



Notice of a public meeting of

Area Planning Sub-Committee

- To:** Councillors Galvin (Chair), Flinders (Vice-Chair), Cannon, Craghill, Crawshaw, Dew, Fenton, Gillies, Hunter, Mercer and Shepherd
- Date:** Thursday, 6 December 2018
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

Sub Committee site visit schedule

The mini-bus for the sub-committee will leave from Memorial Gardens at 10.00 on Wednesday 5 December 2018.

1. Declarations of Interest

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

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

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

2. Minutes (Pages 3 - 20)

To approve and sign the minutes of the meetings of the Area Planning Sub-Committee held on 6 September 2018 and 4 October 2018.

3. Public Participation

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

requested to contact the Democracy Officers on the contact details listed at the foot of this agenda. The deadline for registering is at **5.00pm on Wednesday 5 December 2018.**

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4. Plans List

To determine the following planning applications:

- a) **The Mount Royale Hotel, 117-119 The Mount, York, YO24 1GU [18/00848/FUL]** (Pages 21 - 34)

Erection of 2 dwellings with associated parking following the demolition of existing dwelling, workshop and storage buildings (resubmission). [Micklegate] **[Site visit]**

- b) **Garage Court Site at Newbury Avenue, York [18/02441/GRG3]** (Pages 35 - 44)

Variation of condition 16 of permitted application 18/00410/GRG3 to alter date of providing 4 public parking spaces to prior to commencement of the superstructure of the bungalows. [Westfield]

- c) **Lincoln Court, Ascot Way, York** (Pages 45 - 56)
[18/01872/FULM]

Three storey rear extension to accommodate 10 extra- care apartments with communal facilities, single storey front extension to form new main entrance, erection of plant room to side, reconfiguration of parking provision and associated landscaping works including new boundary fencing. [Westfield] **[Site visit]**

- d) **Hob Moor Community Primary School,** (Pages 57 - 68)
Green Lane, Acomb, York, YO24 4PS
[18/01475/GRG3]

Creation of new area of playing fields, wetland areas and timber walkways, erection of fabric shelter over outdoor class space [Westfield] **[Site visit]**

- e) **Windsor House, 22 Ascot Way, York, YO24** (Pages 69 - 82)
4QZ [18/01467/GRG3]

Erection of part single storey part two storey centre for disabled children and their families following the demolition of existing care home with associated parking, access and landscaping works (includes part of Hob Moor School site) [Westfield] **[Site visit]**

5. **Appeals Performance and Decision** (Pages 83 - 110)
Summaries

This report informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 July and 30 September 2018.

6. **Planning Enforcement Cases - Update** (Pages 111 - 114)
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:

Chris Elliott

Contact details:

- Telephone - (01904) 553631
- Email - christopher.elliott@york.gov.uk

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**

AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 5 December 2018**

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

TIME (Approx)	SITE	ITEM
10.15	Hob Moor Community Primary School Green Lane	4d
10:30	Lincoln Court Ascot Way	4c
10:50	Windsor House 22 Ascot Way	4e
11.20	The Mount Royale Hotel 117 - 119 The Mount	4a

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	6 September 2018
Present	Councillors Galvin (Chair), Cannon, Craghill, Crawshaw, Dew, Fenton, Flinders, Gillies, Hunter and Carr (Substitute for Councillor Mercer)
Apologies	Councillors Shepherd and Mercer

Site	Visited by	Reason
Resource and Day Care Centre, 126 Acomb Road, York, YO24 4EY	Councillors Galvin, Cannon, Carr, Crawshaw, Fenton and Flinders	As the recommendation was to approve and objections were received.
Jinah Balti, 18 The Village Haxby, York, YO32 3HT	Councillors Galvin, Cannon, Carr, Crawshaw, Fenton and Flinders	As the recommendation was to approve and objections were received.
Simons Auto Services, 17 Mansfield Street York, YO31 7US	Councillors Galvin, Cannon, Carr, Crawshaw, Fenton and Flinders	As the recommendation was to approve and objections were received.

31. 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 Flinders declared a personal interest in agenda item 4a (minute Item 34a) as he was employed by Network Rail, and he did not take part in the discussion on this item.

32. Minutes

Resolved: That the minutes of the Area Planning Sub-Committee meetings held on 5 July and 9 August 2018 be approved and then signed by the Chair as correct records.

33. 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.

34. 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.

34a) Land To The West Of 1 Rose Avenue, Nether Poppleton, York [18/00201/FULM]

Members considered a major full application by Mr Bottomley for the erection of three buildings for light industrial, general industrial or storage and distribution uses (class B1c, B2 and B8) on sites west of 1 Rose Avenue and north of Evans Business Centre, Rose Avenue.

Officers circulated an update, which was attached to the online agenda following the meeting. This included further details on surface water drainage, further representation in support of the development and a revision to the Officer's recommendation. Officers also reminded Members that this application was originally reported to this committee in August, when Members voted to defer the application and requested that Unit 1 be removed, in order to maintain the area as a potential site for a railway halt.

Tony Plowman, agent for the application, explained that issues raised in relation to drainage and the footpath had now been resolved and stated that the Council no longer had control of the land. In response questions he clarified that CYC and Evans

Property Group who owned the land had an agreement between 2003 and 2013 to keep the land clear for a proposed railway halt. The agreement had now ended and the proposed railway halt was generally considered unviable.

Edie Jones spoke on behalf of Nether Poppleton Parish Council and the Neighbourhood Plan Group. She stated that the Parish Council were not unsupportive of the proposal, but they wanted the land where proposed 'Unit 1' sat to remain open ground. This was designated as T2 and T6 land in the Draft Local Plan and was the only area that could be considered suitable for a railway halt. This would be essential once the British Sugar Site was developed and there were an additional 1200 homes in the area. Finally she suggested that Network Rail had concerns about the proposal and the safety impact of lighting on drivers.

In response to questions from Members she stated:

- There was a critical shortage of parking in the area, approximately 100 spaces short;
- There was no public transport to the site; and
- There was no reference to this in the Neighbourhood Plan as it was not within their power so suggest changes to transport links.

Officers then responded to further questions from Members and stated that:

- There were no current plans nor funding to develop a railway halt; and
- The Draft Local Plan had limited weight as it had not been adopted yet. It was for Members to decide the balance.

During debate Members stated it was unfortunate that the applicant had chosen not to remove 'Unit 1' as the committee had previously requested, as they were supportive of the proposals for Units 2 and 3, as such units were needed for small businesses in the City. They considered the importance of future need for sustainable transport to this location. Some Members expressed that there was no current funding for a railway halt, but there was a strong view amongst the Committee that the site was safeguarded for a reason.

Resolved: That the application be refused.

Reason:

1. The proposed Unit 1 was sited on land safeguarded for potential future transport schemes on the Policies Map (North) of the Local Plan Publication Draft February 2018 (Regulation 19 Consultation). Policy T2 of the Local Plan Publication Draft states that the Plan will support development proposals that improve rail access and connectivity, including but not limited to new railway stations / halts for heavy or light rail services, and capacity improvements and other enhancements (including new technology applications, where appropriate) on rail lines running into or through York. Policy T8 of the Development Control Local Plan 2005 states that the use of rail services will be promoted by allocating sites for new stations at York Business Park.
2. The proposed development of Unit 1 was not considered to be sustainable development as it would prevent the construction of a rail halt to serve the business park, which currently experiences parking problems, and nearby strategic housing sites allocated in the 2018 Local Plan Publication Draft; namely policy SS6: British Sugar/Manor School (approx 1200 dwellings) and policy SS7: Civil Service Sports Ground (approx 266 dwellings). The loss of the site for a future rail halt would prejudice the implementation of a policy which seeks to encourage modal shift away from private motor vehicles to more use of public transport and provide for enhanced access for all members of the community to jobs, services and leisure opportunities and reduce reliance on private motorised transport for travel and hence minimise the increase in traffic levels arising from new development.
3. The Local Plan Publication Draft 2018 has been submitted for examination and is considered to be at an advanced stage of preparation. Policy T2 was considered to be in accordance with

paragraphs 102, 103 and 104 "Promoting sustainable transport" of the National Planning Policy Framework (July 2018).

34b) Resource and Day Care Centre, 126 Acomb Road, York, YO24 4EY [18/00967/FULM]

Members considered a major full application by Mr Matt Newton for conversion of offices into nine apartments (six 1 bedroom, three studios) to include replacement of rear two storey extension with four storey extension and roof conversion with dormers and the erection of one 2 bedroom dwelling to rear with associated parking and cycle storage (resubmission).

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

Reason: The proposal represents sustainable development for which the NPPF (para.11) recommends that there should be a presumption in favour of approval unless adverse impacts would outweigh the benefits. While some harm has been identified as a result of a small loss of amenity to neighbouring properties through over-dominance and overshadowing; and the impact on residential amenity from the slightly restricted floorspace available; these issues are not considered sufficient to outweigh the policy presumption in favour of this application to provide additional housing within a sustainable location. The proposal complies with policies D1, D11, T1 and EC2 of the emerging Local Plan.

34c) 115 Fulford Road, York, YO10 4ET [18/01381/FUL]

Members considered a full application by Mr and Mrs Breene for the erection of a dormer bungalow with cycle/refuse store and air source heat pump (resubmission).

Officers circulated an update, which was attached to the online agenda following the meeting. This was a revision to condition 11 of the report.

Keith Waudby, a local resident, spoke in objection to the proposal. He stated that this was an overdevelopment of a back land site and suggested that there had been no significant

change to the application since it was previously submitted. He felt that this was an obtrusive and over-dominant structure, which would have a detrimental impact on neighbouring amenity. Finally he raised his concerns regarding drainage at the site.

Susan Hollingsworth, as resident, also spoke in objection to the application. She stated that the proposal would be detrimental to the amenity of herself and other neighbours due to the structure being over-dominant, which would impact on light levels. She raised concerns around the destruction of trees ahead of the application being submitted and suggested that the outside structure would be used as a garage, not cycle and bin storage. She also expressed disappointment that several objections to the application were not yet published on the planning portal.

Matthew Groom spoke as agent for the applicant. He stated that Planning Officers felt this site was sustainable and that this proposal had the same footprint, height and mass as previously approved schemes. He suggested there was no evidence of overlooking or overshadowing neighbouring properties. Finally he stated that this was a sustainable development and that although it would change the area, change was not the same as harm.

In response to Member questions Officers stated that:

- The cycle/bin storage area was a fairly substantial structure; and
- Fishergate Planning Panel had objected to this application specifically.

During debate some Members considered that this application had not altered significantly since it was last refused. They still felt it was too big for the site and an overdevelopment. Conversely, some Members stated that changes to an area were not the same as harm and this was welcome development of a previously used area in a time of housing need.

Resolved: That the application be approved subject to the conditions listed in the report and revised condition 11.

Reason: It was considered that the development of this site for a dwelling was acceptable. The impact on

highway safety and the impact upon residential amenity were considered to be acceptable. The erection of a dwelling within this location would not have any detrimental impact upon the character and appearance of the area. As such the application accords with policies contained within the Draft 2005 Local Plan, Publication Draft Local Plan (May 2018) and policy contained within the NPPF.

**34d) Jinah Balti, 18 The Village, Haxby, York, YO32 3HT
[18/01395/ADV]**

Members considered an advert application by Mr Matab Shamim for the display of an internally illuminated fascia sign (resubmission).

Officers circulated a letter of objection to the application from Honorary Alderman Richard Watson. They reminded Members that this was a retrospective application.

Councillor Cuthbertson, Ward Member, spoke in objection to the application. He stated that he had 'called-in' this item as he felt this was detrimental to the conservation area, as stated in Honorary Alderman Watson's letter. He pointed out the policy of having no internally illuminated signs within the conservation area and stated that previous applications had been refused on these grounds. He felt that approving this sign retrospectively would set a precedent.

In response to Member questions he stated:

- There was one internally illuminated sign at Ryedale Court but this was inside the building;
- Internal illumination was considered to be too modern for the conservation area;
- As this was a retrospective application it had not been possible to suggest alternatives to the applicant;
- The issue was not necessarily the brightness of the sign, more the principle of internally illuminated signs; and
- There were around 7 businesses in the village who operated after dark.

In response to further questions Officers clarified:

- If the sign was not illuminated it would have deemed consent. External illumination would still require planning permission;
- The preferred method of illuminating signs in conservation areas was external. However, this was not a traditional shop front and therefore external illumination would cause extra clutter. There was some justification for illumination when a business was part of the night time economy;
- Although approving this sign would not necessarily set a precedent, as each application would be considered on its merits, it may appear inconsistent to approve one sign and then refuse subsequent applications.

Some Members felt that there would be a degree harm to the conservation area, which outweighed the public benefit of the sign. Other members felt that harm had already been done to the historic cottages with other signs already in place and painting the original brickwork. They felt this sign would not cause any further harm.

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

Reason: The advertisement was considered to be acceptable in the conservation area. Whilst it would result in less than substantial harm to the designated heritage asset this would be outweighed by public benefits. The proposal would comply with the National Planning Policy Framework, the Publication Draft Local Plan policy D13 (Advertisements) and policies HE8 (Advertisements in Historic locations) and GP21 (Advertisements) of the Development Control Local Plan (2005).

**34e) Simons Auto Services, 17 Mansfield Street, York, YO31 7US
[17/02991/FULM]**

Members considered a major full application by Mr Mark Allen for the erection of a five-storey residential block with ten flats and associated parking following the demolition of a car repair garage.

Glen McGowan spoke, as agent for the applicant, and stated that several locations had recently been developed in this area. He suggested that this proposal would further enhance the area

and simultaneously address housing need on a brownfield site. There would be no accommodation on the ground floor and a flood evacuation plan would be in place. Finally there would be no loss of employment due to this change of use as there had not been a tenant in the building for some time.

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

Resolved: An acceptable site specific flood risk assessment had been prepared for the development and the proposed use was acceptable in principle given the NPPF requirement to give substantial weight to the value of using suitable brownfield land within settlements for homes. The scheme was of a scale and design that related to its setting, there would be adequate levels of amenity for future residents and no impact in this respect on the neighbouring land uses. The use of planning conditions would ensure policy compliance with regards residential amenity, visual amenity and flood risk.

35. Planning Enforcement Cases - Quarterly Update

Members considered a report providing them with a continuing quarterly update on planning enforcement cases.

Members requested that Officers provide them with a breakdown of uncollected vs. 'not yet due' Section 106 payments.

Resolved: That Members note the content of the report.

Reason: To update Members on the number of outstanding planning enforcement cases.

36. Appeals Performance and Decision Summaries

Members received a report informing of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 April and 30 June 2018, and providing a summary of the salient points from appeals determined in that period, together with a list of outstanding appeals at the date of writing.

Resolved: That the report be noted.

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

37. Urgent Business

Members took this opportunity to record that a complaint against City of York Council, in relation to a planning application, which had previously been upheld by the Local Government and Social Care Ombudsman had been overturned at post decision review.

They noted the significance of this as it was rare for Local Authorities to challenge Ombudsman decisions and unusual for a decision to be overturned at this stage.

Councillor Galvin, Chair

[The meeting started at 4.30 pm and finished at 6.25 pm].

Meeting	Area Planning Sub-Committee
Date	4 October 2018
Present	Councillors Galvin (Chair), Cannon, Craghill, Crawshaw, Dew, Fenton, Flinders, Gillies, Hunter, Pavlovic (as a substitute for Cllr Shepherd) and Carr (as a substitute for Cllr Mercer)
Apologies	Councillors Shepherd and Mercer

38. 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.

Cllrs Dew and Craghill declared a personal, non-prejudicial interest in agenda item 3c, as they had both hired the applicant as a contractor.

Cllr Flinders declared a prejudicial interest in agenda item 3e as he was an employee of the applicant, Network Rail.

39. 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.

40. 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.

**41. Savills (Uk) Limited, 48 Bootham, York, YO30 7WZ
[18/00550/FULM]**

Members considered a Major Full Application from The Bootham Syndicate for the conversion of existing office buildings at No 46 and 48 Bootham to 13 residential units including erection of a two storey rear extension, erection of dwelling in rear car park, associated car parking and landscaping.

In response to members questions, officers stated that:

- Highways were happy with the access for large cars, however heavy goods vehicles will not be able to access the site and a Method of Works condition had been added to restrict construction vehicles.
- That any restriction of sunlight to solar panels of neighbouring properties was for minimal times during the day.

Janet O'Neill, the agent for the applicant, spoke in support of the application. Ms O'Neill stated that due to the access issues for larger vehicles, refuse will be picked up by a private contractor and delivery/removal vehicles will need to access via the front of the site.

During the debate, members discussed the benefits and disadvantages of requesting more than one electric vehicle charging point.

Resolved: That approval be granted, subject to a discussion with the applicant regarding an amendment to the condition in relation to electric vehicle charging points, to be approved by the Chair and Vice Chair of this committee.

Reason: The site is in a sustainable location close to the city centre and range of facilities. It will provide much needed residential accommodation in an underused office building. It is of an appropriate design and will not cause undue harm to neighbour amenity. Whilst the entrance into the site is widened but relocated closer to the property boundary, submitted swept paths show that adequate space is provided for turning into the site and back out onto Marygate. As such the application is found to be in accordance with relevant sections of the NPPF 2018 including section 16 on conserving and enhancing the historic environment, and section 11 on making effective use of

land. It is also found to be in accordance with emerging policies in the publication draft 2018 including DP3 Sustainable communities, D1 Placemaking, D4 Conservation areas, D5 Listed buildings, D10 City walls and St Mary's Abbey and D11 Extensions and alterations.

**42. Acomb Bowling Club, Front Street, York, YO24 3BZ
[18/00586/FULM]**

Members considered a Major Full Application from York West Developments Ltd for the erection of 10 dwellings following demolition of existing buildings.

In response to member questions, Officers informed the committee that:

- The working hours stated in the application are considered 'standard' and there are no examples of altering working times based on the sites location or neighbours
- All waste including recycling and composting will be handled by a private contractor
- There were no concerns regarding the potential for noise complaints against the existing commercial business nearby (public house) as the development was a significant distance away and there had not been instances of noise disruption in recent times.

Phillip Holmes, the agent for the applicant, spoke in support of the application. Mr Holmes gave a brief overview of the application including the reasoning for Acomb Bowling Club closing and explained the listed conditions that had been agreed with officers.

Under questioning from members, Mr Holmes explained that whilst some contact has been made with the Council regarding combining the adjacent council owned land with the applicants proposal, no proposals had been suggested.

During member debate, it was noted that members were disappointed that the bowls club had to close, but understood it's membership issues and the need for housing development. Additionally, members were disappointed that the adjacent council land had not been incorporated in this development and felt this was a missed opportunity.

Resolved: That the application be approved subject to the completion of a Section 106 Agreement (or deed of variation as appropriate) to provide a contribution of £20,000 (index-linked) towards replacement/enhanced facilities for bowling at York Railway Institute Bowling Club.

Reason: Given the decline in use of the bowling green and subject to a Section 106 agreement to secure upgrades to alternative bowling facilities at York RI, alternative uses for the site can be considered. The site is suitable for housing given its location and local housing need. The scheme would provide the housing types for which there is identified need and has been designed so to respect neighbours amenity. Conditions have been used to secure adequate mitigation and that the site functions appropriately in respects of site drainage, highway network management, ground conditions and designated heritage assets.

43. 14 Hopgrove Lane North, York, YO32 9TF [18/01878/FUL]

Members considered a Full Application from Mr and Mrs Myers for a single storey rear extension (resubmission) at 14 Hopgrove Lane North.

Mr Myers, the applicant, spoke in support of the application. Mr Myers informed members that all neighbours had been consulted and there had been no objections. Mr Myers also noted that the extension had been designed to be sympathetic to the context of surrounding houses. Due to having a growing family and wanting to remain in the local community the extension was now crucial.

Officers explained to members that decisions with cases such as this have to be made with consideration to the NPPF and Green Belt Policy. Officers also explained to members that all extensions must be considered as they are judged cumulatively by the NPPF in terms of a total addition to the original property.

During the debate, a majority of members stated that they were supportive of the application as it did not extend the property's footprint and didn't affect the openness of the green belt. As a result, members felt that it was not a disproportionate extension in this context.

Resolved: That the application be approved

Reason: Members did not consider this application to be disproportionate and felt it would not have a detrimental impact on openness of the green belt and therefore is an exception to the National Planning Policy Framework, in this case.

**44. Proposed Lidl Store, James Street, York, YO10 3DW
[18/01218/FULM]**

Members considered a Major Full Application from Perio News Ltd, S Harrison Developments and Lidl UK for the erection of a food store (use class A1) with associated access parking and landscaping.

Members asked officers to clarify the reason behind allowing more customer car parking than would normally be allowed of a development of this size. Officers explained that the new NPPF stated that restrictions on parking should only be applied in exceptional circumstances.

Chris Hale, the agent for the applicant, spoke in support of the application. Mr Hale explained that this site has been out of use for many years and this development provided an opportunity to remediate a contaminated site and offer around 40 full-time employment opportunities. Despite Council policy suggesting 2.6 electric vehicle charging points, Mr Hale highlighted to the committee that 4 charging points are proposed for this site.

Members questioned the speaker on the number of car parking spaces that were needed. Mr Hale indicated that the number of car parking spaces were important in attracting Lidl to the site and are essential for this type of building use. Mr Hale added that it was the applicant's belief that reduced parking would result in further congestion on James Street.

During the debate, members discussed the potential increase in traffic and congestion as a result of this development. In addition it was noted by members that it was pleasing to see a large number of new jobs in the city and the usage of a currently unused site, despite disappointment from members that the site could not have been used for more imaginative purposes.

Resolved: That the application be approved

Reason: The proposal represents the redevelopment of a brownfield employment site which is considered unlikely to

return to its current use. The proposed retail use is sequentially acceptable and has been assessed in terms of its impact on city centre vitality. The retail use is compatible with neighbouring uses and the building will be a visual improvement on the existing derelict site. Subject to the proposed conditions, it is considered that the proposal will comply with relevant policy and it is recommended that the application be approved.

**45. Land Adjacent To Cinder Lane Holgate York
[18/01685/FULM]**

Members considered a Major Full Application from Network Rail Ltd for the siting of two storey modular buildings to accommodate office use for a five year temporary period, together with associated works to support the implementation of a rail infrastructure project.

Officers presented a verbal update to the committee, informing members that the objections listed at paragraph 3.6 have been retracted subject to compliance with condition 10 listed in the report.

Diane Cragg, the applicant, spoke in support of the application. Ms Cragg informed the committee that the east coast mainline is undergoing a major programme of improvement to its infrastructure and power supply over the next three to five years. This is so they are able meet growing demand, support journey time improvement and facilitate the delivery of the new class of intercity express trains. This project will also provide new jobs to the city.

Members questioned the speaker on the style of fencing being used at the site and on the amount of cycle storage being provided. The applicant was open to the idea of further cycle storage, should the demand materialise.

Resolved: That the application be approved

Reason: Planning permission is granted on a temporary basis to allow the Phase 2 East Coast Main Line Power Supply Upgrade Programme to be implemented. Surrounding neighbouring users are commercial and industrial in nature and the proposed office use is therefore compatible with the locality. The location of the development will take advantage of sustainable transport modes and the proposal is considered to

accord with national guidance in the NPPF and Draft Development Control Local Plan Policies for a temporary period of 5 years.

Cllr J Galvin, Chair

[The meeting started at 16:30 and finished at 18:15].

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COMMITTEE REPORT

Date: 6 December 2018 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 18/00848/FUL
Application at: The Mount Royale Hotel 117 - 119 The Mount York YO24
1GU
For: Erection of 2no. dwellings with associated parking following
the demolition of existing dwelling, workshop and storage
buildings (resubmission)
By: Mr Stuart Oxtoby
Application Type: Full Application
Target Date: 14 November 2018
Recommendation: Refuse

1.0 PROPOSAL

1.1 The application seeks full planning permission to erect 2 no. single storey detached three-bedroom dwellinghouses within the grounds of The Mount Royale Hotel, located on the corner of The Mount and Albermarle Road. The hotel comprises two former dwellings – 117 and 119 The Mount, which is a Grade II listed building. The site also lies within the Central Historic Core Conservation Area and the City Centre Area of Archaeological Importance. The hotel has a parking area to the front and gardens to the rear. There is a rear vehicular and separate pedestrian access to the gardens from Albemarle Road, leading to a parking area, single storey detached dwelling and various outbuildings serving the hotel. There is a refuse storage area within the parking area.

1.2 The proposed dwellings would be accessed via an existing vehicular access from Albemarle Road, leading to a shared drive and two parking spaces per units. A gravelled area for refuse storage to serve the dwellings would be retained adjacent to the access and detached sheds would be provided within the gardens that would serve each dwelling. A contemporary design approach is proposed with each dwelling being similar in size and appearance with a flat roof, buff brick and timber clad walls and grey finish windows and doors.

1.3 Revised plans have been submitted during the life of the application. The main changes involve the reduction in the size of the dwellings and re-position further east towards Albemarle Road to move away from the large Sycamore tree in the south-west corner of the site.

1.4 Relevant planning history includes a previous scheme (ref. 16/02864/FUL and 16/02865/LBC) for the erection of 3 no. dwellings and garages that were withdrawn,

following concerns raised about the adverse impact on heritage assets, street scene and the large sycamore tree. Planning permissions relate to extensions and alterations to the hotel building.

1.5 The application has been called in to Committee by Ward Member, Councillor Hayes, on the basis that the development is a sympathetic development both to the Conservation Area and Grade 2 Listed Building Status. The development will not harm the Listed Building nor the Conservation Area. It meets all appropriate NPPF criteria and should be approved. The development represents an improvement to the conservation area. The present dwelling house and outbuildings are both taller and in a very poor state. The development seems to be wholly appropriate to the listed Status of the Mount Royale Hotel.

2.0 POLICY CONTEXT

2.1 National Planning Policy Framework (2018)

2.2 City of York Draft Local Plan 2005 – relevant policies:

- CYGP1 - Design
- CYGP4A - Sustainability
- CYGP10 - Subdivision of gardens and infill devt
- CGP15A - Development and Flood Risk
- CYNE1 - Trees, woodlands, hedgerows
- CYHE2 - Development in historic locations
- CYHE3 - Conservation Areas
- CYHE4 - Listed Buildings
- CYHE10 - Archaeology
- CYHE11 - Trees and landscape
- CYH4A - Housing Windfalls

2.3 City of York Publication Draft Local Plan 2018 – relevant policies:

- D1 – Placemaking
- D4 – Conservation Areas
- D5 – Listed Buildings
- D6 – Archaeology
- GI4 – Trees and Hedgerows
- ENV4 – Flood Risk
- ENV5 – Sustainable Drainage

3.0 CONSULTATIONS

INTERNAL

Application Reference Number: 18/00848/FUL
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Item No: 4a

Public Protection

3.1 No objections, subject to conditions.

Design Conservation and Sustainable Development (Conservation)

3.2 No.'s 117 and 119 were constructed as houses in 1833/4 and altered in the 20th century, two plots being combined to form the hotel seen today. The rear gardens were, and are today, very extensive, albeit that the southern end has now been cut off and is in a separate ownership (no. 2 Albemarle Road), and there has been further 20th extension to the side and rear of the original houses. Neighbouring plots to the east follow a similar format, large houses constructed towards the front of the site, with long garden plots behind. The extensive gardens confirm the higher social status of the intended occupiers of the houses built during a suburban expansion of York in the early-mid 19th century. No. 117-119 was listed grade II as a building of special architectural or historic interest in 1983, with an amendment in 1997. The neighbouring houses to the west, no.'s 121, 123, 127 are also grade II. The spacious garden plots contribute to the setting of the frontage buildings and the character and appearance of The Mount Character Area of the Central Historic Core conservation area.

3.3 The existing buildings within the plot are all of recent date and do not contribute to the special interest of the listed building or its setting, or the character of the conservation area. They are not prominent in the public domain and within the site appear as ancillary structures to the principal building. The representation of these structures in the existing view, drawing 150 P03, is difficult to reconcile with views in the street scene as none of the existing structures are as prominent as illustrated therein. The loss of these buildings would not harm the setting of the listed buildings or the character of the conservation area.

3.4 The proposed single storey replacement dwellings are of contemporary design, constructed from buff brick with a limited use of stained timber cladding. The applicants indicate that a parapet wall design will conceal the roof structure from view; this could be controlled by attaching appropriate conditions. Whilst the applicant indicates that the footprint of the dwellings is less than that of the existing structures, plot 2 would be constructed on a part of the site not currently developed and of strong garden character, closer to the principal building than any of the existing structures within the site. The dwellings would be enclosed by additions to existing boundary fences and walls, with hard standing for vehicles, resulting in a greater area of development than suggested by the applicants. The new dwellings and the development around them would be of overtly domestic, residential character and enclosed by boundary structures which would overtly subdivide the garden plot. By introducing new dwellings very clearly distinct and separated from the principal listed building, the development would diminish the garden setting of

the principle listed buildings, and the contribution the spacious garden setting makes to the character of the listed buildings themselves, and the character and appearance of the conservation area.

3.5 The proposed development fails to preserve the setting of the listed buildings, and fails to preserve the character and appearance of the conservation area. The degree of harm to both is less than substantial. Bearing in mind the great weight to be given to the preservation of designated heritage assets set out in the NPPF, the proposed development of two dwellings would not in my opinion outweigh the harm. The applicant also indicates on page 6 of their design and access statement that the development itself would amount to a public benefit by rationalising the development on the site and lowering the footprint of the buildings. It is contended that the total footprint of the development is greater than that of the disparate structures currently seen on the site, and that for the reasons set out above, that development harms the character of the listed building and the conservation area and therefore cannot be a public benefit to be balanced against the harm.

3.6 Further to the submission of the revised plans and Heritage Statement, concludes that the application site is part of the whole of the garden plot to the rear of the listed building. Allowing the development will harm the illustrative historical value of the garden and its contribution to the significance of the listed building as set out in response to paras. 7.4, repeated elsewhere. Allowing the development would result in harm, which would be less than substantial. Paragraph 193 of the NPPF states unequivocally that great weight should be given to the asset's conservation...irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Design Conservation and Sustainable Development (Landscape Architect)

3.7 In summary, the large Sycamore tree that borders the southwest corner of the site is a sizeable specimen that makes a positive contribution to the public amenity and character of the conservation area. There is currently a conflict between the tree and the two existing dwellings - one on site and one off site, (though the tree existed before either was erected) due to concerns about safety (real and perceived), and shade, and seasonal fall.

3.8 The proposed development will not result in a greater conflict between dwelling and tree than the existing situation, nor would it remove that conflict; it would simply be of a slightly different nature.

EXTERNAL

Historic England

3.8 Do not wish to offer any comments and suggest seek specialist conservation and archaeological advice.

Yorkshire Water

3.9 Request condition to cover waste water including surface water discharge.

Ainsty (2008) Internal Drainage Board

3.10 Board has no comment to make as the site is outside the Board's drainage district and there are no Board maintained watercourses in the vicinity.

PUBLICITY AND NEIGHBOUR NOTIFICATION

3.11 Letters of support from 8 no. residents of York and Scarborough have been received, which are summarised as follows:

- Existing site does not enhance the area nor offer little in terms of heritage of the listed building;
- The proposed dwellings would provide variety and much needed bungalows and single storey housing, which there is a shortage of in this area;
- The proposed dwellings appearance is of a suitable scale and size for the location;
- Would not impact on street scene as not visible behind wall on Albemarle Road;
- Modern pair of properties of high quality would fit in with context and would respect and enhance the surrounding area.

4.0 APPRAISAL

4.1 Key issues:

- principle of development
- heritage assets
- character and appearance
- residential amenity
- biodiversity
- highway safety
- drainage and flood risk

LEGISLATIVE FRAMEWORK

4.2 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('1990 Act') requires a local planning authority when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its

setting or any features of special architectural or historic interests which it possesses.

4.3 Section 72(1) of the 1990 Act requires special attention to be paid to the desirability of preserving or enhancing the character and appearance of a conservation area.

POLICY CONTEXT

Development Plan

4.4 Section 38(6) of the Planning and Compensation Act 2004 requires determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York consists of the retained policies YH9(C) and Y1(C1 and C2) in the Yorkshire and Humber Regional Spatial Strategy ("RSS"), saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013 and the Poppleton Neighbourhood Plan. These are not relevant to the determination of this application.

Draft Local Plan

4.5 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. However, such policies can be afforded very limited weight. Relevant policies are listed in section 2. The site is allocated within the main urban-area of the City on the Proposals Map accompanying the 2005 Draft Plan.

Emerging Local Plan

4.6 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 as revised in July 2018, the relevant 2018 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).

4.7 Relevant policies are set out in section 2. The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications. The site lies within the main urban area of York on the Proposals Map that accompanies the 2018 Draft Plan.

National Planning Policy Framework

4.8 Central Government guidance is contained in the National Planning Policy Framework ("NPPF", March 2018) places emphasis on achieving sustainable development. The relevant chapters of the Framework include 5 'Delivering a sufficient supply of homes', 12 'Achieving well-designed places' and 16 'Conserving and enhancing the historic environment'.

PRINCIPLE OF DEVELOPMENT

4.9 The site is located within the main built-up area of the City and in a sustainable and accessible location. It relates to the designated heritage assets of the Grade II listed hotel building and Central Historic Core Conservation Area. Therefore, in accordance with paragraph 11 of the NPPF and in the absence of relevant development plan policies, the proposal needs to be considered against the more restrictive policies in the chapter 16 of the NPPF. If the application of these policies does not provide a clear reason for refusing the proposed development, planning permission should be granted unless any identified adverse impacts would significantly and demonstrably outweigh the benefits of the proposed scheme.

HERITAGE ASSETS

4.10 The site lies within the Central Historic Core Conservation Area and City Centre Area of Archaeological Importance. The frontage properties 117 and 119 The Mount and the gate piers, walls and railings to their north west are grade II listed.

4.11 The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on local planning authorities to have special regard to preserving a listed building and its setting under section 66(1) and to preserve or enhance the character or appearance of conservation areas under section 72(1).

4.12 In addition to the legislative framework, chapter 16 of the NPPF sets out the national policy for considering the impact of a proposed development on the significance of designated heritage assets and on non-designated heritage assets. The aim of the NPPF is to conserve and enhance the historic environment for future generations to enjoy. The finding of harm to a designated heritage asset gives rise to a strong presumption against planning permission being granted and in these

circumstances the presumption in favour of sustainable development set out in paragraph 11 of the NPPF would not apply. Policies HE2, HE3 and HE10 of the 2005 Draft Local Plan and D4, D5 and D6 of the 2018 Publication Draft Local Plan reflect the advice in the NPPF.

4.13 The application is supported by a Heritage Design and Access Statement dated 7.12.2016, which focuses on the impact on the conservation area, and a further Heritage Statement dated 15.10.2018, which covers the listed building as well as the conservation area. These documents conclude that the proposed development will conserve those elements of the site that genuinely contribute to the significance of the relevant heritage assets - namely views of mature trees, provision of suburban garden areas and a sense of openness due to the low nature of development within it. Further, it considers that the low level of harm to the significance of the listed building will be offset by proposed mitigation measures and public benefits that will ensue. These proffered mitigation measures and public benefits are described as: the replacement of low grade, poor quality structures and planting with high quality contemporary buildings; a lower built footprint; the excavation of the plot and flat roofed design to ensure the buildings are not visible from Albemarle Road; the removal of buildings from under the tree's canopy; building positions that are not affected by overshadowing and benefit from a southern aspect; and, the provision of accessible, single storey accommodation in the city centre.

4.14 The frontage buildings, no.s 117 and 119, being mid 19th century houses, now a hotel, with extensive gardens confirm the higher social status of York in the early-mid 19th century. The gardens of the houses, now one garden serving the hotel makes a positive contribution to the host buildings, which is evidence of the historic plan form and linear plot in this part of The Mount that would be truncated by the development. The proposed dwellings would be unrelated to the host property in their design and layout and would further compromise and diminish the garden setting of the principle listed building, the contribution the spacious garden plots make to the character of the listed building and to the character and appearance of The Mount Character Area of the Central Historic Core Conservation Area.

4.15 The existing buildings and structures within the garden do not contribute to the special interest or setting of the listed building nor the character and appearance of the conservation area. Whilst the majority of these existing structures are not prominent in the public domain due to the high boundary wall, views are possible particularly if the solid roller gate is left open. However, these buildings are ancillary to the principal listed building and its use as a hotel. The existing dwelling is also positioned in such a way that any views into the site would only see a portion of its size.

4.16 Furthermore, there would be the potential for increased views into the site and of the proposed unrelated properties, due to the access from Albemarle Road.

Whilst the form of replacement gate could be conditioned, it could not be conditioned that such a gate be left closed at all times other than for entry and exit. The proposal would replace the disparate ancillary structures with two buildings of uniform design approach and consolidated bulk.

4.17 As such, the proposal would not preserve the setting of the listed building as a result of the truncation and further erosion of the historic garden and would not preserve or enhance the character and appearance of the conservation area. The degree of harm to both is less than substantial. In accordance with the NPPF, less than substantial harm needs to be weighed against the public benefits offered by the proposed scheme. The benefits put forward in the heritage statements are either not considered to be public benefits or are considered not to outweigh the identified harm. The application does not, therefore, comply with sections 66(1) and 72(1) of the 1990 Act nor national and local planning policy contained in the NPPF and 2005 and 2018 Draft Local Plans.

4.18 The Archaeological Evaluation submitted with the application confirms that there has been substantial levelling and alteration to the ground level within the gardens, but there is still potential for significant archaeological deposits beneath the lower garden. It concludes that the proposed development is unlikely to disturb significant archaeological deposits within 1m of the current ground level on the lower garden terrace. It is considered that any potential harm to archaeology could be mitigated through condition.

CHARACTER AND APPEARANCE

4.19 Section 12 of the NPPF requires good design with developments that add to the overall quality of the area and are sympathetic to the local character and history. At paragraph 130, it says that permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions. Policies GP1 and GP10 of the 2005 Draft Local Plan and D1 of the 2018 Draft Local Plan reflect this guidance.

4.20 The proposed dwellings are modern in design and would present a solid built frontage with minimal space between the buildings, which is not characteristic of the prevailing pattern of development in the immediate area. Whilst there is denser development further south along Albemarle Road, at this point it is characterised by spacious plots. However, the visual impact of this needs to be balanced against the set back from the road and the high boundary wall along it. Therefore, aside from heritage considerations, the proposal would not detract from the street scene or general character of the area and, therefore, complies with national and local planning policy regarding design and visual amenity. External materials would have to be carefully considered, but could be dealt with via condition.

RESIDENTIAL AMENITY

4.21 Paragraph 127(f) of the NPPF seeks a high standard of amenity for existing and future users. This advice is reflected in policies GP1 of the 2005 Draft Local Plan and D1 of the 2018 Draft Local Plan.

4.22 Sufficient space is available internally and externally to serve the proposed dwellings, without compromising the amenity of neighbouring occupants. They would be set away from the boundary with 121 The Mount and 2 Albemarle Road and as they are only single storey, would not result in undue dominance, overshadowing or overlooking. Public Protection request conditions to restrict hours of construction and require electric vehicle charge points. The proposal, therefore, complies with the aims of national and local planning policy relating to residential amenity.

BIODIVERSITY

4.23 The NPPF seeks to protect and enhance biodiversity. Paragraph 175 directs local planning authorities to refuse development that causes significant harm to biodiversity that cannot be adequately mitigated or compensated. The protection of trees with a landscape and amenity value is reflected in Policy NE1 of the 2005 Draft Local Plan and GI4 of the 2018 Publication Draft Local Plan.

4.24 The site as part of the historic garden of 117-119 The Mount is landscaped. There is one large Sycamore tree that lies within the garden of 121 The Mount, but overhangs the site. This is a sizeable specimen that is in reasonable health and makes a positive contribution to the public amenity and character of the conservation area and landscape setting of the gardens. The tree is not protected but its public amenity value renders it worthy of one.

4.25 The scheme has been revised to move the closest property further away from the Sycamore. The proposal now removes any built form from directly under the canopy, though the nearest dwelling would be just within the root protection area and canopy spread. Whilst there is still has some concern about the conflict between the tree and its proximity to the proposed dwellings in terms of pressure to reduce or remove the tree from safety and private amenity concerns, it is noted that the proposed situation is no worse than the existing situation as the existing dwelling sits under the tree and its canopy. As such, it is considered that the proximity of the development to the tree is grounds for refusal of the scheme.

HIGHWAY SAFETY

4.26 The site is in a sustainable and accessible location, within walking and cycling distance of the City Centre. The existing access from Albemarle Road would be re-used and parking for two vehicles off-street would be provided. The creation of the proposed parking area would potentially displace parking related to the hotel use

and it is noted that the front parking area is heavily used. It is noted that on-street parking is not restricted on Albermarle Road next to the site, though is usually heavily parked. Deliveries currently occur from the front of the site, with vehicles often parking on the footpath close to the junction of The Mount/Dalton Terrace/Albermarle Road – this is an existing situation that the proposal would not make worse. A pathway from the rear pedestrian gate to the hotel would be retained, which could be used for some deliveries and for refuse bins, though there would be no off-street space for bins to be stored awaiting collection. However, a large refuse area is shown within the development, which could be retained in part through condition for use by the hotel.

DRAINAGE AND FLOOD RISK

4.27 Paragraph 155 of the NPPF states that development should be directed to the areas of low flood risk and that development should not result in an increase of flood risk within the site or elsewhere. Local planning policies support this approach. A Flood Risk Assessment and Drainage Assessment have been submitted in support of the application. This confirms that the site lies within Flood Zone 1 and should not therefore suffer from river flooding. Foul and surface water drainage from the development is proposed to be disposed of to the main sewer. The Drainage Assessment concludes that surface water calculations demonstrate that the proposals would enhance the surface water run-off situation. No objections are raised by Yorkshire Water subject to drainage conditions, which would mitigate potential harm. It is therefore considered that the proposal, subject to condition, would comply with national and local planning policy with regards flood risk.

5.0 CONCLUSION

5.1 The site lies within a sustainable and accessible location. It relates to the rear garden of a hotel, which is Grade II listed and falls within the Central Historic Core Conservation Area. The proposal would diminish the historic garden setting of the Grade II listed building and replace existing ancillary structures with two unrelated dwellings. Views of the proposed dwellings would be available from Albemarle Road, particularly through the access to the site. As such, the proposed development would fail to preserve the setting of the listed building and the character and appearance of the conservation area. The finding of harm to a designated heritage asset gives rise to a strong presumption against planning permission being granted. The benefits of the scheme put forward by the applicant are either not considered to be public benefits or do not outweigh the identified less than substantial harm to designated heritage assets.

5.2 In accordance with paragraph 11 of the NPPF, the proposal is recommended for refusal as a result of the harm to designated heritage assets.

COMMITTEE TO VISIT

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6.0 RECOMMENDATION: Refuse

1. The proposed development would introduce new dwellings that would be unrelated and distinct from the principal listed building and would diminish the garden setting of the listed building and the contribution the spacious garden setting makes to the character of the listed building and the character and appearance of the Central Historic Core Conservation Area. As such, the proposal would not preserve the setting of the listed building as a result of the truncation and further erosion of the historic garden and would not preserve or enhance the character and appearance of the conservation area. The degree of harm to both is less than substantial. The mitigation measures and public benefits put forward by the applicant do not outweigh the identified harm. The application does not, therefore, comply with sections 66(1) and 72(1) of the 1990 Act, guidance in the National Planning Policy Framework 2018 and policies HE2, HE3 and HE4 of the City of York Draft Local Plan (2005) and policies D4 and D5 of the City of York Publication Draft Local Plan (2018).

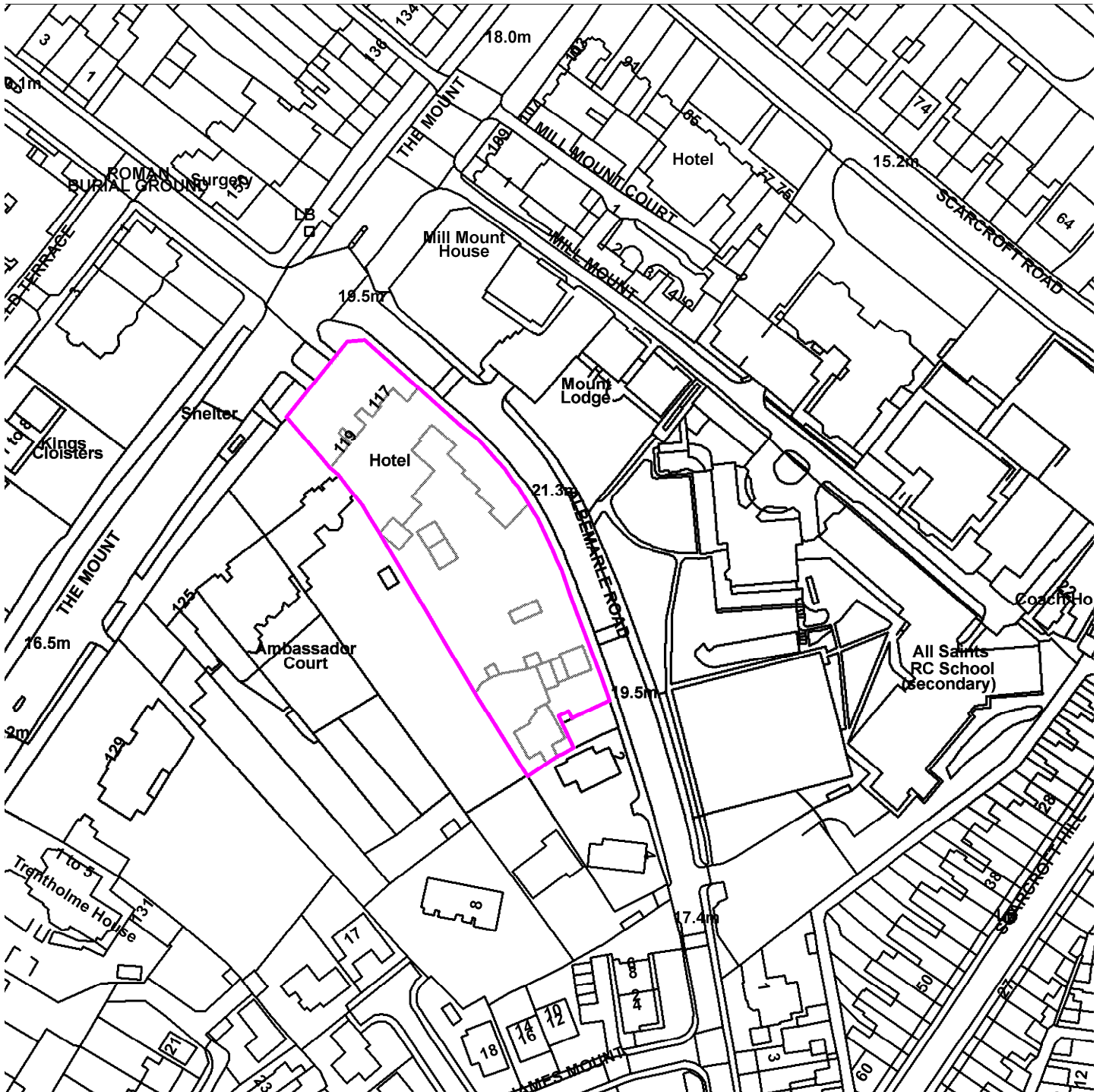
Contact details:

Author: Hannah Blackburn Development Management Officer

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The Mount Royal Hotel 117-119 The Mount

18/00848/FUL



Scale : 1:1560

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	27 November 2018
SLA Number	Not Set

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COMMITTEE REPORT

Date: 6 December 2018 **Ward:** Westfield
Team: Major and **Parish:** No Parish
Commercial Team

Reference: 18/02441/GRG3
Application at: Garage Court Site At Newbury Avenue York
For: Variation of condition 16 of permitted application
18/00410/GRG3 to alter date of providing 4no. public parking
spaces to prior to commencement of the superstructure of
the bungalows
By: City Of York Council
Application Type: General Regulations (Reg3)
Target Date: 20 December 2018
Recommendation: Delegated Authority to Approve

1.0 PROPOSAL

1.1 Application 18/00410/GRG3 gave permission for the demolition of a garage block and its replacement with 5 bungalows, associated parking and landscaping works. The application seeks to vary condition 16 of 18/00410/GRG3 which reads:

Prior to the commencement of development, the four parking spaces accessed off Newbury Avenue shall be constructed and made available for public use.

Reason - In the interests of the safe and free flow of the highway. This must be carried out prior to demolition to provide replacement car parking.

1.2 It is requested that the trigger point for the condition is varied to 'Prior to the commencement of the superstructure of the bungalows' to allow demolition and ground works to take place before the spaces are provided.

1.3 The 4 parking spaces to which the condition relates were included in the scheme following the pre-submission public consultation. There was concern raised about the loss of parking within the garage court combined with an existing pressure for on-street parking in the locality.

1.4 The application has been called-in for determination at committee by Councillor Waller because of the impact on traffic and parking in the area.

2.0 POLICY CONTEXT

2.1 Policies:

Emerging Local Plan
T1 Sustainable Access

Development Control Local Plan (DCLP) 2005
T18 Highways

3.0 CONSULTATIONS

INTERNAL

Highways Network Management

3.1 No objection is raised to the proposal. The original condition was not suggested by Network Management who requested that parking was provided prior to occupation not development. The net gain from the proposed spaces on Newbury Avenue is 2 parking spaces as the 4 spaces shown preclude 2 existing on-street spaces. Also, it is understood that the garages are empty at present. Therefore, Network Management do not object to the proposed change to the wording of condition 16.

EXTERNAL

Neighbour notification and publicity

3.2 A representation has been received from a local resident objecting to the proposal. Concern is related to a shortage of parking in the area which will be exacerbated by the loss of the garage block. The provision of the 4 spaces on Newbury Avenue before demolition of the existing garages is essential. The telecommunications cabinet has been in situ since before the previous application was approved at committee.

4.0 APPRAISAL

4.1 KEY ISSUES

Whether the proposed change to the trigger point of condition 16 of 18/00410/GRG3 is acceptable

POLICY CONTEXT

National Planning Policy Framework (NPPF)

4.2 The National Planning Policy Framework (NPPF) sets out the Government's overarching planning principles. Para.11 refers to the presumption in favour of sustainable development and requires that where there are no relevant development plan policies or the policies are out of date then permissions should be granted unless any adverse impacts of doing so would significantly and demonstrably

outweigh the benefits. Para.59 states that, to support the Government's objective of boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Publication Draft York Local Plan 2018

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

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

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

4.4 The following policies are relevant:

- Policy T1 'Sustainable access' refers to the need for development to minimise the need to travel, provide suitable access for all and to promote more sustainable modes of transport.

Development Control Local Plan (DCLP) 2005

4.5 City of York Council does not have a formally adopted Local Plan. Nevertheless The City of York Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005) was approved for Development Management purposes.

4.6 The 2005 Draft Local Plan does not form part of the statutory development plan for the purposes of S38 of the 1990 Act. Its policies are however considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

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

- Policy T18 Highways refers to the circumstances where increases to existing road capacity will be supported.

ASSESSMENT OF THE IMPACT OF THE CHANGES PROPOSED TO CONDITION 16 OF 18/00410/GRG3

4.8 Changes are proposed to the trigger point for condition 16 as a telecommunications cabinet has been sited in the footway in front of the parking spaces which needs to be moved before the spaces are constructed. The cabinet and associated cabling is owned by 2 providers which has complicated the re-siting of the equipment. To prevent further delay in provision of the 5 council bungalows approved under 18/00410/GRG3 it is requested that works can start on site prior to provision of the 4 public parking spaces secured under condition 16. It is intended that the parking spaces will be provided prior to above ground works and as soon as possible after the re-siting of the telecommunications equipment.

4.9 Officers note that all garages within the garage court are now empty and there will therefore be no further displacement of parking when the garages are demolished. The additional parking provided by the spaces is minimal and unlikely to result in any significant impact on parking issues in the locality. The 4 spaces proposed in condition 16 can only be achieved by losing 2 on-street parking spaces thereby resulting in a net gain of only 2 parking spaces.

5.0 CONCLUSION

5.1 It is considered that it would be unreasonable to refuse the application to relax the trigger point for condition 16 to allow demolition to commence prior to provision of the parking spaces. The level of parking provided by the spaces is small and the delay in their provision would not have any significant impact on residential amenity or the safety of the public highway but would delay the provision for 5 Council houses for which there is a known need. The proposal is considered to comply with policies D1 and T1 of the emerging Local Plan.

6.0 RECOMMENDATION: Delegated Authority to Approve following the expiry of the consultation period any additional comments or objections received to be considered by the Chair and Vice-Chair

1 The development shall be begun not later than the expiration of three years from the date of the original planning permission 18/00410/GRG3.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

Location plan

18-1-1058-NPS-A-00-002 P3 2 GA Plan elevation and section

18-1-1058-NPS-A-00-003 P3.2 Proposed site plan

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of above ground works. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

4 Prior to first occupation or use, the remediation scheme as detailed in the Geo-environmental Investigation J2671/14/E dated April 2014 must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced submitted to and approved in writing by the Local Planning Authority.

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

5 LC4 Land contamination - unexpected contam

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

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

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

Reason: To protect and maintain Hob Moor Local Nature Reserve, a statutorily designated nature conservation site. Details are required prior to installation of services to prevent harm to Hob Moor LNR.

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

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

Notes

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

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents.

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

Application Reference Number: 18/02441/GRG3

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

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

11 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C, D and E of Schedule 2 Part 1 of that Order shall not be erected or constructed.

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

12 Prior to construction details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, shall submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to first occupation of the dwellings.

The information shall include site specific details of:

- i) the means by which the surface water discharge rate shall be restricted to a maximum 9.2 l/sec, and
- ii) the means by which the surface water attenuation up to the 1 in 100 year event with a 30% climate change allowance shall be achieved
- iii) future management and maintenance of the proposed drainage systems

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site. Details are required prior to construction to ensure a satisfactory scheme is agreed prior to works taking place.

13 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage

works:

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

14 Prior to their construction, full engineering, drainage, street lighting and constructional details of the streets proposed for adoption shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason - In the interest of good planning and road safety.

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

Reason: In the interests of highway safety.

16 Prior to the commencement of above ground works, the four parking spaces accessed off Newbury Avenue shall be constructed and made available for public use.

Reason - In the interests of the safe and free flow of the highway.

7.0 INFORMATIVES:

STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

Contact details:

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

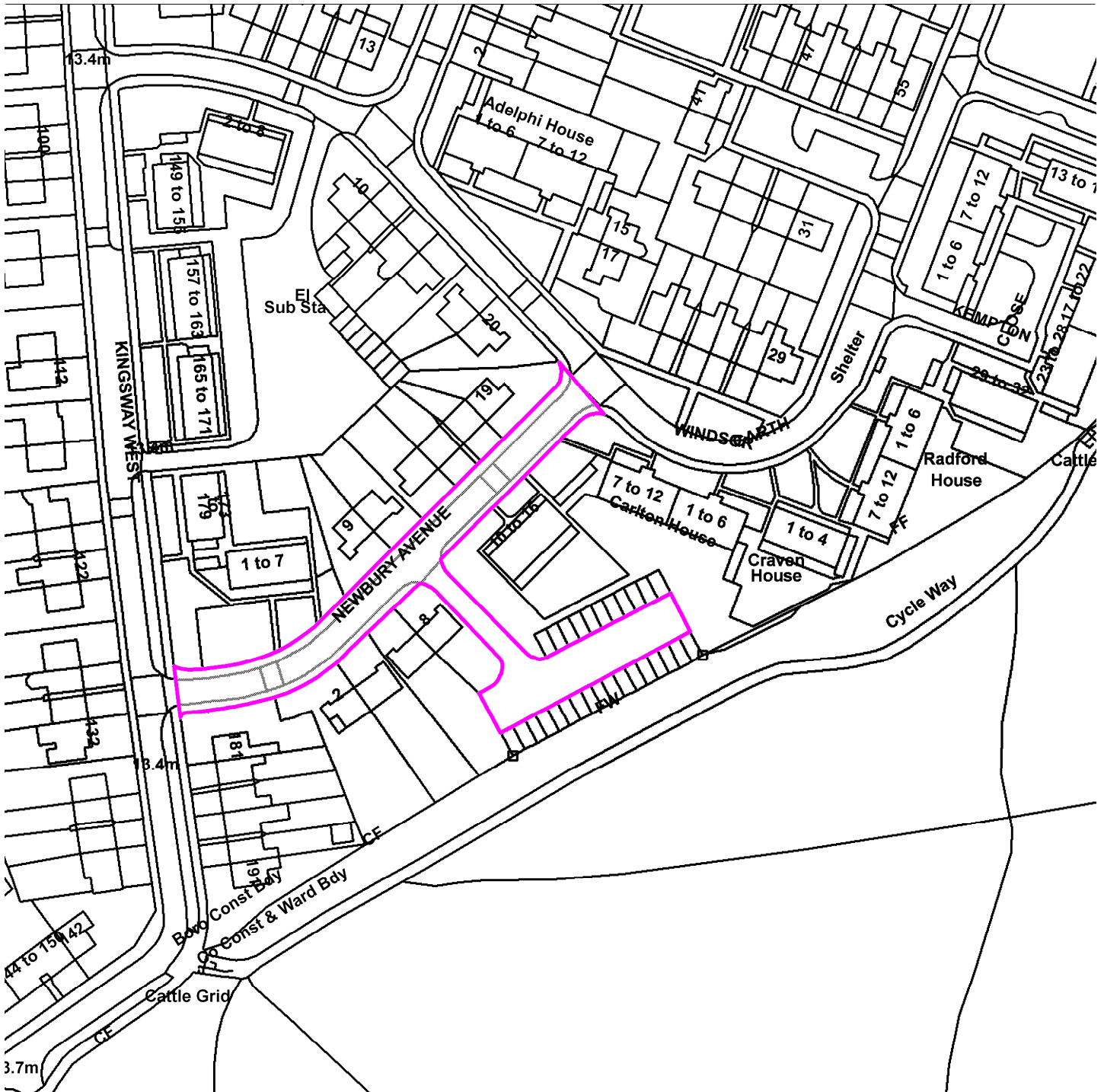
Tel No: 01904 555730

Garage Court Site At Newbury Avenue

18/02441/GRG3



GIS by ESRI (UK)



Scale : 1:1194

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	27 November 2018
SLA Number	Not Set

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COMMITTEE REPORT

Date: 6 December 2018 **Ward:** Westfield
Team: Major and **Parish:** No Parish
Commercial Team

Reference: 18/01872/FULM
Application at: Lincoln Court Ascot Way York
For: Three storey rear extension to accommodate 10no. extra-care apartments with communal facilities, single storey front extension to form new main entrance, erection of plant room to side, reconfiguration of parking provision and associated landscaping works including new boundary fencing
By: City of York Council
Application Type: Major Full Application (13 weeks)
Target Date: 14 December 2018
Recommendation: Approve

1.0 PROPOSAL

1.1 Lincoln Court comprises a part two/part three storey brick built development of extra-care housing for the elderly dating to the early 1970s lying within a suburban residential area to the south of the Acomb District Centre. Planning permission is sought for the erection of a three storey extension to provide a further 10 apartments with communal facilities, together with a single storey extension on the site frontage to provide a reorganised reception area with plant room with associated reconfiguration of the parking area.

2.0 POLICY CONTEXT

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

D1 Place Making
H9 Older People's Specialist Housing
H10 Affordable Housing
G15 Protection of Open Space and Playing Fields
ENV5 Sustainable Drainage

2.2 York Development Control Local Plan (2005) Policies

CGP15A Development and Flood Risk
CYGP1 Design
CYH14 Accessible housing - wheelchair access
CYH4A Affordable Housing

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

3.1 Any views will be reported verbally at the meeting.

Highway Network Management

3.2 Any views will be reported orally at the meeting

Public Protection

3.3 Raise no objection to the proposal subject to any permission being conditioned to require the investigation and remediation of any land contamination and the provision of and electric car charging point.

EXTERNAL

Ainsty (2008) Internal Drainage Board

3.4 Raise no objection in principle to the proposal subject to a detailed surface water drainage scheme being conditioned as part of any planning permission.

Sport England

3.5 Initially objected to the proposal on the grounds that it would inhibit the use of the adjacent Multi-Use Games Area (MUGA) by reason of its close proximity to the site boundary. Sport England subsequently withdrew their objection following clarification that the MUGA was in fact disused and had been for a significant period of time.

Publicity and Notification

3.7 One letter of objection and a 32 signature petition has been received in respect of the proposal raising the following planning issues:-

- * Concern in respect of increased traffic levels from visitors arising from the proposal upon the local highway network and suggesting that Kingsway West should be widened in part by removing the verge;
- * Concern in respect of an increased risk of on-street parking from visitors arising from the proposal upon adjoining roads and suggesting that additional parking should be provided;
- * Concern in respect of a loss of green space and play space in the locality particularly in view of an existing substantial absence in the locality.

- * Concern in respect of cumulative impacts from traffic and construction disturbance taken together with other intended proposals in the locality;
- * Concern in respect of the impact arising from construction traffic accessing and egressing the proposal on the local highway network

4.0 APPRAISAL

KEY CONSIDERATIONS

4.1 KEY CONSIDERATIONS INCLUDE

- * Principle of the development;
- * Impact upon the residential amenity of neighbouring properties;
- * Impact upon the visual amenity of the wider street scene;
- * Impact upon the safety and convenience of highway users;
- * Impact upon open space provision in the locality.

LOCAL PLAN

4.2 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in July 2018, although the weight that can be afforded to them is very limited.

4.3 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 as revised in July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to:

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

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

PRINCIPLE OF THE DEVELOPMENT

4.4 Policy H9 of the Publication Draft City of York Local Plan indicates that developments specifically designed to meet the accommodation needs of elderly people will be supported where they meet an identified need, are designed to meet the specific requirements of residents and are sustainably located. Where the development falls within Use Class C3 then affordable housing provision should be made in line with Policy H10 of the Plan.

4.5 The proposal seeks planning permission for the erection of an additional 10 extra care apartments for occupation by the vulnerable elderly directly to the north of the existing building. The proposal is seen as necessary to help meet a need identified in the 2016 Strategic Housing Market Assessment (SHMA) within the immediate area. The apartments are intended as additional to the Authority's overall rented stock and the nature and extent of the communal facilities takes the development outside of the usual "right to buy" provisions within the housing legislation. The existing development comprises some 22 apartments and employs two staff including a warden.

IMPACT UPON THE RESIDENTIAL AMENITY OF THE ADJOINING PROPERTIES

4.6 Central Government Planning Policy as outlined in paragraph 127 indicates that planning decisions should ensure that new developments give rise to a high standard of amenity for all new and existing occupants of land and buildings. At the same time Policy D1 of the Publication Draft City of York Local Plan (as amended) indicates that development proposals should secure the residential amenity of neighbouring properties.

4.7 The proposal envisages the erection of a three storey extension, partially over the site of an existing lounge area, which would be demolished, comprising 10 apartments with a further single storey reception extension on the main street frontage. The proposal would lie to the north of the existing building partly within an existing garden area and partly within the adjoining school grounds. A development of existing housing lies directly to the west which would be partially shielded from the new development by the retained three storey element of the existing complex. There would however be some impact upon the amenity of the most northerly of the adjacent properties which projects beyond the line of the retained element of the existing scheme. It would be some 18 metres distant from the new development at the closest point and in terms of daylighting and sunlight measurement there would not be any overshadowing of the building itself. There would be some loss of sunlight from the rear part of the adjacent garden particularly during afternoons in spring and autumn but the impact would be no more significant than that experienced by the adjoining properties from the existing development. In terms of the direct physical relationship the ridge height of the new development would be some 1.6 m metres higher than that of the adjacent properties. This reflects that of the existing development and is not felt on balance to be over-bearing within the context of the wider pattern of development in the locality. The existing boundary is

also heavily landscaped with mature hedging within the boundaries of the adjacent properties. The development is therefore felt on balance to be acceptable in terms of paragraph 127 of the NPPF and Policy D1 of the Publication Draft Local Plan.

IMPACT UPON THE VISUAL AMENITY OF THE WIDER STREET SCENE

4.8 Central Government Planning Policy as outlined in paragraph 127c) of the National Planning Policy Framework indicates that planning policies and decisions should ensure that developments are sympathetic to local character and history including the surrounding built environment and landscape history. Paragraph 127 b) at the same time indicates that planning decisions should result in developments that are visually attractive as a result of good layout and e) indicates that decisions should also optimise the potential of the site incorporating appropriate open and green space. At the same time Policy D1 of the Publication Draft City of York Local Plan (2018) "Place making" indicates that development proposals should enhance and complement the character and appearance of the wider townscape.

4.9 Lincoln Court comprises a three storey brick built complex of extra care apartments for the elderly with a low pitched roof dating to the 1970s. The proposal envisages the erection of extensions to the main street elevation to the south east facing the former Windsor House to provide a modernised reception area and plant room with a 10 apartment extension to the north east within the existing garden area maintaining the existing building line. The proposed extension would be constructed in an palette of materials to closely match the existing with a light coloured brick, an interlocking concrete tile roof to match the existing with colour coated white upvc windows and doors. The existing pattern of scale and massing of the building would be maintained along with the existing building line. The external amenity area would be reconfigured to encompass a series of small informal grassed areas with a block work path circling the exterior of the building.

IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS

4.10 Concerns have been raised by objectors in respect of the potential for increased traffic generation and on-street parking as a result of the proposal. The proposal envisages the layout of 16 parking spaces and an ambulance bay with 2 disabled spaces included. The site comprises extra-care housing used by frail and vulnerable elderly people who are generally unable to drive with the available parking spaces internal to the site used by visitors. The level of provision is consistent with the standards set down within the Authority's maximum Adopted Standards which specifies one per four units with 2 spaces for a warden and not materially different from that existing which comprises 12 spaces. In terms of traffic generation existing levels are low comprising largely visitors to the apartment occupiers. There would be some four cycle spaces provided within the site to cater for the needs of staff and residents with no provision at present on site. The current

proposal would not lead to a material increase in traffic generation over and above existing levels.

IMPACT UPON OPEN SPACE PROVISION IN THE LOCALITY

4.11 Concerns have been expressed by objectors in respect of the impact of the proposal in respect of open space provision in the locality with a general lack in all categories identified with no ready public access to the open space within the adjacent school site. Particular concern is expressed in relation to the loss of the existing disused MUGA. The proposal envisages the erection of extensions to the existing extra care housing development broadly within the existing site. In order to secure an appropriate degree of external amenity space there would be a modest extension to the existing site to the north east into the area of Hob Moor School. Sport England initially also objected to the proposal on the grounds of loss of the adjacent MUGA. The objection was withdrawn following submission of evidence that the MUGA was disused and that alternative provision was available in the locality. At the same time alternative provision is proposed within the Hob Moor School site to compensate for the area of playing field to be lost. That proposal is also on the current agenda for consideration ref:- 14/01475/GRG3. It is recommended in that case that a community use agreement be sought.

5.0 CONCLUSION

5.1 Lincoln Court comprises a part two/ part three storey brick built development of extra-care housing for the elderly dating to the early 1970s lying within an area of suburban housing to the south of the Acomb District Centre. Planning permission is sought for the erection of a three storey extension to provide a further 10 apartments with communal facilities, together with a single storey extension on the site frontage to provide a reorganised reception area with plant room with associated reconfiguration of the parking area. It is considered that the proposal would not give rise to an adverse impact upon the visual amenity of the wider street scene, the residential amenity of neighbouring properties or the safety and convenience of highway users. As a consequence it is felt that the requirements of Policies D1, H9 and GI5 of the Publication Draft Local Plan are complied with. The proposal is therefore felt to be acceptable in planning terms and approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Refs:-51500/UG; 51500_ELEV_01; 51500_ELEV_02; 51500_FP; NPS-A-00-011-P3.0; NPS-A-00-012-P3.0;NPS-A-00-025-P3.0;NPS-A-00-026-P3.0; NPS-A-00-027-P3.0; NPS-A-00-030-P3.0; NPS-A-00-031-P3.0; NPS-A-00-032-P.3.0; NPS-A-00-036-P.3.0

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development beyond foundation level. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

4 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the construction of the development commences beyond foundation level and shall be provided in accordance with the approved details before the development is occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties.

5 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.

6 Prior to the development commencing beyond foundation level 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.

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

Reason: In the interests of highway safety.

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

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

9 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

10 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 prior to the development being first occupied. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately

maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

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

11. The development hereby permitted shall not be commenced until the playing field applied for under planning permission 18/01475/GRG3 has been implemented and made available for use by the school and community.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use [phasing provision] and to accord with Local Plan Policy.

12. The premises shall be used for extra care apartments for a primary occupant aged 60 years and over and for no other purpose, including any other purpose in Class C3 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: The nature of the development as extra care Housing with communal facilities means that it is not able to comply with the requirements of Policies H10 (affordable housing) and DM1 (Infrastructure and Developer Contributions) of the Publication Draft City of York Local Plan 2018.

7.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (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 clarification of the relationship with the adjacent disused MUGA/school playing field.

2. DEMOLITION AND CONSTRUCTION:-

Application Reference Number: 18/01872/FULM

Item No: 4c

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

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

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

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

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

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

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

(f) There shall be no bonfires on the site

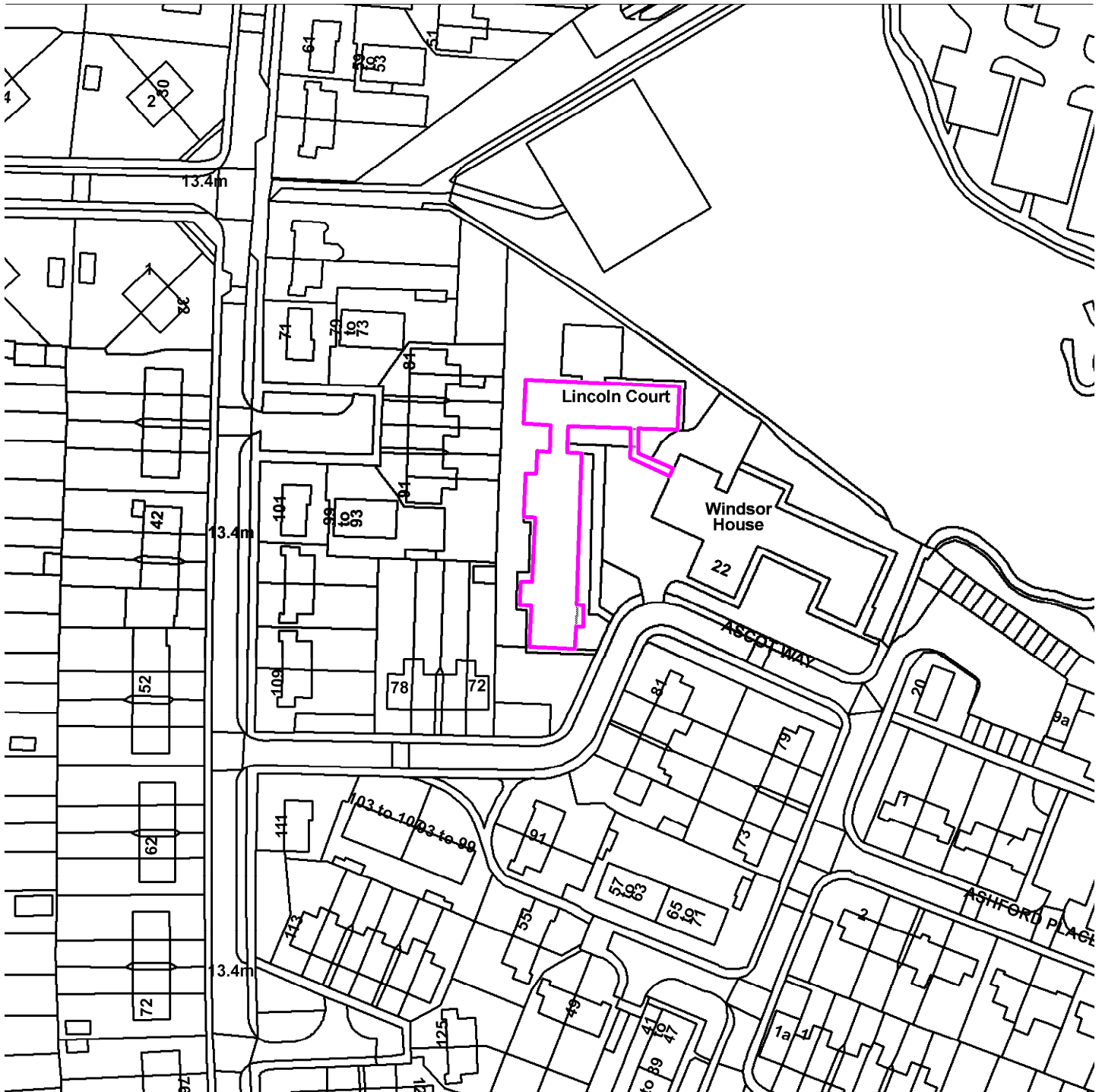
Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

Lincoln Court Ascot Way

18/01872/FULM



Scale : 1:1194

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	27 November 2018
SLA Number	Not Set

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COMMITTEE REPORT

Date: 6 December 2018 **Ward:** Westfield
Team: Major and **Parish:** No Parish
Commercial Team

Reference: 18/01475/GRG3
Application at: Hob Moor Community Primary School Green Lane Acomb
York YO24 4PS
For: Creation of new area of playing fields, wetland areas and
timber walkways, erection of fabric shelter over outdoor class
space
By: City of York Council
Application Type: General Regulations (Reg3)
Target Date: 10 December 2018
Recommendation: Approve

1.0 PROPOSAL

1.1 Hob Moor Primary School comprises a combined primary school and Children's Centre set within a large site to the west of Hob Moor. Planning permission for construction of a two storey Centre of Excellence for the care of disabled children on the site of Windsor House and land partially within the school site is considered on this agenda (ref: 18/01467/GRG3) . This planning application seeks permission for the layout of a sports pitch with associated works to replace the area of land lost for that development.

1.2 The proposal envisages the layout of a playing pitch on presently unused land to the east of the school together with an area of informal "Forest School" activities including a wetland, timber walkway and a fabric covered outdoor teaching space. The site lies in close proximity to Hob Moor an urban common regulated by Private Act of Parliament incorporating a Local Nature Reserve and a SINC (Site of Interest for Nature Conservation). The site also includes an area of relict ridge and furrow providing evidence of Medieval agricultural practise in the locality.

2.0 POLICY CONTEXT

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

G12 Biodiversity
D7 Non-Designated Heritage Assets

2.2 York Development Control Local Plan (2005) Policies

CYNE5 Non-statutory nature conservation sites

Application Reference Number: 18/01475/GRG3

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CYGP1Design
CYHE10 Archaeology

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 Raise no objection to the proposal subject to any permission being conditioned to require remediation of land contamination at the site.

Design, Conservation and Sustainable Development (Ecology)

3.2 Raise no objection to the proposal subject to the imposition of an ecological Construction Environmental Management Plan condition on any permission.

Design, Conservation and Sustainable Development (Archaeology)

3.3 Raise no objection to the proposal subject to any permission being conditioned to require the undertaking of a pre-construction programme of evaluation of the surviving area of ridge and furrow.

Strategic Flood Risk Management

3.4 Any response will be reported verbally at the meeting.

EXTERNAL

Sport England

3.4 Initially objected to the proposal on the grounds that the proposed works would not adequately compensate for the playing field to be lost to other development works within the site either in terms of quantity or quality. The objection was subsequently withdrawn following submission of further information outlining the sport curriculum at the School and its associated requirements.

Friends of Hob Moor

3.5 Any response will be reported verbally at the meeting.

Ainsty (2008) Internal Drainage Board

3.6 Raise no objection to the proposal subject to any planning permission being conditioned to require submission and prior approval of a detailed surface water drainage scheme.

4.0 APPRAISAL

KEY CONSIDERATIONS

4.1 KEY CONSIDERATIONS INCLUDE

- * Impact upon Local Biodiversity;
- * Impact upon Features of Archaeological Significance;
- * Impact upon the Local Surface Water Drainage Network.

LOCAL PLAN

4.2 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF, although the weight that can be afforded to them is very limited.

4.3 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 as revised in July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to:

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

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

IMPACT UPON LOCAL BIODIVERSITY

4.4 Central Government Planning Policy as outlined in paragraph 175 of the NPPF indicates that when determining planning applications Local Planning Authorities should ensure that where significant harm to biodiversity may not be avoided , adequately mitigated against or compensated for then planning permission should

be refused. Policy G12 of the Publication Draft City of York Local Plan (2018) indicates that new development should ensure the retention of features of biological interest and ensure a net gain to and help improve biodiversity.

4.5 The site comprises an area of grassland lying to the east of the school building complex. It falls into two segments; that to the north has been used as informal play space and is reasonably level and that to the south comprises a well preserved section of ridge and furrow. The southern area is a candidate Site of Interest for Nature Conservation by reason of its grassland habitat. It is proposed to lay out the northern area as playing field to compensate for that area to the west of the school which would be de-commissioned to allow for the development of the adjacent Windsor House site. The southern section would be developed as an open air informal play space with a series of timber board walks and a canvas covered "open air teaching space." The proposal has been supported by a detailed ecological survey. This proposes only very limited intervention in terms of the area of the candidate SINC with protection in particular for the soils associated with the grassland habitat. There would be a degree of additional planting in native species to the eastern boundary with Hob Moor in order to enhance the biodiversity value of the site and to compensate for the more intensive intervention that would take place at the northern edge of the site. Subject to any permission being conditioned to mitigate any harm that would be caused the proposal is felt to be acceptable in biodiversity terms.

IMPACT UPON FEATURES OF ARCHAEOLOGICAL SIGNIFICANCE

4.6 Central Government Planning Policy as outlined in paragraph 197 of the NPPF indicates that in the case of Non Designated Heritage Assets such as the ridge and furrow that a balanced judgement will be required having regard to the scale of any harm to or loss and the significance of the heritage asset. Policy D7 of the Publication Draft City of York Local Plan indicates that development which would involve harm to or removal of a Non Designated Heritage Asset would only be permitted where the benefits of the development would clearly outweigh the harm having regard to the scale of harm and the significance of the heritage asset.

4.7 The site comprises an area of unimproved grassland which partially includes an area of relict ridge and furrow of good quality which represents a survivor of a once more elaborate area surrounding the outskirts of the City and dating back to the Medieval period. It is proposed to retain the ridge and furrow in situ and to design the construction works in the southern area to respect the significance of the wider site. It is felt that subject to a detailed programme of recording and an archaeological evaluation before work is undertaken then the work is felt to be acceptable and the significance of the Non-Designated Heritage Asset would not be unacceptably harmed.

IMPACT UPON THE LOCAL SURFACE WATER DRAINAGE NETWORK:-

4.8 The application site lies within Flood Zone 1 and so is at the lowest identified risk of flooding from riparian sources. However the surrounding area is crossed by a series of small water courses and the significance of the Local Nature Reserve and SINC lying within Hob Moor to the south and east is largely dependent upon the maintenance of a constant water table. The value of the grassland habitat within the site itself is similarly dependent upon the level of the water table and the provision of the appropriate degree of physical drainage represents the most significant physical intervention into the site. It is therefore recommended that any permission be conditioned to require the submission and prior approval of a detailed means of surface water drainage.

5.0 CONCLUSION

5.1 Hob Moor Primary School comprises a combined primary school and Children's Centre set within a large site to the south of Acomb District Centre. Planning permission ref:-18/01467/GRG3 is sought elsewhere on the current agenda for construction of a two storey Centre of Excellence for the care of disabled children on land partially within the school site. Planning permission is sought for the layout of a sports pitch with associated works to replace the area of land for that development. The proposal envisages the layout of a pitch on presently unused land to the east of the school together with an area of informal "Forest School" activities including a wetland, timber walkway and a fabric covered outdoor teaching space. The site lies in close proximity to Hob Moor an urban common regulated by Private Act of Parliament incorporating a Local Nature Reserve and a SINC (Site of Interest for Nature Conservation). The site further incorporates an area of relict ridge and furrow providing evidence of Medieval agricultural practise in the locality. It is felt that subject to any permission being appropriately conditioned in terms of archaeology and biodiversity impact then any harms can be appropriately mitigated. The proposal is therefore felt to be appropriate in planning terms and approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Refs:- IT(18)088_(9-)L101_PL1_; IT(18)088_(9-)L102_PL1_

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

3 No development shall take place (including ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) tailored to the specific needs of the project, has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of methods)
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) Responsible persons and lines of communication.
- f) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid irreparable damage to a locally designated nature conservation site.

4 A landscape and ecological management plan (LEMP) for the SINC area shall be submitted to, and be approved in writing by, the local planning authority prior to first use. The approved plan will be implemented in accordance with the approved details.

Reason: To contribute to and enhance the natural and local environment by encouraging good design to limit the impact on nature conservation in line with the NPPF.

5 Prior to first use of the development hereby approved 3 hard wood bird nest boxes must be installed nearby within the school grounds to replace loss of nesting habitat in the short-term.

Reason: To contribute to and enhance the natural and local environment by encouraging good design to limit the impact on nature conservation in line with the NPPF.

6 No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that breeding birds are protected from harm during construction.

All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended.

7 Prior to the commencement of development beyond site clearance and marking out works full details of the board walk construction including material, location, finish and foundation design shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved prior to the site being first brought into use.

Reason:- To safeguard the biodiversity value of the site and to secure compliance with paragraph 175 of the NPPF.

8 A programme of post-determination archaeological mitigation, specifically an archaeological watching brief on all ground works and a contour and photographic record of the ridge and furrow is required on this site.

The archaeological scheme comprises 3 stages of work. Each stage shall be completed and approved by the Local Planning Authority before it can be approved/discharged.

A) No development shall take place/commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards set by the Chartered Institute for Archaeologists.

B) The on-site site archaeological work and any post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report (or publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within six months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site is considered to be an area of archaeological interest. Therefore, the development may affect important archaeological deposits which must be recorded.

9 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Design considerations.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

On assessment of the borehole logs attached to the above Report we can agree that soakaways are not suitable as a method of surface water disposal in this location, and therefore;

In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak surface water run-off from Greenfield developments must be attenuated to that of the existing rate (based on a Agricultural run off rate of 1.40 l/sec/ha). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required

Agricultural runoff rate of 1.4 l/s/ha is currently quoted to developers. However, it is recognised that this empirical figure may not be appropriate for all soil types and modelling carried out as part of the flood risk assessment specific to a particular development site may establish a different existing runoff from the site on which a design can be based and agreed. We can confirm that the Agricultural runoff has been calculated using HR Wallingford IH124 Methodology and information relating to the soil type as being edited to Soil type 4 has been submitted therefore the total permitted combined treated foul water and surface water discharge rate shall be no greater than 30.64 l/sec.

Suitability (to include its capacity to accept additional surface water flows and offsite route) of the combined treated foul water surface water outfall shall be proven.

The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Details of the future management and maintenance of the proposed drainage scheme shall be provided

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site.

10 The playing field shall be retained for outdoor sport use unless otherwise approved in writing by the local planning authority following the submission of a planning application.

Reason: To protect the playing field from loss and/or damage, to maintain the quality of and secure the safe use of sports pitches

11 Prior to the bringing into use of the playing fields a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the playing fields.

Reason: To ensure that new facility is capable of being managed and maintained to deliver a playing field which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport (National Planning Policy Framework (NPPF) para 97)

12 Before the new area of playing field is brought into use a community use scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall apply to the new area of playing field and any auxiliary facilities and shall include details of pricing policy, hours of use, access by non-educational establishment users/non-members, management responsibilities, a mechanism for review and a programme for implementation. The approved scheme shall be implemented upon the start of use of the development and shall be complied with for the duration of the use of the development.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport

7.0 INFORMATIVES: Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (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:

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Sought clarification as to the suitability of the proposed playing field area to replace that lost to development elsewhere in the site.

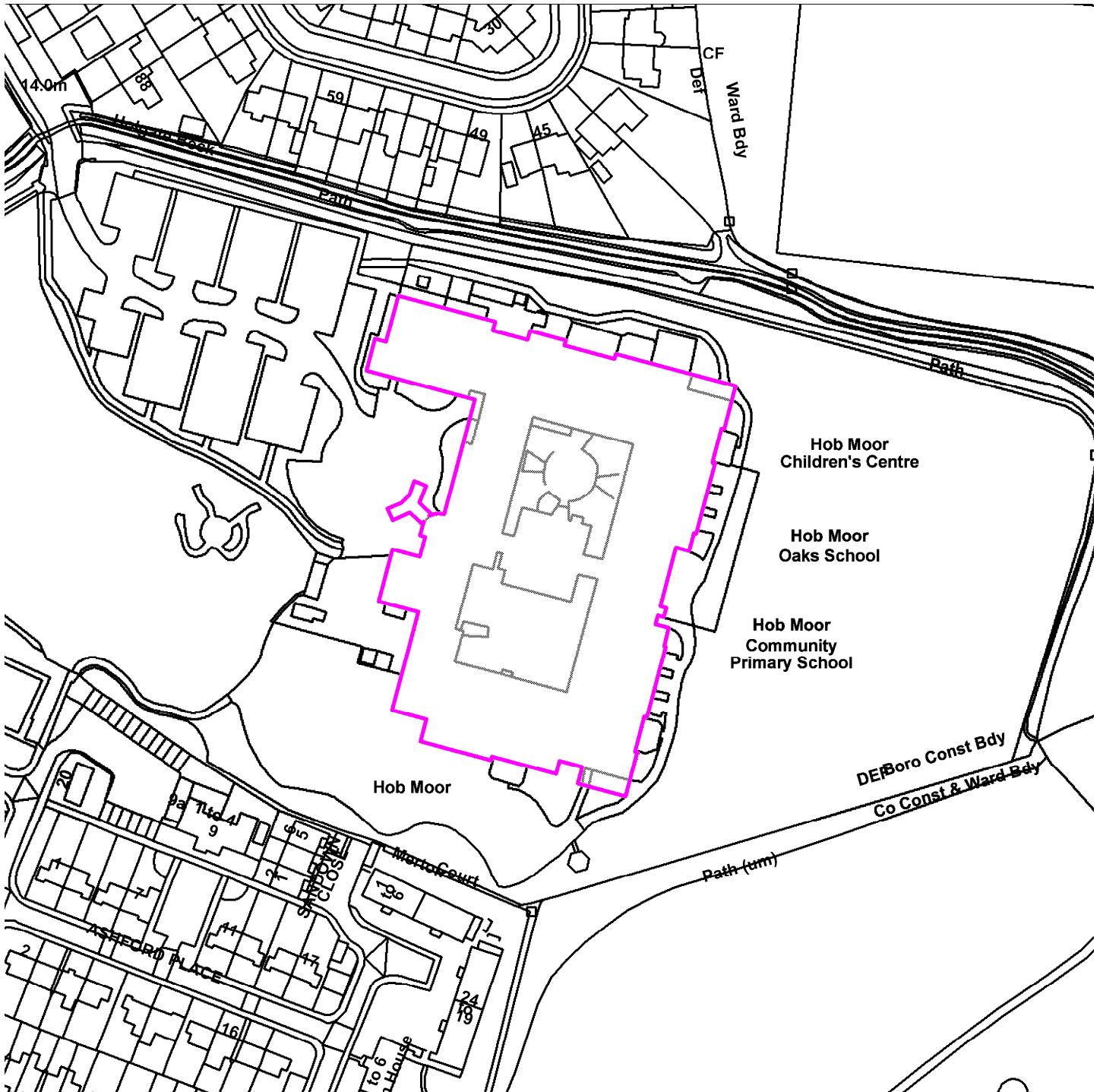
Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

Hob Moor Community Primary Green Lane

18/01475/GRG3



Scale : 1:1560

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	27 November 2018
SLA Number	Not Set

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COMMITTEE REPORT

Date: 6 December 2018 **Ward:** Westfield
Team: Major and **Parish:** No Parish
Commercial Team

Reference: 18/01467/GRG3
Application at: Windsor House 22 Ascot Way York YO24 4QZ
For: Erection of part single storey part two storey centre for disabled children and their families following the demolition of existing care home with associated parking, access and landscaping works (includes part of Hob Moor School site)
By: City Of York Council
Application Type: General Regulations (Reg3)
Target Date: 10 December 2018
Recommendation: Approve

1.0 PROPOSAL

1.1 Windsor House comprises a two storey brick built former elderly persons home situated within a modest site to the south of the Acomb District Centre. Planning permission is sought for the erection of a two storey Centre of Excellence for the provision of care and support services for disabled children and their families within the cleared site and partially within the existing site of the neighbouring Hob Moor Primary School. The facility would replace the existing facility at The Glen in Clifton which does not fit present standards. It would provide a range of services including respite care, an office base for the children's support team as well as office and meeting space where service users can receive one- to one assistance.

1.2 A further planning application ref:- 18/01475/GRG3 for the layout of replacement playing field space is for consideration on the current agenda. The application has been amended subsequent to receipt to address concerns in respect of the impact of the proposal upon the safety and convenience of highway users on the local network.

2.0 POLICY CONTEXT

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

D1 Place Making
HW4 Provision of Community Facilities
G15 Loss of Playing Fields

2.2 York Development Control Local Plan (2005) Policies:

CYGP1Design

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 Raise no objection in principle to the proposal subject to any permission being conditioned to control cooking odours, lighting and noise from audible plant. It should be further conditioned to require provision of an electric vehicle charging point and the submission of a CEMP or Construction Environmental Management Plan in respect of the construction of the proposed development.

Design, Conservation and Sustainable Development(Ecology)

3.2 Raise no objection in principle to the proposal subject to any permission being conditioned to require the provision of biodiversity enhancements as part of the overall scheme together with the protection of nesting birds during the construction period.

Highway Network Management

3.3 Raise no objection to the proposal subject to any permission being conditioned to require the submission and prior approval of a sustainable travel plan and a method of works statement in respect of the construction of the development.

Strategic Flood Risk Management

3.4 Any comments will be reported verbally at the meeting.

EXTERNAL

Yorkshire Water Services

3.5 Any comments will be reported verbally at the meeting.

Ainsty (2008) Internal Drainage Board

3.6 Raise no objection to the proposal.

Sport England

3.7 Initially objected to the proposal but withdrew their objection following on from receipt of full details of the proposed replacement playing field provision within the site.

Publicity and Representations

3.8 Two letters of representation and a 32 signature petition have been received raising the following issues:-

* Objection to the loss of the existing MUGA to the rear of the site taking account of the general deficiency in open space in the local area;

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- * Objection to further loss of playing field from within the Hob Moor School site;
- * Concern in respect of the impact of additional traffic generated by the proposal upon the safety and convenience of highway users on the local network and suggesting that nearby Kingsway West carriageway be widened by removing the verge;
- * Concern in respect of the potential for additional on-street parking arising from the proposal and suggesting that additional parking bays be provided.
- * Concern in respect of cumulative impacts arising from construction of the proposal in combination with other developments taking place in the direct vicinity.

4.0 APPRAISAL

KEY CONSIDERATIONS

4.1 KEY CONSIDERATIONS INCLUDE

- Principle of the Development;
- Impact upon the visual amenity of the wider street scene;
- Residential amenity
- Impact upon the safety and convenience of highway users on the local network;
- Loss of open space and playing fields in the locality.

LOCAL PLAN

4.2 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF, although the weight that can be afforded to them is very limited.

4.3 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 as revised in July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to:

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

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

PRINCIPLE OF THE DEVELOPMENT

4.4 The proposal would provide a range of services including respite care, an office base for the children's support team as well as office and meeting space where service users can receive one- to one assistance. The development would contain 8 bedrooms with a further bedroom to allow for a parental stay. The existing site was formerly occupied by a residential care home catering for the vulnerable elderly. This has now closed and would be partially replaced by the extension to the Lincoln Court Extra Care development adjacent ref 18/01872/FULM which is considered on the current agenda.

4.5 Policy HW4 of the Publication Draft City of York Local Plan (2018) indicates that the Council will support new development which helps meet the need for childcare provision. New or replacement childcare facilities should be located in areas of identified need and located in accessible locations. Paragraph 92 of the NPPF requires that Local Planning Authorities should plan positively for the provision of community facilities and other services that enhance the sustainability of local communities. It is felt that the proposal falls within the requirements of both Policy HW4 and paragraph 92 of the NPPF.

IMPACT UPON THE VISUAL AMENITY OF THE WIDER STREET SCENE

4.6 Central Government Planning Policy as outlined in paragraph 127c) of the National Planning Policy Framework indicates that planning policies and decisions should ensure that developments are sympathetic to local character and history including the surrounding built environment and landscape history. Policy D1 of the Publication Draft City of York Local Plan (2018) "Place making" indicates that development proposals will be supported where they improve poor existing urban environments and enhance York's special qualities. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.

4.7 The proposed scheme envisages the erection of a part single part two storey structure with a low pitch roof centred around a courtyard on the cleared site of Windsor House and partially within the site of the adjacent school. It is proposed to use a palette of light coloured brick together with timber cladding and a standing seam metal roof. It is felt that the proposed building would enhance the visual amenity of the wider street scene and would blend in with the landscaped area to the east within the grounds of Hob Moor School. The scheme further includes an extensive area of additional landscape planting to the north and north east to provide an external amenity area geared to the needs of service users.

IMPACT ON ADJACENT RESIDENTIAL AMENITY

4.8 In terms of the relationship with the adjacent Extra Care Housing development at Lincoln Court to the North West it would be some 14 metres distant at its closest point with dense landscape planting at the site boundary. The adjacent section of Lincoln Court would comprise a plant room and the nature of the relationship is therefore felt to be acceptable. Waste would be stored in a small building to the south east of the main complex and would be collected via the main access. The location would not give rise to any harm to residential amenity. A bungalow lies a short distance to the south east on Ascot Way. The relationship between the two is not a direct one and would be softened by the proposed landscaping of the site boundary.

IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS

4.9 Concern has been expressed by objectors in terms of the potential for increased on street parking arising from the proposal together with the effect of increased traffic generation upon unsuitable local roads. The surrounding highway network is narrow and does not generally follow the most Modern standards. The site contains 13 spaces with a further two disabled spaces with a loading/drop off point. The layout of the parking/access area has been redesigned to improve its accessibility and to relocate the cycle parking area for 10 spaces. A significant amount of the parking demand associated with the site would be from office based staff who would be visiting service users in their own homes with the overall parking level consistent with that outlined in the Authority's Adopted Standards which allows for a provision of 7 spaces. Service users accessing the respite care facility would be dropped off at the site with little longer term parking generated. Some service users would also be delivered and collected by minibus. It is envisaged that a total of 42 individuals would be employed at the (FTE) with a total of 15 staff on site at any one time. The site is also located close to main bus route with the No 24 service passing the site on an hourly basis. The site is also well located in respect of access to cycle routes both towards the City Centre and the Acomb District Centre with a main route crossing Hob Moor to the south east..

4.10 In terms of traffic generation overall levels would be modest with inbound and outbound traffic evenly distributed through the day. It is felt that total additional generation would be modest (approximately an additional 18 trips). The proposal is therefore felt to be acceptable in highway terms.

LOSS OF OPEN SPACE AND PLAYING FIELD IN THE LOCALITY

4.11 Policy G15 of the Publication Draft City of York Local Plan indicates that development would not be permitted which would result in the loss of environmental or recreational importance unless suitable alternative provision can be made in the immediate locality. The proposal involves the development of an area presently in

use as playing field by Hob Moor Primary School. A scheme to provide suitable alternative provision elsewhere within the school site is also on the current agenda ref:-18/01475/GRG3. That would be subject to a requirement for a Community Use Agreement. Sport England previously objected to the proposal on the grounds of loss of open space but are now satisfied that the proposed replacement provision is of an appropriate standard. It is therefore felt that the requirements of Policy G15 of the Publication Draft Local Plan have therefore been complied with.

5.0 CONCLUSION

5.1 Windsor House comprises a two storey brick built former elderly persons home situated within a modest site to the south of the Acomb District Centre. Planning permission is sought for the erection of a two storey Centre of Excellence for the provision of care and support services for disabled children and their families within the cleared site and partially within the existing site of the neighbouring Hob Moor Primary School. A further planning application ref:- 18/01475/GRG3 for the layout of replacement playing field space is for consideration on this agenda.. It is felt that the proposal is acceptable in terms of its impact upon the visual amenity of the wider street scene. The proposed alternative playing field provision is acceptable and no material harm would be caused to the safety and convenience of highway users on the surrounding network. It is felt that the proposal would be consistent with the requirements of Policy D1, G15 and HW4 of the Publication Draft City of York Local Plan and the proposal is therefore acceptable in planning terms.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 Drawing Refs:-YSB-GDA-V1-00-DR-A-90_20-0004_P01_; YSB-GDA-V1-01-DR-A-90_20-0001_P01_ ; YSB-GDA-V1-R1-DR-A-90_20-0001_P01_ ;YSB-GDA-V1-ZZ-DR-A-90_20-0001_P01_ ; YSB-GDA-V1-ZZ-DR-A-90_20-0002_P01_ ; 4119-CAD-XX-XX-DR-E-1000 ;CEY-AJP-XX-00-DR-C-0001-P01 -

:: IT(17)079_(9-)L101_PL1_ ;IT(17)079_(9-)L102_PL1_ ;IT(17)079_(9-)L201_PL1_ ; IT(17)079_(9-)L202_PL1 ;YSB-GDA-V1-00-DR-A-90_20-0003_P01;; IT (17)079_(9_)L001_T1_ ; IT(17)079_(9-)L101_T10_ ; IT(17)079_(9-)L102_T4 ; IT(17)079_TRN009.

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 not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been

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constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

4 LC4 Land contamination - unexpected contam

5 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the construction of the development commences beyond foundation level and shall be provided in accordance with the approved details before the development is occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties.

6 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development beyond foundation level. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

7 No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended.

8 Prior to first occupation or use of the development hereby approved four 'bat tubes' or other features providing a roosting crevice for bats must be constructed within the fabric of the building

Reason: To take account of and enhance the biodiversity and wildlife interest of the

area, and to be in accordance with Paragraph 175 of the NPPF (2018) to encourage the incorporation of biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity.

9 Before the occupation of the development 1 Electric Vehicle Recharging Point shall be provided in a position and to a specification to be first approved in writing by the Council.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

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

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

11 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 approved machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

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

12 DRAIN1 Drainage details to be agreed

13 The development hereby permitted shall not be commenced until the playing field applied for under planning permission 18/01475/GRG3 has been implemented and made available for use by the school and community.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use [phasing provision] and to accord with Development Plan Policy.

14 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.

15 Prior to the development commencing beyond foundation level 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.

16 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/excavation/preparatory and construction works shall be submitted to and approved in writing by the LPA. Such a statement shall include at least the following information;

- a dilapidation survey jointly undertaken with the local highway authority
- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- how vehicles are to access and egress the site from the main arterial routes
- how pedestrians are to be safely routed past the site
- how access to the PROW is to be maintained
- details of any implications to the highway of demolition and waste removal vehicle operation
- where contractors will park to avoid affecting the highway
- how large vehicles will service the site
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

17 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Formation of access/ egress including tie-in to Public Right of Way (As shown indicatively on Proposed Site Plan),

Provision of at level pedestrian crossing located to suit bus stop requirements

Reason: In the interests of the safe and free passage of highway users.

7.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (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 clarification of the proposed access and parking layout.

2. HEDGEHOGS

The applicant is advised to consider using permeable fencing or leaving occasional gaps suitable to allow passage of hedgehogs. Any potential hibernation sites including log piles should be removed outside the hibernation period (which is between November and March inclusive) in order to avoid killing or injuring hedgehogs.

Hedgehogs are of priority conservation concern and are a Species of Principal Importance under section 41 of the NERC Act (2006). An important factor in their recent population decline is that fencing and walls are becoming more secure, reducing their movements and the amount of land available to them. Small gaps of approximately 13x13cm can be left at the base of fencing to allow hedgehogs to pass through. Habitat enhancement for hedgehogs can easily be incorporated into developments, for example through provision of purpose-built hedgehog shelters or

log piles.

3 HIGHWAY WORKS:-

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 278 Kavin Stoddart

4 UTILITIES:-

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

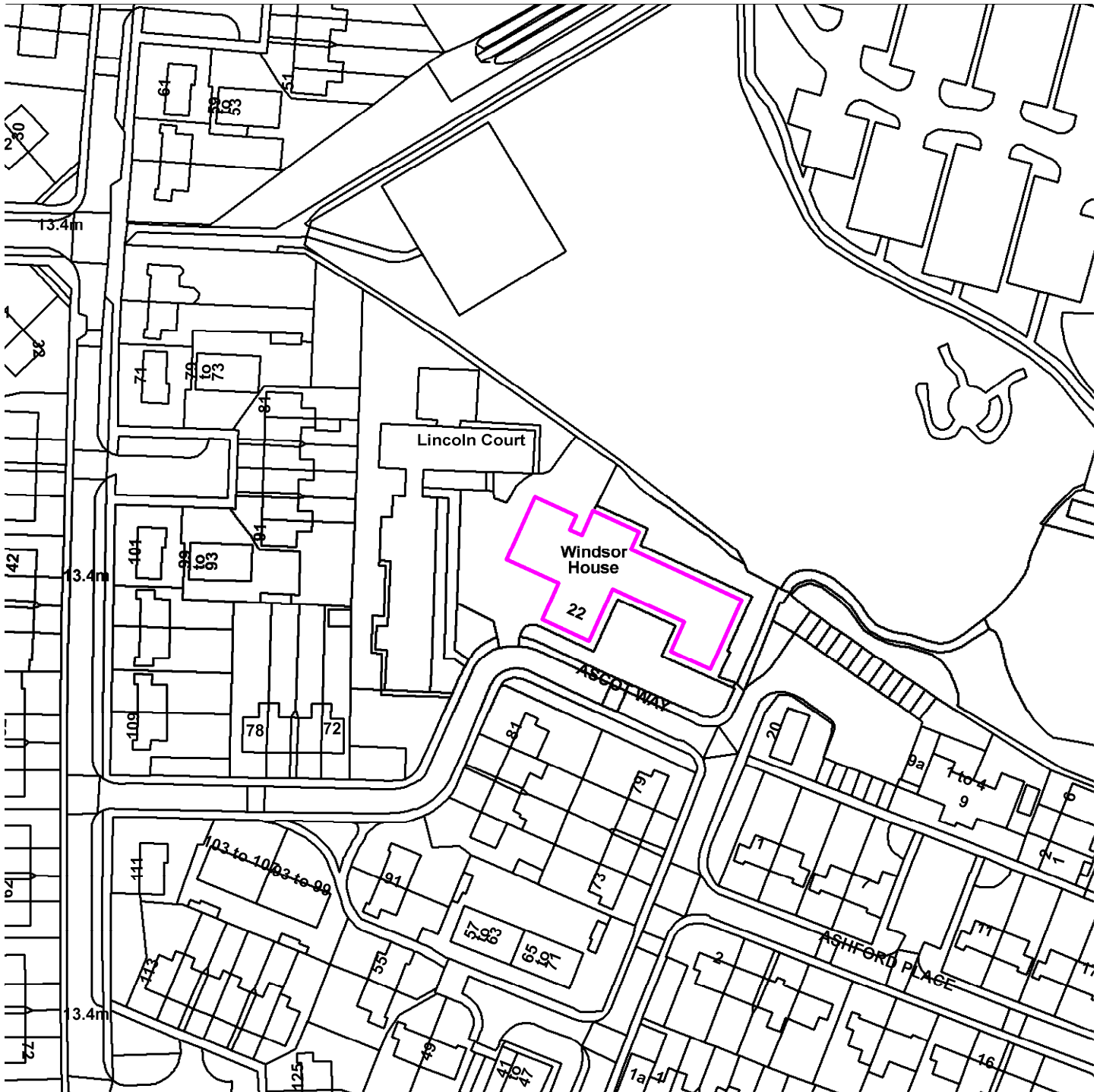
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Windsor House 22 Ascot Way

18/01467/GRG3



GIS by ESRI (UK)



Scale : 1:1194

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	27 November 2018
SLA Number	Not Set

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Area Planning Sub Committee**6 December 2018****Appeals Performance and Decision Summaries****Summary**

- 1 This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 July and 30 September 2018, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals at date of writing is also included.

Background

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. The Government propose to use the quarterly statistical returns as one of a number of measures to assess the performance of local planning authorities. To assess the quality of decisions, this will be based on the total number of decisions made by the LPA that are subsequently overturned at appeal. The threshold whereby a Local Planning Authority is eligible for designation as under-performing is 10% of the Authority's total number of decisions on applications made during the assessment period being overturned at appeal.
 - 3 The tables below include all types of appeals such as those against refusal of planning permission, against conditions of approval, listed building applications and lawful development certificates. Table 1 shows results of appeals decided by the Planning Inspectorate, for the quarter 1 July to 30 September 2018 and the corresponding quarter for 2017, Table 2 shows performance for the 12 months 1 October 2017 to 30 September 2018 and the corresponding period 2016/17.

Table 1: CYC Planning Appeals Last Quarter Performance

	01/07/18 to 30/09/18(Last Quarter)	01/07/17 to 30/09/17 (Corresponding Quarter)
Allowed	6	2
Part Allowed	0	0
Dismissed	12	9
Total Decided	18	11
% Allowed	33%	18%
% Part Allowed	-	

Table 2: CYC Planning Appeals 12 month Performance

	01/10/17 to 30/09/18 (Last 12 months)	01/10/16 to 30/09/17 (Corresponding 12 month period)
Allowed	27	9
Part Allowed	0	3
Dismissed	47	31
Total Decided	64	43
% Allowed	27%	21%
% Part Allowed	-	7%

Analysis

- 5 Table 1 shows that between 1 July and 30 September 2018, a total of 18 appeals were determined by the Planning Inspectorate. Of those, 6 were allowed (33%). There were 3 appeals relating to “major” developments during this reporting period. By comparison, for the same period 2017, out of 11 appeals 2 were allowed (18%). Using the assessment criteria set out in paragraph 2 above, 1.45% of the total decisions made in the quarter were overturned at appeal.
- 6 For the 12 months between 1 October 2017 and 30 September 2018, 27% of appeals decided were allowed, which is below the national figure for 2017/18 of 32% of appeals allowed, but marginally up on the previous 12 month figure. Using the assessment criteria set out in paragraph 2 above, 1.6% of the total decisions made in the 12 month period were overturned at appeal.
- 8 The summaries of appeals determined between 1 July and 30 September 2018 are included at Annex A. Details as to of whether the application was dealt with under delegated powers or by committee are included with each summary. In the period covered three appeals were determined following a decision to refuse permission made by the sub-

committee/committee. The British Sugar appeal was an appeal over the non-determination of the application within the statutory time period.

Table 3: Appeals Decided 01/07/2018 to 30/09/2018 following Refusal by Committee / Sub-Committee

Ref No	Site	Proposal	Officer Recom.	Appeal Outcome
16/02285/ FULM	10 Gt North Way Nether Poppleton	Car showroom and workshop	Approve	Dismiss
18/00336/ FUL	115 Fulford Road	1 no. dwelling	Approve	Allowed
15/00524/ OUTM	British Sugar Plantation Drive	Up to 1100 dwellings	Non- determin ation	Allowed
17/00476/ FULM	Carlton Tavern 140 Acomb Road	3 storey care home	Approve	Dismissed

- 9 The list of current appeals is attached at Annex B. There are 21 planning appeals lodged with the Planning Inspectorate (excluding tree related appeals but including appeals against enforcement notices).
- 10 We continue to employ the following measures to ensure performance levels are maintained at around the national average or better:
- i) Officers have continued to impose high standards of design and visual treatment in the assessment of applications provided it is consistent with Paragraph 56 of the NPPF and draft Development Control Local Plan Policy.
 - ii) Where significant planning issues are identified early with applications, revisions are sought to ensure that they can be recommended for approval, even where some applications then take more than the 8 weeks target timescale to determine. This approach is reflected in the reduction in the number appeals overall. This approach has improved customer satisfaction and speeded up the development process and, CYC planning application performance still remains above the national performance indicators for Major, Minor and Other application categories.
 - iii) Additional scrutiny is being afforded to appeal evidence to ensure arguments are well documented, researched and argued.

Consultation

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

Council Plan

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

Implications

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

Risk Management

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

Recommendation

- 18 That Members note the content of this report.

Reason

- 19 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 28.11.2018

Specialist Implications Officer(s) None.

Wards Affected:

All Y

For further information please contact the author of the report.

Annexes

Annex A – Summaries of Appeals Determined between 1 July and
30 September 2018

Annex B – Outstanding Appeals at 28 November 2018

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Appeal Summaries for Cases Determined 01/07/2018 to 30/09/2018

Application No: 15/00524/OUTM
Appeal by: British Sugar
Proposal: Outline application for the development of the site comprising up to 1,100 residential units, community uses (D1/D2) and new public open space with details of access (to include new access points at Millfield Lane and Boroughbridge Road and a new link road, crossing the Former Manor School Site) and demolition of the Former Manor School buildings (duplicate application)
Site: British Sugar Corporation Ltd Plantation Drive York YO26 6XF
Decision Level: CMV
Outcome: ALLOW

At the time of making the appeal against non-determination there was disagreement about the appropriate (viable) level of affordable housing to be secured and other 106 matters were unresolved. By the time of the inquiry the only outstanding matters were viability and affordable housing. By the end of the inquiry both parties had agreed to a viability review mechanism that would deliver between 3% and 20% affordable housing overall. This was necessary to allow development/incentivise the scheme given significant remediation costs. The review mechanism would be applied at each reserved matters application. The 'surplus land value' at each phase would be required to provide affordable housing up to a cap of 35%. (in any phase) If the final phase were to provide 35% affordable housing on site and the overall amount of affordable housing was still not at 20%, a contribution towards off site affordable housing would be provided. The inspector was satisfied that all the Council's 106 requirements were acceptable, and with the viability review mechanism also. On this basis permission was granted.

Application No: 16/02285/FULM
Appeal by: Mr Robert Bennett
Proposal: Erection of a single storey car showroom and workshop with associated facilities
Site: 10 Great North Way Nether Poppleton York
Decision Level: CMV
Outcome: DISMIS

The appeal site is a vacant plot of land within a business park. The land is designated as a Site of Local Interest to Nature Conservation (SINC) and was allocated as employment land in the DCLP. The application was refused as it was contrary to policy PNP2 of the Upper and Nether Poppleton Neighbourhood Plan which forms the development plan for that area. The site is identified as green infrastructure in the NP. Policy PNP2 states that green infrastructure should be safeguarded and that development which would harm the integrity or appearance of the green infrastructure will not be supported. The appellant provided a vegetation survey to try to evidence that the site should no longer be designated as a SINC although the inspector noted that there was no indication that the site's designation as green infrastructure was dependent on it being a SINC. A scheme for mitigation measures for great crested newts and off-site mitigation for the SINC had been agreed at application stage but no legal agreement had been submitted with the appeal to secure these. The inspector noted that similar mitigation had been agreed on neighbouring sites but these had all been approved prior to the NP and did not therefore relate to sites allocated as green infrastructure. The inspector found that the proposal would harm the integrity and appearance of a site allocated as green infrastructure and for which no satisfactory mitigation was proposed. The site does not represent a suitable site for the proposed development having regard to its allocation as an area of green infrastructure in the NP.

Application No: 16/02608/OUT
Appeal by: Ms S Goodwill
Proposal: Erection of 1 no. agricultural/horticultural workers dwelling
Site: Proposed Dwelling To The South Of Mayfields Dauby Lane Kexby York
Decision Level: DEL
Outcome: DISMIS

The proposal was for the erection of a single detached dwelling for an additional worker in association with an existing nursery operation and was made in Outline with access only to be considered. The site lies in the Green Belt between Kexby and Elvington and was therefore considered to be inappropriate development. The applicant was required to demonstrate a functional need for an additional dwelling on the site which they were unable to do. It was claimed that as the nature of the business was horticultural then it benefited from the exception in terms of agricultural and forestry related development contained within the NPPF. This was disputed and it became clear that the proposal was intended to accommodate the daughter and son-in law of the nursery operator who lived a very short distance away in Elvington. Permission was refused and the case heard at a hearing. The Inspector agreed that the proposal was not agricultural development and therefore inappropriate development within the Green Belt. In terms of functional need the Inspector agreed that there was no clear business case and that the requirements of the business did not need to be undertaken by an additional person resident on site. The appeal was therefore dismissed.

Application No: 17/00476/FULM
Appeal by: Crown Care
Proposal: Erection of three-four storey 74 no. bedroom care home with associated parking, cycle racks and landscaping following demolition of existing public house
Site: The Carlton Tavern 140 Acomb Road York YO24 4HA
Decision Level: COMP
Outcome: DISMIS

It was recognised that the proposal would contribute towards meeting a recognised need for specialist elderly accommodation within the city, which would provide social benefits. There would also be economic benefits during the construction period, in terms of employment and in support of local services from staff, residents and visitors. The proposal is also in an accessible location. However, in the light of paragraph 192 of the Framework, the loss of the non-designated heritage asset is not justified. In the absence of any evidence that there are no other potential viable uses of the site that would not require the demolition of the building, and which would also share many of these benefits, the Inspector therefore considered that the benefits of the proposed development would not outweigh the loss of the non-designated heritage asset. The site contains a large number of mature trees, particularly to the front and side, many of which are covered by a Tree Protection Order. The proposal would be much closer to many of the trees than is the case at present. In order to provide the lift, excavation works would be required within the root protection area of a tree which is already compromised by the existing access road. Whilst the Inspector acknowledged the need to provide a level access to the site they were unconvinced that the construction of these features could take place without causing damage to the trees, or even their removal and given the prominent position of the trees within the street scene, this would have a detrimental impact on the character and appearance of the area. In dismissing the appeal the Inspector found that the adverse impacts would significantly and demonstrably outweigh the benefits. As such, the proposal would not comprise sustainable development for which the Framework presumes in favour.

Application No: 17/00578/FUL
Appeal by: Andrew Cobley
Proposal: Use of property as a 7 bed House in Multiple Occupation (retrospective)
Site: 9 Sails Drive York YO10 3LR
Decision Level: DEL
Outcome: ALLOW

The Council accepted that it was probable that the lawful use of the property was as an HMO for up to 6 people. The application sought to regularise a change of use from C4 HMO to Large (7 bed) HMO. Property is in an area where HMO threshold has reached 10.87% at street level and 17.53% in neighbourhood. Refused on The level of HMO activity already causing problems for residents Expansion undertaken at the expense of the loss of off street parking capacity and internal storage If applicants attempted to provide appropriate cycle and bin storage facilities on the site and expand on site car parking it would have adverse impacts on on-site external amenity space and the visual amenities of the streetscene Inspector resolved CYC has no specific internal storage standards and he considered there was sufficient space in the rooms, kitchen cupboards and attic The proposed bin store at the front was acceptable as it would be hidden by a hedge so no need to reduce rear external amenity space A 7 space bike store in the rear garden would have no greater impact on external amenity space than the existing 5 cycle racks Roads in the area capable of absorbing a degree of on-street parking without detriment to highway safety Not persuaded that the additional parking demand of one resident would harm living conditions of neighbours Proposal will not alter balance of HMOs to other properties in the area The comings and goings of 7 occupiers will not be appreciably greater than 6 CYC argument that proposal could set a precedent not accepted

Application No: 17/01812/FUL
Appeal by: Mr Wayne Dixon
Proposal: Change of use of paddock to domestic garden
(retrospective)
Site: 2 Hawthorne Mews Strensall York YO32 5RR
Decision Level: DEL
Outcome: DISMIS

The proposal was for a retrospective change of use of land to the rear of 3 dwellings to garden curtilage. The application was refused as a result of the impact on protected species and the ecology of the River Foss; and the impact on the character or appearance of the Strensall Village Conservation Area. The inspector noted that the appeal sites contribute to the environment of the river corridor and that the enclosure of these areas would have implications for local habitats. Ecology surveys for a site on the other side of the river indicated the presence of water voles and otters and it is clear that the work which has taken place on the appeal sites has affected the area accessible to wildlife. No survey information was submitted with the applications and it was therefore impossible to assess the impact of the proposals on protected species and the natural environment of the river. The proposal conflicts with DCLP policy NE6 of the DCLP and the NPPF. The sites are within the Strensall Conservation Area and close to the Grade II listed Strensall Bridge. The inspector considered that the appeal sites related to the village - the CAA appraisal refers to houses having long rear gardens and it was considered that the sites fell within this description. No harmful impact on views into or out of the village was identified and the impact on the listed bridge was considered not to harm the significance of the heritage asset. The proposals were considered to preserve the character and appearance of the CA and would not have a harmful effect on the setting of listed buildings. However the lack of survey information meant that the impact on protected species could not be demonstrated and any harm could not be mitigated. The appeals were dismissed.

Application No: 17/01836/FUL
Appeal by: Mr C Swift
Proposal: Erection of 2no. semi detached dwellings following demolition of existing bungalow (resubmission)
Site: The Bungalow 1A Wenlock Terrace York YO10 4DU
Decision Level:
Outcome: DISMIS

Planning permission was refused for the erection of 2no. three-storey semi detached dwellings following demolition of an existing vacant bungalow at No.1A Wenlock Terrace (17/01836/FUL). The reasons were that the scheme caused significant harm to the character of this part of the conservation area through inappropriate style, orientation and mass, loss of an important gap in the street scene which would also block views of the distinctive profile and architectural features of the prestigious houses on Wenlock Terrace. There was also found to be harm to neighbour amenity as a result of over-development of the site. The public benefits of two dwellings and solar panels on the roof did not outweigh this harm. The Inspector dismissed the Appeal. She agreed that the proposals would cause adverse impact on the urban grain through introducing a prominent building which did not follow the pattern of long linear plots. The scheme would cause a loss of openness, be more imposing in the street scene and be of an inappropriate scale, dwarfed by neighbours and significantly under scaled. It would be an incongruous addition in the street scene. The scheme would cause harm to the character and appearance of the conservation area. She found the harm to be less than substantial and as such considered the public benefits set by the appellant, including the removal of a vacant derelict building, screening of a neighbouring unsympathetic building and provision of two new dwellings. However whilst lending support to the scheme, she still concluded that these benefits did not outweigh the harm caused to the significant heritage assets as a result of the proposals. She also identified harm to neighbour amenity including loss of light, loss of outlook and loss of privacy for both existing and future residents. The scheme was thus not in accordance with the NPPF nor saved policies in the DCLP (2005) which were given little weight.

Application No: 17/01848/FUL
Appeal by: Mr Andrew Blackburn
Proposal: Extension of garden curtilage into field at the rear
(retrospective)
Site: 3 Hawthorne Mews Strensall York YO32 5RR
Decision Level: DEL
Outcome: DISMIS

The proposal was for a retrospective change of use of land to the rear of 3 dwellings to garden curtilage. The application was refused as a result of the impact on protected species and the ecology of the River Foss; and the impact on the character or appearance of the Strensall Village Conservation Area. The inspector noted that the appeal sites contribute to the environment of the river corridor and that the enclosure of these areas would have implications for local habitats. Ecology surveys for a site on the other side of the river indicated the presence of water voles and otters and it is clear that the work which has taken place on the appeal sites has affected the area accessible to wildlife. No survey information was submitted with the applications and it was therefore impossible to assess the impact of the proposals on protected species and the natural environment of the river. The proposal conflicts with DCLP policy NE6 of the DCLP and the NPPF. The sites are within the Strensall Conservation Area and close to the Grade II listed Strensall Bridge. The inspector considered that the appeal sites related to the village - the CAA appraisal refers to houses having long rear gardens and it was considered that the sites fell within this description. No harmful impact on views into or out of the village was identified and the impact on the listed bridge was considered not to harm the significance of the heritage asset. The proposals were considered to preserve the character and appearance of the CA and would not have a harmful effect on the setting of listed buildings. However the lack of survey information meant that the impact on protected species could not be demonstrated and any harm could not be mitigated. The appeals were dismissed.

Application No: 17/01938/FUL
Appeal by: Mr Dennis Wright
Proposal: Extension of garden curtilage into field at the rear
(retrospective)
Site: 4 Hawthorne Mews Strensall York YO32 5RR
Decision Level: DEL
Outcome: DISMIS

The proposal was for a retrospective change of use of land to the rear of 3 dwellings to garden curtilage. The application was refused as a result of the impact on protected species and the ecology of the River Foss; and the impact on the character or appearance of the Strensall Village Conservation Area. The inspector noted that the appeal sites contribute to the environment of the river corridor and that the enclosure of these areas would have implications for local habitats. Ecology surveys for a site on the other side of the river indicated the presence of water voles and otters and it is clear that the work which has taken place on the appeal sites has affected the area accessible to wildlife. No survey information was submitted with the applications and it was therefore impossible to assess the impact of the proposals on protected species and the natural environment of the river. The proposal conflicts with DCLP policy NE6 of the DCLP and the NPPF. The sites are within the Strensall Conservation Area and close to the Grade II listed Strensall Bridge. The inspector considered that the appeal sites related to the village - the CAA appraisal refers to houses having long rear gardens and it was considered that the sites fell within this description. No harmful impact on views into or out of the village was identified and the impact on the listed bridge was considered not to harm the significance of the heritage asset. The proposals were considered to preserve the character and appearance of the CA and would not have a harmful effect on the setting of listed buildings. However the lack of survey information meant that the impact on protected species could not be demonstrated and any harm could not be mitigated. The appeals were dismissed.

Application No: 17/01973/FUL
Appeal by: Mrs Jenny Kabir
Proposal: Second floor extension and alterations to roof and insertion of window in first floor north elevation (retrospective).
Site: Fresh Dental Smile Clinic Ground Floor Manor House Manor Lane York YO30 5XY
Decision Level: DEL
Outcome: DISMIS

The appeal related to a proposal to add another floor to a two-storey dentists building located on the edge of an industrial estate in Rawcliffe. It was refused because of the unacceptable harm the increase in height would have on the enjoyment of the gardens of homes that abut it. It was also refused because of the appellants unwillingness to accept a condition that restricted the use of the extended building to a dentist, rather than any use in Class D1 Non-Residential Institutions. At appeal the agent accepted the use restriction. Despite this, the Inspector dismissed the appeal considering that the existing building was very dominant and it was unacceptable in respect to neighbours living conditions to increase its height further.

Application No: 17/02134/FUL
Appeal by: Mr Mohan
Proposal: Two storey and single storey rear extension following demolition of existing rear extension
Site: 10 St Johns Crescent York YO31 7QP
Decision Level: DEL
Outcome: DISMIS

The appeal relates to the refusal of a part two storey and part single storey rear extension to replace the existing two storey and single storey rear offshoot to the host mid terraced dwelling. The two storey rear extension would be greater in length and marginally wider than the existing two storey rear offshoot and the single storey rear extension would infill the space between the side boundary wall and two storey rear extension. The application was refused consent as it was considered that the combined length and mass of the two storey and single storey rear extensions would harm the amenity of adjoining residents. The proposals would appear over-dominant and would result in a loss of outlook from the adjoining property. The combined length and mass of the rear extensions would appear overbearing and oppressive from the rear ground floor living room, side kitchen windows and adjacent rear yard area of the adjoining dwelling. Within the context of the terrace, the rear extensions would be unduly dominant and result in an oppressive relationship between the dwelling houses. The Inspector considered that the outlook from the rear of the adjoining property is already constrained. In these circumstances, even small alterations to outlook can be significant to residents. The development would increase the level of enclosure and would extend a significant depth close to the side boundary. The deeper and marginally wider two storey rear extension would be clearly evident above the single storey rear extension and would further limit the outlook from the side and rear windows of the adjoining dwelling. In combination, the rear extensions would be overly imposing and would unacceptably reduce the already limited outlook from the rear rooms of the adjoining property. The Inspector concluded that the proposals would be harmful to the living conditions of residents at no. 9 St. John's Crescent with regard to outlook. The appeal was dismissed.

Application No: 17/02541/CLU
Appeal by: Mr Greg Harrand
Proposal: Certificate of lawfulness for use of property as a House in Multiple Occupation within Use Class C4.
Site: 20 North Parade York YO30 7AB
Decision Level: DEL
Outcome: DISMIS

We refused the above CLU application on grounds that sufficiently precise and unambiguous evidence had not been submitted to demonstrate that the building had a lawful C4 HMO use. The Inspector commented that appellant stated that the HMO use commenced on 6 August 2009 but contradicted this by stating that the property has been used as a HMO since it was purchased in November 2008. Either way, it was apparent to the Inspector that the HMO use began prior to the introduction of permitted development rights for the change of use of a dwellinghouse to an HMO in 2010 and that at the time when the HMO use commenced it would have been unlawful. A further complication the Inspector noted was that it was undisputed that the property had been used for guest accommodation in connection with the appellants nearby hotel use, whether alongside or as an alternative to occupation by tenants, which may have resulted in a material change of use involving or including guest accommodation at some point. The Inspector concluded by saying that the onus is on the appellant to demonstrate that, on the balance of probability, the use has continued over a ten year period. However, the earliest date the appellant claimed that the HMO use was operational was less than ten years before the date of the application and the HMO use therefore fails to meet this test.

Application No: 17/03042/FUL
Appeal by: Mr & Mrs Davenport
Proposal: First floor side extension and porch extension to front.
Site: 96 Acorn Way York YO24 2RP
Decision Level: DEL
Outcome: DISMIS

Planning permission was refused for a first floor side extension and front porch due to its excessive size and width to the side, resulting in an incongruous, over-dominant addition in the streetscene. The addition represented a 117% increase in the two storey width of the house, the extension being over an existing single storey side projection. Permission was also refused on harm to the amenity of the nearest neighbours to the side of the first floor extension. The Inspector dismissed the appeal on both grounds, upholding the Council's reasons for refusal. They concluded that the proposal would be an excessively wide and bulky addition which would be read as a considerable unbroken continuation of the property's front elevation which would appear out of scale with it, overwhelming it. The use of contemporary materials was also cited as resulting in further harm. With regard to neighbour amenity, the Inspector concluded that the proposal reduced the spaciousness between houses, causing harm to those houses at right angles to the appeal house and their outlook from the front. Weight was given to the Council's SPD on House Extensions and Alterations and was quoted throughout the decision by the Inspector.

Application No: 18/00038/FUL
Appeal by: Mr Peter Black
Proposal: Erection of 1.8m fence to side (retrospective).
Site: 20 Copmanthorpe Lane Bishopthorpe York YO23 2QR
Decision Level: DEL
Outcome: ALLOW

The appeal property is a traditional semi-detached dwelling in a street of similar development. The application sought retrospective consent for the erection of a 1.8m high close board timber fence to the side boundary of the site adjacent to a shared access lane. Retention of the fencing was refused due to its design, height, appearance and use of materials, which officers considered to appear incongruous and unduly imposing within the streetscene resulting in a stark, solid and harsh feature in the lane which is otherwise characterised by hedging and mature vegetation. The Inspector concluded that whilst the fence had replaced a hedge that contributed to the green and leafy nature of the road, given the existence of other fencing in the vicinity and the retention of the hedge towards the front of the site, that the overall impact was not particularly incongruous and the fence was of robust design. As such the fencing was not considered to have a detrimental impact on the character and appearance of the area and the appeal was allowed.

Application No: 18/00204/FUL
Appeal by: Mr & Mrs Chris and Claire Burrows
Proposal: Single storey rear extension.
Site: 91 Bishopthorpe Road York YO23 1NX
Decision Level: DEL
Outcome: ALLOW

The appeal relates to the refusal of a single storey rear extension that would be attached to the existing two storey rear offshoot to the host mid terraced dwelling. In revised proposals, the extension would be almost the full width of the plot, approx 7.8 metres in length as attached to the two storey rear offshoot, with a total projection of approx 11.5 metres from the rear elevation of the main house. The extension was refused as it was considered of a significant and disproportionate length and mass that would be at odds with the existing character and diminishing form of the rear offshoots to the host and adjoining dwelling house. The extension would appear dominant and overbearing when viewed from the rear of the adjoining dwelling and the proposals would harm outlook. The Inspector considered that the extension would generally maintain the established hierarchy of offshoots to the adjoining dwellings. An area of garden would be maintained beyond the extension and a small open courtyard adjacent to the two storey offshoot. The extension would not be open to public view or prominent in the street scene. The extension would read as a secondary element and would not appear unduly disproportionate to the original dwelling. With regard to the impact on living conditions, the Inspector considered that the extension would have a relatively low ridge and eaves height and the pitched roof would slope away from the adjoining dwelling. The eaves of the extension would not be much greater in height than the existing high boundary wall with trellis above that is located between the adjoining properties. Therefore, the Inspector concluded that the extension would not unduly worsen the levels of outlook from the rear of the adjoining dwelling and would not be an unduly dominant or overbearing feature. The appeal was allowed.

Application No: 18/00366/FUL
Appeal by: Mr And Mrs Breene
Proposal: Erection of dormer bungalow with garage
Site: 115 Fulford Road York YO10 4ET
Decision Level: CMV
Outcome: ALLOW

The appeal site comprised of a large back garden with the proposed dwelling located to the rear of the site and accessed of a seperate drive to the side. The Inspector concluded that the site was built up on three sides and that the garden area retained would not be at odds with other properties. Garden area would be lost but it was not readily visible from the public realm. Three approvals exist and the character of the area has not materially changed since. In connection with neighbours amenity it was considered that the dwelling would not be tall nearest the dwellings along Killburn, being 2.5m at a distance of 1m away from the boundary. The dwelling would be hidden from view from the ground floor windows by the existing retained hedge. It would not appear unduly dominant or overbearing from there and would not result in an undue loss of outlook.

Application No: 18/00388/FUL
Appeal by: Mr And Mrs Lofthouse
Proposal: Two storey side extension, new vehicular access crossing to front and timber fence to side boundary.
Site: 6 Little Meadows Haxby York YO32 3YY
Decision Level: DEL
Outcome: DISMIS

Planning permission was refused for a two storey side extension to this end terraced house, together with new boundary fence and vehicular crossover. The house is on a corner plot and the extension would have occupied a narrow strip of land to the side which would project right up to the side boundary. The Council considered it would adversely impact on the character and appearance of the streetscene and would significantly compromise the original design layout of Little Meadows, which incorporated generous areas of spacing, and it would harm the relationship of the building to the footpath. This original layout has remained virtually intact and thus contributed to the general amenity and character of the locality. The Inspector dismissed the appeal, upholding the Council's decision in all areas saying that the surrounding development had a pleasant open aspect and the proposal would have the effect of reducing the sense of openness and unbalance the terrace and introduce an incongruous built line into the streetscene. They also concluded that occupying a corner plot close to a footpath where there is also tree cover to the wide green verges would create an unwelcome sense of enclosure. The Inspector based their decision almost wholly on the wording of the NPPF, stating that the 2005 draft local plan does not comprise an emerging local plan and thus has little weight and the emerging 2018 plan is at its very earliest stages of adoption and thus they couldn't be confident that any policy relied on in the decision would be adopted in its current form, therefore also gave it little weight.

Application No: 18/00502/FUL
Appeal by: Mr I Jemison
Proposal: Removal of condition 5 of permitted application
 15/02919/FUL to allow retention of external seating
Site: Home Farm Buildings 81 Main
 Street Bishopthorpe York
Decision Level: DEL
Outcome: ALLOW

The appeal property is part of a complex of former agricultural buildings which have been converted into residential and business uses. The unit in question has permission for use as a cafe. The seating area is a strip of land to the west of the building and runs along the whole of the long rear boundary of the adjacent dwelling at 5 The Courtyard. No 5 has a short back garden that is around 4 metres deep and the seating area is close to its garden, patio area and rear door. The Inspector stated that the neighbouring property was located in the built up area where there is some existing background noise. He noted that the use of the area would be wither dependant and seemed unlikely that its use would be constant and over extended periods of time. He states that the building has been in commercial use previously for a number of years and could have had the potential to generate some noise and disturbance. In concluding he noted that the outdoor seating helps to maintain the viability of the small cafe and support a local business. The enterprise is valued in the community and this is a benefit of the proposal that aligns with the government's economic growth aspirations as set out in the Framework and weighs in its favour.

Decision Level:

DEL = Delegated Decision

COMM = Sub-Committee Decision

COMP = Main Committee Decision

Outcome:

ALLOW = Appeal Allowed

DISMIS = Appeal Dismissed

PAD = Appeal part dismissed/part allowed

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Outstanding appeals

Officer: Alison Stockdale						Total number of appeals: 3
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
15/06/2018	18/00032/REF	APP/C2741/W/17/3192253	W	3 Hawthorne Mews Strensall York YO32 5RR	Extension of garden curtilage into field at the rear (retrospective)	
15/06/2018	18/00033/REF	APP/C2741/W/17/3192020	W	2 Hawthorne Mews Strensall York YO32 5RR	Change of use of paddock to domestic garden (retrospective)	
14/06/2018	18/00031/REF	APP/C2741/W/17/3192125	W	4 Hawthorne Mews Strensall York YO32 5RR	Extension of garden curtilage into field at the rear (retrospective)	
Officer: Carolyn Howarth						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
20/04/2017	17/00012/REF	APP/C2741/D/17/3172865	H	211 Hamilton Drive West York YO24 4PL	Single storey side extension	
Officer: Esther Priestley						Total number of appeals: 3
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
29/09/2016	16/00041/TPO	APP/TPO/C2741/5453	W	Two Oaks 39 York Road Strensall York YO32 5UB	Fell Oak tree (T1) protected by Tree Preservation Order No.: 1975/1	
12/05/2014	14/00017/TPO	APP/TPO/C2741/3909	W	14 Sails Drive York YO10 3LR	Fell Silver Brch (T3,T11), Mountain Ash (T5), Oak (T8), Trees protected by Tree Preservation Order CYC15	
09/05/2014	14/00015/TPO	APP/TPO/C2741/3907	W	7 Quant Mews York YO10 3LT	Crown Reduce Silver Birch (T1,T2), Trees protected by Tree Preservation Order CYC 15	
Officer: Elizabeth Potter						Total number of appeals: 3
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
19/04/2018	18/00023/REF	APP/C2741/D/18/3200306	H	30 Southfield Close Rufforth York YO23 3RE	Variation of condition 2 of permitted application 16/01635/FUL to part render front elevation.	
04/07/2018	18/00034/REF	APP/C2741/W/18/3203204	W	Bracken Hill North Lane Huntington York YO32 9SU	Erection of replacement dwelling	
30/07/2018	18/00040/REF	APP/C2741/D/18/3208233	H	86 Tedder Road York YO24 3JF	First storey side extension and conversion of garage into living accommodation (resubmission).	

Officer: Heather Fairy						Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
23/07/2018	18/00038/REF	APP/C2741/W/18/3205603	W	Home Farm Buildings 81 Main Street Bishopthorpe	Removal of condition 5 of permitted application 15/02919/FUL to allow retention of external seating	
23/07/2018	18/00037/REF	APP/C2741/W/18/3205580	W	115 Fulford Road York YO10 4ET	Erection of dormer bungalow with garage	
Officer: Jonathan Kenyon						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
13/06/2017	17/00029/NON	APP/C2741/W/17/3177821	P	British Sugar Corporation Ltd Plantation Drive York	Outline application for the development of the site comprising up to 1,100 residential units, community uses (D1/D2) and new public open space with details of access (to include new access points at Millfield Lane and Boroughbridge Road and a new link road, crossing the Former Manor School Site) and demolition of the Former Manor School buildings (duplicate application)	
Officer: Kevin O'Connell						Total number of appeals: 3
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
06/11/2017	17/00054/EN	APP/C2741/C/17/3188555	I	Crabtree Farm York Road Deighton York YO19 6ES	Appeal against Enforcement Notice dated 6th October 2017	
06/11/2017	17/00054/EN	APP/C2741/C/17/3188556	I	Crabtree Farm York Road Deighton York YO19 6ES	Appeal against Enforcement Notice dated 6th October 2017	
09/07/2018	18/00036/REF	APP/C2741/W/18/3200824	W	Beechwood Grange Caravan Club Site Malton	Provision of additional 26no. serviced all-weather pitches accessed by new tarmac road and installation of new service point with bin store, water and drainage pump	
Officer: Matthew Parkinson						Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
03/08/2018	18/00039/REF	APP/C2741/D/18/3203464	H	6 Little Meadows Haxby York YO32 3YY	Two storey side extension, new vehicular access crossing to front and timber fence to side boundary.	
20/08/2018	18/00042/REF	APP/C2741/D/18/3204776	H	96 Acorn Way York YO24 2RP	First floor side extension and porch extension to front.	

Officer: Neil Massey					Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
04/07/2018	18/00035/REF	APP/C2741/W/18/3202435	W	Fresh Dental Smile Clinic Ground Floor Manor House	Second floor extension and alterations to roof and insertion of window in first floor north elevation (retrospective).	
Officer: Sandra Duffill					Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
20/08/2018	18/00041/REF	APP/C2741/D/18/3204773	H	91 Bishopthorpe Road York YO23 1NX	Single storey rear extension.	
Total number of appeals:					20	

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Area Planning Sub-Committee

6 December 2018

Planning Enforcement Cases - Update

Summary

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

Background

2. Members have received reports on the number of outstanding enforcement cases within the Sub-Committee area, on a quarterly basis, since July 1998, this report continues this process for the period 1 July 2018 to 30 September 2018.
3. The lists of enforcement cases are no longer attached as an annexe to this report. The relevant cases for their Ward will be sent to each Councillor by email as agreed by the Chair of the Planning Committee.
4. Section 106 Agreements are monitored by the Enforcement team. A system has been set up to enable Officers to monitor payments required under the Agreement.

Current Position

5. Across the Council area 210 new enforcement investigation cases were received and 231 cases were closed. A total of 574 investigations remain open.
6. During the quarter no Enforcement Notices were served.
7. Across the Council Area 45 Section 106 cases were closed. A total of 111 Section 106 investigations remain open.
8. A figure of £626'000 has been received from Section 106 payments. These were received in respect of 21 developments across the City for education, housing, open space and transport.

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: 01904553775

Directorate:

Economy and Place

Chief Officer Responsible for the report:

Chief Officer's name
Michael Slater

Assistant Director (Planning and Public Protection)

**Report
Approved**



Date 28.11.2018

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

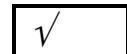
Financial

Patrick Looker

Legal:

Andrew Docherty

Wards Affected: All Wards



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