



**Notice of a public 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, 5 March 2020
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West  
Offices (F045)

**A G E N D A**

**Site Visits**

**The mini-bus for Members of the sub-committee will  
leave from the Memorial Gardens, Leeman Road at  
10.00 am on Wednesday 4 March 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**

(Pages 3 - 10)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 6 February 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 Officer on the contact details listed at the foot of this agenda. The deadline for registering is at **5.00 pm Wednesday 4 March 2020**.

### **Filming, Recording or Webcasting Meetings**

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

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

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at [http://www.york.gov.uk/download/downloads/id/11406/protocol\\_f\\_or\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings\\_20160809.pdf](http://www.york.gov.uk/download/downloads/id/11406/protocol_f_or_webcasting_filming_and_recording_of_council_meetings_20160809.pdf)

## **4. Plans List**

To determine the following planning applications:

- a) **Rose Cottage, Main Street Holtby, York, YO19 5UD [19/02608/FUL]** (Pages 11 - 20)  
First floor rear extension [Osbalwick and Derwent]
  
- b) **18 Main Street, Bishopthorpe, York, YO23 2RB [19/02626/FUL]** (Pages 21 - 30)  
Erection of detached single storey building to rear for use as micro-craft distillery [Bishopthorpe] **[site visit]**

- c) **173A Osbaldwick Lane, York, YO10 3BA** (Pages 31 - 42)  
**[19/02065/FUL]**

Change of use from dwelling (use class C3) to House in Multiple Occupation (use class C4) [Osbaldwick and Derwent] **[site visit]**

- d) **Archbishop Holgates School, Hull Road,** (Pages 43 - 58)  
**York, YO10 5ZA (19/02485/FULM)**

Erection of 3 storey teaching block and resource centre after demolition of existing single storey teaching block [Hull Road] **[site visit]**

- e) **29 Gale Farm Court, York, YO24 3DR** (Pages 59 - 68)  
**(20/00033/FUL)**

Change of use of ground floor flat (use class C3) to local area housing office, installation of external ramp and modification to existing boundary wall and railings [Westfield] **[site visit]**

- f) **26 Osbaldwick Village, Osbaldwick, York** (Pages 69 - 82)  
**YO10 3NS (19/02769/FUL)**

Change of use of dwellinghouse (use class C3) to House in Multiple Occupancy (use class C4) for up to 4no. occupants [Osbaldwick and Derwent] **[site visit]**

5. **Appeals Performance and Decision** (Pages 83 - 112)  
**Summaries**

This report informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 October 2019 and 31 December 2019, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals at date of writing is also included.

6. **Planning Enforcement Cases - Update** (Pages 113 - 116)  
The purpose of this report is to provide Members with a continuing quarterly update on planning enforcement cases.

7. **Urgent Business**

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

## **Democracy Officer:**

Name – Michelle Bennett

Telephone – 01904 551573

E-mail – [michelle.bennett@york.gov.uk](mailto:michelle.bennett@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 میا کی جاسکتی ہیں۔ (Urdu)

** (01904) 551550**



**AREA PLANNING SUB COMMITTEE****SITE VISITS****Wednesday 4 March 2020**

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

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
10.15	Archbishop Holgates School, Hull Road	4d
10.45	173A Osbaldwick Lane	4c
11.00	26 Osbaldwick Village	4f
11.35	18 Main Street Bishopthorpe	4b
12.05	29 Gale Farm Court	4e

This page is intentionally left blank

City of York Council

Committee Minutes

---

Meeting	Area Planning Sub-Committee
Date	6 February 2020
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Cullwick, Fisher, Melly, Orrell, Waudby, Webb, Fitzpatrick (Substitute), D'Agorne and Carr
Apologies	Councillors Galvin, Craghill and Lomas

---

**Site Visit**

Grimston Court, Hull Road, Dunnington	Hollyer, Crawshaw, Cullwick, Melly, Waudby and Carr	At the request of the Ward Councillor.
Southbank Stores 75 Balmoral Terrace	Hollyer, Cullwick, Melly, Waudby and Carr	At the request of the Ward Councillor.

**49. Declarations of Interest**

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

Councillor Crawshaw declared a personal prejudicial interest in item 4b of the agenda, Southbank Stores, 75 Balmoral Terrace [9/02133/FUL], in that he had received correspondence from the applicant and had held discussion with the applicant and officers regarding this application. He considered that it would be reasonable to conclude that he had predetermined his view on the application and for that reason he would be withdrawing from the meeting during discussion of this item.

There were no further declarations of interest.

## **50. Public Participation**

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

## **51. Minutes**

Resolved: That the Minutes of the Area Planning Sub-Committee meeting held on 9 January 2020 be approved and then signed by the Chair as a correct record.

Matters arising:

### 9 Oak Tree Close Strensall York YO32 5TE [19/02130/FUL]:

The Chair confirmed that the concerns regarding the positioning of the balustrade and replanting of replacement trees for which authority had been delegated to the Development Manager, in consultation with the Chair and Vice-Chair, had been resolved.

## **52. Plans List**

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

The planning applications were considered in the following order: 4c, 4a and 4b.

### **52a) Grimston Court, Hull Road, Dunnington, York YO19 5LE [19/02692/TPO and 19/02693/TPO]**

Members considered an application from Stan Timmins and Sons Ltd, for various tree works including the felling of 99 trees protected by Tree Preservation Order no. 3/1973. Two separate tree works applications had 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.

Officers provided members with an oral update on these applications.

The following options were available to Members:

- (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.

Representations were heard from Cllrs Rowley and Warters, Ward Members for Osbaldwick & Derwent, who observed that whilst no one wants trees to be felled, the report had outlined a detailed considered rationale that had explained the necessity of felling and various tree works in order to preserve and enhance the trees in this area.

It was moved and seconded that the application be Partially Approved / Partially Refused and it was therefore:

Resolved: That the application be Partially Approved / Partially Refused as set out in the officer report subject to the conditions listed in the report. With the addition of an informative that Members would encourage the applicant to provide more than the ratio of 1:1 replacement trees required by the legislation in order to maximise opportunities for new trees on the site.

Reasons:

- (i) 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.
- (ii) 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.
- (iii) 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.
  - (iv) 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.

**52b) Southbank Stores, 75 Balmoral Terrace, York YO23 1HR  
[19/02133/FUL]**

Note: Cllr Crawshaw left the meeting for discussion of this item.

Members considered a full application from Ms Sara Winlow, for a two storey rear extension, single storey rear extension, dormer to rear, 1no. rooflight to the rear and 2no. rooflights to the front following demolition of single storey rear extension.

Officers provided Members with an oral update on the application and reported six additional representations from interested parties in support of the application. It was also noted that a petition in support of the application had been submitted which had 631 signatures in support of the application. Additional comments from the applicant had also been received and can be viewed as a supplement to the Agenda.

Representations were received from the applicant Ms Sara Winlow and Ms Liz Musk who spoke in support of the application, and the neighbouring resident, Ms Elena Myers who spoke in objection to the proposal.

Ms Liz Musk spoke and then read out a statement on behalf of the applicant, Ms Sara Winlow, who explained her intention was to re-open a shop on the ground floor and to create a family

home. She reported that the application had generally been well received and that she considered the impact of the two storey extension and dormer on the neighbouring property at 75A to be negligible. What they had proposed had been similar to developments in nearby properties.

Ms Elena Myers of 75A Balmoral Terrace spoke in objection to the proposal stating that although she supported local businesses and the intention of the applicant to re-open the shop on the ground floor, she considered that the extension and dormer proposed to be dominant and overbearing. She had made several efforts to communicate with the applicant regarding creating a reduced extension and dormer. Her concerns were the close proximity of proposal and how that would reduce the amount of daylight into their living room and bedroom. She considered that this would create a sense of being 'boxed in.' The extension would create overlooking into their kitchen and dining room. Furthermore, she considered that the proposal was unattractive and not in keeping with the area.

Members considered that the difficulty in agreeing a scheme that was satisfactory to both parties was in relation to the size and mass of the rear extension, the dormer and the impact that that would have on the amenity of no.75A. The Development Manager explained that the wish to convert the attic into a bedroom required a new set of stairs into the roof which would be difficult without a dormer.

It was moved and seconded that the application be Deferred to allow the applicant time to produce an acceptable scheme suitable for both parties. It was also requested that a day light and sun light study be undertaken which accords with Building Standards requirements, in order to provide clarity and certainty of the impact of this aspect to the amenity of no.75A. It was therefore:

Resolved: That the application be Deferred.

Reason: To allow the applicant time to produce an acceptable scheme suitable for both parties.

**52c) 45 Osbaldwick Village Osbaldwick York YO10 3NP  
[19/02200/FUL]**

Members considered a full application from Mr & Mrs Sanderson for a two storey side extension following the demolition of the garage and dormer to the front. The application was a resubmission following the decision of the December 2019 Committee that the application be deferred on the grounds that it was not considered to be acceptable in the conservation area. The applicant had since worked in consultation with officer's to submit a revised scheme to satisfy these concerns.

Officers provided Members with an oral update on the application and reported that a further representation had been received from a neighbouring resident in support of the scheme. It was also reported that there had been an amendment to the description. The description of the proposal referred to the insertion of a dormer window. However, this element of the scheme had been removed as part of the revisions.

Cllrs Rowley and Warters, Ward Members for Osbaldwick & Derwent and the applicant, Mr Rory Sanderson spoke in support of the application.

It was moved and seconded that the application be Approved and it was therefore:

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

Reason: 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.



Cllr Hollyer, Chair

[The meeting started at 4.37 pm and finished at 6.10 pm].

This page is intentionally left blank

**COMMITTEE REPORT**

**Date:** 5 March 2020      **Ward:** Osbaldwick and Derwent  
**Team:** East Area      **Parish:** Holtby Parish Council  
**Reference:** 19/02608/FUL  
**Application at:** Rose Cottage Main Street Holtby York YO19 5UD  
**For:** First floor rear extension  
**By:** Mr Rounding  
**Application Type:** Full Application  
**Target Date:** 12 February 2020  
**Recommendation:** Householder Refusal

**1.0 PROPOSAL**

1.1 The application site relates to a detached two storey dwelling situated on Main Street in the village of Holtby. Planning permission is sought for the construction of a first floor rear extension to be built above and existing side and rear extension.

1.2 This proposal is a resubmission of a previously withdrawn development (ref: 19/02165/FUL) for the construction of a first floor side and rear extension. The application was withdrawn due to concerns raised about the impact the extension would have on the Green Belt.

Property History

1.3 First floor side and rear extension - withdrawn (ref: 19/02165/FUL).

1.4 Extension to dwelling to enlarge kitchen and extension to outbuilding for storage purposes in connection with antique shop (approved 1980) (ref: 3/63/19/PA).

1.5 Erection of a single storey extension to side and rear of dwelling to form entrance hall, cloaks, garage and utility room and a 2 storey side extension to form dining room and kitchen with bedroom and bathroom over (approved 1991) (ref: 3/63/19/PA).

Councillor Call - in

1.6 The application has been brought to Area Planning Sub Committee by Councillor Waters. He supports the Parish Council's support of family orientated proposals involving sympathetic extensions of properties in the village. Councillor Waters has made comments that there has been some demolition to outbuildings previously situated to the rear of the dwelling.

## **2.0 POLICY CONTEXT**

### Development Control Local Plan 2005

CYH7 Residential extensions

CYGB1 Development within the Green Belt

CYGB4 Extensions to existing dwellings in the Green Belt

### Publication Draft Local Plan 2018

Policy GB1 Development within the Green Belt

Policy D11 Extensions and alterations

## **3.0 CONSULTATIONS**

### Holtby Parish Council:

3.1 No problems with this application.

## **4.0 REPRESENTATIONS**

4.1 None received.

## **5.0 APPRAISAL**

5.1 The key issues are:

- Green Belt
- Neighbour amenity
- Very Special Circumstances

### Planning Policy

5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for York consists of the saved policies of the revoked Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt.

### Saved Policies of the Yorkshire and Humber RSS

5.3 Policy YH9(C) states that the detailed inner boundaries of the Green Belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city. Policy Y1(C1) states that plans, strategies, investment decisions and programmes for the York sub area

should in the City of York LDF, define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with policy YH9C.

#### National Planning Policy Framework (NPPF) (February 2019)

5.4 The NPPF states that the planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives.

#### The Publication Draft Local Plan 2018

5.5 The Publication Draft Local Plan ('2018 Draft Plan') was submitted for examination on 25 May 2018. The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications. 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).

#### Development Control Local Plan (2005)

5.6 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. The DCLP does not form part of the statutory development plan, and whilst of very limited weight, its policies are capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. Policy CYGB1 states that permission will only be granted where a) the scale and location would not detract from the open character of the Green Belt b) it would not conflict with the purposes of including land within the Green Belt c) it would not prejudice the setting and special character of the City Of York. Draft DCLP Policy CYGB4 states that the extension and alteration of dwellings in the Green Belt and open countryside will be permitted providing the proposal: a) would not cause undue visual intrusion; and b) is appropriate in terms of design and materials; and c) is small scale compared to the original dwelling.

## Holtby Village Design Statement

5.7 The Holtby Village Design Statement was approved as a draft Supplementary Planning Guidance on 28 April 2005. Design guideline No. 25 states that any new buildings or extensions should be sympathetic to location and overall character, with the use of local design features and local materials.

### Supplementary Planning Document (SPD) for House Extensions and Alterations.

5.8 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. Advice in the document is consistent with local and national planning policies and is a material consideration when making planning decisions. Guidance in sections 7, 13 and 18 relating to townscape, rear extensions and extensions in the green belt are relevant to the determination of the application.

### Green Belt

5.9 The application site lies within the general extent of the York Green Belt as shown on the Key Diagram of the saved RSS Green Belt policies and therefore Section 13 (Protecting Green Belt Land) of the NPPF is applicable. Paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence.

5.10 Paragraph 144 of the NPPF establishes that substantial weight should be given to any harm to the Green Belt. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. An exception set out in Paragraph 145 (c) relates to 'the extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building.'

5.11 There is no definition in the NPPF of what constitutes "disproportionate". However, the explanatory text to policy GB4 of the 2005 DCLP states that as a guide, a planning application to extend a dwelling by more than 25% of the original foot print will be considered to be a large scale addition and will be resisted accordingly. National Planning Practice Guidance states that assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. It states that openness is capable of having both spatial and visual aspects in other words, the visual impact of the proposal may be relevant, as could its volume.

5.12 The original dwelling has been extended at two storey height on the north-west side elevation. A further extension has been constructed at single storey height to the (other) south east side and rear elevation of the dwelling. National guidance in the NPPF states that extensions to buildings should be judged against the size of the original building, thus the cumulative impact of incremental increases, although they may be small scale in themselves, is a material consideration. In assessing proportionality the original dwelling had a foot print in region of 44 square metres. The previous development has increased the foot print by 52 square metres to 96 square metres. While, the proposed enlargement would not further increase the foot print of the dwelling, the volume of the dwelling would be more than doubled by the cumulative effect of the proposed and previous extensions. This is considered to be disproportionate in appearance compared to the original house, comprising inappropriate development in the Green Belt which by definition would be harmful to the Green Belt.

5.13 Policies and guidelines with the 2005 Draft Plan and the Village Design Statement relating to the “washed over” status of the village in the Green Belt carry no weight in the decision making process because they are not in accordance with the NPPF. The NPPF states that “if it is necessary to restrict development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt.” The 2018 Publication Draft Local Plan includes Holtby in the Green Belt, the Local Plan Topic Paper TP1 (Approach to defining York’s Green Belt) stating that “Development remains low density with the majority of properties having large gardens which add to the Village’s open nature.” It concludes that the village “exhibits a high degree of openness, and contributes to the openness of the Green Belt.”

5.14 The first floor rear extension is subject to revised plans which has lowered the enlargement down from the ridge and incorporated a hipped roof replacing the original gable “end” roof shape. This revision would improve its appearance when seen in the context of the main dwelling. However, the increased scale of the building would harm openness. The dwelling is considered to be in a prominent position on Main Street and clearly visible from the adjacent highway and connecting roads. Furthermore, the rear the dwelling lacks any natural screening, resulting in the development being visible across flat areas of open countryside. As such, it is considered that the additional massing, size and scale of the development would harmfully impact the openness of the Green Belt.

### Neighbour Amenity

5.15 In relation to the assessment of neighbour amenity, paragraph 13.2 of the SPD advises that The Council will have regard to a number of factors including the impact on sunlight, the relationship to windows and the height of the structure. Paragraph

5.2 states that it is important that neighbours' do not feel unduly hemmed in by proposals. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing/loss of light or over-dominance/loss of light. The host dwelling is located within an ample open rear garden and well-spaced from adjacent dwellings. Thus, there would be no impact to residential amenity.

### Very Special Circumstances

5.16 The NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. There are no very special circumstances which have been advanced, or appear to exist. Therefore, whilst the proposal would enhance the amenity and living conditions of the existing occupants, it is not considered that this factor constitutes very special circumstances that would outweigh the harm to the Green Belt.

## **6.0 CONCLUSION**

6.1 The application site lies within the general extent of the Green Belt. The proposed extension when taken in conjunction with existing extensions to the property, would result in a disproportionate addition to the original dwelling, which would represent inappropriate development in the Green Belt and would harm openness. No very special circumstances have been identified that would outweigh this harm, the proposal conflicts with the National Planning Policy Framework 2018 Chapter 13 (Protecting Green Belt Land) in particular paragraphs 133, 134, 143, 144 and 145c, Policy GB1 of the Publication Draft York Local Plan 2018 and Policies GB1 and GB4 of the City of York Draft Local Plan 2005.

## **7.0 RECOMMENDATION: Householder Refusal**

1 The application site lies within the general extent of the Green Belt, as set out in saved policies Y1 and YH9 of The Yorkshire and Humber Plan - Regional Spatial Strategy. It is considered that the proposed extension, when taken in conjunction with existing extensions to the property, would result in a disproportionate addition to the original dwelling, which would represent inappropriate development in the Green Belt. It would cumulatively create a significant extension to the original property which would harm the openness of the Green Belt. No very special circumstances have been identified that would outweigh this harm. As such the proposal conflicts with the National Planning Policy Framework 2018 Chapter 13 (paragraphs 133, 134, 140, 144 and 145c ), policy GB1 of the Publication Draft Local Plan 2018 and policies GB1 and GB4 of the Development Control Local Plan 2005, which seek to restrict the size of additions and extensions to existing dwellings in the Green Belt in order to maintain openness.



**8.0 INFORMATIVES:**

**Contact details:**

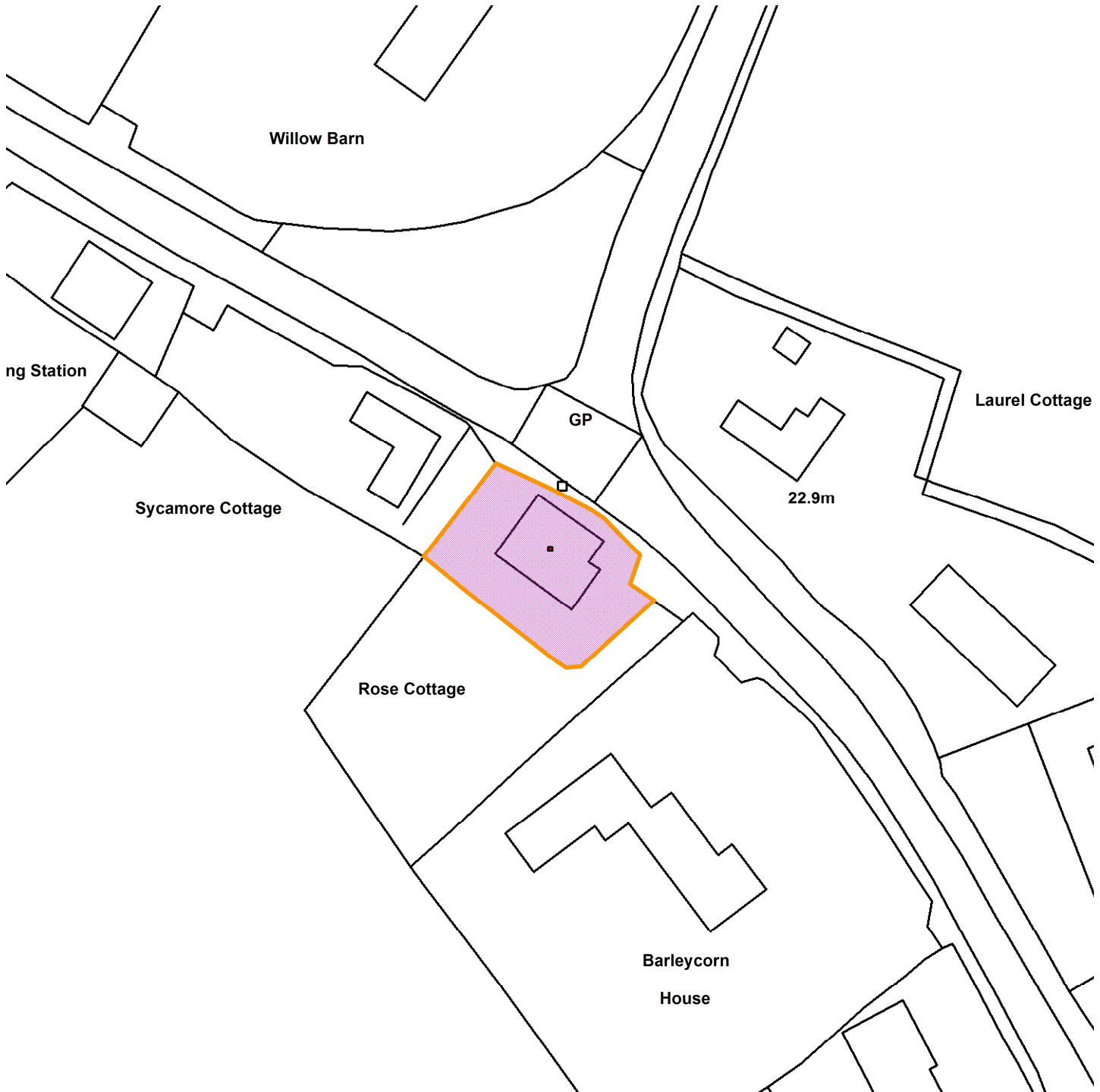
**Case Officer:** Sharon Jackson

**Tel No:** 01904 551359

This page is intentionally left blank

19/02608/FUL

Rose Cottage, Main Street, Holtby



Scale : 1:687

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

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

<b>Organisation</b>	City of York Council
<b>Department</b>	Economy & Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	24 February 2020
<b>SLA Number</b>	

This page is intentionally left blank



## **2.0 POLICY CONTEXT**

### Draft Development Control Local Plan 2005

GP1 Design  
HE3 Conservation Areas  
E10 Working from Home

### Emerging Local Plan policies

D1 Placemaking  
D4 Conservation Areas  
ENV2 Managing Environmental Quality

## **3.0 CONSULTATIONS**

### INTERNAL

#### Public Protection

3.1 The procedure of heating up the still is in a sealed unit and therefore unlikely to produce any emissions. In terms of concerns regarding noise and odour the additional information supplied by the applicant does alleviate these concerns. No objections or conditions.

#### Design, Conservation and Sustainable Development

3.2 This building is sited within the heart of the open space behind the properties, which will harm the character of the conservation area. The proposals do not preserve nor enhance the character of the conservation area and therefore an in principle objection to the erection of any building within this location is raised.

#### Highway Network Management

3.3 No objections to the proposed development. The proposed building is located in the rear garden of a property utilising the dwelling's existing vehicular access. Given the quantities of materials and produce anticipated as quoted in the design and access statement; we envisage a negligible impact on the highway in terms of parking and traffic generation. No conditions or informatives are required.

## EXTERNAL

### Ainsty Internal Drainage Board

3.4 The Board has assets in the wider area in the form of various watercourses. These watercourses are known to be subject to high flows during storm events. Given the size of the development is approximately 30m<sup>2</sup>, the Board's view is that it will have minimal impact on surface water drainage matters within the Drainage Board's district and accordingly, the Board has no comment to make on the proposal in this regard.

3.5 With regard to waste water, the planning statement states that "Effluent discharge will be into a septic tank to be disposed of with a monthly chemical waste collection service to prevent chemical waste entering the drainage systems." The Board have no objection to this.

### Bishopthorpe Parish Council

3.6 The parish council object to the proposals on the following grounds:

- the conservation area is not appropriate for a new business
- Main Street is already heavily congested. It is unlikely to cope with the additional traffic generated
- a timber framed building does not appear the safest construction to house a still.
- distilleries produce fumes, odours and mould spores. There is no mention of mould risk. The use could impinge on neighbouring houses.

## **4.0 REPRESENTATIONS**

4.1 Two letters of objection have been received from neighbouring properties. The following issues have been raised:

- the development would not preserve the long gardens of this part of Main Street which is characteristic of the conservation area in this part of the village
- previous applications have been refused for development in the rear gardens as they would fail to preserve the character of the conservation area
- a commercial use in a rural setting is not appropriate and would set a dangerous precedent for future development of the rear gardens
- increased traffic on main street
- safety concerns of the distillery being adjacent to a children's play area.
- the site plan and location plan appear to misrepresent the scale of the Woodman pub next door
- odour and noise issues

## 5.0 APPRAISAL

### KEY ISSUES:-

Visual impact on the dwelling and the conservation area

Impact on neighbouring property

Highways Issues

### RELEVANT PLANNING POLICY

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

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

5.3 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 Chapter 16 (Conserving and Enhancing the historic environment), paragraph 190, requires Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal. They should consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 192 a) requires local planning authorities to take account of sustaining and enhancing the significance of any heritage asset. Paragraph 193 states that 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. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a heritage



asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

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).

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

5.7 Policy D1 (Placemaking) seeks development proposals to improve poor existing urban and natural environments, enhance York's special qualities, better reveal the historic environment and protect the amenity of neighbouring residents.

Development proposals that fail to make a positive contribution to the city or cause damage to the character and quality of an area, or the amenity of neighbours will be refused.

5.8 Policy D4 (Conservation Areas) aims to protect the setting of conservation areas, stating that development proposals will be supported where they conserve or enhance the special character and appearance of the conservation area and leave qualities intrinsic to the wider context unchanged.

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

5.10 The York Development Control draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF. Draft Local Plan Policies GP1 (Design) states that development proposals will be expected to respect or enhance the local environment, be of a density, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area and ensure that residents living nearby and not unduly affected by noise, disturbance or dominated by overbearing structures. Draft Local Plan Policy HE3 states that within conservation areas, proposals will only be permitted where there is no adverse

effect on the character and appearance of the area. Policy E10 (Working from home) states that planning permission for small business uses within or adjacent to residential curtilages where development would not adversely affect the amenity of neighbouring properties or the residential character of the area would be supported.

## APPRAISAL

### Impact on the character and appearance of the conservation area

5.11 The application site is within the Bishopthorpe Conservation Area where section 72 of the Planning (Listed Building 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. The building would be located adjacent to an existing timber structure approximately half way down the rear garden, along the eastern boundary. This part of the conservation area is characterised by long narrow garden plots extending to the rear in a typical medieval pattern, which remain largely free from built form. The openness to the rear reinforces the rural character of the conservation area and the medieval pattern of development. It is noted that several neighbouring buildings have been extended to the rear, although the subservient projections remain largely attached and/or close to the host buildings.

5.12 It is acknowledged that the proposed structure would be located further away from the host dwelling than most other outbuildings/extensions in the immediate vicinity, however it would be located in front of an existing garden building which projects further into the garden. The structure has been designed to reflect permitted development allowances, and would appear as a garden building that would typically be acceptable in a garden location. Whilst its scale is fairly significant, given the size of the plot, and its orientation and location along the side boundary it is not considered to harm the historic pattern of development and the character and appearance of the conservation area.

### Impact on neighbour amenity

5.13 The building would be 2.4m in height adjacent to the side boundary with no. 20 Main Street. The shared boundary comprises mature hedging/landscaping which would largely obscure the building from view from no. 20. Given the limited height and its location away from the main neighbouring dwelling, the structure itself is not considered to harm the amenity of the neighbouring occupant.

5.14 Objections have been submitted objecting to the use of the building due to potential odours and noise produced during the process as well as being a potential hazard due to the heating process. The procedure of heating up the still is in a sealed unit and therefore it would be unlikely to produce any emissions. Due to the nature of the use, the applicant requires a licence from HMRC to operate the

distillery and would be applying for the rectification of alcohol licence only (and not for the production of spirits) meaning that alcohol cannot be produced on the premises. The applicant has provided a risk and fire risk assessment and would also be required to provide a full risk assessment as part of the application for the licence.

5.15 In terms of concerns regarding noise and odour, Public Protection are satisfied that the additional information supplied by the applicant would alleviate the concerns regarding impact on neighbour amenity, as there would appear to be little to no odour or noise associated with the use. In addition, the strict control by the HMRC is such that Public Protection do not have any objections to the use in this location.

### Highways Issues

5.16 It is intended that the business would produce small batches of hand crafted spirits flavoured with locally sourced botanicals. No alcohol would be made on site and neutral grain alcohol would be delivered to site approximately twice a month. Deliveries would take place during weekdays, and delivery vehicles would have access to off road parking for the duration. Delivery of the finished product would be by the applicant to individual wholesalers. Given the quantities of materials and produce anticipated as quoted in the planning statement, it is envisaged that there would be a negligible impact on the highway in terms of parking and traffic generation.

## **6.0 CONCLUSION**

6.1 The proposal is not considered to have a harmful impact on the character and appearance of the conservation area. Subject to conditions, the small scale of the business and its specific use is not considered to have a significant impact on the highway with regard to deliveries, nor on existing residential amenity. As such the scheme is considered to comply with paragraph 127 of the NPPF and local plan policies GP1, E10, D1 and ENV2 with regard to protecting neighbour amenity and paragraph 193 of the NPPF and local plan policies D4 and HE3 with regard to preserving the character and appearance of the conservation area.

## **COMMITTEE TO VISIT**

### **7.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Proposed Site Plan - Drg. No: 19116-105

Proposed Ground Floor Plan and Elevations - Drg. No: 19116-110

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 building shall be used only for the rectification and bottling of alcohol and for no other purpose including any other use falling within class B1 of the Town and Country Planning (Use Classes) Order 1987. No production of spirits shall take place on site.

Reason: To protect the living conditions of local residents and to enable the consideration by the local planning authority of any future proposed alternative uses and processes that may otherwise be undertaken without planning permission.

4 The distillery shall be operated only by residents of 18 Main Street, Bishopthorpe and there shall be no retail sales from the building.

Reason: To protect the living conditions of local residents as the location of the proposed use would be inappropriate for a separate business unit or for retail sales.

5 There shall be no deliveries to the approved use at the site except between the hours of 0800 and 1800 on Mondays to Fridays and 0900 to 1300 on Saturdays. No deliveries shall take place on Sundays or Bank Holidays.

Reason: To safeguard the amenities of local residents.

**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:

Officers requested further information regarding the distilling process and the potential noise and odour impacts.

**Contact details:**

**Case Officer:** Elizabeth Potter

**Tel No:** 01904 551477

19/02626/FUL

18 Main Street, Bishopthorpe. York YO23 2RB



GIS by ESRI (UK)



Scale : 1:1375

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

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

<b>Organisation</b>	City of York Council
<b>Department</b>	Economy & Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	24 February 2020
<b>SLA Number</b>	

This page is intentionally left blank



CYGP4a – Sustainability

CYH8 - Conversion to flats/HMO/student accom

### **3.0 CONSULTATIONS**

#### INTERNAL

##### Forward Planning

3.1 As stated in the Draft HMO SPD, a threshold of 20% of all properties being HMOs across a neighbourhood and 10% at street level have been established as the point at which a community can tip from balanced to unbalanced. Within 100m (Street level) of 173A Osbaldwick Lane, the current density level is 2.78%. At the neighbourhood level the current density level is 4.40%. In accordance with the provisions of the SPD neither the street or neighbourhood level thresholds have been breached and further change of use to HMO is likely to be acceptable. Albeit an assessment of residential amenity (bin storage, parking etc) and the ability of the area to absorb further change of use should also be undertaken.

#### EXTERNAL

##### Osbaldwick Parish Council

##### 3.2 – Letter of objection

- Advertised as a 4.no bedroom HMO when 5.no bedrooms exist
- Off-road parking to the front is that of No.173 Osbaldwick Lane
- Will lead to further displaced parking

### **4.0 REPRESENTATIONS**

##### Councillor Mark Warters

4.1 Objection. Impact on the highway network given the absence of dedicated parking and on the operation of adjacent commercial development.

##### Publicity / Neighbour Notification

4.2 One comment received raising issues of car parking in the area and the detrimental impact on local businesses.



## 5.0 APPRAISAL

### KEY ISSUES

5.1 The key issues in the assessment of this proposal are HMO policy and cumulative impact, 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, February 2019 (NPPF) sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development.

5.3 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
- users

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

5.6 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:

- i. 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
- ii. 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
- iii. the accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

5.7 The policy justification 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.

5.8 Policy D1: Placemaking seeks development proposals to improve poor existing urban and natural environments, enhance York's special qualities, better reveal the historic environment and protect the amenity of neighbouring residents.

Development proposals that fail to make a positive contribution to the city or cause damage to the character and quality of an area, or the amenity of neighbours will be refused. Policy T1: Sustainable Access advises that development will be supported where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it, including those with impaired mobility, such that it maximises the use of more sustainable modes of transport and they provide sufficient convenient, secure and covered cycle storage.

### Development Control Local Plan 2005

5.9 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. It is considered that the following policies/criteria are relevant:

- Policy GP1 (a) requires development proposals to respect or enhance the local environment
- Policy GP4a (i) requires that development proposals make adequate provision for the storage and collection of refuse and recycling.
- Appendix E to the Local Plan outlines car and cycle parking standards for development and specifies that HMO's should provide 1 car parking space per 2 bedrooms and 1 cycle parking space per bedroom.

5.10 Development Control Local Plan policy H8: "Conversions" sets out the criteria by which conversions of houses to HMO's should be assessed. On this basis planning permission will only be granted for the conversion of a house to a HMO where:

- the dwelling is of sufficient size (min 4 bedrooms) and the internal layout is shown to be suitable for the proposed number of households or occupants and will protect residential amenity for future residents;
- external alterations would not harm the appearance of the area;
- adequate on and off road parking and cycle parking is incorporated;
- it would not create an 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;
- adequate provision is made for the storage and collection of refuse and recycling

### Draft Supplementary Planning Document (SPD): Controlling the Concentration of Houses in Multiple Occupancy approved 15 April 2012 (Amended 2014)

5.11 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.

5.12 In Paragraph 5.17 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.

5.13 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

5.14 DCLP policy H8 requires that a dwelling has a minimum of 4 bedrooms if it is to be considered acceptable for change of use to an HMO. However, had the Article 4 Directive not been made, this proposal would have constituted permitted development. Given that the purpose of the Directive was to control concentrations

of houses in multiple occupation and protect family housing, the requirement of the policy for a minimum of 4 bedrooms is not considered to be a material consideration in the appraisal of this proposal.

5.15 Under Local Plan Policy and the 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, Paragraph 5.2 of the SPD states a 'threshold based policy approach' is considered most appropriate method 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 HMO's become harder to manage and a community or locality can be said to tip from balanced to unbalanced.

5.16 Within 100m (at street level) of 173a Osbaldwick Lane, there is currently 1 HMO out of 36 properties (density level 2.78%). The proposal if approved would take this to 5.5%. At the neighbourhood level there are currently 74 HMO's out of 1681 properties (density level 4.40%) The proposed increase would take this to 4.46%. The current street and neighbourhood HMO levels are therefore below the thresholds established by the SPD and it is not considered that approval of the application would lead to the creation of an unbalanced community. However, there is a need to consider whether other aspects of the proposal are acceptable and whether they would have an adverse impact on the amenities of local residents or conflict with other aspects of planning policy.

### Car Parking

5.17 Paragraph 11.1 of the Highway Design Guide states that:

*"It is imperative that proper and adequate provision is made for the parking of vehicles..... If adequate provision is not made, then this results in indiscriminate parking on the highway with the resulting problems of obstruction, danger to other road users, particularly children, and damage i.e. footways, landscaping and boundary treatment".*

5.18 The Council's Highway Design Guide (Appendix 23) advises that a standard parking space is 2.4m wide by 4.8m long. However, it states that this must only be used as general minimum as although a standard parking space may be appropriate for situations where there is room to reverse out (e.g. such as in a supermarket car park), for practical purposes on places such as a household plot, a car parking space needs to be increased to allow ease of access, ease of movement for loading/unloading items in and out of the boot (without having to impinge on a public footpath), maintenance and working areas for car washing etc. and the guide outlines that an appropriate space for this purpose can be up to 6m long by 3.6m wide.

5.19 In this respect, it is considered that when assessing development proposals it is essential to secure the provision of car parking spaces of an appropriate size together with a car parking layout that allows the greatest potential for maintenance etc. to be undertaken on site and for cars to manoeuvre in and out of spaces independently, thereby ensuring that the spaces are used and on-street parking is avoided. This is considered particularly important in respect of HMO uses because the lifestyle, activities and work patterns of the occupants can be very different to those of a small family who live as one unit and therefore tend to have more of a routine of times spent together and can move/share cars etc. more easily. In particular it means that it can be more difficult in an HMO to ensure that a person needed to move a car to allow another one to access/egress will always be available and/or on site.

5.20 With regards to car parking provision; there were initial concerns and these were raised with the applicant. The originally submitted plans had been taken from a previous application and were incorrect. The revised location plan shows the ownership of the property to include that of the front hardstanding. This spans the width of the property and projects up to the public highway. In addition, the originally submitted floorplans (indicating 5.no bedrooms) conflicted with the applicant's description of a '4.no bedroom HMO. The corrected plans correspond with the description and show 4.no bedrooms. The front standing allows for at least 2.no vehicles to access and leave the site, independently of each.

### Cycle Storage

5.21 External access to the rear of the property (via a side gate) exists and will remain. This is of sufficient width for cycle access to the rear garden. Cycle storage can be secured by planning condition.

### Bin Storage

5.22 As detailed in Para 5.23 above, external access to the rear will remain following development. This is wide enough for refuse bins.

### Amenity of Future Occupants

5.23 The internal layout is considered adequate for the needs of 4.no tenants. In addition, the rear garden is both large and sheltered. Local amenities exist in addition to a regular bus route into the city centre. Sufficient off-road parking will exist at the front of the property and secure cycle provision could be made in the rear garden. In consequence, this aspect of the proposal is considered to be acceptable.

Impact on the Amenity of the Occupants of Neighbouring Properties

5.24 The application property lies within a parade of commercial premises. In this respect it differs from an exclusively residential neighbourhood. There is nothing inherent in the proposal which will result in significant harm to the amenity of neighbouring residents and any approval would be subject to a condition requiring a management plan. This would seek to address issues that can arise in association with a multiple occupancy use.

**6.0 CONCLUSION**

6.1 It is considered that the use of the property as a small HMO (use Class C4 HMO is acceptable. The application accords with the requirements of the NPPF, Policy H8 of the Publication Draft York Local Plan 2018 and Policies GP1 and H8 of the Development Control Local Plan 2005.

**COMMITTEE TO VISIT**

**7.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Approved Drawings No's 46 01A - 46 - 04A - 46 -03B - Dated September 2017

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

3 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.

4 Prior to occupation of the property as a House in Multiple Occupation, details of cycle storage, 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.

## **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:

Requested revised plans to indicate correct floor layout and off-road parking provision

#### **Contact details:**

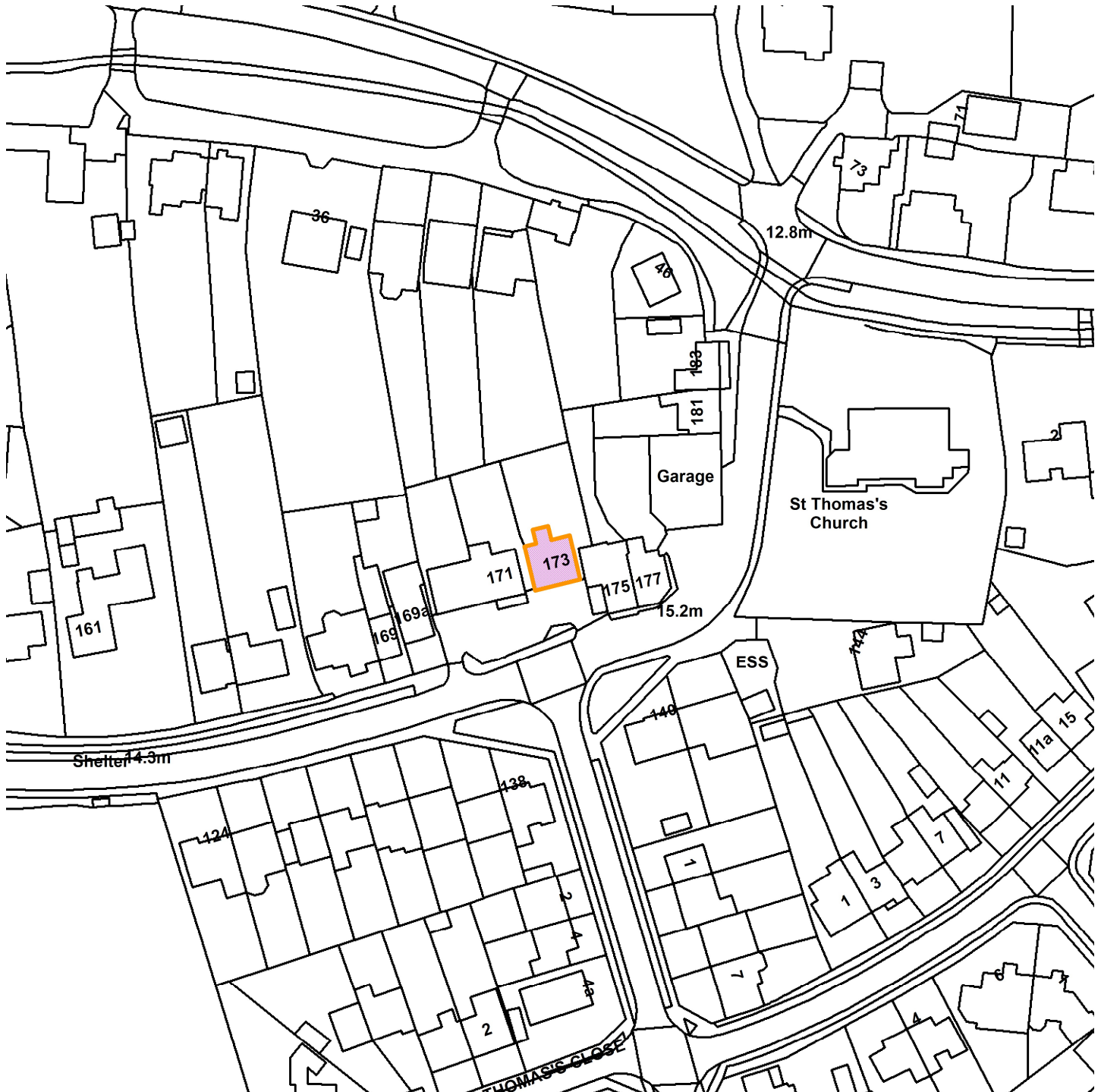
**Case Officer:** Paul Edwards

**Tel No:** 01904 551642



19/02065/FUL

173A Osbaldwick Lane, York



Scale : 1:1100

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

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

<b>Organisation</b>	City of York Council
<b>Department</b>	Economy & Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	24 February 2020
<b>SLA Number</b>	

This page is intentionally left blank



## CC1 Renewable and Low Carbon Energy Generation and Storage

### City of York Draft Local Plan Incorporating the 4<sup>th</sup> set of changes – Development Control Local Plan. Approved April 2005

ED1 Primary and secondary education facilities

GP1 Design

## **3.0 CONSULTATIONS**

### Highway Network Management

3.1 No objections are raised. In terms of car parking it is noted that the planning application form states that the number of equivalent full time staff will increase from 165 to 170, an increase of 5 staff, but no increase in the car parking spaces, minibus parking or disabled parking is envisaged. Applying CYC's parking standards to staff and visitors would require a maximum of 155 car parking spaces and 150 are currently provided on site.

3.2 In terms of cycle parking 90 additional spaces are required to accommodate the additional pupils and staff and the 30 lost due to the new building need to be relocated. A revised plan has been submitted indication the additional 120 spaces being located to the rear of the English block and adjacent to the 6<sup>th</sup> Form block.

### Education Policy and Planning

3.3 The Local Authority (LA) has a statutory duty under the 1996 Education Act to ensure a sufficient supply of good/outstanding school places in its local area. Within the East York School Planning area it is forecast that there will be a deficit of 146 Year 7-13 places by 2025/2026. This area only has one secondary school catchment which is for Archbishop Holgate's CE School.

3.4 The schools current net capacity is 1,514, current number on role is 1,630 and projections indicate a need for a capacity of 1,900. This proposed build will add sufficient places to address this deficit in secondary school places anticipated for the future in this area of the city. This will increase the planned admission number from 270 to 300.

### Flood Risk Management

3.5 The application form states foul water to mains sewer and surface water to soakaway and therefore we are unable to make an assessment to determine the potential impact of the proposals on the existing drainage system and downstream watercourse. Additional information has been requested and members will be updated.

### Ouse and Derwent Internal Drainage Board

3.6 The proposal seeks to dispose of surface water to soakaway. Even if a soakaway already exists, the Board would suggest that the Local Authority seek confirmation of its location and that the system is working effectively, and also have evidence that it is capable of handling the additional volume of water that will be generated by the development.

3.7 If the testing proves unsatisfactory and surface water is to discharge into the Boards watercourse the rate should be restricted.

### Yorkshire Water

3.8 No response received

### Public Protection

3.9 No objections but recommend conditions in connection with plant and machinery, CEMP and land contamination

### Hull Road Planning Panel

3.10 No response received

## **4.0 REPRESENTATIONS**

### Neighbours and Publicity

4.1 Four responses received raising the following concerns:

- Access to the site should not be from Bishops Way
- Existing surface water runs off the playing fields during heavy rain. This proposal should not make it any worse
- May impact of existing collecting and drop off of students by parents in vehicles
- Pupils are parking on Crossways and Vanburgh Drive from 08:15 to 16:00
- Cars have to mount the grass verge to pass
- Safety concern due to the parked cars
- Delivery drivers cannot park and block to road

## **5.0 APPRAISAL**

5.1 KEY ISSUES:-

- Visual impact on surrounding area
- Impact on neighbours living conditions
- Highway Implications
- Drainage
- Sustainable Development

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

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

- o function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
- o be visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- o are sympathetic to local character and history, including the surrounding built environment and landscape setting
- o 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.

5.5 Paragraph 94 states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.

5.6 Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

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

5.8 Policy ED6 (Preschool, Primary and Secondary Education) states that new or enhanced facilities will be permitted if they:

- i. are in locations that are accessible by sustainable means of transport from the communities they are intending to serve and not have a significant adverse impact on the amenities of neighbouring property;
- ii. have sufficient and appropriate playing field provision or take opportunities to deliver additional playing fields for existing schools identified as having a deficiency, as part of new developments immediately adjacent to or near the schools; and
- iii. provide community access, through good design and modifications, to their facilities in areas where there are deficiencies of community leisure and sports facilities.

5.9 Policy CC1 'Renewable and Low Carbon Energy Generation and Storage' states that new buildings must achieve a reasonable reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable. This should be achieved through the provision of renewable and low carbon technologies in the locality of the development or through energy efficiency measures.

5.10 Policy CC2 'Sustainable Design and Construction of New Development' states that Developments which demonstrate high standards of sustainable design and construction will be encouraged. Development proposals will be required to demonstrate energy and carbon dioxide savings in accordance with the energy hierarchy and water efficiency. All new non-residential buildings with a total internal floor area of 100m<sup>2</sup> or greater should achieve BREEAM 'Excellent' (or equivalent).

5.11 The York Development Control draft Local Plan incorporating the 4<sup>th</sup> set of changes was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF. 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. Draft Local Plan Policy ED1 (primary and secondary education facilities) states that planning applications for extended primary education facilities

will be granted permission provided that it would meet a recognised need, and the proposed development is of a scale and design appropriate to the character and appearance of the locality.

## EDUCATIONAL NEED

5.12 The Local Authority (LA) has a statutory duty under the 1996 Education Act to ensure a sufficient supply of good/outstanding school places in its local area. To deliver this duty the LA work with the Department of Education, all local partners and stakeholders, including multi-academy trusts, to ensure that they are able to meet the demands of demographic change, parental choice, approved and planned future housing developments and in-year pressures on school places as families move into the city.

5.13 The Local Authority have carried out extensive work over the last two years to better understand local area needs, in terms of school places, and identify areas of the city where deficit of places are anticipated. Projections have indicated that there is increasing place pressures across secondary provision which requires the Local Authority to add additional places at a number of schools across the city (East, South and West). A deficit of 146 Year 7-13 places is anticipated in year 2025/26 within the East York Secondary Planning Area. Parental demand and ongoing demographic trends in the city mean that families close to the school cannot secure a place.

5.14 The reasons for expanding at Archbishop Holgate's School were outlined to Executive in July 2019, when funding approval for this development was given. Not expanding at Archbishop Holgate's School would put further pressure on the other secondary schools in the city that are already at full capacity in Year 7 and which fall out of the East York Secondary Planning Area. Transporting local children to a school outside the Archbishop Holgate's School catchment area would be at the Local Authority's expense (at an estimate of £500/child/ annum), would not meet the principles set out in the Local Authority's One Planet York and green agenda, or its statutory duty to provide local school places in the local area (not more than 3 miles from home). Added to this Archbishop Holgate's School, as part of Pathfinder Multi Academy Trust, are their own admission authority, and as such changing the school's catchment area is outside the Local Authority's control.

## VISUAL IMPACT

5.15 The existing structure comprises of a single storey flat roof building with wrap around canopy housing two classrooms located to the north east of the main cluster of buildings. The property dates from the 1970s and is in a poor state of repair. Due to the siting of the building close to the existing reception building a pedestrian pinch



point is created which restrict the free flow of students moving between lessons. Level access to the building is also limited.

5.16 The proposed replacement building would house a library and 14 general teaching classrooms along with associated office and toilet facilities. Due to the slightly sloping nature of this portion of the site the classroom block would be partially set down within the site to the eastern elevation. At this elevation the building would measure approximately 11.8m above ground level with the eastern elevation measuring 10.7m above ground level.

5.17 The front and rear elevations would be predominantly white render and would include large areas of glazing opening onto the staircases. The side elevations would be predominantly clad in grey and red with large windows opening into each classroom.

5.18 The building has been designed to reflect the existing new buildings on site in terms of colour and finish. It would be approximately 1.73m higher than the adjacent building but would be lower than the existing three storey teaching block immediately to the rear. The building would sit comfortably within this cluster of development.

5.19 The scheme would also provide improved level access around the site and remove the existing pinch point which currently causes congestion around the building.

5.20 A number of existing trees to the front of the existing building are to be removed. The scheme proposes replacing these to an area of land opposite the front of the building, to the opposite side of the access road.

### IMPACT ON NEIGHBOURS' LIVING CONDITIONS

5.21 The nearest residential property to the proposed building lies approximately 110m away to the east and is separated by existing school buildings. Due to the location of the proposed building within the existing cluster of buildings there would be no impact in terms of over-dominance or overshadowing.

### TRANSPORT AND HIGHWAY IMPLICATIONS

5.22 The erection of this building would only result in 5 additional members of staff the impact upon on site parking is minimal. The site is located within a sustainable location with good public transport links and park and ride facilities which drop off nearby. The applicant has confirmed that they are reviewing the existing Travel Plan with a view to encouraging alternative forms of transport to and from the school site.

5.23 In terms of cycle parking the additional 266 pupils and 5 members of staff result in an additional 90 spaces. The erection of the classroom block would result in the loss of 30 existing spaces which would need to be relocated within the site. Revised plans have been submitted which identify land to the rear of the English block and to the side of the 6<sup>th</sup> Form block which is capable of providing the 120 spaces required.

5.24 Under permission reference 13/00293/FULM 208 covered cycle parking spaces were to be provided to the front of the proposed English block. As yet these have not been provided on site but the applicant has confirmed that these will be installed as soon as possible.

5.25 Objections have been raised in connection with on street parking by students. The school does not allow students to park on site and is encouraging them to utilise the park and ride facility at Grimston Bar which drops on Hull Road approximately 150m from the school. Notwithstanding the comments of residents the school states that approximately 30 pupils use this facility and as such do not park on the neighbouring streets. This is a school management issue that can be addressed through a revised travel plan.

5.26 Concerns have also been raised that construction vehicles will access the site via the short cul-de-sac of Bishops Way which lies to the rear of the site. However, this access is unsuitable and as the proposed redevelopment lies at the front of the site it would be almost impossible for construction vehicles to access the area due to the existing school buildings. All construction would take place from the existing vehicular access to the site off Yarburgh Way and a Construction Environment Management Plan condition would be attached to any permission granted.

## DRAINAGE

5.27 The site is located within Flood Zone 1 and is therefore unlikely to suffer from river flooding.

5.28 At the time of writing the report insufficient information had been submitted to assess the impact of the development upon the existing mains drainage on site and surface water disposal. The applicant is to provide the information prior to committee and Members will be updated accordingly.

## RENEWABLE ENERGY AND SUSTAINABLE DEVELOPMENT

5.29 The applicant has submitted an Energy Statement in line with Policies CC1 and CC2 of the Draft Plan 2018. The statement outlines that the building will exceed Part L of Building Regulations and would be constructed with high level insulation, use a modular construction method to reduce net waste, use air source heat pumps and would include PV cells to the roof. This would exceed the 28% reduction over and above the Part L2A 2013 Building Regulation requirements.

5.30 However, they are unable to meet policy CC2's requirements of BREEAM 'Excellent' (or equivalent). The funding for the project was granted at Executive Committee in July 2019 with the design principles of the development commencing mid-2018. The level of funding granted for the development does not allow for scope to now meet the BREEAM 'Excellent' or to appoint a BREEAM assessor. They are proposing that the building is constructed to the principles of achieving 'Very Good' but without the formal recognition.

5.33 There is a compelling requirement for the additional school places to be provided as outlined in 5.12 – 5.14 above, the NPPF requires that the LPA "give great weight to the need to create, expand or alter schools." It is noted that funding has already been secured which does not allow for BREEAM "Excellent" to be achieved or an assessor to be appointed. The Local Plan policy is considered to have moderate weight given the evidence base that supports it. However on balance it is considered that the need for the development outweighs the non-compliance with policy CC2.

## **6.0 CONCLUSION**

6.1 It is considered that the provision of an additional teaching block in terms of design, location and local educational need accord with the policies of the National Planning Policy Framework, policy ED6 and CC1 of the Publication Draft Local Plan 2018 and policies GP1 and ED1 of the Development Control Local Plan 2005.

6.2 Further information will be reported to Committee on drainage matters. Subject to these areas of concern being resolved, officers consider that the application can be supported.

## **COMMITTEE TO VISIT**

**7.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Drawing number 310 - OS and Block Plan

Drawing number 300 - Proposed Site Context Plan

Drawing number 301 - Proposed Floor Plans

Drawing number 302 - Proposed Elevations and Site Section

Drawing number 401 Rev A dated 24/02/2020 - Cycle Parking and Replacement Parking

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

3 VISQ8 Samples of exterior materials to be app

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

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed 46dB(A) LA90 1 hour during the hours of 07:00 to 23:00 or 38dB(A) 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

5 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for construction vehicle routing and contractor car parking, and minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the assessment. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

NOTE: For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in

excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

With respect to dust mitigation, measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>. The CEMP must include a site specific risk assessment of dust impacts in line with the IAQM guidance note and include mitigation commensurate with the scale of the risks identified.

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses [public.protection@york.gov.uk](mailto:public.protection@york.gov.uk) and [planning.enforcement@york.gov.uk](mailto:planning.enforcement@york.gov.uk)

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

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

Monday to Friday	0800 to 1800 hours
Saturday	0900 to 1300 hours
Not at all on Sundays and Bank Holidays	

Reason: To protect the amenity of the locality

7 LC4 Land contamination - unexpected contamination

8 Prior to the new teaching block being brought into use details of the cycle parking areas, 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.

9 HWAY19 Car and cycle parking laid out

10 Prior to first occupation of the building, a full or suitably revised full school travel plan shall have been submitted to and approved in writing by the LPA. The travel plan should be developed and implemented in line with local and national guidelines in consultation with the authority's School Travel Plan Coordinator.

Within 12 months of occupation of the building a first year travel survey shall have been submitted and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan coordinator for approval.

Reason: To ensure the development complies with advice contained in local and national transportation and planning policy, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site, together with provision of parking on site for these users.

11 The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

## **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 revision to proposed cycle parking arrangements

#### **Contact details:**

**Case Officer:** Heather Fairy

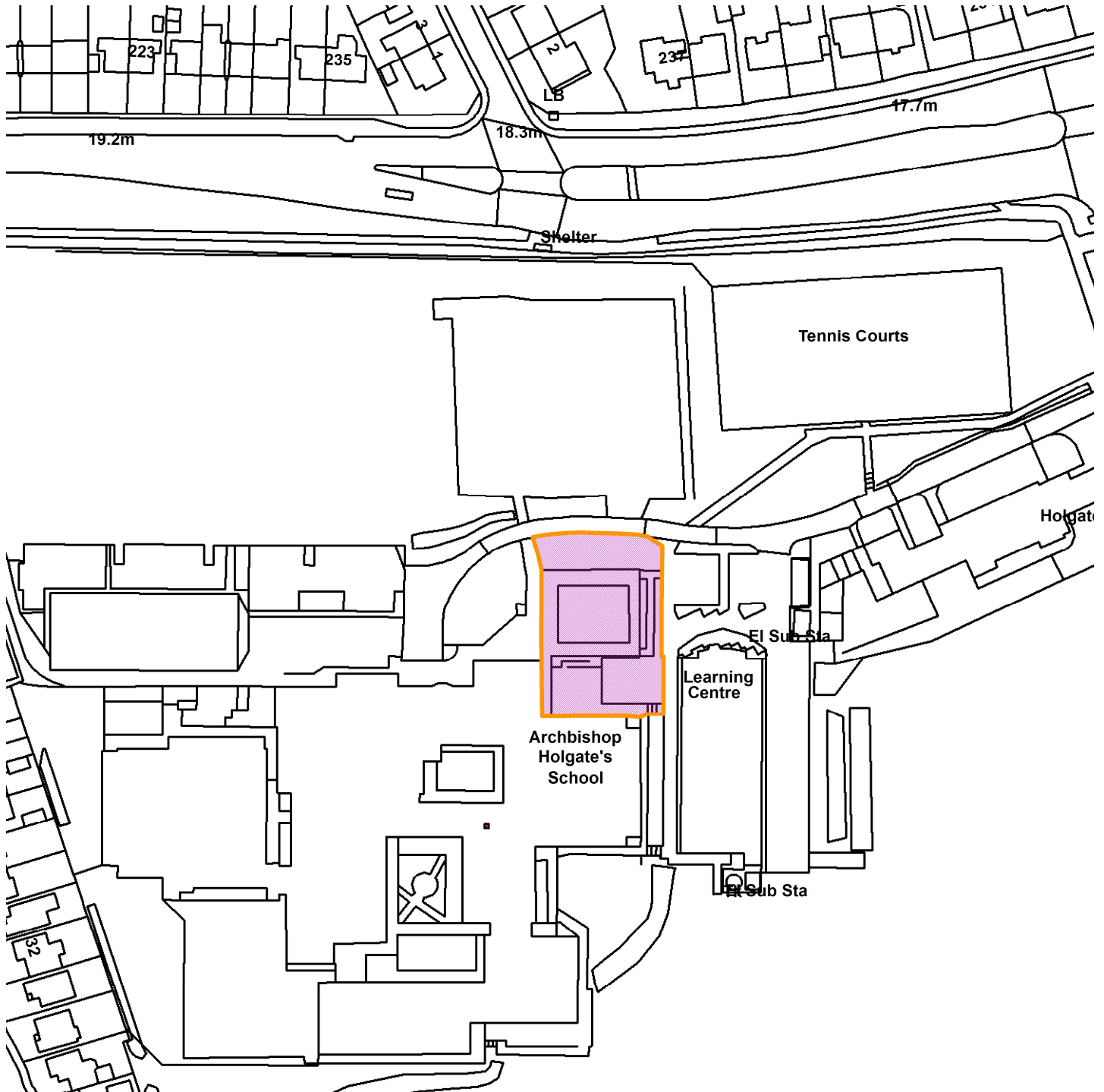
**Tel No:** 01904 552217

This page is intentionally left blank



19/02485/FULM

Archbishop Holgates School, Hull Road, York



Scale : 1:1375

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

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

<b>Organisation</b>	City of York Council
<b>Department</b>	Economy & Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	24 February 2020
<b>SLA Number</b>	

This page is intentionally left blank

**COMMITTEE REPORT**

**Date:** 5 March 2020                      **Ward:** Westfield  
**Team:** West Area                              **Parish:** No Parish  
**Reference:** 20/00033/FUL  
**Application at:** 29 Gale Farm Court York YO24 3DR  
**For:** Change of use of ground floor flat (use class C3) to local area housing office, installation of external ramp and modification to existing boundary wall and railings  
**By:** City Of York Council  
**Application Type:** Full Application  
**Target Date:** 18 March 2020  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This application seeks permission for the change of use of a ground floor apartment (sheltered accommodation) to a local housing office (use class B1).

1.2 It is proposed to convert no. 29 Gale Farm Court, a ground floor flat in a sheltered accommodation block, to be used as a local Housing Office for the City Council to serve local residents. Currently the Council's Housing team holds a surgery on a weekly basis for Housing tenants at the Gateway Centre on Front Street. The works involved in the conversion would be minimal, although to improve external access it is proposed to create a ramp from Gale Lane up to the newly created public entrance on the corner of the building.

1.3 The site was constructed in the 1980s as a sheltered housing complex comprising 38 two storey flats with a frontage onto Gale Lane. The site is situated in the Acomb Conservation Area.

1.4 The application has been called to committee by Cllr Waller due to concerns raised by the residents of the accommodation block.

**2.0 POLICY CONTEXT**The National Planning Policy Framework (2019)

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

2.2 Paragraph 38 advises that local planning authorities should approach decisions

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

2.3 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.

2.4 Chapter 16 (Conserving and enhancing the historic environment) requires local authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal. Paragraph 193 states that 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. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

#### Publication Draft Local Plan 2018

2.5 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).

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

2.7 Relevant Policies:

D1 Placemaking

D11 Extensions and Alterations to Existing Buildings

D4 Conservation Areas  
EC1 Provision of Employment Land

### Development Control Local Plan 2005

2.8 The York Development Control draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF.

2.9 Relevant Policies:

HE3 Conservation Areas  
H9 Loss of Dwellings

## **3.0 CONSULTATIONS**

3.1 No consultee responses have been received.

## **4.0 REPRESENTATIONS**

4.1 Three letters of objection have been received including a letter of objection from Cllr Waller on behalf of the residents of Gale Farm Court. The following issues have been raised:

- the loss of a flat may affect the viability of the care of existing residents
- lack of parking for staff and visitors resulting in parking on Gale Lane
- the residents feel there has been insufficient consultation regarding the proposals
- work appears to have already started on site
- there is a waiting list for accommodation and other more suitable sites in Acomb for a housing office
- the residents of Gale Farm Court are vulnerable, the proposed use may pose a security risk
- impact on privacy for existing residents
- why is there a need for this when officers can work from West Offices?
- space at Acomb Explore would be better suited to the office

## **5.0 APPRAISAL**

KEY ISSUES:-

Visual impact on the building and the conservation area  
Impact on neighbouring property  
Loss of dwelling

## Visual impact on the building and the conservation area

5.1 The only external change proposed to the building would be the replacement of the existing double doors to the front elevation with a solid entrance door with side panels to provide the main entrance to the office. Wider changes to the site would involve the creation of a ramped access up to the entrance, with changes to the existing boundary wall and railings. The hard landscaped areas would remain largely as existing with the grassed areas replaced by the ramp.

5.2 The site lies on the boundary with the Acomb Conservation Area, however this section of Gale Lane is considered to be fairly unremarkable in terms of architecture and comprises a mix of 1960's development opposite the site and the 1980's development of Gale farm Court.

5.3 Section 72 of the Planning (Listed Building 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. The alteration to the building is minor, and the changes to the boundary wall and railings have been designed to replicate the existing design of the development. Overall the proposed alterations are not considered to appear incongruous or have a harmful impact on the character and appearance of the conservation area.

## Loss of residential use

5.4 Draft Local Plan (2005) policy H9 states that planning permission would not be supported for development that would result in the net loss of dwellings or housing land and the loss of individual residential properties should be considered in light of the individual site circumstances and the character of, and desired uses of the site in question. The status of the 2005 Plan means that this policy has limited weight.

5.5 The proposal would create a locally based housing office to enable tenants to be able to access a range of information and support in relation to their benefits, other Council services and also to meet health and wellbeing and social needs. Since the closure of the Acomb Housing office a few years ago (due to large ongoing rental costs), a local Housing service is provided on a weekly basis at the Gateway Centre and through drop in sessions at West Offices. Neither facilities offer the same benefits as a dedicated local housing office however, as the Gateway Centre does not provide the required back office facilities required for Housing staff and incurs rental costs. The facilities at West Offices do not allow tenants to speak with their specific Housing Management Officer (as it has a rota based system) and the office itself is considered to be located too far away as it is understood that generally residents prefer the convenience of seeing their own Housing Management Office nearer to home or within close proximity to local shops/amenities. Given the large amount of Housing stock in the west of the city, and that specific advice could be given to tenants based on the officers knowledge of the area, the customer and their personal circumstances, an Acomb base within

close proximity to local amenities and within a central location for the majority of tenants is considered important.

5.6 Other locations have been considered for the facility however they do not meet the criteria as fully as the Gale Farm flat, and there are no other premises owned by the Council in Acomb other than residential properties for the purposes of providing a rent free office. The principle of converting an existing Independent Living scheme flat was supported at a 2019 decision session for senior managers meeting based on the need for such a community facility in the local area.

5.7 In a supporting statement put forward by the Housing Team Leader, it states that the flat in question was chosen due to its location and because the most recent lettings show that the property was let within the “bronze band” which indicates that it was let to an occupant who was not in housing ‘need’. The flat is located within the outer section of housing on the southern corner of the site. It is understood that apartments on the outer side of the development facing Gale Lane are less popular as they are more difficult to adapt to stair lifts and other additions and do not appear to be as inclusive as the flats within the more central areas of the complex. This is an important issue for residents who require sheltered and extra care accommodation. In addition the flat itself could be easily converted back to residential use should circumstances change in the future.

5.8 A need for a dedicated housing office in the west of the city has been identified as being needed now as the current base at the Gateway centre is not fit for purpose. Given that the flat has not been used most recently by tenants who have a housing need or require adapted or emergency housing it is considered that the loss of one 1no. bedroom flat would, on balance, be outweighed by the benefits of the provision of a dedicated housing office to serve all the residents within the west of the city.

#### Impact on neighbouring property

5.10 The location of the proposed office has been carefully chosen to minimise disruption to existing residents within the building. The office would be open for pre-arranged drop-in appointments between 9am and 5pm Monday to Friday, although staff may occupy the office from 7am-7pm. It is not envisaged that there would be significant numbers of people utilising the office at any one time due to the appointment system and therefore there would be a limited impact on neighbouring residents.

5.11 With regard to privacy and security, the proposals would introduce further planting and fencing which would screen the office from the ramp and immediate outside areas adjacent to neighbouring properties. Clear signage would be displayed to direct people to the office and there should be no requirement for tenants to try to use the main entrance to the site, rather than the new ramped

access. It is not envisaged that an office use in this location would cause significant issues with regard to privacy and security of existing residents.

5.12 Concern has been raised that the loss of a flat would affect the viability of the care of the remaining residents, however it has been confirmed that this is not the case and the care of residents would not be affected by the change of use.

### Parking

5.12 There is no dedicated parking provided for the new office as it is envisaged that local residents will walk or cycle to the office as they will be local to the area. There is some parking on Gale Lane itself, although it is not expected that significant numbers of tenants would come by car given its sustainable location. With regards to staff it is also envisaged that they would walk or cycle to the office too, or make use of the local transport links.

## **6.0 CONCLUSION**

6.1 Whilst there is a presumption in favour of retaining residential units, in this instance the benefits of providing a housing office for use by the local community in a sustainable location, close to existing facilities and Council owned housing stock would outweigh the loss of a 1 bedroomed flat. The location of the unit is such that there would be limited impact on existing residents. The proposals would have a neutral impact on the appearance of the conservation area. As such the proposal is considered to comply with the relevant guidance and policies outlined above.

## **COMMITTEE TO VISIT**

### **7.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Existing and Proposed Plans and Elevations - Drg. No: 190066.02

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 additional information on the need for a new housing office

#### **Contact details:**

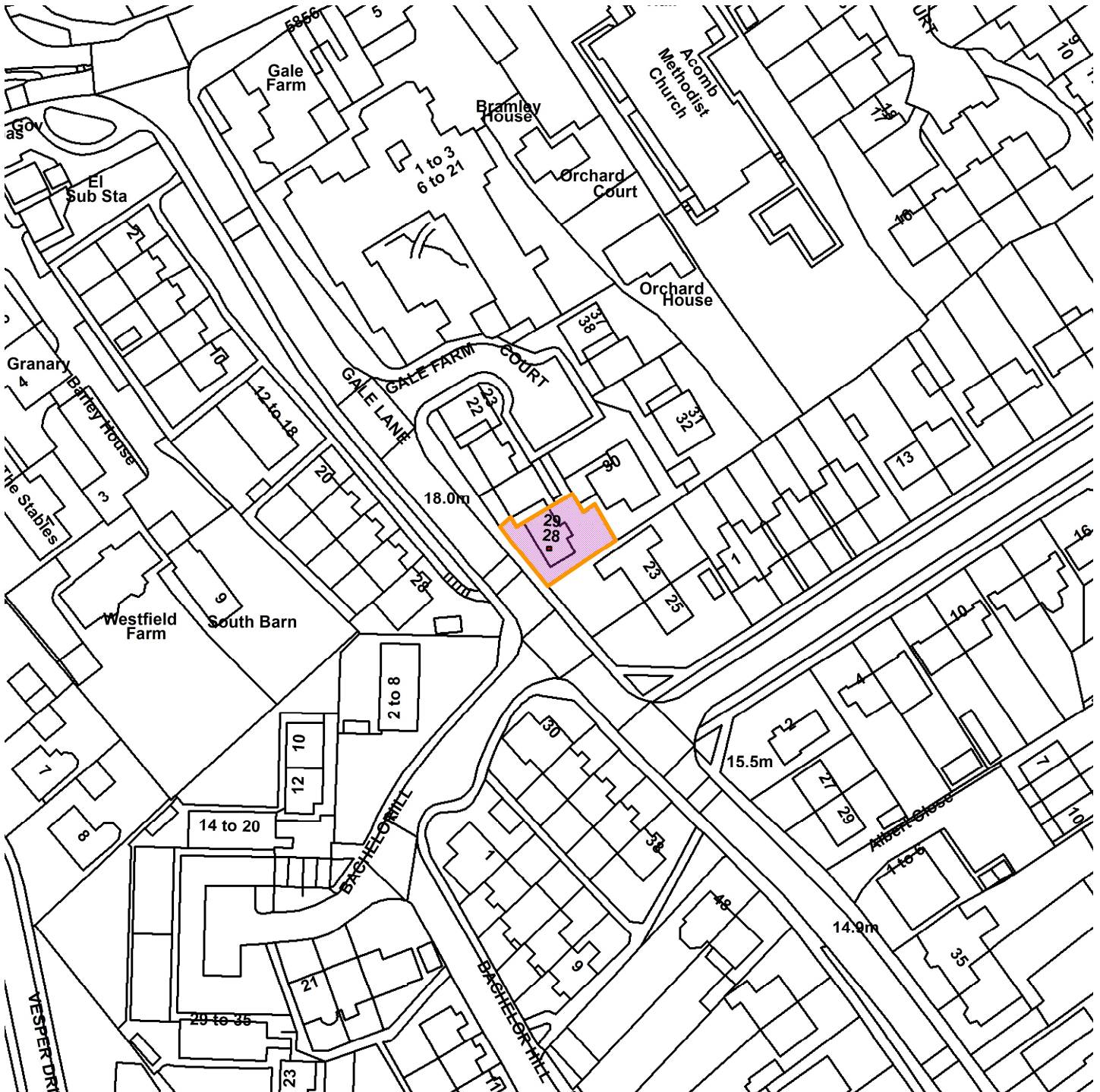
**Case Officer:** Elizabeth Potter

**Tel No:** 01904 551477

This page is intentionally left blank

20/00033/FUL

29 Gale Farm Court, York YO24 3DR



Scale : 1:1100

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

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

<b>Organisation</b>	City of York Council
<b>Department</b>	Economy & Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	24 February 2020
<b>SLA Number</b>	

This page is intentionally left blank

**COMMITTEE REPORT**

**Date:** 5 March 2020      **Ward:** Osbaldwick and Derwent

**Team:** East Area      **Parish:** Osbaldwick Parish  
Council

**Reference:** 19/02769/FUL  
**Application at:** 26 Osbaldwick Village Osbaldwick York YO10 3NS  
**For:** Change of use of dwellinghouse (use class C3) to House in Multiple Occupancy (use class C4) for up to 4no. occupants  
**By:** Mr And Mrs Oxendale  
**Application Type:** Full Application  
**Target Date:** 9 March 2020  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This application seeks planning permission to change the use of No.26 Osbaldwick Village, Osbaldwick, from a residential dwelling (use class C3) to a 4.no bedroom small House in Multiple Occupation (Use Class C4)

1.2 The application has been called in by Councillor Mark Warters. The reasons cited being:

- Concerns over the continuing loss of family houses to HMO / Student let
- Does not meet CYC parking requirements, with resulting safety concerns
- Impact on neighbour amenity resulting from noise / disturbance
- Concerns over waste storage and presentation
- Five individual 'households' would exacerbate the above
- Concerns over the accuracy of the CYC data base and calculation methods
- Inability of CYC to supervise and enforce a management plan
- Inappropriateness of such development in a Conservation Area

**2.0 POLICY CONTEXT**Publication Draft Local Plan 2018

D1 – Placemaking

T1 – Sustainable Access

CYH8 - Conversion to flats/HMO/student accom

Development Control Local Plan 2005

CYGP1 – Design

CYGP4a – Sustainability

CYH8 - Conversion to flats/HMO/student accom

### **3.0 CONSULTATIONS**

#### INTERNAL

##### Forward Planning

3.1 As stated in the Draft HMO SPD, a threshold of 20% of all properties being HMOs across a neighbourhood and 10% at street level have been established as the point at which a community can tip from balanced to unbalanced. Within 100m (Street level) of 26 Osbaldwick Lane, the current density level is 8.33%. At the neighbourhood level the current density level is 4.40%. In accordance with the provisions of the SPD neither the street or neighbourhood level thresholds have been breached and further change of use to HMO is likely to be acceptable. Albeit an assessment of residential amenity (bin storage, parking etc) and the ability of the area to absorb further change of use should also be undertaken.

#### EXTERNAL

##### Osborne Parish Council

#### 3.2 Letter of objection

- Off-road parking provision does not meet CYC Standards
- On –road parking dangerous and unacceptable
- Existing garage not a practicable parking space
- Resulting lack of waste management would harm the conservation area
- Management Plan ‘worthless’
- Noise and disturbance highly probable
- No confidence in Council data base
- Need for ‘family homes’
- Negative impact on schools, pubs, shops

### **4.0 REPRESENTATIONS**

##### Ward Councillor

#### 4.1 Letter of objection from Councillor Mark Waters

- Concerns over the continuing loss of family houses to HMO / Student let
- Does not meet CYC parking requirements, with resulting safety concerns
- Impact on neighbour amenity resulting from noise / disturbance
- Concerns over waste storage and presentation

- Five individual 'households' would exacerbate the above
- Concerns over the accuracy of the CYC data base and calculation methods
- Inability of CYC to supervise and enforce a management plan
- Inappropriateness of such development in a Conservation Area

### Neighbour Notification and Publicity

#### 4.2 Two letters of objection received:

- Loss of a family house
- Residents of HMO's can be transient and anti-social
- Insufficient car parking spaces resulting in parking on a narrow section of the Village which is on a bus route and close to a bend in the road, potentially leading to pavement parking
- The property is in a conservation area
- Would result in an HMO at each end of the row of houses causing possible noise and disturbance.

## **5.0 APPRAISAL**

### KEY ISSUES

5.1 The key issues in the assessment of this proposal are the impact upon the amenity of neighbours, impact on the character and appearance of the conservation area, 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, February 2019 (NPPF) sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development.

5.3 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
- users

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

5.6 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:

- i. 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
- ii. 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
- iii. the accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

5.7 In Paragraph 5.53 it advises 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.

5.8 Policy D1: Placemaking seeks development proposals to improve poor existing urban and natural environments, enhance York's special qualities, better reveal the historic environment and protect the amenity of neighbouring residents.

Development proposals that fail to make a positive contribution to the city or cause damage to the character and quality of an area, or the amenity of neighbours will be refused. Policy T1: Sustainable Access advises that development will be supported where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it, including those with impaired mobility, such that it maximises the use of more sustainable modes of transport and they provide sufficient convenient, secure and covered cycle storage.

#### Development Control Local Plan 2005

5.9 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. It is considered that the following policies/criteria are relevant:

- Policy GP1 (a) requires development proposals to respect or enhance the local environment
- Policy GP4a (i) requires that development proposals make adequate provision for the storage and collection of refuse and recycling.
- Appendix E to the Local Plan outlines car and cycle parking standards for development and specifies that HMO's should provide 1 car parking space per 2 bedrooms and 1 cycle parking space per bedroom.

5.10 Development Control Local Plan policy H8: "Conversions" sets out the criteria by which conversions of houses to HMO's should be assessed. On this basis planning permission will only be granted for the conversion of a house to a HMO where:

- the dwelling is of sufficient size (min 4 bedrooms) and the internal layout is shown to be suitable for the proposed number of households or occupants and will protect residential amenity for future residents;
- external alterations would not harm the appearance of the area;
- adequate on and off road parking and cycle parking is incorporated;
- it would not create an 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;
- adequate provision is made for the storage and collection of refuse and recycling

Draft Supplementary Planning Document (SPD): Controlling the Concentration of Houses in Multiple Occupancy approved 15 April 2012 (Amended 2014)

5.11 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.

5.12 In Paragraph 5.17 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.

5.13 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

5.14 Under Local Plan Policy and the 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, Paragraph 5.2 of the SPD states a 'threshold based policy approach' is considered most appropriate method 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 HMO's become harder to manage and a community or locality can be said to tip from balanced to unbalanced.

5.15 Within 100m (at street level) of 26 Osbaldwick Village, there is currently 1 known HMO out of 12 properties, or 8.33%. At the neighbourhood level there are currently 74 known HMOs out of 1681 properties, 4.40%. The current street and neighbourhood HMO levels are therefore below the thresholds established by the SPD and it is not considered that approval of the application would lead to the creation of an unbalanced community. However, there is a need to consider whether other aspects of the proposal are acceptable and whether they would have an adverse impact on the amenities of local residents or conflict with other aspects of planning policy.

### Car Parking

5.16 Paragraph 11.1 of the City of York Council Highway Design Guide states that:

*"It is imperative that proper and adequate provision is made for the parking of vehicles..... If adequate provision is not made, then this results in indiscriminate parking on the highway with the resulting problems of obstruction, danger to other road users, particularly children, and damage i.e. footways, landscaping and boundary treatment".*

5.17 The Council's Highway Design Guide (Appendix 23) advises that a standard parking space is 2.4m wide by 4.8m long. However, it states that this must only be used as general minimum as although a standard parking space may be appropriate for situations where there is room to reverse out (e.g. such as in a supermarket car park), for practical purposes on places such as a household plot, a car parking space needs to be increased to allow ease of access, ease of movement for loading/unloading items in and out of the boot (without having to impinge on a public footpath), maintenance and working areas for car washing etc. and the guide outlines that an appropriate space for this purpose can be up to 6m long by 3.6m wide.

5.18 In this respect, it is considered that when assessing development proposals it is essential to secure the provision of car parking spaces of an appropriate size together with a car parking layout that allows the greatest potential for maintenance etc. to be undertaken on site and for cars to manoeuvre in and out of spaces independently, thereby ensuring that the spaces are used and on-street parking is avoided. This is considered particularly important in respect of HMO uses because the lifestyle, activities and work/study patterns of the occupants can be very different to those of a small family who live as one unit and therefore tend to have more of a routine of times spent together and can move/share cars etc. more easily. In particular it means that it can be more difficult in an HMO to ensure that a person needed to move a car to allow another one to access/egress will always be available and/or on site.

5.19 With regards to car parking provision; following the officer site visit, concern was expressed to the applicant that off-road provision in line with design guidance was not possible. A revised proposal reduced the number of letting rooms from 5.no to 4.no within the property. This would now meet the Council's parking standards, which would require the provision of 2 off-street parking spaces. Two.no vehicles can access and leave the site independently of each other and the garage door can be opened, whilst 2.no vehicles are parked clear of the highway. In addition, there is still room to move the refuse bins in and out of the garage. There are no parking restrictions on this section of Osbaldwick Village; the road is a bus route.

### Cycle Storage

5.20 The attached garage is approx. 6.25m x 2.3m and connects to a utility room. This in turn allows access to the rear garden (via the kitchen) Cycle Standards

require provision for 4.no independent, covered and secure spaces, for a 4.no bedroom HMO. The garage is of sufficient size to achieve this.

### Amenity of Future Occupants

5.21 The property is currently well-maintained, both internally and externally. There is 1.no bathroom and bedroom No.4 is en-suite. In terms of storage, the garage is very large and the rear garden is also very spacious. Bin storage will be provided in the rear garden. The property will meet the needs of 4.no future tenants.

### Impact on the Amenity of the Occupants of Neighbouring Properties

5.24 There is nothing inherent in the proposal which will result in significant harm to the amenity of neighbouring residents. The applicant has supplied a 'management plan' aimed at addressing issues which can arise in terms of properties in multiple occupation. It should be noted that issues relating to anti-social behaviour, noise, disturbance etc can occur anywhere in the city and there are agencies and legislation to deal with this, should it happen.

### Impact on the Conservation Area

5.25 The main elements of the character and appearance of the Osbaldwick Conservation Area are set out in the 2005 Draft Local Plan. They are referred to as 'The elements surviving from the medieval form of layout' and 'The open rural character of the green, that has withstood considerable change in the village and the relationship between building groups and the natural features of the green.' Reference is also made to historic and listed buildings within the village. The application property falls within a row of relatively modern residential dwellings and is currently well maintained externally. It is not considered that the proposed use of the property as a house in multiple occupation would harm the character and appearance of the conservation area.

## **6.0 CONCLUSION**

6.1 Subject to conditions, it is considered that the use of the property as a small HMO (use Class C4) is acceptable in terms of the balance of the community, impact on the conservation area, highways impact and local amenity. The application accords with the requirements of the NPPF, Policy H8 of the Publication Draft York Local Plan 2018 and Policies GP1 and H8 of the Development Control Local Plan 2005.

## **COMMITTEE TO VISIT**

**7.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Drawing No's - Proposed floor plans - Received 24th January 2020 - Proposed Site Plan - Received 27th January - Management Plan - Received 7th January 2020.

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 hereby approved use shall be restricted to that of being a maximum 4.no bedroom small house in multiple occupation (Within Use Class C4) unless otherwise agreed in writing by this local authority.

Reason: Any intensification of the approved use would result in car parking being displaced on to the highway which is narrow in parts and used a bus route.

4 The garage shown on drawing Ground Floor Plan received 24 January 2020 shall be retained for cycle parking and shall not be converted into habitable accommodation or used for any other purpose without the planning permission of the local planning authority.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the environmental quality of the area.

5 The Management Plan dated 7 January 2020 shall be implemented as approved unless otherwise approved in writing by the Local Planning Authority.

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

6 Refuse and recycling storage shall be retained as shown on drawing "Site Plan: Proposed Refuse Bins Location" unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of the environmental quality of the area.

## **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:

Negotiated a revision in order to make off-road parking provision comply with policy.

**Contact details:**

**Case Officer:** Paul Edwards

**Tel No:** 01904 551642

This page is intentionally left blank



19/02769/FUL

26 Osbaldwick Village, York



Scale : 1:1100

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

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

<b>Organisation</b>	City of York Council
<b>Department</b>	Economy & Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	24 February 2020
<b>SLA Number</b>	

This page is intentionally left blank



---

**Area Planning Sub Committee**

**5 March 2020**

**Planning Committee**

**12 March 2020**

**Appeals Performance and Decision Summaries**

**Summary**

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

**Background**

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

**Table 1: CYC Planning Appeals Last Quarter Performance**

	<b>01/10/19 to 31/12/19 (Last Quarter)</b>	<b>01/10/18 to 31/09/18 (Corresponding Quarter)</b>
Allowed	2	1
Split decision	0	0
Dismissed	18	13
Total Decided	20	14
<b>% Allowed</b>	<b>10%</b>	<b>7%</b>
% Split decision	-	-

**Table 2: CYC Planning Appeals 12 month Performance**

	<b>01/01/19 to 31/12/19 (Last 12 months)</b>	<b>01/01/18 to 31/12/18 (Corresponding 12 month period)</b>
Allowed	13	14
Split decision	3	0
Dismissed	62	54
Total Decided	78	68
<b>% Allowed</b>	<b>17%</b>	<b>21%</b>
% Split decision	4%	-

**Analysis**

- 5 Table 1 shows that between 1 October and 31 December 2019, a total of 20 planning appeals were determined by the Planning Inspectorate. Of those, 2 were allowed (10%). There was one appeal relating to the refusal of a “major” development (dismissed) and one appeal relating to the non-determination of a “major” development (allowed) during this reporting period. For the corresponding period 2018, out of 14 appeals 1 was allowed (7%).
- 6 Using the assessment criteria set out in paragraph 2 above, 0.25% of the total decisions made in respect of non-major applications in the quarter 1 October – 31 December 2019 were overturned at appeal. Using the assessment criteria set out in paragraph 2 above, 7.7% of the total decisions made in respect of major applications in the quarter 1 October – 31 December 2019 were overturned at appeal. There were no appeals in respect county-matter applications during the quarter. Where a split

decision is issued on an appeal (ie part of the appeal is dismissed and part allowed) the appeal is treated as if the local planning authority's decision has not been overturned for the purposes of the assessment criteria. These figures are provided for illustrative purposes, the DCLG collate figures over a rolling two year period.

- 7 For the 12 months between 1 January and 31 December 2019, 17% of appeals decided were allowed, which is below the national figure for 2018/19 of 30% of appeals allowed, and below the corresponding 2017/2018 12 month figure.
- 8 Using the assessment criteria set out in paragraph 2 above, 0.64% of the total decisions made in respect of non-major applications and 4.25% of total decisions made in respect of major applications in the period 1 January 2019 – 31 December 2019 were overturned at appeal. There were no appeals in respect of county-matter applications during the period. These figures are provided for illustrative purposes, the DCLG collate figures over a rolling two year period.
- 9 The summaries of appeals determined between 1 October and 31 December 2019 are included at Annex A. Details as to of whether the application was dealt with under delegated powers or by committee are included with each summary. In the period covered 1 appeal was determined following a decision to refuse permission made by the sub-committee/committee. The allowed appeal referred to in paragraph 5 above was for the non-determination within the statutory time period of the application for 266 houses at the former Civil Service Club at Boroughbridge Road. The Planning Committee resolved not to contest the appeal.

**Table 3: Appeals Decided 01/10/2019 to 31/12/2019 following Refusal by Committee / Sub-Committee**

Ref No	Site	Proposal	Officer Recom.	Appeal Outcome
16/01813/ FULM	Bradley Lane, Rufforth	Poultry Farm	Refuse	Dismissed

- 10 The list of current appeals is attached at Annex B. There are 31 planning appeals (excl. tree works) lodged with the Planning Inspectorate awaiting determination.
- 11 We continue to employ the following measures to ensure performance levels are maintained at around the national average or better:

- i) Officers have continued to impose high standards of design and visual treatment in the assessment of applications provided it is consistent with the NPPF and Draft Local Plan Policy.
- ii) Where significant planning issues are identified early with applications, revisions are sought where possible to enable recommendations for approval, even where some applications then take more than the 8 weeks target timescale to determine.
- iii) Scrutiny is afforded to appeal evidence to ensure arguments are well documented, researched and argued.
- iv) Appeal decisions are reviewed and discussed within the team and with senior officers.

### **Consultation**

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

### **Council Plan**

- 13 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**

- 14 Financial – There are no financial implications directly arising from the report.
- 15 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.
- 16 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 17 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

### **Risk Management**

- 18 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.

**Contact Details**

**Author:**

Gareth Arnold  
Development Manager,  
Directorate of Economy  
and Place

**Chief Officer Responsible for the  
report:**

Mike Slater  
Assistant Director (Planning and Public  
Protection)

**Report  
Approved**



**Date** 26.02.2020

**Specialist Implications Officer(s)** None.

**Wards Affected:**

All  Y

**For further information please contact the author of the report.**

**Annexes**

**Annex A – Summaries of Appeals Determined between 1 October  
and 31 December 2019**

**Annex B – Outstanding Appeals at 26 February 2020**

This page is intentionally left blank



## Appeal Summaries for Cases Determined 01/10/2019 to 31/12/2019

**Application No:** 14/02979/FULM  
**Appeal by:** Miller Homes Ltd  
**Proposal:** Residential development of 266 dwellings with associated access, public open space, landscaping and infrastructure  
**Site:** Former Civil Service Club And Agricultural Land To The NorthBoroughbridge RoadYork  
**Decision Level:**  
**Outcome:** ALLOW

In the 2005 DLP the site is within the Green Belt. It is allocated for housing in the emerging plan. It was accepted by both parties that the site is within general extent of the green belt. The inspector shared the view that the site is within the general extent of the Green Belt; the lack of defined boundaries being insufficient justification to arbitrarily exclude sites from being within the general extent of the Green Belt. Whether the development would be inappropriate / effect on openness - the inspector concluded the development would be inappropriate and there would be a considerable loss of openness. Together these amounted to substantial weight against the proposal. Purposes of including land within the Green Belt - the site is mostly surrounded by built form. The inspector found that the development would not conflict with any of the purposes of the Green Belt. This view was consistent with the evidence base in the emerging local plan. This was given significant weight. The weight given to the allocation in the emerging local plan was considered to be moderate, given the (limited) outstanding objections. Housing provision weighed significantly in support of the proposal. The inspector gave little weight to the ministerial statement of December 2015 which indicates that unmet need is unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. S106 / Conditions- A contribution towards gypsy / traveller pitches was omitted. The obligation was found to be unreasonable because there was no indication of where the pitches would be located, when they would be provided and how they would be delivered. - Sustainability - conditions in accordance with policies CC1, CC2, CC3 were supported. - Custom build and requirement for accessible dwellings - these conditions were deleted due to a lack of evidence.

---

**Application No:** 16/00862/FUL  
**Appeal by:** Mr Dominic Woodward  
**Proposal:** Conversion of first and second floor of public house building to 4no. self-contained apartments and retention of reduced size public house on part of the ground floor.  
**Site:** The Jubilee Balfour Street York YO26 4YU  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal related to the proposed change of use of the two upper-floors of a public house in the Leeman Road area of the city to 4 flats. The application as originally submitted was to change the whole building to 6 flats but was revised in response to objections to the loss of the pub. The application was refused in May 2018 for the following reason: The change of use of a large part of the internal and external areas of the building/site from public house use to four flats is considered to be an unnecessary loss of valued and important social, recreational and cultural facilities. Furthermore the loss of such space would not be a modernisation that is considered necessary or beneficial to sustain the public house use for the local community. The proposal conflicts with guidance in the National Planning Policy Framework with particular regard to promoting healthy communities Paragraph 70, relevant guidance in the City of York Publication Draft Local Plan 2018 Policies D3, HW1 and DP3 and policy C3 in the City of York Draft Local Plan 2005. The appeal was considered at a Hearing. Local residents, two councillors, a representative of CAMRA and two prospective purchasers of the pub were at the hearing to oppose the scheme. The Inspector dismissed the appeal on the grounds that it was an unacceptable loss of a community facility contrary to the aims of paragraph 92 of the NPPF revised 2019. In coming to his conclusion he made reference to the island character of the Leeman Road area and the limited alternative community facilities there. Particular reference was made to the loss of the existing first floor function room and outdoor drinking area that would result from the changes. He also noted that the marketing had indicated that there was interest in opening the pub from at least two people and the evidence available indicated that with investment and a new business model free of tie the pub in its existing layout could be a viable business.

---

**Application No:** 16/01813/FULM  
**Appeal by:** H Barker And Son Ltd  
**Proposal:** Erection of poultry farm comprising 3 no poultry sheds with ancillary buildings, access road and landscaped embankments (resubmission)  
**Site:** Land At Grid Reference 458205 449925 West OfBradley LaneRufforthYork  
**Decision Level:** COMM  
**Outcome:** DISMIS

Planning permission was refused in 2018 for the erection of a poultry farm comprising 3 poultry sheds and associated development. It was common ground between the parties that the development was not inappropriate in the Green Belt. Subsequent to the refusal, the Rufforth with Knapton Neighbourhood Plan was made and became part of the development plan. The Inspector considered the main issues to be the effect of the proposal on the safety of aircraft and gliders taking off and landing at Rufforth West Airfield and if the effect were found to be harmful, how would this affect the capacity to operate and maintain the airfield. There are two runways at the airfield and the shorter of the two runways extends towards the appeal site. After hearing from the Councils and appellants aviation witnesses and from the Gliding Club, the Inspector concluded that the appellants assessment upon aviation safety was flawed being reliant on CAP168 guidance that is applicable to mainly commercial airfields. With regard to risk from unforeseen pre-cursor events specifically engine failure after take-off the Inspector applied a precautionary approach given the severity of consequences of a collision and considered that the proposal would result in a harmful increase in risk to the safety of aircraft and gliders taking off from the airfield. The Inspector further concluded that the evidence presented by the Gliding Club in terms of curtailing their operating practices if the buildings were erected and the resultant reduction of income would be contrary to Policy RwK11 and paragraph 104f of the NPPF. In the planning balance the inspector attached considerable weight to the economic benefits of the scheme but these did not outweigh the adverse impacts regarding aviation safety and the gliding club as a community facility. The appeal was therefore dismissed.

---

**Application No:** 18/00282/LBC  
**Appeal by:** Troia (UK) Restaurants Ltd  
**Proposal:** Reinstatement of original entrance doors and insertion of glazed entrance screen  
**Site:** Blacks2 St Helens Square York YO1 8QP  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application was refused on the grounds that the screen would appear as an anomalous modern addition with a reflective quality and door handle that would draw further attention and be at odds with the historic character of the building. The inspector noted that the existing lobby was a recent approved feature but commented that the introduction of an additional modern glazed element immediately adjacent to the threshold would complicate access arrangements and draw further attention to these recent alterations. He considered the glazed screen would be visible from outside and be visually prominent and the reflective quality would draw further unwanted attention. He felt that the applicants suggestion of anti-glare film may also draw additional attention and appear as a poor quality afterthought. He felt the hinges and handle would not be overly large or prominent but considered their proximity to the entrance would add to the obtrusive appearance of the modern alien feature. He found the proposal would fail to preserve the special interest of the listed building and it could not reasonably be argued that it would preserve or enhance the character or appearance of the conservation area. He found the harm to be less than substantial but nevertheless of considerable importance and weight. In terms of public benefits the appellant argued the proposal would provide some protection from weather conditions and benefit staff working in the lobby but the inspector did not consider this would outweigh the harm. In the application report it had been pointed out that other premises in the city have addressed the issue with the strategic positioning of non-intrusive furnishings or screens. It was argued the proposal was reversible but the inspector considered there would be an immediate harmful effect with no suggestion that it would be temporary.

---

**Application No:** 18/01044/FUL  
**Appeal by:** Mr And Mrs O'Neill  
**Proposal:** Dropped kerb and formation of vehicular access and erection of timber entrance gates.  
**Site:** Rufforth Hall Wetherby Road Rufforth York YO23 3QB  
**Decision Level:** DEL  
**Outcome:** DISMIS

The proposals relate to a new vehicular crossover and access drive from Mill Lane to Rufforth Hall. The application site is located in the Green Belt. The proposals include the formation of a dropped kerb together with vehicular access and the erection of timber gates. The Inspector considered that the proposals would amount to substantial engineering operations to form a new access drive. Along Mill Lane there are currently a limited number of access points. The proposed development would be visible from the highway and would result in the removal of mature trees, grass verge and part of the garden. The Inspector considered that the development would cause spatial and visual harm to the openness of the Green Belt. Consequently the proposals would not preserve the openness of the Green Belt and would represent encroachment of development into the countryside, which is contrary to the third purposes of including land within the Green Belt as set out at paragraph 134 of the NPPF. The proposals would therefore be considered inappropriate development and would conflict with the Framework. In terms of character and appearance, the Inspector considered that the impact of the gates would be limited as they would be stepped in from the boundary, largely screened by the existing tree belt and would not be a prominent feature in the streetscene. Although the proposals would result in a break in the tree belt, the trees proposed to be removed are of less significance as they are of a lower quality compared to others in the tree belt. Therefore, the loss of the trees would not have a detrimental visual impact on the character and appearance of the area and the proposed development would accord with the Framework in this respect. The Inspector concluded that the development constitutes inappropriate development, a matter which is given substantial weight. The very special circumstances necessary to justify the development do not exist. The appeal was dismissed.

---

**Application No:** 18/01602/FUL  
**Appeal by:** Mr Chris Bird  
**Proposal:** Change of use of ground floor from retail (use class A1) to 3no. letting bedrooms and the application of self adhesive window film to ground floor windows. (Resubmission - 18/00791/FUL).  
**Site:** Bartizan House Lord Mayors Walk York  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal relates to the change of use of the ground floor from A1 retail to 3no. letting bedrooms and the application of self adhesive window film to the ground floor windows. The property is Grade II listed and located on a secondary shopping street in the Central Historic Core Conservation Area. Planning permission was refused for reasons relating to the dilution of the commercial function of the street and the impact on the historic character of the building through the creation of a dead frontage, and refused listed building consent for the reason that the window film (in situ) erodes the shop units communal value and appears incongruous with the historic character of the buildings, damaging their historic integrity and diminishing the contribution they make to the historic context. The Inspector agreed that the loss of this retail unit would dilute the retail and wider commercial functioning of the street and would have a harmful effect on general activity levels and footfall and agreed that the window film creates a dead frontage during normal trading hours by eliminating visible ground floor activity. He considered that insufficient evidence had been provided that the property had been marketed for alternative A1 uses and concluded that it had not been demonstrated that the proposed use is the only potentially viable alternative use. In relation to the historic environment, the Inspector agreed that the adhesive (privacy) film compromises the character of the shopfront by being highly visible, distracting and incongruous additions that are at odds with the building frontage and draws attention away from important historic features of the building. The public benefits identified by the appellant of the proposal providing a new viable use to the vacant properties attracting visitors to the city, were deemed to be limited when balanced against those benefits which may be lost as a consequence of the loss of this ground floor commercial unit.

---

**Application No:** 18/01605/LBC  
**Appeal by:** Mr Chris Bird  
**Proposal:** Internal and external alterations associated with the change of use of ground floor from retail (use class A1) to 3no. letting bedrooms. (Resubmission - 18/00792/LBC)  
**Site:** Bartizan House Lord Mayors Walk York  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal relates to the change of use of the ground floor from A1 retail to 3no. letting bedrooms and the application of self adhesive window film to the ground floor windows. The property is Grade II listed and located on a secondary shopping street in the Central Historic Core Conservation Area. Planning permission was refused for reasons relating to the dilution of the commercial function of the street and the impact on the historic character of the building through the creation of a dead frontage, and refused listed building consent for the reason that the window film (in situ) erodes the shop units communal value and appears incongruous with the historic character of the buildings, damaging their historic integrity and diminishing the contribution they make to the historic context. The Inspector agreed that the loss of this retail unit would dilute the retail and wider commercial functioning of the street and would have a harmful effect on general activity levels and footfall and agreed that the window film creates a dead frontage during normal trading hours by eliminating visible ground floor activity. He considered that insufficient evidence had been provided that the property had been marketed for alternative A1 uses and concluded that it had not been demonstrated that the proposed use is the only potentially viable alternative use. In relation to the historic environment, the Inspector agreed that the adhesive (privacy) film compromises the character of the shopfront by being highly visible, distracting and incongruous additions that are at odds with the building frontage and draws attention away from important historic features of the building. The public benefits identified by the appellant of the proposal providing a new viable use to the vacant properties attracting visitors to the city, were deemed to be limited when balanced against those benefits which may be lost as a consequence of the loss of this ground floor commercial unit.

---

**Application No:** 18/02057/FUL  
**Appeal by:** JD Wetherspoon Plc  
**Proposal:** Two storey and single storey extensions with roof terrace garden following the demolition of existing single storey rear extensions and fire escape (resubmission)  
**Site:** The Punch Bowl 9 Blossom Street York YO24 1AU  
**Decision Level:** DEL  
**Outcome:** DISMIS

The main issues relate to (1) the effect on the proposal on heritage assets and (2) whether the proposal would provide acceptable living conditions for adjoining residential occupiers. (1) The single storey addition would alter the character of the existing rear yard, however the inspector remarked that the space has none of its original historic character and is not obvious to the general observer that the space would formally have contributed to the character of the building. In terms of views, a small proportion of the addition would be seen from the main facade and in wider street scene views resulting in a neutral effect on the setting of Micklegate Bar and city walls. Flat roofs are a common feature to the rear of buildings and in the very glimpsed views, the proposed extensions would not appear intrusive or alter the prevailing character of this part of the wider conservation area. The works would constitute limited harm to the significance of the asset and the economic benefits (providing enlarged business premises, employment and an enhanced facility for residents and tourists), were considered to outweigh the identified harm in this case. (2) The noise effects of a large group of patrons on licensed premises even in daytime is likely to be unpredictable and perceptions of intrusion arising from noise associated with such activity will differ from traffic noise. A window contained within Flat 13, which would have a direct view of the beer garden serves a small open plan kitchen which opens directly onto the living area of the flat was not identified in the noise survey. The Inspector could not be assured that the living conditions would be maintained, failing to maintain a high standard of amenity for existing residential occupiers contrary to paragraph 127 of the Framework and local plan policies ENV2 and D11 which carries some further limited weight. The Inspector gives more weight to the harm that would occur on the living conditions of adjoining

---



**Application No:** 18/02058/LBC  
**Appeal by:** JD Wetherspoon Plc  
**Proposal:** Internal and external alterations including demolition of rear extensions and fire escape, erection of two storey and single storey extensions with roof terrace, refurbishment of customer areas and relocation of customer toilets to first-floor (resubmission).  
**Site:** The Punch Bowl 9 Blossom Street York YO24 1AU  
**Decision Level:** DEL  
**Outcome:** DISMIS

The main issues relate to (1) the effect on the proposal on heritage assets and (2) whether the proposal would provide acceptable living conditions for adjoining residential occupiers. (1) The single storey addition would alter the character of the existing rear yard, however the inspector remarked that the space has none of its original historic character and is not obvious to the general observer that the space would formally have contributed to the character of the building. In terms of views, a small proportion of the addition would be seen from the main facade and in wider street scene views resulting in a neutral effect on the setting of Micklegate Bar and city walls. Flat roofs are a common feature to the rear of buildings and in the very glimpsed views, the proposed extensions would not appear intrusive or alter the prevailing character of this part of the wider conservation area. The works would constitute limited harm to the significance of the asset and the economic benefits (providing enlarged business premises, employment and an enhanced facility for residents and tourists), were considered to outweigh the identified harm in this case. (2) The noise effects of a large group of patrons on licensed premises even in daytime is likely to be unpredictable and perceptions of intrusion arising from noise associated with such activity will differ from traffic noise. A window contained within Flat 13, which would have a direct view of the beer garden serves a small open plan kitchen which opens directly onto the living area of the flat was not identified in the noise survey. The Inspector could not be assured that the living conditions would be maintained, failing to maintain a high standard of amenity for existing residential occupiers contrary to paragraph 127 of the Framework and local plan policies ENV2 and D11 which carries some further limited weight. The Inspector gives more weight to the harm that would occur on the living conditions of adjoining

---

**Application No:** 18/02490/FUL  
**Appeal by:** Daniel Thwaites PLC  
**Proposal:** Temporary change of use of courtyard for holding of annual Christmas market during St Nicholas Fair (approx 6 weeks during November and December).  
**Site:** The Judges Lodging9 LendalYorkYO1 8AQ  
**Decision Level:** DEL  
**Outcome:** DISMIS

The development proposed is a temporary change of use to hold a Christmas Market over specified dates on an annual basis. The main issues is whether the proposal would preserve the setting of the grade I listed Judges Lodging and the grade II listed entrance gates, wall and railings. A number of timber structures would be placed around the sweeping carriage drive and semi circular forecourt to the front of the Judges Lodging. The Inspector considers that the four sheds on the left hand side of the sweeping entrance would be an incongruous and conspicuously formal and regimented arrangement, paying little regard to the sweeping curve of the carriage drive. Two other sheds would partially obscure the staircase. Cumulatively the structures would significantly impinge upon views and a full understanding and appreciation of, the carriage drives form and function. The structure encircling the tree would result in a larger and bulky structure, completely obscure any views of the symmetrical position of the front steps within the buildings facade. Other paraphernalia (tables and chairs) were considered to be less obtrusive to the buildings setting and are transient features, whilst the protected tree contributes to the character and setting of the surrounding listed buildings. The Inspector contends that the appreciation of the building is not time or season specific and its location and the period of use and structures are such that the full appreciation and understanding of the building would be harmed for a large number of people. As such the Inspector concluded that the proposal would cause harm to the setting of the grade I listed building and structures. Moderate weight was given by the Inspector in respect to the social, economic and cultural public benefits set out. As great weight was given to the heritage assets conservation, the public benefits were not considered to outweigh the less than substantial harm that would arise.

---

**Application No:** 18/02510/FUL  
**Appeal by:** Mr & Mrs Cleaver  
**Proposal:** Two storey and single storey side and rear extension and detached cycle and bin storage building to rear in connection with use of house as a C4 HMO.  
**Site:** 15 Yarburgh Way York YO10 5HD  
**Decision Level:** DEL  
**Outcome:** DISMIS

This a semi-detached dwellinghouse already operating as an HMO. The application for 2 storey and single storey side and rear extensions was refused on grounds of inadequate car parking provision, blocking of access from front to the rear by the proposed parking which when combined with failure to leave a 0.9m gap at the side of the house, would lead to bins and cycles being stored in the front garden creating a cluttered appearance and discourage cycle use. The replacement of front garden by a hard surface and occupation by cars would have an adverse visual impact. The extensions would also result in over dominant additions that would block light to the neighbour and impact adversely on their outlook. The inspector considered that although the 2.5m wide parking spaces would fall significantly short of the 3.6m the Council is seeking but compliance with the larger space would limit the off-street parking provision to 2 spaces, whereas 3 are necessary. The inadequate provision would lead to increased on-street parking exacerbating existing parking problems for residents. Also if the proposed parking was implemented, it was unlikely occupants would park as tightly as indicated on the plan but would park across the entire frontage to gain circulation space making the passage of bins or cycles difficult, if not impossible. This combined with a substandard gap at the side would lead to the storage of refuse bins and cycles to the front of the property creating clutter. The loss of front garden, extent of hard surfacing, parking across the frontage and widening of dropped kerb with removal of verge would lead to a stark and barren appearance detracting from the suburban character of the property and the wider street scene. He did not consider that the proposed extensions would be over dominant but felt that the imposing blank elevation of the 2 storey extension would be overbearing, restricting outlook and significantly increase the level of shadowing to the rear of no.17.

---

**Application No:** 18/02829/FUL  
**Appeal by:** Mr Andrew Blackburn  
**Proposal:** Extension of garden curtilage onto land at the rear  
(retrospective resubmission)  
**Site:** 3 Hawthorne Mews Strensall York YO32 5RR  
**Decision Level:** DEL  
**Outcome:** DISMIS

The proposal was for the extension of garden curtilage to the rear of the property and was retrospective in nature. A previous application had been dismissed at appeal as had those at two adjoining properties. The reason for refusal related to the impact on local biodiversity. The proposal significantly reduced the amount of land available for wildlife along the river bank. The enclosure of the land also acted as a barrier to free movement. An ecology survey was submitted with the application but was undertaken outside the optimum survey season and did not conclusively prove that protected species or their habitats had not been harmed as a result of the development. The impact of domestic activities on wildlife and the difficulties in enforcing wildlife friendly management of the garden were also acknowledged. The inspector dismissed the appeal finding that insufficient evidence had been provided to categorically determine that protected species or their habitats would not be harmed.

---

**Application No:** 19/00146/FUL  
**Appeal by:** Mrs Deborah Watson  
**Proposal:** Two storey side extension  
**Site:** Church View 57 Main Street Askham Bryan York YO23 3QU  
**Decision Level:** DEL  
**Outcome:** DISMIS

The proposals relate to a two storey side extension to a semi-detached two storey dwelling house, Church View, 57 Main Street, Askham Bryan. The application site is located in Askham Bryan Conservation Area. The village is washed over by the Green Belt. The proposals were considered as infill development in a village and as a result would not be considered inappropriate development in the Green Belt. The main issue is the effect of the proposals on the character and appearance of the host dwelling and the Conservation Area. The Inspector considered the rural character of Askham Bryan village, with linear development along Main Street, properties set back, generously spaced and typically set within large plots. The group of dwellings located around the site have not generally been built up to the boundary of their plots. This contributes to the open rural character of the streetscene and the Conservation Area. The proposed extension would be greater than half the width of the host dwelling and would not appear subservient given the extension would develop almost the full width of the plot. The inclusion of a car port on the ground floor of the extension, with three openings to the side elevation overlooking 59 Main Street, would represent an odd design choice and an uncharacteristic feature that would detract from its external appearance. The retention of an undeveloped gap between properties is a common feature in the village that helps to maintain the open and rural character of the Conservation Area. Whilst the car port would permit views through the site, the first floor extension would be almost the full width of the plot and would fail to preserve the characteristic gap between the properties. The Inspector concluded that due to the size, scale and design of the extension, the proposals would not appear subordinate to the host dwelling and would fail to preserve or enhance the character and appearance of the Conservation Area. The appeal was dismissed.

---

**Application No:** 19/00512/FUL  
**Appeal by:** Dr. Graham Dykes  
**Proposal:** First floor rear extension (resubmission).  
**Site:** 4 Farrar Street York YO10 3BZ  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application was refused on the grounds that the depth and height of the proposed first floor rear projection would be out of proportion to the space around it and would harm the amenity of adjoining residents being over-dominant and oppressive when viewed from these houses and resulting in a loss of outlook from their rear windows and yards. The Inspector concluded that the proposal would create a tall dominant expanse of built development when viewed from the windows of the neighbours and would have an unavoidable and overbearing presence that would dominate their outlook and harm living conditions.

---

**Application No:** 19/00613/FUL  
**Appeal by:** Miss Raquel Nelson  
**Proposal:** Erection of porch to front and conservatory to side  
**Site:** The New England Lodge Country Park Pottery  
Lane Strensall York YO32 5TJ  
**Decision Level:**  
**Outcome:** ALLOW

The appeal site has a long and complicated planning history and relates to a touring caravan site in the Green Belt to the north of Strensall. The proposal related to the erection of a conservatory and storm porch extension to a timber framed building previously permitted on appeal to provide site manager's accommodation for the site. The previous permission had been subject a condition requiring the removal of the building in the event that it was no longer required in connection with the site. This creates a legally complex situation in terms of any extensions and whilst that was in the process of resolution the applicant appealed non-determination. The Inspector examined the case in the light of paragraph 145 c) of the NPPF and held that the proposed extensions were not disproportionate and not therefore inappropriate within the Green Belt. The appeal was therefore allowed subject to specific conditions in respect of the building itself and the extensions in the event of the premises not being needed for the purposes of managing the wider site.

---

**Application No:** 19/00638/FUL  
**Appeal by:** Mr And Mrs K Gash  
**Proposal:** Two storey side extension  
**Site:** 142 Water Lane York YO30 6PN  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application site related to the end house of a block of four terraced properties located in an area of similar properties, set behind a defined building line. Planning permission was refused for the erection of a part pitched and part flat roof two storey side extension to be located on the side driveway, adjacent to the joint boundary with 144 Water Lane. The Council refused the extension on the grounds of its size and scale would represent an incongruous extension to a block of uniformly designed and well-proportioned terraced properties. Officers considered that it would not respect or relate to the uniformity of spacing between the blocks of terraces on this section of Water Lane eroding what is a largely intact and important spacious characteristic of the street and would create an unacceptable terracing effect which would harm the character and appearance of the street scene. Another issues was the flat roof section which would be visible from the rear of the dwelling. Officers considered its design would create a discordant feature which does not relate well to the host or the uniformity of the rear of the dwellings and overall the proposal represents poor design. The Inspector dismissed the appeal on the grounds that the proposal would remove a significant proportion of the gap that exists with the neighbouring terrace. This is exacerbated due to the proposal being for two storeys, where it is evident in the surrounding properties that single storey extensions to the side do not erode the openness or spaciousness to the same extent. Such gaps between terraces are a key feature of the surrounding area. The current proposal could set a precedent for similar developments in surrounding terraces that would erode these features to the detriment of the character of the area. It could also lead to the impression of the terracing of the front elevation of adjoining properties and the erosion of the areas spaciousness and character.

---

**Application No:** 19/00779/LBC  
**Appeal by:** Stonegate Pub Company  
**Proposal:** Display of 1no. internally illuminated panel sign  
**Site:** Missoula Montana 1 Bridge Street York YO1 6DD  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeals (LBC and ADV) relates to the display of a tile-effect timber fascia panel with individually halo-illuminated affixed letter and positioned on the riverside elevation of Merchant Exchange, a modern link between two listed structures, No. 1 Bridge Street and Varvils Warehouse. This modern section of the building has considerable significance in its own right having been carefully designed and detailed to sit alongside the historic character of No. 1 Bridge Street and Varvils Warehouse and due to its prominence in the downstream view from Ouse Bridge, identified as a key view in the YCHCCA Appraisal and Management Strategy. Although not overly large in the context of the building to which it would be attached, the use of illumination would make the sign appear prominent during darkness and at all times it would detract from the character of the listed buildings. The Inspector also agreed that the tile-effect design would be at odds with the palette of materials used on the existing building. The Inspector concludes that the proposed sign would cause less than substantial harm to the significance of the listed buildings and it has not been shown that public benefits would outweigh this harm and the sign is harmful to visual amenity.

---

**Application No:** 19/00780/ADV  
**Appeal by:** Stonegate Pub Company  
**Proposal:** Display of 1no. internally illuminated panel sign  
**Site:** Missoula Montana 1 Bridge Street York YO1 6DD  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeals (LBC and ADV) relates to the display of a tile-effect timber fascia panel with individually halo-illuminated affixed letter and positioned on the riverside elevation of Merchant Exchange, a modern link between two listed structures, No. 1 Bridge Street and Varvils Warehouse. This modern section of the building has considerable significance in its own right having been carefully designed and detailed to sit alongside the historic character of No. 1 Bridge Street and Varvils Warehouse and due to its prominence in the downstream view from Ouse Bridge, identified as a key view in the YCHCCA Appraisal and Management Strategy. Although not overly large in the context of the building to which it would be attached, the use of illumination would make the sign appear prominent during darkness and at all times it would detract from the character of the listed buildings. The Inspector also agreed that the tile-effect design would be at odds with the palette of materials used on the existing building. The Inspector concludes that the proposed sign would cause less than substantial harm to the significance of the listed buildings and it has not been shown that public benefits would outweigh this harm and the sign is harmful to visual amenity.

---



**Application No:** 19/00969/FUL  
**Appeal by:** Mr & Mrs J Neill  
**Proposal:** Two storey and single storey rear extensions (amended scheme).  
**Site:** Dexter House The Fold Hessay York YO26 8LF  
**Decision Level:** DEL  
**Outcome:** DISMIS

Permission was sought to amend a previously approved one and two storey rear extension projecting 4m to a detached dwelling in the green belt. Proposals sought to increase the single storey element by 2m in length and by 0.5m to the first floor extension. The scheme was similar to the original proposals which were subsequently reduced in scale as part of the previous consent. Officers considered that the increase in volume of the dwelling to 34% was disproportionate to the original dwelling and therefore would have resulted in inappropriate development in the green belt and would be harmful to the openness of the green belt. An LHE application for a 8m long rear extension was submitted and approved resulting in a 40% increase which the applicants argued would be more harmful and an even larger volume increase than that proposed. However the LHE application related to ground floor development only and the construction of the LHE extension would have prevented the first floor of the extension from being constructed. The inspector agreed with officers that the extension would appear disproportionate to the dwelling resulting in inappropriate development in the greenbelt as well as harm to its openness. Limited weight was given to the fallback position provided by the LHE application as it did not provide a comparable scheme and there was no certainty that this extension would be built. None of the points raised by the applicants overcame the harm identified and no very special circumstances were put forward.

---

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

This page is intentionally left blank

## Outstanding appeals

<b>Officer: Alison Stockdale</b>						<b>Total number of appeals: 3</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
03/09/2019	19/00060/REF	APP/C2741/W/19/3236411	W	Elverbredde Mill Lane Acaster Malbis York YO23	Demolition of existing bungalow and erection of replacement 2 storey dwelling (resubmission).	
19/12/2019	19/00099/REF	APP/C2741/W/19/3243628	W	Manor Court Lawrence Street York	Erection of 1no. dwelling with associated works (revised scheme)	
25/07/2019	19/00052/REF	APP/C2741/W/19/3233973	P	OS Fields 5475 7267 And 8384 Moor Lane Acomb	Outline planning permission (with all matters reserved except for means of access) for up to 516 residential units (Class C3) with local centre (Use Classes A1-A4, B1a, C3, D1) public open space with pavilion and associated infrastructure and full application for demolition of existing buildings and structures and creation of ecological protection and enhancement zone.	
<b>Officer: Brian Williams</b>						<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
28/08/2019	19/00056/REF	APP/TPO/C2741/7579	I	York Racecourse Racecourse Road	Fell 18. no G1, mature Lombardy Poplars	
<b>Officer: David Johnson</b>						<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
05/10/2019	19/00076/EN	APP/C2741/C/19/3238565	W	8 Badger Wood Walk York YO10 5HN	Appeal against Enforcement Notice dated 9 August 2019 identifying two breaches	
<b>Officer: David Johnson</b>						<b>Total number of appeals: 2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
20/11/2019	19/00092/REF	APP/C2741/W/19/3241272	W	3 Melrosegate York YO31 1RL	Use of house as a 7 bedroom house in multiple occupation.	
05/10/2019	19/00066/REF	APP/C2741/W/19/3238563	W	Busk Coffee 114 Fishergate York YO10 4BB	Glazed dormer to front elevation.	

<b>Officer: Ed Bainbridge</b>						<b>Total number of appeals: 2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
03/12/2020	20/00002/REF	APP/C2741/D/19/3242429	H	8 Beech Grove Upper Poppleton York YO26 6DS	Two storey and single storey rear extensions and detached garage to rear.	
12/01/2020	20/00001/REF	APP/C2741/D/20/3244653	H	59 Alness Drive York YO24 2XZ	First floor side and rear extension over existing garage.	
<b>Officer: Elizabeth Potter</b>						<b>Total number of appeals: 3</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
31/10/2019	19/00096/REF	APP/C2741/D/19/3240287	H	4 Orchard View Skelton York YO30 1YQ	Two storey rear extension and porch extension to front.	
08/10/2019	19/00067/REF	APP/C2741/W/19/3238740	W	1 Lambert Court York YO1 6HN	Replacement of timber windows and doors with UPVC to 1 - 14 Lambert Court, 33, 35, 37, 39, 41, 43 Bishophill Senior and 11, 12, 14, 15, 16, 17, 18, 19 Buckingham Street.	
27/09/2019	19/00091/REF	APP/C2741/D/19/3238056	H	8 Trentholme Drive York YO24 1EN	Two storey front extension, two storey rear extension including rear balcony in roof, single storey rear extension, alterations and extensions to existing roof and alterations to external materials (Revised scheme)	
<b>Officer: Hannah Blackburn</b>						<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
30/10/2019	19/00079/REF	APP/C2741/W/19/3240258	W	4 Croft Farm Close Copmanthorpe York YO23	Erection of 1 no. dwelling with detached double garage and new vehicular access	
<b>Officer: Heather Fairy</b>						<b>Total number of appeals: 2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
17/01/2020	20/00003/REF	APP/C2741/W/20/3245047	W	Telecommunications Mast To The North Of Unit 5	Upgrade of existing communications apparatus consisting of a replacement monopole of 20m in height, supporting new antenna, dishes and ancillary apparatus along with new and replacement/relocated cabinets at ground level within existing compound.	
11/11/2019	19/00080/REF	APP/C2741/W/19/3240801	W	Carlton Cottage Old Carlton Farm Common Lane	Erection of timber stables on land to the east of Carlton Cottage	

<b>Officer: Kevin O'Connell</b>					<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>
10/12/2019	19/00095/REF	APP/C2741/W/19/3242886	W	Coney Garth Farm Hull Road Dunnington York	Outline application for the relocation of an existing dwelling (resubmission)
<b>Officer: Lindsay Jenkins</b>					<b>Total number of appeals: 2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>
21/08/2019	19/00063/REFL	APP/C2741/Y/19/3235765	W	Grange Hotel 1 Clifton York YO30 6AA	Erection of railings to entrance portico and installation of individual LED spotlights and associated cabling and fittings on Clifton and Queen Annes Road elevation
21/08/2019	19/00062/REF	APP/C2741/W/19/3235766	W	Grange Hotel 1 Clifton York YO30 6AA	Erection of railings to entrance portico and installation of up to 18 LED spotlights and associated cabling and fittings on the front elevation and up to 7 LED spotlights on the Queen Annes Road elevation to illuminate the building.
<b>Officer: Louise Milnes</b>					<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>
17/10/2019	19/00077/REF	APP/C2741/W/19/3239424	W	2 St Aubyns Place York YO24 1EQ	Erection of replacement dwelling (resubmission)
<b>Officer: Neil Massey</b>					<b>Total number of appeals: 2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>
09/12/2019	19/00097/REF	APP/C2741/W/19/3242818	W	Greensleeves Lords Moor Lane Strensall York YO32	Single storey rear extension and retention of existing balcony.
04/11/2019	19/00078/REF	APP/C2741/W/19/3240514	W	46 Acaster Lane Bishopthorpe York YO23	Erection of 1no. detached dwelling
<b>Officer: Rob Harrison</b>					<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>
09/10/2019	19/00083/EN	APP/C2741/C/19/3238862	W	7 Wenlock Terrace York YO10 4DU	Appeal against Enforcement Notice dated 14th August 2019

<b>Officer: Rachel Tyas</b>					<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
30/10/2019	19/00085/REF	APP/C2741/W/19/3240261	W	Fast Frame 60 Gillygate York YO31 7EQ	Extensions to the rear to form two storey residential unit, alterations to existing first and second floor residential unit, formation of roof terrace for existing apartment and alterations to existing ground floor retail unit (resubmission)	
<b>Officer: Sandra Duffill</b>					<b>Total number of appeals:</b>	<b>2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
12/03/2019	19/00034/REF	APP/C2741/D/19/3224523	H	1 Church View The Green Skelton York YO30 1XU	Two storey and single storey rear extension and canopy extension to front.	
04/11/2019	19/00093/REF	APP/C2741/D/19/3240478	H	Woodstock Main Street Upper Poppleton York YO26	First floor front extension over integral garage following demolition of existing front dormer	
<b>Officer: Sam Baker</b>					<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
26/12/2019	19/00098/REF	APP/C2741/D/19/3243972	H	24 Maythorn Road Huntington York YO31 9DL	Single storey side extension	
<b>Officer: Victoria Bell</b>					<b>Total number of appeals:</b>	<b>6</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
25/10/2019	19/00084/REF	APP/C2741/W/19/3240282	W	Festiniog 40 Horseman Lane Copmanthorpe York	Erection of 1 no. single storey dwelling to the rear of 40 Horseman Lane	
21/11/2019	19/00088/PA	APP/C2741/W/19/3241534	W	Martin Hill Farm Moor Lane Haxby York YO32 2QW	Change of use of agricultural building to 1no. dwelling under Class Q Part 3 Schedule 2 of Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 (Barn 3).	
21/11/2019	19/00090/PA	APP/C2741/W/19/3241554	W	Martin Hill Farm Moor Lane Haxby York YO32 2QW	Change of use of agricultural building to 1no. dwelling under Class Q Part 3 Schedule 2 of Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 (Barn 5).	
20/11/2019	19/00086/PA	APP/C2741/W/19/3241509	W	Martin Hill Farm Moor Lane Haxby York YO32 2QW	Change of use of agricultural building to 1no. dwelling under Class Q Part 3 Schedule 2 of Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 (Barn 1).	

21/11/2019	19/00089/PA	APP/C2741/W/19/3241543	W	Martin Hill Farm Moor Lane Haxby York YO32 2QW	Change of use of agricultural building to 1no. dwelling under Class Q Part 3 Schedule 2 of Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 (Barn 4).
21/11/2019	19/00087/PA	APP/C2741/W/19/3241523	W	Martin Hill Farm Moor Lane Haxby York YO32 2QW	Change of use of agricultural building to 1no. dwelling under Class Q Part 3 Schedule 2 of Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 (Barn 2).

---

**Total number of appeals: 32**

---

This page is intentionally left blank





## Area Planning Sub-Committee

5 March 2020

### Planning Enforcement Cases - Update

#### Summary

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

#### Background

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

#### Current Position.

5. Across the Council area 128 new enforcement investigation cases were received and 193 cases were closed. A total of 472 investigations remain open.
6. During the quarter 3 Enforcement Notices were served. These related to:
  - The unauthorised siting of two static caravans. This Notice has now been complied with and the case closed.
  - A side extension adjacent to the highway being constructed without permission. The property owner has until the 12<sup>th</sup> of July 2020 to comply with the requirements of the Notice.

- Construction of balcony. The property owner has until the 3<sup>rd</sup> May 2020 to comply with the requirements of the Notice.
7. Across the Council area 18 Section 106 cases were closed. A total of 73, Section 106 investigations remain open.
  8. A figure of £1,673,502.00 has been received from Section 106 payments. This was paid in respect of 9 developments across the city for Open Space/Play, Housing and Transport.

The developments from which Section 106 monies have been levied included:

- 2 phases of the Hungate development. £1,576,070.00 & £47,500.00
- Land at Rear of Kendall House, Derwent Lane, Dunnington.£3668
- Hotel Noir, 3-5 Clifton Green. £16,100
- English Martyrs Church Hall, Dalton Terrace. £3848
- 2 Custance Walk. Stockton Hermitage, Malton Road, Stockton-On-The-Forest. £1500
- Sycamore Place (formerly Bert Keech Bowling Club) £23,340
- 5A Acomb Court, York. £680

### **Consultation.**

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

### **Options**

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

### **The Council Plan**

11. The Council priorities for Building strong Communities and Protecting the Environment are relevant to the Planning Enforcement function. In particular enhancing the public realm by

helping to maintain and improve the quality of York's streets and public spaces is an important part of the overall Development Management function, of which planning enforcement is part of.

### **Implications**

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

### **Risk Management**

12. There are no known risks.

### **Recommendations.**

13. That members note the content of the report.

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

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

**Contact Details**

**Author:**

Author's name  
Robert Harrison  
Principal Development  
Management Officer.

Tel. No: 553775

Directorate: **Economy  
and Place**

**Chief Officer Responsible for the  
report:**

Chief Officer's name  
Michael Slater

Assistant Director (Planning and Public  
Protection)

**Report  
Approved**

Y

**Date** 26.02.2020

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

*Financial*

*Patrick Looker*

*Legal:*

*Janie Berry*

**Wards Affected:** *All Wards*

✓