



**Notice of a public meeting of
Planning Committee B**

- To:** Councillors Hollyer (Chair), Melly (Vice-Chair), Craghill, Crawshaw, Daubeney, Fisher, Galvin, Orrell and Perrett
- Date:** Wednesday, 8 February 2023
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

- 1. Declarations of Interest**
At this point in the meeting, Members are asked to declare any disclosable pecuniary interest or other registerable interest they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests.
- 2. Minutes** (Pages 1 - 8)
To approve and sign the minutes of the last Planning Committee B meeting held on 12 January 2023.
- 3. Public Participation**
At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.
Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is **5:00pm on Monday, 6 February 2023.**

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

Webcasting of Public Meetings

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

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

4. Plans List

This item invites Members to determine the following planning applications:

- a) 4 Government House Road, York, YO30 6LU (Pages 9 - 18)**
[22/02198/FUL]

This application seeks permission for the change of use of the adopted highway (referred to as the lane in this report) to private driveway and erection of 2m high gates. [Clifton Ward]

- b) 71 Cromer Street, York, YO30 6DL (Pages 19 - 32)**
[22/02451/FUL]

This application seeks permission for the change of use of 71 Cromer Street from a private dwellinghouse (use class C3) to a 4 bedroom house in multiple occupation (use class C4). [Clifton Ward]

- c) Askham Bar, Tadcaster Road, Dringhouses, (Pages 33 - 50)**
York [22/02199/FULM]

The application seeks temporary planning permission to change the use of the site to a community health care centre for a period of 18 months. [Dringhouses & Woodthorpe Ward]

5. Planning Appeal Performance and Decisions (Pages 51 - 62)

This report informs Members of planning appeal decisions determined by the Planning Inspectorate between 1 April and 30 June 2022. Appendix A is a list of the appeals decided, a summary of each decision is provided in appendix B and a list of outstanding planning appeals in appendix C.

6. Urgent Business

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

Democracy Officer:

Jane Meller

Contact details:

- Telephone: (01904) 555209
- Email: jane.meller@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)

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City of York Council

Committee Minutes

Meeting	Planning Committee B
Date	12 January 2023
Present	Councillors Hollyer (Chair), Melly (Vice-Chair), Craghill, Crawshaw, Daubeney, Fisher, Orrell and Perrett [for item 4b]
Apologies	Councillor Galvin
In attendance	Gareth Arnold, Development Manager Rachel Tyas, Development Management Officer Victoria Bell, Development Management Officer Sandra Branigan, Senior Solicitor

53. Declarations of Interest (4.33 pm)

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

None were declared.

54. Minutes (4.34 pm)

Cllr Crawshaw requested that the wording 'having consulted with legal services and the Monitoring Officer' was added to minute 52, between 'he stated that' and 'his previous objection'.

Resolved: That the minutes of the last meeting held on 8 December 2022 were amended as per the above request and were approved as a correct record.

55. Public Participation (4.35 pm)

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

56. Plans List (4.35 pm)

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

57. Unit 2 Monks Cross Drive, Huntington, York [22/01135/FULM] (4.35 pm)

Members considered a major full application by Lidl Great Britain Ltd for the erection of food store following part demolition of existing unit together with drive-thru restaurant both with associated access, parking and landscaping. The Development Manager gave a presentation on the application which was followed by an update, detailed below, which was provided by the Development Management Officer.

Update

Highways have confirmed they are satisfied with the location of the proposed customer cycle parking and the number of spaces provided. The revised layout meets CYC cycle parking standards and is an improvement from the original submission. The new layout is closer to the store in a safe and secure area with ease of access for cyclists. Staff cycle parking can be conditioned.

Change Recommendation to Delegated Authority to Approve

The applicant has requested that the content of Conditions 5 and 6 (Contaminated Land) be amended to allow for a Phase 1 ground report to be submitted in the first instance rather than a Phase 2. The applicant states that following the results of the Phase 1, a Phase 2 could be undertaken and submitted if required.

As Officers need to take advice from Public Protection as to this request, the recommendation is amended to delegated authority to approve to allow for the relevant conditions to be amended if considered appropriate.

Amendment to Condition 25

The addition of the text "Notwithstanding the submitted plans" to the beginning of the condition 25. This is to allow for the number of electric vehicle recharge points to be increased in order to meet the 5% requirements of the Low Emissions Supplementary Planning Guidance.

Replace condition 22

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

Reason: In the interests of highway safety.

Additional conditions

Staff Cycle Parking

Prior to the commencement of the construction of the development, details of the cycle parking area for the staff, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

Travel Plan

A travel plan, developed and implemented in accordance with National Planning Policy Guidance, shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the development hereby approved. The plan shall be updated annually thereafter. The development shall operate in accordance with the aims, measures and outcomes of said Travel Plan.

The travel plan shall identify specific required outcomes, targets and measures for promoting sustainable modes of travel, and shall set out clear future monitoring and proportionate management arrangements. It shall also consider what additional measures may be required to offset unacceptable impacts if the targets are not met.

Specifically the plan shall include a target that no more than 60% of staff travel to work by car alone and shall be precise in identifying staff responsible for implementation of the travel plan the associated budget.

Reason: To reduce private car travel and promote sustainable travel in accordance with section 9 of the National Planning Policy Framework and policies DP3: Sustainable Communities and T7: Minimising and Accommodating Generated Trips of the 2018 Publication Draft Local Plan.

Comparison Goods

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended or any order amending, revoking or re-enacting that Order, or the description of development associated with this permission, no more than 291 square metres net floorspace of the retail development hereby authorised shall be used for the display and sale of comparison goods.

Reason:- To safeguard the vitality and viability of the City Centre in accordance with policy R4 of the draft Local Plan.

Following questions from Members further clarification was provided regarding the landscaping and it was explained that two additional trees had been added to the plans. Cycle access to cycle parking at the entrance to the store was also clarified, it was confirmed that the maximum standards for cycle parking had been applied.

Public Speakers

Michelle Davies, agent for the applicant, spoke in support of the application. She stated that the proposed retail unit met the requirements of the neighbourhood plan which encouraged the retention of retail units. She confirmed that there had been no other suitable existing sites and that the travel plan aimed to reduce car use by 10%. She also stated the benefits to the local economy in terms of providing employment and retailing lower-cost products.

In response to Member questions she and her colleagues clarified the methodology used to model vehicle use and the impact on highways. They explained that vehicle frequency was based on similar Lidl stores, there was between 5-10% headroom in the figures, as was standard practice. The target for the reduction in car journeys was expected to be achieved over a 5 year period.

Members then asked questions to officers regarding the Building Regulations and carbon reduction to which they responded that the requirements of the 2021 Building Regulations would apply to the development which included a 30% reduction in carbon compared with the 2013 Regulations.

Following debate, Cllr Orrell moved the officer recommendation for delegated authority to approve the application, this was seconded by Cllr Fisher. A vote was taken and with six votes in favour and one abstention it was;

Resolved: that delegated authority to approve the application, as outlined in the update, be granted.

Reason: The proposal involves the reconfiguration of an existing retail building. A sequential test has been undertaken and a retail impact assessment provided to indicate that there are no sequentially preferable sites and that the impact on the vitality and viability of the city centre will be acceptable.

The retail use is compatible with neighbouring uses and the building will have a neutral impact on the existing vacant site. Highway impacts have been assessed and a revised scheme submitted which retains the existing trees along Monks Cross Drive and details new trees within the car park. Amended details in relation to the cycle parking provision are awaited with an update to be provided at Committee.

Technical matters can be addressed to achieve policy compliance through conditions in respect of sustainable design and construction, biodiversity, drainage, the highway network and ground conditions and pollution. Subject to the proposed conditions, it is considered that the proposal will comply with the Huntington Neighbourhood Plan, the NPPF, and the Publication Draft Local Plan (DLP 2018) and accordingly it is recommended that the application be approved.

58. Site To The West Of MX Park, Monks Cross Drive, Huntington, York [22/01161/FULM] (5.20 pm)

[Cllr Perrett joined the meeting for item 4b]

Members considered a major full application by The Tonsley York Trust for the erection of two units for light industry (class E) or general industry (class B2) or storage/distribution (class B8) or storage/distribution with ancillary trade counter use; and associated car parking and landscaping.

The Development Manager gave a presentation on the application and the Development Management Officer provided an update to Members, as below:

Update

Additional Condition

A footpath to the west of the access road shown in Drawing Number 1561 S02 P4 ('Proposed Site Layout', received 22 June 2022) shall be fully constructed in accordance with details to be submitted to and approved in writing by the local planning authority prior to the first use of the development hereby approved.

Reason: To ensure there is safe pedestrian access to the site.

There were no questions from Members on the plans or the update.

Public Speaker

Eammon Keogh, agent for the applicant, spoke in favour of the application. He explained the history of the site and stated that 10 of the 11 units had been let. Phase two of the site was for units suitable for smaller businesses which would be of benefit to the local community.

When asked, he was not able to confirm the anticipated employment numbers.

Members then asked questions to officers to which they responded that:

- Members needed to consider the application based on the site as it existed currently, they therefore could not consider the previous mitigations that had been put in place to protect the newts.
- Ecologists agreed that it was better for the newts to be relocated to a well-managed habitat. The pond and habitat would be provided by Natural England.
- As the licence to move the newts had been granted, it must be complied with, not to do so would be to commit an offence.
- The outline planning permission for the housing development to the north, granted by the Secretary of State, did not include mitigations for adjacent sites. At this outline planning stage, the design of the housing development was not known.
- Paragraph 3.4 related to conditions during the construction phase, not the operation of the site.
- The net gain in biodiversity, as per the Huntington Neighbourhood Plan, was not linked to a specific site.

The Development Manager noted that Class E was a wide-ranging category, and recommended that a condition be added, restricting the use of the units to those outlined in the application.

Following debate, Cllr Fisher moved the officer recommendation to approve the application, this was seconded by Cllr Orrell. A vote was taken and with four votes in favour and four against, the Chair's casting vote meant that the motion was approved and it was;

Resolved: that the application be approved subject to the additional condition in the written update and the use restriction condition as per the officer recommendation in the verbal update.

Reason: The development would provide employment buildings within an existing commercial area. In the planning balance biodiversity, environmental and highway impacts are acceptable and can be mitigated where necessary by planning condition. The proposal would accord with the NPPF, the Huntington Neighbourhood Plan (2021), the Draft Local Plan (2005) and the Draft Local Plan (2018).

Cllr A Hollyer, Chair

[The meeting started at 4.32 pm and finished at 6.06 pm].

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COMMITTEE REPORT

Date: 8 February 2023 **Ward:** Clifton
Team: West Area **Parish:** Clifton Planning Panel
Reference: 22/02198/FUL
Application at: The Sleeping Bear 4 Government House Road York YO30 6LU
For: Change of use of adopted highway to private driveway and erection of 2m high gates
By: Mrs Rachel Gilbert-Cornish
Application Type: Full Application
Target Date: 16 December 2022
Recommendation: Refuse

1.0 PROPOSAL

1.1 This application seeks permission for the change of use of the adopted highway (referred to as the lane in this report) to private driveway and erection of 2m high gates. Amendments have been submitted relocating the gate further along the lane closer to the host dwelling in order to attempt to address objections from Yorkshire Water.

1.2 A separate highway stopping up application has also been submitted to the Department for Transport.

1.3 Government House Road is a small cul-de-sac estate containing nine detached properties lying roughly a mile northwest of the centre of York. The estate including all the infrastructure (i.e. roads, sewers, etc) was built by the MoD but the properties are now privately owned. Each house was built with their own attached garage and individual drive. Although maintained by the Highway Authority since the 1960's, the highway was formally adopted in 2021 following an application from residents.

Committee Call-In request

1.4 Cllr Myers has requested that the application is determined at committee so that the privacy issues experienced by the applicant can be better understood.

2.0 POLICY CONTEXT

The National Planning Policy Framework (2021)

2.1 The National Planning Policy Framework (2021) sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development. 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.

2.2 Paragraph states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.

2.3 Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments will achieve a number of aims including:
- 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.

Publication Draft Local Plan 2018

2.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. Phase 2 of the hearings concluded in May 2022. Phase 3 of the hearings took place in July 2022 and Phase 4 took place in September 2022. The draft Plan has no policies that are relevant to the application

3.0 CONSULTATIONS

INTERNAL

CYC Highway Network Management

3.1 The Highway Authority is not in a position to support the proposals under this application as this would result in the existing adopted highway being gated and stopped up (if the stopping up application were to be successful). The spur of road between number 4 and number 5 serves a highway purpose as it provides access to number 4 as well as to a storage building for number 5. We are also aware of existing Yorkshire Water apparatus installed under the road. It is recommended that Yorkshire Water are consulted specifically on this application.

EXTERNAL

Clifton Planning Panel

3.2 Whilst the Panel understood the applicants need to have privacy it considered that this could be achieved by other means than by claiming ownership of the land

on which the adopted spur road is built. By applying to make the road part of their property they would in effect deny their neighbours access to the rear of their property and to the shed/garage at the end of the spur road as well as utility companies to the mains services and adjacent pumping station. There is also concern that the design for the gates at over 2 m high and built of wooden panels would be contrary to the nature of the design for the rest of this small estate.

Yorkshire Water

3.3 Yorkshire Water opposes the change of use of the adopted highway as this road is required for the unrestricted access to the pumping station and to other utility bodies.

4.0 REPRESENTATIONS

Neighbour Notification and Publicity

4.1 The application was advertised by site notice and neighbour notification letter. Three letters of objections have been received. The following issues have been raised:

- The proposals would prevent access for no. 5 Government House Road.
- The spur road provides access for Yorkshire Water and occasionally the Environment Agency to the pumping station adjacent to the road and mains services beneath it.
- the road is adopted highway and should remain so.

5.0 APPRAISAL

KEY ISSUES

Visual impact on the building and the area

Impact on neighbouring property

Highway Issues

5.1 It is proposed to change the use of the adopted highway between nos.4 and 5 Government House Road, to a private driveway for no. 4 Government House Road and construct a 2m high close-boarded timber gate, 3.3m wide, across the entrance. The applicant states that since the formal adoption of the lane in 2021 as part of the adoption of Government House Road, they have noticed an increase in pedestrians and vehicles using the lane not realising that it culminates at the host driveway. The increased comings and goings have resulted in a loss of privacy which they wish to prevent by gating the access at the top of the lane.

5.2 The section of road to which the application relates is 26m in length and 3.35m wide and comes off the central turning loop at the head of the road adjacent no. 4 and 5 Government House Road. There is no useable pavement and streetlights do not continue along this section of highway.

5.3 Government House Road is a cul-de-sac characterised by relatively open front gardens with mostly natural screening to boundaries. The application dwelling is at the head of the cul-de-sac. The proposed gates would be approximately 6m from the turning loop. The erection of a gate in this location is not considered to appear visually harmful or out of character when viewed in conjunction with the existing pedestrian gate and mature laurel hedging either side of the lane.

5.4 With regard to the change of use of the highway, evidence has been submitted by the owner/occupiers of 5 Government House Road that establishes they have a right of access over the land to their outbuilding/store at the end of the lane. Yorkshire Water have also expressed objection as the proposals would prevent unrestricted 24/7 access to the pumping station and other apparatus under the road. Whilst the applicant claims that the lane provides sole vehicle access for them to access their drive, access is also required for no. 5 and Yorkshire Water. If the lane became private and gates were erected, this legal right of access would cease.

5.5 Objections have been raised by adjacent neighbours, the Council's Highway team and Yorkshire Water who do not support the stopping up of the lane due to access restrictions. The applicant has stated that access would be granted to Yorkshire Water upon request, however in the event that emergency access is required no details have been provided as to how this would be achieved and it is not considered that this is an appropriate alternative for the statutory undertaker to access public infrastructure.

5.6 Following consultation with Yorkshire Water with regard to the stopping up order, the applicants have proposed to relocate the gates, 3.1m away from Yorkshire Water mains drain, however this amendment does not fully address the objections raised by Yorkshire Water as part of this application, as it would still prevent access to the pumping station.

5.7 Based on the information submitted, and taking all points raised by the applicant into account, it is considered that the lane serves a highway purpose providing access to no. 5 as well as Yorkshire Water as statutory undertaker.

6.0 CONCLUSION

6.1 The proposed timber gates would not give rise to unacceptable visual harm in this location, however their construction and the change of use of the lane from adopted highway to private drive would prevent access for no. 5 Government House Lane, as well as restricting essential access for statutory undertakers. It is

considered that the adopted highway provides a highway and planning purpose and that planning permission should be refused.

7.0 RECOMMENDATION: Refuse

1 The change of use of the lane from adopted highway to private drive would prevent access for no. 5 Government House Road as well as access for utility bodies to public infrastructure under the highway. The road therefore continues to serve a highway purpose. The proposal to gate the road would not provide for unrestricted access to users and as such would not comply with paragraphs 110b) and 130f) of the National Planning Policy Framework (2021).

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:

Considered the applicant's and interested party's submissions.

However, the local planning authority was unable to suggest solutions to the identified harm from the proposed development, resulting in planning permission being refused for the reasons stated.

Contact details:

Case Officer: Elizabeth Potter

Tel No: 01904 551477

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The Sleeping Bear, 4 Government House Road, YO30

22/02198/FUL



GIS by ESRI (UK)



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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	30 January 2023
SLA Number	Not Set

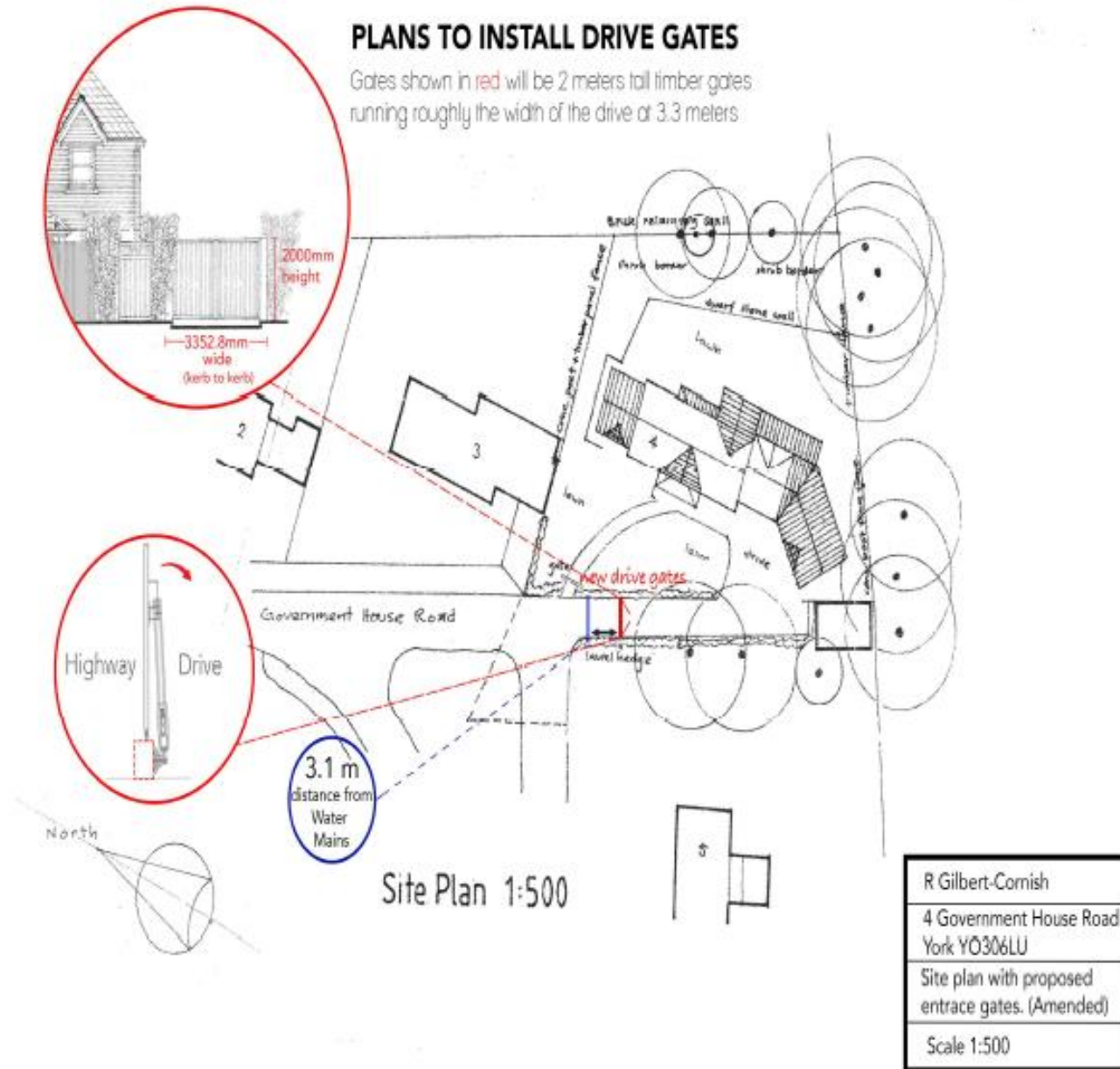
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Planning Committee B

22/02198/FUL

4 Government House Road



COMMITTEE REPORT

Date: 8 February 2023 **Ward:** Clifton
Team: West Area **Parish:** Clifton Planning Panel
Reference: 22/02451/FUL
Application at: 71 Cromer Street York YO30 6DL
For: Change of use from dwellinghouse (C3 use) to a 4-bedroom House in Multiple Occupation (C4 use)
By: Miss Emma Cook
Application Type: Full Application
Target Date: 25 January 2023
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks permission for the change of use of 71 Cromer Street from a private dwellinghouse (use class C3) to a 4 bedroom house in multiple occupation (use class C4).

1.2 The property is a traditional two storey mid-terraced dwelling which currently has 3no. bedrooms on the first floor and 1no. bedroom on the second floor. Dormers have previously been added to the property, and access to the rear of the property is via a shared snicket between the host and no. 69.

PLANNING HISTORY

1.3 The following applications for change of use to HMO's in Cromer Street have recently been determined:

- 9 Cromer Street – Certificate of Lawfulness for HMO (22/02324/CLU) Granted
- 52 Cromer Street – Change of use from dwelling to HMO (retrospective) (21/00933/FUL) refused, approved at appeal
- 38 Cromer Street – Change of use from dwelling to HMO (21/00586/FUL) refused
- 66 Cromer Street – Change of use from dwelling to HMO (21/00566/FUL) approved

CALL-IN REQUEST

1.4 Cllr Myers has called this application to committee due to the prevalence of HMOs in Cromer Street and the impact further change would have on the neighbourhood.

2.0 POLICY CONTEXT

Publication Draft Local Plan 2018

CYH8 - Houses in Multiple Occupation

3.0 CONSULTATIONS

INTERNAL

Forward Planning

3.1 The current Street level calculation is 8 properties out of 86 which is equivalent to 9.3%. This would increase to 10.47% if no. 71 is approved. At the neighbourhood level, 62 out of 1107 properties are currently operating as HMOs which is equivalent to 5.6%.

Housing Standards

3.2 No objections to the accommodation provided, although there is currently no escape route between the bathroom and kitchen. Either requires an escape window fitting or an additional stand alone smoke detector. HMO Licence which will be required from April 2023.

3.3 The applicant has confirmed that a HMO licence has already been obtained and the adaptations suggested have been implemented.

EXTERNAL

Clifton Planning Panel

3.4 The Panel raised concern regarding the existing number of HMOs in Cromer Street and the impact further change would have on existing family housing in the area. It was also questioned whether the existing bathrooms would be adequate for the number of people in the property.

4.0 REPRESENTATIONS

Neighbour notification and publicity

4.1 Objections from 2 neighbouring properties have been received. The following issues were raised:

- high prevalence of HMOs in Cromer Street
- street level threshold for HMOs has been breached
- starter and family homes need to be protected

Application Reference Number: 22/02451/FUL

Item No: 4b

- increasing no. of HMOs has resulted in a diminished sense of community
- parking issues which are exacerbated by HMO properties
- no. 38 was rejected, residents were reassured that by local councillors that no more would be granted.
- there are HMO properties not on the HMO register, therefore the register is not a true reflection of real HMO percentages in this particular area.

Councillor Danny Myers

4.2 Objects. Cromer St is believed to be above the Article 4 directive that sets out to restrict the number of HMOs from changing the character of the neighbourhood. We want to protect the character of the neighbourhood and keep a mixed community, with options for people to rent and buy starter homes and family homes. This will only happen if we stick with the Article 4 directive to regulate the amount of HMOs in the area.

5.0 APPRAISAL

KEY ISSUES:-

5.1 The key issues in the assessment of this proposal are the impact upon the amenity of neighbours and whether the car and cycle parking and refuse storage arrangements are acceptable.

POLICY CONTEXT

National Planning Policy Framework

5.2 The National Planning Policy Framework, July 2021 (NPPF) sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development.

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

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
- establish a strong sense of place
- optimise the potential of sites

Draft Local Plan Policies

Publication Draft Local Plan 2018

5.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019 with a further three hearings (Phases 2-4) taking place between February and September 2022. Proposed modifications to the Plan will be considered by the Executive in January 2023. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

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

5.5 Policy H8 states that applications for the change of use from dwelling house (Use Class C3) to HMO (Use Class C4 and Sui Generis) will only be permitted where:

- It is in a neighbourhood area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent or are known to the Council to be HMOs; and
- less than 10% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning permission or are known to the Council to be HMOs; and
- the accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

5.6 The policy explanation states that in assessing planning applications for HMOs, the Council will seek to ensure that the change of use will not be detrimental to the overall residential amenity of the area. In considering the impact on residential amenity attention will be given to whether the applicant has demonstrated the following:

- the dwelling is large enough to accommodate an increased number of residents;
- there is sufficient space for potential additional cars to park;
- there is sufficient space for appropriate provision for secure cycle parking;
- the condition of the property is of a high standard that contributes positively to the character of the area and that the condition of the property will be maintained following the change of use to HMO;

- the increase in number of residents will not have an adverse impact on noise levels and the level of amenity neighbouring residents can reasonably expect to enjoy;
- there is sufficient space for storage provision for waste/recycling containers in a suitable enclosure area within the curtilage of the property; and
- the change of use and increase in number of residents will not result in the loss of front garden for hard standing for parking and refuse areas which would detract from the existing street scene.

Development Control Draft Local Plan 2005

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

- Appendix E to the Local Plan outlines car and cycle parking standards for development and specifies that HMO's should provide 1 car parking space per 2 bedrooms and 1 cycle parking space per bedroom.

Draft Supplementary Planning Document (SPD): Controlling the Concentration of Houses in Multiple Occupancy (2014)

5.8 This Guidance was prepared in connection with an Article 4 Direction which the Council made in respect of houses within the defined urban area. It has the effect of bringing the change of use of dwellings (Class C3) to small HMO's occupied by between 3 and 6 people (Class C4), which would otherwise be permitted development, within planning control. In Paragraph 5.15 the SPD recognises that concentrations of HMOs can impact upon residential amenity and can, in some cases, create particular issues with regard to:

- increased levels of crime and the fear of crime;
- poorer standards of property maintenance and repair;
- littering and accumulation of rubbish;
- noises between dwellings at all times and especially at night;
- decreased demand for some local services;
- increased parking pressures; and
- lack of community integration and less commitment to maintain the quality of the local environment.

5.9 In Paragraph 5.17 of the SPD it outlines that in assessing planning applications for HMOs the Council will seek to ensure that the change of use will not be detrimental to the overall residential amenity of the area. In considering the impact on residential amenity, attention will be given to whether the applicant has

demonstrated that the condition of the property is of a high standard that contributes positively to the character of the area and that the increase in number of residents will not have an adverse impact on noise levels and the level of amenity neighbouring residents can reasonably expect to enjoy.

5.10 Paragraph 5.7 of the SPD advises that applications for change of use from dwellings to HMO's will only be permitted where:

- a) The property is in a neighbourhood area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and
- b) Less than 10% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and
- c) The accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

ASSESSMENT

5.11 Under draft Local Plan Policy H8 and the draft SPD, in consideration of a proposal to establish an HMO, there is a requirement to avoid adverse impact on neighbouring amenity through noise disturbance or residential character by virtue of the conversion alone or cumulatively with a concentration of such uses. In this respect, the policy and the SPD establish a threshold based policy approach for controlling the number of HMO's across the City, as this tackles concentrations and identifies a 'tipping point' when issues arising from concentrations of HMOs become harder to manage and a community or locality can be said to tip from balanced to unbalanced.

5.12 Both the Publication Local Plan policy H8 and the Council's HMO SPD states that applications for the change of use from dwelling house to HMO will only be permitted where less than 20% of properties at neighbourhood level and less than 10% of properties at street level are known to be HMOs. Council data indicates that within 100m (Street level) of 71 Cromer Street, there are currently 8 known HMO's out of 86 properties which equates to 9.3%. At the neighbourhood level 62 out of 1107 properties are currently known to be HMO properties which is equivalent to 5.6%. Neither the street nor neighbourhood level thresholds are currently exceeded in respect of this application.

5.13 The database figures comprise up to date details provided by Housing, council tax records and planning consents. This figure includes all HMO properties known to the Council, and is separate from the HMO licence register which is published on the Council website.

5.14 Objections have been received from immediate neighbours with regard to the change of use, based in part, to the number of existing HMO properties at this end of Cromer Street and also the loss of family housing. Whilst there may be a small concentration of HMO properties around no. 71, this in itself is not considered to tip the community from balanced to unbalanced, as the wider street level is around the accepted 10% threshold and the neighbourhood level is also significantly below the 20% threshold. It is recognised that the nature of HMO occupation is such that comings and goings can be more extensive and at different times of day than those associated with a C3 dwellinghouse. However, given the percentage of HMO's in the immediate area, these comings and goings are not considered to be so likely or extensive as to cause material harm on the residential amenity of the area or result in harm from cumulative impact, one of the basic aims of the article 4 direction to control numbers of HMO's.

5.15 The existing property would be retained as a 4 bedroom property and it is noted that the dwelling would provide a good level of accommodation for 4 individuals, providing a bedroom, sitting/dining room, kitchen on the ground floor, with two bedrooms and a living room on the first floor and a bedroom in the loft. A bathroom is to be retained on the ground floor with a separate w.c. on the first floor. It is not considered that the use of the property as a HMO would cause significant material harm to neighbour amenity than its current use as a family dwelling.

5.16 The rear yard is accessed from Cromer Street through the snicket to the side of the property. The yard, being similar in scale to most neighbouring properties in the area, would provide adequate amenity space for the occupants, with the existing outbuilding at the end of the dwelling providing secure covered bicycle storage for up to 4no bicycles. Refuse would be stored in the yard as per the existing arrangement, with recycling boxes either kept in the rear outbuilding with the bicycles or in the yard.

5.17 With regards to existing car parking provision, all parking is on the street, and during the time of the site visit, the road was relatively full. The property is in a sustainable location, close to local facilities and in proximity to the hospital, York St John University, the city centre and railway station. Guidance within the Development Control Local Plan 2005 (DCLP) states that two car parking spaces should be provided for a four bedroom HMO. This is a maximum, which the DCLP states should be assessed downwards depending on the individual characteristics of each site. The property cannot provide on site parking spaces, a 4 bed property in C3 dwellinghouse use could have two cars associated with it. It is not considered that a refusal reason on parking grounds could be justified in this location.

6.0 CONCLUSION

6.1 The proposal complies with policy H8 of the 2018 draft Local Plan in terms of HMO thresholds at street and neighbourhood level and the change of use of this property would not have a significant negative impact on the balance of the local community. The property would provide a good standard of accommodation for 4 individuals and the use of the property as a HMO is not considered to cause significant harm to the amenity of neighbouring residents. As such the proposed change of use would comply with the National Planning Policy Framework, Publication draft Local Plan (2018) and the Supplementary Planning Document.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

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

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

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

Revised Floor Plan received 25.01.23

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

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) 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:

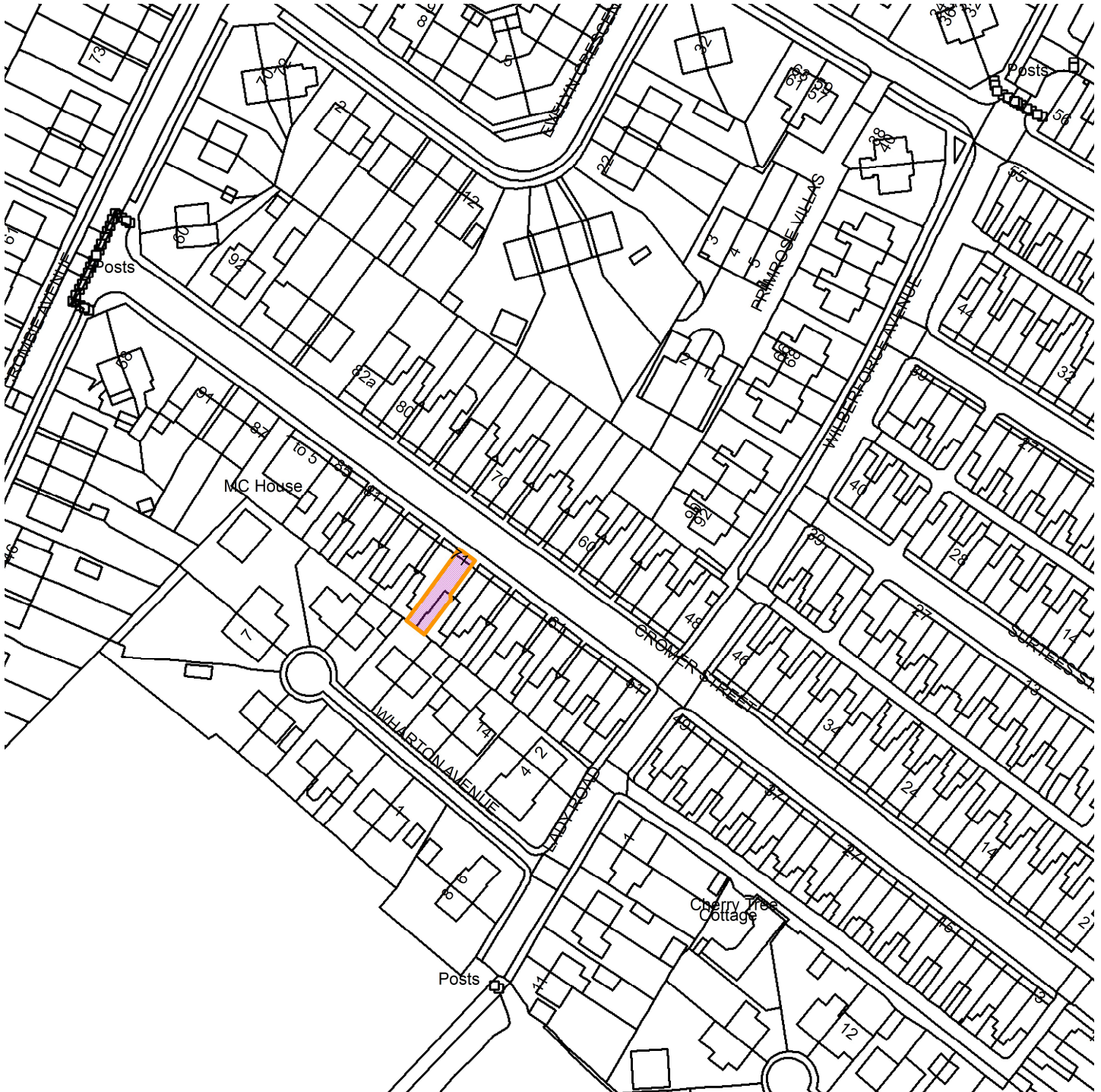
Case Officer: Elizabeth Potter

Tel No: 01904 551477

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71 Cromer Street, York, YO30 6DL

22/02451/FUL



Scale : 1:1314

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	30 January 2023
SLA Number	Not Set

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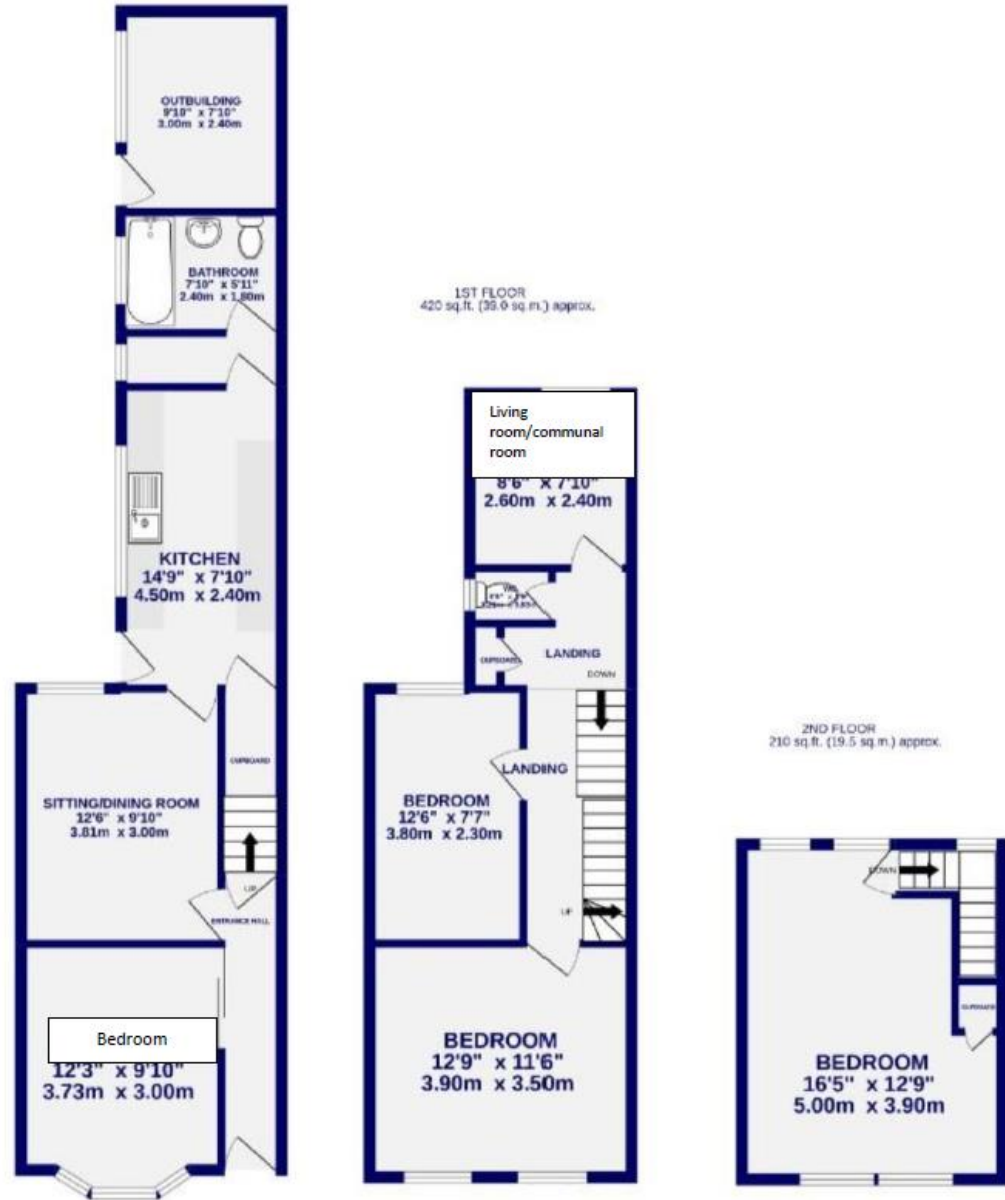


Planning Committee B

22/02451/FUL

71 Cromer Street

Proposed floor plan



COMMITTEE REPORT

Date: 8 February 2023 **Ward:** Dringhouses And Woodthorpe

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

Reference: 22/02199/FULM

Application at: Askham Bar Tadcaster Road Dringhouses York

For: Retention of temporary buildings and erection of 2no. additional temporary buildings as a Primary Care Medical Centre (use class E(e)) with associated parking and access for a period of 18 months

By: Nimbuscare

Application Type: Major Full Application

Target Date: 10 February 2023

Recommendation: Approve

1.1 The application relates to the former Askham Bar Park and Ride site situated between the Tesco Superstore to the south and Moor Lane to the north. The site is accessed via a roundabout from A1036 Tadcaster Road/Moor Lane. The site was established as a vaccination centre in 2020 under emergency permitted development rights introduced for the covid 19 pandemic. The permitted development rights ceased on 31 December 2022.

1.2 The application seeks temporary planning permission to change the use of the site to a community health care centre for a period of 18 months. The application has been submitted by Nimbus Care, a Primary Care NHS provider and a collaboration of no.11 GP Practices. The proposal involves the retention of a group of existing portable modular buildings and the installation of 2no. additional portable modular buildings.

1.3 The use will provide 20 -30 treatment rooms and provision for the associated offices and administration. The health care centre will be open from 8.00 to 20.00 Monday to Saturday and 08.00 to 14.00 on Sundays. At full capacity the centre will employ up to 80 staff members, comprising of 50 - 70 clinical staff and a total of 10 office/ administration staff.

2.0 POLICY CONTEXT**2.1 The Publication Draft City of York Local Plan 2018 (2018 eLP)**

HW5 Healthcare Services
T1 Sustainable Access

H1 Housing Allocations
D1 Placemaking

3.0 CONSULTATIONS

EXTERNAL

Woodthorpe and Dringhouses Planning Panel

3.1 The Planning Panel support the application.

Ainsty Internal Drainage Board (IDB)

3.2 The internal Drainage Board have no objections to the application.

INTERNAL

Design, Conservation and Sustainable Development (Ecology)

3.3 The Ecology officer has no objections given the temporary nature of the proposals A Non-Statutory Nature Conservation Site informative has been requested.

Public Protection

3.4 Public Protection Team have no objections, subject to relevant noise conditions should any external plant machinery installed at the site.

4.0 REPRESENTATIONS

4.1 The application was advertised by neighbour consultation letters and site notice. Two letters of support have been received.

5.0 APPRAISAL

5.1 Key Issues

- Principle of Health Care Facilities
- Visual Appearance and impact on the Surrounding Area
- Amenity/ Public Protection
- Sustainable Access

POLICY CONTENT

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2021

Application Reference Number: 22/02199/FULM

Item No: 4c

5.2 Central Government guidance is contained in the National Planning Policy Framework ("NPPF"). The revised National Planning Policy Framework was published July 2021 (NPPF) and its planning policies are a material consideration in the determination of planning applications.

5.3 The advice provided in Paragraph 11 establishes the presumption in favour of sustainable development, which runs through both plan-making and decision-taking. In decision-taking this means approving development proposals without delay that accord with an up-to-date development plan. In the absence of relevant development plan policies or where they are out-of-date, permission should be granted unless policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

PUBLICATION EMERGING DRAFT LOCAL PLAN 2018

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

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

PRINCIPLE OF HEALTH FACILITIES

5.5 Policy HW5 of the 2018 draft Local Plan states that the Council will support the provision of new or enhanced primary and secondary care services where there is an identified need. The NPPF requires local planning authorities to understand and facilitate local strategic healthcare priorities. Healthcare services must be responsive to the current and projected needs of local communities. This is contingent upon having appropriately located sites, which can cope with local demand and provide a sustainable and effective service.

5.6 The site is allocated in the draft Local Plan – policy H1, for the provision of 60 houses. As a temporary use, the proposed development is not considered to prejudice the bringing forward of the site for housing development in due course.

5.7 The use of the site for health facilities, given its location and the proximity to neighbouring uses, public transport and the cycle network considered to be in a sustainable location.

VISUAL APPEARANCE AND IMPACT OF THE SURROUNDING AREA

5.8 Paragraph 130 of the NPPF states that planning decisions should ensure that development will add to the overall quality of the area, be visually attractive, be sympathetic to local character and history, and have a high standard of amenity for existing and future users. Policy D1 of the eLP 2018 indicates that development proposals will be supported where they demonstrate that the combined effect of new development does not dominate other buildings and spaces paying particular attention to adjacent buildings.

5.9 The single grey modular portable buildings are utilitarian in appearance, slightly raised from the ground by concrete blocks and include ramped entrances with associated railing. They are relatively low-lying buildings grouped together in long linear rows arranged within the parameters of the site. The proposed buildings will mostly utilise the northern section of the site is adjacent to the Tesco car park separated by a vehicular highway and landscaped borders which forms a buffer between the two sites. They will be identical in size and scale to the current buildings and arranged in a similar formation within the site.

5.10 In terms of visual appearance, in context of the site the modular buildings are mostly concealed by mature trees which line the boundary of the site from the East Coast Main Line and users of the transport route on Moor Lane. Also, from the perspective of Tadcaster Road the site is sufficiently set back from nearby buildings by the width of the highway and screened by the sitting of the former nurse building, and moderate planted vegetation. As such, given the relatively low-lying nature of modular buildings, they appear generally localised, are not overly visually assertive from wider areas outside of the site. Therefore, would not unduly affect the setting of Tadcaster Road being one of the main entrances into York.

NEIGHBOUR AMENITY

5.11 Paragraph 185 of the NPPF states that planning policies, and decisions should take into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Policy ENV2 of the draft Local Plan requires that there should be no undue adverse impact from noise disturbance. Policy D1 seeks to ensure that development proposals do not unduly affect the

amenity of nearby residents in terms of noise disturbance, overlooking, overshadowing or from overbearing structures.

5.12 The site is separated from the nearest residential properties by Moor Lane and Tadcaster Road. Any potential noise from external plant equipment can be secured through a condition. Given the previous uses of the site it is not considered that the proposed use of the site would be harmful to residential amenity.

SUSTAINABLE ACCESS

5.13 NPPF 110(a) states in assessing development proposals it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; and that safe and suitable access to the site can be achieved for all users.

5.14 The application is accompanied with a Transport Assessment and Travel Plan. In terms of cycle parking, 24 sheffield stand spaces will be installed and 10 secure lockable staff cycle stores. Further an area of TIER cycle hire facilities will be provided and 10 motorcycle bays. The site's original use means that there is extensive car parking; the site has 214 car parking bays, with an additional 8 parent and child bay and 25 disabled parking bays. A further 55 designated staff parking bays will be provided Mobility parking will be available in front of the modular buildings. The site is within walking distances for areas of Woodthorpe and Dringhouses; existing bus services including the Park and Ride, services to the city centre, Haxby, Heworth and Copmanthorpe are available with some stops provided adjacent to the site, other stops on Tadcaster Road are in close proximity and pedestrian crossings are provided. The site is on the cycle network with direct access from existing cycle routes.

6.0 CONCLUSION

6.1 The application relates to the former Askham Bar Park and Ride, a brownfield site allocated in the draft local plan 2018 as a proposed location for housing. The site has recently been in use as a Covid vaccination centre, established in 2020 through emergency permitted development rights . The continued temporary use of the site for health care purposes, retaining and expanding the existing modular buildings is considered acceptable in principle. The site is in a sustainable location and there would be no harm to visual or neighbour amenity. The application is in accordance with draft Local Plan policy HW5, T1, D1 and the provisions of the NPPF.

7.0 RECOMMENDATION: Approve

1 The proposed use shall only operate for a temporary period for 18 months until August 2024.

Reason: The details submitted with the application relate to a temporary period only, the site is allocated for the provision of housing in the draft Local Plan, the permanent retention of the proposed use would prejudice the ability of the local planning authority to meet local housing requirements.

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

Approved Plans date 6th July 2022

Buildings 1 and 2 plans and elevations - drawing number ABY-N-02-2

Buildings 3 and 4 plans and elevations - drawing number ABY-N-03-2

Buildings 5,6 and 12 plans and elevations - drawing number ABY-N-05-2

Location plan/ roof plan and site plan - drawing number ABY-N-04-2 revision A

Proposed site plan dated 10th August 2022 - drawing number ABY-N-50-2 revision C

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

3 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.

4 The cycle parking facilities shown on the approved drawing and detailed in the Transport Statement shall be provided prior to the commencement of the approved use and retained for the duration of the development.

Reason In the interests of providing sustainable transport options to the site.

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) 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.

2. INFORMATIVE: NON-STATUTORY NATURE CONSERVATION SITE

Sim Hill Site of Importance for Nature Conservation (SINC) is located to the south of the application site, with the south-west corner of the SINC sitting alongside the red line boundary. Although the proposed works do not appear to impact the SINC, the applicant is reminded that construction works, including temporary lighting, the storage of material and the movement of plant and foot traffic should avoid the SINC. Such activities should also take place away from other features of ecological value, including trees, verges and boundary hedges.

Contact details:

Case Officer: Sharon Jackson

Tel No: 01904 551359

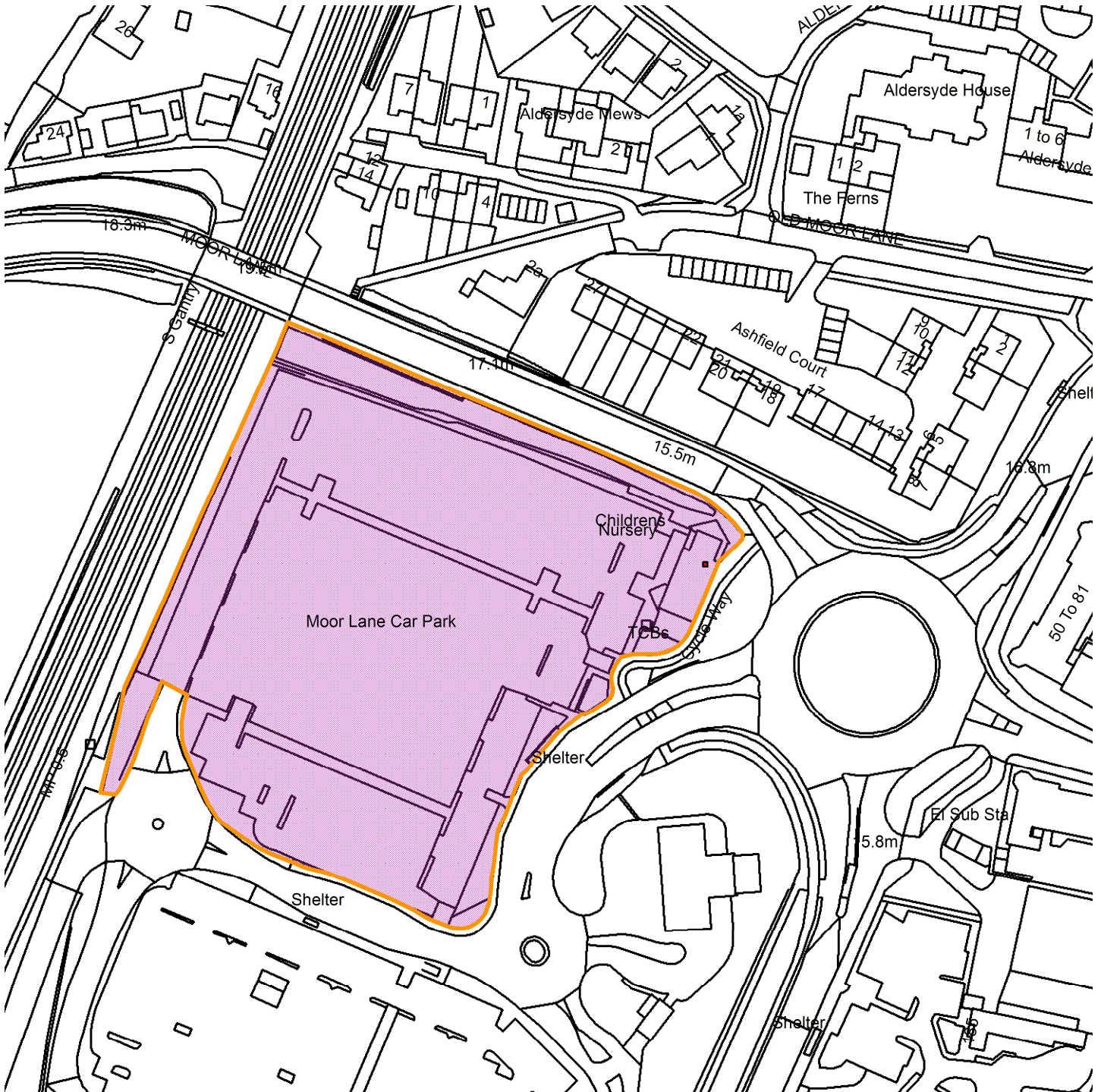
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Askham Bar, Tadcaster Road, Dringhouses, York

22/02199/FULM



GIS by ESRI (UK)



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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	30 January 2023
SLA Number	Not Set

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Planning Committee B

22/02199/FULM

Askham Bar Tadcaster Road Dringhouses

Existing site plan



Roof / Site Plan

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nimbuscare

mbo architects

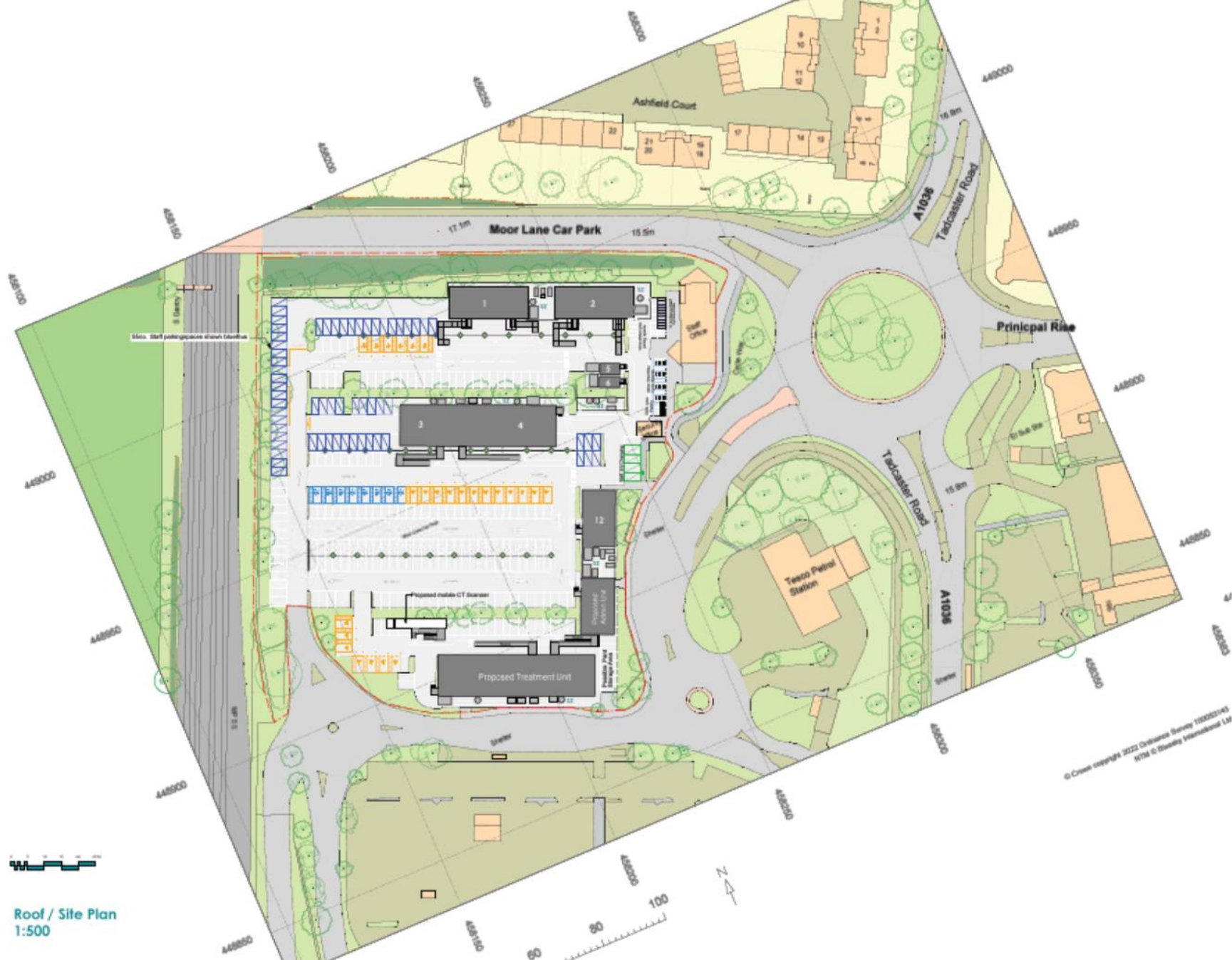
mbo

Client
 Nimbuscare

Project Title
 Vaccination Centre
 Tadcaster Road
 Askham Bar, York, YO24 1LW

Drawing Title
 Existing Site Plan
 General Arrangement

Proposed site plan



Roof / Site Plan
1:500

LEGEND
 ST - Service Street
 (Proposed) - Proposed
 (Existing) - Existing
 (Temporary) - Temporary
 (Proposed) - Proposed
 (Existing) - Existing
 (Temporary) - Temporary



Rev		Date	By
mbo architects			
nimbuscare			
Project Title Vaccination Centre Tadcaster Road Askham Bar, York, YO24 1LW			
Drawing Title Proposed Site Plan			
Scale @ A1	Date	Drawn	Check
1:500	18.4.2022
Project Ref	Drawing No	Sheet	Total
ABY-N	50	2	C

Buildings 1 and 2

Building 1 Ground Floor Plan

Building 2 Ground Floor Plan

Building 1 North Elevation

Building 2 North Elevation

Building 1 East Elevation

Building 2 East Elevation

Building 1 South Elevation

Building 2 South Elevation

Building 1 West Elevation

Building 2 West Elevation

Building 1 Section

Building 2 Section

MapServe

nimbuscare

Rev	Date	By
Client: Nimbuscare		
Project Title: Vaccination Centre Tadcaster Road Askham Bar, York, YO24 1LW		
Drawing Title: Buildings 1 & 2 1:100 Plans and Elevations		
Scale @ A1:	Date:	Drawn:
1:100	4-7-2022	KCH
Project Ref:	Drawing No:	Rev:
ABY-N	02	2

Buildings 5 and 6

The architectural drawings include:

- Building 4 North Elevation**: A long, single-story building with a series of windows and a central entrance, flanked by trees.
- Building 3 North Elevation**: A similar long, single-story building with a central entrance and trees.
- Building 4 East Elevation**: A side view of Building 4 showing a flat roof and a small entrance.
- Building 3 East Elevation**: A side view of Building 3 showing a flat roof and a small entrance.
- Building 3 South Elevation**: A side view of Building 3 showing a flat roof and a small entrance.
- Building 4 South Elevation**: A side view of Building 4 showing a flat roof and a small entrance.
- Building 3 West Elevation**: A side view of Building 3 showing a flat roof and a small entrance.
- Building 4 Section**: A cross-section of Building 4 showing the internal structure and roof profile.
- Building 3 Ground Floor Plan**: A plan view of Building 3 showing an open area and a central corridor.
- Building 4 Ground Floor Plan**: A plan view of Building 4 showing seven treatment rooms (Treatment 1 to Treatment 7), a library, and an open area.

Building 3 Ground Floor Plan labels: Open Area 2, Treatment 1, Treatment 2, Treatment 3, Treatment 4, Treatment 5, Treatment 6, Treatment 7, Library, ACW1, ACW2, ACW3.

Building 4 Ground Floor Plan labels: Open Area 2, Treatment 1, Treatment 2, Treatment 3, Treatment 4, Treatment 5, Treatment 6, Treatment 7, Library, ACW1, ACW2, ACW3.

Building 4 Section labels: Building 4 Section.

Map/Inset: A site map showing the location of the buildings within a larger context, including a legend for various features like roads, green spaces, and building footprints.

Scale: 0 1 2 3 4 5 M

North Arrow: A simple north arrow pointing upwards.

Logo: nimbuscare logo.

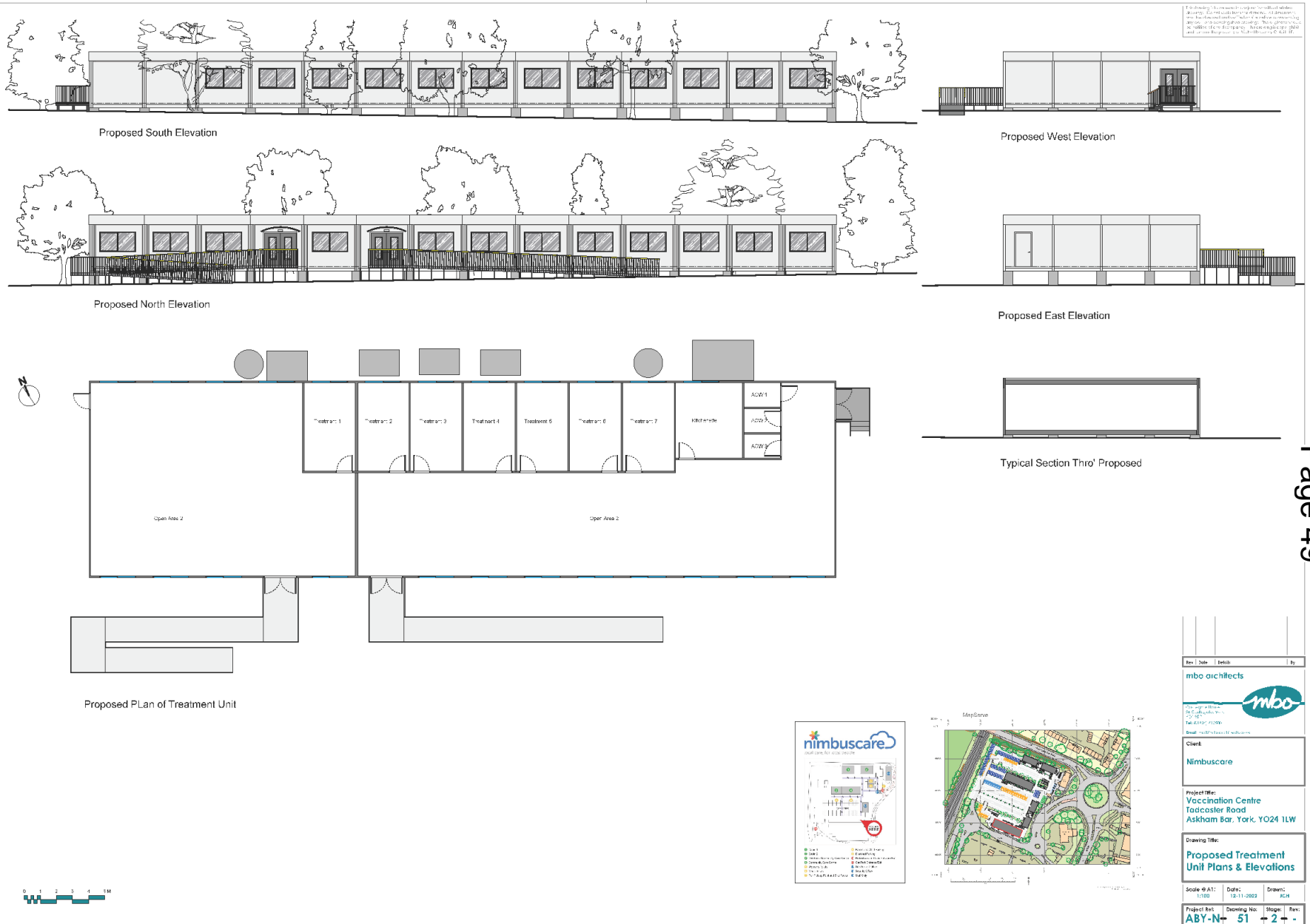
Client: nimbuscare.

Project Name: Vaccination Centre Tadcaster Road Askham Bar, York, YO24 1LW.

Drawing Title: Buildings 3 & 4 1:100 Plans and Elevations.

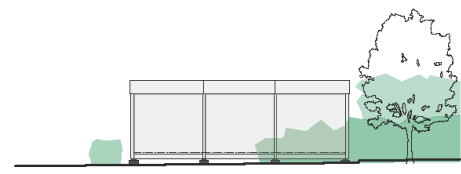
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Treatment Unit

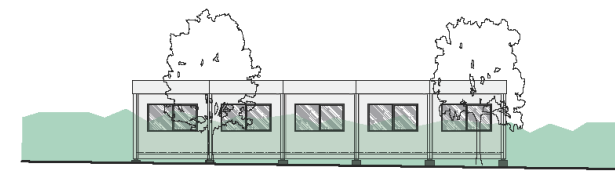


Admin Unit

The drawing is a proposed design for the Admin Unit. It is intended to provide a clear and concise overview of the proposed design and to ensure that the design is consistent with the requirements of the planning committee. The drawing is a proposed design for the Admin Unit and is intended to provide a clear and concise overview of the proposed design and to ensure that the design is consistent with the requirements of the planning committee.



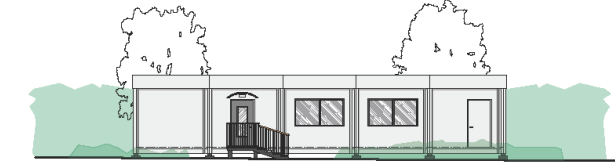
Proposed Admin Unit South Elevation



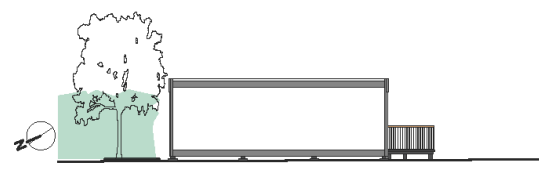
Proposed Admin Unit East Elevation



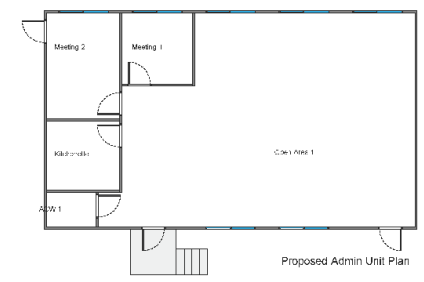
Proposed Admin Unit North Elevation



Proposed Admin Unit West Elevation



Proposed Admin Unit Section



Proposed Admin Unit Plan



Rev	Date	By
mbo architects		
Client: Nimbuscare		
Project Title: Vaccination Centre Tadcaster Road Askham Bar, York, YO24 1LW		
Drawing Title: Proposed Admin Unit Plans & Elevations		
Scale: A1:	Date:	Drawn:
1:100	4-7-2022	AGH
Project Ref:	Drawing No:	Stage: Rev:
ABY-N	52	2 -



Planning Committee A

2 March 2023

Planning Committee B

8 February 2023

Planning Appeal Performance and Decisions

- 1 This report informs Members of planning appeal decisions determined by the Planning Inspectorate between 1 April and 30 June 2022. Appendix A is a list of the appeals decided, a summary of each decision is provided in appendix B and a list of outstanding planning appeals in appendix C.
- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly and annual basis. The Government use the statistical returns as one of a number of measures to assess the performance of local planning authorities. To assess the quality of decisions, this is based on the total number of decisions made by the Local Planning Authorities that are subsequently overturned at appeal. The threshold whereby a Local Planning Authority is eligible for designation as under-performing is 10% of the Authority's total number of decisions on major, non-major and "county-matter" (generally minerals and waste proposals) applications made during the assessment period being overturned at appeal.
- 3 Table 1 shows results of planning appeals decided by the Planning Inspectorate for the quarter 1 April to 30 June 2022 for all types of planning appeals such as those against the refusal of planning permission, against conditions of approval, listed building applications and lawful development certificates. In the corresponding quarter the Planning Inspectorate allowed 29% of appeals determined in England.

Table 1: CYC Planning Appeals Last Quarter Performance

	01/04/22 to 30/06/22
Allowed	4
Split decision	0
Dismissed	3
Total Decided	7
% Allowed	57%

- 4 There were no appeal decisions received during the quarter relating to the refusal of an application for a “major” development.

Table 2: CYC Planning Appeals 12 month Performance

	01/07/21 to 30/06/22	01/07/2020 to 30/06/21
Allowed	10	9
Split decision	1	2
Dismissed	26	39
Total Decided	37	50
% Allowed	27%	18%

- 5 For the 12 months period 1 July 2022 to 30 June 2022, 27% of CYC appeals decided were allowed. In England 29% of appeals were allowed over the same period.
- 6 The latest available figures from the Department of Levelling Up Housing and Communities (the assessment criteria set out in paragraph 2 above) show that over the 2-year rolling assessment period that 0.5% of the total CYC decisions made in respect of non-major applications and 0% of total decisions made in respect of major applications were overturned at appeal. The comparison figures for England are 1% and 0.9% respectively. There were no appeals in respect of “county-matter” applications during the period.
- 7 A list of the planning appeals determined between 1 April and 30 June 2022 are included in Appendix A. Summaries of the decisions are included in Appendix B. One appeal was determined following a decision to refuse permission made by the sub-committee/committee.

Table 3: Appeals Decided 01/04/2022 to 30/06/2022 following Refusal by Committee / Sub-Committee

Appn Ref No	Site	Proposal	Appeal Outcome
21/00116/ FUL	Frederick House Fulford Road	Variation of condition 2 of permitted application 19/00603/FULM seeking amendments to external appearance, landscaping, internal arrangements, substation, refuse and cycle stores	Allowed

- 8 The list of current appeals is attached at Appendix C. There are 19 appeals of all types awaiting determination.

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 relevant to the “Well-paid jobs and an inclusive economy,” “Creating homes and World-class Infrastructure,” “A Greener and cleaner city,” “Getting around sustainably” and “Good Health and Wellbeing” city outcomes of the Council Plan.

Implications

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

Risk Management

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

Recommendation

- 19 That Members note the content of this report.

Reason

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

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Services

**Report
Approved**



Date 31.01.2023

Specialist Implications Officer(s) None.

Wards Affected:

All

For further information please contact the author of the report.

Appendices

Appendix A – Planning Appeals decided between 1 April and 30 June 2022

Appendix B - Summaries of Planning Appeals decided between 1 April and 30 June 2022

Appendix C - Outstanding Planning Appeals at 31 January 2023

Decided Appeals – 1 April to 30 June 2022

Ward	CYC Appeal Case number	PINs Appeal number	Proposal	Address	Date decided	Decision
Clifton	21/00046/REF	APP/C2741/W/21/3288894	Change of use of single dwelling C3 to House in Multiple Occupation C4 - retrospective	52 Cromer Street York YO30 6DL	05/05/22	Appeal Allowed
Fishergate	21/00049/CON	APP/C2741/W/21/3284884	Variation of condition 2 of permitted application 19/00603/FULM seeking amendments to external appearance, landscaping, internal arrangements, substation, refuse and cycle stores	Frederick House Fulford Road York YO10 4EG	19/05/22	Appeal Allowed
Guildhall	21/00047/REF	APP/C2741/W/21/3284888	Change of use of car park to the siting of self storage units	Car Park Wigginton Road York	28/04/22	Appeal Dismissed
	22/00016/REF	APP/C2741/W/22/3295282	Demolition of existing buildings and redevelopment of the site for purpose-built student accommodation with up to 319 bedrooms, associated communal facilities, car parking and landscaping	Alton Cars York Ltd 3 James Street York YO10 3WW	11/05/22	Appeal Withdrawn
Haxby And Wigginton	22/00008/REF	APP/C2741/D/22/3295014	Single storey rear extension, new roof to existing garage, dormer to side roofslope, and 1.6m wall/fence and gates to front and side boundaries (part retrospective)	47 Towthorpe Road York YO32 3LZ	24/05/22	Appeal Dismissed
Huntington/New Earswick	21/00048/CON	APP/C2741/W/21/3290004	Variation of condition 2 of permitted application 20/01985/FUL to change roof from hipped gabled on front elevation	23 New Lane Huntington York YO32 9NR	22/04/22	Appeal Allowed

Rawcliffe And Clifton Without	22/00007/REF	APP/C2741/D/22/3293240	Two storey side extension	2 Hendon Garth York YO30 5ZB	13/06/22	Appeal Allowed
Wheldrake	22/00002/REF	APP/C2741/W/22/3290687	Erection of 16.0m Phase 8 Monopole with wraparound cabinet at base and associated ancillary works	Grass Verge Adjacent Tennis Courts Broad Highway Wheldrake York	18/05/22	Appeal Dismissed

Appeals summaries between 01/04/22 and 30/06/22

Appn number	Appeal by	Description	Address	Outcome
21/02264/FUL	Mr David Dawson	Variation of condition 2 of permitted application 20/01985/FUL to change roof from hipped gabled on front elevation	23 New Lane Huntington York YO32 9NR	Appeal Allowed

Notes

The appeal related to a proposal for a four bedroom bungalow within the rear garden of a suburban property. It shows rooms in the roof space with a ridge height of 5.7m. Permission had been granted for a similar scheme that had a hipped rear roof. The scheme that was refused and subject to the appeal showed the hip changed to a gable. It was considered that despite the neighbours not objecting to the scheme, the proposed buildings height (5.7m to ridge) and length (12m) and position along much of the rear garden boundary of the adjacent property meant the hip needed to be retained to avoid harm in respect to dominance and the established character. The Inspector allowed the appeal. He stated that the new dwellings roof form would be the most visible aspect to neighbours and that this would angle away from the most impacted dwelling and the ridge would be no higher than approved. He also had regard to the fact that the rear windows in the impacted house did not look straight out to the area of roof that was subject to the revision.

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Appn number	Appeal by	Description	Address	Outcome
21/02110/TCMAS	CK Hutchison Networks (UK) Ltd	Erection of 16.0m Phase 8 Monopole with wraparound cabinet at base and associated ancillary works	Grass Verge Adjacent Tennis Courts Broad Highway Wheldrake	Appeal Dismissed

Notes

The appeal related to a proposal to erect a 16m telecoms mast along with associated cabinets on the verge of Broad Highway adjacent to the tennis courts north of the built up area of Wheldrake village. The application was to assess whether the development constituted permitted development and if so whether the siting and appearance of the proposal was acceptable. The application was refused for the following reason: Paragraph A.3.-3 of Part 16 of the General Permitted Development Order (GPDO) 2015 (as amended) requires the applicant to notify operators of aerodromes within 3km of the application site of the proposal before making the application required by sub-paragraph (4). The applicant has not submitted any information to indicate that this notification took place prior to submission and as such the proposal is not permitted development. Accordingly, the Local Planning Authority is not required to determine whether the prior approval of the Authority will be required as to the siting and appearance of the development. The Inspector dismissed the appeal stating that as the mast would be within 3km of Elvington Airfield, to comply with criteria that allows the mast to be permitted development, notice had to be served on the operator prior to the application being submitted. Furthermore, the Inspector stated that as the application could not be permitted development there was no purpose in assessing the acceptability of the siting and appearance of the proposal.

Case number	Appeal by	Description	Address	Outcome
21/00933/FUL	Mr Alan Dennis Morrow	Change of use of single dwelling C3 to House in Multiple Occupation C4 - retrospective	52 Cromer Street York YO30 6DL	Appeal Allowed

Notes

Permission was refused for the retrospective change of use from C3 dwelling to C4 HMO as the street level threshold was already at 10%. The property had been used as a HMO for 4no. occupants since 2013. The inspector noted that the neighbourhood level would remain low at 4.7% and concluded that whilst the neighbourhood level threshold had been exceeded that the proposal had not given rise to unacceptable harm in terms of the concentration of HMOs at street level and had not resulted in an unbalanced community overall. The inspector did not however qualify these statements but stated that the proposal would not therefore have a harmful effect on the concentration of HMOs in the interests of mixed and balanced communities. It is noted that at the time the planning decision was issued, this application was one of three HMO applications in Cromer Street, with all three being taken into account when issuing the LPA decision. The inspector quoted the cumulative percentage increase at street level of 11.5% (being the scenario if all the applications were approved) and based his decision on this higher percentage figure.

Case number	Appeal by	Description	Address	Outcome
20/02076/FUL	Graham And Deirdre Kennedy	Change of use of car park to the siting of self storage units	Car Park Wigginton Road York	Appeal Dismissed

Notes

The application was for the change of use of a car park for the siting of self-storage units. As part of the proposal, an alternative pedestrian access was proposed around the perimeter of the site, passing between the storage units and the security fencing alongside the railway line. The application was refused on four grounds: the development was considered out of character with the area; insufficient information submitted regarding the floodlighting and impact to residential amenity, ecology etc and the impact of any potential mitigation measures that may be required; insufficient information to properly assess the noise impacts and the impact of any potential mitigation measures that may be required; and the proposal had not made adequate arrangements to reduce crime and the fear of crime to ensure public safety and security with particular regard to the unlit path running between the palisade facing of the railway line and the storage containers.

The Inspector agreed that the proposal would harm the character and appearance of the area, but considered that the issues regarding noise, lighting, and ecology could be addressed by conditions. The Planning Inspector considered that the proposal would increase the fear of crime along the path, however they considered that lighting and CCTV could be sought via condition. They acknowledged that the proposal would result in modest economic benefits, however, this did not outweigh effect on the character and appearance of the area.

Case number	Appeal by	Description	Address	Outcome
21/00116/FUL	Laura Pennington	Variation of condition 2 of permitted application 19/00603/FULM seeking amendments to external appearance, landscaping, internal arrangements, substation, refuse and cycle stores	Frederick House Fulford Road York YO10 4EG	Appeal Allowed

Notes

The application related to a variation of condition 2 of permitted application 19/00603/FULM, seeking amendments to the external appearance, landscaping, internal arrangements, substation, and refuse and cycle stores in respect of the erection of 6no. purpose-built 4 storey student accommodation buildings. The proposal included an increase in the heights of blocks E, F and G. The maximum additional height for block E was 25mm at the ridge, although it was proposed to raise the eaves by 205mm. The maximum additional height for block F was 300mm at the ridge, and for block G 315mm at the ridge. Planning permission was refused at Planning Committee on the grounds that the proposed increase in height was considered to cause an unacceptable impact on the neighbouring properties at Kilburn Road due to the degree of overshadowing and loss of outlook which would harm their residential amenity. The Inspector noted that the separation distances of blocks E, F and G from the houses on Kilburn Road are 36 metres, 43 metres and 42 metres respectively. The Daylight, Sunlight and Overshadowing Assessment submitted with the application found that none of the houses on Kilburn Road lay within the extent of potential significant effect in terms of daylight, sunlight or overshadowing and that the proposal would comply with industry standard BRE guidelines. Turning to any loss of outlook, the Inspector noted that the increase in height is relatively modest when compared to the scale of the development which already has planning permission. In addition, the blocks are a substantial distance from the rear of the properties on Kilburn Road. He concluded that the proposed increased block heights would not have an unacceptable effect on the living conditions of occupiers of properties on Kilburn Road with specific regard to overshadowing and loss of outlook. The appeal was allowed.

Case number	Appeal by	Description	Address	Outcome
21/02103/FUL	Mr Vernon Janes	Two storey side extension	2 Hendon Garth York YO30 5ZB	Appeal Allowed

Notes

The scheme proposed a 2 storey side extension to a detached property, The house is located in a prominent corner plot being clearly visible from a number of streets and only having a minor off set from the surrounding boundaries. The extension was refused due to the impact on the visual amenity on the street scene. Given size of the extension and its location on top of this boundary the works would constitute a large overbearing and imposing development, eroding the space between the house its side boundary and the adjacent highway. Further to this there was a lack of subservience leading to a detrimental impact upon the house and street scene. The inspector put limited weight on the SPD policies as they were not adopted and had not yet been through examination. In their examination the inspector did not agree with the council's decision that the development was overbearing and unduly large. It was noted that the development was not set down or set back however given its small size the inspector concluded this would not cause a substantial harm. For the reasons outlined above the inspector did not think that the development would harm the street scene or be in conflict with policies and granted the appeal.

Case number	Appeal by	Description	Address	Outcome
21/02639/FUL	Mr And Mrs Bodden	Single storey rear extension, new roof to existing garage, dormer to side roofslope, and 1.6m wall/fence and gates to front and side boundaries (part retrospective)	47 Towthorpe Road York YO32 3LZ	Appeal Dismissed

Notes

The application property is a detached dwelling, located on the main road leading out from Haxby towards Towthorpe. The residential properties are set well back from the highway. The proposal was for extensions to the rear as well as a front boundary wall. The Inspector noted that the character of front boundary treatments in this locality was predominantly hedges or low brick walls with hedges above. He noted that the applicant wished to build a front boundary wall to protect the safety of his children and whilst sympathising with this, he did not consider it was a material planning consideration. He considered that a wide, high expanse of brick boundary wall and brick pillars, in an otherwise verdant street-scene would be visually incongruous and would not reflect the character of the local area. For this reason he dismissed the appeal.

Outstanding Appeals at 31 January 2023

Ward	Appeal Case number	Appeal number	Proposal	Address	Date appeal lodged
Dringhouses And Woodthorpe	22/00043/REF	APP/C2741/W/22/3308123	Outline application for 1no. dwelling with associated garden and 1no. parking spaces, with only access being considered	Land Adjacent Electricity Sub Station Eason View York	03/10/22
Fulford And Heslington	22/00052/REF	APP/C2741/D/22/3311762	Alteration of attached garage to habitable room including addition of mono-pitched roof.	23 Fordlands Road York YO19 4QG	02/12/22
Guildhall	22/00040/REF	APP/C2741/W/22/3304727	Third floor roof extension to form 1no. apartment with balcony and dormers to front and rear, alterations to first and second floors in association with change of use from office (use class B1) to residential (use class C3) to form 2no. apartments	Barry Crux 20 Castlegate York YO1 9RP	08/08/22
	22/00041/REF	APP/C2741/Y/22/3304726	Internal and external alterations including third floor extension to roof to form 1 no. apartment with balcony and dormers to front and rear, alterations to first and second floors in association with change of use from office to residential to form 2 no. apartments	Barry Crux 20 Castlegate York YO1 9RP	08/08/22
Haxby And Wigginton	22/00044/REF	APP/C2741/X/22/3311380	Certificate of lawfulness for proposed use of land as car park to serve allotments	Part OS Field 1882 Usher Lane Haxby York	17/11/22
	22/00053/REF	APP/C2741/W/22/3311678	Use of land for a self-storage use with the siting of containers in connection with this use (retrospective)	Site Lying To The North Of Clifton Gate Business Park Wigginton Road Wigginton York	22/11/22
Heworth	22/00029/REF	APP/C2741/X/22/3303954	Certificate of lawfulness for use of building as a dwelling within Use Class C3	20B Asquith Avenue York YO31 0PZ	26/07/22
	22/00039/REF	APP/C2741/W/22/3306060	Variation of conditions 3 only of application 21/01923/FUL to alter permitted opening times of hair salon from 09:00 hours to 16:00 hours to 09:00 hours to 18:00 hours Monday to Friday and not	3 Malham Grove York YO31 0QG	30/08/22

			at all on Saturdays, Sundays and Bank Holidays.		
Huntington/New Earswick	21/00032/NON	APP/C2741/W/21/3282598	Outline planning permission with all matters reserved except access, for circa 300 residential dwellings, associated landscaping, public open space, and the formation of two new vehicle accesses from New Lane	Huntington South Moor New Lane Huntington York	09/09/21
Osbalwick And Derwent	22/00050/REF	APP/C2741/W/22/3305435	Erection of 8no. dwellings with associated parking and landscaping following demolition of buildings	The Magnet 57 Osbalwick Lane York YO10 3AY	18/08/22
Rawcliffe And Clifton Without	22/00005/REF	APP/C2741/D/22/3293412	Two storey extension to side and rear with canopy porch to front (revised scheme, resubmission)	9 Holyrood Drive York YO30 5WB	21/02/22
	22/00049/REF	APP/C2741/D/22/3308603	Excavation and repurposing of existing basement to create habitable area	25 Shipton Road Clifton York YO30 5RE	10/10/22
Rural West York	22/00014/REFCPD	APP/C2741/X/22/3297054	Certificate of lawfulness of proposed development comprising: removal of existing railway carriage; erection of workshop/wood store, potting shed and boundary fencing; and construction of swimming pool	Cherry Tree Cottage Millfield Lane Nether Poppleton York YO26 6NX	14/04/22
	22/00030/REF	APP/C2741/X/22/3304438	Erection of a detached pool house and gym with associated plant room	Village Farm Bungalow Main Street Askham Richard York YO23 3NY	15/02/22
Strensall	22/00042/REF	APP/C2741/D/22/3304581	Single storey rear and side extension, change window colour throughout	6 The Village Strensall York YO32 5XS	17/11/22
	22/00045/REF	APP/C2741/W/22/3307755	Removal of condition 4 of permitted application 18/01979/FUL to allow use of caravans by persons not engaged in equestrian based holidays	Hall Farm Strensall Road York YO32 9SW	27/09/22
	22/00046/REF	APP/C2741/W/22/3308426	Change of use from public house to cafe with drive-thru coffee shop and first floor offices (Use Classes A3/B1) and change of use of detached garage to retail (A1)	Four Alls Inn Malton Road Stockton On The Forest York YO32 9TW	06/10/22
Westfield	22/00048/REF	APP/C2741/D/22/3312014	Single storey rear extension and hip to gable with dormer to rear	45 Queenswood Grove York YO24 4PW	27/11/22
	22/00051/REF	APP/C2741/D/22/3307230	Single storey extension to side of existing detached garage	38 Tennent Road York YO24 3HF	19/09/22