF paragraphs 127 and 185.

11 Sustainable design and construction

Details of the reduction in carbon emissions the development hereby approved would achieve when compared against Part L of the Building Regulations (the notional building) shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation and the development shall be carried out in accordance with the approved details.

The details shall explain how this will be achieved either through efficient building fabric and/or low or zero carbon technology. Where low or zero carbon technology is proposed details of any visual impact on the building shall be included in the details.

The development shall also achieve a water consumption rate of no more than 110 litres per person per day (calculated as per Part G of the Building Regulations).

Reason: In the interests of sustainable design and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

12 Remediation scheme - Verification of works

Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and 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.

13 Landscaping

The development shall not be occupied until the species and stock size of the proposed trees (as shown on the approved plans) have been approved in writing by the Local Planning Authority.

The approved details and the landscaping scheme, as shown on the approved plans, shall be implemented within a period of six months of the completion of the development.

Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the conservation area and residential amenity.

14 Storage facilities (cycles and waste)

The covered and secure cycle parking facilities and waste storage facilities shall be provided in accordance with the approved plans prior to first occupation of the development hereby approved. The cycle storage shall have lockable doors and the internal space shall have facilities for locking cycles (using Sheffield type stands or similar).

External doors to the cycle store and refuse/recycling store, shall be illuminated with vandal resistant security lighting, operated by a photocell sensor.

Reason: In the interests of visual and residential amenity and to promote sustainable

travel in accordance with paragraphs 108 and 127 of the NPPF.

15 Electric vehicle charging facilities

Prior to occupation of the development hereby permitted each off street parking space shall incorporate a suitably rated electrical socket to allow 'Mode 2' charging of an electric vehicle using a standard 13A 3 pin socket and a 3m length cable.

Reason: To provide facilities for charging electric vehicles in line with NPPF paragraph 110.

INFORMATIVE: All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

16 Reporting of Unexpected Contamination

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

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

7.0 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 plans to make the design acceptable and through negotiation on conditions and S106 legal agreement.

2. CONTROL OF POLLUTION ACT

Application Reference Number: 18/02853/FULM

Item No: 4a

Page 17 of 18

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

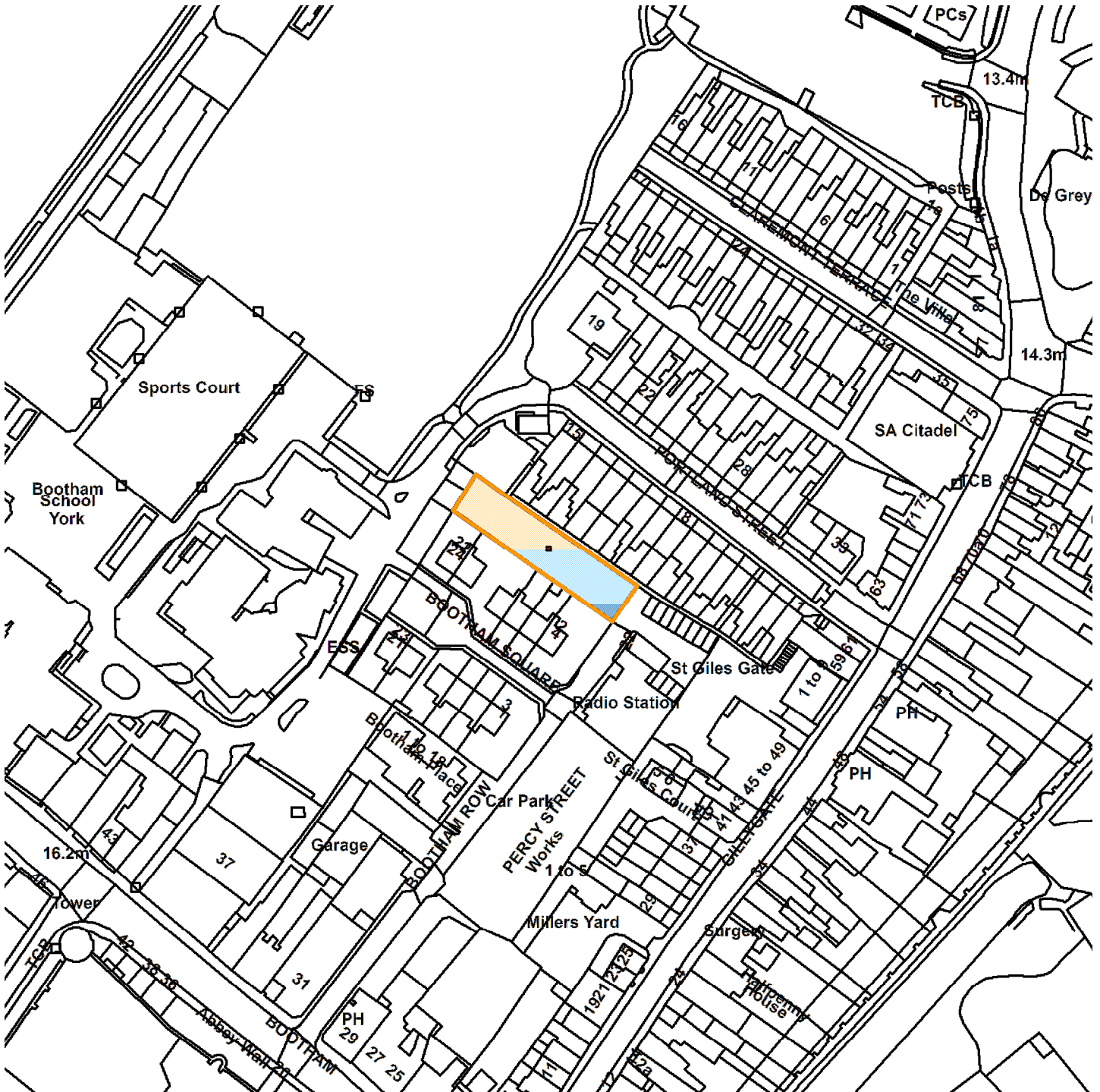
Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

18/02853/FULM

Dean Court Secure Car Park to r/o Portland Street, York



Scale : 1:1620

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Organisation	City of York Council
Department	Economy & Place
Comments	Site Location Plan
Date	29 May 2019
SLA Number	

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COMMITTEE REPORT

Date: 6 June 2019 **Ward:** Clifton
Team: Major and **Parish:** Clifton Planning Panel
Commercial Team

Reference: 19/00108/FULM
Application at: Hotel Noir Ltd 3 - 5 Clifton Green York YO30 6LH
For: Conversion of hotel to 10 Residential Units (use class C3)
By: Morrell
Application Type: Major Full Application (13 weeks)
Target Date: 12 June 2019
Recommendation: Delegated Authority to Approve subject to Section 106 Agreement

1.0 PROPOSAL**APPLICATION SITE**

1.1 The application relates to Hotel Noir at 3-5 Clifton Green and 1 Clifton Dale (assumed address) which consists of a terrace of three three-storey houses which are likely to date from the early nineteenth century and an attached villa which is part of the Clifton Dale development of c.1890s/1900. These buildings have been extended to the rear. The hotel has car parking behind. The primary access to the car park is from Clifton Dale however there is also a vehicle entrance from Clifton Green, by the side of the neighbouring public house.

1.2 The public house to the east of the site is grade II listed. The site is within the Clifton Conservation Area. The Conservation Area includes the green and its surrounding buildings. The area appraisal advises as follows -

- When first designated in 1968, the conservation area was focused on the nucleus of the original village around Clifton Green. This still retains its essential rural character, with mainly small scale dwellings and local shopping clustered around the village green. The uses around this open space do not conflict with the predominately residential character of the area.
- The area is characterised by late Georgian town houses and Regency villas fronting onto Clifton, and Victorian and Edwardian terraces and semis in the new suburban residential streets often developed in the garden grounds of frontage properties.

PROPOSALS

1.3 The application has been revised since submission and the number of proposed dwellings reduced to 10 (from 15). The changes revert 1 Clifton Dale to a single dwelling and it is no longer proposed to convert the out-building in the south corner of the site to a dwelling. The car park access remains as existing; 11 car parking spaces are proposed.

1.4 The scheme also involves the following works -

- First floor rear extension to no.3.
- Replacement windows to front elevation.
- New windows to side (east) elevation.
- External alternations at rear of nos. 4 and 5.
- Roof-lights.
- Replacement single storey building to the rear of 1 Clifton Dale.
- Demolition of garage.
- Replacement tree adjacent Clifton Dale entrance.

2.0 POLICY CONTEXT

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

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

2.2 Key relevant Publication Draft Local Plan 2018 Policies are as follows -

SS1 Delivering Sustainable Growth for York
H3 Balancing the Housing Market
D1 Placemaking
D4 Conservation Areas
EC4 Tourism
GI6 New Open Space Provision

2.3 Relevant policies of the Draft Local Plan 2005 are as follows -

GP1 Design
HE2 Development in Historic Locations
HE3 Conservation Areas

H4a Housing Windfalls

L1c Provision of New Open Space In Development

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development (Conservation Officer)

3.1 Comments on the original scheme -

Side elevation

3.2 Proposed bay windows on the side elevation were objected to because side elevations generally have a relatively blank aspect, with any openings being incidental and subservient in nature. Single width sash windows instead were suggested. This arrangement is particularly characteristic of Georgian houses and is evident at 3 Clifton Green, as well as to the Old Grey Mare where the blank west flank wall faces the site.

Front elevation

3.3 The existing ground floor bay window at no.3 appears to be of modern construction. The scheme proposed extended the bay. As an alternative it was suggested the bay not be extended or the bay be re-built replicating the original details and proportions as at no.5.

Windows

3.4 Replacement/new windows should be traditional vertical sash. The fenestration pattern to the north elevation (gable) of 1 Clifton Dale (where render is being removed and windows replaced) should be restored to the original arrangement with tripartite sash windows to the lower two floors rather than paired sashes.

Roof-lights

3.5 Roof-lights to the principal north and south roofslopes should be specified to be metal framed fixtures to replicate the appearance of traditional cast iron roof-lights.

Removal of render to 1 Clifton Dale

3.6 This was recommended by officers at pre-application.

Public Protection

Noise

3.7 A noise assessment has been provided that includes a specification to allow adequate internal noise levels. These should be secured through condition.

Electric vehicle charging facilities

3.8 In accordance with NPPF paragraph 110 officers ask for each of the car parking spaces to have EV charging facilities.

Land contamination

3.9 A site investigation has been carried out. Officers advise that conditions would be needed to investigate (and deal with if necessary) contamination is new soft landscaping were proposed.

Conservation Areas Advisory Panel

3.10 "The Panel had no objection to the proposed use and applauded the use of new timber windows although true sash windows would have been preferred to the casements specified."

York Civic Trust

3.11 Hotel Noir is a C19 building that was formerly a series of three houses before being converted into a hotel during the C20. It has a prominent position on Clifton Green, is within the Clifton Conservation Area. The Conservation Area consists predominantly of C18 and C19 townhouses and villas. Though the interior of the original buildings has been linked, much of the individual facades of the component buildings are still evident under the modern white paint. While the Trust commends the proposed removal of the white paint from the No.1 Clifton Dale component of the former hotel complex, we believe this is a missed opportunity to restore all or at least the majority of the building into its respective original residential dwelling units, which would offer a positive contribution to the local character and Conservation Area.

3.12 A lack of proposed parking and minimal bicycle storage in an area already known to experience car parking overflow, and increased waste management needs arising from multiple residents, would likely prove incompatible with the needs of future residents if converted into 15 residential units.

3.13 There is very little information within the application about what types of materials will be used for elements of the conversion, such as the proposed flat roof extension to replace the existing conservatory, or the appearance of the window replacements (other than the change from a uPVC frame to timber).

Publicity/Neighbour Notification

3.14 There were 13 comments from neighbours on the original scheme and these are detailed below. The scheme has been revised in response to these comments, specifically regarding the reduced number of dwellings proposed and amount of car parking.

Residential / visual amenity

- Wish for the new properties to be suitably managed and used for "permanent" residents not transient visitors i.e. short term lets, AirBnB etc. Airbnb type visitors can be extremely disruptive, as well as meet and greet from owners/representatives and cleaning for frequent turnarounds.
- The proposed 1st floor window on the South elevation of Flat 7 (existing outbuilding) will overlook the neighbouring property at 3 Clifton Dale. The proximity of the bin store will also lead to disturbance.
- There are concerns over the amount of waste storage required and how this will be appropriately managed; to avoid an adverse impact on the appearance of the street.

Disturbance during the construction period

- Concerns over future management and upkeep of the development; clarity should be provided on the leasehold/freehold arrangements. There is a strong preference for "Share of Freehold" and a management company rather than Leasehold - to maintain local control, ownership and pride in the development.
- Provision should be made within the leases for a requirement to redecorate externally and internal communal areas, at least every 5 years.
- The large sycamore is recommended for felling. At present it has amenity and environmental value and does contribute very positively to the visual streetscape of Clifton Dale. If it has to be felled, we strongly support its replacement by an appropriate medium-sized specimen tree that can be seen from the street.

Highway safety

- There is a parking issue in this locality and there is insufficient space to accommodate the likely number of vehicle permanently based at, or visiting, the proposed apartments. There will also be access issues related to the proposed car park which exits on to the Clifton Dale Cul de Sac. The amount of car parking is informed by car ownership levels in the ward but neighbours consider there should be more than 1 space per apartment. The overall amount of spaces is too low and due to the layout 3 of these spaces are unworkable.
- Preference for the vehicle access to be from Clifton Green rather than Clifton Dale. Clifton Dale is a 'home zone' a street developed primarily to meet the needs of people over vehicles consequently where the speeds and dominance of cars are minimal. The scheme proposes removal of the Clifton Green site

access. There is a concern this status could be compromised as a consequence of increased traffic.

4.0 APPRAISAL

4.1 The Keys Issues are as follows

- Principle of the proposed use
- Character and Appearance of the Conservation Area and setting of the neighbouring grade II listed building
- Amenity of surrounding occupants
- Amenity of future occupants
- Highways
- Affordable housing

Principle of the proposed use

4.2 According to section 5 of the NPPF the Government's objective is to significantly boost the supply of homes. Section 11 promotes the effective use of land. It states "Planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions". It goes on to state that planning decisions should "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively".

4.3 The section on Promoting Sustainable travel, in paragraph 103, states "significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health".

4.4 Due to housing need the change of use from hotel to dwellings accords with NPPF policy on delivering housing. The site is also in a suitable location; the centre of Clifton has a mix of uses and is well located in terms of transport links and proximity to the city centre. The apartments are spacious and 7 of the 10 have 2 or 3 bedrooms. The housing mix is consistent with housing need as identified in Draft Local Plan 2018 policy H3.

4.5 With regards the loss of the hotel section 6 of the NPPF states that planning policies should set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration.

4.6 The relevant policy of the 2018 Draft Local Plan in this respect is EC4: Tourism. EC4 states that tourism in York will contribute to a diverse economy. This will be achieved by supporting proposals that relate to maintaining and improving the choice and quality of visitor accommodation to encourage overnight stays, particularly by higher spending visitors.

4.7 Given the growth of the hotel sector, in particular recent and current schemes for accommodation in the city centre and giving due weight to the need for housing there is no objection on policy grounds to the loss of this hotel, which is outside of the city centre and accommodates 28 guest rooms.

Character and Appearance of the Central Historic Core Conservation Area and setting of Listed Buildings

4.8 The site is within the Clifton Conservation Area. The Council has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to consider the desirability of preserving or enhancing the character and appearance of designated conservation areas.

4.9 The NPPF in section 16 explains how to assess the impact on heritage assets and when identified harm can be out-weighed by public benefits. It states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Local policies on conservation areas are HE2 and HE3 in the 2005 Draft Local Plan and D4 of the 2018 Publication Draft Local Plan.

4.10 The public house to the east of the site is grade II listed. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall pay special regard to the desirability of preserving the building or its setting or exercise of any features of special architectural or historic interest which it possesses.

Conservation Area

4.11 The application relates to a terrace of three three-storey houses which are likely to date from the early nineteenth century and an attached villa which is part of the Clifton Dale development of c.1890s/1900. No.1 Clifton Dale demonstrates high aesthetic design value and is characteristic of development of the period in the Clifton and Bootham vicinity. 2 Clifton Dale on the opposite side of the street is of near matching appearance.

4.12 At the rear the buildings have been subject to later extensions and there is car parking for the hotel.

4.13 The contribution the building makes to the character and appearance of the Clifton Conservation Area has been eroded by recent alterations including the addition of window openings; the replacement of sash windows with poorly-detailed top-hung casements (for which no approval appears to have been granted); and the painting of the main elevation.

4.14 The proposals will have a beneficial impact on the character and appearance of the building and consequently the conservation area due to the following sympathetic works -

- Legibility of separate houses not lost.
- 1 Clifton Dale - re-instated as single dwelling and white paint removed.
- Existing bay window to no.3 to be replaced with bay to match the original at no.5.
- Timber framed sliding sash windows re-instated to main elevation.

4.15 The proposed roof-lights due to their size and location will preserve the character and appearance of the conservation area. On the east side elevation of the (original) building it was sought that windows be subordinate to the main facade, considering their amount, scale and detailing and this has been achieved in the revised plans.

4.16 The scheme allows for more external amenity space compared to the existing layout; in principle this will benefit the setting. Other works at the rear of the building would be largely screened from public views by the rear wing of 1 Clifton Dale and would preserve the character and appearance of the conservation area.

4.17 The tree by the access is already under stress which explains its lack of vigour. The tree does not justify a preservation order and the preferable course of action is its replacement. A mountain ash has been recommended as a replacement.

Setting of neighbouring listed building

4.18 The Old Grey Mare is a public house. It dates from the late C17, with late C19 additions and alterations by WG Penty. It is two storey plus attic. The site has external space to its western side and also a single storey outbuilding with mono-pitched roof sloping upwards towards the application site.

4.19 On the rear wing on the south-east side (opposite the public house) of the host building a first floor extension is proposed. Due to the scale and design of the proposed extension the rear wing would remain as a subordinate addition to the main building. This approach would be in character with the pattern of development in the setting. The extension and the other works to Hotel Noir would not have a material impact on the setting of the listed building.

Amenity of surrounding occupants

4.20 The NPPF states that developments should create places with a high standard of amenity for all existing and future users. It goes on to state that decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

4.21 The bin storage area would remain in its current location. It has adequate capacity for the proposed use.

4.22 The out-building is no longer proposed to be on one of the apartments. This overcomes the objection from the neighbour on Clifton Dale regarding overlooking of their property.

4.23 Where the host building would be extended new windows would face either the out-building and garden beyond of the neighbouring public house or they would be inward looking. This extension due to its height (2-storey) and location (there is the side access and outbuilding at the neighbour between the proposed extension and the garden to the public house) would not be over-bearing or over-dominant.

4.24 New windows on the side elevation would also look towards the side garden of the public house and towards Clifton Green

Amenity of future occupants

4.25 The plans have been revised so each dwelling has convenient access to the bin and cycle store. The change of use proposed will introduce more outside amenity space and the apartments would be spacious - the smallest being 57 sq m.

4.26 Policy GI6 of the Draft Local Plan 2018 relates to new open space in conjunction with development proposals. It states that all residential development proposals should contribute to the provision of open space for recreation and amenity. It goes on to explain circumstances where off site provision would be appropriate and refers to the supplementary planning guidance on open space dated 2014. This policy is reasonably consistent with the approach required in the NPPF, in section 8 which relates to promoting healthy and safe communities, in particular paragraph 96 regarding open space and recreation.

4.27 The site only has amenity space on site for the ground floor dwellings and the amount does not fulfil the need as detailed in supplementary guidance. Homestead Park has been identified as a local facility which could be enhanced and is within walking distance of the site. A contribution is sought towards this facility. Based on the mix of dwellings proposed the obligation would be £16,100. This obligation would be compliant with the CIL regulations (part 11) being directly related to the

development, reasonable and necessary. Also there have not been more than 5 contributions towards Homestead Park (CIL Pooling Regulations).

Highways

4.28 The NPPF states that in assessing applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

4.29 The NPPF goes on to state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.30 The hotel has 28 guest rooms and will employ staff. The proposed use is 10 apartments. The main access to the car parking on site is unchanged. The potential traffic generation associated with the proposed, compared to the existing use would not lead to a significant impact on the highway network and nor would there be an increased demand for vehicle parking off site. There would be 11 car parking spaces within the curtilage and covered and secure cycle storage. The amount of parking accords with local standards (last detailed in the 2005 Draft Local Plan). Electric Vehicle charging facilities will be provided as recommended by the NPPF. The scheme is considered to be acceptable on highways grounds.

Affordable Housing

4.31 Based on policy H10 of the Draft Local Plan 2018 affordable housing requirements only apply when 11 or more houses are proposed (or a residential scheme would provide over 1,000 sq m floorspace). As 10 dwellings are proposed here no affordable housing contribution is required.

5.0 CONCLUSION

5.1 Approval is recommended, subject to conditions and completion of a legal agreement to secure a contribution towards open space, to make the scheme compliant with the policies contained within the NPPF.

- In principle this change of use is consistent with the Government's objective (as detailed in NPPF section 5 to delivering a sufficient supply of homes.

- The scheme will enhance the character and appearance of the Clifton Conservation area.
- In accordance with section 9 of the NPPF the scheme will promote sustainable travel, provide adequate access and would not have a severe impact on the highway network.
- There is no undue effect on residential amenity.

5.2 The S106 will secure £16,100 towards off site open space to be used at Homestead Park.

COMMITTEE TO VISIT

6.0 RECOMMENDATION:

(i) Permission be granted subject to:

- a. Prior completion of a Section 106 Agreement to secure £16,100 towards off site open space to be used at Homestead Park.
- b. The conditions outlined in the officer's report (and any update)

(ii) The Assistant Director be granted delegated powers to finalise the terms and details of the Section 106 Agreement

Conditions of approval -

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans - MOR/534/01 - 03B and 04B
- 3 Replacement windows

Large scale details of the replacement timber windows (and their surrounds) to the Clifton Green (north) elevation of 3-5 Clifton Green and 1 Clifton Dale shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved and the works shall be carried out in accordance with the approved details. As specified on the approved plans the bay window proposed to no.3 shall be of matching proportions and detailing to the bay window at no.5.

Reason: In the interests of good design and the character and appearance of the conservation area, in accordance with NPPF paragraphs 127 and 185.

- 4 New windows to side elevation

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

- New/replacement windows and their surrounds proposed on the east (side) elevation of 3 Clifton Green
- Rear extensions at nos. 4 and 5, to include details of parapet wall and details of materials for the frame of the roof lantern.
- Rear extension to 1 Clifton Dale

Reason: In the interests of good design and the character and appearance of the conservation area, in accordance with NPPF paragraphs 127 and 185.

5 New brickwork

The infill brickwork and brickwork to the rear extensions hereby approved shall match the original brickwork of the host building in all respects i.e. bonding, size, colour and texture of bricks and the colour and finished treatment of mortar joints, to the satisfaction of the Local Planning Authority.

Reason: In the interests of good design and the character and appearance of the conservation area, in accordance with NPPF paragraphs 127 and 185.

6 Cycle storage

The covered and secure cycle parking facilities and storage facilities shall be provided in accordance with the approved plans prior to first occupation of the development hereby approved. The cycle storage shall have lockable doors and the internal space shall have facilities for locking cycles (using Sheffield type stands or similar).

External doors to the cycle store shall be illuminated with vandal resistant security lighting, operated by a photocell sensor.

Reason: In the interests of visual and residential amenity and to promote sustainable travel in accordance with paragraphs 108 and 127 of the NPPF.

7 Electric vehicle charging facilities

Prior to occupation of the development hereby permitted each off street parking space shall incorporate a suitably rated electrical socket to allow 'Mode 2' charging of an electric vehicle using a standard 13A 3 pin socket and a 3m length cable.

Reason: To provide facilities for charging electric vehicles in line with NPPF

paragraph 110.

INFORMATIVE: All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

8 Landscaping

The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme that shall include the following -

- A method statement for removal of the tree by the Clifton Dale entrance, including stump removal.
- Details of the precise location and stock size of the replacement Mountain Ash tree.
- Details of areas to be hard-landscaped and confirmation of materials.
- Clarification of areas to be soft landscaped.
- Details of any alterations to the Clifton Dale access.

This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and highway safety.

9 Noise

The building envelope of the residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) during the night (23:00-07:00 hours). These noise levels shall be observed with windows open in the habitable rooms or if necessary windows closed and other means of ventilation provided.

Reason: To ensure a satisfactory standard of residential amenity for future occupants. Such works are required prior to construction work as any such insulation will be integral to the structure of the building.

10 Reporting of Unexpected Contamination

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

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.

11 Hours of Construction

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.

7.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: sought revised plans in order to make the scheme policy compliant and through the use of S106 obligation and planning conditions.

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

19/00108/FULM

Hotel Noir Ltd, 3 - 5 Clifton Green, YO30 6LH



Scale : 1:1620

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Organisation	City of York Council
Department	Economy & Place
Comments	Site Location Plan
Date	29 May 2019
SLA Number	

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2.2 Policies:

Publication Draft Local Plan 2018

D1	Placemaking
D4	Conservation Areas
D11	Extensions and Alterations to Existing Buildings

Draft Development Control Local Plan 2005

CYGP1	Design
CYHE2	Development in historic locations
CYH7	Residential extensions

3.0 CONSULTATIONS

EXTERNAL

Skelton Parish Council

- 3.1 Skelton Parish Council objected to the scheme on the following grounds;
- Harm to the Conservation Area - the proposed extension would be visible from the road, and would extend into and narrow the adjacent lane, causing harm to the rural character that is a characteristic of Skelton's Conservation Area.
 - Overdevelopment - the extension would combine with the existing two storey extension at the property and fill the curtilage of the property, with a detrimental overall scale and footprint.
 - Impact on Neighbouring Properties - the proposal would impact on the residential amenity of the neighbours, narrowing the access enjoyed by the residents and leading to unsafe car manoeuvres.

Neighbour Notification/Publicity

- 3.2 Five letters of objection were received to the original proposals:
- Access - the extension would block access to the properties at the rear of the site, by narrowing the lane to the eastern side of the host dwelling. Access issues during construction were also highlighted.
 - Inaccurate Plans - some of the submitted drawings had mislabelled neighbouring properties
 - The proposed extension would impair and restrict visibility for vehicles entering and exiting the rear area, and would cause problems for emergency vehicle access.

- Loss of privacy - the rear door of the proposed extension would directly overlook Little Dorrit.
- Overdevelopment - the extension would increase the dominance at the rear of the property and would harmfully reduce the buffer between the host dwelling and the existing communal access. It would take away any opportunity to upgrade the external space in a way that could enhance the visual amenity of the Conservation Area.

3.3 Following the submission of revised plans to reduce the width of the proposed extension, one letter submitting further comments was received:

- Access - manoeuvres to exit the lane should the scheme be built, and also whether the adjacent hedge would have to be removed.

4.0 APPRAISAL

KEY ISSUES

4.1 Impact on the dwelling and character of the conservation area; access and highway safety; impact on neighbour amenity.

Policy Context

4.2 The application site is within Skelton Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the conservation area.

4.3 The National Planning Policy Framework (NPPF) February 2019 sets out the Government's overarching planning policies, and at its heart is a presumption in favour of sustainable development. Decision-makers at every level should seek to approve applications for sustainable development where possible. The presumption in favour of sustainable development may not apply if it is considered that any harm to heritage assets are identified. The NPPF also places great importance on good design. Paragraph 128 says that design quality should be considered throughout the evolution and assessment of individual proposals. Paragraph 130 says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

4.4 Section 16 of the NPPF, 'Conserving and Enhancing the Historic Environment', states that it is desirable to sustain and enhance the significance of heritage assets, and that new development should make a positive contribution to local character and distinctiveness. When considering the impact of a proposed development on the

significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset the greater the weight should be). This is irrespective of the level of harm from any proposal. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

4.5 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 extent to which there are unresolved objections to relevant policies;
- The degree of conformity of the relevant policies in the emerging plan with policies in the previous NPPF (published March 2012). (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

4.6 Policy D1 (Placemaking) of the 2018 Draft Plan seeks development proposals to improve poor existing urban and natural environments, enhance York's special qualities, better reveal the historic environment and protect the amenity of neighbouring residents. Development proposals that fail to make a positive contribution to the city or cause damage to the character and quality of an area, or the amenity of neighbours will be refused. Policy D4 (Conservation Areas) explains that proposals which preserve or enhance the special character of the conservation area will be supported. 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.

4.7 Draft Local Plan policy GP1 states that, with respect to Design, development proposals will be expected to (i) respect or enhance the local environment; (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks, the rural character and setting of villages and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.8 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for development management purposes in April 2005. It does not form part of the statutory development plan and its policies carry very limited weight. 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. Policy HE2 specifically states that within conservation areas proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

4.9 The Council have an agreed Supplementary Planning Document 'House Extensions and Alterations' (dated December 2012), which provides guidance on all types on domestic type development. It offers overarching general advice 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 13 contains advice relating to rear extensions; Paragraph 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.

4.10 Skelton Village Design Statement, 2008 (VDS) identifies those features of the village, its setting, layout and architecture which define the special character of Skelton and which should be protected for future generations. Design guidelines seek to preserve the character and appearance of the conservation area and state that infill development and extensions should respect the character and amenity of the surroundings and neighbour amenity.

Design and Character and appearance of the conservation area

4.11 The proposed extension is felt to adequately respect the character and amenity of its surroundings; it is considered In keeping with the host dwelling in terms of scale and design, and is not considered to represent any form of overdevelopment of the rear of the property. About half of the small existing rear amenity area would be retained. The proposal utilises matching materials and is only partially visible from the main public highway; it is not considered to harm the character of the dwelling nor the character and appearance of the conservation area.

Access and highway safety

4.12 The extension has been set further in from side elevation, and by virtue of its revised depth and eaves height is not felt to be unacceptably overbearing at this boundary. It is not considered that the proposal would narrow the adjacent lane, and the dimensions of the structure would not lead to any impact on vehicles using the adjacent lane above that already caused by the existing side elevation of the dwelling. Any reduction in access would be limited to where the currently open rear curtilage would be developed. The loss of this is not considered to be an unacceptable reduction in the access to the rear and would not have an impact on highway safety.

Impact on neighbour amenity

4.13 Given the existing characteristics of the rear area it is not considered that the extension would unacceptably overlook the property to the rear, and would not lead to any significant reduction in the levels of privacy currently afforded to neighbouring properties.

5.0 CONCLUSION

5.1 The proposal is not considered to harm the character and appearance of the conservation area, nor would it result in harm to residential amenity or highway safety. The proposal complies with National Planning Policy Framework (2019), policies D1, D4 and D11 Publication Draft Local Plan 2018, policies GP1, H7 and HE2 of the 2005 City of York Draft Local Plan, advice contained within Supplementary Planning Document 'House Extensions and Alterations' (Dec. 2012), and guidance provided by the Skelton Village Design Statement.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years

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

Drawing No. 2018/60/01 Rev A

Drawing No. 2018/60/03 Rev A

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

3 VISQ1 Matching materials

7.0 INFORMATIVES:

Application Reference Number: 19/00384/FUL

Item No: 4d

Page 6 of 7

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:

Revised plans were sought and received to reduce the impact of the proposed extension on visual and neighbour amenity.

2. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available at:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

Contact details:

Author: Sam Baker
Development Management Assistant

Tel No: 01904 551718

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19/00384/FUL

1 Chestnut Row, Skelton, YO30 1XR



Scale : 1:1620

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Organisation	City of York Council
Department	Economy & Place
Comments	Site Location Plan
Date	29 May 2019
SLA Number	

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COMMITTEE REPORT

Date: 18 April 2019 **Ward:** Huntington/New Earswick
Team: Major and Commercial Team **Parish:** Huntington Parish Council

Reference: 19/00451/FULM
Application at: Monks Cross Shopping Park Trust Unit 10 Monks Cross Shopping Park Monks Cross Drive Huntington
For: Installation of full cover mezzanine
By: Trustees Of The Monks Cross Shopping Park Trust
Application Type: Major Full Application (13 weeks)
Target Date: 7 June 2019
Recommendation: Approve

1.0 PROPOSAL

1.1 The proposal is for internal changes only to create a full mezzanine across the entire unit to create a mezzanine of 1619sqm gross external area (GEA). This is an increase of 336sqm GEA to an already approved mezzanine (17/02516/FULM).

1.2 The unit was previously occupied by Outfit who vacated it in August 2018. The unit is currently 1619sqm with a mezzanine of 224sqm. It sits within the Monks Cross Retail Park which is sited to the North East of the city centre. The retail units are sited in three terraces positioned around the parking area. The unit in question is in the North West corner of the site. The site is relatively well screened from the public highway to the front by soft landscaping.

PLANNING HISTORY

1.3 Consent (17/02516/FULM) was granted in January 2018 for the subdivision of the existing retail unit into 2 no. units with additional mezzanine space subject to conditions to control further subdivision. The additional mezzanine space produced 2 units with floor areas as below:

	Ground floor sqm	Mezzanine sqm	Total sqm
Unit 10A	616.5	616.5	1233
Unit 10B	1002.5	666.5	1669
Total sqm	1619	1283	2902

1.4 A certificate of lawfulness (19/00515/CPU) has recently been granted for unit 10 to confirm that the unit is in an unrestricted A1 use. A non-material amendment (19/00594/NONMAT) has also been granted for the realignment of doors and windows in accordance with the return of the unit to a single, not-subdivided, unit.

2.0 POLICY CONTEXT

2.1 Policies: Emerging Draft Local Plan
R1 Retail hierarchy and sequential approach
R4 Out of centre retailing

3.0 CONSULTATIONS

INTERNAL

Forward Planning

3.1 The principle of retail (use class A1) in this out of centre location can only be supported subject to detailed site specific considerations including the sequential and impact tests. The sequential test has been completed by the applicant who concludes there are no sequentially preferable sites. We agree with these conclusions. An impact assessment is not considered necessary in this case given the scale of floorspace proposed. As such, there is no objection, subject to the inclusion of a restrictive condition on floorspace in order to ensure the vitality and viability of the city centre is maintained , should planning permission be granted..

Highways Network Management

3.2 No objection to the proposal as the impact of additional staff and customers will be limited when considered within the site as a whole.

EXTERNAL

Huntington Parish Council

3.3 No objections.

4.0 APPRAISAL

4.1 Key Issues

- Policy background
- Principle of the development considering the sequential test

4.2 The National Planning Policy Framework (February 2019) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

4.3 Paragraph 38 states that Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. It goes on to say that they should seek to approve applications for sustainable development where possible.

4.4 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. The emerging Draft Local Plan policies can be afforded limited weight at this stage of preparation, and subject to their conformity with the NPPF. The evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications. Policies R1 and R4 of the emerging Local Plan are both relevant to consideration of the proposal.

Principle of the development considering the sequential test

4.5 Policy R1 'Retail Hierarchy and Sequential Approach' seeks to ensure that the vitality and viability of the city centre, district and local centres and neighbourhood parades will be maintained and enhanced. Issues raised in response to the publication stage consultation related to the inclusion of neighbourhood parades in the retail hierarchy contrary to the NPPF; concern about parking proposals at Designer Outlet; support for relocation of existing Park & Ride at Designer Outlet; and no provision in sites ST1 or ST2 for retail space.

4.6 Policy R4 'Out of Centre Retailing' seeks to ensure that further expansion in out of centre locations does not undermine the viability, occupier interest and investing in the city centre. The broad issues raised in response to the consultation related to concern that the retail policy restricts growth; the Designer Outlet should not be Green Belt; and an objection related to increased traffic and out of centre retailing.

4.7 The policies in the emerging Plan have been written to be in conformity with the 2012 NPPF. The policies in the revised 2019 NPPF are also material considerations to be taken into account in determining planning applications 'from the day of its publication' (from 24 July 2018). Importantly, the policies in the 2012 NPPF still apply to examining plans submitted on or before 24 January 2019, which include York's emerging plan.

4.8 Policy R1 and R4 are consistent with section 2 of the 2012 NPPF and Section 7 of the 2019 NPPF which suggests policies should be positive, promote competitive town centre environments, and set out policies for the management and growth of centres over the plan period. Policies R1 and R4 set out an approach that will ensure the vitality and viability of the hierarchy of centres will be maintained and enhanced, including the imposition of restrictions on floorspace or goods sold secured by condition. This will help to promote sustainable shopping patterns as people should not have to travel far to meet their day to day needs, thereby reducing congestion in larger centres. This approach will help to ensure that lively, thriving

places to visit and live are created which provide for the retail needs of the local population.

4.9 With reference to NPPF 2019 paragraph 48 it is considered that Policy R1 of the emerging plan can be afforded moderate weight. Policy R1 directs main town centre uses to the city, district and local centres. The application proposes a main town centre use in an out of centre location. A sequential test is therefore required to establish if there are any sequentially preferable sites in relation to the proposed food retail A1 use. The sequential test has to be proportional but must demonstrate flexibility. Should there be no sequentially preferable sites available at this time an impact assessment would not be required in this instance given the scale of the proposals (over and above that already in place) are under the locally set threshold of 1,500sqm.

4.10 Make it York (a company owned by City of York Council and set up to develop and promote York) has confirmed that there are no existing units within or on the edge of the city centre which are suitable and available. In addition there are only two sequentially preferable sites to consider for the sequential test- York Central and Castle Gateway. Neither of these will provide retail space of the footprint currently proposed. On review of the submitted sequential test it is agreed that there are no sequentially preferable sites available at this time.

4.11 It is considered that the additional retail floorspace proposed in this application is in accordance with the provisions of Policy R4 'Out of Centre Retailing'. The applicant has successfully demonstrated the proposals cannot be accommodated in a sequentially preferable location. It is also not considered that additional retail provision in this location will have a significant adverse impact on investment in the city centre or district centres. Nor will the proposals result in an individual or cumulative significantly adverse impact on the vitality and viability of the city centre or district centres, subject to restrictions on floorspace being secured by condition.

4.12 Policy R4 states that 'Restrictions on floorspace or goods sold will be secured by condition to prevent out of centre proposals having a negative impact on the vitality and viability of the city centre.' Given that it has recently been accepted (19/00515/CPU) that the unit operates in an unrestricted A1 use, it is not considered appropriate to control goods sold but a condition restricting the subdivision of the unit in to smaller ones which might compete with the city centre or district centres is considered appropriate and has been recommended.

Other considerations

4.13 Given that the works are entirely internal then it is not considered that the proposal will result in any harm to visual or residential amenity.

5.0 CONCLUSION

5.1 The proposal is to increase the size of the mezzanine in Unit 10 at Monks Cross Retail Park. There are no sequentially preferable sites in the city centre or any other defined centre and the proposal would not significantly adverse impact on the vitality and viability of the city centre or district centres. As a result the proposal is considered to meet the policy requirements of R1 and R4 in the emerging Local Plan.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Location plan URB-U10 08 00 01-D00

Proposed mezzanine URB-U10 08 10 02-D01

Proposed ground floor URB-U10 09 00 05-D00

Existing and proposed sections URB-U10 08 80 01-D00

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

3 No retail unit created pursuant to this planning permission shall be less than 929 sq.m. (10000sq.ft.) gross floor area and no unit shall be subsequently subdivided to form any unit of less than 929 sq.m. (10000sq.ft.) gross floor area.

Reason: To safeguard the rights of control of the local planning authority to protect the vitality and viability of the city centre in accordance with advice in the National Planning Policy Framework.

7.0 INFORMATIVES:

Notes to Applicant

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

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

Contact details:

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19/00451/FULM

Unit 10, Monks Cross Shopping Park, Huntington, YO32 9GX



Scale : 1:2592

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Organisation	City of York Council
Department	Economy & Place
Comments	Site Location Plan
Date	29 May 2019
SLA Number	

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COMMITTEE REPORT

Date: 6 June 2019 **Ward:** Rural West York
Team: Major and **Parish:** Nether Poppleton Parish
Commercial Team Council

Reference: 19/00472/FUL
Application at: 8 Sandyridge Nether Poppleton York YO26 6LU
For: Variation of condition 2 of permitted application 18/00541/FUL
(erection of dormer bungalow in rear garden) to alter design
and external appearance of approved dormer bungalow
By: Mr M Bryan
Application Type: Full Application
Target Date: 10 June 2019
Recommendation: Approve

1.0 PROPOSAL

1.2 Planning permission was granted on 11 July 2018 for the erection of a dormer bungalow within the garden of 8 Sandyridge (18/00541/FUL). The current application seeks to vary condition 2 (approved drawings) to allow for the purchaser of the site to alter the design and external appearance of the dwelling.

1.2 As approved the dormer bungalow formed a linear dwelling incorporating cat slide dormers to the front elevation and a small forward projecting gable element. The revised scheme proposes a dwelling of the same length but incorporating a larger forward projection. Modern zinc clad dormers would run flush with the elevations, incorporating one to the front and two to the rear. Minor alterations are also proposed to the access to the site.

1.4 The application has been called to committee by former Cllr Steward on the grounds of overdevelopment of the site and transport issues.

2.0 POLICY CONTEXT

2.1 Policies:

Upper Poppleton and Nether Poppleton Neighbourhood Plan

PNP4 Village Design Statement
PNP6A Development with Upper Poppleton and Nether Poppleton
PNP 11 Climate Change and Renewable Energy

Draft Plan 2018

D1 Placemaking
ENV5 Sustainable drainage

Deposit Draft Local Plan 2005

GP1 Design
GP4a Sustainability

3.0 CONSULTATIONS

INTERNAL

Flood Risk Management Team

3.1 No objections to the development in principle but in line with our Sustainable Drainage Systems Guidance for Developers (August 2018) a 30% climate change allowance should be imposed across all storms and not the 20% used in the Drainage Report.

Highway Network Management

3.2 No objections

EXTERNAL

Nether Poppleton Parish Council

3.3 Object to the application as the scheme conflicts with Policy PNP6 due to:

- Loss of amenity to neighbouring residents
- Lack of garden and amenity space
- Inadequate parking and access
- Inaccessible for fire engines
- Does not accord with the Village Design Statement
- Potential loss of adjacent Copper Beech Tree
- The property will be visible from the rear rooms of 5 Easthorpe Drive

Neighbours and Publicity

3.4 Four objections received on the following grounds:

- Concerns over the proposed access and its junction with Sandyridge
- Potential vehicular conflict with vehicles reversing
- Potential loss of trees to the boundary which add to the character of the area

4.0 APPRAISAL

Key Issues

- Design
- Impact upon Amenity
- Highway Implications

4.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The Upper Poppleton and Nether Poppleton Neighbourhood Plan (Poppleton Plan), which came into effect from 19 July 2017 is the relevant adopted plan.

Upper Poppleton and Nether Poppleton Neighbourhood Plan (Poppleton Plan)

4.2 Village Design Statement Policy PNP 4 states that proposals for development within the villages of Upper 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.

4.3 Housing Policy PNP 6A Development with Upper Poppleton and Nether Poppleton states that within the settlement limit of the two villages, as shown on the Policies Map, 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.

4.4 Climate Change and Renewable Energy Policy PNP 11 states that new developments that exceed the Building Regulations with regard to energy conservation and use of renewable energy technology will be particularly supported. Developers may also wish to consider harvesting of rain water and storm run-off, grey water recycling, porous surface provision wherever appropriate, solar photo voltaics for energy capture and high standard insulation of floors, walls, and roofs to reduce energy consumption.

Poppleton Village Design Statement

4.5 Poppleton Village Design Statement states inter alia that proper assessment of the character of the surrounding environment should be taken into account when development is proposed and that the size and massing of extensions should harmonise with neighbouring properties and spaces; contemporary design should complement and be in sympathy with existing building character and that adequate car parking spaces should be provided within the curtilage of the property to avoid on-street parking.

National Planning Policy Framework, February 2019 (NPPF)

4.6 Paragraph 7 of the National Planning Policy Framework states that planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as supporting the delivery of homes, seeking high quality design and a good standard of amenity for all existing and future occupants, taking full account of flood risk, encouraging the effective use of land, and conserving heritage assets in a manner appropriate to their significance.

4.7 Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision taking, this means approving development proposals that accord with the development plan without delay.

4.8 Section 7 of the NPPF requires good design. At paragraph 56, it says that good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. Paragraph 58 states that decisions should aim to ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

4.9 Section 10 of the NPPF requires local planning authorities, when determining planning applications, to ensure flood risk is not increased elsewhere as a result of the development.

Draft Local Plan 2018

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

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

4.11 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications. The following policies are relevant to consideration of this application:

- Policy D1 'Placemaking'. This policy supports development proposals where they improve poor existing urban and natural environments; enhance York's special qualities and better reveal the significances of the historic environment. Detailed design issues should be addressed by development proposals
- Policy ENV5 'Sustainable drainage'. This policy includes detailed drainage requirements for site drainage and a preference for SUDS.

The Development Control Local Plan (incorporating the fourth set of changes) (approved April 2005) (DCLP).

4.12 This plan is not adopted policy but has been approved for development management purposes. Policies in the DCLP carry very little weight but are capable of being material considerations in the determination of planning applications where these are consistent with those in the NPPF. The following policies from the DCLP are considered relevant:

- Policy GP1: "Design" is a criteria based policy that seeks high levels of design.
- Policy GP4a: "Sustainability" requires development to have regard to the principles of sustainable development.
- Policy T4: Requires new developments to provide cycle parking in accordance with Council standards.

SITE

4.13 The application site forms the existing large side garden area which was associated with the detached dwelling of Folly House. The application site lies to the end of a short cul-de-sac and is accessed via a private drive. The parcel of land wraps behind the rear elevation of the neighbouring property at Encombe and lies immediately to the rear of properties facing onto Millfield Lane and Long Ridge Lane.

4.14 Planning permission has been granted for a dwelling in this location. This application seeks amendments to the attached conditions to allow for alterations to the design, scale and access. The existing approved scheme is still capable of being implemented and the principle of erecting a dwelling on site has been set.

AMENDMENTS TO THE DESIGN

4.15 A core principle in the NPPF states that planning should proactively deliver homes and thriving local places that the country needs. This is re-affirmed in chapter 6 of the NPPF which relates to the delivery of a wide choice of high quality homes.

4.16 The site is not located within the York Green Belt, nor is it sited in, or within the setting of a heritage asset. The development plan for the purposes of s.38 of the Act is the Poppleton Neighbourhood Plan. Policy PNP6A is particularly relevant. It supports in principle the construction of a single dwelling within the curtilage of a domestic property subject to the criteria outline in section 4.3.

4.17 Section 7 of the NPPF emphasises the importance of good design, and states that it is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 60 also makes reference to promoting or reinforcing local distinctiveness.

4.18 The 18/00541/FUL approval granted permission for a three bedroom dormer bungalow. The dwelling incorporated three cat slide dormer windows to the front elevation and a small forward projecting gable element. It incorporated two attached garages with a lower lying ridge height to the main portion of the dwelling in order to achieve a visual break. Access was via a drive which was partially shared with 8 Sandyridge before splitting into a separate drive ways.

4.19 The current scheme seeks revisions to create a more contemporary designed dwelling. The property would still be a dormer bungalow but as opposed to the pitched cat slide roofs three zinc clad flat roof dormers are proposed, one to the front and two to the rear. These would be built off the front and rear elevations as opposed to being inset above the eaves as previously approved. Ground floor windows and access points have also been reconfigured due to amendments to the internal layout.

4.20 In terms of external appearance the amendments appear acceptable. The area is characterised by a variety of differently designed dwellings. Long Ridge Lane and

Millfield Lane comprise mainly bungalows, some with dormer windows, whilst Sandyridge comprises detached two storey dwellings. The majority of nearby dwellings are traditional in appearance. The application site is set well back from the highway with very limited views into the site from public vantage points. The modern dormer windows would not be readily visible from outside of the site and would not appear intrusive or out of place within its setting.

SCALE

4.21 As approved the dormer bungalow had an overall length of 23m and a depth of 7.8m. The revised scheme indicates a similar length but a depth of only 6.5m. However, the revised scheme now proposes a 7.4m long forward projection which would result in an increased footprint of 40 metres squared. The overall height of the proposed dwelling would be approximately 300mm lower than the approved scheme but the eaves would be 500mm higher. Due to the addition of the front element the dwelling needs to be pushed 2.7m further back into the site. However, this still retains a rear garden some 6m deep by 26m wide and a now enlarged front garden area.

4.22 The proposed scheme would fill the width of the site but this is no different from the previously approved scheme or from existing dwellings facing onto Longridge Lane. The addition of the front element adds to the massing of the development but it does not appear to be overly large within the context of the site. Adequate amenity space is still provided around the dwelling for the occupiers. The dwellings to the south east of Sandyridge are located in larger plots than those lying opposite. The wider residential area is relatively high suburban density and as such it is not considered that the proposed revised massing of the dwelling would have a detrimental impact upon the character of the area or the grain of development.

IMPACT OF DEVELOPMENT OF AMENITIES OF EXISTING DWELLING AND NEIGHBOURING OCCUPIERS.

4.23 The revisions indicate dormer windows to the rear elevation where previously none were proposed. However, there would be no loss of amenity for neighbouring residents. A strip of land 14m deep lies immediately to the rear of the application site. This parcel of land forms part of the garden of 5 Easthorpe Drive. The dormer windows would overlook this land but it lies approximately 30m from the rear elevation of the house itself. When assessing loss of amenity due to overlooking, it is considered that the area immediately to the rear of dwellings is the area most often utilised by residents for sitting out and entertaining and is afforded more protection from overlooking. As such loss of privacy to an area of land over 30m away from the rear elevation is afforded less weight, as is the situation in this instance.

4.24 The dwellings to the rear of this strip of land, facing Millfield Lane lie over 30m away and as such no issues of loss of privacy arise. Likewise properties to the south east facing Longridge Lane lie approximately 28m away. One high level ground floor

window is now proposed to this elevation but no issues are raised due to the elevated position of the opening. A bedroom window is proposed to the gable end facing the adjacent neighbour at Encombe but again this is some distance away from the private amenity space and any views are blocked by a high mature Leylandi hedge. Only first floor roof lights are proposed facing onto Folly House

HIGHWAY CONSIDERATIONS

4.25 Policy PNP 6A of the Neighbourhood Plan supports the construction of a single dwelling within the curtilage of an existing dwelling subject to criteria that includes a requirement for 'appropriate levels of parking and vehicular access to the City of York Council standards'

4.26 Whilst the majority of the drive is only 2.5m in width there is scope for vehicles to stop at the entrance and exit of the site for vehicles to pass each other. Adequate turning is provided for both properties and two car parking spaces are proposed for each dwelling. Cycle parking can be provided within the garages

4.27 Concerns have been expressed that the vehicular access would result in conflict with vehicles existing or accessing adjacent driveways. Whilst the access would be close to that of Folly House and Encombe vehicular movements would be at low speeds, particularly as the site is served off a cul-de-sac, and the relationship between drives is not uncommon. Furthermore, due to the proposed drive length vehicles will be likely to be exiting the site in a forward gear giving improved visibility.

DRAINAGE

4.28 A detailed drainage strategy has been submitted for the site which indicates 20% climate change allowances as opposed to the 30% requested by the Council. As such the condition attached to the original permission still applies.

5.0 CONCLUSION

5.1 It is considered that the proposed amendments to the design, siting and scale would not have any detrimental impact upon the amenities of neighbouring residents or the character of the area. Amendments to the vehicular access would not result in vehicular conflict at the junction with sandyridge. The application therefore accords with the NPPF, Upper Poppleton and Nether Poppleton Neighbourhood Plan, Policy D1 and T1 of Draft Plan 2018 and policies GP1 and GP4A of The Deposit Draft Local Plan 2005.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The development shall be begun not later than the 11th July 2021

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 and other submitted details:-

Drawing numbers:

MB-18-009 Rev P2 Proposed Site Plan Roof Plan

MB-18-010 Rev P4 Proposed Site Plan Level 00

MB-18-00-011 Rev P4 Proposed GA Floor Plan Level 00

MB-18-012 Rev P4 Proposed GA Floor Plan Level 01

MB-18-13 Rev P4 Proposed Elevations Level 01

MB-18-014 Rev P4 Proposed Elevations South-East and North-West

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

3 VISQ8 Samples of exterior materials to be app

4 HWAY19 Car and cycle parking laid out

5 VISQ4 Boundary details to be supplied

6 Prior to occupation, the garage space shall incorporate a suitably rated electrical socket to allow 'Mode 2' charging of an electric vehicle using a standard 13A 3 pin socket and a 3m length cable.

Reason: To provide facilities for charging electric vehicles in line with the NPPF and CYC's Low Emission Strategy.

Notes

- Optionally, a suitable 'IEC 62196' electrical socket (minimum rated output of 3.7kw /16A) can be provided in addition to the standard 13A 3 pin socket to allow 'Mode 3' charging of an electric vehicle. Mode 3 charging, using a suitable cable and charging point, allows faster charging of electric vehicles. Further advice can be provided by City of York Council's Public Protection team on request.
- All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015)."

7 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 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.

8 No development shall take place until details of the proposed means of surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Design considerations.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself.

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods can be proven to be unsuitable then in accordance with City of York Council's Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or

surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above. For smaller developments where the Greenfield run-off rate is less than 1.4 l/sec/ha and becomes impractical and unsustainable then a lowest rate of 2 l/sec shall be used.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Details of the future management and maintenance of the proposed drainage scheme shall be provided.

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

7.0 INFORMATIVES:

Notes to Applicant

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

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

Contact details:

Author: Heather Fairy Development Management Officer

Tel No: 01904 552217

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19/00472/FUL

8 Sandyridge, Nether Poppleton, YO26 6LU



Scale : 1:1620

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Organisation	City of York Council
Department	Economy & Place
Comments	Site Location Plan
Date	29 May 2019
SLA Number	

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3.1 In accordance with the provisions of the SPD neither the street or neighbourhood level thresholds have been breached.

EXTERNAL

Publicity

3.2 The application was advertised by site notice and neighbour notification letter. Four responses have been received. The following issues have been raised:

- increase in noise levels/potential for anti-social behaviour
- the change of use of a family house to a HMO is not suitable to this area
- loss of house value
- having vulnerable/homeless people living next door could potentially impact/compromise the work/safety of neighbouring occupant

4.0 APPRAISAL

KEY ISSUES:-

- Principle of change of use
- Impact on neighbouring property
- Parking

RELEVANT PLANNING POLICY

4.1 The National Planning Policy Framework (2019) sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development.

4.2 Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

4.3 Paragraph 59 states that it is important that the needs of groups with specific housing requirements are addressed.

4.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:
-The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

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

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

4.6 Policy H8 'Houses in Multiple Occupation' states that changes of use from dwellinghouse to HMO will only be permitted where it is a neighbourhood area where less than 20% of properties are HMOs and less than 10% of properties within 100m are HMOs and the accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

4.7 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is very limited except where in accordance with the content of the NPPF. It is considered that the following policies/criteria are relevant as they are in accordance with Paragraph 17 of the NPPF, which advises that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings:

- Policy GP4a i) requires that development proposals make adequate provision for the storage and collection of refuse and recycling.
- Appendix E to the Local Plan outlines car and cycle parking standards for development and specifies that HMO's should provide 1 car parking space per 2 bedrooms and 1 cycle parking space per bedroom.

ASSESSMENT

4.8 It is proposed to convert the existing 3 bedroom dwelling into an 4 bedroom HMO. No external changes are proposed other than the provision of an additional shed to the rear to accommodate bin and cycle storage. The lounge to the front of the property would be converted to a fourth bedroom, and the three existing bedrooms would remain as existing. It is considered that the dwelling would provide an acceptable level of accommodation (and storage) for 4no. individuals in a sustainable location and the rear garden would provide adequate amenity space for the proposed tenants.

Principle of Change of Use

4.9 Where concentrations have occurred, the conversion of dwellings to small HMOs has an adverse impact upon environmental conditions and amenities of residents. In order to be able to exercise control over this situation the Council

adopted a Draft Supplementary Planning Document (SPD): Controlling the Concentration of Houses in Multiple Occupancy on 15 April 2012 and updated this in 2014. This Guidance was prepared in connection with an Article 4 Direction which the Council made in respect of houses within the defined urban area. It has the effect of bringing the change of use of dwellings to small HMOs within planning control.

4.10 In terms of whether an area is already experiencing the effects of an over concentration of HMOs, and whether it can accommodate any further intensification of such uses, the Council's SPD identifies a 'tipping point' when issues arising from concentrations of HMO's become harder to manage and a community can be said to tip from balanced to unbalanced. The SPD identifies this point as when 20% of all properties across a defined neighbourhood area and 10% at street level are Houses in Multiple Occupation. Following on from this the SPD states that applications for the change of use from dwelling house to HMO's will only be permitted where less than 20% of properties in a neighbourhood area and less than 10% of properties within 100 metres of street length either side of the application property are HMO's.

4.11 In assessing this application, neither the 20% neighbourhood level or 10% street level thresholds have been breached. There are no known HMOs at street level and 2 known HMOs at the neighbourhood level. This is 0% at street level and 0.23% at neighbourhood level. As such the change of use would comply with the requirements of policy H8 and the Council's SPD and is therefore considered to be acceptable, although it is recognised that an assessment of residential amenity and the ability of the area to absorb further change of use should also be undertaken.

Parking

4.12 The property has two parking spaces which is in accordance with the Council's maximum parking standards for such uses. The HMO is intended to be run by a housing charity Restore (York). It is understood that support workers would visit the property 2/3 times per week. The addition of these visits is not considered significant in parking terms, with a large proportion of support workers choosing to cycle rather than drive to appointments.

Impact on Residential Amenity

4.13 The change of use would result in a minimal increase in bedrooms, and as such it is not considered that the change of use would automatically have an adverse impact on neighbouring residents as it is not considered that the comings and goings of up to 4no. tenants would be significantly greater than those of a family unit. An existing 2.6m x 2.2m shed to the rear plus the addition of a second similarly sized shed (3m x 2m) would provide adequate provision for bin/recycling and cycle storage and would not appear out of keeping with the surrounding residential setting. The side access would be of a good size to access this storage.

Concerns regarding anti-social behaviour have been expressed by surrounding neighbours with regard to the type of occupants residing at the HMO. The planning application seeks permission for the use of the premises. The nature of the occupier is not material to the determination of the application in this case.

5.0 CONCLUSION

5.1 The proposed change of use of the dwelling to a House in Multiple Occupation (use class C4) would provide adequate sized accommodation and amenity space, in an area where the thresholds within the Supplementary Planning Document have not been breached. The proposal would be unlikely to have a significant adverse impact on the residential amenity and is considered to be in accordance with the NPPF and policy H8 of the emerging Draft Local Plan (2018).

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 Prior to the development hereby approved being brought into operation, a management plan shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority. The Management plan shall relate to the following areas:

- i) Information and advice to occupants about noise and consideration to neighbours
- ii) Garden maintenance
- iii) Refuse and recycling facilities
- iv) Property maintenance

Reason: In the interests of the proper management of the property and the amenity of adjacent residents.

3 Details of cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The cycle parking areas and means of enclosure shall be provided within the site in accordance with such approved details prior to the first occupation of the development, 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.

7.0 INFORMATIVES:

Notes to Applicant

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

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

Officers requested a more detailed site plan showing bin and cycle parking.

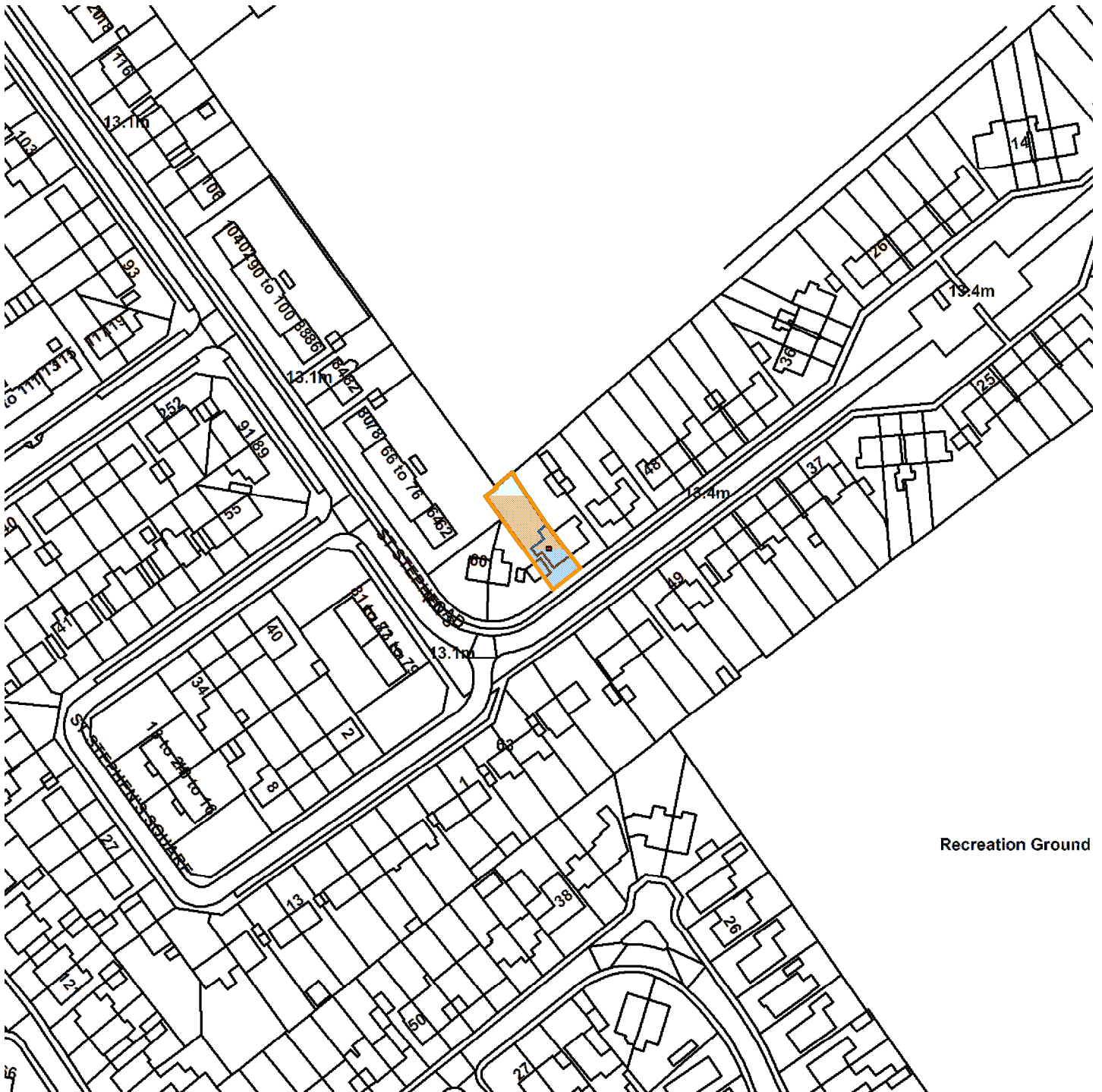
Contact details:

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19/00562/FUL

56 St Stephens Road, York, YO24 3EQ



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Organisation	City of York Council
Department	Economy & Place
Comments	Site Location Plan
Date	29 May 2019
SLA Number	

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Area Planning Sub Committee

6 June 2019

Planning Committee

13 June 2019

Appeals Performance and Decision Summaries

Summary

- 1 This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 January and 31 March 2019, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals at date of writing is also included.

Background

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. The Government use the quarterly statistical returns as one of a number of measures to assess the performance of local planning authorities. To assess the quality of decisions, this is based on the total number of decisions made by the Local Planning Authorities that are subsequently overturned at appeal. The threshold whereby a Local Planning Authority is eligible for designation as under-performing is 10% of the Authority's total number of decisions on applications made during the assessment period being overturned at appeal.
- 3 The tables below include all types of appeals such as those against the refusal of planning permission, against conditions of approval, listed building applications and lawful development certificates. Table 1 shows results of appeals decided by the Planning Inspectorate for the quarter 1 January to 31 March 2019 and the corresponding quarter for 2018, Table 2 shows performance for the 12 months 1 April 2018 to 31 March 2019 and the corresponding period 2017/2018.

Table 1: CYC Planning Appeals Last Quarter Performance

	01/01/19 to 31/03/19(Last Quarter)	01/01/18 to 31/03/18 (Corresponding Quarter)
Allowed	7*	3
Part Allowed	0	0
Dismissed	14	18
Total Decided	21	21
% Allowed	33%	14%
% Part Allowed	-	

Table 2: CYC Planning Appeals 12 month Performance

	01/04/18 to 31/03/19 (Last 12 months)	01/04/17 to 31/03/18 (Corresponding 12 month period)
Allowed	18*	12
Part Allowed	0	1
Dismissed	50	39
Total Decided	68	52
% Allowed	26%	17%
% Part Allowed	-	7%

Analysis

- 5 Table 1 shows that between 1 January and 31 March 2019, a total of 21 appeals were determined by the Planning Inspectorate. Of those, 7 were allowed (33%). *Members will note that 2 appeals relating to no.7 Peckitt Street and 6 and 7 Tower Street were allowed by the Inspector issuing a split decision to exclude the rear extension (which the LPA had objected to). There was one appeal relating to the refusal of a “major” development during this reporting period – Proposed self-storage facility, Water Lane, York; this appeal was allowed. By comparison, for the same period 2018, out of 21 appeals 3 were allowed (14%). Using the assessment criteria set out in paragraph 2 above, 1.3% of the total decisions made in the quarter 1 January – 31 March 2019 were overturned at appeal (split decisions are not counted against the authority for the assessment criteria).
- 6 For the 12 months between 1 April 2018 and 31 March 2019, 26% of appeals decided were allowed, which is below the national figure for 2017/18 of 32% of appeals allowed, but above the corresponding 2017/2018 12 month figure. Using the assessment criteria set out in

paragraph 2 above, 1% of the total decisions made in the 12 month period were overturned at appeal.

- 8 The summaries of appeals determined between 1 January and 31 March 2019 are included at Annex A. Details as to whether the application was dealt with under delegated powers or by committee are included with each summary. In the period covered one appeal was determined following a decision to refuse permission made by the sub-committee/committee.

Table 3: Appeals Decided 01/01/2019 to 31/03/2019 following Refusal by Committee / Sub-Committee

Ref No	Site	Proposal	Officer Recom.	Appeal Outcome
17/03004/ FULM	Water Lane, York	Proposed Self Storage Facility	Approve	Allowed
17/00342/ FUL	Whinney Hills, Appleton Road	Siting of 2 static caravans	Refuse	Dismissed
18/00051/ FUL & 18/00052/ LBC	Fishergate School, Fishergate	Two storey extension to outbuilding	Refuse	Dismissed

- 9 The list of current appeals is attached at Annex B. There are 29 planning appeals lodged with the Planning Inspectorate.
- 10 We continue to employ the following measures to ensure performance levels are maintained at around the national average or better:
- i) Officers have continued to impose high standards of design and visual treatment in the assessment of applications provided it is consistent with the NPPF and Draft Local Plan Policy.
 - ii) Where significant planning issues are identified early with applications, revisions are sought to ensure that they can be recommended for approval, even where some applications then take more than the 8 weeks target timescale to determine.
 - iii) Scrutiny is afforded to appeal evidence to ensure arguments are well documented, researched and argued.
 - iv) Appeal decisions are reviewed and discussed within the team and with senior officers.

Consultation

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

Council Plan

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

Implications

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

Risk Management

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

Recommendation

- 18 That Members note the content of this report.

Reason

- 19 To inform Members of the current position in relation to planning appeals against the Council’s decisions as determined by the Planning Inspectorate.

Contact Details

Author:

Gareth Arnold
Development Manager,
Directorate of Economy
and Place

Chief Officer Responsible for the report:

Mike Slater
Assistant Director (Planning and Public
Protection)

Report
Approved



Date 28.05.2019

Specialist Implications Officer(s) None.

Wards Affected:

All Y

For further information please contact the author of the report.

Annexes

**Annex A – Summaries of Appeals Determined between 1 January
and 31 March 2019**

Annex B – Outstanding Appeals at 28 May 2019

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Appeal Summaries for Cases Determined 01/01/2019 to 31/03/2019

Application No: 17/00342/FUL
Appeal by: Mr And Mrs Clarke
Proposal: Creation of new access, excavation of pond and siting of 2no. static caravans (part retrospective)
Site: Whinney Hills Appleton Road Acaster Malbis York
Decision Level: COMP
Outcome: DISMIS

The appeal related to the construction of a new access, the excavation of a pond and the siting of two static caravans on an isolated site to the west of Acater Malbis. The site is within the Green Belt. The Inspector concluded that the caravans and long length of driveway would harm the openness of the Green Belt, and would constitute a form of encroachment into the countryside that would conflict with the objectives of the Green Belt. Although the pond was not inappropriate, the caravans and associated domestic paraphernalia would have an urbanising effect that would erode the rural character of the area. The new access would have an adverse visual effect through the removal of the hedge and roadside vegetation. In addition, the site was not a suitable location for housing due to its unsustainable location, and the benefits to tourism and site security do not outweigh the harm. The appeal was dismissed.

Application No: 17/01406/ADV
Appeal by: Mr Jeremy Cassel
Proposal: Display of 1no. externally illuminated forecourt sign adjacent to front elevation, 1no. internally illuminated menu board attached to front railings and 1no. externally illuminated wall mounted sign to front basement light well.
Site: Grange Hotel1 CliftonYorkYO30 6AA
Decision Level: DEL
Outcome: ALLOW

The proposals relate to one externally illuminated forecourt sign located adjacent to the front elevation of the Grange Hotel, 1 Clifton, York. The original advertisement consent application included an illuminated menu board attached to the front railings and an externally illuminated wall mounted sign to the front basement light well that were granted consent, whilst the proposed externally illuminated forecourt sign, that is the subject of the appeal, was refused consent. The main issue is the effect of the proposed advertisement on amenity, with particular regard to its location within the setting the Grange Hotel, a grade II listed building, and whether it would preserve or enhance the character and appearance of Clifton Conservation Area. The advertisement would be displayed in the small forecourt of the hotel, adjacent to steps to the hotel's basement restaurant which the proposed signage would advertise. The sign would be comprised of a free standing aluminium tray sign supported by posts, with a matt dark grey coloured powder coated finish, or white screen printed letters and external illumination by means of a trough light at the head of the sign. The Inspector considered that although the sign would be quite large, taking into account the scale of the hotel's facade and the horizontal slim line form of the sign, it would not be a dominant feature within the forecourt of the building. Furthermore, its contemporary materials, appearance and finish would sit comfortably behind the frontage iron railings and the low level external lighting would be discreet. The Inspector concluded that the sign would not appear incongruous within the forecourt of the historic building, would not have a harmful effect on its setting or the wider visual qualities or character of the street scene and would preserve the character and appearance of the conservation area. For these reasons, the appeal was allowed.

Application No: 17/02156/FUL
Appeal by: Debbie Terry
Proposal: Change of use from solicitors (Use Class A2) to 1 no. townhouse and 5no. flats including two storey rear extension and internal alterations
Site: Richardson And Co Ltd1 Peckitt StreetYorkYO1 9SF
Decision Level: DEL
Outcome: ALLOW

The proposals involve a part two storey and part single storey extension on the rear elevation of No. 7 Tower Street, change of use from offices to form 1 no. Townhouse and 5no. flats including internal alterations at 6 and 7 Tower Street and 1 Peckitt Street. The inspector agreed with the Councils objection relating to the single storey extension across the whole of the rear. The Inspector notes that whilst there were some evidence of a previous extension at the site visit, it is clear that a full width extension did not form part of the original property. The proposed extension would obscure the whole of the ground floor rear elevation and would result in the loss of an original C19th century window, resulting in a loss of integrity and would harm the character and appearance of the building, diminishing its significance. The Inspector noted that whilst the harm would be less than substantial, she was not persuaded that the extension was strictly necessary and the benefits cited by the appellant were not sufficient to outweigh the harm. The two storey part of the extension was considered acceptable in terms of its impact on the listed building. However it is not clearly distinguishable from the single storey part and the Inspector was unable to issue a split decision in this respect. In respect to the change of use and internal alterations, which related to all three buildings, the Inspector considers that due to the small scale of changes, only a very small degree of harm would occur and would be less than substantial, at the lower end of the spectrum. The Inspector considered that the heritage benefits cited by the appellant were significant public benefits which sufficiently outweigh the limited harm that would be caused by those works. Appeal A (Planning) and Appeal B (Listed Building) were allowed insofar as they relate to all works with the exception of the rear extension.

Application No: 17/02157/LBC
Appeal by: Debbie Terry
Proposal: Internal and external alterations including two storey rear extension to facilitate change of use from solicitors (Class A2) to 1no. townhouse and 5no. flats at 6 and 7 Tower Street and 1 Peckitt Street
Site: Richardson And Co Ltd1 Peckitt StreetYorkYO1 9SF
Decision Level: DEL
Outcome: ALLOW

The proposals involve a part two storey and part single storey extension on the rear elevation of No. 7 Tower Street, change of use from offices to form 1no. Townhouse and 5no. flats including internal alterations at 6 and 7 Tower Street and 1 Peckitt Street. The inspector agreed with the Councils objection relating to the single storey extension across the whole of the rear. The Inspector notes that whilst there were some evidence of a previous extension at the site visit, it is clear that a full width extension did not form part of the original property. The proposed extension would obscure the whole of the ground floor rear elevation and would result in the loss of an original C19th century window, resulting in a loss of integrity and would harm the character and appearance of the building, diminishing its significance. The Inspector noted that whilst the harm would be less than substantial, she was not persuaded that the extension was strictly necessary and the benefits cited by the appellant were not sufficient to outweigh the harm. The two storey part of the extension was considered acceptable in terms of its impact on the listed building. However it is not clearly distinguishable from the single storey part and the Inspector was unable to issue a split decision in this respect. In respect to the change of use and internal alterations, which related to all three buildings, the Inspector considers that due to the small scale of changes, only a very small degree of harm would occur and would be less than substantial, at the lower end of the spectrum. The Inspector considered that the heritage benefits cited by the appellant were significant public benefits which sufficiently outweigh the limited harm that would be caused by those works. Appeal A (Planning) and Appeal B (Listed Building) were allowed insofar as they relate to all works with the exception of the rear extension.

Application No: 17/03004/FULM
Appeal by: MJ McCarthy Holdings Ltd
Proposal: Erection of self storage facility, with associated access and landscaping
Site: Proposed Self Storage Facility Water Lane York
Decision Level: COMM
Outcome: ALLOW

The proposal relates to the partial re-development of the former Grain Stores site. Outline Planning Permission had been granted for a mixed use scheme including residential and Use Class B8 (storage use) on appeal ref:11/00860/OUTM. Planning permission was sought for a self storage unit within a section of the site set aside for employment uses within the original Outline Permission. Residential development and an approved care home lay directly to the south and west with the proposed storage unit approximately 10 metres from the gardens of the neighbouring properties and in excess of 20 metres from the houses themselves. Members considered that mitigation measures insufficient to address the impact of the proposal upon the residential amenity of neighbouring properties and permission was refused. The Inspector considered that the separation distances, combined with the proposed boundary fencing, landscaping and proposed green wall would ensure that there was no undue visual intrusion. He further considered that the hours of opening and the position of the vehicle access and building entrance meant that any noise would be within reasonable parameters.

Application No: 17/03057/LBC
Appeal by: Mr & Mrs A Harle
Proposal: Single storey rear extension following demolition of existing rear offshoot extensions, new enlarged basement opening to front elevation with lowered external ground level, new ventilation opening to rear roof slope and internal alterations (resubmission)
Site: 126 The Mount York YO24 1AS
Decision Level: DEL
Outcome: ALLOW

The proposals relate to a single storey rear extension following the demolition of the existing rear offshoot plus external and internal alterations to the grade II listed building located in conservation area and within the setting of adjoining grade II listed buildings. The main issue is the effect of the proposals on the special architectural or historic interest of the listed building. One of two existing rear offshoots to the host mid terraced early Victorian house was proposed to be demolished and replaced with a larger extension that would wrap around the remaining north west rear offshoot. Other external works included lowering the ground level to the front and the insertion of an enlarged window opening to serve the front basement room. Internal works included the removal of internal partitions, the installation of boxing to conceal new pipe work, and mechanical ventilation to serve the bathrooms. In terms of the significance of the north east rear offshoot, the Inspector considered that the offshoot may have been original but has been modified significantly over time and that the alterations do not reflect the simplicity and regularity of the early Victorian architectural style. Consequently, the north west offshoot lacks coherence, its original architectural form is no longer legible and its value in enabling the house to be read is limited. The proposed replacement rear extension would be of a similar length, but would have a greater footprint and massing. Part of the rear elevation of the house and north west rear offshoot would be obscured. However, the extension would be of a simple design with contemporary finishes, would result in a more unified composition than existing and would not visually compete with the simplicity and regular proportions of the rear elevation of the host listed building. For these reasons, the Inspector concluded that the proposals would not harm the special interest of the listed building and the appeal was allowed.

Application No: 18/00051/FUL
Appeal by: Mrs L Calvert
Proposal: Erection of two storey extension with single storey link to existing outbuilding together with formation of new openings at ground floor providing play area and first floor nursery accommodation
Site: Fishergate Cp School Fishergate York YO10 4AF
Decision Level: CMV
Outcome: DISMIS

The application site relates to Fishergate School which is a Grade 2 Listed Building designed by WH Brierley for the York School Board in the last decade of the 19th Century. The School is within the Central Historic Core Conservation Area. The planning application related to a large outbuilding situated within the playground of the Fishergate school and adjacent to Escrick Street. The building is used independently of the main Fishergate School building, for a playgroup and as an out of school club. Planning permission was sought for a two and single storey side extension to this building. Permission was refused on the grounds that the design, form and mass of the proposed development would fail to adopt the architectural detail of the host building, and the design of the double ridge with intervening flat roof would be uncomfortable and did not reflect the elegant roof forms of the school. The Inspector agreed and stated the proposed design would be neither truly contemporary nor historically accurate in its approach and would not reflect the quality of detail, contemporary planning and technical innovation of the original buildings. The Inspector concluded the development would cause harm to the significance of the listed appeal building and the setting of the listed school building.

Application No: 18/00052/LBC
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Outcome: DISMIS

The application site relates to Fishergate School which is a Grade 2 Listed Building designed by WH Brierley for the York School Board in the last decade of the 19th Century. The School is within the Central Historic Core Conservation Area. The planning application related to a large outbuilding situated within the playground of the Fishergate school and adjacent to Escrick Street. The building is used independently of the main Fishergate School building, for a playgroup and as an out of school club. Planning permission was sought for a two and single storey side extension to this building. Permission was refused on the grounds that the design, form and mass of the proposed development would fail to adopt the architectural detail of the host building, and the design of the double ridge with intervening flat roof would be uncomfortable and did not reflect the elegant roof forms of the school. The Inspector agreed and stated the proposed design would be neither truly contemporary nor historically accurate in its approach and would not reflect the quality of detail, contemporary planning and technical innovation of the original buildings. The Inspector concluded the development would cause harm to the significance of the listed appeal building and the setting of the listed school building.

Application No: 18/00442/FUL
Appeal by: Mr Edward Appleton
Proposal: Erection of 1 no. dwelling and double garage
Site: 11 The Avenue Haxby York YO32 3EH
Decision Level: DEL
Outcome: DISMIS

The application was for the erection, within a residential back garden, of a 2 storey, 5 bedroom house, double garage and extension to a private drive. The site is part-way along a fairly uniform, suburban street of detached and semi-detached houses. The main issues were the impact on the character and appearance of the area and on the amenity of adjacent residents. The inspector did not consider that overlooking, overshadowing or noise and disturbance would be so unreasonable as to warrant dismissing the appeal. However, he found that the size of the dwelling was inappropriate in its context for the reasons given above and would be most acutely felt by its immediate neighbours for whom it would be inappropriately imposing and overbearing, to the detriment of their living conditions. The inspector concluded that the application would conflict with design advice in the NPPF, 2005 local plan and the emerging plan, without giving any explicit or obvious priority to any of them.

Application No: 18/00513/FUL
Appeal by: Mr And Mrs West
Proposal: Single storey rear extension to link house to existing detached garage and pitched roof over existing flat roof garage.
Site: 12 Greystone Court Haxby York YO32 3FS
Decision Level: DEL
Outcome: DISMIS

The application site relates to a detached two storey dwelling located on the junction of Greystone Court and Ashwood Glade. This dwelling has been extended over two storeys to the side elevation and incorporates full width pitched roof single storey extension of modest proportions. There is a detached garage situated within the rear garden with access from Ashwood Glade. Planning permission was sought for an additional single storey rear extension to project approx 9 metres in length to link to the existing garage. The Council refused the application on the grounds that the enlargement would present a significant sized structure which would constitute a bulky, visually assertive addition to the property which would harm views across the rear elevations and gardens of these houses which are largely undeveloped and open, harming the spatial qualities, layout and character of the area. The Inspector agreed with the Council and concluded that the proposal would be harmful to the character and appearance of the area.

Application No: 18/00751/FUL
Appeal by: Mrs Karen Hales
Proposal: Variation of condition 2 (approved plans) of permitted application 17/02431/FUL to remove rear boundary wall
Site: 21A Park Street York YO24 1BQ
Decision Level: DEL
Outcome: DISMIS

The host property is a modern four storey semi-detached town house constructed around 1997. Proposals relate to the rebuilding of a rear boundary wall that was demolished to allow the construction of a rear extension to the property. The applicant argued that it was pointless to rebuild the wall and wanted to have the rear yard leading out onto the communal gravel parking area to the rear of the site. This would have unbalanced the pair of townhouses and could have led to an encroachment into the rear communal area. The inspector concluded that the wall was necessary to delineate the rear boundary and prevent encroachment.

Application No: 18/00756/FUL
Appeal by: Stonegate Pub Company
Proposal: Erection of a freestanding pergola structure and lean-to canopy structure, together with the installation of an externally mounted television and the relocation of an existing bin store gate within the pub yard/garden area
Site: Keystones4 MonkgateYorkYO31 7PE
Decision Level: DEL
Outcome: DISMIS

The proposals relate to a freestanding pergola structure and lean to canopy structure, the installation of an externally mounted television and the relocation of an existing bin store gate within the pub yard/garden area to the rear of Keystones public house, 4 Monkgate. The main issue is the effect of the proposals on the setting of the host grade II listed building, the setting of nearby listed buildings and the City Walls, a scheduled ancient monument, and the character and appearance of York Central Historic Core Conservation Area. In the former stable yard to the rear, there are several outbuildings which have retained their original form and character and contribute to the evidential and historic value of the site. The proposed pergola would be located to the rear of the public house, with the lean to canopy extension across most of the main elevation of the outbuilding, partially obscuring an original opening. The combined length of the structure would be in excess of 13 metres, being longer and disproportionate to the outbuilding. Two pool tables would be located under the pergola with heaters and festoon lighting mounted on the underside. A television would be mounted on the rear wall of the public house. The Inspector considered that the television and lighting would introduce uncompromisingly modern features into this historic yard and their illumination would emphasise the presence of the new structure. By reason of its size, position and detail the proposals would harm the significance of the host listed building. In elevated views from the City walls, the proposals would appear unduly disproportionate, would detract from the unspoilt form of the original buildings and character of the yard, the setting of the City Walls and Ice House adjacent and would significantly harm the character and appearance of the conservation area. The Inspector concluded that the proposals would be contrary to the Framework as a whole. Both appeals were dismissed.

Application No: 18/00757/LBC
Appeal by: Stonegate Pub Company
Proposal: External works including erection of a freestanding pergola structure and lean-to canopy structure, together with the installation of an externally mounted television and the relocation of an existing bin store gate within the pub yard/garden area
Site: Keystones4 MonkgateYorkYO31 7PE
Decision Level: DEL
Outcome: DISMIS

The proposals relate to a freestanding pergola structure and lean to canopy structure, the installation of an externally mounted television and the relocation of an existing bin store gate within the pub yard/garden area to the rear of Keystones public house, 4 Monkgate. The main issue is the effect of the proposals on the setting of the host grade II listed building, the setting of nearby listed buildings and the City Walls, a scheduled ancient monument, and the character and appearance of York Central Historic Core Conservation Area. In the former stable yard to the rear, there are several outbuildings which have retained their original form and character and contribute to the evidential and historic value of the site. The proposed pergola would be located to the rear of the public house, with the lean to canopy extension across most of the main elevation of the outbuilding, partially obscuring an original opening. The combined length of the structure would be in excess of 13 metres, being longer and disproportionate to the outbuilding. Two pool tables would be located under the pergola with heaters and festoon lighting mounted on the underside. A television would be mounted on the rear wall of the public house. The Inspector considered that the television and lighting would introduce uncompromisingly modern features into this historic yard and their illumination would emphasise the presence of the new structure. By reason of its size, position and detail the proposals would harm the significance of the host listed building. In elevated views from the City walls, the proposals would appear unduly disproportionate, would detract from the unspoilt form of the original buildings and character of the yard, the setting of the City Walls and Ice House adjacent and would significantly harm the character and appearance of the conservation area. The Inspector concluded that the proposals would be contrary to the Framework as a whole. Both appeals were dismissed.

Application No: 18/00764/FUL
Appeal by: Mr Chris Burton
Proposal: Erection of 1 no. dwelling following demolition of existing warehouse
Site: Carpet And Bed Centre Warehouse Acaster Lane Bishopthorpe York YO23 2SA
Decision Level: DEL
Outcome: DISMIS

The proposal relates to the re-development of the partially derelict warehouse development adjacent to the cycle track at Acaster Lane Bishopthorpe. The proposal envisaged the clearance of the existing site with the erection of a three bedroom dormer bungalow on the site. The site lies both within the York Green Belt and at the boundary of Flood Zones 2 and 3b) (the functional flood plain of the River Ouse). It was felt that the nature and extent of the proposal was not inappropriate within the Green Belt. The key issue was the extent of development within Flood Zone 3b) bearing in mind the highly vulnerable nature of the use. Previous proposals to re-develop the site were refused on flood risk grounds. The determining Inspector examined the proposal in strict accordance with the requirements of paragraphs 155-163 of the NPPF and the requirement to undertake a sequential assessment to establish that more suitable sites outside of areas of higher flood risk are not available. The Inspector felt that no evidence had been forthcoming that such an assessment had taken place and dismissed the appeal.

Application No: 18/00865/FUL
Appeal by: Mrs Suzy Shaw
Proposal: Erection of 1 no. dwelling following demolition of existing two storey extension to side of existing dwelling
Site: 23 Holly Bank Road York YO24 4DS
Decision Level: DEL
Outcome: ALLOW

The application property is a four bedroom end of terraced house. Two of the bedrooms are located in a flat roofed two storey extension attached to the side. It is located in a mid-density inner suburban residential area. The applicant proposed to demolish the extension and erect a significantly wider two storey pitched roof side extension. The extension would be a separate three bedroom dwelling. Although there was not an objection to the principle of creating a new dwelling it was considered that the width of the home was such that it would appear cramped beside the narrow entrance to the adjacent cul-de-sac and leave little space for vegetation that is a feature of the area. The development would also see most of the front garden hard surfaced. In respect to car parking it was considered that the combined two off-street car parking spaces to serve the existing and proposed home were inadequate taking account of the high pressure on on-street parking in the surrounding area. The Inspector allowed the appeal. In respect to the impact on the streetscene he made reference to the benefit of removing the flat roof extension and felt the proposal did reflect the local character. He considered that parking provision was appropriate taking account of the proposed cycle parking and because the site was within walking distance of the city centre and on bus routes.

Application No: 18/01021/FUL
Appeal by: Mrs Race
Proposal: Erection of dwelling following the demolition of existing dwelling, garage and outbuildings.
Site: Haggwood Farm Broad
HighwayWheldrakeYorkYO19 6BE
Decision Level: DEL
Outcome: DISMIS

The house to be replaced is a detached bungalow in a remote location in the Green Belt. The replacement house would have a similarly sized footprint but a 24% increase in above ground volume, a 40% increase in above-ground floor space PLUS a substantial basement with swimming pool. The main issue for the inspector was whether the house was materially larger than the house to be demolished, in which case it would be inappropriate development. He said the exercise is primarily an objective one and that the physical dimension of most relevance will depend on the circumstances of the particular case. It could be floorspace, footprint, volume, height, etc. He said the basement would be an integral part of the dwelling and should be included in the calculations. This would add considerably to the size of the new building, which would be materially larger than the existing building. Whilst permitted development rights would enable the existing building to be significantly enlarged the courts have established that they are not relevant for determining whether the building would be materially larger, as the test in the NPPF is that the new building is not materially larger than the one it replaces. The inspector said that the 25% increase in the House Extensions SPD was more relevant to the assessment of whether an extension would amount to a disproportionate addition, which is a different test to whether a replacement building would be materially larger. The increased massing to the upper parts of the building would give the building a more imposing scale and presence in the open landscape which would lead to a moderate loss of openness, contrary to the Green Belt purpose in the NPPF of safeguarding the countryside from encroachment. He concluded that the proposal was inappropriate development in the Green Belt for which there were no very special circumstances. He gave limited weight to the 2005 DCLP and the 2018 Draft Local Plan.

Application No: 18/01031/FUL
Appeal by: Mr Wayne Golder
Proposal: Erection of garden shed to front (retrospective).
Site: 1 Eastward Avenue York YO10 4LZ
Decision Level: DEL
Outcome: DISMIS

The application property is a detached, suburban dwelling, located on a corner plot. The appeal relates to a retrospective application for a large garden shed, sited in the front garden of the application property, adjacent to the front boundary hedge. The Inspector noted the strong, established building line and consistent set back from the highway, which contributes to a sense of uniformity within the street-scene. She considered the structure to be prominent, when viewed from various locations on Eastward Avenue and its location resulted in it being 'incongruous' within the street-scene and therefore harmed the character and appearance of Eastward Avenue. Although she gave limited weight to the relevant local plan policies (as at 26.03.2019) she did concur the proposal conflicted with Policies GP1 and D11.

Application No: 18/01035/FUL
Appeal by: Mr Paul Fotherby
Proposal: Alterations to reduce size of rear dormer.
Site: Kirk View 4 Church LaneHuntingtonYorkYO32 9RE
Decision Level: DEL
Outcome: ALLOW

This application was the third submission pertaining to a rear dormer at this detached bungalow. Planning permission had previously being refused retrospectively for a large box dormer on the rear roofslope due to its size and scale and impact on neighbour amenity through over-dominance, oppressiveness and loss of privacy. That refusal was not appealed, although the subsequently served enforcement notice to remove the dormer in-situ was. That appeal was dismissed. A second planning application for a reduced size dormer was also refused on the same grounds by the Council and was not appealed. This third application reduced the size of the dormer still further and altered the window arrangement so that the only windows facing the immediate neighbouring gardens were obscure glazed bathroom windows. The Council considered that this further reduction still did not overcome previous concerns and that due to the very close proximity of the dormer to the boundary with the nearest neighbours it would still present an overly large, dominant, looming and oppressive development that represented poor design and harmed amenity. However, the Inspector concluded that this third scheme did overcome previous objections in that it would occupy a significantly smaller proportion of the main roof space and would substantially relieve adjacent occupiers from the overbearing visual impact of the existing dormer and the larger of the two alternatives. A condition was imposed to ensure that the windows would be obscure glazed with opening limitations to avoid harmful overlooking. The appeal against the enforcement notice to remove the large dormer as built was dismissed, although the period of time to carry out the work to reduce the size of the dormer to that approved was extended from 2 months to 6 months.

Application No: 18/01125/FUL
Appeal by: Mr Steven Bennett
Proposal: Two storey rear extension linking house to existing detached garage and increase in height of existing garage building including 2no. dormer windows to front.
Site: Notre Abri Stockton Lane York YO32 9UB
Decision Level: DEL
Outcome: DISMIS

The application site relates to a modern detached dwelling with a detached garage located in a isolated position within a rural area outside any settlement limits and inside the green belt. The dwelling is a new house constructed following demolition of an earlier dwelling. The planning permission granted in 1997 was subject to a condition to remove permitted development rights. Planning permission was sought for a two storey rear extension to connect to the existing double detached garage. The proposal included two pitched roof dormer windows to the roof slope of the garage. The Council refused the application on the grounds that the enlargement would increase the size of the house by over 50% of the original house. This increase would make the extensions disproportionate to the original dwelling and harm openness of the Green Belt. The Inspector agreed the extension would be disproportionate to the dwelling and harm openness. The Inspector concluded the proposal to extend the height of the garage and connect it to the house by means of a large two storey extension would result the creation of a very large single block of development which would result in the appeal property drawing attention to itself as a prominent built feature in a largely rural and open landscape.

Application No: 18/01361/FUL
Appeal by: Mr & Mrs Smales
Proposal: First floor side and single storey side and rear extensions.
Site: 21 Vicarage Lane Naburn York YO19 4RS
Decision Level: DEL
Outcome: DISMIS

The application site relates to a is a two storey semi- detached dwelling located on Vicarage Lane within the village settlement limits of Naburn and part of the CYC Green Belt. Planning permission was sought for the construction of a first floor side and single storey side and rear extensions. The dwelling has been previously extended at two storey and single storey height on the rear elevation. The Council refused the application on the grounds that the proposed extension, when taken in conjunction with existing extensions to the property, would result in a disproportionate addition to the original dwelling, which would represent inappropriate development. In addition it was considered the additional massing would cumulatively create a significant extension to the original property which would harm the openness of the Green Belt. No very special circumstances have been identified that would outweigh this harm. The Inspector agreed the extension would be disproportionate to the dwelling and harm openness. The Inspector also noted that the first floor would erode the separation between the host dwelling and the neighbour ay 23 Vicarage Lane.

Application No: 18/01628/FUL
Appeal by: Mr And Mrs S McGerr
Proposal: Single storey rear extension (resubmission 18/00649/FUL).
Site: Avanti111 Temple Lane Copmanthorpe York YO23 3TE
Decision Level: DEL
Outcome: DISMIS

The host dwelling is a two-storey dwelling within a large plot, lying within a ribbon style development of dwellings within the green belt. This proposal was for a single storey flat roof rear extension. Existing extensions to the dwelling were already disproportionate to the original dwelling, thus the application was refused on the grounds of inappropriate development within the green belt. The inspector agreed, and attached only limited weight to the appellants argument that a fall-back permitted development extension could be implemented.

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

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Outstanding appeals

Officer: Alison Stockdale						Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
01/03/2019	19/00009/REF	APP/C2741/W/19/3221381	W	Land Fronting 18 Oak Tree Way Strensall York	Erection of 2no. bungalows (resubmission)	
01/05/2019	19/00027/REF	APP/C2741/W/19/3226505	W	4 Hawthorne Mews Strensall York YO32 5RR	Extension of garden curtilage onto land at the rear (resubmission).	
Officer: Brian Williams						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
16/01/2019	19/00008/TPO	APP/TPO/C2741/7188	H	5 Arndale Court 290 Tadcaster Road York YO24	Fell Silver Birch protected by Tree Preservation Order No. CYC291	
Officer: Carolyn Howarth						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
20/04/2017	17/00012/REF	APP/C2741/D/17/3172865	H	211 Hamilton Drive West York YO24 4PL	Single storey side extension	
Officer: David Johnson						Total number of appeals: 4
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
08/04/2019	19/00023/REF	APP/C2741/D/19/3222265	H	74 Alma Terrace York YO10 4DJ	Extension above existing two storey rear extension to create a third storey, dormer window to rear and single storey rear extension.	
19/03/2019	19/00013/REF	APP/C2741/D/19/3221617	W	58 Heslington Lane York YO10 4NA	Hip to gable roof extension, two storey side and rear extension, single storey rear extension, dormer to rear and detached bin and bike store to rear in association with use of property as an HMO.	
21/03/2019	19/00019/REF	APP/C2741/Y/19/3220972	W	Blacks 2 St Helens Square York YO1 8QP	Reinstatement of original entrance doors and insertion of glazed entrance screen	
13/03/2019	19/00012/REF	APP/C2741/W/19/3221614	W	50 Heslington Lane York YO10 4NA	Hip to gable roof extension, two storey side and rear extension, single storey rear extension, dormer to rear and detached bin and bike store to rear in association with use of property as an HMO.	

Officer: David Johnson					Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
16/04/2019	19/00031/REF	APP/C2741/W/19/3226870	W	41 Deramore Drive York YO10 5HL	Use of house as a large 7 bed HMO (Sui Generis) with detached bike and bin store to rear.	
Officer: Erik Matthews					Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
22/02/2019	19/00025/REF	APP/C2741/W/19/3223376	P	Land At Grid Reference 458205 449925 West Of	Erection of poultry farm comprising 3 no poultry sheds with ancillary buildings, access road and landscaped embankments (resubmission)	
Officer: Elizabeth Potter					Total number of appeals:	2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
10/04/2019	19/00024/NON	APP/C2741/W/19/3225368	W	66 Grantham Drive York YO26 4TZ	First floor side and rear extensions (resubmission).	
19/04/2018	18/00023/REF	APP/C2741/D/18/3200306	H	30 Southfield Close Rufforth York YO23 3RE	Variation of condition 2 of permitted application 16/01635/FUL to part render front elevation.	
Officer: Faith Chingono					Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
16/03/2019	19/00029/REF	APP/C2741/D/19/3224853	H	9 Celtic Close York YO26 5QJ	Erection of 1.8m high boundary fence to side and rear boundaries (retrospective).	
Officer: Jonathan Kenyon					Total number of appeals:	3
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
12/04/2019	19/00030/REF	APP/C2741/W/19/3226691	W	Yh Training Services Ltd York House 15 Clifford	Erection of 2no. roof dormers on the Friargate elevation.	
25/04/2019	19/00032/NON	APP/C2741/W/19/3227359	P	Former Civil Service Club And Agricultural Land To	Residential development of 266 dwellings with associated access, public open space, landscaping and infrastructure	
12/03/2019	19/00011/REF	APP/C2741/W/19/3222812	W	Spark York Piccadilly York YO1 9PB	Variation of conditions 1 and 3 of permitted application 17/00274/FUL to amend approved plans to omit timber cladding from containers and for external artwork and vinyl lettering	

Officer: Lindsay Jenkins						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
01/04/2019	19/00020/REF	APP/C2741/D/19/3224801	H	58 Middlecroft Drive Strensall York YO32 5UP	First floor rear extension (resubmission)	
Officer: Neil Massey						Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
18/04/2019	19/00026/REF	APP/C2741/W/18/3213654	W	The Jubilee Balfour Street York YO26 4YU	Conversion of first and second floor of public house building to 4no. self-contained apartments and retention of reduced size public house on part of the ground floor.	
05/04/2019	19/00022/REF	APP/C2741/X/18/3217786	W	Aspen House 61 The Village Stockton On The Forest	Certificate of lawfulness for use of land as residential garden	
Officer: Paul Edwards						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
19/03/2019	19/00014/REF	APP/C2741/D/19/3221948	H	30 Harden Close York YO30 4WE	Dormer window to rear.	
Officer: Rob Harrison						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
20/01/2019	19/00021/EN	APP/C2741/C/19/3220808	W	Three Little Birds (York) Llp 8 The Crescent York YO24	Appeal against Enforcement Notice dated 11 December 2018	
Officer: Rachel Tyas						Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
20/03/2019	19/00016/REF	APP/C2741/W/19/3220541	W	Bartizan House Lord Mayors Walk York	Change of use of ground floor from retail (use class A1) to 3no. letting bedrooms and the application of self adhesive window film to ground floor windows. (Resubmission - 18/00791/FUL).	
20/03/2019	19/00017/REF	APP/C2741/Y/19/3220543	W	Bartizan House Lord Mayors Walk York	Internal and external alterations associated with the change of use of ground floor from retail (use class A1) to 3no. letting bedrooms. (Resubmission - 18/00792/LBC)	

Officer: Sandra Duffill **Total number of appeals: 4**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
12/03/2019	19/00034/REF	APP/C2741/D/19/3224523	H	1 Church View The Green Skelton York YO30 1XU	Two storey and single storey rear extension and canopy extension to front.
13/02/2019	19/00003/NON	APP/C2741/W/19/3220411	W	Park Cottage Askham Park Jacksons Walk Askham	Erection of stable block.
21/03/2019	19/00018/REF	APP/C2741/Y/19/3223063	W	Kafeneion 39 Goodramgate York YO1 7LS	Alterations to shopfront including 3no. swan neck lights (retrospective)
13/02/2019	19/00004/NON	APP/C2741/W/19/3220409	W	Park Cottage Askham Park Jacksons Walk Askham	Erection of stable block, formation of menage and new access track.

Officer: Sam Baker **Total number of appeals: 1**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
29/04/2019	19/00033/REF	APP/C2741/D/19/3227649	H	5 Hull Road Kexby York YO41 5LA	Two storey side extension and two storey and single storey rear extensions after demolition of existing single storey outbuilding.

Officer: Sophie Prendergast **Total number of appeals: 1**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
23/04/2019	19/00028/REF	APP/C2741/W/19/3227158	W	Pizza Kebab House York Limited 3 Matmer House	Variation of condition 3 of permitted application 04/01687/FUL to extend opening hours to 0800 hours to 0400 hours on the following day on each day of operation

Total number of appeals: 29



Area Planning Sub-Committee

6 June 2019

Planning Enforcement Cases - Update

Summary

1. The purpose of this report is to provide Members with a continuing quarterly update on planning enforcement cases.

Background

2. Members have received reports on the number of outstanding enforcement cases within the Sub-Committee area, on a quarterly basis, since July 1998, this report continues this process for the period 1 January 2019 to 31 March 2019.
3. The lists of enforcement cases are no longer attached as an annexe to this report. A list of the relevant cases for their Ward is sent to each Councillor by email.
4. Section 106 Agreements are monitored by the Planning Enforcement team. A system has been set up to enable Officers to monitor payments required under the Agreement.

Current Position.

5. Across the Council area 144 new enforcement investigation cases were received and 145 cases were closed. A total of 530 investigations remain open.
6. During the quarter 9 Enforcement Notices were served. These related to the display of signage, the creation of a roof terrace, a single storey extension, storage of a skip container and materials, the unauthorised use of a building for car repairs, the use of unauthorised cladding on a building along with the failure to provide obscure glazing, replacement of timber windows with uPVC, the erection of an unauthorised structure and associated tower and the unauthorised use of a property as a HMO.

7. Across the Council area 3 Section 106 cases were closed. A total of 113, S106 cases remain open.
8. A figure of £89,093 has been received from Section 106 payments. These were received in respect of 6 developments across the City for education, open space and transport.

Consultation.

9. This is an information report for Members and therefore no consultation has taken place regarding the contents of the report.

Options

10. This is an information report for Members and therefore no specific options are provided to Members regarding the content of the report.

The Council Plan

11. The Council priorities for Building strong Communities and Protecting the Environment are relevant to the Planning Enforcement function. In particular enhancing the public realm by helping to maintain and improve the quality of York's streets and public spaces is an important part of the overall Development Management function, of which planning enforcement is part of.

Implications

- Financial - *None*
- Human Resources (HR) - *None*
- Equalities - *None*
- Legal - *None*
- Crime and Disorder - *None*
- Information Technology (IT) - *None*
- Property - *None*
- Other - *None*

Risk Management

12. There are no known risks.

Recommendations.

13. That members note the content of the report.

The individual case reports are updated as necessary but it is not always possible to do this straight away. Therefore if members have any additional queries or questions about cases on the emailed list of cases then please e-mail or telephone the relevant planning enforcement Officer.

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

Contact Details

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Directorate: **Economy
and Place**

**Chief Officer Responsible for the
report:**

Michael Slater

Assistant Director (Planning and Public
Protection)

**Report
Approved**



Date 28.05.2019

Specialist Implications Officer(s) *List information for all*

Implications:

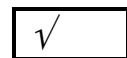
Financial

Patrick Looker

Legal:

Andrew Docherty

Wards Affected: *All Wards*



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