



Notice of a public meeting of

Area Planning Sub-Committee

- To:** Councillors Galvin (Chair), Shepherd (Vice-Chair), Cannon, Craghill, Crawshaw, Dew, Flinders, Gillies, Hunter, Mercer and Orrell
- Date:** Thursday, 03 May 2018
- Time:** 4.30pm
- Venue:** The George Hudson Board Room - 1st Floor, West Offices (F045)

AGENDA

The mini-bus for Members of the Sub-Committee will leave from Memorial Gardens at 10.00am on **Wednesday, 02 May 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;
- any disclosable pecuniary interests

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

2. **Minutes** (Pages 5 - 14)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 05 April 2018.

3. **Public Participation**

At this point in the meeting, members of the public who have registered their wish to speak in relation to an item on the agenda or an issue within the Sub-Committee's remit can do so. To register to speak, please contact the Democracy Officer on the contact details listed at the foot of this agenda.

The deadline for registering is **Wednesday, 02 May 2018 at 5.00pm.**

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, it 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 e.g. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (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_f_or_webcasting_filming_and_recording_of_council_meetings_20160809.pdf

4. Plans List

To determine the following planning applications:

- a) Proposed Self-Storage Facility, Water Lane [17/03004/FULM]**
(Pages 15 - 26)

Erection of self-storage facility, with associated access and landscaping [Rawcliffe and Clifton Without Ward] **[Site Visit]**

- b) Garage Court Site, Newbury Avenue [18/00410/GRG3]**
(Pages 27 - 42)

Erection of 5no. bungalows with associated gardens and parking following the demolition of existing garages [Westfield Ward] **[Site Visit]**

- c) **25 Barbican Road, Fishergate [18/00353/FULM]**
(Pages 43 - 60)

Conversion of 25 and 26 Barbican Road into 10no. apartments with associated external alterations and a 3-storey rear extension (re-submission) [Fishergate Ward]

- d) **Public Toilets, Clarence Street [18/00221/FUL]**
(Pages 61 - 72)

Conversion of part-public convenience to a café [Guildhall Ward] **[Site Visit]**

5. **Appeals' Performance and Decision Summaries**
(Pages 73 - 98)

This report (presented to both Planning Committee and the Area Planning Sub-Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 January and 31 March 2018, and provides a summary of the salient points from appeals determined in that period (Annex A). A list of outstanding appeals at date of writing is also included (Annex B).

6. **Urgent Business**
Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:
Bartek Wytrzyaszczewski

Contact details:

- Telephone: 01904 552514
- Email: bartek.wytrzyaszczewski@york.gov.uk

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**

AREA PLANNING SUB-COMMITTEE**SITE VISITS****Wednesday, 2 May 2018**

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

TIME (approx)	SITE	ITEM
10:15	Garage Court Site, Newbury Avenue	4b
11:00	Proposed Self-Storage Facility, Water Lane	4a
11:45	Public Toilets, Clarence Street	4d

This page is intentionally left blank

Abbreviations commonly used in Planning Reports

(in alphabetical order)

AOD	above ordnance datum
BREEAM	building research establishment environmental assessment method
BS	British standard
CA	conservation area
CIL	Community Infrastructure Levy (Regulations)
CEMP	construction environmental management plan
CYC	City of York Council
DCLP	Draft Development Control Local Plan 2005
DCSD	Design Conservation and Sustainable Development team
dB	decibels
DEFRA	Department for Environment, Food and Rural Affairs
EA	Environment Agency
EDS	ecological design strategy
EIA	environmental impact assessment
EPU	Environment Protection Unit
FRA	flood risk assessment
FTE	full time equivalent
FULM	major full application
GCN	great crested newts
HGV	heavy goods vehicle
IDB	internal drainage board
IPS	interim planning statement
LBC	listed building consent
LGV	large goods vehicle
LPA	local planning authority
NERC	Natural Environment and Rural Communities Act (2006)
NHBC	National House Building Council

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
OAN	objectively assessed need
OUTM	major outline application
PROW	public right of way
RAM	reasonable avoidance measures
RTV	remedial target value
RSS	Regional Spatial Strategy
SHMA	Strategic Housing Market Assessment
SINC	Site of Interest for Nature Conservation
SHLAA	Strategic Housing Land Availability Assessment
SFRA	Strategic Flood Risk Assessment
SPD	Supplementary Planning Document
TPO	tree preservation order
TRO	Traffic Regulation Order
VDS	village design statement
WSI	written scheme of investigation
VAS	vehicle activated signage
VOA	Valuation Office Agency
WHO	World Health Organisation

City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	5 April 2018
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Cannon, Craghill, Crawshaw, Dew, Flinders, Hunter, Mercer and Orrell
Apologies	Councillor Gillies

Site Visits

Site	Visited by	Reason
Fishergate School, Fishergate	Cllrs Galvin, Craghill, Dew, Flinders, Mercer	To enable Members to see the listed building.
Village Green, Osbaldwick Village	Cllrs Galvin, Dew, Flinders, Mercer, Shepherd	To enable Members to see the context of the planning application.
Plot 1B White Rose Close, Nether Poppleton	Cllrs Galvin, Dew, Flinders, Mercer, Shepherd	The application is recommended for approval and objections had been received.

40. Declarations of Interest

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

Cllr Shepherd declared a personal interest in relation to the agenda items 4a and 4b (Fishergate Primary School, Fishergate) due to her friend working at the school's Early Years Unit. She chose to leave the room for consideration of the aforementioned items.

41. Minutes

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 08 March 2018 be approved and then signed by the Chair as a correct record.

42. 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.

43. Plans List

Members considered a schedule of reports of the Assistant Director for Planning & Public Protection in relation to the following planning applications outlining the proposals and relevant policy considerations and setting out the views of consultees and Officers.

43a. Fishergate Primary School, Fishergate [18/00051/GRG3]

[Cllr Shepherd left the room for consideration of this item]

Members considered a general regulations (Reg3) application by Mrs L Calvert for the erection of a two-storey extension with a single-storey link to existing building, together with formation of new openings at ground floor providing play area and first floor nursery accommodation.

In response to Members' questions, the Officer clarified that the amendments to the development associated with the proposed building had been considered and that the extension proposed in the application would be situated within a car park (not within the playground).

Katie Hatfield, an employee of the *Funfishers Out of School Club and Playgroup*, spoke to urge Members to approve the application. She highlighted the benefits of the proposed development in relation to providing additional service for pupils and families, for example a better and flexible quality childcare,

new kitchen area for lunchtime and breakfast club, increased ability to organise the holiday and revision sessions, increased staff efficiency, ability to prepare children better for the secondary school transition, and a possibility of organising intervention for particular pupils. She emphasised that the club had problems with accommodating children of all ages, some of whom had been put on a waiting list for the use of services.

Cllr D Taylor also spoke in favour of the application, expressing his disappointment with the objections stated in the report due to the fact that the proposed extension did not come close to the school building and, therefore, there was no harm to the appearance and special interest of the listed building itself. He added that he would prefer to see the application being approved subject to conditions rather than the application being refused in its entirety.

Michelle Finn, a parent of a child attending Fishergate School and a school employee, spoke in support of the application and included a support letter signed by 33 parents. She reiterated that the new provision would provide a charity-based working resource with long operating hours that was essential for pupils' development and success. She highlighted that the development would make a difference to their learning environment (such as more daylight available inside) and expressed her concerns with the fact that the Officers proposed to refuse the application of the school development on grounds of the design's aesthetics.

Stephanie Leeman, the architect, then spoke in support of the application, emphasising that the school provided additional provision for parents from St George's Primary School and was involved in a government pilot study on childcare (*30 hours free childcare*). She added that York was the only Local Authority allowing parents to use the out-of-school clubs for such provision and queried why the public benefit of the development was deemed low in the report, particularly in view of the club being next to the school itself. She highlighted that the design (with minor amendments such as the window at the front) was supported by the Conservation Area Advisory Panel and York Civic Trust and that a letter of support from one MP had also been received.

As a response to the speakers' arguments, the Officer clarified that, while making a recommendation to refuse the application, he was referring to the government and Historic England guidance. He added that the only essential alterations that he had suggested were to the elevation onto the car park and to the roof form. It was confirmed that those suggestions were not difficult or costly to achieve and, if the amendments were incorporated, his recommendation would be to approve the application.

During debate, it was highlighted by some Members that the benefits of the initiative outweighed the harm to the building given that details outlined in the report were not significant due to the fact that the development related to the annex and not to the building itself. Some Members, however, disagreed and noted the importance of impact of the application on the current visual aspects of the listed building.

Cllr Craghill moved and Cllr Dew seconded a motion to approve the application whereas Cllr Flinders moved and Cllr Galvin seconded a motion to refuse the application. On being put to vote, it was

Resolved: That the application be refused.

Reason: The design, form and mass of the proposed development fail to adopt the architectural detail of the host building, in that development does not reflect any aesthetic or historic values exhibited in Walter Brierley's work. The design of the double ridge with intervening flat roof is uncomfortable and doesn't reflect the elegant roof forms of the school. The proportions and composition of the windows do not reflect those of the listed building. As such it would appear at odds with the architectural character of adjoining listed building and Fishergate School building and would lead to less than substantial harm to the setting of the designated heritage assets. It is not considered that the public benefits of this new building identified would outweigh this harm. Thus, the proposals conflict

with the requirements of Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and fail to comply with guidance for heritage assets contained within the National Planning Policy Framework, (paragraphs 132 and 134) and Policy D4(Conservation Areas) and D5 (Listed Buildings) of the Publication Draft York Local Plan 2018 as well as Policy HE2 (Development in Historic Locations) and HE3 (Conservation Areas) of the City of York Development Control Local Plan.

43b. Fishergate Primary School, Fishergate [18/00052/LBC]

[Cllr Shepherd left the room for consideration of this item]

Members considered a listed building consent application by Mrs L Calvert in relation to the erection of a two-storey extension with a single-storey link to existing building, together with formation of new openings at ground floor providing play area and first floor nursery accommodation. This report linked directly to the item that had already been discussed during the meeting (4a). Cllr Flinders moved and Cllr Galvin seconded a motion to refuse the application and it was

Resolved: That the application be refused.

Reason: The design, form and mass of the proposed development fail to adopt the architectural detail of the host building, in that development does not reflect any aesthetic or historic values exhibited in Walter Brierley's work. The design of the double ridge with intervening flat roof is uncomfortable and doesn't reflect the elegant roof forms of the school. The proportions and composition of the windows do not reflect those of the listed building. As such, it would appear at odds with the architectural character of adjoining listed building and Fishergate School building. Therefore, it is

considered that the proposals would lead to less than substantial harm to the significance of the designated heritage asset and the public benefits identified would not outweigh this harm. Thus the proposals conflict with the requirements of Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and fail to comply with guidance for heritage assets contained within the National Planning Policy Framework (paragraphs 129-134), Policy D5 (Listed Buildings) of the Publication Draft York Local Plan 2018 and Policy HE4 (Listed Buildings) of the City of York Development Control Draft Local Plan 2005.

43c. Manor Farm, Elvington Lane [18/00041/FULM]

The major full application by Mr Paul Hopwood in relation to the erection of replacement agricultural building for storage of grain, fertiliser and machinery was considered by Members.

The Officer clarified that the Yorkshire timber boarding would be used as external material for the walls available to the public view.

Cllr Mercer moved and Cllr Shepherd seconded a motion to support the application and it was then

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

Reason: The proposal involves the erection of an agricultural storage building to replace a collection of three attached buildings situated on an established arable and livestock farm holding. The application explains that the existing buildings are dated and inefficient for modern agricultural use. The replacement agricultural building is appropriate in

Green Belt policy terms and would preserve the setting of the Grade II listed farm house. The building would be viewed in the context of the farm holding and against the backdrop of the other farm buildings. There would be no harm to protected species, though a condition is requested relating to breeding birds. No unrelated residential properties would be adversely affected by the replacement building, nor would there be harm to land contamination. Further details are required of surface water drainage. The proposal would utilise the existing access arrangements and would not hinder safe access and egress from the site. In light of the above, the proposal is considered to be acceptable and is recommended for approval, subject to conditions.

43d. Village Green, Osbaldwick Village [17/02562/FUL]

Members considered a full application by Osbaldwick Parish Council in relation to replacement of 2no. bridges over Osbaldwick Beck.

There was no Officer update in respect of that item.

It was clarified that the current brickwork was in a poor state and, therefore, not re-useable.

Cllr Mercer moved and Cllr Cannon seconded a motion to approve the application and it was

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

Reason: It is considered that the proposed replacement bridges would give rise to less than substantial harm to the significance of the Conservation Area in terms of the prominent east/west views

along the alignment of the village Green and the Osbaldwick Beck. It is, however, felt that the harm is outweighed by the public benefit of being able to provide safe access to properties on the south side of the village Green without the two bridges having to be closed regularly for maintenance purposes. The proposed work is felt to be acceptable in flood risk terms and whilst the surroundings of the western bridge are felt to be archaeologically sensitive, any harm can be satisfactorily mitigated by a requirement for an archaeological evaluation in advance of work being undertaken.

**43e. Plot 1B White Rose Close, Nether Poppleton
[18/00021/FULM]**

Members considered a major full application by Mr Duncan Chapman in relation to erection of a two-storey vehicle dealership building comprising of showroom, workshop facilities and associated car parking.

The Officer provided an update, highlighting that no objection to the proposal had been received from Highway Network Management. It was clarified that:

- a commuted site payment of £5,000 was requested to cover the cost of a Traffic Regulation Order in order to allow safe access and egress for car transporters from the site;
- the levels of car and cycle parking within the site were felt to be sufficient and could be conditioned as part of the permission;
- the traffic generation would not be greater than that from the existing dealership a short distance away within the Business Park.

Additional conditions were also proposed for consideration. Mr John White, project architect, and Mr Doug Chapman, the applicant, were in attendance to answer potential questions.

It was clarified that there was a typo in Paragraph 1.3 where the site was, in fact, not designated as green infrastructure.

Cllr Orrell moved and Cllr Shepherd seconded a motion to approve the application and it was

Resolved: That the application be approved, subject to a section 106 agreement to secure a contribution of £5,000 towards a Traffic Regulation Order and works to address parking issues on surrounding streets.

Reason: The application site comprises a large vacant plot within the York Business Park bounded by the East Coast Main Line to the east which has previously been given planning permission for a call centre in 2006 and, more recently, for the construction of a motor vehicle dealership (16/00179/FULM) which remains extant. The site has been marketed unsuccessfully for the previously permitted employment use for a significant length of time and the proposed development would be an appropriate use of the site providing some employment opportunities. The proposal would not materially harm local biodiversity and is acceptable in terms of its impact upon the local surface water drainage network and local public drainage infrastructure subject to the provision of a scheme of attenuation of flows to a water course. The proposal is also felt to be acceptable in highway terms subject to a requirement for a contribution of £5,000 to secure a Traffic Regulation Order and works in relation to parking in surrounding side streets that may be secured by a Section 106 Agreement. This is compliant with Regulations 122 and 123 of the 2014 CIL Regulations as relating to an on-street parking issue which without the

measures could be significantly exacerbated.

Cllr Galvin, Chair

[The meeting started at 4.30pm and finished at 5.20pm].

COMMITTEE REPORT

Date: 3 May 2018 **Ward:** Rawcliffe And Clifton
Without
Team: Major and **Parish:** Clifton Without Parish
Commercial Team Council

Reference: 17/03004/FULM
Application at: Proposed Self Storage Facility, Water Lane, York
For: Erection of self storage facility, with associated access and
landscaping
By: MJ McCarthy Holdings Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 8 May 2018
Recommendation: Refuse

1.0 PROPOSAL

1.1 The Grain Stores, Water Lane, Clifton comprises a large derelict area of hard standing forming part of a former military airfield which has been subject to an Outline Planning Permission for a mixed use development granted on appeal reference 11/00860/OUTM. The housing element of the proposal has been partially implemented and planning permission is now sought for construction of a 12 metre high curtain wall clad self-storage unit to be accessed via the previously constructed access to the Aldi grocery supermarket directly to the east. The proposal has been amended subsequent to submission in terms of its design, location and parking and turning arrangements to address concerns in respect of the impact upon the residential amenity of neighbouring properties and to take account of a the siting of a recently approved care home to the north west of the site.

2.0 POLICY CONTEXT

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

D1 Place making
EC3 Business and Industrial Uses in Residential Areas

2.2 City of York Development Control Local Plan (2005) Policies:

CGP15A Development and Flood Risk
CYE3B Existing and Proposed Employment Sites
CYGP1 Design

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 Raise no objection to the proposal on the basis of the modest number of total vehicle movements anticipated during the working day.

Public Protection

3.2 Raise no objection to the proposal subject to any permission being conditioned to require the submission and approval of a detailed lighting scheme, restriction of construction working hours, the provision of an electric vehicle charging point and the remediation of any unexpected contamination.

Strategic Flood Risk Management

3.3 Raise no objection to the proposal.

Planning and Environmental Management (Forward Planning)

3.4 Any comments will be reported orally at the meeting.

Planning and Environmental Management (Landscape)

3.5 Raise no objection in principle to the proposal but express concerns in relation to the proposed boundary fencing which, subject to condition attached to any planning permission should be relocated. An appropriate maintenance regime for the hedge planting is also recommended to be dealt with by condition attached at any planning permission.

EXTERNAL

Clifton (Without) Parish Council

3.6 Object to the proposal on the grounds that a building of the proposed height and scale is not felt to be in keeping with a predominantly residential area.

The Ainsty(2008) Internal Drainage Board

3.7 Wish to make no observations in respect of the proposal.

Yorkshire Water Services Limited

3.8 No objections.

Neighbour Notification and Publicity

3.9 51 Letters of objection have been received raising the following planning issues:

- harm caused by the excessive height and scale of the proposal
- increased traffic levels on unsuitable local roads
- increased noise from comings and goings to the site within the operating hours
- loss of daylight to adjacent residential property
- lack of new employment creation
- harm to the visual amenity of the wider street scene
- overdevelopment of the site
- lack of scope for appropriate landscaping and boundary treatment
- the development is inappropriate in a predominantly residential area
- more appropriate sites exist for the development elsewhere in the locality.

3.10 The operator of the adjacent approved care home has further objected to the proposal on the grounds of:-

- severe impact upon the amenities of residents using both the lounge and the garden area by virtue of the oppressive bulk and proximity of the building;
- impact upon the amenities of residents by virtue of loss of aspect as a result of overshadowing of the garden area and lounges and the monotonous, insensitive elevational treatment of the building;
- impact upon the amenities of residents by virtue of the harsh and insensitive nature of the boundary treatment;
- the possibility of significant noise nuisance in the locality by virtue of the premises being operational until 23.00 hours.

4.0 APPRAISAL

KEY CONSIDERATIONS

4.1 KEY CONSIDERATIONS INCLUDE

- Principle of Development;
- Impact upon the residential amenity of neighbouring properties;
- Impact upon the residential amenities of the approved care home to the north west;
- Impact upon the visual amenity of the wider street scene;
- Impact upon the safety and convenience of highway users.

STATUS OF THE EMERGING PUBLICATION DRAFT YORK LOCAL PLAN

4.2 On 21 February 2018 the Publication Draft York Local Plan 2018 ("2018 Draft Plan") was published for the final six week consultation. The emerging Local Plan policies contained within the 2018 Draft Plan can only be afforded limited weight at this stage of its preparation, and subject to their conformity with the NPPF and the level of outstanding objection to the policies in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN

4.3 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in respect of Development Management decisions but any weight will be very limited except where in accordance with the National Planning Policy Framework.

PRINCIPLE OF DEVELOPMENT

4.4 The application site comprises a section of the former Clifton Grain Stores site. Outline Planning Permission was given at appeal ref:- 11/00860/OUTM for a mixed use development of the site. The approved indicative master plan set out the general principles of development on the site. The majority of the site, Zone A was allocated for residential development (Class C3). Zone B within the northern section of the site allowed for a variety of potential uses which would create a sustainable development which relates to the existing residential and commercial development within the surrounding area. These included B1/B8, C1, C2 and or D1 uses. Indeed planning permission has recently been given for construction of a three storey care home to the north west ref:- 17/02420/FULM. The application site lies within Zone B and as such the permission for employment related development has already been granted in principle. Policy EC3 of the (Emerging) Publication Draft Local Plan is of relevance in considering the proposal. This states that proposals for new business and industrial premises within residential areas will only be permitted where they will not significantly harm the amenity of the surrounding area.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES

4.5 Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework "Core Planning Principles" indicates that Local Planning Authorities should give significant weight to the maintenance and provision of a good standard of amenity for new and existing occupants of land and buildings. At the same time Policy GP1 of the York Development Control Local Plan sets out a presumption in favour of new development which respects or enhances the local environment, is of a scale, layout and design that is compatible with neighbouring

buildings, spaces and the character of the area and ensures that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. Policy EC3 of the (Emerging) Publication Draft Local Plan states that proposals for new business and industrial premises within residential areas will only be permitted where they will not significantly harm the amenity of the surrounding area. Policy D1 of the (Emerging) Publication Draft Local Plan states that development proposals should demonstrate that it does not dominate adjacent buildings.

4.6 The application site together with the residential development and grocery supermarket adjoining formerly lay within the airfield apron of the Clifton Moor military airfield and the hangers which covered much of the site were subsequently used as intervention grain stores. The whole site was given Outline Planning Permission for re-development as a mixed use scheme incorporating residential development, care home and employment uses at appeal ref:-11/00860/OUTM. The residential elements of the scheme are in the process of construction. The current proposal seeks permission for erection of a self-storage unit lying between the now operational grocery super market and the residential development with access shared with the supermarket. The proposal falls within Class B8 of the 1987 Town and Country Planning(Use Classes) Order with all activities taking place within the confines of the building. The structure would have a ridge height of 12.5 metres, eaves height of 10.5 metres with a distance to neighbouring gardens to the south west of 8.4 metres with the closest residential property some 24.2 metres to the south west. The scheme has subsequently been amended to secure a 10 metre separation between the building and the gardens of the neighbouring residential properties.

4.7 Serious concern has been expressed by neighbours in terms of the impact of the proposal upon the residential amenity of neighbouring properties through noise, loss of sunlight within garden areas, loss of aspect and above all the physically overbearing impact of the building itself. It is proposed to erect a large industrial unit for the secure storage of a range of personal items with all activities taking place within the confines of the building itself with access shared with supermarket at some remove from the nearby residential properties. The nature of the development by virtue of work being undertaken internally within the building would not lead to any material harm to residential amenity through noise. In terms of lighting it is proposed to use low level security lighting details of which may be conditioned as part of any planning permission. At the same time it is proposed to plant the boundary with the adjacent residential properties with a substantial hedge incorporating native species including hawthorn, hornbeam and holly, which when mature would provide a degree of mitigation for the impact of any lighting.

4.8 In terms of the impact of the building itself and associated loss of aspect it is proposed to use a lighter cladding colour for the elevation adjacent to the residential properties. That together with the landscape planting which would take a significant

length of time to mature would not take away from the shear over-bearing presence of the building relative to the adjacent dwellings. The applicant has subsequently proposed a 1 metre high brick plinth but that of itself would not take away from the shear unrelieved mass of the building. The possibility of planted panels as part of the elevational treatment adjoining the residential properties and the approved care home has been discussed with the applicant but has not been included in the revised drawings. The relationship with the adjoining houses is therefore felt to be unacceptable in terms of its impact and would not comply either with the requirements of Policy GP1 of the York Development Control Local Plan (2005) Policies D1 and EC3 of the (Emerging) Publication Draft Local Plan or paragraph 17 of the NPPF "Core Planning Principles".

4.9 As a consequence of the location of the building relative to the nearby residential properties it is felt that there may be some overshadowing of the very rear portion of several gardens at points during spring and autumn. The harm generated is not on balance to be sufficient as to warrant a recommendation for refusal on that basis though that would not detract from the overbearing elevational treatment of the building.

IMPACT UPON THE AMENITIES OF PROSPECTIVE OCCUPANTS OF THE CARE HOME

4.10 The site of the recently approved care home lies to the north and north west of the application site. The building itself would lie predominantly to the north separated from the proposed building by the adjacent grocery store and service yard. The Care Home would be aligned north east south west and would be three stories in height with a ridge height of 11.9 metres. There would be a distance of approximately 25 metres between the south western bay window containing a lounge area on each floor of the care home and the site boundary with a further three metres from the western elevation of the proposed building. The location of the building has been amended since the scheme was submitted to provide a further 2 metres of separation. The proposal would not give rise to any overshadowing of the building itself but will give rise to significant overshadowing of the garden area associated with the care home, the impact of which would be exacerbated by the industrial nature of the proposed boundary treatment comprising a black painted mesh fence. Insufficient space exists within the site to undertake any meaningful landscaping of the boundary with the care home and once again the applicant has refused to consider the use of planting panels on the adjacent elevation to soften its impact. Furthermore the adjacent elevational treatment incorporates a large visually strident blue advertising panel which would significantly harm the amenity of residents by virtue of a loss of aspect from the resident's lounge in which again they would be expected to spend a significant part of the day.

4.11 Furthermore the impact upon the amenity of prospective residents of the care home would be magnified by the fact that ordinarily they would expect to spend a greater length of time making use of the garden area as part of daily activities than those resident in more conventional residential accommodation. It is felt that the harm caused by the height and unrelieved mass of the building relative to the site boundary together with poor quality boundary treatment and the lack of capacity for meaningful landscaping would unacceptably compromise the amenity of prospective occupants of the approved care home contrary to the requirements of paragraph 17 of the NPPF, Policy GP1 of the York Development Control Local Plan (2005) and Policies D1 and EC3 of the (Emerging) Publication Draft Local Plan 2018.

IMPACT UPON THE VISUAL AMENITY OF THE WIDER STREET SCENE

4.12 Central Government Planning Policy as outlined in paragraph 61 of the National Planning Policy Framework indicates that planning policies and decisions should address the connections between people and places and the integration of development into the natural, built and historic environment. At the same time Policy D1 of the Publication Draft Local Plan "Place making" indicates that new development should not cumulatively dominate surrounding buildings and spaces.

4.13 The application site has previously been granted an Outline Planning Permission for a mixed use scheme incorporating an element of employment related development. It is furthermore located within a broadly mixed use area with a range of employment including general industrial uses directly to the north along Green Lane and employment and retail uses some of which takes place in very large units along Clifton Moorgate directly to the east. Concerns have been expressed in terms of the scale and height of the building. It is unusually large within the context of the immediate surroundings, however, it does find some reference within the general pattern of development of properties associated with Clifton Moorgate further to the east.

4.14 Concern has also been expressed by neighbours in terms of the development representing an over-development of the plot. The design and layout of the unit is however highly dependent upon the nature of the specialised use taking place within in terms of the loading and unloading machinery and the size and configuration of each storage container. The layout and plot coverage again reflect the situation with a number of sites within the employment area associated with Clifton Moorgate. The proposal is therefore felt to be broadly acceptable in street scene terms.

IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS

4.15 Concern has been expressed by neighbours in terms of the impact of the proposal upon the safety and convenience of highway users on the local network, specifically in relation to increased traffic levels at the heavily utilised junctions between Water Lane and Green Lane and Water Lane and Clifton Moorgate a short

distance away. The proposal is however for a relatively low intensity use. The nationally recognised TRICS traffic forecasting model indicates that the proposal would generate a maximum of 62 vehicle movements per day with an average of one vehicle movement every 12 minutes at peak times. It is felt that the impact of additional traffic movements would be negligible in terms of the safety and convenience of users of the local highway network. Notwithstanding the modest level of vehicle movements to and from the site the applicant does propose to plant part of the landscape buffer to mitigate for the impact of the building within the highway boundary. That may in the long term when mature have some detrimental impact upon the visibility at the point of access to the shared access road with the adjacent grocery supermarket and is therefore unacceptable.

5.0 CONCLUSION

5.1 The Grain Stores, Water Lane , Clifton comprises a large derelict area of hard standing forming part of a former airfield which has been subject to an Outline Planning Permission for a mixed use development granted on appeal . The housing element of the proposal has been partially implemented and planning permission is now sought for construction of a 12 metre high curtain wall clad self-storage unit to be accessed via the previously constructed access to the grocery supermarket directly to the east. The proposal has been amended subsequent to submission in terms of its design, location and parking and turning arrangements to further address concerns in respect of the impact upon the residential amenity of neighbouring properties and to take account of a the siting of a recently approved care home to the north west of the site. It is felt that notwithstanding the submitted amendments that insufficient mitigation has been put in place to relieve the impact on amenity of the large high mass of building adjacent to the common boundary with the newly constructed residential properties. It is felt that the proposal would give rise to substantial harm to the amenities of prospective occupants of the approved care home directly to the north by virtue of overshadowing, over bearing impact and insensitive boundary treatment to the resident's garden and outdoor amenity area. The proposal is therefore unacceptable in terms of the requirements of paragraph 17 of the NPPF in respect of residential amenity together with policy GP1 of the York Development Control Local Plan(2005) and policies D1 and EC3 of the City of York Local Plan – Publication Draft (2018).

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposal by virtue of its physically overbearing presence, poor quality, visually harsh and alien industrial type boundary treatment and lack of scope for appropriate landscaping would give rise to conditions substantially harmful to the amenities of prospective residents of the approved care home to the north and north west of the site contrary to the requirements of paragraph 17 of the NPPF

"Core Planning Principles, policy GP1 of the York Development Control Local Plan (2005) and policies D1 and EC3 of the City of York Local Plan – Publication Draft (2018).

2 The development by virtue of creating a large, high visually undifferentiated building mass in close proximity to the boundary with residential development to the south would create conditions seriously prejudicial to the residential amenity of the neighbouring properties contrary to the requirements of paragraph 17 of the NPPF "Core Planning Principles and policy GP1 of the York Development Control Local Plan (2005) and policies D1 and EC3 of the City of York Local Plan – Publication Draft (2018).

7.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in an attempt to achieve a positive outcome:

Sought to improve the boundary treatment and elevational treatment for the building adjacent to the approved care home and recently constructed residential development.

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

Contact details:

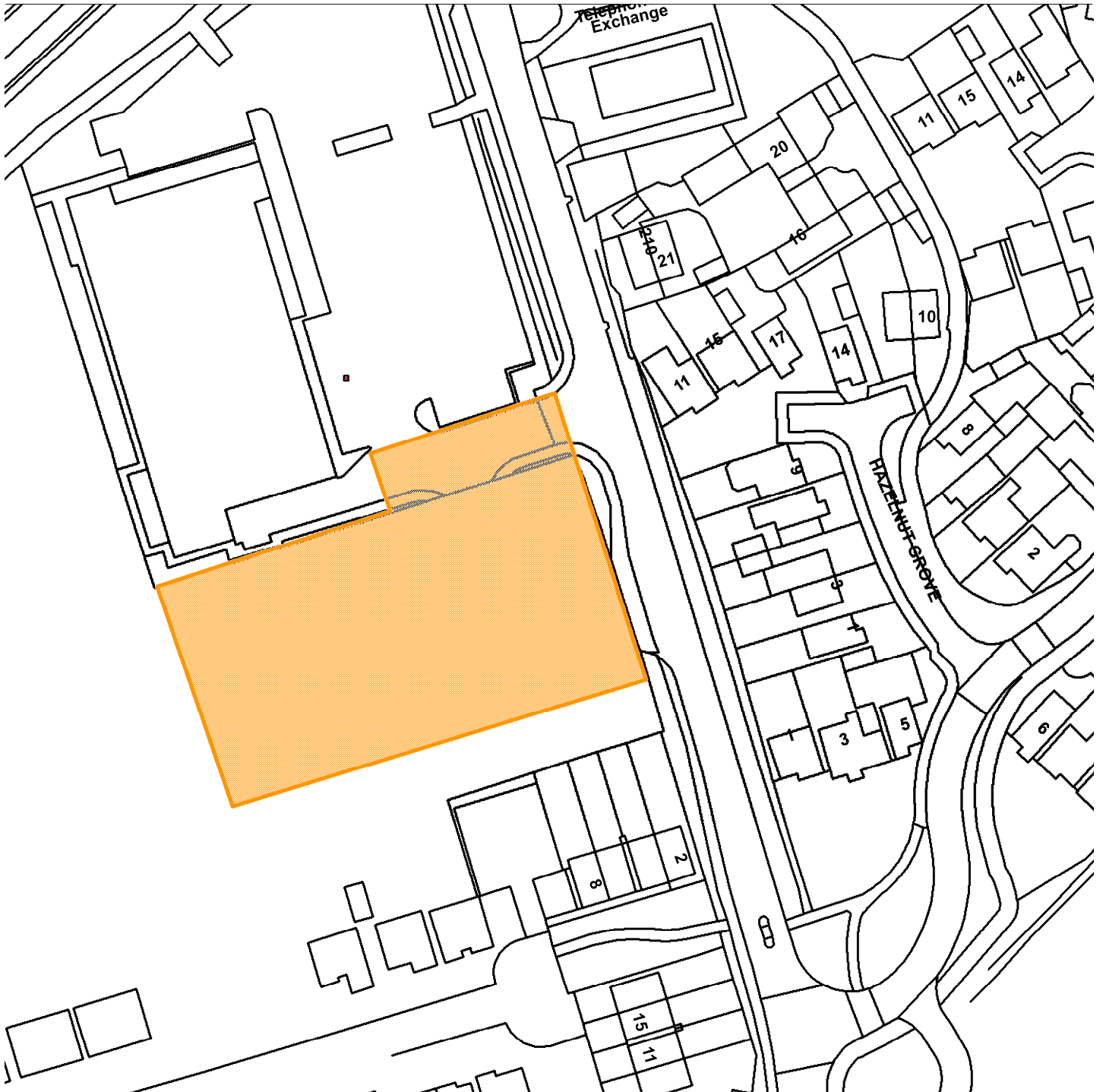
Author: Erik Matthews – Development Management Officer

Tel No: 01904 551416

This page is intentionally left blank

Proposed Self Storage Facility Water Lane

17/03004/FULM



Scale : 1:982

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	24 April 2018
SLA Number	Not Set

This page is intentionally left blank

COMMITTEE REPORT

Date: 3 May 2018 **Ward:** Westfield
Team: Householder and **Parish:** No Parish
Small Scale Team

Reference: 18/00410/GRG3
Application at: Garage Court Site at Newbury Avenue York
For: Erection of 5no. bungalows with associated gardens and parking following the demolition of existing garages
By: City of York Council
Application Type: General Regulations (Reg3)
Target Date: 7 May 2018
Recommendation: Approve

1.0 PROPOSAL

1.1 The site comprises a garage parking area situated behind existing apartment blocks on Newbury Avenue and Windsor Garth. It includes communal garden areas to the rear of the apartment blocks and grassed verges fronting Newbury Avenue. The site contains 28 no. garages set in two rows within a concrete forecourt. Access is taken from Newbury Avenue, between number 8 and apartment block number 12-16. The site is situated in an established residential area and is bounded to the rear by Hob Moor, a designated Local Nature Reserve. It contains a variety of boundary treatments including timber, metal palisade and post and wire fencing.

1.2 The proposal seeks to demolish the garages and erect a terrace of five bungalows backing on to Hob Moor. These bungalows provide social housing and are intended for residents wishing to downsize. The bungalows will have small rear gardens and will face on to a remodelled communal external area shared with the existing flats. Five parking spaces will be provided along the access road and an additional 4 spaces will be provided on grasscrete within the verge on Newbury Avenue. A public consultation was undertaken prior to application as a result of which the 4 public parking spaces were added to the scheme.

1.3 A scheme for 9 flats in a three storey block (14/01517/GRG3) was previously approved for the site. This included 14 parking spaces for the flats and existing residents and enhancements to the communal external space.

1.4 The application is reported to Sub-Committee as the City Council is the applicant and objections have been received.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

2.2 Policies:

Emerging Local Plan Publication Draft 2018

Policy D1 – Placemaking
Policy D2 – Landscape and setting
Policy H3 – Balancing the housing market
Policy GI2 – Biodiversity and access to nature
Policy ENV3 – Land contamination
Policy T1 – Sustainable access

Development Control Local Plan (DCLP) 2005

Policy GP1 – Design
Policy GP9 – Landscaping
Policy H4A – Housing Windfalls
Policy NE5a – Local Nature Conservation Sites
Policy NE5b – Avoidance of Mitigation and Compensation for Harm to Designated Nature Conservation Sites

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 The remediation strategy has been agreed and should be implemented and a verification report submitted. These details can be conditioned.

3.2 Conditions are also suggested to protect neighbouring amenity during construction and for installation of electric vehicle charging points.

Planning and Environmental Management (Ecology)

3.3 The ecology survey includes a bat survey. This found that the bat roost potential of the garages was negligible. The survey is considered sound and no concern was raised about its findings. Some work will take place within Hob Moor to connect to drainage. Conditions are suggested to ensure that these works and any other

impacts on the Local Nature Reserve during demolition and construction are adequately assessed and controlled.

Highways Network Management

3.4 Comments to be reported verbally.

EXTERNAL

Ainsty Internal Drainage Board

3.5 No objection in principle subject to a condition regarding surface water drainage.

Yorkshire Water

3.6 A condition regarding foul and surface water drainage is recommended.

Neighbour notification and publicity

3.7 Foxwood Residents Association have made comments about parking provision in the area and that off-street parking which has been promised by the Council to alleviate problems has not been forthcoming.

3.8 Four letters of objection have been received from local residents. This includes 3 letters from one resident, 2 of which are identical. These representations raise issues related to:

- Parking problems in the area
- Refuse trucks and buses are obstructed by on-street parking
- Alternative off-street parking should be provided to mitigate for the loss of the garages prior to demolition
- Overdevelopment of the site and consequent impact on neighbouring Hob Moor Nature Reserve
- Additional pressures on transport, health, policing and other public services in the neighbourhood
- Site investigation, ecological appraisal and bat survey are out of date
- Flooding events since the site investigation was written will have caused contaminants to leach in to soil within the site
- Contamination on site and complications with demolition will prove so complex that the site should not be developed
- Local roads are narrow and have been damaged by construction traffic for neighbouring sites
- Development of a neighbouring site and consequent removal of trees has resulted in flooding issues locally and there is no meaningful FRA with the application

4.0 APPRAISAL

4.1 KEY ISSUES

- The principle of development
- Design and visual appearance
- Residential amenity of surrounding and future occupants
- Highways
- Flood risk and drainage
- Contaminated land

POLICY CONTEXT

4.2 Paragraph 14 of the National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development. In terms of decision taking, the NPPF advises that this means in those cases where there are no up-to-date Local Plan Policies (such as in York), granting permission unless, either:-

- (a) The any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Policies in the Framework as a whole, or
- (b) There are specific Policies within the Framework which would indicate that development should be restricted. In terms of this second element, the footnote to Paragraph 14 details the types of considerations which would it considers would fall within this category. There are no elements of this application which fall within the examples given in this Footnote.

4.3 Paragraph 17 sets out the Core Planning Principles. The following are relevant to this application:

- proactively drive and support sustainable economic development to deliver the homes that the country needs;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- support the transition to a low carbon future in a changing climate and encourage the reuse of existing resources, including conversion of existing buildings;
- contribute to conserving and enhancing the natural environment and reducing pollution;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can

perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);

- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made;
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Emerging Local Plan Publication Draft 2018

4.4 The Regulation 19 consultation on the Pre-Publication Draft 2017 is now complete. The emerging Local Plan policies can only be afforded limited weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

4.5 The following policies from the emerging Local Plan are relevant:-

- Policy D1 'Placemaking' development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.
- Policy D2 'Landscape and setting' sets out the requirements for developments in relation to landscaping and the character of the city's special qualities in terms of setting.
- Policy H3 'Balancing the housing market' requires that proposals for residential development include a mix of types of housing which should be informed by the SHMA.
- Policy GI2 'Biodiversity and access to nature' states that development should take account for the potential need for buffer zones around biodiversity sites.
- Policy ENV3 'Land contamination' requires applications to be accompanied by an appropriate contamination assessment where the site may be affected by contamination or the proposed use would be particularly vulnerable.
- Policy T1 'Sustainable access' refers to the need for development to minimise the need to travel, provide suitable access for all and to promote more sustainable modes of transport.

Development Control Local Plan (DCLP) 2005

4.6 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.

4.7 The 2005 Draft Local Plan 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.

4.8 Development Control Local Plan (DCLP) policies relevant to the development are:-

- Policy GP1 'Design' includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

- Policy GP9 requires where appropriate developments to incorporate a suitable landscaping scheme.

- Policy H4A supports applications for residential development where the site is in the urban area and involves infilling or redevelopment, the site has good accessibility to jobs and services by non-car modes and is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

- Policy NE5a states that development likely to have a detrimental impact on a Local Nature Reserve will only be allowed where the benefits of development outweigh the nature conservation value of the site.

- Policy NE5b requires that where development is allowed under NE5a then appropriate planning conditions are used to protect the nature conservation interest.

THE PRINCIPLE OF DEVELOPMENT

4.9 National policy requires Local Planning Authorities to significantly boost housing supply and to meet the need for affordable housing. The application has been made by Housing Services and the bungalows would provide new social housing and it is recognised that they would contribute to meeting the identified need for affordable homes across the City.

4.10 The site is located in a sustainable location suitable for the development of residential properties as it is situated within an existing residential area with links to shops, amenities and public transport. As a garage site, it is also classed as previously developed land, and would therefore be suitable for redevelopment as per the core principles detailed within the NPPF. The principle of residential development on the site has been previously accepted by application 14/01517/GRG3. As a result, the current application is considered acceptable in principle subject to other material planning considerations.

DESIGN AND VISUAL APPEARANCE

4.11 The proposal is for a terrace of five bungalows. The bungalows will be constructed from brick to match neighbouring buildings with a pitched tile roof and front rendered gable features. The design is considered appropriate and in keeping with the character of the area.

4.12 The proposal also includes amendments to the area of communal external space between the site and existing apartment buildings. This retains a drying area and creates paved seating areas, raised planting beds and grassed areas for informal recreation. New trees are proposed to replace those removed to facilitate development. The area will become more open on the boundary than is currently the case but will also have a more planned layout allowing for a wider variety of uses.

RESIDENTIAL AMENITY OF SURROUNDING AND FUTURE OCCUPANTS

4.13 Residential amenity for future occupants of the flats is considered good. The flats are small with one bedroom but have small rear gardens. They have bin storage and cycle storage is provided in sheds within the rear gardens. Sheds will also be provided with power so that they can be used to charge buggies. Access will be provided to the rear gardens of the central properties via gates within the boundary fences.

4.14 The current proposal is significantly smaller, in terms of number of units, height and massing, than the scheme approved in 2014. As such the impacts on neighbouring residents are reduced in terms of overshadowing, overlooking and over-dominance. The current scheme does however have a larger footprint which results in development being closer to the boundary of No.8 Newbury Avenue than

was previously the case however it remains 14m from the rear of the existing property. The single storey form and position of the new building will ensure that it does not appear overbearing when viewed from No.8. Distances between the existing apartment buildings and the proposal remain similar. The proposal is slightly closer to the 3 storey apartment building to the East but again the single storey form helps to mitigate for this and distances are a minimum of 14m between properties.

HIGHWAYS

4.15 Access to the site would be taken via the existing access on Newbury Avenue which has served 28 no. garages in the past. The access is considered capable of accommodating the modest traffic generated by the scheme and also of accommodating refuse vehicles required for servicing. Works may be required under a TRO to protect areas of adopted highway in close proximity to the site to ensure adequate access and servicing for the new development for highway safety reasons. The level of parking would accord with CYC Annex E maximum standards.

4.16 The previous permission approved the redevelopment of the garages. It is not considered that anything has changed that would now require their retention. In response to the pre-submission public consultation four off-road parking spaces are to be provided on Newbury Avenue for residents of existing properties.

4.17 Further amendments regarding the extent of the adopted highway and detailing of the parking area are being negotiated and will be reported at Committee.

FLOOD RISK AND DRAINAGE

4.18 In terms of flood risk the site lies within Flood Zone 1 and as such should not suffer from river flooding. It is noted that a 225mm diameter sewer crosses this site, however, Part H4 of the Building Regulations 2000 allows for building over the sewer. The Flood Risk Management Team is considering information supplied in respect of foul and surface water drainage and an update will be reported to Committee.

LAND CONTAMINATION

4.19 The NPPF, at para. 120, states that, the adverse effects of pollution on health should be taken into account in decision making. Para 121 states that planning policies and decisions should ensure that a site is suitable for its new use taking into account....previous uses and any proposals for mitigation including land remediation. And that after remediation as a minimum land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990 and adequate investigation information, prepared by a competent person is presented.

4.20 The submitted report shows that the site is contaminated and that it lies near to a closed landfill site. Remedial work is therefore required in order to ensure that the site is safe and suitable for its proposed use. The Environmental Protection Unit (EPU) recommends conditions to mitigate for contamination to ensure the health and safety of future occupants and these conditions should be imposed. Subject to the imposition of these conditions, the proposal would comply with the requirements of the NPPF and Local Plan Policies GP1 and GP6.

OTHER ISSUES

4.21 A similar approach to the existing landscaping on site has been proposed as to that which was previously approved. The hedge within Hob Moor will remain untouched whilst other shrubbery within the site and to the North of the garages will be removed. A tree at the entrance to the site from Newbury Avenue will also be removed. Replacement planting has been proposed and will be secured by condition. A condition is also recommended for a construction management plan in relation to works adjacent to Hob Moor to ensure that there is no detrimental impact on the nature reserve.

4.22 The submitted bat survey is relevant and the garages are likely to have a negligible bat roosting potential.

4.23 Officers note residents' concerns about additional pressures on local infrastructure as a result of the scheme but consider that the scheme is very low density providing five one bedroomed bungalow as such additional pressures on local services are likely to be minimal.

5.0 CONCLUSION

5.1 The site is a brownfield site in a sustainable location near to local shops, amenities and public transport links and it would, in principle, be suitable for redevelopment for housing purposes. The proposal would deliver social housing of a type needed within the City. In design terms, the scheme would be in keeping with neighbouring properties and would provide enhanced external amenity space for all residents. There would be no adverse effect on highway safety and no significant adverse effects upon the amenity of surrounding residents, subject to the imposition of the suggested conditions. An update on drainage and highway issues will be reported to Committee to include relevant conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 PLANS1 Approved drawings

3 VISQ8 Samples of exterior materials to be app

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

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

5 LC4 Land contamination - unexpected contam

6 Prior to first occupation a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs shall be submitted and approved in writing by the Local Planning Authority. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

7 Prior to the commencement of any service or utilities works that would impact on Hob Moor Local Nature Reserve a derogation from the Higher Level Stewardship agreement must be obtained from Natural England, and a method statement for construction works and reinstatement approved in writing with the Local Planning Authority. Works shall then be undertaken in accordance with the approved details.

Reason: To protect and maintain Hob Moor Local Nature Reserve, a statutorily designated nature conservation site.

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

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

Notes

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

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

9 All construction and demolition works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays, Bank and Public Holidays.

Reason: To protect the amenity of local residents.

10 A detailed method of works statement identifying the programming and management of site clearance/excavation/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The statement shall include at least the following information:

- a) Protection of the hedgerow within Hob Moor on the Southern boundary of the site.
- b) A scheme for maintaining a stock proof fence on the Southern boundary at all times.
- c) Means of preventing the encroachment of works, materials, etc on to Hob Moor during demolition and construction.

Reason: To ensure that the development can be carried out in a manner that will not harm Hob Moor. Details are required prior to the commencement of development to ensure demolition/ construction does not impact on the neighbouring Local Nature Reserve.

11 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C, D and E of

Application Reference Number: 18/00410/GRG3

Item No: 4b

Schedule 2 Part 1 of that Order shall not be erected or constructed.

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

7.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Additional information and revisions requested in relation to highways issues, design detailing and protection of neighbouring nature reserve.

2. INFORMATIVE:

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

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

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

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

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

(e) There shall be no bonfires on the site.

Contact details:

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

Tel No: 01904 555730

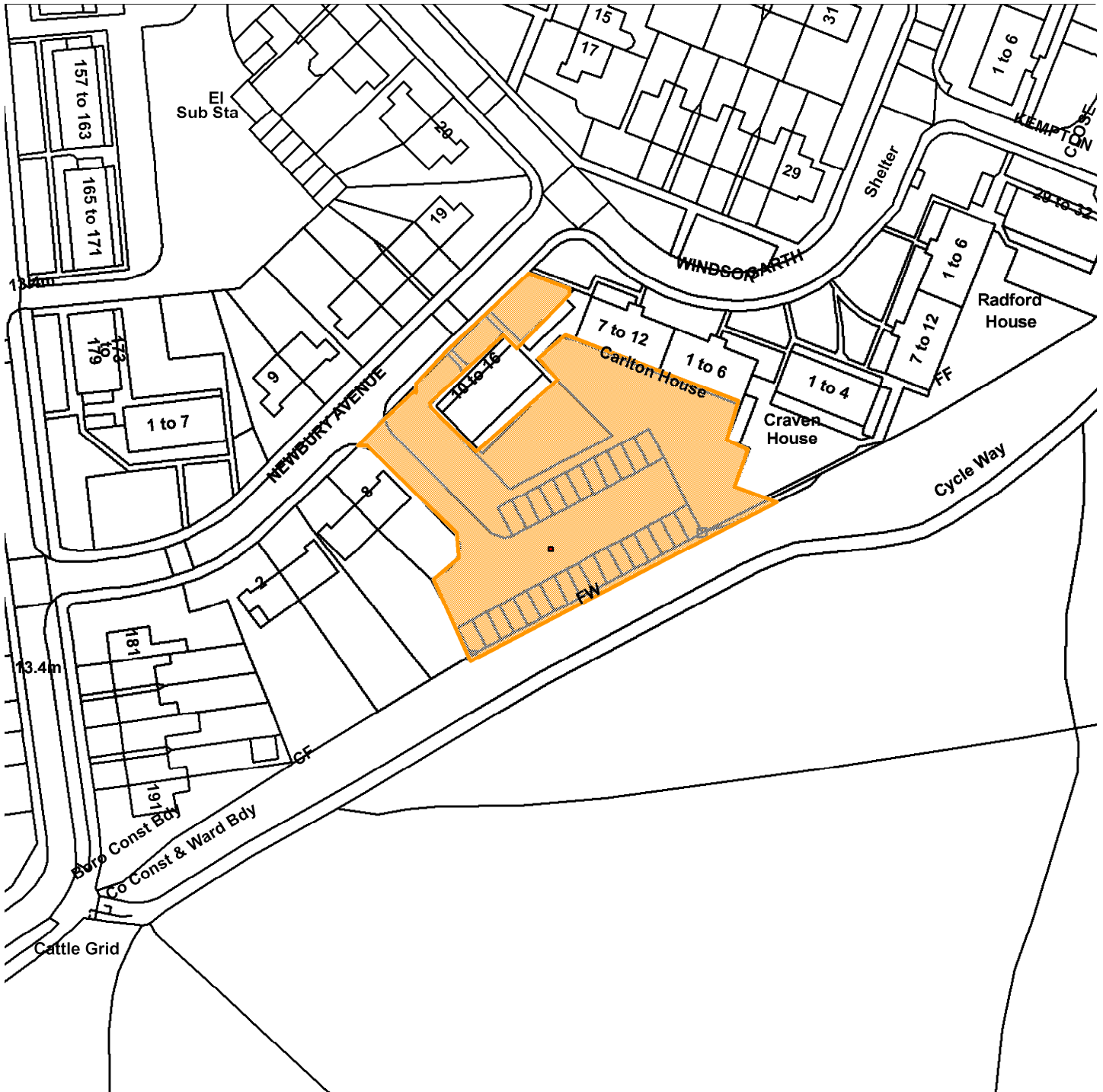
This page is intentionally left blank

Garage Court Site At Newbury Avenue

18/00410/GRG3



GIS by ESRI (UK)



Scale : 1:982

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	24 April 2018
SLA Number	Not Set

This page is intentionally left blank

COMMITTEE REPORT

Date: 3 May 2018 **Ward:** Fishergate
Team: Major and **Parish:** Fishergate Planning
 Commercial Team Panel

Reference: 18/00353/FULM
Application at: 25 Barbican Road York YO10 5AA
For: Conversion of 25 and 26 Barbican Road into 10no.
apartments with associated external alterations and 3 storey
rear extension (resubmission)
By: Mr D Blackwell
Application Type: Major Full Application (13 weeks)
Target Date: 23 May 2018
Recommendation: Approve

1.0 PROPOSAL

1.1 No's. 25 and 26 Barbican Road are two terraced properties located in York city centre. Both properties are two storeys in height and have projecting bay windows to the front; however No. 25 has a turret style roof, with No. 26 having a mono-pitched, reflecting the majority of the properties on the street.

1.2 No. 24 Barbican Road is set forward of these two properties. To the west, the properties have an outlook over land associated with the York Barbican Centre. There is an access lane to the rear and No. 25 has shared access to a small alley between properties on Wellington Street. There is a rear garage to No. 25 and an outbuilding to No. 26.

1.3 The application documents advise that No. 26 is a single family dwelling house, No. 25 is a House of Multiple Occupation (HMO) containing 6 tenants. There are no planning records for its use as a HMO and the Council's records have been checked and this property is not on the Council's HMO database.

1.4 The dwellings are not listed and are located outside any conservation area. It is however located within an area of Archaeological Interest. The site has a low risk of flooding (flood zone 1).

1.5 Planning permission is sought for the conversion of both 25 and 26 Barbican Road into 10no. self contained apartments with associated external alterations and 3 storey rear extension. The projection of the rear extension has been reduced by 1.6m.

1.6 The plans indicate that the rear garden will provide 4no. off street car parking spaces, cycle storage area, refuse and recycling storage areas and shared amenity space.

PLANNING HISTORY

1.7 This application is a resubmission of a previously refused application (RN: 17/02199/FULM), which sought the conversion of 25 and 26 Barbican Road into 12 self contained apartments including external alterations and a three storey rear extension.

1.8 This application was refused at Planning Area Sub-Committee on 15 January 2018 for the following 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.

2.0 POLICY CONTEXT

DEVELOPMENT CONTROL LOCAL PLAN (DCLP) 2005

2.1 The policies that are relevant to matters raised by this application include:

CYGP1: Design
CYGP3: Planning against crime
CYHE10: Archaeology
CYGP4a: Sustainability
CYH8: Conversions
GP4b: Air Quality

PUBLICATION DRAFT LOCAL PLAN 2018

2.2 The main draft policies that are relevant to matters raised by this application are:

D1: Placemaking
DP3: Sustainable Communities
ENV1: Air Quality

T1: Sustainable Access
H2: Density of residential development
H3: Balancing the housing market
D11: Alterations and extensions to existing buildings

3.0 CONSULTATIONS

INTERNAL

Urban Design, Conservation And Sustainability (Archaeology)

3.1 No objection but a condition requiring an archaeological watching brief to monitor and record any archaeological features or deposits which may be revealed during construction is recommended.

Highways Network Management

3.2 No response has been received at the time of writing.

Flood Risk Management

3.3 No response has been received at the time of writing.

Public Protection Unit

3.4 No objection in respect to noise, dust, light, odour, land contamination, air quality.

Waste Management

3.5 Recommends the application be revised to ensure that the required level of refuse and recycling facilities can be provided within the site. Details of a waste management plan/strategy should be provided which sets out who is responsible for ensuring they are wheeled to the collection point and returned on day of emptying.

EXTERNAL

Fishergate Planning Panel

3.6 Overdevelopment of two modest terrace houses being replaced with inadequate and small one room flats and would set a precedent for similar inappropriate overdevelopment. The rear access is very difficult.

Police Designing Out Crime

3.7 As previously commented, there are a number of recommendations to make to address issues of access control, surveillance and activity support, target hardening and image.

Yorkshire Water

3.8 No response has been received at the time of writing.

Conservation Areas Advisory Panel (CAAP)

3.9 The revised plans still represent an over-development of the site. It is out of scale with its neighbours and inappropriate to the street. Concerns were raised to the internal arrangement of the flats.

Publicity And Site Notice

3.10 Four letters of objection have been received. In summary the objections raise the following concerns:

- reduction from 12 to 10 seems no different
- increase in rubbish in alleys
- increase in parking to the rear blocking access to garages and Wellington Street and other side streets
- concern over where construction vehicles will park
- increase in pollution and vermin in gardens
- loss of two good family homes
- additional noise from occupiers and also construction noise
- impact on light to neighbouring properties, overlooking of neighbouring properties and gardens arising from rear extension

4.0 APPRAISAL

4.1 Key Issues:

- Principle of increase in residential units and amenity of the units
- Impact of extension upon neighbouring residential amenity
- Design
- Impact upon highways
- Waste and recycling
- Crime and security
- Drainage
- Archaeology
- Land contamination

POLICY CONTEXT

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. The framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

4.3 A principle set out in paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.4 Paragraph 50 of the framework sets out the requirement for planning authorities to deliver a wide choice of high quality homes, by planning for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community, identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand and set policies to for meeting identified affordable housing need.

4.5 In the absence of a formally adopted Local Plan the most up-to date representation of key relevant policy issues is the NPPF and it is against this Framework that the application should be considered alongside other material considerations. Paragraph 14 of the NPPF says that at the heart of the NPPF is a presumption in favour of sustainable development for decision taking. This means that where the development plan is absent, silent or relevant policies are out-of-date granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies indicate development should be restricted.

DEVELOPMENT CONTROL LOCAL PLAN (DCLP) 2005

4.6 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).

4.7 The 2005 Draft Local Plan (DCLP) 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 limited.

4.8 Policy GP1 'Design' expects new development to respect or enhance the local environment in terms of density, layout, scale, mass and design and ensures that residents living nearby are not unduly affected by noise and disturbance.

4.9 Policy GP4a 'Sustainability' requires all development to have regard to the principles of sustainable development. GP4b 'Air Quality' are required to assess their impact on air quality. GP6 'Land Contamination' requires a preliminary assessment the potential for contamination.

4.10 Policy HE10 'Archaeology' states that where development involves disturbance of existing ground levels a field evaluation should be submitted that assesses the extent and importance of any archaeological remains and demonstrates that less than 5% of any archaeological deposits will be disturbed or destroyed.

4.11 Policy H8 'Conversions' states that planning permission will only be granted for the conversion of a dwelling to flats or multiple occupation where;

- the dwelling is of sufficient size (min 4 bedrooms),
- external alterations would not cause harm to the character or appearance of the building or area,
- adequate off and on street parking and cycle parking is incorporated,
- it would not create an adverse impact on neighbouring residential amenity particularly through noise disturbance or residential character of the area by virtue of the conversion alone or cumulatively with a concentration of such uses, and
- adequate provision is made for the storage and collection of refuse and recycling.

4.12 In addition, paragraph 7.52 of the DCLP 2005 states that there is potential for the number of dwellings in the City to be increased by the sensitive conversion of large dwellings, contributing to meeting housing need and ensure a continued life for properties.

4.13 Although it does not form part of an adopted Local Plan, the Council's Subdivision of Dwellings Supplementary Planning Document (SPD) is a useful guide where subdivision of dwelling is proposed. In Paragraph 1.8 it advises that the SPD aims to ensure that where the subdivision of dwellings are proposed, they:

- provide adequate internal space;
- are of a suitable layout;
- have acceptable amounts of internal and external storage space;
- have acceptable levels of facilities;
- do not have an adverse impact on the amenity of neighbouring residents;
- are designed and built to a high standard of sustainability

4.14 The Council's Strategic Housing Market Assessment (SHMA) June 2016 is also considered to be of relevance, which provides an assessment of future housing needs of different groups within the city of York.

EMERGING LOCAL PLAN

4.15 On 21 February 2018 the Publication Draft York Local Plan 2018 ("2018 Draft Plan") was published for the final six week consultation. The emerging Local Plan policies contained within the 2018 Draft Plan can only be afforded limited weight at this stage of its preparation, and subject to their conformity with the NPPF and the

level of outstanding objection to the policies in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications..

4.16 Policy H3: Balancing the Housing Market will require proposals for residential development to balance the housing market by including a mix of types of housing, reflecting the diverse mix of need across the city.

4.17 A key design detail set out in Policy D1: Placemaking is that the density of a development should be appropriate for its proposed use and neighbouring context.

ASSESSMENT

PRINCIPLE OF CONVERSION

4.18 Barbican Road is located to the south east of the city, with access to the city centre and transport links. It is considered to be a sustainable location.

4.19 The application site relates to two terrace properties, the applicant advise that one (No. 25) is a House in Multiple Occupation with 6 tenants and the other (No. 26) a single family dwelling. There are no planning records for the use of No. 25 as HMO and this property is not on the Council's HMO database. As such, with no information to the contrary, this application will consider the property as a single family dwelling with four bedrooms on the first floors. No. 25 however contains three reception rooms on the ground floor and three bedrooms on the first floor. The applicant has confirmed that one of the ground floor rooms is and can be used as a bedroom. This is not at the expense to the number of reception rooms normally expected with a property of this size.

4.20 Objections have been raised relating to the loss of family sized dwellings. Not specifically raised but which were raised to the previous application is the concern that this area in particularly already has a high level of student population. The SHMA identifies that there is a need for a mix of house sizes across the City.

4.21 It is regrettable to lose two family dwellings, draft Local Plan Policy H8 does allow the sensitive conversion of family dwellings to flats or HMO's in order to contribute to housing need as identified by the SHMA. On balance, the loss of the two family dwellings is acceptable in principle meeting part of the criteria outlined in Policy H8 of the Council's draft Local Plan and subject to other relevant criteria.

4.22 The existing character of the area is primarily residential, with a number of properties having been split into flats. Council Tax records indicate that No's. 10, 11, 16, 17, 18, 19, 21, 24, 35 and 36 Barbican Road are flats. Flatted accommodation will be compatible with the existing character of the area.

AMENITY OF FUTURE OCCUPANTS

4.23 The previously refused application sought to provide 12 self contained flats, four flats on each floor. Whilst the ground and first floor flats were served by windows in the front or rear elevation, the top four flats took daylight and outlook from rooflights. This internal arrangement was considered to result in a poor standard of residential amenity and a restricted outlook.

4.24 The scheme has been revised with two flats on the top floor being removed. There also has been a reduction to the projection of the rear extension. This has resulted in the rear facing flats being reduced in size and the top floor flats being increased in size from the previous scheme.

Table 1.1 Room size and location

Flat No.	Location	Size (m ²) (as proposed)	Size (m ²) (previous scheme)	+/-	Flat No.	Location	Size (m ²) (as proposed)	Size (m ²) (previous scheme)	+/-
1	Ground	35.1	35.1		6	First	40.0	40	
2	Ground	40.5	40.5		7	First	36.0	44.7	-8.7
3	Ground	36.0	44.5	-8.5	8	First	40.9	53.9	-13
4	Ground	34.6	41.3	-6.7	9	Second	43.5*	32.7*	+10.8
5	First	41.4	41.4		10	Second	39.0*	33.5*	+5.5

*measured up to 1.5m headroom

4.25 Although it does not form part of an adopted Local Plan, the Subdivision of Dwellings SPD is a useful guide in ensuring a good standard of amenity for future occupants, as advocated by the NPPF. Paragraph 3.42 of the SPD expects attic rooms to be adequately lit with daylight and ventilated with openable windows and if skylights are the only form of windows, they need to be installed in a position where the occupants can look out and observe the surrounding environs. The living and sleeping areas have been positioned nearest to the rooflights within the roof slopes where they can benefit from natural daylight and ventilation.

4.26 The two flats on the second floor will maintain low headroom, due to the profile of the roofslope. These flats will be served by rooflights, 3 positioned on the front roof slope and the living areas for both flats positioned nearest to these roof lights to take advantage of daylight and outlook, which has not altered from the previous application. Further, in respect to Flat 9, following the increase in floorspace, the bedroom area has been moved away from the living area (and the area of low headroom), resulting in a less confined environment and the living area able to take full advantage of all the roof lights and the daylight and sunlight they provide.

4.27 The Government has made a policy decision to introduce a nationally described space standard, to replace any local standards, but has further stated that local planning authorities can only use that standard where they have a relevant current local plan policy. It is noted that paragraph 3.11 of the SPD advises that studio flats

should have a minimum 'habitable' floor space of 32.5 sqm; however the flat/room sizes within the SPD cannot be used when making a decision. It is noted that all the flats achieve this minimum standard including wardrobe space.

4.28 The flats located on the ground and first floors will have single aspect, with either an outlook to the front or rear of the site.

4.29 The application has been amended to take into account the previous reason for refusal. The revisions are considered to provide a greater habitable floorspace for the occupiers of the second floor which will benefit from the daylight and outlook taken from these rooflights. Whilst there has been a reduction to the size of some of the flats to the rear, they are considered to maintain an adequate standard of residential amenity.

4.30 The Public Protection team has not raised any objections to the application in regards to noise or air quality; it is noted that Barbican Road (the A19) is within the Air Quality Management Area, however the dwellings are not. Given that the A19 is a busy road accessing the city centre from the south, the dwellings are expected to be impacted by vehicular traffic noise and air quality. However, the site is a sustainable location, with access to the city centre and public transport links. Furthermore, there is no proposed change to the residential use of the application site. There will be limited car parking within the site and it is not considered that the additional residential flats would contribute or be impacted by existing air quality levels or noise levels that would justify refusal of the application.

4.31 The proposals have been revised following the reduction of the rear extension, indicating the two ground floor flats (Flat 3 and 4) will have their own private amenity space. Beyond that there will be a communal amenity area.

4.32 The application indicates that existing pedestrian access from Barbican Road and vehicular access from the rear alleyway will be retained and used in the same manner as present. As with the previous scheme, Flat No. 2 will have independent access from Barbican Road. There is also pedestrian access through to Wellington Street.

4.33 Therefore, it is considered that the proposal for the conversion of 10 flats is considered to provide adequate living conditions including sunlight, daylight, outlook, privacy and noise.

IMPACT OF EXTENSIONS UPON NEIGHBOURING RESIDENTIAL AMENITY

4.34 In addition to the conversion of the dwellings, the application involves an extension in the form of a three storey infill extension to the rear of both properties. This extension has been revised; its projection has been reduced 1.6m meaning that it terminates before the property on the northern side, number 24 Barbican Road. It

will be inline with the existing property, no. 27 on the southern side, as per the previous scheme. To the front, the existing bay windows will be continued to the first floor.

Overlooking

4.35 The infill will result in a reduced distance between neighbouring properties to the rear, on Willis Street. However as the extension has been reduced in projection, the distances to the rear elevation and properties on Willis St have been increased from the previous scheme. As previously considered, a sufficient distance in excess of over 25m will be retained to the properties on Willis St, avoiding any significant loss of privacy to rear of the site. Notably, the boundary wall of the application site is a high wall and garage door and will be retained.

4.36 The site overlooks Barbican Road and an area of vacant land beyond to the front. This land however has extant permission (Ref. No: 13/02135/FULM) for its redevelopment to provide a part 4/part 5 storey building comprising 175no. apartments and 1 no. 3 storey building comprising 12no. apartments. The report for this extant application advises that the most affected property would be No. 20 Barbican Road; however the buildings would be over 21m apart.

4.37 The previous scheme included side windows at ground and first floor levels these have been removed from the revised scheme. An additional window however is proposed in the side elevation serving the second floor corridor, on the boundary with No. 27 Barbican Road. This side window would overlook the pitched roofslope of the extension.

4.38 As such, given the distances to neighbouring properties and the height of the existing boundary wall, any additional windows are unlikely to increase levels of overlooking to this adjoining property and the objections on loss of privacy cannot be supported in this regards.

Overshadowing

4.39 The rear extension would be inline with the rear elevations of the neighbouring property at No. 27 Barbican Road, which is two storey. On the northern elevation the extension has been reduced and will now be set behind the rear elevation of the adjoining property at No. 24 Barbican Road. The relationship of the extension with the adjoining neighbouring properties is therefore not considered to be any worse than the previous scheme and further it is maintained that the extension, as proposed would not result in a significant level of overshadowing or oppressiveness to justify the refusal of the application.

Overdevelopment

4.40 The existing garden areas to both properties comprise of hardstanding and small areas of planting. There is an existing garage to No. 25, with a roller shutter door onto the rear alleyway. The plans indicate that the rear garden will provide parking for four vehicles and access and turning areas, cycle storage for 10 cycles and refuse and recycling storage areas, as well as two small private gardens for the two rear ground floor flats and a communal area. Concerns have been raised that the development will result in the overdevelopment of the site. It is considered that an adequate and useable amenity space (sufficient land for drying clothes and space that is suitable to sit out in) for the occupants of the flats will be provided. It is therefore considered that the development would not result in the overdevelopment of the application site.

DESIGN

4.41 The buildings are unlisted and located outside any conservation area. No. 25 is located at the end of the row of similar terraces (in appearance, scale and height) however it is noted that the property to the north No. 24 Barbican Road projects forward and varies in its style and appearance. There is generally a uniform appearance with no. 25 and 26 along Barbican Road. However, it would appear that No. 26 forms a pair with, and mirrors No. 27.

4.42 The reduction of the extent of the extension significantly reduces the level of massing when compared with the previous scheme. The extension remains contained primarily to the rear of the site and does not extend beyond the footprint of neighbouring properties to either side. To the rear, there is substantial boundary treatment, in the form of a roller shutter door and high brick wall, similar to other rear boundaries along the alleyway. The ridgeline of the main dwellings would not be increased and the rear extension would still be positioned 19m from the main public vantage point (the alleyway), and thus its impact is somewhat reduced. The massing to the rear is not considered to be of detriment of the appearance of the dwellinghouses or this row of terrace properties.

4.43 In terms of the appearance to the front, the alterations include the upward extension of the projecting bay windows, which would, on balance, reflect the style and architectural features of the original building and this row of terrace properties. Additionally, the front doors will be retained, which maintains the appearance of two terrace dwellings.

4.44 The extension will be constructed in brick to match the existing dwellings, along with the fenestration details reflecting the existing dwellings.

4.45 The extension proposed to the two terrace properties would result in an uncharacteristic extension, although given the reduction to the projection of the rear extension, on balance, it is considered that the extension and other alterations are considered to respect the local environment, in terms of scale, mass and design and accords with Policy GP1 in this regards. The revisions made to the scheme are considered to address the reason for refusal in this regard.

IMPACT UPON HIGHWAYS

4.46 A number of objections have been received citing that the proposed development will increase parking pressures in the area, which are already high.

4.47 The site is not located within a resident parking zone. In respect to off street car parking, 4 car parking spaces and 10 cycle parking spaces (1 per unit) are shown on the plans. The provision of the car parking would not be detrimental to the promotion of other environmental transport measures and would help to assist in alleviating on-street parking that are raised by objectors.

4.48 The site is a sustainable and city centre location, with an availability of public transport within a short distance providing frequent local services.

4.49 The alley to the rear of the site is currently used by properties in the street for rear vehicular access. There is concern that this will be used more intensively and result in the blocking of access to neighbouring properties. Both properties currently have access from this rear alley, with parking within the site. It is not considered that the application will be materially different from the existing arrangement, in terms of the current levels of parking on the site and manoeuvrability.

WASTE AND RECYCLING

4.50 The plans have been amended to provide dedicated and adequate space for the storage of refuse and recycling, addressing the waste officers concern that there was not enough space allocated for the number of properties. The provision of these facilities shall be secured by condition.

4.51 The waste officer has also raised concerns to the lack of detail in respect to who will be responsible for ensuring that the bins are placed on the street on collection day and returned. It is the responsibility of the occupiers/owners to ensure the bins are available on the street for collection. There are other environmental regulations and the Council has an environmental team who monitor refuse collections. In this respect, it is considered that a management plan solely related to waste and recycling facilitates for a development of this size would be too onerous.

CRIME AND SECURITY

4.52 The Police Designing out Crime officer previously reported in response to the previous application that within a 200m radius of the site, theft was the most significant issue. The Police DoC previously specified a number of recommendations including lighting for the car parking, cycle and waste storage areas, as well as target hardening and access control. The scale of the development within an existing residential area is of such a level where these could not be required through planning control, although it is envisaged that the applicant would ensure the development adopts best practice in crime and security and would appropriately manage the site.

DRAINAGE

4.53 As the site is in flood zone 1, it has a low risk of flooding. There is an existing area of hardstanding within the site. As such it is unlikely that the proposed development would increase the risk of flooding, within or surrounding the site. Plans have been submitted to show the proposed foul and surface water drainage and a condition can require the submission of details.

ARCHAEOLOGY

4.54 The application site lies within the Central Area of Archaeological Importance in an area which has produced significant archaeology dating to all periods. It is possible that groundworks associated with the extension may reveal or disturb archaeological layers. It will be necessary to record any revealed features and deposits through an archaeological watching brief on all groundworks. This can be achieved via a suitably worded condition.

LAND CONTAMINATION

4.55 The applicant has submitted a land contamination screening assessment stating that there is no known previous history of uses of land that could have the potential for contamination. Public protection officer has reviewed historic maps and note that a scrap metal merchant dating from 1959 was evident in the vicinity of the site. As such, a condition is recommended to ensure that if contamination is found, and remediation is necessary, then this is covered.

OTHER ISSUES

Construction traffic

5.56 An objector refers to the parking of construction vehicles within the rear alleyway. It is the responsibility of the applicant to ensure that construction vehicles do not cause an obstruction on the public highway and that they have adequate space/access to undertake the development. It is also likely that following the

demolition of the existing outbuildings, there would be adequate space within the site to park construction vehicles and any other machinery needed to undertake the development.

5.0 CONCLUSION

5.1 This revised application would result in a conversion of two family dwellings to 10 flats contributing to housing supply in accordance with draft Local Plan Policy H8 and the NPPF. It is considered that the amendments undertaken to the scheme will provide an adequate standard of residential amenity, with provision for car and cycle parking, waste storage and amenity areas within the site. The site is a sustainable location for residential uses, with access to the city centre through sustainable transport means and there is no risk of flooding.

5.2 The rear extension has been reduced in projection, which is considered to significantly reduce the resulting massing to the rear. There is also significant boundary treatment to the rear limiting the visual impact of the proposal. The alterations are considered to preserve the appearance of the two dwellings in the streetscene. The site is located outside any conservation area, and the whilst the extensions and alterations could be considered to be uncharacteristic, on balance, they are considered to respect the local environment, in terms of scale, mass and design. Furthermore, the extensions are considered to preserve the residential amenity of neighbouring occupiers, in terms of overlooking and overshadowing.

5.3 The proposal have been amended and the reduction in the projection of the rear extension with the addition of a reduction in the number of flats, the proposal is considered to accord with national guidance in the NPPF and the Draft Development Control Local Plan Policies subject to conditions.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

B166.02.10 rev E

B166.02.11 rev G

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

3 Development shall not commence until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground

works by an approved archaeological unit) in accordance with a specification approved by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

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

4 HWAY19 Car and cycle parking laid out

5 The building hereby approved shall not be occupied until the waste and refuse storage areas have been provided as shown on approved plan B166.02.11 Rev G. The storage areas shall not be used for anything other than for the storage of waste and refuse and maintained and provided for the lifetime of the development.

Informative- you are advised that the following quantities are required:

5 x 360 litre bins for refuse
4 x 360 and 1 x 240 litre bins for recycling

Reason: To ensure that waste and recycling storage can be accommodated within the site.

6 LC4 Land contamination - unexpected contam

7 All construction and demolition works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

Reason: To protect the residential amenity of local residents.

8 VISQ1 Matching materials

9 The building hereby approved shall not be occupied until scaled details (1:100) of the cycle parking storage area to accommodate 10 cycles has been submitted to and approved in writing by the Local Planning Authority.

Note- you are advised that based on two bicycles parked at a Sheffield stand, the minimum footprint should be 2m x 5m.

Reason: The plans currently do not show an adequate sized cycle storage area for

the level of cycle parking required and their provision will promote the use of cycles thereby reducing congestion on the adjacent roads.

10 DRAIN1 Submission of surface water drainage details

7.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

Contact details:

Author: Lindsay Jenkins – Development Management Officer

Tel No: 01904 554575

25 Barbican Road

18/00353/FULM



Scale : 1:668

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	24 April 2018
SLA Number	Not Set

This page is intentionally left blank

COMMITTEE REPORT

Date: 3 May 2018 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 18/00221/FUL
Application at: Public Toilets, Clarence Street, York
For: Conversion of part public convenience to a café
By: Mr Malcolm Holt
Application Type: Full Application
Target Date: 7 May 2018
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks permission for the part conversion of the public toilets within the Union Terrace car park adjacent to Clarence Street to a cafe with outside seating and takeaway facilities.

1.2 In 2014 the toilet facilities were refurbished and the number of toilets reduced and consequently the former men's toilet area has remained out of use. It is proposed to provide 20 covers internally and an area of outside seating with up to 20 covers. A service hatch accessible from the north elevation would facilitate a take-away service. Food will be prepared on the premises and will include hot and cold breakfast, soup, sandwiches, cakes, cream teas, snacks, tea, coffee and a range of cold drinks. It is proposed that the cafe would operate between 0700hrs and 2100 hrs Monday to Sunday inclusive. The proposed extraction system discharge would be through the existing high level vent. External security shutters are proposed for the hatch, window and door.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

2.2 Policies:

Draft Development Control Local Plan 2005

CYSP7B York City Centre and Central Shopping Area
CYGP3 Planning against crime
CYGP4B Air Quality
CYS6 Control of food and drink (A3) uses

Application Reference Number: 18/00221/FUL

Item No: 4d

Page 1 of 10

Emerging Local Plan Publication Draft 2018

Policy SS3 York City Centre
Policy R1 Retail Hierarchy and Sequential Approach
Policy ENV2 Managing Environmental Quality
Policy D14 Security Shutters

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 No objection to the proposal. However the following comments have been provided:

- Noise issues are not anticipated during daytime hours, however opening later into the evening has the potential to attract groups to the area which could have anti-social noise implications for residents of Claremont Terrace. Condition operating and delivery hours.
- The site is in an area already exposed to air pollution and exposure of individual members of the public is likely to be short term.
- Further details required for extraction and proposed methods of odour control.

Design, Conservation and Sustainable Development (Archaeology)

3.2 Due to the small scale nature of the proposed works and expected levels of disturbance on the site no archaeological condition will be imposed. However, in line with the Area of Archaeological Importance procedure an Operations Notice should be secured by condition.

Forward Planning

3.3 The site is located with York City Centre on the Local Plan Draft Policies Map 2018. It is outside of the Local Centre of Gillygate. Policy R1 is therefore of relevance (Publication Draft Local Plan February 2018). Policy R1: Retail Hierarchy and Sequential Approach is set out for you below. Essentially Policy R1 sets a threshold of greater than 200 sqm floorspace for impact assessment outside a local centre. The unit on the Clarence Street Car Park is 41.7 sqm which is below the 200sqm threshold. This would make it difficult to make a policy objection on Retail Impact Assessment grounds.

EXTERNAL

North Yorkshire Police (Designing Out Crime)

3.4 An analysis of police record incidents highlights the presence of crime and anti-social behaviour in the area which could impact on the security of the scheme. In addition the public toilets have suffered repeated acts of vandalism and any new development has the potential to increase these levels and therefore it is important that a management and maintenance plan is submitted addressing issues such as staff safety, litter removal and damage repair.

3.5 With regards to the proposed outside seating, this needs to be clearly demarcated from the public seating provided for the users of the car and coach park so that it is clear which seating is managed by the cafe. Any outside seating should be contained within an approved area using barriers and poles.

3.6 It is recommended that all windows and the entrance door should be protected with security shutters as the site has suffered from vandalism.

3.7 There are no objections to the proposed scheme providing the above issues are addressed and prior to the commencement of development a management and maintenance plan are submitted and adhered to.

Guildhall Planning Panel

3.8 No comments received.

Publicity

3.9 Six letters of objection have been received. The following issues have been raised:

- Local businesses on Gillygate rely on trade from the coach and car park and the creation of a cafe in the car park would have a huge detrimental impact on trade and the livelihood of local businesses, not only for the existing cafes and eateries but also to the local shops who benefit from trade whilst people wait for coaches.
- the Clarence Street toilets are currently not operating at their full capacity and therefore the users of the car park (usually tourists) require the use of toilets within local businesses.
- the existing toilets should remain as a fully functioning toilet block not converted to another cafe.
- there is an abundance of cafes in the area as well as empty premises in the city centre that need filling before allowing new units further out of the centre, in an area where many cafes already exist.

4.0 APPRAISAL

RELEVANT PLANNING POLICY

National Planning Policy Framework 2012

4.1 The National Planning Policy Framework (March 2012) sets out 12 core planning principles that should underpin both plan-making and decision-taking. Of particular relevance is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to encourage a strong and competitive economy. Paragraph 70 advises that planning decisions should aim to achieve places where there is no unnecessary loss of public facilities, and ensure facilities are able to develop and modernise in a sustainable way, so they are retained for community benefit. Paragraph 23 seeks to promote competitive town centres.

Publication draft Local Plan 2018

4.2 On 21 February 2018 the Publication Draft York Local Plan 2018 ("2018 Draft Plan") was published for the final six week consultation. The emerging Local Plan policies contained within the 2018 Draft Plan can only be afforded limited weight at this stage of its preparation, and subject to their conformity with the NPPF and the level of outstanding objection to the policies in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

4.3 Policy R1: Retail Hierarchy and Sequential Approach states that the vitality and viability of the city centre, district and local centres and neighbourhood parades will be maintained and enhanced. An impact assessment may be required below these thresholds where a proposal would have an independent or cumulative impact on the vitality and viability including local customer choice and trade on a defined centre. Also policy SS3: York City Centre.

4.4 Policy ENV2: Managing Environmental Quality - Development will not be permitted where future occupiers and existing communities would be subject to significant adverse environmental impacts such as noise, vibration, odour, fumes/emissions, dust and light pollution without effective mitigation measures.

Draft Development Control Local Plan 2005

4.5 The York Development Control draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is

limited except when they are in accordance with the NPPF. Draft Local Plan policy SP7b promotes commercial development in the city centre, GP3 Planning Against Crime states that new development will be required, where deemed appropriate, to incorporate crime prevention measures. GP4b Air Quality Proposals for development in an air quality management area are required to assess their impact on air quality, S6 Control of food and drink (A3 uses) planning permission for the development of premises for A3 uses will be granted provided there is no significant detrimental impact on the amenity of surrounding occupiers, the opening hours of hot food takeaways is restricted to protect the amenity of surrounding occupiers, acceptable means of extraction are proposed.

APPRAISAL

4.6 Paragraph 70 of the NPPF advises that planning decisions should aim to achieve places where there is no unnecessary loss of public facilities, and ensure facilities are able to develop and modernise in a sustainable way, so they are retained for community benefit. The application site is within the city centre as defined by the Proposals Map (of both draft Local Plans) with developments for food and drink (A3/A4/A5 uses) being considered acceptable in principle within Publication Draft Local Plan policy SS3.

4.7 The existing toilet block was refurbished in 2014 to provide 4no. unisex toilets plus a changing place which provides unisex disabled facilities - 5no. toilets in total. Half of the building, the former men's toilets, is unused. The upkeep and ongoing maintenance is overseen by Healthmatic who are the applicants for this application. Whilst there has been an objection with regard to the loss of public toilet facilities, the decision to alter the provision of these facilities has already been made and implemented by the City Council in partnership with Healthmatic. It is considered that the provision of a cafe within the building would potentially assist with revenue for ongoing management and maintenance.

4.8 A number of objections have been raised regarding the detrimental impact a new cafe would have on local businesses in Gillygate, which rely on passing trade from tourists from the coach park. The site is within the defined city centre but outside of the Local Centre of Gillygate. Policy R1 of the Publication Draft Local Plan sets a threshold of greater than 200 sqm floorspace for impact assessment outside a local centre. The proposed unit would be 41.7 sqm which is below the 200sqm threshold and therefore it is considered that the proposed unit would not be of such a significant scale that it would have a significant detrimental impact on the vitality and viability of business on Gillygate or the city centre as a whole. As such whilst it is acknowledged that there may be some competition with local businesses, the proposal is consistent with the NPPF which states that the planning system should promote competitive city centres and enhance existing markets, and Local Plan (2005) policy SP7b which promotes commercial development in the city centre.

4.9 It is understood that the area experiences some crime and anti-social behaviour issues which could impact on the security and safety of staff and customers of the premises. It is considered that the use of the premises would provide active surveillance of the area which could help to reduce crime and anti-social behaviour in the immediate area during business hours. In order to minimise the amount of crime and antisocial behaviour a number of suggestions have been made by the police designing out crime officer including the provision of barriers to demarcate the cafe seating, as well as shutters for the windows and door and the submission of a management plan prior to the cafe coming into use. Whilst the principle behind the management plan is understood it is considered that the contents of such a plan would be difficult to enforce through the planning system and may be better addressed between the operator and the police. Issues of the appearance of the building because of vandalism can be dealt with via other mechanisms.

4.10 Solid security shutters are not normally considered to be appropriate as they can and can result in the appearance of a hostile environment which harms the amenity of the area (Policy D14 of the Publication draft Local Plan 2018). Externally mounted security shutters are proposed to the new window, serving hatch and door. These are on the north and west elevations which do not directly face Clarence Street. As the new openings are relatively small and given the lack of windows generally because of the function of the building it is considered on balance that shutters are acceptable in this case. It is noted that the kiosk at the entrance to the coach park has a roller shutter on its window.

4.11 Given the location of the proposed unit, there is an existing level of noise and air pollution both from the busy road and from vehicles idling in the car and coach park. As such there are no objections to the use of part of the building as a cafe providing the method of odour extraction is agreed though condition.

4.12 It has been suggested by CYC air quality officers that the provision of a cafe in this location may actually be able to reduce air pollution levels in the area as one of the main reasons coach drivers leave their engines running in this area is so that they can operate their onboard hot water facilities to provide themselves with hot drinks. It has been suggested that if the cafe could provide free hot water for the coach drivers, it would enable air quality officers to take a harder line on the issue of idling in the coach park resulting in benefits for users and neighbouring residents. It is not considered reasonable to impose this by condition, but an informative could be added to the planning permission.

5.0 CONCLUSION

5.1 The site is located within the city centre where A3 uses are considered acceptable in principle. There would be no harmful loss of public facilities. The unit is small and is not considered that it would have a significant detrimental impact on the vitality and viability of nearby businesses. Subject to planning conditions, the

development is considered acceptable and there would be no undue effect on amenity.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Proposed Site plan - Drg. No: A163/119 dated 22.12.17

Proposed Floor Plan - Drg. No: A163/120 Rev. A dated 20.03.18

Proposed Elevations - Drg. No: A163/125 dated 22.12.17

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

3 The use shall not operate outside of the hours of 0700 to 2100 hours Monday to Sunday.

Reason: To protect the amenity of neighbouring residents.

4 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written approval. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

Reason: To protect the amenity of occupants of the nearby properties from noise.

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

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during

the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

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

6 Details of the location and design of a post and barrier system to enclose the outside seating area shall be submitted to, and approved in writing by the Local Planning Authority prior to the cafe coming into use:

The outside tables and chairs and approved barrier system shall be stored inside the building when the cafe is closed.

Reason: So that the Local Planning Authority can be satisfied with these details in the interest of the visual amenity of the area.

7 There shall be no storage of waste or recyclable materials outside of the building.

Reason: In the interests of the visual amenities and environmental qualities of the area.

8 Details, including colour, of the external security shutters including the shutter box and channels shall be submitted to and approved by the local planning authority prior to their installation.

Reason: In the interests of the visual amenities and environmental qualities of the area.

7.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Officers requested further information with regard to the scope of operation, types of food to be offered, extraction details, signage etc.

Application Reference Number: 18/00221/FUL

Item No: 4d

Page 8 of 10

2. LIGHTING

Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E3 contained within the Institute of Light Professionals Guidance Notes for the Reduction of Obtrusive Lighting.

3. DEMOLITION AND CONSTRUCTION

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

REGISTERING THE BUSINESS

4. As this application relates to a business that will sell or supply food and/or drink (including alcohol), the proprietor of the business should make contact by email at

Application Reference Number: 18/00221/FUL

Item No: 4d

Page 9 of 10

public.protection@york.gov.uk or by telephone on 01904 551525 at their earliest opportunity to discuss registering the business as a food premises (a legal requirement) and to obtain advice on food hygiene & standards, health & safety, odour extraction etc.

Contact details:

Author: Elizabeth Potter – Development Management Assistant

Tel No: 01904 551477

Public Toilets Clarence Street

18/00221/FUL



Scale : 1:752

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	24 April 2018
SLA Number	Not Set

This page is intentionally left blank



Planning Committee

10 May 2018

Area Planning Sub-Committee

3 May 2018

Report of the Interim Head of Development Services, Directorate of Economy and Place

Appeals Performance and Decision Summaries

Summary

- 1 This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 January and 31 March 2018, 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 January to 31 March 2018 and the corresponding quarter for 2017, Table 2 shows performance for the 12 months 1 April 2017 to 31 March 2018 and the corresponding period 2016/17.

Table 1: CYC Planning Appeals Last Quarter Performance

	01/01/18 to 31/03/18(Last Quarter)	01/01/17 to 31/03/17 (Corresponding Quarter)
Allowed	3	3
Part Allowed	0	0
Dismissed	18	6
Total Decided	21	9
% Allowed	14%	33%
% Part Allowed	-	-

Table 2: CYC Planning Appeals 12 month Performance

	01/04/17 to 31/03/18 (Last 12 months)	01/04/16 to 31/03/17 (Corresponding 12 month period)
Allowed	12	7
Part Allowed	1	3
Dismissed	39	32
Total Decided	52	42
% Allowed	23%	17%
% Part Allowed	2%	7%

Analysis

- 4 Table 1 shows that between 1 January and 31 March 2018, a total of 21 appeals were determined by the Planning Inspectorate. Of those, 3 were allowed (14%). There were no appeals relating to “major” developments during this reporting period. By comparison, for the same period 2016, out of 9 appeals 3 were allowed (33%). Using the assessment criteria set out in paragraph 2 above, 0.8% of the total decisions made in the quarter were overturned at appeal.
- 5 For the 12 months between 1 April 2017 and 31 March 2018, 23% of appeals decided were allowed, which is below to the national percentage figure of 31% of appeals allowed, 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 January and 31 March 2018 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 01/01/2018 to 31/03/2018 following Refusal by Committee / Sub-Committee

Ref No	Site	Proposal	Officer Recom.	Appeal Outcome
16/02263/ FUL	The Ridings, 95 York Rd, Dunnington	1 dwelling	Approve	Allowed

- 7 The list of current appeals is attached at Annex B. There are 19 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

- 17 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 24/04/2018

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 January
and 31 May 2018**

Annex B – Outstanding Appeals at 24 April 2018

This page is intentionally left blank

Appeal Summaries for Cases Determined 01/01/2018 to 31/03/2018

Application No: 16/02663/FUL
Appeal by: Mr Richard Fowler
Proposal: Erection of 1 no. dwelling
Site: The Ridings 95 York Street Dunnington York YO19 5QW
Decision Level: CMV
Outcome: ALLOW

The above application related to the erection of a two-bedroom bungalow in a relatively large side/rear garden towards the edge of Dunnington. There had been much recent residential development in the vicinity of the plot. The application was recommended for approval but overturned at sub-committee. It was refused because:...it would overdevelop the site and be out of character with the established form of the local area. It would appear shoe-horned into the garden of the host property and provide a poor level of amenity for future occupants. In addition, the parking and vehicle manoeuvring arrangements would create the potential for conflict between occupants of the host dwelling and the proposed dwelling. The Inspector allowed the appeal. In justifying his decision he had regard to the landscaped street frontage, the distance the proposed bungalow would be from the street, the low height of the building and falling ground level, the communal space for vehicle manoeuvring, the similar amount of development that had been undertaken at the attached property and the separation from windows serving habitable rooms in nearby homes. He considered the proposal would not amount to over-development, would be acceptable in the context and any limited harm to issues of planning concern would be outweighed by the benefits of the scheme.

Application No: 17/00845/FUL
Appeal by: Mr Spencer Knowles
Proposal: One and two storey rear extension, rear dormer and raised eaves height to the front roof slope (amended scheme)
Site: 68 Russell Street York YO23 1NW
Decision Level: DEL
Outcome: DISMIS

The appeal relates to the refusal of a one and two storey rear extension, rear dormer and raised eaves to the front roof slope at 68 Russell Street - a mid-terraced dwelling. The application was refused due to design, scale, mass and location of the rear extension which would have resulted in significant harm to the appearance and rhythm of the rear section of terrace and would have failed to relate to the existing dwelling. Raising the eaves of the front roof slope was also considered to appear incongruous in the street and would have been at odds with the houses either side resulting in harm to the appearance of the terrace. In addition the application was also refused due to impact on residential amenity, specifically with regard to dominance, outlook and overshadowing. There was no objection to the rear dormer as it could have been constructed under permitted development allowances. The Inspector agreed with the harmful impact the rear extensions would have on the adjoining residents at both no. 66 and 70, with regard to dominance, outlook and loss of light. However with regard to the impact on the character of the area, the Inspector found that due to the varied rear roofscape that the proposed rear extensions would not harm the character and appearance of the host property or the area. The raised eaves height was considered however to have an incongruous appearance that would result in an awkward arrangement. The appeal was dismissed with regard to the one and two storey rear extension and raised eaves height, however the rear dormer, by virtue of the permitted development fallback position was allowed.

Application No: 17/01022/FUL
Appeal by: Mr G Harrison
Proposal: Erection of 4no. detached dwellings with integral garages
(resubmission)
Site: Land Adjacent To 141 Broadway York
Decision Level: DEL
Outcome: DISMIS

The appeal application proposed the erection of four two storey detached family houses on an undeveloped triangular piece of land north of the junction of Heslington Lane and Broadway. The proposal was refused permission on the grounds that it would fail to integrate with the local environment, would adversely impact on the character and appearance of the local environment and would provide inadequate amenity space for one of the properties. In dismissing the appeal, the Inspector considered that the proposal would not reflect the prevailing pattern of development and would be out of keeping with the overall grain of development. As such, it would have a significant detrimental effect on the character and appearance of the surrounding area. Further, he felt that the proposed scheme would result in an inadequate level of private outdoor amenity space for dwellings 1 and 2 and would therefore harm living conditions of future residents. He concluded that the balance of harm would outweigh the benefits of the scheme, being the creation of four family sized dwellings in an accessible and sustainable location.

Application No: 17/01034/FUL
Appeal by: Mr Graham Barker
Proposal: Two storey side extension with dormer to front and single storey rear extension
Site: 13 Burn EstateHuntingtonYorkYO32 9PZ
Decision Level: DEL
Outcome: DISMIS

The application site is a detached extended bungalow on Burn Estate. The dwelling is located in an area of detached bungalows which host various styles of dormer front windows, roof extensions and rear projections. These dwellings host large rear gardens onto the river Foss. Planning permission was sought for a two storey side continuing the height of the host dwelling and the full width of the driveway. The proposal included a single storey rear extension. The application was refused on the grounds that the lack of set down and scale of the development would dominate the existing house and erode the natural space between houses which is an important characteristic of the street. It was considered that this mass would lead to a terracing effect which would add further harm to the character and appearance of the street. The Council did not consider that the extended dwellings in close proximity of the site has set a precedence for this type of development. The Council requested revised plans which did not address the concerns raised by the Council. The appellant produced revised plans for the Inspector which were dismissed. The Inspector agreed with the Council dismissed the appeal on the grounds that would be unduly dominant,lacking in subservience and which would result in a cramped appearance to the street scene. The Inspector also stated that other extensions nearby did not represent comparable circumstances resulting in the appeal being dismissed.

Application No: 17/01269/FUL
Appeal by: Mr Duncan Lewis
Proposal: Two storey side and single storey rear extensions, porch to front and 2no. dormers to rear (resubmission)
Site: 6 Rawcliffe Drive York YO30 6PE
Decision Level: DEL
Outcome: DISMIS

The appeal site is a semi-detached dwelling located on the junction of Rawcliffe Drive and Saville Grove. Planning permission was sought for a wide two storey side extension, including a porch to the principal elevation and two large flat roof dormer windows covering the full rear roof slope. This application was a re-submission of a previously withdrawn proposal and which was subject to a pre-planning enquiry. The Council refused the application on the grounds that the size and scale of the two storey extension was considered to lack the subservience normally associated with two storey extensions. In addition would introduce an unduly prominent development which would adversely affect the corner location of this house and wider street scene. It was considered that the size and scale of the dormer extensions to the rear roof slope would represent an unduly large addition which would dominate and overwhelm the existing house and street scene. The Council offered advice on achieving appropriate extensions in connection with the guidance of the SPD and other national and local policies of which were forwarded to the applicant. However, the applicant was unwilling to revise the application on the grounds that he felt that there were other similar types of extensions within the vicinity. The Council did not agree that existing extensions were compatible with the application. The Inspector agreed with the Council and dismissed the development on the grounds that overall bulk and scale and design of the proposed development would be harmful to the character and appearance of the appeal site and the surrounding area. The Inspector agreed that the extension partly reflected the nearby extensions but this extension was much wider and more prominent.

Application No: 17/01624/FUL
Appeal by: Mr Matthew Hendry
Proposal: Dropped kerb to form access to front and creation of driveway
Site: 71 Main Street Bishopthorpe York YO23 2RA
Decision Level: DEL
Outcome: DISMIS

This application sought permission for a dropped kerb to the front of the site to create vehicle access to an existing area of hardstanding. This two-storey mid-terraced cottage is sited along the Main Street serving Bishopthorpe, and is located within the conservation area. It was considered that the proposed conversion of the front garden of this cottage to a parking space via the insertion of a dropped kerb would have a significantly detrimental effect on the immediate setting of the historic cottage, the terraced row it sits within and the wider conservation area by the erosion of the largely undeveloped front garden character of the historic streetscape and asset. This would be open to public view within the conservation area. The Inspector agreed and considered the need for family parking and noted that whilst there were other examples of dropped kerbs within the area, they were within a different context to the host, and whilst the works were less than substantial the public and private benefits identified by the appellant do not outweigh the harm to the conservation area.

Application No: 17/01705/FUL
Appeal by: Mr Nader Siabi
Proposal: Conversion of 5no. flats to 9no. flats and four storey rear extension
Site: 8 Wenlock Terrace York
Decision Level: DEL
Outcome: DISMIS

The application was for a four storey rear extension to a four-storey mid-terraced property on Wenlock Terrace, Fishergate. The site is in the Fulford Road Conservation Area and the distinctive rear elevations of the terrace are highly visible in the public domain from various points around the site. The property is subdivided into five flats over five floors and the proposed extension would provide nine flats over five floors. The application was refused as it caused harm to the conservation area and to neighbour amenity and there were no public benefits that outweighed such harm. The Inspector agreed that the terrace has a prominent, highly visible and imposing presence in the local area. The proposed extension would obscure and remove much of the original features of the property and redefine its building line on its rear elevation. It would diminish the character of the original property and its principal design features. The proposed development would have a significant harmful effect on the property and its surrounding area and would neither conserve nor enhance the character and appearance of the CA as a designated heritage asset. The Inspector also agreed there was harm to neighbour amenity at No.9 Wenlock Terrace as a result of the full height, full width extension. It would create an unacceptable sense of enclosure and a material loss of daylight to the rear windows at first and second floor level to No.9, and a loss of outlook through creating a tunnel effect from the rear windows. In the planning balance, the Inspector considered the provision of additional housing in a central and sustainable location to be of limited benefit and that the significant harm identified to the conservation area and neighbour amenity clearly outweighed it. The Appeal was dismissed.

Application No: 17/01846/FUL
Appeal by: Mr Mark Druery
Proposal: First floor rear extension and alterations to existing single storey rear extension
Site: 63 St Pauls Terrace York YO24 4BJ
Decision Level: DEL
Outcome: DISMIS

The appeal relates to the refusal of a first floor rear extension and alterations to the existing single storey rear extension to a mid-terraced dwelling. Permission had previously been granted for a replacement single storey rear extension. The extension would have had a flat roof set down from the eaves of the existing dwelling and would have been finished in slate grey boards. The application was refused due to its design, height and materials that would have resulted in a dominant and uncharacteristic form of development that would appear incongruous and out of keeping with the traditional surrounding development. As such the extension would result in significant harm to the appearance of the dwelling and rear section of terrace. The inspector agreed with the points made in the delegated report with regard to design, materials and height. It was also noted that the use of aluminium doors and windows would not reflect the typical fenestration of the area and that it would introduce a markedly contemporary feature in an area characterised by traditional design. In addition the Inspector also felt that the extensions would appear dominant and incongruous when viewed from the adjoining St Pauls Square/Holgate Road Conservation Area and as a result would fail to preserve the setting of the conservation area. The appeal was dismissed.

Application No: 17/01887/FUL
Appeal by: Mr Russell
Proposal: Single storey extension to south elevation
Site: Park Cottage Askham Park Jacksons Walk Askham
Richard York YO23 3QP
Decision Level: DEL
Outcome: DISMIS

The appeal relates to proposals for a single storey flat roof garden room extension of a contemporary design to the south elevation of Park Cottage, Askham Park, Askham Richard, the former estate manager's house at Askham Park and now one of five dwellings formed from the former stables and coach house set around a courtyard. The complex is located in open countryside in the green belt. The proposals were refused permission on the grounds that the extension was of an inappropriate design and a disproportionate addition to the original dwelling that would be inappropriate development in the green belt. The Inspector considered that the extension would not be a disproportionate addition in line with paragraph 89 of the NPPF, therefore the proposals would not be inappropriate development in the green belt. However, within the context of the sensitively converted group of former farm buildings, the contemporary design of the extension would read as a discordant addition that would detract from the distinctive Edwardian period architecture of the group of buildings. The flat roof design of the extension would be at odds with the architectural design and character. The extension would project forward of the south elevation's consistent building line, thus detracting from the unified form of the building complex, which was sensitively converted to respect its origins as part of a rural estate. The full height glazing and the aluminium finish of the flat roof fail to take cues from the palette of external materials used in the host dwelling and those adjoining. The strong horizontal emphasis would also jar with the vertical emphasis of the existing fenestration. The Inspector concluded that the proposed extension would materially harm the character and appearance of the host dwelling and the group of former estate buildings and on this basis the appeal was dismissed.

Application No: 17/01895/FUL
Appeal by: Mr & Mrs Orange
Proposal: Retention of existing rooflights to side roofslope.
Site: 35 The CranbrooksWheldrakeYorkYO19 6AZ
Decision Level: DEL
Outcome: DISMIS

The appeal site related to the retention of five roof lights to the north side roof slope. The windows have been installed following the conversion of the loft space and the construction of flat roof box style side dormer windows to the other south side of the roof. The dormers are permitted development because the windows are obscure - glazed and non-opening. The loft conversion has provided two bedrooms separated by a bathroom and landing areas. The roof lights are positioned in pairs of two to each bedroom and one serving the bathroom. The Council refused the application on the grounds of the potential material impact on the adjacent occupiers at 37 The Cranbrooks, particularly in terms of overlooking and loss of privacy. The objections received from these residents related to concerns regarding the loss of privacy and overlooking into their lounge and kitchen areas and front and rear gardens. The Council inspected the internal rooms of this dwelling and the upper floor of the appeal site. It was evident that having viewed this relationship by standing within these roof openings serving the bedrooms across no.37, they would affect the neighbour's privacy especially the windows overlooking into principal living rooms. The Council offered advice to on the scheme. However, the applicant was unwilling to revise the application. The Inspector agreed with The Council on the grounds that the occupiers of No 37 would be conscious of the possibility of rooms being overlooked, and this would affect the sense of privacy they would reasonably expect to enjoy in a main living room and front garden.

Application No: 17/01926/FUL
Appeal by: Mr & Mrs Howard
Proposal: 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.
Site: 34 Deramore Drive York YO10 5HL
Decision Level: DEL
Outcome: DISMIS

The application property is a detached dwellinghouse located on a corner site. It is already operating as an HMO and it is likely that if an application for CLU was applied for it would be successful. The application subject of the appeal was refused on grounds of the number of HMO's in the locality was already causing problems for residents, lack of household, the required expansion of car parking into the front/side garden areas would have an adverse impact on the visual amenity of the streetscene and the first floor side extension would be a large, dominant and incongruous addition that would harm the character and appearance of the streetscene. Inspectors Decision: Dismissed on grounds that the proposed two storey extension would be an incongruent and over-dominant addition. On other issues he was not satisfied that an additional two bedrooms would lead to a significant exacerbation of the problems that residents were nor did he feel that lack of household storage was an issue. He considered that only an extremely small area of grass would be lost and that the parking would be extended to an area that already had a hard standing, which would largely be screened by an existing hedge, that parking of vehicles is not uncommon at the front and the side of nearby dwellings and a significant area of lawn would still be retained at the front of the appeal property.

Application No: 17/01949/OUT
Appeal by: Mr Nikolai Krasnov
Proposal: Outline application for erection of 1 no. dwelling
Site: 44 Tranby Avenue Osbaldwick York YO10 3NJ
Decision Level: DEL
Outcome: DISMIS

The application sought outline consent for the erection of a detached three bedroom house on the side garden of the existing semi-detached house, a triangular shaped corner plot at the junction of Tranby Avenue and Baysdale Avenue. It was refused under delegated powers due to the harm to the character and amenity of the streetscene and surrounding area. Whilst the application was outline with indicative details only of access, siting, layout and appearance, the limited space to the side of the existing dwelling would mean that any three bedroom dwelling would sit in close proximity to the existing semi-detached pair of houses 44-46 Tranby Avenue and forward of properties on Baysdale Avenue. This would result in a cramped and constrained arrangement and an incongruous addition within the existing pattern of development. In dismissing the appeal, the Inspector concurred with the Authority's assessment and concluded that the proposal would have a significant detrimental effect on the street scene and would diminish the prevailing character and appearance of the surrounding area, contrary to Local Plan policies GP1 and GP10 and relevant sections of the NPPF.

Application No: 17/01966/FUL
Appeal by: Mrs Beverley Shipley
Proposal: Erection of 1.8m fence to side and rear boundaries and 1.2m fence to front (retrospective)
Site: 9 Manor Park Road York YO30 5UB
Decision Level: DEL
Outcome: DISMIS

9 Manor Park Road occupies a corner site at the junction with Manor Park Grove, which is a small cul-de-sac. The appeal relates to a 1.8m high fence constructed along the side and rear boundary which reduces to circa 1.2m along the front boundary. The fence construction consists of a concrete plinth and concrete posts with close boarded fence panels (see attached photo). Planning permission for a two storey side extension to the property was approved in February 2017 subject to a condition that an existing mature hedge on the side and rear boundaries was to be protected during construction. Although the extension has not been built, the hedge has been removed and a fence has been erected with no planning application being submitted for its construction. The application which is the subject of this appeal is therefore retrospective. The Inspector considered the fence to be a solid, stark and imposing feature and noted that as it immediately abutted the pavement there was no opportunity to soften its appearance with planting. He considered that the height and materials of the fence were entirely at odds with the low boundary brick walls, fences and hedges of the surrounding properties and that the development was an incongruous addition which conflicts with the open, spacious character and appearance of the area. He also noted that although the appellant had offered to paint the fence a different colour, this would not address the height of the fence or the incongruous nature of the concrete plinth and posts. It would not, therefore, address the harm to the character and appearance of the area that arose from the development.

Application No: 17/02048/FUL
Appeal by: Mr And Mrs Parker
Proposal: Construction of 2no. dormers to rear to replace 5no. existing dormers
Site: Highfield HouseBad Bargain LaneYorkYO19 5XE
Decision Level: DEL
Outcome: DISMIS

The appeal related to proposals to change 5 small vertical proportioned pitched roof dormers on the rear of a dwelling in the countryside to two large pitched roof dormers. The appeal property is relatively isolated and sits in substantial grounds with large industrial style buildings immediately to the rear. It is located in the Green Belt. The Inspector dismissed the appeal. The property had previously been enlarged to be at least twice the size of the building that sat on the site prior to the 1960s. She considered the proposed additions to the roof would be cumulatively disproportionate to the size of the original home. This would conflict with NPPF advice requiring extensions to not result in disproportionate additions over the size of the original building. She considered there would be a moderate impact on openness. She felt that the design of the dormers and the context was such that the large dormers would not harm visual appearance.

Application No: 17/02078/FUL
Appeal by: Mr Nigel Watson
Proposal: Erection of attached dwelling (revised scheme)
Site: 36 Danesfort AvenueYorkYO24 3AW
Decision Level: DEL
Outcome: DISMIS

The appeal relates to a proposed two-bedroom self-contained dwelling attached to a semi-detached home on a corner plot in suburban York. In 2016 (16/01496/FUL) an application was submitted for a detached dwelling to the side of the home. This was considered unacceptable. Following negotiations a scheme was approved for an attached dwelling that in appearance would appear as a subservient two-storey side extension. The appeal relates to a revised scheme submitted several months later seeking to widen the approved dwelling by around 1m and simplify the fenestration. It was refused because it was considered that the proposed development would neither replicate the form of the attached dwelling nor appear as a subservient addition to it and as such would not harmonise with the adjacent dwellings and would appear as an incongruous, awkward and prominent addition to the streetscene. The Inspector dismissed the appeal. She stated that the scheme was unacceptable because the enlarged dwelling would appear over wide relative to the host, would be unduly prominent and the shape and location of the proposed windows would be out of character.

Application No: 17/02088/ADV
Appeal by: Mr dale harrison
Proposal: Display of 1no. LED internally illuminated fascia sign, 5no. non illuminated 3mm aluminium panels, 6no. cut dibond panels, 1no. double sided totem sign with illuminated graphics and 1no. non illuminated double sided post mounted sign
Site: Smith Brothers Ltd Osbaldwick Link Road Osbaldwick York YO10 3JA
Decision Level: DEL
Outcome: DISMIS

The application site is a two storey warehouse previously occupied by Smith Brothers kitchen showroom and warehouse. The building is located on Osbaldwick Link Road and outside Osbaldwick village settlement limits and within the CYC Green Belt. This application sought advertisement consent for 10. internally and non- illuminated signs to the principal and side elevation of the building and one free standing post mounted directional sign and one internally illuminated totem to be positioned on the grass verge outside the site. The Council refused the internally illuminated totem sign on its prominent position, size, appearance would constitute unnecessary clutter, to the detriment of the semi-rural character of the area and the openness of the green belt. The Council did not consider that the other two noticeable non- illuminated totem signs along the grass verge were similar to this application. The Inspector agreed with the Council and concluded that the asserted effect of the totem sign on the economic viability of the business would not outweigh the amenity of the location.

Application No: 17/02452/FUL
Appeal by: Ms Carol Edwards
Proposal: Erection of boundary fence to front, side and rear boundaries and new area of hardstanding to front (retrospective)
Site: 1 The LinkFulfordYorkYO10 4LB
Decision Level: DEL
Outcome: DISMIS

This application sought permission (retrospectively, further to the removal of high hedging) for the erection of a timber close boarded front, side and rear boundary fencing, to a height of 1.85 metres. The fencing was above an existing low brick boundary wall to the front and one side boundary. The host site lies within a residential area on a prominent corner location, and the overall character and appearance of the surrounding area is open with low front boundary walls and soft landscaping. It was therefore considered that the boundary fence, by reason of its design, height, appearance and use of materials on a prominent corner location constituted an incongruous and unduly imposing feature in the streetscene, to the detriment of visual amenity, resulting in a stark, solid and harsh feature in this area, to which the Inspector agreed. Whilst the applicant suggested that the fence appeared tidier and was safer for passers by, the Inspector considered that these supposed benefits did not outweigh the harm to the visual appearance of the surrounding area.

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

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:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
03/04/2018	18/00020/REF	APP/C2741/W/18/3196459	W	9 Sails Drive York YO10 3LR	Use of property as a 7 bed House in Multiple Occupation (retrospective)		
Officer: Erik Matthews						Total number of appeals:	2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
04/04/2018	18/00021/REF	APP/C2741/W/18/3196858	W	Land Adjacent Hopgrove Roundabout Beechwood	Outline planning application with all matters reserved for erection of petrol filling station, restaurant and 50-bedroom hotel with associated access, car parking and landscaping (resubmission)		
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: Elizabeth Potter						Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
13/02/2018	18/00016/REF	APP/C2741/W/18/3193550	W	18 Eastholme Drive York YO30 5SW	Change of use of newsagent (use class A1) to cafe (use class A3)		

Officer: Hannah Blackburn						Total number of appeals: 3
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
09/02/2018	18/00013/REF	APP/C2741/W/18/3194870	W	40 Main Street Wheldrake York YO19 6AE	Erection of dormer bungalow with parking and external alterations to outbuilding	
08/03/2018	18/00018/EN	APP/C2741/C/17/3185328	W	Bumper Castle Inn Wigginton Road York YO32	Appeal against Enforcement Notice dated 15 August 2017	
09/02/2018	18/00012/REF	APP/C2741/W/18/3193786	W	Rear Of Redthorne Murton Way York YO19 5UJ	Erection of 2no. semi detached dwellings following demolition of motor vehicle repair workshop	
Officer: Heather Fairy						Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
20/02/2018	18/00017/REF	APP/C2741/W/18/3193879	W	Cherry Tree Cottage Millfield Lane Nether	Erection of 1no. dwelling	
21/03/2018	18/00022/REF	APP/C2741/W/18/3196443	W	Deighton Lodge Limited Rush Farm (Game Farm)	Variation of conditions 3 and 4 of permitted application 16/00267/FUL (for the change of use from guesthouse to mixed use guesthouse and wedding venue) to increase number of weddings from 15 to 25 in total in any calendar year and to allow the side garden to be used for wedding ceremonies	
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: 3
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
06/12/2017	17/00049/REF	APP/C2741/W/17/3189768	I	The Homestead Murton Lane Murton York	Replacement of mobile home with dwelling	
06/11/2017	17/00054/EN	APP/C2741/C/17/3188555	I	Crabtree Farm York Road Deighton York YO19 6ES	Appeal against Enforcement Notice dated 6th October 2017	

06/11/2017	17/00054/EN	APP/C2741/C/17/3188556	I	Crabtree Farm York Road Deighton York YO19 6ES	Appeal against Enforcement Notice dated 6th October 2017
------------	-------------	------------------------	---	---	---

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: 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: Rachel Tyas **Total number of appeals: 2**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
26/01/2018	18/00006/REF	APP/C2741/W/18/3193333	W	Land Adjacent To 15 Monk Bar Court York	Conversion of workshop and erection of three storey extension to create 1 no. dwelling (revised scheme)
02/10/2017	17/00053/ENL	APP/C2741/F/17/3185628	W	Sutlers Bar And Restaurant 54 - 56 Fossgate York YO1	Appeal against Enforcement Notice dated 9 August 2017

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: 22

This page is intentionally left blank