



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

**To:** Councillors Hollyer (Chair), Crawshaw (Vice-Chair),  
Cullwick, Fisher, Galvin, Craghill, Lomas, Melly, Orrell,  
Waudby and Webb

**Date:** Thursday, 6 February 2020

**Time:** 4.30 pm

**Venue:** The George Hudson Board Room - 1st Floor West  
Offices (F045)

**AGENDA**

**Site Visits**

Would Members please note that the mini-bus for will leave from the Memorial Gardens, Leeman Road at 10.00am on Wednesday 5 February 2020

**1. Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

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

**2. Minutes**

**To Follow**

To approve and sign the minutes of the meeting held on 9 January 2020.

**3. Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officers on the contact details listed at the foot of this agenda. The deadline for registering is at **5.00pm on Wednesday 5 February 2020.**

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### **4. Plans List**

To determine the following planning applications:

- a) **Grimston Court, Hull Road, Dunnington,** (Pages 3 - 18)  
**York YO19 5LE [19/02692/TPO and**  
**19/02693/TPO]**

Various tree works including the felling of 99 trees protected by Tree Preservation Order no. 3/1973 [Osbalwick and Derwent Ward] [Site Visit]

- b) **Southbank Stores, 75 Balmoral Terrace,** (Pages 19 - 30)  
**York YO23 1HR [19/02133/FUL]**

Two storey rear extension, single storey rear extension, dormer to rear, 1 rooflight to rear and 2 rooflights to front following demolition of single storey rear extension [Micklegate Ward] [Site Visit]

- c) **45 Osbaldwick Village Osbaldwick York** (Pages 31 - 40)  
**YO10 3NP [19/02200/FUL]**

Two storey side extension following demolition of garage, and dormer to front (resubmission) [Osbaldwick and Derwent Ward]

**5. Urgent Business**

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

Democracy Officer:

Name – Michelle Bennett

Telephone – 01904 551573

E-mail – michelle.bennett@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting Michelle Bennett Democracy Officer

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

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**AREA PLANNING SUB COMMITTEE****SITE VISITS****Wednesday 5 February 2020**

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

<b>TIME (Approx)</b>	<b>SITE</b>	<b>ITEM</b>
10.20	Grimston Court, Hull Road, Dunnington	3a
11.10	Southbank Stores 75 Balmoral Terrace	3b

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## COMMITTEE REPORT

**Date:** 6 February 2020      **Ward:** Osbaldwick and Derwent  
**Team:** Design, Conservation & Sustainable Development      **Parish:** Dunnington

**References:** 19/02692/TPO and 19/02693/TPO  
**Applications at:** Grimston Court, Hull Road, Dunnington, York, YO19 5LE  
**For:** Various tree works including the felling of 99 trees protected by Tree Preservation Order no. 3/1973  
**By:** Stan Timmins and Sons Ltd  
**Application Type:** Tree Preservation Order  
**Target Date:** 10 February 2020  
**Recommendation:** Partial Approve/Partial Refuse

### 1.0 PROPOSAL

1.1 Two separate tree works applications have been submitted, both at Grimston Court, Hull Road, Dunnington, York, YO19 5LE:

- 19/02692/TPO - Various tree works including the felling of 49 trees protected by Tree Preservation Order no. 3/1973.
- 19/02693/TPO - Various tree works including the felling of 50 trees protected by Tree Preservation Order no. 3/1973.

The arboricultural consultant who produced the tree report and submitted the above, split the site into two applications. For the purpose of this report the two applications will be considered as a whole. The combined proposals include felling 99 trees, also the pruning, dead wooding, removal of ivy, crown lifting, and crown thinning and crown reduction to a further 62 trees.

1.2 The applications do not seek to remove all of the trees within the grounds. The applications seek to thin out the existing trees by removing 99 trees out of an existing total of 496 trees, i.e. approximately 20% of the existing overall number of trees.

The tree locations referred to in the application tree report have been broken up into a series of sections/blocks for ease of reference – see Appendix 1.

1.3 The options are to i) refuse the application in total; ii) approve the application in total; or iii) allow some of the works and refuse the rest, which could be a number of variations.

1.4 This application has been called in to committee by Cllr Warters who is concerned about the removal of a large number of trees protected by a Tree Preservation Order.

## **2.0 POLICY CONTEXT**

2.1 City of York Publication Draft Local Plan 2018

GI 1 Green Infrastructure

GI 4 Trees and Hedgerows

2.2 City of York Council Development Control Local Plan 2005

CYNE1 Trees, woodlands, hedgerows

CYGP9 Landscaping

## **3.0 CONSULTATIONS**

### EXTERNAL

#### Dunnington Parish Panel

3.1 Dunnington parish council object to the two applications. Representatives from the parish council were in attendance when the council officer twice visited the site. The following provides a summary of the parish council's comments:

- Any trees felled should be conditioned as replaced with trees of a reasonable size and suitable so there is no overall loss of tree canopy cover.
- Little recognition that fungal growths are a natural part of the life cycle of a tree, which feed other species and promote diversity in both wildlife and vegetation.
- While there may be safety reasons for felling a small number of trees, removing a significant number of mature trees would have a major visual impact on both the A1079 and the York Road entrance to the village.
- The importance of mature trees cannot be over-emphasised in relation to improving air quality, particularly given the proximity of Grimston House to the A1079, the A64 and the Grimston roundabout which all have large volumes of traffic for many hours of the day. In addition, they provide sound screening for the Grimston House residents. It is also important to emphasize other advantages for the residents of Grimston House in that they are surrounded by an environment which is rich in biodiversity and tree cover which is beneficial for their mental and physical health.
- Dunnington Parish Council believes that both of these applications run counter to environmental initiatives to tackle climate change, boost wildlife and boost mental health.

#### Publicity and Neighbour Notification



3.2 In response to the two applications, six objection letters were received from four different people. No letters in support of the application were received. The following provides a summary of the points raised in the letters:

- the trees act as a means of reducing traffic noise, reducing pollution as well as being aesthetically pleasing.
- The area has a high water table and the trees help to reduce this and the associated risk of flooding.
- The trees help improve the local air quality and reduce CO2 in the area.
- The trees are an attractive mix of types and provide a very attractive visual amenity in the area and from along the Hull road.
- The trees provide an essential habitat for wildlife, including nesting birds.
- The trees provide a protective windbreak for neighbouring properties and along the busy Hull road.
- All political parties in the recent election agreed upon the urgent necessity of planting many more trees to help fight climate change.
- No mention is made of requirements to replace any felled trees.

## 4.0 APPRAISAL

### KEY ISSUES

4.1 The key issues in the assessment of this proposal are the impact upon:

- Health and safety
- Public amenity
- Setting of the City
- Integrity of green corridor
- Landscape setting for the nursing home

### LEGISLATIVE BACKGROUND

4.2 In considering applications for consent under a Tree Preservation Order, the local planning authority should assess the impact of the proposal on the amenity of the area and whether the proposal is justified, having regard to the reasons and additional information put forward in support of it.

In certain circumstances, compensation may be payable by the local planning authority for loss or damage which results from the authority refusing consent or granting consent with conditions.

### POLICY CONTEXT

#### National Planning Policy Framework

4.3 Section 15. Conserving and enhancing the natural environment

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

4.4 The trees were planted as part of the landscape infrastructure of Grimston Court, currently a 47 bedroom residential care home, set in secluded private grounds on the outskirts of York. The Grade II listed building was built in 1903 as a large country house designed by W Brierley for JJ Hunt in an informal Arts and Crafts style described as “Jacobethan” in the list description.

4.5 The grounds comprise of open grassland, formal garden areas and woodlands of mixed age and species. The site is bounded by the A1079 to the south, Bore Tree Baulk to the East, Thorn Tree Field to the West and open fields to the North. The trees were planted at close spacing which would have provided quick cover. The trees should then have been thinned out as the trees grew, to eliminate competition in favour of the better specimens. However the trees have received limited attention in the intervening years. As a result, the trees have grown up in tight competition with each other, resulting in leggy trees; some are misshapen and/or exhibit a lot of deadwood. Previous tree works on the site has largely been reactionary to eliminate immediate health and safety risk to either the property itself or to Hull Road/York Road along the southern boundary.

4.6 The Tree Preservation Order (TPO) was served in 1973; it is still very relevant today, and serves to provide a valuable public visual amenity from all directions. The trees screen both noise and sight of the A1079 and Bore Tree Baulk. Given the number and density of trees it was simplest to serve an area/group/woodland tree preservation order to cover all the trees contained within the site with no individual trees specified.

4.7 Stan Timmins and Sons Ltd carried out an arboricultural general survey of the site on behalf of their client Welburn Care. This was submitted with the application. There are no current planning applications submitted on this site other than this application to carry out the various tree works. The tree survey was carried out in November 2019. The tree report runs to 348 pages and summarises that 496 trees over 50 mm in diameter were surveyed, identified and plotted on a map.

4.8 Of the 496 trees listed in both applications overall 99 trees were recommended for felling. Of the 99 trees many were found to be dead, dying, diseased, unstable, heavily suppressed by neighbouring trees and in general poor condition. Whilst some trees appeared to be in general good health there is clearly a problem on the site causing the death of some varieties. The report indicates a variety of pest, disease and fungal fruiting bodies which was evident at the two site inspections. The very wet conditions in sections of the grounds is also not conducive to good growing conditions for many varieties and may also be contributing to the demise of some trees.

4.9 Where consent is granted to remove a tree subject to a TPO, the planting of a replacement tree can be imposed as a condition of consent, including specifying the size, species and location of the replacement tree.

4.10 The majority of the recommended work within the tree report is to be good arboricultural practice. Some of the trees pose a significant threat to life and property due to the health and position, whilst others do not pose any significant risk but are either dead, dying or are in a very poor condition. However, some of the proposed felling are not considered essential for health and safety reasons and those trees are recommended to be retained with suggested alternative work. Work to many of the trees on the site includes pruning, removal of dead wood, over extending branches, broken branches removal of dead and diseased wood and this would be considered good practice and would ensure the longevity of these trees.

4.11 Despite the relatively poor form of a proportion of the trees, as a whole they provide a distinct, highly visible, landscape feature in the area, and enhance the setting of the nursing home as viewed from the adjacent roads, and contribute to the setting of the area; they also contribute to the setting of the entrance to Dunnington village.

4.12 In officer's opinion it is not necessary to fell all trees specified in order to comply with health and safety requirements. The grounds are large and not all areas are readily accessible to staff and residents. Some trees could safely be retained in the interim until new trees have been planted or the existing, dominant trees have grown to close canopy gaps. A number of these retained trees will require work to make safe – these works are summarised in Appendix 2.

4.13 It is officer's opinion that the proposed thinning operation has merit in its aim to allow better growing conditions for the remaining trees and any replacement trees. However officers have concern that the proposed work represents too much work for one single operation due to some loss to the public amenity that would result.

4.14 It is likely that the remaining trees will perform a lot better and fill out somewhat, however it is not possible to accurately predict their performance.

4.15 The success of replacement planting will depend on the quality of the planting stock, species choice, suitable ground preparation, plus adequate aftercare.

4.16 Therefore it would be more appropriate to phase the thinning works so that the visual loss is spread over a period of time; and an assessment can be made of the success of the remaining trees, and also the success of the replacement planting, which should survive and thrive, before another phase of thinning is embarked upon.

## **5.0 CONCLUSION**

5.1 The tree stock on this site not only provides a very high attractive amenity value they also provide valuable wildlife habitat, absorbs CO2 emissions, contributes to reducing the water table, assists in the reduction of noise pollution and provides a windbreak.

5.2 The tree stock on this site has not been well maintained for a number of years which has contributed to the poor condition of many trees. The high water table may well have contributed to the spread of disease such as Honey fungus. The mature age group combined with overcrowding of trees is also contributing to the demise of many trees.

5.3 Consequently, it is felt that most of the proposed tree felling is acceptable, but some is unnecessary at this time. The removal of some of the trees presents an opportunity to replant with more suitable species of young, healthy stock.

5.4 The recommendation is to 'part refuse and part approve' the application with a condition to replace all of the trees to be felled. This would allow the majority of the proposed works; to approve the removal of 71 trees; to refuse felling of 28 trees, and in some cases with lesser works allowed, as summarised in Appendix 2.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Partial Approve/Partial Refuse**

#### **1 REFUSED WORK**

The felling of 28 no. trees shown in Appendix 2 is refused, with lesser alternative works approved as shown in the table.

Reasons for part refusal: Some of the felling is refused because the trees still serve their function as cited under the TPO and are in such a condition that they could be retained under suitable management, at least for some years.

#### **2 APPROVED WORK**

All other tree work, not shown in the Appendix 2, is approved.

Reasons for part approval: It is recognised that thinning operations are required. However a phased management programme would be more suitable in order to limit the loss to amenity and ensure long term tree cover.

#### **3 All works should retain the overall shape, form and character of the tree(s).**

Reason: To maintain the aesthetic value of the trees and their contribution to the amenity of the area.

#### **4 All works should be carried out in accordance with BS3998.**

Reason: To ensure that the trees are properly maintained in line with current standards.

#### **5 This consent is valid for two years from the date of the notice.**

Reason: In accordance with the Department for Communities and Local Government Guide to Tree Preservation Orders and trees in conservation areas 2014.

6 The branch wood should not be burned but be either chipped or otherwise removed from site.

Reason: In the interests of the protected trees, public safety and nature conservation.

7 There is a duty under the Town and Country Planning Act 1990 to replant with similar/more appropriate species or species as agreed with the Local Planning Authority.

Reason: Requirement under the Town and Country Planning Act 1990.

8 Before the trees are removed, a scheme for the planting and maintenance of replacement trees shall be submitted to and approved in writing by the local planning authority; these works shall be carried out as approved. These details shall include soil preparation; and the position of planting; means of support and watering; and a maintenance programme. The works shall be carried out in the first available planting season (November to March) following the removal of the first tree. The replacement trees shall be agreed in writing by the local planning authority. Nursery stock shall be to a minimum size of 10-12cm girth (measured at 1metre above soil level), and 3.0-3.5m high, with one strong main leader.

If within a period of five years from the date of the planting of that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written approval to any variation.

9 If you disagree with our decision, you can appeal to The Planning Inspectorate. If you want to appeal, you must do so in writing to The Environment Appeals Team, Room 4/04 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, Telephone: 0117 372 8192, e-mail it to: [Environment.appeals@pins.gsi.gov.uk](mailto:Environment.appeals@pins.gsi.gov.uk) within 28 Days from the date you receive this decision.

10 If you suffer any loss or damage as a result of this refusal of consent/imposition of conditions, you may be entitled to recover from the Council compensation. If you wish to make a claim you must do so within 12 months from the date of this decision (or, if you appeal to the Secretary of State, within 12 months from the date of his decision). Claims should be made in writing to the City of York Council, West Offices, Station Rise, York YO1 6GA, Tel: 01904 551550.

## **7.0 INFORMATIVES:**

TREE8 Wildlife and Countryside Act

Under Section 1 and 99 of the Wildlife and Countryside Act 1981 it is an offence to intentionally damage or destroy any birds nest whilst it is in use being built or to deliberately damage or destroy a bat roost.

Reason: Requirement under Section 1 and 99 of the Wildlife and Countryside Act 1981.

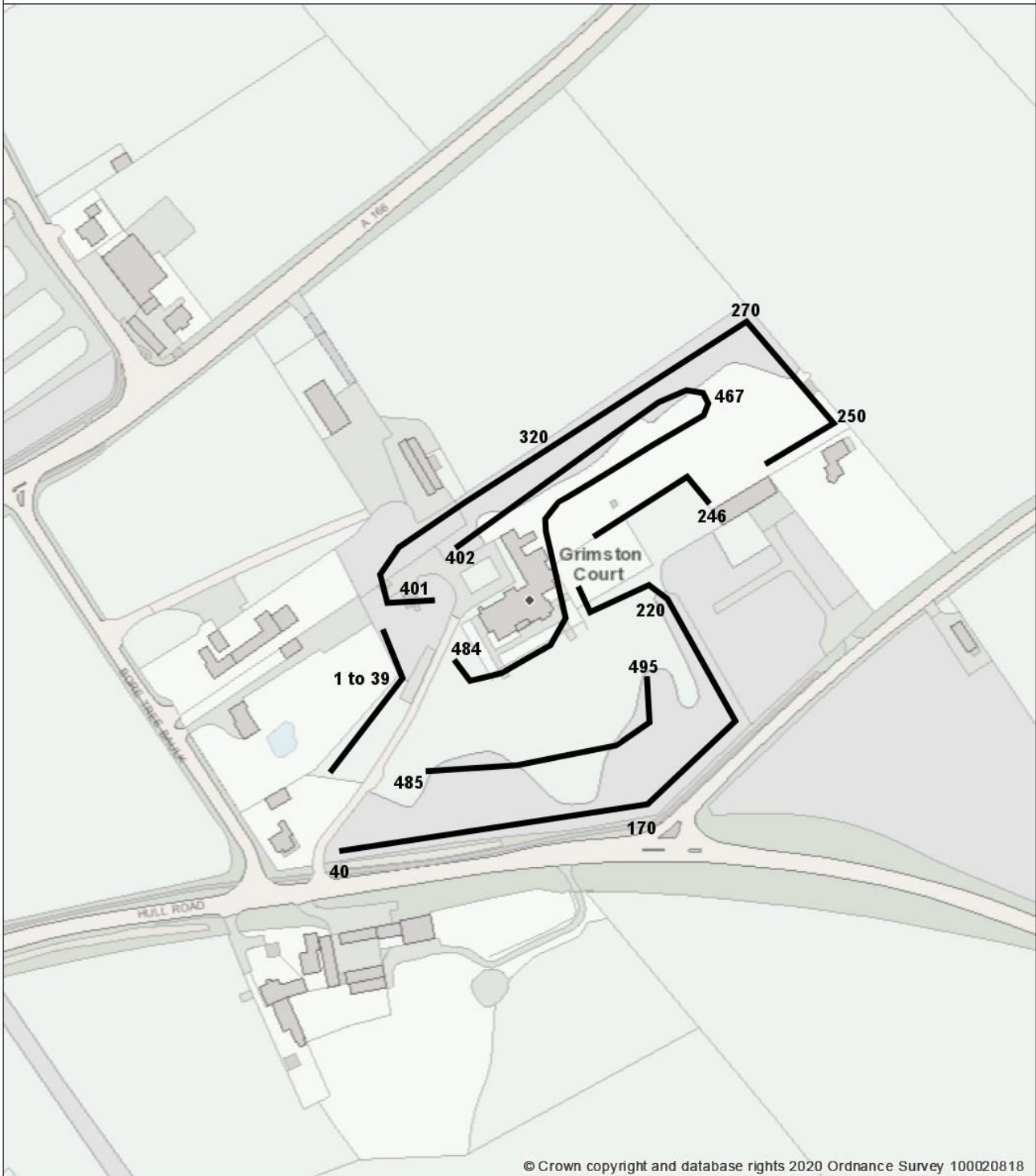
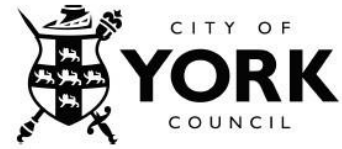
### **Contact details:**

**Author:** Brian William, Tree Conservation Officer

**Tel No:** 01904 551168

Appendix 1 – Tree location summary – trees numbered ‘T’ in applicant’s tree report

Grimston Court, Hull Road, Dunnington



**Date:** 2020

**Author:** City of York Council

**Scale:** 1:2,500



Appendix 2 – Refused works, with approved alternative works

<b>Tree ID</b>	<b>Tag No</b>	<b>Common Name</b>	<b>Proposed Work Item</b>	<b>Tree Report Comment</b>	<b>Decision</b>	<b>Approved alternative works/comments</b>
T6	67	Field Maple	Fell to ground level	Rot in crotch, poor branch attachment adjacent to driveway remove tree	REFUSE	Pruning and monitor
T12	74	European Larch	Fell to ground level		REFUSE	Monitor
T18	80	Crab Apple	Fell to ground level		REFUSE	Crown lift and cut hedge back
T21	82	Caucasian Fir	Fell to ground level	Poor specimen very weak tree	REFUSE	Poor Specimen but not unhealthy
T29	90	Black Poplar	Fell to ground level		REFUSE	Crown lift and cut back neighbouring vegetation
T38	99	Mountain Ash	Fell to ground level		REFUSE	
T79	142	Lawson Cypress	Fell to ground level		REFUSE	Although heavily suppressed still a healthy tree
T120	183	Sycamore	Fell to ground level		REFUSE	Pollard
T134	197	Manna Ash	Fell to ground level	Tree is in extremely poor condition adjacent to highway	REFUSE	Pollard
T136	199	White Willow	Fell to ground level	Hazard tree, indications of recent movement. Leaning into grounds. Tree is retrenching badly	REFUSE	Pollard
<b>Tree ID</b>	<b>Tag No</b>	<b>Common Name</b>	<b>Proposed Work Item</b>	<b>Tree Report Comment</b>	<b>Decision</b>	<b>Approved alternative works/comments</b>

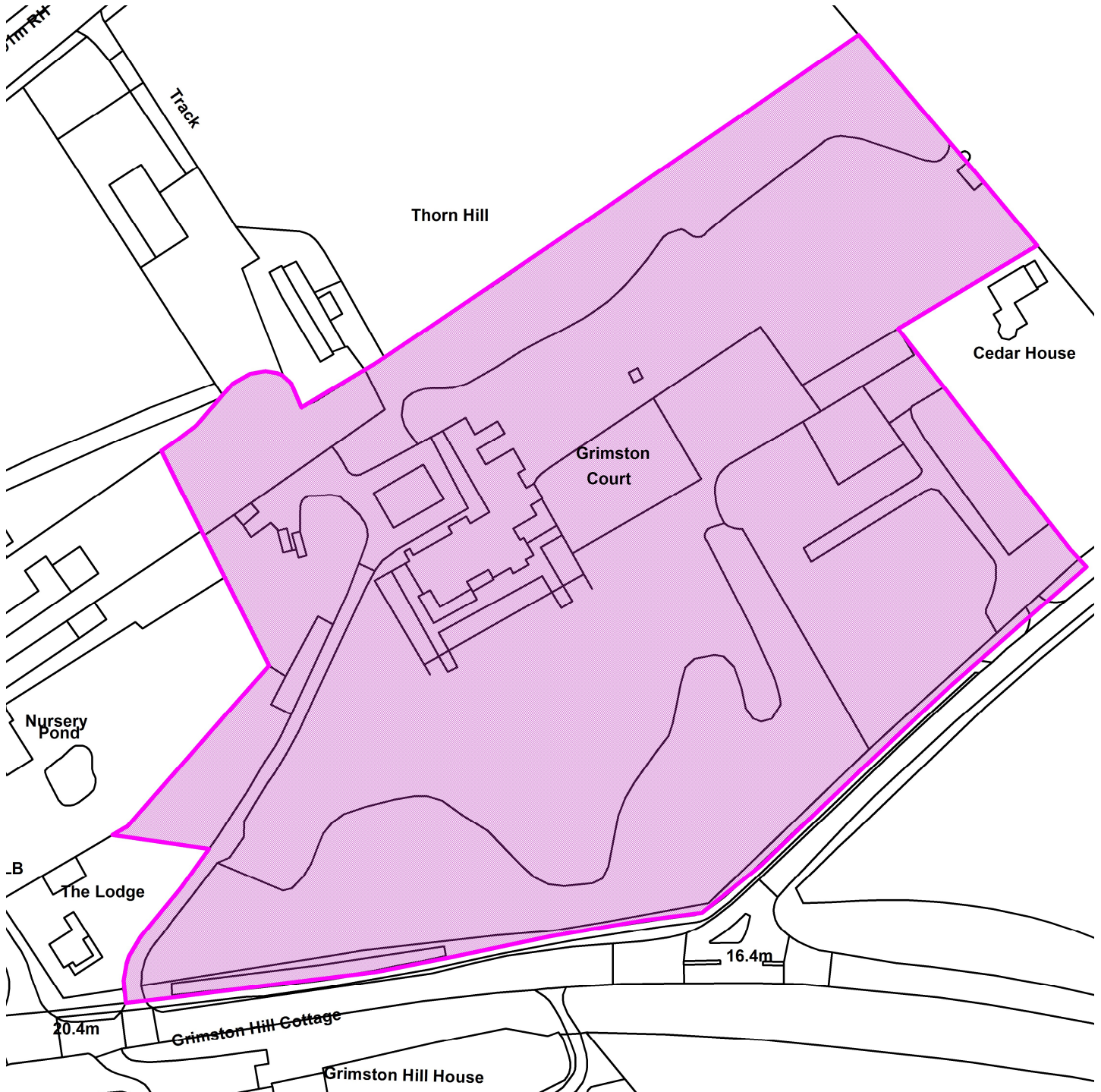


T140	203	Myrobalan Plum	Fell to ground level	Tree is slowly falling apart adjacent to highway	REFUSE	Pollard
T150	213	Weeping Willow	Fell to ground level	Heavily suppressed leaning into road poor specimen fell	REFUSE	Pollard
T188	250	Goat Willow	Fell to ground level	Stem has significant structural weaknesses	REFUSE	Pollard
T220	363w	Sycamore	Fell to ground level		REFUSE	
T246	309			Plantation of picea abies Approximately 35 trees Need to be thinned out by 20% Adjacent to neighboring storage barn	REFUSE	Prune branches away from adjacent building
T265	329	Common Horse Chestnut	Fell to ground level		REFUSE	Pollard
T277	341	Common Horse Chestnut	Fell to ground level	Tree is infected with honey fungus extremely dangerous condition	REFUSE	Pollard
T303	367	Sycamore	Fell to ground level	Numerous structural weaknesses fell tree before it collapses	REFUSE	Pollard
T315	379	Sycamore	Fell to ground level		REFUSE	Pollard
T359	422	Sycamore	Fell to ground level	Lapsed Pollard, stem unsound adjacent to storage area.	REFUSE	Crown reduce by 20%
T360	423	Sycamore	Fell to ground level	Lapsed pollard, tree is structurally unsound in storage area.	REFUSE	REPOLLRD TO PREVIOUS POLLRDING POINTS
<b>Tree ID</b>	<b>Tag No</b>	<b>Common Name</b>	<b>Proposed Work Item</b>	<b>Tree Report Comment</b>	<b>Decision</b>	<b>Approved alternative works/comments</b>

T361	424	Sycamore	Fell to ground level	Lapsed pollard structurally unsound	REFUSE	REPOLLRD TO PREVIOUS POLLRDING POINTS
T362	425	Common Horse Chestnut	Fell to ground level	Lapsed pollard tree structurally unsound	REFUSE	POLLARD
T363	426	Sycamore	Fell to ground level	Tree structurally unsound	REFUSE	Pollard remove concrete slabs from base of tree.
T364	427	Common Horse Chestnut	Fell to ground level		REFUSE	Pollard
T365	428	Sycamore	Fell to ground level	Tree is structurally unsound	REFUSE	Pollard
T366	429	Common Beech	Fell to ground level	Meripilus giganteus root decaying fungus	REFUSE	Monitor and recheck leaf cover and vigour in the summer
T493	556	Common Holly	Fell to ground level	Remove for hygiene reasons	REFUSE	

19/02692/TPO

Grimston Court Hull Road Dunnington



Scale : 1:1576

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<b>Date</b>	24 January 2020
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19/02693/TPO

Grimston Court Hull Road Dunnington



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## COMMITTEE REPORT

**Date:** 6 February 2020      **Ward:** Micklegate  
**Team:** West Area      **Parish:** Micklegate Planning Panel

**Reference:** 19/02133/FUL  
**Application at:** Southbank Stores 75 Balmoral Terrace York YO23 1HR  
**For:** Two storey rear extension, single storey rear extension, dormer to rear, 1no. rooflight to rear and 2no. rooflights to front following demolition of single storey rear extension.  
**By:** Ms Sara Winlow  
**Application Type:** Full Application  
**Target Date:** 3 February 2020  
**Recommendation:** Householder Refusal

### 1.0 PROPOSALS

1.1 The application site is Southbank Stores, 75 Balmoral Terrace, York, a two storey end of terrace building with a shop on the ground floor and flat above on the first floor. Southbank Stores is located on the corner of Balmoral Terrace and Count De Burgh Terrace in a dense urban residential setting.

1.2 The revised proposals relate to a two storey rear extension and single storey rear extension following demolition of the existing single storey rear extension, roof dormer and roof light to the rear and two roof lights to the front roof plane.

1.3 A call-in request was received from Councillor Crawshaw for the application to be considered by the Area Planning Sub-Committee. Councillor Crawshaw advised that the impact of the proposals on residential amenity should be considered by Members.

### 2.0 POLICY CONTEXT

Draft Development Control Local Plan 2005

GP1 Design

H7 Residential Extensions

## Emerging Local Plan Policies

### D11 Extensions and Alterations to Existing Buildings

## **3.0 CONSULTATIONS**

### Micklegate Planning Panel

3.1 No response received.

## **4.0 REPRESENTATIONS**

4.1 A neighbouring resident raised objections. Key issues were;

- Loss of light in the ground floor living room and kitchen/diner and first floor bedroom.
- Loss of outlook and dominance from the windows serving the ground floor living room, kitchen/diner and first floor bedroom. The roof dormer would lead to loss of outlook to the sky above the roof of no. 75 Balmoral Terrace.
- The front yard feeling much more enclosed.
- Loss of privacy and overlooking of the front yard and ground floor kitchen/diner.

The neighbouring resident seeks to work with an architect or surveyor towards solutions to the issues raised that would work for the both the applicant and neighbour.

4.2. Comments of support were received;

- The local shop/coffee shop (Southbank Stores) should be core to the community;
- Enabling a small family to live above the shop, with the addition or a dormer extension, would enable more people to walk to shop locally and socialise.
- The impact on the environment of a roof dormer is negligible compared to the impact of residents in the neighbourhood driving elsewhere to buy goods, or being isolated.
- The proposals would enable better community access to shops, shorter journeys for locals and a family home.

4.3 In response to the revised proposals, a neighbouring resident responded stating that previous objections still stand, as follows;

- Loss of light.



- Dominance and loss of outlook.
- Loss of privacy.

## 5.0 APPRAISAL

### KEY ISSUES

- Design and visual impact on dwelling and surrounding area
- Neighbouring amenity

### PLANNING POLICIES

#### National Planning Policy Framework

5.1 In the absence of a formally adopted local plan in York the most up to date representation of key relevant policy issues is the National Planning Policy Framework, February 2019 (NPPF). This sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development.

5.2 In NPPF Chapter 4 Decision-making, Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

5.3 In NPPF Chapter 12 Achieving well-designed places, Paragraph 127 states that planning policies and decisions should ensure that developments will achieve a number of aims including:

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development:
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting;
- create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users.

5.4 The NPPF also places great importance on good design. Paragraph 128 says that design quality should be considered throughout the evolution and assessment of individual proposals. Paragraph 130 says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

#### Publication Draft York Local Plan 2018

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

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

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

5.6 2018 Draft Plan Policy D11 (Extensions and Alterations to Existing Buildings) is relevant here. This says that proposals to extend, alter or add to existing buildings will be supported where the design responds positively to its immediate architectural context, local character and history in terms of the use of materials, detailing, scale, proportion, landscape design and the space between buildings. Proposals should also sustain the significance of a heritage asset, positively contribute to the site's setting, protect the amenity of current and neighbouring occupiers, contribute to the function of the area and protect and incorporates trees that are desirable for retention.

#### York Development Control draft Local Plan 2005

5.7 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 the policies

should be afforded very limited weight except when they are in accordance with the NPPF.

5.8 Development Control Local Plan Policy GP1 refers to design, for all types of development. Of particular relevance here are the criteria referring to good design and general neighbour amenity. Development proposals will be expected to be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials. Development proposals will be expected to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

5.9 Development Control Local Plan Policy H7 states that residential extensions will be permitted where; the design and materials are sympathetic to the main dwelling and the locality; the design and scale are appropriate to the main building; there is no adverse effect upon the amenities of neighbours; the proposals respect the spaces between dwellings; and the proposals would not result in an unacceptable reduction in private amenity space.

5.10 The Council has an agreed Supplementary Planning Document 'House Extensions and Alterations' (SPD), dated December 2012, which provides guidance on all types of domestic type development. A basic principle of this guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the road/streetscene where it is located. In particular, care should be taken to ensure that the proposal does not dominate the house or clash with its appearance with the extension/alteration being subservient and in keeping with, the original dwelling. The character of spacing within the street should be considered and a terracing effect should be avoided where required. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook.

## ASSESSMENT

### DESIGN AND VISUAL AMENITY

5.11 The application site, Southbank Stores, 75 Balmoral Terrace, is comprised of a ground floor shop with a flat above accessed via an external door to the side elevation facing Count De Burgh Terrace. The application site is located in a dense urban residential setting. The property to the rear at no. 75A Balmoral Terrace is a two storey dwelling house with a front yard facing the rear elevation of Southbank Stores. There is a separation distance of approx. 6.0 metres between the rear/north

elevation of Southbank Stores and the front/south elevation of no. 75A Balmoral Terrace.

5.12 The original proposals included a two storey rear extension following the demolition of the existing single storey lean to extension and a flat roof dormer to the rear roof plane of the building. In discussion with the agent, revised proposals were submitted which sought to address issues raised with regard to loss of residential amenity to the neighbouring dwelling house at no. 75A Balmoral Terrace.

5.13 The latest revised proposals in drawing no. 19-0619 D03D include a two storey rear extension, single storey rear extension, roof dormer and roof light to the rear roof plane and two roof lights to the front roof plane of the host building. A single storey lean to extension has recently been demolished. A small scale single storey addition along the east boundary of the application site remains in situ and is connected to the single storey offshoot to no. 75A Balmoral Terrace to the rear.

5.14 In the revised proposals, the two storey rear extension is approx. 3.1 metres in length and approx. 2.2 metres in width; the same width as the existing single storey rear offshoot to both the host building and the dwelling at no. 75A Balmoral Terrace to which it would connect. The two storey rear extension would have a lean to roof attached to the side elevation of the rear offshoot to the adjoining terraced house at no. 73 Balmoral Terrace, with a ridge height of approx. 6.5 metres aligned with the eaves of the original building and an eaves height of approx. 5.1 metres. The single storey rear extension attached to the side of the two storey extension would have a lean-to roof attached to the rear elevation of the host building, with a ridge height of approx. 3.7 metres and an eaves height of approx. 2.6 metres. The rear elevation of the single storey extension would be set back from the rear boundary with no. 75A Balmoral Terrace by approx. 1.2 metres. The extensions would be finished in brickwork and slate to match the external finishes of the host building.

5.15 In the revised proposals, the roof dormer has been reduced in width and is located at the east side of the rear roof plane adjoining the property at no. 73 Balmoral Terrace. The flat roof dormer would be set down marginally from the ridge of the host building and would be located approx. 0.2 metres above the eaves. The box dormer would be approx. 3.1 metres in width and would be offset from the west/side elevation of the building facing Count De Burgh Terrace by approx. 3.3 metres. The box dormer would be finished in vertical hung slate to match that of the host dwelling and would include a bi-partite window to the rear elevation. A roof light would be installed adjacent to the rear dormer in the rear roof plane and two roof lights installed in the front roof plane to serve the loft conversion. In addition, a new window opening would be formed in the side elevation of the host building at second

floor level that would be obscure glazed and non-opening. The proposals include a separate first floor kitchen in the rear extension for the flat and a more useable attic bedroom accessed via the staircase located in the roof dormer. The proposals would enable the applicant to live on site whilst running the new business in the ground floor shop.

5.16 With regard to design and visual amenity, although the mass of the two storey rear extension has been reduced in the latest revised proposals, due to the dense character and limited space between the buildings at nos 75 and 75A Balmoral Terrace, it is considered that the two storey rear extension would appear dominant and increase the density of the built form in public views from Count de Burgh Terrace. With regard to paragraph 7.4 a) of the SPD it is considered that the scale and mass of the two storey rear extension would be detrimental to the existing pattern of buildings and the spacing between them. With reference to paragraphs 7.1 and 13.4 of the SPD, the additional mass of the two storey rear extension and rear roof dormer would reduce the space around the buildings and have a significant effect on adjoining occupiers. It is considered that the box dormer to the rear roof plane would form a bulky dominant mass open to public view from Count De Burgh Terrace that would detract from the host building's visual appearance and the streetscene contrary to paragraph 14.1 of the SPD.

#### IMPACT ON NEIGHBOURING AMENITY

5.17 With regard to the impact of the proposals on neighbour amenity, it is considered that the two storey rear extension and rear roof dormer would increase the density of the built form and dominate the space between the host building at no. 75 Balmoral Terrace and the two storey dwelling house to the rear/north at no. 75A Balmoral Terrace. It is considered that the combined scale and mass of the rear extension and roof dormer would appear overbearing and lead to a loss of light and outlook to the ground floor living room, first floor bedroom and to some extent the ground floor kitchen/diner of no. 75A Balmoral Terrace, contrary to paragraphs 4.2 and 14.2 of the SPD. It is considered that the mass of the roof dormer would lead to a loss of openness and reasonable sight of the sky from the ground floor living room window and first floor bedroom window of the neighbouring dwelling, contrary to paragraphs 5.1 and 6.1 of the SPD. Due to the limited space between the properties, it is considered that the proposals would result in the neighbouring residents feeling unduly hemmed in contrary to paragraph 5.2 of the SPD. On the basis of this assessment, it is considered that the proposals would lead to harm to residential amenity.

## **6.0 CONCLUSION**

6.1 For the reasons stated, the revised proposals are not considered acceptable and would fail to comply with the NPPF, Policy D11 (Extensions and Alterations to Existing Buildings) of the Publication Draft City of York Local Plan 2018, Policies GP1 (Design) and H7 (Residential Extensions) of the Development Control Local Plan and City of York Council's Supplementary Planning Document (House Extensions and Alterations).

## **COMMITTEE TO VISIT**

### **7.0 RECOMMENDATION:** Householder Refusal

1 The mass of the two storey rear extension and rear roof dormer would appear dominant and overbearing to neighbouring residents at no. 75A Balmoral Terrace. The additional mass of the two storey rear extension and rear roof dormer would be detrimental to the pattern of the existing buildings and the spacing between them. The proposals would lead to a loss of light and detract from the outlook from the ground floor living room and first floor bedroom of the neighbouring dwelling house resulting in harm to the levels of amenity that these neighbouring residents could reasonably expect to enjoy. As such the proposals result in harm to residential amenity and visual amenity which is in conflict with paragraph 127 c) of the National Planning Policy Framework, Policy D11 of the Publication Draft York Local Plan 2018, Policy GP1 (criterion b and i) and H7 (criterion d) of the 2005 Development Control Draft Local Plan and advice contained in the City of York Council House Extensions and Alterations Draft Supplementary Planning Document, approved in December 2012, in particular paragraphs 4.2, 5.1, 5.2, 6.1, 7.1, 7.4a) and 13.4, 14.1 and 14.2.

## **8.0 INFORMATIVES:**

### **Notes to Applicant**

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

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

- Discussion with the agent and applicant regarding the neighbour amenity issues relating to the scheme. Revised proposals were submitted that did not address the issues raised.

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

**Contact details:**

**Case Officer:** Sandra Duffill

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19/02133/FUL

Southbank Stores 75 Balmoral Terrace



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<b>Comments</b>	Not Set
<b>Date</b>	24 January 2020
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**COMMITTEE REPORT**

**Date:** 6 February 2020      **Ward:** Osbaldwick And Derwent  
**Team:** East Area      **Parish:** Osbaldwick Parish  
Council  
**Reference:** 19/02200/FUL  
**Application at:** 45 Osbaldwick Village Osbaldwick York YO10 3NP  
**For:** Two storey side extension following demolition of garage, and  
dormer to front (resubmission)  
**By:** Mr & Mrs Sanderson  
**Application Type:** Full Application  
**Target Date:** 10 February 2020  
**Recommendation:** Delegated Authority to Approve

**1.0 PROPOSAL**

1.1 The application seeks permission for the erection of a two storey side extension incorporating semi dormers and replacement windows following the demolition of the existing single storey garage.

1.2 The application was called to the January sub-committee by Cllr M Rowley in order to allow Members to visit the site and appreciate its context. The application was deferred in order for officers to negotiate with the application in order to achieve an acceptable scheme.

1.3 The main revisions include increasing the height of the side extension to create less symmetry to the dwelling, the removal of the dormer windows and the removal of the long cat slide roof. Replacement windows are also proposed but these will not be installed immediately.

**2.0 POLICY CONTEXT**Publication Draft Plan 2018

D4 – Conservation Areas

D11 – Extensions and Alterations to Existing Buildings

Development Control Local Plan 2005

Application Reference Number: 19/02200/FUL

Item No: 3c

GP1 - Design  
HE2 – Development in Historic Locations  
HE3 – Conservation Areas  
H7 – Residential Extensions

### **3.0 CONSULTATIONS**

#### Osballdwick Parish Council

3.1 Fully support the application

#### Public Protection

3.3 No objections subject to vehicle recharging facilities being provided.

#### Highway Network Management

3.4 No objections to the existing parking arrangements which would be retained.

#### Foss Internal Drainage Board

3.5 No objections to the two storey side extension.

### **4.0 REPRESENTATIONS**

#### Neighbours and Publicity

4.1 Two responses received in connection with the original scheme supporting the application on the following grounds:

- The house is in need of an upgrade
- The design creates a symmetrical scheme
- Extending the width of the garage would provide a more usable space
- Dummy windows could be inserted into the side elevation and landscaping planted to break up the side elevation
- No detrimental impact upon the conservation area or Yew Tree Mews
- An approval would enhance the village and all occupant and neighbours

4.2 Following the receipt of revised drawings a re-consultation has taken place. Members will be updated if responses are received.

## **5.0 APPRAISAL**

### 5.1 Key Issues

- Design
- Impact upon the character of the conservation area

5.2 In the absence of a formally adopted local plan the most up to date representation of key relevant policy issues is the National Planning Policy Framework, February 2019 (NPPF). This sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development.

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

5.4 Paragraph 127 states that planning policies and decisions should ensure that developments will achieve a number of aims including:

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- are sympathetic to local character and history, including the surrounding built environment and landscape setting
- create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users

5.5 The NPPF also places great importance on good design. Paragraph 128 says that design quality should be considered throughout the evolution and assessment of individual proposals. Paragraph 130 says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into

account any local design standards or style guides in plans or supplementary planning documents.

5.6 The NPPF, Chapter 16, Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

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

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

5.8 The relevant policy is D11 'Extensions and Alterations to Existing Building', which states that it is important to plan positively for the achievement of high quality design for all development proposals. Proposals to extend, alter or add to existing buildings will be supported where the design:

- responds positively to its immediate architectural context and local character and history, in terms of the use of materials and detailing, scale, proportion, landscape design and the space between buildings;
- the significance of a heritage asset and/or its setting and the character and appearance of conservation areas;
- positively contributes to the setting, wider townscape, landscape and views;
- protects the amenity of current and neighbouring occupiers, whether residential or otherwise.
- contributes to the function of the area and is safe and accessible.
- protects and incorporates trees that are desirable for retention.

5.9 Policy D4: “Conservation Areas” states that development proposals within or affecting the setting of a conservation area will be supported where they; (i) are designed to preserve or enhance the special character and appearance of the conservation area and would enhance and better reveal its significance; (ii) respect important views; and (iii) are accompanied by an appropriate evidence based assessment of the conservation area's special qualities, proportionate to the size and impact of the development and sufficient to ensure that impacts of the proposals are clearly understood.

5.10 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF.

5.11 The relevant City of York Council Local Plan Policies are H7 'Residential Extensions', GP1 'Design', HE2 Development in Historic Locations and HE3 Conservation Areas.

5.12 The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations. The SPD was subject to consultation from January 2012 to March 2012 and was approved at Cabinet on 4 December 2012. The SPD offers overarching general advice relating to such issues as privacy and overshadowing as well as advice which is specific to particular types of extensions or alterations. The underlying objectives of the document are consistent with local and national planning policies and is a material consideration when making planning decisions. In connection with side extensions the guidance states that if not sensitively designed and located, side extensions can erode the open space within the street and create an environment that is incoherent and jumbled. It goes on to state extensions should also not have a detrimental impact on the streetscene by significantly projecting beyond a clearly defined building line of the adjacent street, or detract from the spaciousness of the area. The roof of a building is an important and prominent element of its design. Unsympathetic roof extensions can have a dramatic effect on a building's visual appearance.

## ASSESSMENT

5.13 The application site is within the Osbaldwick Conservation Area. Within such areas, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act

1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

5.14 The application site is a detached dwelling located at the junction with Osbaldwick Village and Yew Tree Mews, set behind a large front garden, facing the Green. Planning permission was granted in 1986 for the erection of a two storey side extension to the boundary with 43 Osbaldwick Village. The application has been amended since its first submission to create a more uniform two storey side extension incorporating semi dormer windows to the front and rear elevations.

5.15 The proposed extension would be located immediately adjacent to the existing grass verge to the side of the dwelling. It would be set down from the ridge and would be set back from the front elevation by approximately 500mm. The eaves height of the extension is lower than that of the existing dwelling and as a result semi dormer windows, being set partly within the roof slope and partly within the brickwork of the front elevation, are proposed to the front and rear elevations. The rear elevation will project out slightly past the existing rear elevation of the dwelling.

## DESIGN

5.16 The redesigned scheme appears to be visually more acceptable than the previous submission. The scheme removes the symmetrical element of the design and creates a more asymmetrical scheme, in line with Conservation Architect's recommendations. The drop down in ridge and the set back from the front elevation creates a subservient scheme that does not dominate the front elevation and relates well to the host building. This also results in a reduction in the massing and scale of the roof. The reduced eaves height creates an element of interest and results in the semi dormers which have been replicated to pick up similar design features within the conservation area.

5.17 The scheme also indicates the replacement of the existing upvc windows with windows of a more sympathetic design and proportion. However, the applicant has indicated that these will not be inserted as part of the initial works to the property but will be inserted over time when the existing windows fail and funding is available.

## AMENITY

5.18 There would be no loss of amenity to neighbouring residents as a result of the proposed extension. The nearest property lies to the north of the application site



with the property lying at a distance to the proposed extension. Any shadow cast would only impact upon the neighbour's driveway and not to any amenity space or habitable rooms.

## IMPACT UPON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

5.19 The width of the extension has not altered since the previous submission and the extension would still sit close up to the side boundary of the site, although a small area would be retained to prevent footings and eaves overhanging the boundary. However, the revised plans removed previous concerns in connection with its impact upon the openness of the conservation area. The extension will still be visible from Yew Tree Mews, to the rear, but the revised scheme reduces the eaves height of the extension and greatly reduces the massing of the proposed roof. The ridge of the original scheme projected out from the roof of the main dwelling by approximately 3.2m. The revised scheme now indicates this measuring approximately 2m. This reduces the mass and bulk of the extension and as such reduced its prominence and impact upon the openness of this part of the Osbaldwick Conservation Area.

5.20 It is considered that the amendments to the scheme have considerably improved the overall design of the dwelling and its impact upon the conservation area. The property itself now no longer detracts from the character and appearance of the conservation area. The alterations proposed to the windows, the removal of the long cat slide roof and dormer windows creates a more pleasing scheme which sits well within the streetscene. Whilst the extension still results in a blank wall facing onto Yew Tree Mews the overall visual impact and massing of the scheme has improved this relationship, primarily by removing the dormer windows and setting the extension back from the front elevation. It is now considered that the relationship with Yew Tree Mews is acceptable and that there would be no harm to the character and appearance of the conservation area.

5.21 It is considered that the proposals will not harm the character and appearance of the conservation area and as such the application accords with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## 6.0 CONCLUSION

6.1 It is considered that the amendment to the scheme now create an acceptable form of development which sits comfortably within the streetscene and does not harm the character and appearance of the Osbaldwick Conservation Area. There would be no loss of amenity to neighbouring residents as a result of the proposed development and as such the application accords with the NPPF, policies D4 and D11 of the Publication Draft Plan 2018 and policies GP1, HE2, HE3 and H7 of the Development Control Local Plan 2005.

**7.0 RECOMMENDATION:** Delegated Authority to the Assistant Director for Planning and Public Protection to Approve the application at the end of the consultation period. Should any additional consultation responses be received approval shall be in consultation with the Chair and Vice-Chair.

1 TIME2 Development start within three years

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

Drawing number 2019/135/P AL(0)03 Rev B

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

3 VISQ1 Matching materials

## **8.0 INFORMATIVES:**

### **Notes to Applicant**

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

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

Sought revised plans to amend the design in relation to the impact upon the conservation area

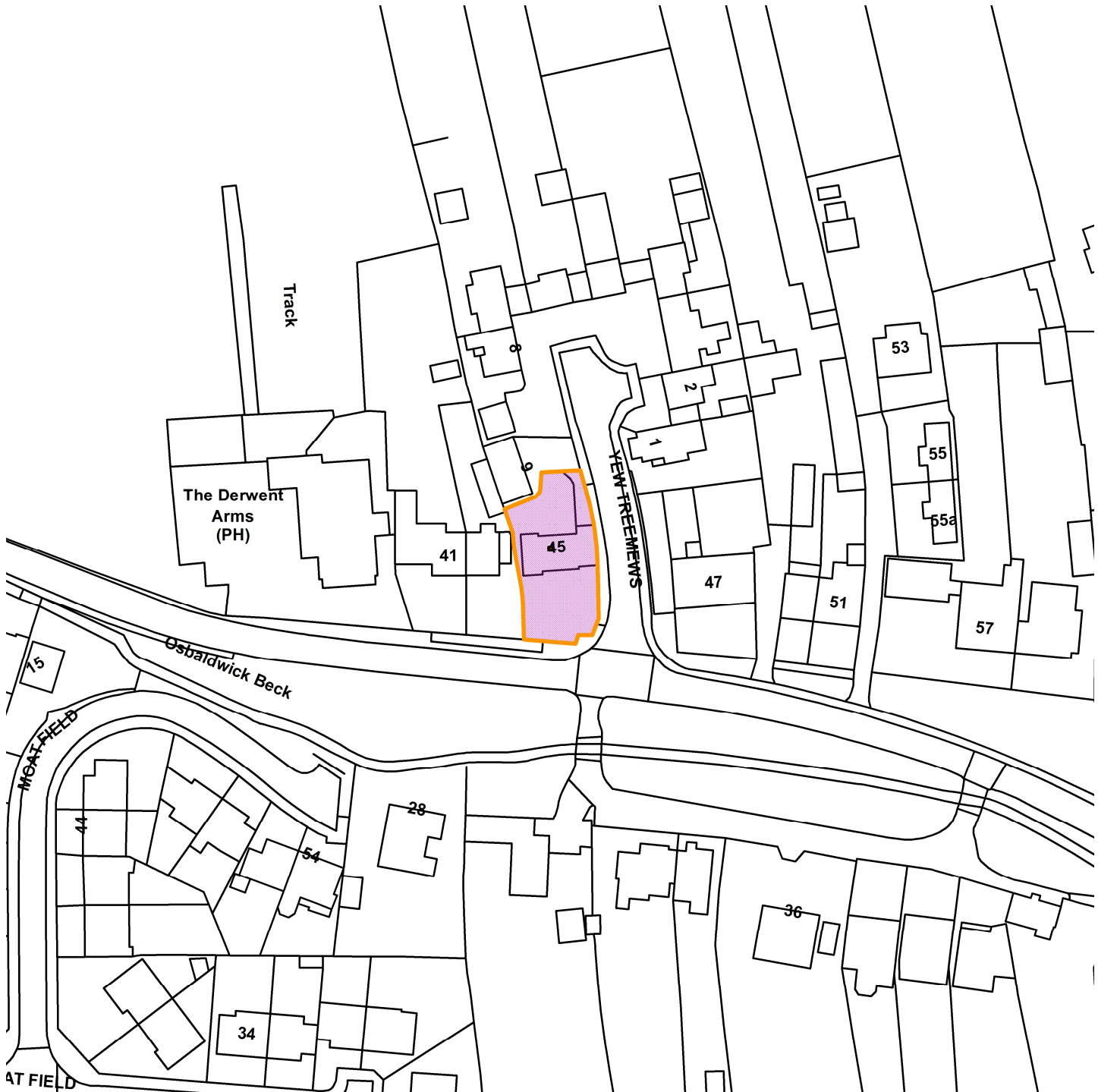
### **Contact details:**

**Case Officer:** Heather Fairy

**Tel No:** 01904 552217

19/02200/FUL

45 Osbaldwick Village Osbaldwick



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