



Notice of a public meeting of

Area Planning Sub-Committee

- To:** Councillors Galvin (Chair), Shepherd (Vice-Chair), Cannon, Carr, Craghill, Crawshaw, Flinders, Gillies, Hunter, Mercer and Orrell
- Date:** Wednesday, 7 February 2018
- Time:** 4.30pm
- Venue:** The George Hudson Board Room - 1st Floor
West Offices (F045)

AGENDA

Would Members please note that the mini-bus for the site visits for this meeting will depart from Memorial Gardens at **10:00am** on **Tuesday 6 February 2018**

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 - 32)

To approve and sign the minutes of the Area Planning Sub-Committee meetings held on 30 November 2017 and 11 January 2018.

3. **Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so.

Anyone who wishes to register or requires further information is requested to contact the Democracy Officers on the contact details listed at the foot of this agenda. The deadline for registering is **5.00pm on Tuesday 6 February 2018** .

Filming, Recording or Webcasting Meetings

Please note that, subject to available resources, this meeting will be filmed and webcast, or recorded, including any registered public speakers who have given their permission. The broadcast can be viewed at <http://www.york.gov.uk/webcasts> or, if sound recorded, this will be uploaded onto the Council's website following the meeting.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officers (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at http://www.york.gov.uk/download/downloads/id/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809.pdf

4. Plans List

To determine the following planning applications:

- a) **3 The Dell, Skelton, York, YO30 1XP** (Pages 33 - 42)
(17/02911/FUL)

Variation of conditions 2, 5 and 11 and removal of condition 4 of permitted application 15/01473/FUL to add an extra room at basement level, include cycle parking, increase height of dwelling, alter design and distribution of windows and include an electric vehicle recharging socket. [Rural West York Ward] **[Site Visit]**

5. Appeals Performance and Decision Summaries (Pages 43 - 62)

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 October and 31 December 2017, 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 63 - 66)

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 Officers:

Catherine Clarke and Louise Cook (job share)

Contact details:

- Telephone – (01904) 551031
- Email catherine.clarke@york.gov.uk and louise.cook@york.gov.uk

(If contacting by email, please send to both Democracy Officers named above).

For more information about any of the following please contact the Democratic Services Officers 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 (Polish)
własnym języku.

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****Tuesday 6 February 2018**

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

TIME (Approx)	SITE	ITEM
10:15	3 The Dell Skelton	4a

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	30 November 2017
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Cannon, Carr, Craghill, Crawshaw, Flinders, Gillies, Mercer, Orrell and Cullwick (as a substitute for Cllr Hunter)
Apologies	Councillor Hunter

Site	Visited by	Reason
Deighton Lodge, Rush Farm (Game Farm) York Road, Deighton	Councillors Craghill, Crawshaw, Flinders, Galvin, Mercer and Shepherd.	As the recommendation was to approve and objections had been received.
Rowntree Wharf, Navigation Road	Councillors Craghill, Crawshaw, Flinders, Galvin, Gillies, Mercer and Shepherd.	To enable Members to view the inside of the building given its listed status.
Grove House, 40-48 Penleys Grove Street	Councillors Craghill, Crawshaw, Flinders, Galvin, Gillies, Mercer and Shepherd.	As the recommendation was to approve and objections had been received.
31 Gillygate	Councillors Craghill, Crawshaw, Flinders, Mercer and Shepherd.	As the recommendation was to approve and objections had been received

21. 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.

Councillor Mercer advised that committee that, as she had registered to speak on plans item 3g (Deighton Lodge Limited, Rush Farm (Game Farm), York Road, Deighton) as Ward Councillor, she would leave the meeting after speaking and not take part in the discussion or vote on this application.

Councillor Cullwick declared a personal non prejudicial interest in plans item 3a (31 Gillygate) and 3c (31 Malvern Avenue) relating to Houses in Multiple Occupation (HMO) as he managed a small number of HMOs in the city.

Councillor Flinders declared a personal non prejudicial interest in plans items 3d and e (Rowntree Wharf, Navigation Road) as he lived in the building opposite. He confirmed that he had not been consulted with regard to the application.

22. 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.

23. 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.

23a) 31 Gillygate, York, YO31 7EA (17/02222/FUL)

Members considered a full application by Mrs Tina Gavin for the conversion of a large house in multiple occupation to dwelling (use class C3) and two holiday letting bedrooms within the basement as well as alterations to the rear elevation including extension to the rear balcony.

Ms Janet Jacob, a local resident spoke to raise concerns with regard to potential loss of privacy due to garden levels, the use of the balcony and outside seating area and possible noise disturbance. With regard to loss of privacy, officers advised that adjoining properties had outside seating areas and balconies so all three properties were in a similar situation and that the rear extension at no 29 provided an element of screening to the garden area.

One Member supported concerns raised that the lintel was out of keeping with adjoining properties.

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

Reason: The proposal is considered to have a neutral impact on the character and appearance of the conservation area and would not result in significant harm to residential amenity. The application complies with the policies of the draft local plan and the NPPF.

23b) Grove House, 40 - 48 Penleys Grove Street, York, YO31 7PN (17/01129/FULM)

Members considered a major full application by Mr R Slater for the conversion and part demolition of a former care home (use class C2) to provide 32 apartments (use class C3) with external alterations, new raised roof and first floor rear extension.

Officers provided a update to committee members. They advised that a revised consultation response had been received from the Public Realm Officer in relation to contributions for open space. The report made reference to a requirement of £8,520 towards off site sports provision. The Public Realm Officer had now advised that the City Walls (Lord Mayors Walk), and the former St Michael's Churchyard (Lord Mayor's Walk/Monkgate corner), were recognised amenity areas. They had not been the subject of 5 obligations. The value of the additional contribution was £4,530 and this would be subject to a section 106 agreement in addition to those items identified in Section 6.0 of the Committee report.

In relation to affordable housing provision, it was considered that the development was subject to the Vacant Building Credit, (VBC). The VBC comes into play where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building. It provides a financial credit equivalent to the existing gross floor space of the existing building. On that basis the provision relates to 20% of the increase in floor space only. The applicant had advised that they had contacted a number of registered providers, none of whom had confirmed interest in taking on the unit proposed. On that basis a commuted sum was recommended.

With regard to space standards, officers advised that correspondence had been received that raised concerns regarding the size of some of the accommodation. It further made reference to a Draft Subdivision of Dwellings SPD which was approved by Cabinet in December 2012, and incorporated the approaches in the 4th Set of Changes to the City of York Local Plan (April 2005). DCLG produced a new document 'Technical Housing Standards - Nationally Described Space Standards' in March 2015, which set national standards. However, advice in the Planning Practice Guidance stated that where a local planning authority wished to require internal space standards, they should only do so by reference in their Local Plan to the new nationally described space standards in the DCLG document. A subsequent Ministerial Statement stated that

"From October 2015: Existing Local Plan, neighbourhood plan and supplementary planning document policies relating to water efficiency, access and internal space should be interpreted by reference to the nearest equivalent new national technical standard. Decision takers should only require compliance with the new technical standards where there is a relevant current Local Plan policy."

In this case City of York did not have an adopted plan, and the Pre-Publication draft carried very little weight at this stage of its process. The size of the flats was considered in terms of amenity, and whilst some of them were small, they appeared to provide an acceptable level of accommodation for future occupants in terms of space for a double bed, bathroom, seating area and kitchen.

With regard to parking, during the site visit, a neighbouring occupier had raised concern that the development would increase competition for parking along Penley's Grove Street. The site fell within R10 Resident parking zone, and it had been agreed that the site will be excluded from the zone. It was not however possible to remove it from the adjacent parking zone (T7) which included Penley's Grove. Parking on that street was open to permit holders and 60 minute pay and display during the day. From 8pm onwards it was unrestricted. In view of this there was potential for occupants of the flats to park on this street, however the level was unquantifiable. Network Management Officers had advised that in their opinion it would be more attractive for residents to acquire a Minster Badge and park in the nearby Monk Bar car park from 6pm. Whilst officers considered that there was a potential for an impact on parking on Penley's Grove Street, and this might affect the ability of residents on that street to park, it was not considered that a reason for refusal on that basis could be sustained given the sustainable location of the site.

Officers advised that condition 10 (cycle parking) should be deleted as provision was shown on the approved plans and that an additional condition be added to cover vehicle turning areas,

Waste Management Officers had confirmed that the location and capacity of the refuse area was acceptable. However they recommended clarification that the bins could be accessed even if the bollard that secured the car park was in place. It was therefore recommended that a condition be imposed to that effect. For clarification, officers advised that paragraph 1.2 of the report made reference to the demolition of the existing single storey part of the building. However, it was only part of this extension that would be demolished.

Officers advised that the recommendation should be revised to give delegated authority to the Assistant Director to negotiate the off-site affordable housing contribution.

Janet O'Neil, the applicant's agent, addressed the committee in support of the application. She advised that the decision to retain the two smaller dormer windows was to allow better use of the roof space; the design had been amended to protect nearby trees; parking spaces would be allocated on a first come first served basis and potential residents would know whether

they had a parking space or not and other options for parking nearby before they committed to purchase.

Members acknowledged that residents had been concerned about the future of Grove House and disturbance which might be caused by demolition and prolonged activity on the site. They noted that the two residents who had raised concern had had their fears allayed at the site visit. Members agreed that the proposals would bring the site back into use and felt that the proposal was an improvement on the current building and would fit in better in relation to St John Street. They noted that it was in a sustainable location and expressed pleasure that the lime trees would be preserved as these would help define a less overbearing development.

Resolved: That DELEGATED authority be given to the Assistant Director (Planning and Public Protection) to negotiate the off-site affordable housing contribution(index linked) based on 20% of the additional floorspace to be constructed on completion of S106 agreement to secure the affordable housing contribution and contributions of £8520 (index-linked) towards off site outdoor sports provision, £4,530 (index linked) towards amenity open space and up to £5000 to amend the existing Traffic Regulation Order in respect of the Resident's Parking Zone and to extend existing parking restrictions, to APPROVE the application subject to the conditions listed in the report, the deletion of condition 10 (cycle parking), the additional conditions listed below to cover turning area and access to refuse and recycling bins.

Additional Condition

No part of the site shall come into use until the turning areas have been provided in accordance with the approved plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

Additional Condition

The bollards within the access to the site shown on the proposed site plan NOR – 472- 002 14 Rev F shall be so located as to enable access for refuse and recycling bins.

Reason: In the interest of satisfactory waste management.

Reason: In the planning balance, the site is previously developed land within a sustainable location. The provision of 32 flats will contribute towards City of York Council's housing supply.

It is considered that the revised plans have addressed concerns identified in relation to the plans as submitted in relation to the impact of the development on the trees subject to a Tree Preservation Order that front the site, and in relation to access concerns and neighbour amenity.

In accordance with paragraph 129 of the NPPF, revised plans were sought that addressed concern in relation to the impact of the development on the significance of the Conservation Area. Great weight has been given to the minor harm identified in relation to the revised plans on the setting of the conservation area in accordance with paragraph 132 of the NPPF. The harm identified is very minor, and it is considered that the public benefits of the delivery of residential development, in a sustainable location, outweighs that harm. (para134)

23c) 31 Malvern Avenue, York, YO26 5SF (17/01247/FUL)

Members considered a full application by Mr Adrian Hill for the change of use from dwelling (use class C3) to house in multiple occupation (use class C4), single storey cycle store and dormers to the side and rear.

Officers advised that residents had raised concerns about the possibility of widening the crossover which could affect the trees or the verge. Officers confirmed that there was no intention to widen the crossover.

Barry Kellet, a neighbour, spoke in objection to the application. He advised Members that 60 residents had signed a petition objecting to the change of use to HMO, 93% of those were families and 7% were retired people. He advised that there was not room for two cars to park at the front as one would prevent access for the other and the proposed access for the cars would not work due to other vehicles parked on the road.

Jonathan Hall, another neighbour, also addressed the committee in objection. He expressed concerns that the report did not reflect up to date drawings. He stated that the property was not well maintained, that there was no need for student accommodation and raised concerns in relation to insufficient parking and the potential for noise disturbance in the quiet neighbourhood including possible gatherings in the large garden.

Shan Shan Chen, the agent for the applicant, then spoke in support. She advised Members that the application complied with the threshold on concentration of HMOs, would not lead to an unbalanced community and would not create a strain on drainage works. The proposed conditions in relation to parking and the cycle store complied with requirements and two medium sized cars could be manoeuvred into car parking spaces. It was envisaged though that the occupants were more like to walk, cycle or use other means of sustainable transport. She advised that she was happy to have a condition for a management plan limiting the type and number of occupants.

Officers advised that use class C4 allowed up to 6 occupants and, without a good planning reason to restrict occupancy in the use class, this wouldn't normally be restricted through a condition.

Members raised concerns in relation to: difficulty in manoeuvring into the proposed car parking spaces would lead to additional parking on street and would exacerbate existing on street parking issues; access to cycle parking and refuse bins in the front garden could be hindered by car parking; problems with drains in Holgate area; loss of family house; and an HMO would upset the balance on a street of family houses and have a detrimental impact on neighbours amenity.

Councillor Cannon then moved, and Councillor Carr seconded, a motion to refuse the application on the above grounds. On being put to the vote, the motion fell.

Other members expressed sympathy with the concerns of residents but did not accept that the application couldn't be turned down on grounds of parking, acknowledging that a family house could lead to same number of cars as an HMO. Members noted that the applicant had offered to put a management plan in place to limit occupancy to 4 people in employment. They felt that there was a need for more properties for unrelated people and no planning reason to refuse the application.

Councillor Flinders moved and Cllr Mercer seconded a motion to approve the application. On being put to the vote, the motion was carried and it was:

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

Reason: It is considered that the proposal would not breach the guidelines set out in the Supplementary Planning Document "Controlling the Concentration of Houses in Multiple Occupancy" nor is there evidence that the use of the house as an HMO would result in significant harm to the living conditions of nearby houses. Parking provision would meet standards set out in the DCLP and is a similar arrangement to that existing at a number of nearby properties. The application complies with national guidance in the NPPF and Development Control Local Plan Policies.

23d) Rowntree Wharf, Navigation Road, York (17/01905/FULM)

Members considered a major full application by Piccadilly One Limited for the partial conversion of ground floor and first floor offices into 14 residential apartments (use class C3)

Consideration of the application for listed building consent in respect of alterations to allow the residential conversion (17/01906/LBC) took place alongside this application.

Officers advised that paragraph 4.14 of the report (Heritage Considerations) made reference to the works that would be carried out to the listed building to include:

- Removal of modern internal partition walls and replacement with new partitions to create the individual residential units.
- Removal of a modern metal staircase
- Alteration to the existing suspended ceiling.
- Alterations to the bin storage arrangements
- Crime prevention measures including upgraded lighting and CCTV and clear safety film to windows.

For clarification, they advised that on the ground floor, the partitions would be wrapped around the side of five existing cast iron columns within the proposed flats. A further 5 would be totally enclosed. However columns would be clearly visible within the corridor. On the first floor partition walls would be wrapped around two columns. The columns would remain intact, as such there would be no loss of historic fabric. On the ground floor columns would be clearly visible within the central corridor, with two visible on the corridor and lobby on the first floor. This approach had been considered acceptable elsewhere in the building. The tangible link of the history of the building had also been retained by the exposed brickwork within the window reveals. This was a revised approach to some parts of the building where dry lining covered such areas. Whilst not expressly mentioned within the report, this alteration to the building was taken into account in the submitted Heritage Statement and in the assessment by the Planning and Environmental Management Officer (Conservation).

With regard to consultation responses, Officers advised that Network Management (Highways) did not object to the application subject to a condition requiring details of cycle storage. They noted that site was situated in a particularly sustainable location in York city centre close to amenities public transport. Guildhall ward had the lowest number of cars per household in York with 51% of households not owning a car and 40% owning just 1. Although the site was considered to be in a sustainable location the limited off-street parking meant that without viable sustainable travel alternatives being promoted, the development had the potential to still attract multiple car ownership but without the off-street facilities to accommodate them. In order to address this, highways sought the following

contributions/measures to incentivise sustainable travel and reduce the potential impact on the highway;

- First occupiers to be offered the choice of either a free cycle or 6 month bus pass
- First occupiers to be given membership of and drive time for the city car club. This was based upon a contribution of £200 per residential dwelling.

In relation to this matter officers advised that, given that there was no approved policy for this and it was not considered necessary to make the development acceptable in planning terms, it was not considered that the request met the tests at paragraph 122 of the CIL Regulations.

Officers advised that condition 2 should be revised to include additional plans and that two additional conditions be included to cover the installation of mist suppression/sprinkler systems and cycle parking spaces.

Janet O'Neil, as agent for the application, addressed the committee. She confirmed that, wherever possible, the proposals included retaining the historic columns on view. Cycle parking would be provided to required levels and car parking would be in the adjacent multi-storey car park. She confirmed that the refuse area would be extended to take in the additional capacity needed to include the proposed new apartments.

Members acknowledged that the applicant had addressed the issues of concern and that the proposals would bring a historic building back into use.

Resolved: That the application be approved subject to the conditions listed in the report and the amended and additional conditions listed below.

Amended Condition 2

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

- TCA-288-005 2020 REV A site plan
- TCA-288-005 2001 REV A Ground Floor
- TCA-288-005 2002 REV A First Floor
- TCA-288-005 2040 Typical Sections
- TCA-288-005 106 REV A Typical partition detail

- TCA-288-005 103 REV A Walkway and fire door elevation.
- TCA-288-005 2021 CAR PARKING PLAN

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

Additional Condition

The removal of the secondary stair between bays 16 and 17 shall not be carried out, until the corridor providing access to the western end of the building is operational unless suitable mist suppression/sprinkler system is installed to all apartments within the approved development.

Reason: To maintain an appropriate means of escape for apartments.

Additional Condition

The apartments hereby approved shall not be occupied until one cycle space per apartment has been provided in accordance with the submitted plans, 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.

Reason: In considering the planning balance, as some harm is identified to the significance of the listed building, the more restrictive policies in the NPPF relating to conservation of heritage assets apply, rather than the "tilted balance" in favour of sustainable development in paragraph 14 of the NPPF. In the planning balance, Rowntree Wharf is sustainably located close to the city centre. Whilst Policy E3b (Existing and Proposed Employment Sites) of the DCLP seeks to resist the loss of existing employment sites and retain them within their current use class' the building has been marketed for six months, with no demand demonstrated for the building. In addition the principle of providing new housing in this location is considered to be acceptable and to accord with NPPF policy which seeks to boost significantly the supply of housing. Furthermore, the revised plans to reduce the

numbers will result in the retention of an area of offices to be occupied by the applicant.

It is not considered that the development will harm the significance of the Conservation Area. Limited harm has been identified in relation to the significance of the listed building, even taking account of the requirements of paragraph 66 of the Planning (listed building and Conservation Area) Act 1990, it is considered that the public benefits of delivering additional residential accommodation, and securing an optimum viable use for the building, the proposal outweigh the harm identified. This is in accordance with the requirements of paragraph 134 of the NPPF.

The parking, residential amenity and flood risk implications of the scheme are acceptable when considered in the context of NPPF policy and subject to appropriate conditions. It is not considered that there are any material considerations that would outweigh the general support for the delivery of additional housing in a sustainable location.

23e) Rowntree Wharf, Navigation Road, York (17/01906/LBC)

Members considered an application for listed building consent by Piccadilly One Ltd for internal alterations associated with partial conversion of the ground and first floor offices to 14 apartments.

Consideration of this application took place alongside the previous major full application (17/01905/FULM)

Officers advised that the report made reference to the works that will be carried out to the listed building to include:

- Removal of modern internal partition walls and replacement with new partitions to create the individual residential units.
- Removal of a modern metal staircase
- Alteration to the existing suspended ceiling.
- Alterations to the bin storage arrangements

- Crime prevention measures including upgraded lighting and CCTV and clear safety film to windows.

Officers clarified that on the ground floor, the partitions would be wrapped around the side of five existing cast iron columns within the proposed flats. A further 5 would be totally enclosed. However columns would be clearly visible within the corridor. On the first floor partition walls would be wrapped around two columns. The columns would remain intact, as such there will be no loss of historic fabric. On the ground floor columns would be clearly visible within the central corridor, with two visible on the corridor and lobby on the first floor. This approach has been considered acceptable elsewhere in the building. The tangible link of the history of the building has also been retained by the exposed brickwork within the window reveals. This was a revised approach to some parts of the building where dry lining covered such areas.

This alteration to the building was taken into account in the submitted Heritage Statement and assessed as part of the application process.

Officers advised that condition 2 be amended to include additional plans as detailed below.

Resolved: That the application be approved subject to the conditions listed in the report and the amended condition below.

Amended Condition 2

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

TCA-288-005 2020 REV A site plan

TCA-288-005 2001 REV A Ground Floor

TCA-288-005 2002 Rev A First Floor

TCA-288-005 2040 Typical Sections

TCA-288-005 106 REV A Typical partition detail

TCA-288-005 103 REV A Walkway and fire door elevation.

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

Reason: Rowntree Wharf is a Grade II listed building and due to its height and enclosure by Wormalds Cut and the

River Foss on three sides, is a landmark building in this part of the city.

Special regard has been given to the desirability of preserving the listed building, its setting or any features of special architectural or historic interest as required by Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Great weight has been attributed to the harm identified, however in view of the significant changes that have already occurred within the building, by virtue of the level of sub division, it is considered that the harm is at the lower level of less than substantial. Officers therefore consider that the benefits of delivering much needed residential accommodation in a sustainable location are sufficient to outweigh the limited harm identified. The proposal complies with the guidance within Section 12 of The NPPF, and Policy HE4 of the DCLP, and Policy D5 of the Pre-publication Draft 2017.

**23f) Holly Tree Farm, Murton Way, York, YO19 5UN
(17/01935/FUL)**

Members considered a full application by Mr and Mrs Richardson for two storey side and single storey rear extensions (resubmission).

Councillor Mark Warters spoke in support of the application as Ward Member and on behalf of the applicant's family. He expressed his support for the proposals which would provide the family with additional space needed to accommodate parents within the family home. He advised that the house had nothing to do with the adjacent site of the same name and that the proposed extension was in keeping with the design of the existing building and would not impact on neighbouring properties. He circulated photos and a plan of the village which showed evidence of a range of additional buildings on the site in the past.

Members acknowledged the planning history of adjacent site which was under separate ownership. They noted that the officer's recommendation to refuse was because they considered that the proposed extension was disproportionate to

existing building which had had a major extension in 1980 and no very special circumstances had been put forward. Members were advised that they needed to consider what weight to give to the additional buildings shown on the plan, given that there was no information over their use, and the fact that it was a long time ago to be considering them in line with current planning regulations, and then decide whether the proposed extension was a disproportionate addition over and above the size of the original building.

Some Members were in support of the officer recommendation to refuse the application as they did not feel that very special circumstances had been shown.

Councillor Flinders moved and Councillor Cannon seconded a motion to refuse the application on the grounds for refusal put forward by officers. On being put to the vote, this motion fell.

Other Members acknowledged that there was conjecture over the size of the original building and did not consider that the proposed extension was disproportionate to the building. They noted that the village street scene had changed over the years and did not feel that the proposals would be detrimental to the Green Belt, that it would aid family living and that permission should be granted.

Councillor Carr moved, and Councillor Gillies seconded, a motion to approve the application on the grounds that the proposed extension would not be disproportionate to the original building and would not harm the openness of the Green Belt. On being put to the vote, this motion was carried and it was:

Resolved: That the application be approved subject to the standard approved plans and materials conditions.

Reason: Members considered that the proposal was not a disproportionate addition to the original building and was not harmful to the openness of the Green Belt. As such the proposal complied with the National Planning Policy Framework.

23g) Deighton Lodge Limited, Rush Farm (Game Farm), York Road, Deighton, York (17/02380/FUL)

Members considered a full application by Mrs Carla Mitchell for the variation of condition 4 of permitted application 16/00267/FUL to increase the number of events from 15 to 25 in total in any calendar year and of condition 3 to allow the side garden to be used for wedding ceremonies.

Officers advised that two additional letters had been received from neighbouring residents which made the following comments:

- Operators already allowed music outside
- Guests congregated drinking in the field that was conditioned to be for car parking only
- The music could still be heard outside, it was not as loud as marquee weddings but it was still there. This goes to prove that the barn was not sound proof or the doors are jammed open.
- Not audible with the doors/windows closed but it was with them open
- Loud music was still a problem both at night and during the daytime
- Noise level report done by ear
- Deliveries and taxi drivers disturbed neighbours incl. late at night
- The existing bank of trees to the front reduced noise from the A19 but vehicles travelling along the access could be clearly heard
- Noise from the A19 was a constant where as noise from music varied
- Financial implications should not be taken into account
- Inadequate access with the A19

Officers also advised that the applicant's sound engineer had provided the following information:

- Comments had been made in connection with events which were not relevant to this application i.e. camping
- There had been confusion over the recent Premises Licence Application which was granted with conditions on the 9th November 2017. This was not an application to extend to the hours of an existing Premises Licence, rather a new application to facilitate an increase in the number of events

- The results of the noise survey demonstrated that the level of impact was negligible, due to both the high standard of noise insulation works undertaken on the barn, and the existing elevated levels of background noise due to the proximity of the A19, which was the dominant source of noise in the locality at all times.

Andrea Broomer, a resident of Deighton House, addressed the committee in objection to the application. She stated that an application to vary conditions 3 and 4 made a mockery of the original planning decision and she advised Members that they were disturbed by noise when weddings took place and increasing the number of events allowed would make this disturbance more frequent. A copy of a letter of objection from Ms Broomer had been circulated to members in advance of the meeting.

Michael Morris, another local resident, also spoke in objection. He advised Members that as most weddings were held over the summer period, extending the number of potential weddings could mean that weddings could be taking place most weekends in May, June, July and August. He raised concerns that the sound test had been carried out at the quietest wedding held here so was not a true indication of the normal noise levels.

Alan Moore, Senior Acoustics Consultant at Surface Property, appointed by the applicant to carry out a noise survey, spoke in relation to the results of that survey, details of which had been circulated to members in advance of the meeting. He advised Members that the noise survey had been carried out at two locations on the site, and staff and guests were not aware that it was taking place and the results of the survey demonstrated that the level of impact was negligible.

Councillor Mercer, Ward Member, spoke in objection to the application on the grounds of noise. She advised Members that it was not possible to contain the sound when doors were opened and people left the building. With up to 200 people attending an event, this could mean up to 50 cars leaving the site at 1am, also creating a noise disturbance. She stated that residents had not received prior notice of events as promised and fireworks had been let off close to animals. Even if noise reduction measures were in place, there would always be some disturbance.

The Council's Public Protection Manager advised committee members that the issue of fireworks had been addressed and the applicant had agreed not to allow any further fireworks on the site. He acknowledged that previously there had been a number of complaints about the venue which had been dealt with but that no further complaints had been received during the year.

Discussion took place around the playing of live and recorded music. Officers advised that condition 3 required the playing of music to cease by 1am and for the site to be vacated by staff and guests not staying at the guest house by 1.30am. The premises licence conditions were more restrictive and limited live music until 11pm and the playing of recorded music until 12 midnight. Officers clarified that both the licensing and planning conditions were relevant controls and that the applicant must comply with and abide by both, with each being enforced by different teams.

A letter had been circulated which raised concerns about the operation of the site and one member queried some information contained in this. Officers were unable to comment on the majority of these issues. They however clarified that the granting of the current planning permission had superseded the owner's use of permitted development rights to hold weddings in a marquee for up to 28 days a year.

Members acknowledged that measures were in place to limit disturbance but felt that it was very difficult to police the conditions and ensure that the doors remained closed so noise did not emanate outside. They noted that noise was created during erection/dismantling of facilities, people gathering outside, and vehicles leaving the site late and this was causing discomfort and anxiety to neighbours. They agreed that intensification of use by increasing the number of ceremonies allowed to take place would increase the number of occasions when local residents would be disturbed therefore affecting residential amenity.

Resolved: That the application be refused.

Reason: The proposed additional events would result in an intensification of the use of the site and increased noise and disturbance from guests outside of the venue building and from additional comings and

going of guests and delivery vehicles including late at night and during the summer months when nearby residents may expect to be able to keep their windows open. This would result in significant harm to the existing living conditions of neighbouring properties in this rural area contrary to policy GP1 of the Draft Development Control Local Plan 2005 which states that development proposals will be expected to ensure that residents living nearby are not unduly affected by noise or disturbance, National Planning Policy Framework paragraph 17 which states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings and paragraph 123 which states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on quality of life as a result of new development.

24. Appeals Performance and Decision Summaries

Members considered a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 July and 30 September 2017 and summarised the salient points from those appeals.

Summaries of the appeals determined were attached at Annex A to the report and appeals that currently remained outstanding were listed in Annex B.

Resolved: That the content of the report and annexes be noted.

Reason: To confirm that Members are informed of the current position in relation to planning appeals against the Council's decisions, as determined by the Planning Inspectorate.

Councillor J Galvin, Chair

[The meeting started at 4.30 pm and finished at 7.15 pm].

Meeting	Area Planning Sub-Committee
Date	11 January 2018
Present	Councillors Galvin (Chair), Carr, Craghill, Crawshaw [except for minute 28c-28e], Flinders, Hunter, Mercer, Orrell, Funnell (Substitute) and Looker (Substitute)
Apologies	Councillors Gillies, Shepherd and Cannon

Site Visits

Site	Visited by	Reason
Abbeyfield House, Regency Mews, York	Cllrs Craghill, Crawshaw, Flinders, Galvin and Hunter	As the recommendation was to approve and objections had been received.
26 Barbican Road, York	Cllrs Craghill, Crawshaw, Flinders, Galvin and Hunter	As the recommendation was to approve and objections had been received.
Fiesta Latina, 14 Clifford Street, York	Cllrs Craghill, Crawshaw, Flinders, Galvin and Hunter	As the recommendation was to approve and objections had been received.
3 Murton Way, York	Cllrs Craghill, Crawshaw, Flinders, Galvin and Hunter	At the request of the Ward Councillor
44 Tranby Avenue, York	Cllrs Craghill, Crawshaw, Flinders, Galvin and Hunter	As the recommendation was to approve and objections had been received

25. 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.

26. Minutes

Resolved: That, subject to the word "Compensation" being substituted with "Compulsory Purchase" under the Reason in item 20b, the minutes of the Area Planning Sub-Committee meeting held on 9 November 2017 be approved and then signed by the Chair as a correct record.

27. 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.

28. 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.

28a) Abbeyfield House, Regency Mews, York (17/01419/FULM)

Members considered a Major Full Application by Abbeyfield Society (York) Ltd for the erection of part two/part three storey building comprising 17 extra care flats and 8 dementia care flats following demolition of no.27 St Helens Road.

Officers gave an explanation of the layout of the site including access and egress to the site and buildings, car parking and the scale of the building. They advised that four trees were covered by a Tree Preservation Order (TPO) and there was a similar loss of trees to that of the previous scheme submitted. It was confirmed that there would be affordable housing on site, which would be secured by a 106 Agreement.

Deborah Sillence, a local resident, addressed the committee in objection to the application. She raised concerns regarding the building height, size and proximity to local residents, the loss of

open space and the detrimental effect that increased traffic to the site would bring to local residents.

Mark Chapman, a local resident, spoke in objection to the application. He made a number of comments in objection, suggesting that paragraph 14 of the NPPF should not outweigh GP1 of the Local Plan. He noted that the scale of the proposal was larger than that previously submitted and that 69 residents had objected to the application.

David Marshall, a local resident, spoke in objection to the application. He expressed concern that the building was larger than the one in the previously refused application, there had been no noise, light or shading surveys undertaken and there were other sites more suitable for the scale of development.

Roy Wallington, Programme Director - Older Person's Accommodation, City of York Council, spoke in support of the application. He explained that there was a significant shortage of care places for the elderly and an increase in the number of elderly over the coming years. He advised of the need for quality accommodation for extra care patients and dementia care patients.

In response to the question of whether extra care accommodation could be built elsewhere, there was competition for land and sites coming forward for development. He added that the application delivered extra care and enhancement to the existing care on the site.

Andrew Arnell, the applicant (and registered manager of Abbeyfield House), addressed the committee in support of the application. He explained that the proposal would provide flexible person centre care and that the application responded to the need for their services. He noted that the average age of residents is 92.

Andrew Arnell was asked and noted that Abbeyfield House was in its twentieth year of service.

Gareth Jackson, agent for the applicant, spoke in support of the application. He addressed how the scheme was different from previous proposals and explained the access to the site, proportional development of the site and how green space would be provided around the building.

Cllr Fenton, Ward Councillor for Dringhouses and Woodthorpe, addressed the committee to raise local residents' concerns in relation to the application. He explained that the nature of the objections and cited the main concern as being the adverse effect that the development would have on the Wendy House children's nursery, which would be overlooked by the proposed building.

In response to Member questions, officers clarified that:

- Part of the site falls under the definition of previously developed land.
- A traffic survey had been undertaken and highways officers had been satisfied with the application.
- The element of the development overlooking the play area of the children's nursery was an angled view over the play area. There was not considered to be an overlooking issue.
- With reference to the impact of construction traffic on the children's nursery, the majority traffic was through Regency Mews.

Debate followed, during which Members acknowledged the concerns of residents and the need for extra care accommodation. Following debate it was:

Resolved: That the application be approved subject to the completion of a Section 106 Agreement to secure 5 units of affordable housing and £5000 towards a TRO on Regency Mews.

Reason:

- i. The scheme is for an extension to the existing use on site and will provide 25 units of extra care for older people. It is considered to comply with relevant policy within the DCLP, emerging Local Plan and NPPF and will fulfil a need for this type of accommodation in a sustainable location.
- ii. Some harm has been identified to the character of the area and visual amenity through the loss of some of the mature landscaping on site. This impact will predominantly be to views of the site from

Regency Mews as a group of trees in the middle of the site are to be removed to facilitate the development. This includes trees covered by a Tree Protection Order. The trees are not especially good individual specimens but are of group value for their softening of views of the site from Regency Mews.

Replacement tree planting is proposed within the parking area which will help to reintroduce some greenery in to the view along Regency Mews. Trees along the North and East boundaries of the site will be retained.

- iii. Distances between the proposed development and neighbouring properties are considered sufficient to prevent overlooking and overshadowing with the retained boundary planting helping to provide additional screening. Likewise the bulk of the building is towards the centre of the site helping to ensure there is no overbearing impact on neighbours. Increases in height towards the North of the site, as a result of bringing the structure further away from a protected tree, are still considered acceptable given the distances involved and screening provided by the tree itself.
- iv. Some impact has been identified on existing residents of Abbeyfield House as a result of the proximity of the North West wing of the new development to the existing building. A distance of 13m is retained between the buildings and the new wing is approximately 13m wide. These distances are considered sufficient to ensure no significant detriment to amenity of existing residents through loss of outlook.
- v. Highways impacts are not considered to be significant. Staff will access the site via the St Helens Road drive and trip generation has been shown to be little changed from the existing situation. Likewise information has been provided to indicate that changes to the

use of the access off Regency Mews and the existing parking area will be minimal and will have no significant impact on the existing network. Para. 32 of the NPPF states that development should only be refused on highway grounds where the residual cumulative impacts of development are severe. There is no indication that is the case in this instance.

- vi. Despite the previous planning history for the site, the clear need for this type of accommodation, sustainable location, and good quality design, clearly outweighs the harm to the character of the area through the loss of trees within the centre of the site. This is supported by changes in planning policy since the previous refusals and the presumption in favour of sustainable development contained within the NPPF.

28b) 25 Barbican Road, York, YO10 5AA (17/02199/FULM)

Members considered a Major Full Application by Mr D Blackwell for the Conversion of 25 and 26 Barbican Road into 12 apartments with associated external alterations and 3 storey rear extension.

Officers advised Members of amendments to condition 2 (plans), condition 8 (materials) and condition 9 (cycle parking storage area).

Councillor Taylor, Ward Councillor for Fishergate, spoke in objection to the application. He explained the objections raised by residents. He noted that the amenity for residents would be poor and the waste management of the development would be poor. He added that a number of developments in the area were for student accommodation and there was a need for family accommodation.

Following a question about waste management, Officers advised that:

- Waste management would be the responsibility of the building owner

- A condition for waste management could be added to the conditions.
- The committee could delegate authority to officers to add in a condition regarding waste management.

During debate on the application, Members raised concerns regarding the overdevelopment of the site, the development being too dense and the lack of amenity for residents. Following debate it was:

Resolved: That the application be refused.

Reason: The proposed development, by reason of the size, scale and massing of the proposed extension is considered to be out of character with the existing pattern of development on the east side of Barbican Road in the vicinity of the site, resulting in harm to the visual amenity of the area. Furthermore the proposed number of residential units to be accommodated within the development would result in a poor standard of residential amenity and a restricted outlook for future residents. Therefore the proposal would result in the overdevelopment of the application site contrary to Policy GP1 and H8 of the Draft Development Control Local Plan (2005) Policy D1 of the Pre-Publication Draft Local Plan (2017) and paragraph 17 of the National Planning Policy Framework.

**28c) Fiesta Latina, 14 Clifford Street, York, YO1 9RD
(17/02224/FULM)**

Members considered a Major Full Application by Mr M Easterby for the conversion of the basement and ground floor from a restaurant (use class A3) to office use (use class B1), and upper floors from office (use class B1) to 10 dwellings (use class C3) and the construction of a roof extension, second floor rear extension and alterations to elevations.

Members were advised by officers that the Environment Agency had raised no objections to the application.

Mark Stothard, the agent for the applicant was in attendance to answer questions. Following a question regarding soundproofing, he explained that two noise reports had done

and they were satisfied that the upgrades to the windows and party walls would address noise levels. He added that any concerns regarding noise could be addressed during development.

Members discussed the proximity of the proposed development to a nearby nightclub. In response to a Member question, the Development Manager advised that officers could only require by condition what soundproofing was considered necessary for the development to be acceptable, in this case the noise surveys had not identified an issue with noise transfer through the walls of the building.

Following debate it was:

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

Reason:

- i. The site is an existing mixed-use corner building that is currently partly occupied. The proposals involve the internal relocation of offices within the building, the loss of existing restaurant uses and the introduction of residential use within the building. The scheme is not considered to have an adverse impact on the vitality and viability of the city centre. The site is considered to be a sustainable location for residential and office uses, with the most vulnerable uses (residential) not at risk of flooding.
- ii. The applicant has undertaken further investigations, in respect to noise from neighbouring late night uses and has detailed mitigation measures to ensure that any occupants of the flats would be adequately protected and an adequate standard of residential amenity would be provided. The objection raised by the operators of the adjoining late night bar and nightclub is considered to have been addressed.
- iii. The proposal has been amended in design terms, and offers sensitive extensions and alterations to preserve the Conservation Area. The proposal is therefore recommended for approval subject to the suggested conditions including a condition that amends the Traffic Regulation Order, removing the

site from the Residents Parking Zone. The proposals accords with national guidance in the NPPF and the Draft Development Control Local Plan Policies.

28d) 3 Murton Way, York, YO19 5UW [17/02487/FUL]

Members considered a Full Application by Mr and Mrs Starzinski for the erection of First floor side extension (resubmission).

There was no officer update.

Stephanie Leeman, agent for the applicant, spoke in support of the application. She referred to the extension permitted in 1991 noting that the proposal was for a hipped roof to an existing single storey extension. She noted that the roof extension was not negatively impacting on the character and appearance of the Conservation Area as the plot was not in an open rural setting. Members were provided with a set of her briefing notes and design and access statement regarding the application.

Coucillor Warters, Ward Councillor for Osbaldwick and Derwent, addressed the committee in support of the application. He explained that the proposals sought to keep the bungalow in symmetry and that the proposed application would not negatively impact and would benefit the Osbaldwick Conservation Area.

Resolved: That the application be approved subject to the inclusion of a condition regarding materials.

Reason: The proposal is not considered to be harmful to the character and appearance of the conservation area. This would support national planning policy in relation to heritage assets and good design contained within the National Planning Policy Framework and with Policies GP1 ("Design"), H7 ("Residential Extensions") and HE3 ("Conservation Areas") of the City of York Draft Local Plan along with the Council's Supplementary Planning Guidance 'House extensions and alterations' December 2012 which encourages appropriate types of development within residential neighbourhoods.

**28e) 44 Tranby Avenue, Osbaldwick, York, YO10 3NJ
(17/02432/FUL)**

Members considered a Full Application by Mr Nikolai Krasnov for the change of use from a dwelling (use class C3) to House in Multiple Occupation (HMO) (use class C4).

The Development Manager advised that in the neighbourhood where the property was is located, 6.42% of properties are shared houses, and within 100m of the property 7.14% are shared houses. If planning permission was granted the property would remain under the thresholds.

Cllr Warters, Ward Councillor for Osbaldwick and Derwenthorpe, addressed the committee in objection to the application. His concerns related to the impact of amenity because of extra noise, disruption, parking problems created through the change of use of the property to a HMO.

Members debated the application, expressing a number of views and it was:

Resolved: That the application be approved.

Reason: The proposed change of use would not breach the thresholds set out in the approved SPD and the use would not have any significant adverse impacts upon the amenity of neighbours or the character of the area. Therefore, subject to conditions, the proposal is in compliance with the NPPF, the SPD on 'Controlling the Concentration of Houses in Multiple Occupation' and draft Local Plan policy H8: Conversions.

Cllr J Galvin, Chair

[The meeting started at 4.30 pm and finished at 6.15 pm].

COMMITTEE REPORT

Date: 7 February 2018 **Ward:** Rural West York
Team: Major and **Parish:** Skelton Parish Council
Commercial Team

Reference: 17/02911/FUL
Application at: 3 The Dell Skelton York YO30 1XP
For: Variation of conditions 2, 5 and 11 and removal of condition 4 of permitted application 15/01473/FUL to add an extra room at basement level, include cycle parking, increase height of dwelling, alter design and distribution of windows and include an electric vehicle recharging socket.
By: Mr Ray Leadley-Yoward
Application Type: Full Application
Target Date: 1 February 2018
Recommendation: Approve

1.0 PROPOSAL

1.1 This application under section 73 of the Act seeks to vary conditions 2, 5 and 11 and remove condition 4 of 15/01473/FUL for the erection of a detached 3-bedroom, split-level house. The house as approved includes a new dedicated access from The Vale and off-street parking for two cars. The house has been built but is not fully in accordance with the approved scheme. The current application seeks approval for the house as built.

1.2 The main changes are:

- Condition 2 requires compliance with the approved plans. The current proposal includes revised plans that show the variations as built from the approved scheme. The main change is the addition of a semi-basement room to be used as a music room and cinema. Other changes include alteration to windows and more detail about new vehicular gates alongside the public footway.
- Condition 4 requires the height of the house to be no higher than the host house at No.3 The Dell. The house as built is approximately 360mm higher than the house at No.3.
- Condition 5 requires details of cycle parking to be submitted for approval. The application includes those details.
- Condition 11 requires the applicant to install a socket in a suitable position within the curtilage for the recharging of electric vehicles. The application shows the location of the socket.

1.3 Condition 15 requires upper floor windows on the northwest elevation to be obscure-glazed to prevent overlooking of No.3. The house was built with two windows on this elevation being clear-glazed so the application initially sought to remove condition 15. Following officer advice the applicant is no longer seeking to remove the condition and has agreed to replace the clear glass with obscured glass forthwith. Members will be updated at the meeting.

1.4 The application has been called in by Cllr Steward on the grounds that the developer has abused the system and the house is now vastly overdeveloped and looks totally unsuitable.

2.0 POLICY CONTEXT

2.1 Policies – City of York Development Control Draft Local Plan (2005):

CYGP1 – Design

2.2 Policies - City of York Pre-Publication Draft Local Plan (2017):

D2 – Placemaking

3.0 CONSULTATIONS

INTERNAL

Public Protection Unit

3.1 No objections to the location of the external socket for charging electric vehicles. The electrical circuit/installation should comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation (2015).

EXTERNAL

Skelton Parish Council

3.2 Objection.

- The extra room at basement level is a significant change and requires a new planning application.
- The new building is higher than approved.

- The failure to obscure glaze the windows on the North West is a breach of condition 15.
- The provision of cycle parking and an electrical socket were conditions of approval.
- The gates erected are too high and out of keeping with the adjacent properties.
- The application is a clear attempt to usurp and ignore the planning consent given by the council.

Neighbour Notification and Publicity

3.3 Three objections have been received raising the following planning issues:

- The application is a major change, not just a variation.
- The building is higher than the adjacent dwelling at No.3.
- The clear-glazed windows cause overlooking.
- The cycle store would prevent maintenance access to the electrical sub-station.
- The vehicular gates are visually intrusive and out of keeping with the open aspect of The Vale and The Dell.
- The colour/design/style of the house does not match any of the existing properties in The Vale.
- The external appearance fails to match any of the surrounding properties.
- The wall cladding is not compatible with the stone finish of surrounding dwellings.
- The developer has ignored the constraints of the previous planning permission.
- Some of the variations adversely affect neighbouring properties.

4.0 APPRAISAL

4.1 KEY ISSUES

- Design and appearance
- Neighbour amenity
- Sustainable transport

PLANNING POLICY CONTEXT

4.2 Section 38 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 in York other than the saved policies of the Regional Spatial Strategy relating to the general extent of the Green Belt. The site does not lie in the Green Belt as defined in the RSS.

4.3 City of York Council does not have a formally adopted Local Plan. Nevertheless The City of York Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005) was approved for Development Management purposes (the DCLP). It does not form part of the statutory development plan for the purposes of S38 of the 1990 Act. Its policies are however considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are consistent with those in the NPPF, although it is considered that their weight is very limited.

4.4 Consultation on a new pre-publication draft local plan and revised evidence base was completed in October 2017. The emerging policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be very limited.

4.5 In the absence of a formally adopted local plan the most up-to date representation of relevant policy is the National Planning Policy Framework (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 14).

APPLICATION SITE

4.6 Part of the mature rear garden of a detached dormer bungalow in a residential area. Immediately to the south of the site is a small electricity substation. Although the property address is 3 The Dell the bungalow faces St Giles Road and the proposed house would be accessed from The Vale. The predominant building types in the area are bungalows and 2-storey houses. Construction of the approved

house began in 2016 and is now substantially complete. The house is not yet occupied. The highway boundary comprises a 1.2m-high close-boarded fence behind a recently-planted hedge. It replaced a substantial hedge removed during construction. Part-way along the hedge, at the approved vehicular access, is a pair of substantial timber gates approximately 1.8m high.

DESIGN AND APPEARANCE

4.7 Section 7 of the NPPF requires good design. Paragraph 56 says good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64).

Roof Height

4.8 The house was built in a depression in the rear garden of the host bungalow caused by the site's historic use as a quarry and subsequent rubbish tip. The split-level design of the house reflects the variations in the topography of the site and helps to minimise the dwelling's prominence.

4.9 As approved, the higher of the two ridges of the proposed dwelling would be no higher than the ridge of the existing dormer bungalow at No.3. However, as built the ridge is approximately 0.36m higher the ridge of No.3. Condition 4 was attached to ensure that the new house would not be out of keeping with the scale of the host house. Matching (or not exceeding) the height of No.3 would have provided the house that the applicant was proposing whilst having a clear and incontrovertible level against which the height of the new house could be judged. This is essential bearing in mind the varied topography of the site. The applicant agreed to the stipulated maximum height being made a condition of planning permission. The condition does not mean that any increase in height would be unacceptable. Any application to increase the height would have to be approved and would be judged on its merits.

4.10 Now that the house has been built (albeit higher than approved) the impact on the character of the area can easily be assessed. Officers consider that the increase in height would have no appreciable impact on the character of the area and is acceptable.

Basement Room

4.11 The new room has been created by internal excavation of the building. The only visible evidence is one, small, north-east facing window below ground level. The window is obscured from view from outside the site by its low level, a retaining

wall, the overhang of the sloping roof and the close-boarded boundary fence. The room has no impact on the character and appearance of the area.

Cladding

4.12 The site abuts, to the side, an estate of predominantly 1-2 storey houses in The Vale. The houses are clad in stone of uniform character and appearance. However, the houses opposite the site and in The Dell are entirely different and very mixed in character, appearance and use of materials. They include various types, styles and colours of stone but also render and timber cladding. The application building is clad in white render and artificial stone. Bearing in mind the wide variety of materials and styles in the area the cladding used on the application building is acceptable

Vehicular Gates

4.13 A new vehicular access has been created, as shown on the previously-approved site layout plan. The access sits part-way along a recently planted boundary hedge, which replaces the substantial mature hedge that previously bounded the site. Close-boarded vehicular gates have been erected across the access. At present the gates are much higher than the new hedge, as one would expect bearing in mind the young age of the hedge. The applicant's intention is that the hedge will grow to maturity and be similar in size to the previous hedge that it replaces. The gates are good quality and in keeping with the general character of the area. When the hedge has matured the gates will not look out of keeping with the street scene.

NEIGHBOUR AMENITY

4.14 The only elements of the works that would affect the amenity of neighbours would be the clear-glazed windows causing overlooking of the occupiers of the host house. The obscure-glazing, now proposed, would remove this risk.

SUSTAINABLE TRANSPORT

4.15 The location of the socket for the recharging of an electric vehicle is in accordance with the council's requirements.

OTHER MATTERS

4.16 None of the alterations, either in isolation or in combination are sufficient to require a new, full planning application. They can reasonably be dealt with under s.73 of the Town and Country Planning Act as a variation to planning conditions of the approved scheme.

5.0 CONCLUSION

5.1 The design variations sought in the application would have no material impact on the character and appearance of the area or the amenity of neighbouring occupiers. The application raises no new planning issues and complies with national planning policy in the NPPF. The submitted details of cycle storage and vehicle recharging satisfy conditions of the previous permission. The application is acceptable.

5.2 Various other conditions of 15/01473/FUL relate to pre-commencement and/or construction matters. These conditions are no longer relevant and do not need to be attached to the new permission.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The development hereby permitted shall be carried out in accordance with approved plans numbered L/71-PL-02P, L/71-PL-03P, L/71-PL-04P and L/71-PL-06N.

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

2 The building shall not be occupied until the cycle store shown on the approved plans has been provided. It shall thereafter be retained solely for cycle storage.

Reason: In the interests of sustainable transport.

3 The building shall not be occupied until the electrical power point shown on the approved layout plan L/71-PL-06N has been installed. The power point shall comprise a 3-pin, 13-amp electrical socket to enable the recharging of an electric vehicle using a 3m length cable. The socket shall be suitable for outdoor use and have an internal switch within the property to enable the socket to be turned off.

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

4 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles 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.

5 Any upper floor windows on the northwest elevation of the dwelling hereby approved shall at all times be (i) obscure-glazed and (ii) non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason: In the interests of the amenities of occupiers of the adjacent residential dwelling at No. 3 The Dell.

7.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the local planning authority implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) by seeking solutions to problems identified during the processing of the application. In order to achieve an acceptable outcome the local planning authority attached appropriate conditions to the planning permission.

Contact details:

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17/02911/FUL

3 The Dell, Skelton, York, YO30 1X



Scale : 1:1400

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Organisation	City of York Council
Department	Economy and Place
Comments	Site Location Plan
Date	30 January 2018
SLA Number	

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Planning Committee

14 February 2018

Area Planning Sub Committee

7 February 2018

Appeals Performance and Decision Summaries

Summary

- 1 This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 October and 31 December 2017, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals at date of writing is also included.

Background

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

Table 1: CYC Planning Appeals Last Quarter Performance

	01/10/17 to 31/12/17 (Last Quarter)	01/10/16 to 31/12/16 (Corresponding Quarter)
Allowed	4	1
Part Allowed	0	2
Dismissed	6	10
Total Decided	10	13
% Allowed	40%	8%
% Part Allowed	-	15%

Table 2: CYC Planning Appeals 12 month Performance

	01/01/17 to 31/12/17 (Last 12 months)	01/01/16 to 31/12/16 (Corresponding 12 month period)
Allowed	12	4
Part Allowed	1	3
Dismissed	27	32
Total Decided	40	39
% Allowed	30%	10%
% Part Allowed	2.5%	8%

Analysis

- 4 Table 1 shows that between 1 October and 31 December 2017, a total of 10 appeals were determined by the Planning Inspectorate. Of those, 4 were allowed (40%). One related to a “major” development (erection of 11 dwellings at land rear of 1 – 9 Beckfield Lane). By comparison, for the same period 2016, out of 13 appeals 1 was allowed (8%), 2 were part allowed (15%). Using the assessment criteria set out in paragraph 2 above, 0.1% of the total decisions made in the quarter were overturned at appeal.
- 5 For the 12 months between 1 January and 31 December 2017, 30% of appeals decided were allowed, which is close to the national percentage figure of 31% of appeals allowed (Jul-Sept 2017), but up on the previous 12 month figure. Using the assessment criteria set out in paragraph 2 above, 0.7% of the total decisions made in the 12 month period were overturned at appeal.
- 6 The summaries of appeals determined between 1 October and 31 December 2017 are included at Annex A. Details as to of whether the application was dealt with under delegated powers or by committee are

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

Table 3: Appeals Decided 01/07/2017 to 30/09/2017 following Refusal by Committee / Sub-Committee

Ref No	Site	Proposal	Officer Recom.	Appeal Outcome
16/02269/ FUL	Land r/o 1-9 Beckfield Lane	11 houses	Refuse	Allowed

- 7 The list of current appeals is attached at Annex B. There are 18 planning appeals lodged with the Planning Inspectorate (excluding tree related appeals but including appeals against enforcement notices).
- 8 We continue to employ the following measures to ensure performance levels are maintained at around the national average or better:
- i) Officers have continued to impose high standards of design and visual treatment in the assessment of applications provided it is consistent with Paragraph 56 of the NPPF and draft Development Control Local Plan Policy.
 - ii) Where significant planning issues are identified early with applications, revisions are sought to ensure that they can be recommended for approval, even where some applications then take more than the 8 weeks target timescale to determine. This approach is reflected in the reduction in the number appeals overall. This approach has improved customer satisfaction and speeded up the development process and, CYC planning application performance still remains above the national performance indicators for Major, Minor and Other application categories.
 - iii) Additional scrutiny is being afforded to appeal evidence to ensure arguments are well documented, researched and argued.

Consultation

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

Council Plan

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

Implications

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

Risk Management

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

Recommendation

- 16 That Members note the content of this report.

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

Contact Details

Author:

Gareth Arnold
Interim Head of
Development Services,
Directorate of Economy
and Place

Chief Officer Responsible for the report:

Mike Slater
Assistant Director (Planning and Public
Protection)

**Report
Approved**



Date 29.01.2018

Specialist Implications Officer(s) None.

Wards Affected:

All Y

For further information please contact the author of the report.

Annexes

Annex A – Summaries of Appeals Determined between 1 October and 31 December 2017

Annex B – Outstanding Appeals at 29 January 2018

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Appeal Summaries for Cases Determined 01/10/2017 to 31/12/2017

Application No: 16/02230/FUL
Appeal by: Mr Darren Leeper
Proposal: Erection of 4no. two-storey houses
Site: Site To Side Of 2 Holyrood Drive Fronting Onton Manor
Lanark
Decision Level: DEL
Outcome: ALLOW

The application is for the erection of two pairs of semi-detached houses on an undeveloped residential plot with consent for two single houses. The appeal scheme was refused due to impact on townscape and neighbour amenity. The inspector disagreed. He found that the proposal was relatively modest in scale and would assimilate comfortably with the modern properties nearby in terms of layout, design and appearance. It would appear as an attractive extension of the modern development nearby. Further, that the proposal would not have an unacceptably harmful effect on the living conditions of neighbours and that, therefore, the proposal accords with the Framework which requires a good standard of amenity for existing occupants.

Application No: 16/02269/FULM
Appeal by: Mr Craig Smith
Proposal: Erection of 11no. dwellings with associated access road and parking
Site: Site Lying To The Rear Of 1 To 3 Beckfield Lane York
Decision Level: COMM
Outcome: ALLOW

The appeal was against the refusal of the introduction of a row of terrace properties where semi detached dwellings had previously been approved. The Inspector noted that the elongated roof profile of the proposed terrace would be evident when viewed from various points along Runswick Avenue. There are though buildings in the vicinity that would provide some context for the relatively short terrace of houses proposed. The terraced row would not be significantly greater in length than that of the two semi-detached bungalows, 9 and 11 Runswick Avenue, which are situated in a much more prominent location, opposite the entrance to the site. The substantial gable end of No 18 Runswick Avenue, a bungalow with two large dormer windows, would dominate views of the site from the direction of Beckfield Lane. The roof line would otherwise be generally seen only through the gaps between bungalows further along Runswick Avenue. There is variation of roof profile within the development introduced by the bungalows and the pair of semi-detached houses situated at either end of the terraced row. He noted that although a row of houses does not conform to the general pattern of development found in the area, which is predominantly of detached and semi-detached dwellings, the terrace is relatively short and set amongst dwellings of mixed character. Consequently he considered that only limited harm would be caused and the development would generally be consistent with these policies and with the Framework. With regard to the financial contributions requested he held that the contributions are necessary, directly related, and fairly and reasonably related in scale and kind to the proposed development. This was given significant weight in reaching the decision.

Application No: 16/02735/FUL
Appeal by: Mr And Mrs Boyland
Proposal: Two storey rear extension and dormer to rear
Site: 110 Holgate Road, York YO24 4BB
Decision Level: DEL
Outcome: DISMIS

The application site is no. 110 Holgate Road, York, a grade II listed building dating from the mid nineteenth century located in St. Paul's Square/Holgate Road Conservation Area. The proposals related to a two storey rear extension and dormer to the rear roof plane of the mid terrace dwelling house. The application was refused consent as it was considered that the design, form and mass of the two storey rear extension, that would be open to public view within the conservation area, would result in less than substantial harm to the significance of the designated heritage asset. Also, the design of the rear extension would appear at odds with the architectural character of the rear elevations of the adjoining listed buildings to the west and would lead to less than substantial harm to the setting of the designated heritage assets. No public benefits were identified that would outweigh this harm. The Inspector considered that the two storey rear extension would obscure a significant proportion of the original rear elevation and introduce an incongruent, single dormer onto the otherwise intact roof slope of the listed building. The design of the extension was considered to be poorly conceived and would lead to a tense juxtaposition of opposing architectural forms given the different roof pitches and heights of the proposed extension. The Inspector found that the proposal would be detrimental to the layout and simple architectural form of the rear elevation of the listed building and that the resultant loss and further erosion of its traditional architecture and form, as a residential building, would also be detrimental to the character and appearance of the conservation area, as the majority of the changes would be visible from Watson Terrace. The Inspector concluded that the proposals would fail to preserve the special historic interest of the listed building and the character and appearance of the conservation area. The appeal was dismissed.

Application No: 16/02736/LBC
Appeal by: Mr And Mrs Boyland
Proposal: Internal and external alterations including two storey rear extension and dormer to rear following demolition of existing single storey rear extension and associated internal alterations including alterations to internal layout.
Site: 110 Holgate Road, York YO24 4BB
Decision Level: DEL
Outcome: DISMIS

The application site is no. 110 Holgate Road, York, a grade II listed building dating from the mid nineteenth century located in St. Paul's Square/Holgate Road Conservation Area. The proposals related to internal and external alterations, including a two storey rear extension, dormer to the rear roof plane and associated internal works including alterations to the internal layout of the mid terrace dwelling house. The application was refused consent as it was considered that the proposed internal alterations to the first and second floors together with the design of the rear extension would lead to less than substantial harm to the significance of the designated heritage asset, its setting and the setting of listed buildings adjacent. No public benefits were identified that would outweigh this harm. The Inspector considered that the internal alterations to the first and second floors of the listed building would lead to a significant erosion of the original layout and proportions of the rooms as well as loss of original fabric. The two storey rear extension would obscure a significant proportion of the original rear elevation and introduce an incongruent, single dormer onto the otherwise intact roof slope of the listed building. The design of the extension was considered to be poorly conceived and would lead to a tense juxtaposition of opposing architectural forms given the different roof pitches and heights of the proposed extension. The rear extension would be detrimental to the layout and simple architectural form of the rear elevation of the listed building. The parapet wall to the rear of the single storey element would partially obscure views of the elongated staircase window that is considered an important design feature of evidential value. The Inspector concluded that the proposals would fail to preserve the special historic interest of the listed building and the character and appearance of the conservation area. The appeal was dismissed.

Application No: 17/00004/FUL
Appeal by: Mr And Mrs Metcalfe
Proposal: First floor side extension and conversion of garage into habitable room
Site: Wheatlands House, Boroughbridge Road, York YO26 6QD
Decision Level: DEL
Outcome: DISMIS

The proposal sought permission for the erection of a large first floor extension over an existing flat roof element of a dwelling in the greenbelt. The property had been previously extended and the application was refused on inappropriate development within the green belt and the unacceptable design of the proposed extension. The Inspector stated that as the DCLP predates the Framework which refers to size and not footprint they were required to assess the overall size increase in terms of volume and external dimensions in addition to considering footprint. They concluded that the proposal would almost double the width of the first floor of the dwelling and it would extend beyond the main rear elevation of the property resulting in significant additional mass and bulk. They concluded that it was a disproportionate addition and would result in a loss of openness and was therefore inappropriate development. In terms of the design the inspector noted that it would lack architectural coherence and be visually awkward resulting in an incongruous addition which would be at odds with the character and appearance of the host property and would therefore harm the character and appearance of the area and the host property.

Application No: 17/00445/LBC
Appeal by: Debbie Ambler
Proposal: Display of non illuminated sign on wall of gentlemen's toilet block at the end of Platform 2
Site: Railway Station, Station Road, York
Decision Level: DEL
Outcome: DISMIS

The application related to the attachment of a large 1.8m by 6.0m sign on the Gentlemans toilet block promoting the appellants forthcoming Azuma trains with a colourful and bold image and text on a light background. As the Railway Station is a Grade I listed building, it was refused consent because the advert was visually incongruous with the historic character of the station interior, caused harm to the setting of the Tea Room building and was harmful in views of the train shed from many public viewpoints. No public benefits were identified that could outweigh the significant harm to the listed building. Considering the Appeal, the Inspector referenced the York Station Conservation Development Strategy (2013) as well as the planning policy context. He noted the high national significance of the Station recognised by its Grade I status and of its historic, aesthetic and communal value. He found that whilst the sign was placed on a part of the station which was not of value, the modern toilet block generally receded into the background. However the sign attached to it caused harm as a conspicuous, discordant and distracting element in views of the trainshed and environs of the Tea Room. The works did not preserve the listed building, nor features of special architectural or historic interest it possesses. Whilst this was defined as being less than substantial harm in the context of the whole station, the public benefits put forward by the applicant did not provide clear and convincing justification for the scheme to outweigh such harm and the advert was thus contrary to the Act, the NPPF and so far as it is material, the development plan.

Application No: 17/00501/FUL
Appeal by: Mr And Mrs D Pinkney
Proposal: Erection of 1no. dwelling with associated landscaping and access following the demolition of existing barn
Site: Dutton Farm, Boroughbridge Road, YO26 8JU
Decision Level: DEL
Outcome: ALLOW

The site is within the greenbelt. Planning permission had previously been granted for the conversion of a barn to a dwelling. A subsequent application proposed constructing a dwelling of a similar size to the barn but further away from the original farmstead, together with demolishing the existing barn (which has planning permission for conversion). Officers considered that the proposed development did not fall within any of the criteria in the NPPF for acceptable development in the Green belt amend that siting the dwelling further away from the original farmstead would have a greater impact on the openness of the greenbelt. As such the proposed development was considered to be inappropriate development in the Greenbelt. The Planning Inspector considered that the proposed dwelling did not lead to a greater impact on the openness of the Greenbelt than the existing planning permission despite the greater separation. The Inspector did not considered that dwelling would be inappropriate development and the development was acceptable. The appeal was allowed. In the text of the decision the Planning Inspector considered the appeal on the grounds that the existing barn would be demolished. However the Inspector has not added a condition for the timing and removal of the existing shed, and as a result appears to have potentially allowed two dwellings in the greenbelt rather than one.

Application No: 17/00876/FUL
Appeal by: Mrs Uzmah Zaman
Proposal: Installation of roller shutter door (retrospective)
Site: Broadway Post Office And Newsagents
 Broadway, Woking, Surrey, GU24 0JX
Decision Level: DEL
Outcome: DISMIS

The above dismissed appeal related to the refusal of a retrospective planning application for perforated external security shutters. They are located across the frontage of a post office/newsagents in a small commercial parade in suburban Fulford. The planning application was refused for the following reasons: it is considered that the external shutters and their housing detract from the appearance of the property and when secured create a poor quality environment that undermines the visual amenities of the area and potentially increases the fear of crime. In the absence of any specific information indicating the need for the particular installation and the impracticality of less oppressive options, the proposal conflicts with advice in paragraphs 56-58 of the National Planning Policy Framework and Policy GP17 (Security Shutters) of Development Control Local Plan 2005. The appeal statement failed to include any justification for the shutters. The Inspector in his decision stated that they gave the parade a run-down appearance. He noted that the appellant did not include any clear information to show why they were needed or why less intrusive security methods could not be used.

Application No: 17/01027/FUL
Appeal by: Mr & Mrs Hunt
Proposal: Two storey side and rear extensions and single storey rear extension
Site: 53 The Avenue, Laxby, Woking, Surrey, GU24 3EJ
Decision Level: DEL
Outcome: ALLOW

The application was for two storey side and rear extensions and a single storey rear extension on a residential property. The property was a traditional two storey semi-detached dwelling in a residential area. It had an existing single storey rear extension with conservatory beyond that. The application was refused as a result of the impact on the adjoining neighbours resulting from the scale and projection on the boundary of the two storey rear extension. The Inspector considered that outlook from the neighbouring property was not affected. It would be prominent from their garden but it was considered that the main outlook would be down the garden and the neighbouring patio extended beyond the extent of the proposed extension. There would be some overshadowing in the afternoon but given the size of the patio the impact on enjoyment of the garden would be limited.

Application No: 17/01087/FUL
Appeal by: Mr Daniel Brown
Proposal: Erection of boundary fence and trellis to side (part retrospective)(revised plans)
Site: 29 Runswick Avenue York YO26 5PP
Decision Level: DEL
Outcome: DISMIS

This application sought permission for the erection of timber boundary fencing approx. 1.8m high, to enclose the side garden area, adjacent to the highway. The application was retrospective. The host dwelling is a modest bungalow sited within a modern residential estate on a prominent corner location. The surrounding area, is characterised by open plan front and side gardens resulting in the structure appearing out of character and harming visual amenity, and the application was refused on these grounds. The inspector agreed with this view, stating that the spacious character of the area is further to the open plan nature of the gardens and that the enclosing of the host side garden area has resulted in a loss to the feeling of spaciousness around this junction. The inspector advised that even if a landscaping scheme were provided he was not persuaded that planting alone would satisfactorily resolve the adverse enclosing effect that the fence has on the streetscene.

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: 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:		
01/11/2017	17/00038/REF	APP/C2741/X/17/3176205	W	31 Blossom Street York YO24 1AQ	Certificate of lawfulness for use as a House in Multiple Occupation for up to 4no. occupants within Use Class C4		
21/11/2017	17/00046/REF	APP/C2741/Y/17/3187509	W	Carluccios 3 St Helens Square York YO1 8QN	Display of 3no. awnings		
21/11/2017	17/00047/REF	APP/C2741/Y/17/3187509	W	Carluccios 3 St Helens Square York YO1 8QN	Retention of 3no. awnings to front (retrospective)		
06/12/2017	17/00048/REF	APP/C2741/W/17/3188703	W	34 Deramore Drive York YO10 5HL	Use of house as a large 8 bed House in Multiple Occupation, two storey side and single storey rear extensions and bike store to rear.		
Officer: Erik Matthews						Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
29/09/2017	17/00035/REF	APP/C2741/W/17/3180738	I	Proposed Dwelling To The South Of Mayfields Dauby	Erection of 1no. agricultural/horticultural workers dwelling		
Officer: Esther Priestley						Total number of appeals:	3
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
29/09/2016	16/00041/TPO	APP/TPO/C2741/5453	W	Two Oaks 39 York Road Strensall York YO32 5UB	Fell Oak tree (T1) protected by Tree Preservation Order No.: 1975/1		
12/05/2014	14/00017/TPO	APP/TPO/C2741/3909	W	14 Sails Drive York YO10 3LR	Fell Silver Brch (T3,T11), Mountain Ash (T5), Oak (T8), Trees protected by Tree Preservation Order CYC15		
09/05/2014	14/00015/TPO	APP/TPO/C2741/3907	W	7 Quant Mews York YO10 3LT	Crown Reduce Silver Birch (T1,T2), Trees protected by Tree Preservation Order CYC 15		

Officer: Hannah Blackburn						Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
21/11/2017	17/00043/REF	APP/C2741/W/17/3187752	W	44 Tranby Avenue Osbalwick York YO10 3NJ	Outline application for erection of 1no. dwelling	
16/01/2018	18/00002/REF	APP/C2741/W/17/3191509	W	Land Adjacent To 141 Broadway York	Erection of 4no. detached dwellings with integral garages (resubmission)	
Officer: Jonathan Kenyon						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
13/06/2017	17/00029/NON	APP/C2741/W/17/3177821	P	British Sugar Corporation Ltd Plantation Drive York	Outline application for the development of the site comprising up to 1,100 residential units, community uses (D1/D2) and new public open space with details of access (to include new access points at Millfield Lane and Boroughbridge Road and a new link road, crossing the Former Manor School Site) and demolition of the Former Manor School buildings (duplicate application)	
Officer: Kevin O'Connell						Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
12/01/2018	18/00001/NON	APP/C2741/W/17/3191235	W	69 The Avenue Haxby York YO32 3EJ	Outline application for the erection of a single storey dwelling to the rear of 69 The Avenue following demolition of existing garage	
06/12/2017	17/00049/REF	APP/C2741/W/17/3189768	W	The Homestead Murton Lane Murton York	Replacement of mobile home with dwelling	
Officer: Matthew Parkinson						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
17/06/2011	11/00026/EN	APP/C2741/C/11/2154734	P	North Selby Mine New Road To North Selby Mine	Appeal against Enforcement Notice	
Officer: Neil Massey						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
21/11/2017	17/00045/REF	APP/C2741/W/17/3187365	W	The Ridings 95 York Street Dunnington York YO19 5QW	Erection of 1no. dwelling	

Officer: Paul Edwards						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
13/11/2017	17/00044/REF	APP/C2741/X/17/3177133	W	54 Barstow Avenue York YO10 3HE	Certificate of lawfulness for use as a House in Multiple Occupation within Use Class C4	
Officer: Sharon Jackson						Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
20/12/2017	17/00050/REF	APP/C2741/D/17/3188429	H	35 The Cranbrooks Wheldrake York YO19 6AZ	Retention of existing rooflights to side roofslope.	
18/12/2017	17/00051/REF	APP/C2741/D/17/3188803	H	6 Rawcliffe Drive York YO30 6PE	Two storey side and single storey rear extensions, porch to front and 2no. dormers to rear (resubmission)	
Officer: Sophie Prendergast						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
17/11/2017	17/00042/REF	APP/C2741/W/17/3187942	W	8 Wenlock Terrace York	Conversion of 5no. flats to 9no. flats and four storey rear extension	
Officer: Victoria Bell						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
06/09/2017	17/00040/EN	APP/C2741/C/17/3179132	W	Poppleton Garden Centre Northfield Lane Upper	Appeal against Enforcement Notice dated 11 May 2017	
Total number of appeals: 21						

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Area Planning Sub-Committee

7 February 2018

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 city on a quarterly basis since July 1998. This report continues this process for the period 19 October 2017 to 19 January 2018.
3. The lists of enforcement cases are no longer attached as an annexe to this report. The relevant cases for their Ward will be sent to each Councillor by email as agreed by the Chair of the Planning Committee.
4. Section 106 Agreements are monitored by the 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 182 new enforcement investigation cases were received and 243 cases were closed. A total of 694 investigations remain open.
6. During the quarter no enforcement notices were served. An Enforcement Notice requiring the removal of a security shutter on a commercial premises in Fishergate Ward was complied with and the case closed.
7. A figure of £3.12 Million has been received from Section 106 payments. These were received in respect of developments at Hungate (affordable housing and community facility) Walmgate (education and open space) St Leonards Place (open space) and North lane (open space).

Consultation

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

Options

9. 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

10. 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

11. There are no known risks.

Recommendations.

12. 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

Author:

Author's name
Robert Harrison
Principal Development
Management Officer.

Tel. No: 553775

Directorate: Economy and
Place

**Chief Officer Responsible for the
report:**

Chief Officer's name
Michael Slater
Assistant Director (Planning and Public
Protection)

**Report
Approved**



Date 30.01.2018

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

Financial

Patrick Looker

Legal:

Andrew Docherty

Wards Affected: All Wards



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