



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

- To:** Councillors Hollyer (Chair), Crawshaw (Vice-Chair),  
Cullwick, Fisher, Galvin, Craghill, Lomas, Melly, Orrell,  
Waudby and Webb
- Date:** Thursday, 4 July 2019
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West  
Offices (F045)

**AGENDA**

**Sub Committee Site Visits**

The mini-bus for the sub-committee will leave from  
Memorial Gardens at 10.00am on Wednesday 3 July 2019.

**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 - 12)**

To approve and sign the minutes of the last meeting of the Area  
Planning Sub-Committee held on Thursday 6 June 2019.

### **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 **5.00pm on Wednesday 3 July**.

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

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

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

### **4. Plans List**

To determine the following planning applications:

#### **a) 25 Bedale Avenue, Osbaldwick [18/02806/FUL] (Pages 13-24)**

Two storey rear extension, single storey side and rear extensions, hip to gable roof extension with rear dormer and detached cycle and bin store to rear, in connection with existing use as a House in Multiple Occupation. (Osaldwick and Derwent) **[site visit]**

**b) Applefields School, Bad Bargain Lane [19/00712/GRG3]**  
(Pages 25 - 32)

Change of use from double garage to design technology teaching space and installation of additional security fencing. (Heworth) **[site visit]**

**c) 10 Vicarage Lane, Naburn [19/00829/FUL]** (Pages 33 - 42)

Two storey side and rear extensions (resubmission of 18/01761/FUL). (Wheldrake) **[site visit]**

**d) Poppleton Community Centre, Main Street, Upper Poppleton [19/00186/FUL]** (Pages 43 - 56)

Installation of 8 floodlights at Poppleton Lawn Tennis Club. (Rural West York) **[site visit]**

**5. 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](mailto:Christopher.elliott@york.gov.uk)

For more information about any of the following please contact the Democracy 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 (Polish)  
własnym języku.

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 3 July 2019**

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

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
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10.20	Poppleton Community Centre Main Street Upper Poppleton	
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11.00	Applefields School Bad Bargain Lane	
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11.20	25 Bedale Avenue Osbaldwick	
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11.50	10 Vicarage Lane Naburn	
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City of York Council

Committee Minutes

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Meeting	Area Planning Sub-Committee
Date	6 June 2019
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Cullwick, Fisher, Galvin, Craghill, Melly, Orrell, Waudby and Webb
Apologies	Councillor Lomas

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### 1. **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. None were declared.

### 2. **Minutes**

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 4 April 2019 be approved and then signed by the Chair as a correct record.

### 3. **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.

### 4. **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.

#### 4a) **25 Garden Flats Lane, Dunnington, York [18/01851/FUL]**

Members considered a full application from Mr and Mrs Craven for the erection of 2 dwellings with new access following demolition of an existing bungalow.

Officers corrected some of the separation distances at paragraph 4.15 of the officers' report. The correct dimensions are listed below:

- The distance from the proposed house at plot 1 to the boundary with No.27 Garden Flats Lane would be approximately 1m.
- The distance from the proposed house at plot 1 to the nearest habitable part of No.27 would be approximately 4.9m.
- The distance from the proposed house at plot 2 to the boundary with No.23 Garden Flats Lane would be approximately 2.4m.
- The distance from the proposed house at plot 2 to the nearest habitable part of No.23 would be approximately 5.6m.

In response to questions at the site visit on Wednesday 5 June, Officers clarified that the applicant had now submitted land registry documents confirming that the entire application site was under the ownership of the applicant. Finally, Officers stated that should permission be granted, there would be an additional condition for obscure glazed windows on the side elevations of the two dwellings.

Members asked Officers why there was no expectation on the applicant to go further than standard building regulations in terms of sustainable materials and energy efficiency that is set out in the Council's emerging Local Plan. Officers stated that it is not a policy that is currently being used as it is not yet a part of the adopted development plan. It could affect potential viability and won't be adopted until the plan has been through an examination process.

Ana Craven, the applicant then spoke in support of the application. Ms Craven highlighted the following points to the committee:

- That Garden Flats Lane has a wide range of properties including large two-storey houses and single storey and dormer bungalow properties that have been recently approved.



- The separation distances, boundary distances and ridge heights were all comparable to that of other properties on the street.
- That no objections had been received from drainage or highways.
- All matters raised during the application process had been addressed.

Pat Muir then spoke in objection, on behalf of residents in the area. Ms Muir stated that residents were concerned by oversizing of the properties and inadequate separation distances. Ms Muir went on to state as the committee whether it could be justified that the demolition of a previously well maintained bungalow and replacement with two highly priced properties was really meeting the housing need for the area. Finally, Ms Muir stated that objection was not prompted by a 'not in my back yard' attitude and that two town houses or bungalows suited to first time buyers would be very acceptable.

Jenny Brooks, on behalf of Dunnington Parish Council, then spoke in objection to the application. Ms Brooks stated that Dunnington Parish Council objected to the application as it was overdevelopment of a plot resulting on adverse impact on immediate neighbours. Ms Brooks stated that Dunnington has an ageing population and bungalows were highly sought after by elderly residents. Ms Brooks stated that condition 13 must be adhered to strictly and all drainage details be submitted and approved before work begins.

Cllr Mark Warters then spoke in objection to the application. Cllr Warters highlighted that he believed the two proposed properties to be out of character for the area, gross overdevelopment and with an unacceptable impact on neighbours. Cllr Warters urged the committee to refuse the application and let it be tested at appeal to set a precedent in York for future 'garden grabbing' schemes. Cllr Warters finished by expressing his discontent with the power of enforcement with York and informed the committee that they should take no comfort in the conditions and informatives listed.

Cllr Rowley then spoke in objection to the application. Cllr Rowley highlighted that Dunnington Parish Council have a proven track record for encouraging development to meet the City's housing need. He went on to state that this application doesn't not meet the housing need for the area, which is short of

two-bedroom starter homes in particular. Cllr Rowley also expressed his discontent with City of York Council's track record of enforcing planning conditions and urged the committee to refuse the application.

During debate, Members expressed sympathy with the residents and agreed that more affordable housing would have been gladly welcomed. However, Members were clear that they did not feel as though there were valid planning reasons to refuse the application and that if they did it would certainly be overturned at appeal.

It was moved and seconded that approval be granted and it was therefore

Resolved: That approval be granted subject to the conditions listed in the report.

Reason: The application would provide one additional house in a sustainable location. The scale, design and materials would be in keeping with the character of the area and would have no significant impact on neighbouring occupiers. The Council's highways officers have no objection to the access, parking, traffic generation or highway safety. Contamination and drainage could be dealt with by condition. The application complies with relevant policies of the NPPF and Publication Draft Local Plan 2018.

**4b) Dean Court Secure Car Park, Rear Of Portland Street  
[18/02853/FULM]**

Members considered a Major Full Application for the erection of a two storey block of 16 apartments on site of existing private car park with associated cycle and refuse stores.

Members questioned officers on the potential use of photovoltaic panels and the policy target of 28% reduction to carbon emissions. Officers stated that this was the target however it was not yet clear whether the 28% would be viable for this development or whether photovoltaics would be necessary in achieving the 28% reduction.

Members also asked whether a condition could potentially be added for maintenance of the sedum roof and whether officers

would look into the potential of further Section 106 contribution for public amenity space in the area, particularly Bootham Square. Officers said that since the recommendation was for delegated authority to approve, they would report back on Section 106 issue to Chair and Vice-Chair and that it would not be unlawful to impose a condition on the sedum roof.

During debate, Cllr Craghill moved and Cllr Cullwick seconded a proposal to amend condition 13 regarding the landscaping of the site. The motion fell by 6 votes to 5.

It was then moved and seconded that approval be granted and it was therefore:

Resolved: That delegated authority to approve be granted subject to the conditions listed in the report, an additional condition relating to maintenance of the sedum roof and a Section 106 agreement being approved with additional investigation into the potential for a financial contribution relating to amenity open space at Bootham Square.

Reason: The scheme is acceptable in principle, providing needed housing in a sustainable location at an under-used site in accordance with sections 5 and 11 of the NPPF. In accordance with sections 12 and 16 of the NPPF, the scheme is acceptable on design grounds, considering its functionality and its impact on the conservation area and neighbour's amenity. Conditions can be used to ensure the development is sustainable.

#### **4c) Hotel Noir Ltd, 3 - 5 Clifton Green [19/00108/FULM]**

Members considered a Major Full Application for the conversion of a hotel to 10 residential units (use class C3).

Officers updated the committee on further concerns from neighbours regarding:

- Access arrangements as the intention is for main access to be from Clifton Dale and that there would not be an option for people to access the car park from Clifton Green.
- Extra traffic on Clifton Dale

- Type of dwellings proposed, including 'Air B and B' and associated disruption / traffic that this may cause.

Members questioned whether anything could be done in terms of prohibiting Air B and B usage and the Officers confirmed that this is not possible within planning law.

Members also asked officers about the provision of cycle storage and officers stated that the required provision is 1 cycle storage space per dwelling and that therefore the developer was offering more than that. It was suggested that feedback could be given to the developer indicating that more cycle storage would be well received in such a sustainable location.

Richard Dykes, the agent for the applicant, then spoke in support of the application. Mr Dykes highlighted that the scheme provided a valuable mix of accommodation and a respectful and restorative addition to the street scene. Mr Dykes stated that he believed that the change of use from hotel to residential in a sustainable location would see a reduction in traffic and congestion and concluded that the scheme would be an enhancement to the area.

Bernadette Burbridge, a local resident, then spoke in objection to the application. Ms Burbridge stated that local residents are broadly in favour of the development, however the residents had some suggestions that they wanted the committee to consider. Ms Burbridge suggested that the site should have one way flow traffic and stated that particularly parking space 11 was not safe. Ms Burbridge also stated that residents believed that parking for Number 1 Clifton Dale should park on the street and that this would free up considerable room within the development for one way traffic flow. Ms Burbridge also expressed concern at the potential use of these properties for Air B and B letting.

During debate, Members discussed the issue of parking, one way traffic and the narrow entrance/exit from the site. It was also noted that whilst Members agreed that it was not ideal for parking space 11 to have to manoeuvre across a pavement and onto Clifton Green, they did not believe it to be hazardous.

It was moved and seconded that permission be approved and it was therefore:

Resolved: That delegated authority to approve be granted subject to a Section 106 agreement being agreed and subject to the conditions listed in the report.

Reason: In principal this change of use in consistent with the Government's objective (as detailed in NPPF section 5 to delivering a sufficient supply of homes). The scheme will enhance the character and appearance of the Clifton Conservation area. In accordance with section 9 of the NPPF, the scheme will promote sustainable travel, provide adequate access and would not have a severe impact on the highway network. There is no undue effect on residential amenity.

**4d) 1 Chestnut Row, Skelton [19/00384/FUL]**

Members considered a full application from Mr Appleton for a single storey rear extension.

Mr Appleton, the applicant, then spoke in support of the application. Mr Appleton stated that this small extension would make a big difference to his property. Mr Appleton stated that he thought it would be a quick project with minimal disruption to neighbours.

Karen De Vries, then spoke on behalf of Skelton Parish Council. Ms De Vries stated that Skelton Parish Council had objected to the original plans and had not received notification of revised plans. Ms De Vries stated that had the Parish Council received updated plans, they may have withdrawn their objection. Ms De Vries highlighted that whilst the Parish Council felt there would be some damage to neighbouring amenity, they noted that there were no objections from neighbours.

It was moved and seconded that approval be granted and it was therefore:

Resolved: That approval be granted subject to the conditions listed in the report.

Reason: The proposal is not considered to harm the character and appearance of the conservation area, nor would it result in harm to residential amenity or highway safety. The proposal complies with NPPF

2019, policies D1, D4 and D11 Publication Draft Local Plan 2018, policies GP1, h7 and HE2 of the 2005 City of York Draft Local Plan, advice contained within Supplementary Planning Document 'House Extensions and Alterations' (Dec 2012), and guidance provided by the Skelton Village Design Statement.

**4e) Unit 10, Monks Cross Shopping Park, Monks Cross Drive [19/00451/FULM]**

Members considered a Major Full Application from the Trustees of the Monks Cross Shopping Park Trust for the installation of a full cover mezzanine.

Mr Eric Hall spoke on behalf of the applicant. In response to Member questions, Mr Hall stated that the proposed client of the space, should planning permission be approved and the mezzanine built, had wanted the mezzanine and that is the reason for the application. Mr Hall stated that he was unable to inform Members of who the intended client was at this stage.

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

Resolved: That approval be granted subject to the conditions listed in the report.

Reasons: The proposal is to increase the size of the mezzanine in Unit 10 at Monks Cross Retail Park. There are no sequentially preferable sites in the City Centre or any other defined centre and the proposal would not significantly adverse impact on the vitality and viability of the City Centre or district centres. As a result, the proposal is considered to meet the policy requirements of R1 and R4 in the emerging Local Plan.

**4f) 8 Sandyridge, Nether Poppleton [19/00472/FUL]**

Members considered a Full Application from Mr Bryan for the variation of condition 2 of permitted application 18/00541/FUL (erection of dormer bungalow in rear garden) to alter design and external appearance of approved dormer bungalow.

The Officer informed Members that an additional letter of objection had been received from Cllr Anne Hook relaying concerns of a number of local residents.

Members were interested to know whether anything could be done to protect the tree at the rear of the property. Officers stated that there could potentially be a condition added however currently there was nothing to protect the tree from future development.

Mr John Howlett, the agent for the applicant, then spoke in support of the application. Mr Howlett stated that it is the applicants interest to create a safe access point to the site and noted that the applicants were happy to revert to originally submitted plans if they were deemed by the committee to be more feasible. Mr Howlett expressed the applicants thanks to officers for their work on the application.

Mr Limbert, a local resident, then spoke in objection to the application. Mr Limbert stated that his concern related to safety of the driveway. Mr Limbert felt that if the driveway was allowed to move to where it currently sits in the plan, it would go from a safe position, to an unsafe one.

Members were interested to know whether it was possible to remove permitted development rights. It was moved and seconded that permitted development rights be removed from this site and it was carried by 7 votes to 4. Officers clarified that the removal permitted development rights would relate to Class A and Class E development rights.

It was also noted that an additional informative, prohibiting bonfires on the site would also be added.

It was moved and seconded that approval be granted and it was therefore:

**Resolved:** That approval be granted subject to the conditions in the report and the additional condition and informative above.

**Reason:** It is considered that the proposed amendments to the design, siting and scale would not have any detrimental impact upon the amenities of neighbouring residents or the character of the area.

Amendments to the vehicular access would not result in vehicular conflict at the junction with sandyridge. The application therefore accords with the NPPF, Upper Poppleton and Nether Poppleton Neighbourhood Plan, Policy D1 and T1 of Draft Plan 2018 and policies GP1 and GP4A of The Deposit Draft Local Plan 2005.

**4g) 56 St Stephens Road [19/00562/FUL]**

Resolved: This application was withdrawn by the applicant.

**5. Appeals Performance and Decision Summaries**

Members considered their regular report informing Members of the committee of the Council's performance in relation to appeals.

Resolved: That Members note the content of this report

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

**6. Planning Enforcement Cases - Update**

Members received the quarterly update on planning enforcement cases.

Resolved: That Members note the content of the report.

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

Councillor Hollyer, Chair

[The meeting started at 4.30pm and finished at 6.40pm].





City of York Publication Draft Local Plan 2018

Policy D1 Placemaking  
Policy D11 Extensions and Alterations

City of York Council Development Control Local Plan 2005

CYGP1 Design  
CYH7 Residential extensions

### **3.0 CONSULTATIONS**

#### EXTERNAL

Osballdwick Parish Council

3.1 Object most strongly to the extensions, the property has operated (as an HMO) for a number of years with little adverse effects on neighbours. The proposals represent a gross overdevelopment of the property, detrimental to the streetscene and surrounding neighbours and introducing a level of potential occupancy that will undoubtedly cause problems in terms of car parking, waste storage/disposal and the added potential for noise and disturbance from the comings and goings of occupants.

3.2 The Parish Council have enough experience of the detrimental effects of such 'super sized' HMOs throughout Osballdwick to not want to see any more. Given the CYC position on provision of private student flat accommodation on prime private sites in this area of York, namely that approving such provision leads to release of family homes back from the student let market to residential use (although that position is factually unproven) the Parish Council question how approving such disproportionate extensions onto family homes assists this aim in the future. Allowing extensions to create 'superhomes' puts the future use beyond family residential purchasing power and ensures the continual student let HMO use

Neighbour Notification and Publicity

3.3 Two residents have submitted objections:

- Six occupants with visitors will cause an unacceptable level of parking and safety issues; there are not many spaces on the road which are free to park without blocking drives
- No.27 is on a corner plot, vehicles parking on the verge or at the side will cause a blind spot

- Bedale Avenue is a preferred route for learner drivers and the road around nos.4 and 12 is narrow
- Will devalue property
- The party wall is not thick – if there is a fan in the bathroom it will hum and vibrate - More occupants will increase noise – have had to complain about noise in the early hours on some occasions - The guttering on the rear extension should not overhang my boundary (*Occupant of adjoining property - no.27 Bedale Avenue*)
- The extension would extend to half the length of the existing house – as the sun comes round from that direction it would impede light into my garden and house particularly in winter, would seriously affect my quality of life (*Occupant of adjacent property to the north - no.23 Bedale Avenue*)
- Will only be disruption from such a large household, noise, litter, refuse bins and vermin will be an issue
- The number of resident and visitors will create a parking problem – I already struggle to get my car out of the drive
- Osbaldwick has too many students

## 4.0 APPRAISAL

### KEY ISSUES

4.1 The key issue in the assessment of this proposal is the impact upon the character of the host building and surrounding townscape and the amenities of nearby residents.

### POLICY CONTEXT

#### National Planning Policy Framework

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

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

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

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

### Local Plan Policies

#### City of York Publication Draft Local Plan 2018

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 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).

4.7 Policy D1: Placemaking advises that designs should ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing. Policy D11: Extensions and Alterations is relevant and advises that development proposals will be supported where, inter alia, they respond positively to the immediate architectural context, local character and history in terms of the use of materials and detailing, scale and proportion, landscape design and the space between buildings and protect the amenity of current and neighbouring occupiers.

#### City of York Council Development Control Local Plan 2005

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

- Policy H7 sets out a list of design criteria against which proposals for house extensions are considered. The list includes the need to ensure that the

design and scale are appropriate in relation to the main building; that proposals respect the character of the area and spaces between dwellings; and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy.

- Policy GP1a) requires development proposals to respect or enhance the local environment and GP1b) requires them to be of a design that is compatible with neighbouring buildings and the character of the area.
- Policy GP4a i) requires that development proposals make adequate provision for the storage and collection of refuse and recycling.
- Appendix E to the Local Plan outlines car and cycle parking standards for development and specifies that HMO's should provide 1 car parking space per 2 bedrooms and 1 cycle parking space per bedroom.

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

4.9 The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations and was approved on 4 December 2012. The SPD offers overarching general advice relating to such issues as privacy and general amenity as well as advice which is specific to the design and size of particular types of extensions or alterations.

4.10 Paragraph 7.1 advises that a basic principle is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the street scene generally. In particular, care should be taken to ensure that the proposal does not dominate the house or clash with its appearance.

4.11 Paragraph 7.4 outlines principles to follow to help ensure that character and streetscene criteria are met, including:

- a) The siting of an extension should not be detrimental to the pattern of buildings and the spacing between them.
- b) Extensions should normally appear subservient to, yet in keeping with, the original building.
- c) Extensions should respect the architectural period, style and detailing of the existing dwelling and the area.
- f) Extensions to dwellings should generally have a roof pitch and/or style that reflects that of the existing house.

4.12 Paragraph 8.1 advises that a site should retain adequate access, parking and turning facilities for vehicles, including secure storage for cycles. Paragraph 8.3 advises that regard should be given to the storage of bins and recycling boxes.

4.13 Paragraph 8.4 advises that where a property is reliant on access to the rear garden for the storage of cycles a minimum gap of 0.9m will normally be required between the extension and the side boundary.

4.14 Paragraph 13.6 advises that when deciding the acceptable projection of two-storey extensions a starting point will be the '45 degrees rule', which is established by drawing a line on a floor plan from the centre point of the nearest ground floor habitable room window towards the proposed extension. Extensions that project beyond a 45 degrees line will normally be unacceptable unless it can be clearly shown they will not unduly harm the living conditions of the affected property. This rule does not take account of the extension's impact on direct sunlight.

## ASSESSMENT

### Principle of Expansion of HMO Use

4.15 Members will be aware that the Council has an SPD for controlling the concentration of HMOs. Although it does not apply to this application, because there is no change of use of a dwellinghouse to an HMO involved, for information, the SPD assists in that it provides guidance on whether the number of HMOs in an area can be said to causing problems and tipping the community from balanced to unbalanced. The SPD identifies this point as when 20% of all properties across a neighbourhood and 10% at street level are HMOs.

4.16 In this respect the HMO percentages for 25 Bedale Avenue (including the application property) are 7.5% at street level and 9.56% at neighbourhood level; i.e. both well below the thresholds in the SPD. In the light of this and the Council's own guidance on when an area can be said to be suffering from the impacts of an HMO concentration, it is considered it would be very difficult to justify that slightly increasing the number of occupants in the property would have an adverse impact on the community and, indeed, the LPA has lost the argument on just this point in recent appeals [i.e. 34 Deramore Drive, March 2018 (increase of two bedrooms) and 36 Vanbrugh Drive, October 2018 (increase of 1 bedroom)].

4.17 It should also be noted that as HMO use of the property has already been authorised by a certificate of lawfulness, it could be occupied by up to 6 persons without the need for planning permission to be obtained, subject to any extensions involved benefitting from permitted development rights.

4.18 This does not negate, however, the need for an assessment as to whether that the scheme satisfies operational requirements in respect of car/cycle parking and refuse storage provision.

### Car Parking, Cycle Parking and Bin Storage

4.19 In terms of car parking the Council's parking standards seek up to 3 parking spaces for a 6 bed HMO. In this respect the front curtilage has already been fully hard-surfaced as a parking area and the submitted plan shows it can accommodate 3 car parking spaces at the front of the property and leave a 0.9m gap to move bikes and bins between the front and rear. The plan also indicates that a bin store and cycle store for 6 bikes would be provided in the rear curtilage.

4.20 The car parking spaces are shown as 2.4m wide by 4.8m long, which are the prescribed dimensions for a standard car parking space in the Council's Highway Design Guide. The Guide outlines that an appropriate parking space for a household plot (i.e. including an HMO) can be up to 6m long by 3.6m wide to allow ease of access, ease of movement for getting things in and out of the boot, maintenance, working areas, etc. and officers normally look to secure this larger size of parking space for an HMO when it is in a location where there is an existing on-street car parking problem. However, there does not appear to be a significant on-street parking problem in the location and Highway Network Management has no complaints on record about there being such a problem.

4.21 In this respect it should be noted that the Council's parking standards are a maximum and each development proposal has to be assessed in accordance with site conditions. It should also be remembered that the Council's parking standards do not require off street provision for visitors. In view of this it is not considered that the Council's usual requirement for 3 larger off street car parking spaces can be rigidly applied in this particular application, as it is not considered that the potential for the occasional or even regular parking of 1 tenant's car on the street would be grounds for refusal.

4.22 Further points to take into account in respect of satisfying facility provision requirements are that the proposal includes a 6 space cycle store in the rear garden, which will promote the use of a sustainable transport mode, and the proposed bin storage facility is also considered to be acceptable.

#### Proposed Extensions

4.23 The proposed single storey side extension would sit 3.6m off the main side elevation of no.23 (the adjacent property) and would project 4.3m beyond the rear elevation of the host property and no.23. No.23 has a side garage extension between itself and no.25 and there is a circa 1.8m high timber fence along the rear boundary between the two properties. The extension would sit to the south of no.23 but as it is only single storey it is not considered that it would have an adverse impact on the amenity of these neighbours either in terms of bulk or impact on natural light. Nor would it impact adversely on neighbours to the other side or the rear.

4.24 The two storey element of the proposed rear extension is 3m long and would sit 4.8m off the side elevation of no.23 and 3m off the shared rear boundary with no.27 (the adjoining semi). This element would obviously have a greater visual impact than the proposed single storey side extension, it would, however, be almost 5m off the side elevation of no.23 and it is not considered it would over-dominate this adjacent property. It should also be noted that this part of the proposal would not be in conflict with '45 degree rule' (SPD Paragraph 13.6) and as it would lie to the north of no.27 it would not erode natural light to this adjoining semi and it is not considered it would impact adversely on these neighbours or, indeed, others to the rear.

4.25 There is a 2m high brick wall on the shared boundary between nos.25 and 27 and the single storey element of the proposed rear extension would abut this boundary and project 3m beyond the rear elevation of both properties. As originally submitted this element of the proposals had a mono-pitch roof which was 2.5m high to eaves rising to 3.8m high where the roof met the rear elevation. Officers felt this could have an adverse impact on the outlook from the rear of no.27 and requested a reduction in the height of the roof. An amended plan was submitted which incorporates a hipped roof that slopes upwards away from no.27 and officers consider that this is now acceptable.

### Daylight and Sunlight

4.26 In terms of the impact on natural light reaching no.23 a Daylight and Sunlight Study has been submitted by the applicants. This uses tests outlined in the Building Research Establishment (BRE) Guide 'Site Layout Planning for Daylight and Sunlight: a good guide to practice 2011'. The Study advises that the proposed development would have a low impact on the light received by 23 Bedale Avenue and that all of the relevant windows and the rear garden pass the test for daylight and sunlight availability.

## **5.0 CONCLUSION**

5.1 The proposed extensions will respect the general character of the building and area and will have no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy. They are considered to be acceptable and comply with national guidance in the NPPF, Development Control Local Plan Policies and the City of York Council's Supplementary Planning Document (House Extensions and Alterations).

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Householder Approval

1 TIME2 Development start within three years

Application Reference Number: 18/02806/FUL

Item No: 4a

Page 8 of 10



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

446.001C and 446.003

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

3 VISQ1 Matching materials

4 The extensions hereby approved shall not be brought into use for a House in Multiple Occupation purposes until the areas and facilities shown on the approved plans for parking of cycles and storage of bins have been constructed in accordance with the approved plans, and such facilities areas shall thereafter be retained solely for such purposes.

Reason: In the interests of highway safety, the promotion of the use of sustainable modes of transport and proper management of refuse

## **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) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

### **2. AVOIDING DAMAGE TO THE HIGHWAY GRASS VERGE**

Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused, by activities relating directly to the approved development (e.g. delivery of building materials via HGV's). The Council is particularly concerned at the increasing impacts and damage occurring to grass verges. This is detrimental to residential amenity, can present safety issues and places an unreasonable financial burden on the Council, if repairs are subsequently deemed necessary. Therefore, applicants/developers are strongly advised to work proactively with their appointed contractors and delivery companies to ensure that their vehicles avoid both parking and manoeuvring on areas of the public highway (grass verges) which are susceptible to damage. The Council wishes to remind applicants that legislation (Highways Act 1980) is available to the authority

to recover any costs (incurred in making good damage) from persons who can be shown to have damaged the highway, including verges. If the development is likely to require the temporary storage of building materials on the highway, then it is necessary to apply for a licence to do so. In the first instance please email [highway.regulation@york.gov.uk](mailto:highway.regulation@york.gov.uk), with details of the site location, planning application reference, anticipated materials, timelines and volume. Please refer to the Council website for further details, associated fees and the application form.

**Contact details:**

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19/02806/FUL

25 Bedale Avenue Osbaldwick



GIS by ESRI (UK)



Scale : 1:970

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	21 June 2019
<b>SLA Number</b>	Not Set

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Policy D11 Extensions and Alterations to Existing Buildings

**3.0 CONSULTATIONS**

INTERNAL

Public Protection

3.1 Additional information has been provided in relation to the type of equipment that would be used within the workshop. This would consist of hand held drills, bench drills, scroll saw and handheld sanders. Based on this additional information Public Protection has no concerns or objections regarding this proposed use.

EXTERNAL:

Heworth Planning Panel

3.2 no comments received

Publicity/Neighbour Notification

3.3 One objection received from a neighbouring property on the following grounds:

- Potential for noise from the equipment and machinery used within the workshop
- There is no mention of whether the building is, or would be, insulated in order to minimise noise
- The building is already too close to the boundary with residential properties in Meadlands

**4.0 APPRAISAL**

4.1 Key issue(s):

- Visual impact on surrounding area
- Neighbour Amenity

National Planning Policy Framework (February 2019) (NPPF)

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

4.3 Paragraph 94 of the NPPF states that local planning authorities should give great weight to the need to expand or alter schools through decision so n applications.

Publication Draft Local Plan

4.4. The ('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.

4.5 Policy D11 (Extensions and Alterations to Existing Buildings states that proposals to extend, alter or add to existing buildings will be supported where the design responds positively to its immediate architectural context, local character and history in terms of the use of materials, detailing, scale, proportion, landscape and space between buildings. Proposals should also sustain the significance of a heritage asset, positively contribute to the site's setting, protect the amenity of current and neighbouring occupiers, contribute to the function of the area and protects and incorporates trees.

4.6 Policy ED6 (Primary and Secondary Education) seeks to meet the identified education, skills and training needs of children and young people, adults, families, communities and employers in modern education facilities.

Development Control Local Plan 2005

4.7 The Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF. Policy GP1 refers to design, for all types of development. Of particular relevance here are the criteria referring to good design and general neighbour amenity. Policy ED1 (primary and secondary education facilities) states that planning applications for extended primary education facilities will be granted permission provided that it would meet a recognised need, and the proposed development is of a scale and design appropriate to the character and appearance of the locality.

**ASSESSMENT**

4.8 The school occupies a large modern building fronting onto Bad Bargain Lane. The school site is shared with the site of the former Burnholme Community College located to the west of the application site. To the east of the site are the rear boundaries of detached residential properties situated on the Meadlands Estate. The garage to which the application relates measures approx 7.8 metres x 7.2 metres with a height of approx 4.8 metres. It is a brick building with grey slate roof located to the east side of the school building and not in current use. The proposal would convert the garage into Design and Technology teaching space.

4.9 The loss of the garage space would not impact on vehicle parking or storage. There are small ancillary buildings for the storage of external equipment and cycle sheds are located to the front and rear of the school.

## VISUAL AMENITY

4.10 The existing garage building is positioned approx 20 metres from the public highway to the east of the main school buildings. It is to the side of the coach and car park to the front of the school. The garage doors on the principal elevation of the building would be altered to an up and over aluminium door along with a large glazed window and external entrance door. The east side elevation would contain two new high level windows. The changes would read as an ancillary development serving the school. As such the proposal would not be harmful to the existing school and the local character of the surrounding neighbourhood.

4.11 The existing 2.4 metre green Heras fence located towards the east side boundary would be extended by approx 35 metres. The new fence would attach to the security fence and gate located to the side of the school which separates the car park from the playing fields. There will be additional fencing separating the class rooms to provide individual outside play areas. The minor ground works involved to install the fence is set away from adjacent trees separating the rear gardens of Meadlands Estate. The new fence will not be prominent from public areas and would blend in with the appearance of the school grounds. As such it is not considered that the security fencing would have any adverse effect on the school or surrounding area.

## NEIGHBOUR AMENITY

4.12 An objection has been submitted from a neighbouring property on the grounds of the proximity of the building and the potential noise caused by equipment and machinery. No specific details of the equipment that would be used within the workshop and the noise levels of this equipment had been provided with the application. The School have confirmed that the type of equipment that will be used in the workshop will not be heavy duty or industrial. The type of learning activity that will take place, coupled with the needs and capabilities of the pupils will mean that the type of equipment will be mostly hand tools. The type of tool/equipment to support the design and technology based learning will be handheld drills, bench drills, scroll saw



and handheld sanders. Public Protection have subsequently confirmed that that they have no objections the application.

## **5.0 CONCLUSION**

5.1 The proposed conversion would provide improved facilities for the school. The type of equipment that would be used would be unlikely to result in loss of amenity to neighbouring properties. On this basis, the proposal is considered to comply with policies D11 and ED6 of the Publication Draft Local Plan and policies GP1 and ED1 of the Development Control Local Plan.

## **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:-

Location/site plan drawing number 180127/P/02  
Plans and Elevations drawing number 180127/P/04

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

## **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) 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:**

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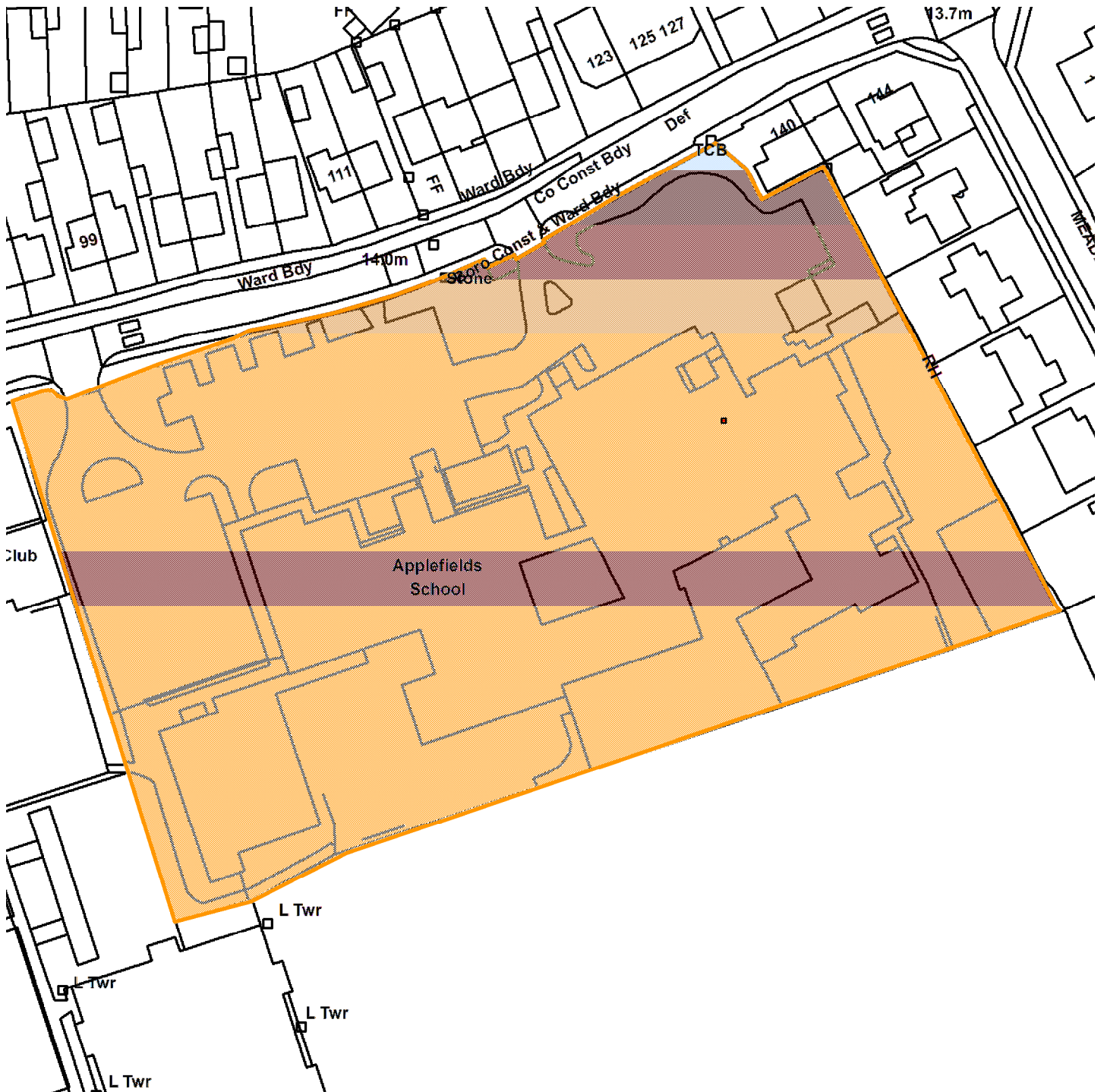
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19/00712/GRG3

Applefields School Bad Bargain Lane



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	21 June 2019
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 4 July 2019                      **Ward:** Wheldrake  
**Team:** Householder and              **Parish:** Naburn Parish Council  
Small Scale Team

**Reference:** 19/00829/FUL  
**Application at:** 10 Vicarage Lane Naburn York YO19 4RS  
**For:** Two storey side and rear extensions (resubmission of  
18/01761/FUL)  
**By:** Mr Andrew Holmes  
**Application Type:** Full Application  
**Target Date:** 9 July 2019  
**Recommendation:** Householder Refusal

**1.0 PROPOSAL**

1.1 The application site is a two storey semi- detached dwelling located on Vicarage Lane in a residential area of identical house types.

1.2 This application is a resubmission of a previously refused development (ref: 18/01761/FUL) for the construction of a two storey side and rear extension. This proposal included larch cladding and render to the rear extension. The key difference with this application is the design of the two storey rear extension has changed from a gable roof to a hipped roof and the Juliet balcony has been removed. In addition the rear extension has been reduced in length from 3.5 metres to 3 metres. The proposal will also consider the use of materials which now match the host dwelling.

1.3 The application has been called into sub-committee on the grounds that the application concerns a dwelling in Vicarage Lane where many of the properties on the same side of the street have extensions not dissimilar in scale to the one proposed.

**2.0 POLICY CONTEXT**

2.1 Policies:

2005 Draft Development Control Local Plan

CYGP1 Design

CYH7 Residential extensions

CYGB1 Development within the Green Belt

Emerging Local Plan

Policy D11 Extensions and alterations

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Policy GB1 Development in the Green Belt

### 3.0 CONSULTATIONS

EXTERNAL:

Naburn Parish Council

3.1 Support the application.

Ouse and Derwent Drainage Board

3.2 Objection on the grounds that the site is in an area where drainage problems exist and development should not be allowed until the Authority is satisfied that surface water drainage has been satisfactorily provided for. Any approved development should not adversely affect the surface water drainage of the area and amenity of adjacent properties.

Publicity:

3.3 Six letters of support/no objection have been received commenting generally that the extension would be in-keeping with and not out of scale with the area; that many other properties have been extended in the Lane; and that it would not overlook the neighbours.

### 4.0 APPRAISAL

#### 4.1 Key Issues

- Whether the development is considered inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies.
- The effect of the proposal on the openness of the Green Belt and on the character and appearance of the area;
- If the development is inappropriate, whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development
- Amenity of adjacent dwellings.

### PLANNING POLICY

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

Saved Policies of the Yorkshire and Humber RSS

4.3 Policy YH9(C) states that the detailed inner boundaries of the Green Belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city. Policy Y1(C1) states that plans, strategies, investment decisions and programmes for the York sub area should in the City of York LDF, define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with policy YH9C.

National Planning Policy Framework (NPPF) (February 2019)

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

Publication Draft Local Plan (2018)

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

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

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

Development Control Local Plan (2005)

4.7 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. The DCLP does not form part of the statutory development plan, and whilst of very limited weight, its policies are capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

## IMPACT ON THE GREEN BELT:

4.8 The village of Naburn was, in the 2005 Draft Local Plan a 'washed over' settlement in the Green Belt. Policy GB2 of the 2005 Plan allowed for more extensive extensions and infill development proposals in 'washed over' areas. However the NPPF no longer contains policies for 'washed over' settlements, stating that "if it is necessary to restrict development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt." The 2018 Publication Draft Local Plan includes Naburn in the Green Belt. The Local Plan Topic Paper TP1 (Approach to defining York's Green Belt) stating that "Naburn remains set in a largely rural landscape surrounded by open country and farming land with leisure facilities developed along the river. Grass verges throughout the village add to the rural feel of the village, alongside the large gardens of many of the houses which add to its open nature." Concluding that "This area exhibits a high degree of openness, and contributes to the openness of the green Belt. It is recommended to be included in the Green Belt."

4.9 The NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 143 states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Para 144 states 'substantial weight' should be given to any harm to the Green Belt. Paragraph 145 goes on to set out the types of development that are not inappropriate in the Green Belt. In this regard the national policy establishes that the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building, should be regarded as an exception to inappropriate development in the Green Belt. Policy GB1 of the 2018 Publication Draft Local Plan states that permission will be granted where the scale, location and design of development would not detract from the openness of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and it would not prejudice or harm the character or setting.

4.10 Vicarage Lane is a residential street of two-storey houses set back from the road and with large gardens to the rear, there being significant gaps between pairs of dwellings. Vicarage Lane extends into the open countryside and behind the rear garden of the application site are open fields. In dismissing a recent planning appeal for extensions at no.21, the Inspector stated that these characteristics provide the street with a sense of greenery, openness and spaciousness.

4.11 There is no definition in the NPPF of what constitutes "disproportionate". However, the explanatory text to policy GB4 of the 2005 DCLP states that as a guide, a planning application to extend a dwelling by more than 25% of the original foot print will be considered to be a large scale addition and will be resisted accordingly. In assessing proportionality, the proposed extension would increase the floor area from



35 square metres to 69 square metres. This would be almost double its original footprint and when combined with the proposed mass of the two storey extensions comprises a disproportionate addition over and above the size of the original building, which therefore comprises inappropriate development.

4.12 The NPPF states that openness is an essential characteristic of the Green Belt. The application property occupies a prominent, open location and from the rear lacks any natural screening and is visible across flat areas of open countryside. The proposed massing of the development would create an overly large development which would be very prominent from rear gardens to the point it would significantly harm the openness of the green belt

4.13 It is acknowledged that there are some noticeable large extensions to neighbouring dwellings in this location. However, these extensions would not follow the current Green Belt policy as set out in the NPPF and the emerging Local Plan. As such existing extensions to neighbouring dwellings would not be considered to set precedent for allowing development at this dwelling. Recent appeal decisions in Naburn support the local planning authorities current approach to the Green Belt.

#### DESIGN/ APPEARANCE:

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

4.15 The SPD was subject to consultation from January 2012 to March 2012 and was approved at Cabinet on 4 December 2012. Advice in the document is consistent with local and national planning policies and is a material consideration when making planning decisions.

4.16 The host dwelling is a hipped roof semi -detached property located in a rural street of identical pairs of semi-detached houses. The proposed two storey side element would be stepped down from the existing roof ridge by approx 500mm and stepped back from the principal elevation by approx 500mm. On assessment this element of the proposal is a relatively modest extension which is lowered at the ridge height. Moreover, it would comply with the advice provided in Paragraph 7.1 of the Supplementary Planning Document (SPD) for House Extensions and Alterations which states that a basic principle is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the street scene generally.

4.17 The two storey extension at the rear would be lowered from the main ridge by approx 500mm incorporating a wide hipped roof which would project in total by approx 9.5 metres in width to the joint neighbouring boundary. The length would connect to the two storey side extension and project approx 3 metres in depth into the rear garden. This element of the development is considered to represent a significant increase to the rear of the dwelling. The design incorporating the expanse of the proposed hipped roof would introduce an unduly incongruous, unbalanced development which would not be subservient to, or relate well to the host property. It would make it almost impossible to read the existing simple proportions of the host dwelling and would overwhelm it, altering significantly the appearance of the property. Thus, when viewed from the rear gardens the mass of the development would appear unsympathetic and out of character with the character and form of the surrounding village scene. It is considered that the proposal would conflict with the advice and guidance in the SPD, in particular Paragraph 7.5 which advises that rear extensions should respect the appearance of the house and street unless a justification can be given showing how the development will enhance the street scene. In addition the additional mass must not impact on space around building or conflict with the amenity of neighbouring dwellings.

#### RESIDENTIAL AMENITY:

4.18 The attached dwelling at 11 Vicarage Lane has a two storey side and rear extension, in addition to a single storey mono-pitched rear extension. The length of the extension would result in a small loss of light during the later part of the day. The house is south facing and is well placed to receive high levels of direct sun light. The first floor sections of the rear extension would be in full view from the rear garden. However, the resulting massing would not generally be so harmful given the openness and garden sizes that exists at the rear. The ground floor sections would be screened from view and the rear openings of this neighbour would be well away from the bi folding doors to the proposed extension. Therefore, although development is close to the shared boundary near the house, it is not considered that it would have an oppressive and overbearing impact. Furthermore, the introduction of the full length windows would provide views on to the rear garden and would not result in any significant new overlooking of adjacent properties.

4.19 The dwelling on the opposite boundary at 9 Vicarage Lane is separated from the extension by the width of the driveway. This dwelling hosts a car port on the side driveway which leads to a detached garage located behind the main house. The visible sections of the extension would be from the main house to the detached garage. However, the main outside habitable areas of this rear garden are screened by an existing two storey rear extension. Therefore, whilst the ridge height would be visible from the rear garden, it is not considered that its appearance would be unduly oppressive or result in any loss of light. The additional first floor full length windows are set well away from the shared boundary serving bedrooms. Thus would not create any additional overlooking or loss of privacy.

## APPLICANT'S PLANNING STATEMENT

In support of the application the applicant states that the extension is not disproportionate in scale to either the existing dwelling or the plot as a whole and that the proposal is entirely subservient. Views of the proposals from the surrounding countryside would be limited and the 1.2m gap retained to the side boundary would allow views from Vicarage Lane to the fields behind. The applicant states that the Green Belt status of Naburn village has not been tested as the 2018 Plan is unadopted.

### 5.0 CONCLUSION

5.1 The application site is within the Green Belt. It is considered that the proposed extensions would result in a disproportionate addition over and above the size of the original dwellings and thus represent inappropriate development in the green belt. The size and overall massing of the house would be increased to a level which would harm openness. This would be contrary to the National Planning Policy Framework , and emerging Local Plan Policy GB1 and, which seek to restrict the size of additions and extensions to existing dwellings in the Green Belt in order to maintain openness.

5.2 The proposed development is by reason of its design, size and scale, would not appear subservient to the host property, would unbalance its appearance and appear dominant within the surrounding street scene. It is considered to conflict with national planning advice in relation to design contained within the National Planning Policy Framework. It would also conflict with the Emerging Local Plan Policies D1 and D11 and the Council's Supplementary Planning Guidance 'House extensions and alterations' December 2012 which encourages good design.

5.3 Whilst the proposal would enhance the amenity and living conditions of the existing occupants, it is not considered that this factor constitutes very special circumstances that would outweigh the harm to the Green Belt and the other harms identified.

### COMMITTEE TO VISIT

#### 6.0 RECOMMENDATION: Householder Refusal

1 The application site lies within the general extent of the Green Belt, as set out in saved policies Y1 and YH9 of The Yorkshire and Humber Plan - Regional Spatial Strategy. It is considered that the proposed extension, due its significant footprint and size over two storeys would result in a disproportionate addition to the original dwelling, which would represent inappropriate development in the Green Belt. It would create a significant extension to the original property which would harm the openness of the Green Belt. No very special circumstances have been identified that would outweigh this harm. As such the proposal conflicts with the National Planning

Policy Framework 2018 Chapter 13 and, policy GB1 of the City of York Publication Draft Local Plan 2018, which seek to restrict the size of additions and extensions to existing dwellings in the Green Belt in order to maintain openness.

2 The proposed development represents poor design. It would not represent a subservient addition to the host property and would constitute an over dominant addition resulting in an incongruous, unattractive development which is poorly related both to the existing house, the adjoining house and the wider street scene, thus causing harm to both the appearance of the dwelling and wider local area. The size of the extension would overwhelm the existing rear of the house to such an extent that it makes it almost impossible to read the existing proportions of the host dwelling and does not relate well to it. It would further draw the eye to a dominant form of development which will be sited immediately up to the shared boundary with no.11 and which bears little visual reference to the existing house, or any other extension in the area and altering significantly the appearance of the property at the rear. This poor design and incongruous development results in an imposing, visually unattractive development which would also be visible from public views to the rear and from neighbouring gardens, causing harm. The proposal would therefore conflict with national planning advice in relation to design contained within the National Planning Policy Framework, in particular paragraphs 127 and 130, policies D1 and D11 of the City of York Publication Draft Local Plan 2018, Policies GP1 (a, b and c) and H7 (a, b, e) of the City of York Draft Local Plan (April 2005) and with the Council's Supplementary Planning Guidance 'House extensions and alterations' December 2012, in particular paragraphs 7.1, 7.2, 7.4 a, b, c, and f.

## **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 considers that the proposed extension would clearly result in a disproportionate addition to the original dwelling which would represent inappropriate development in the Green Belt. Furthermore, the design, scale incorporating the wide expanse of the roof would not be as a considered subservient addition to the host property or character of the street in general. The revised plans did not make the proposal acceptable, resulting in planning permission being refused for the reasons stated and a positive outcome could not be achieved.

### **Contact details:**

**Author:** Sharon Jackson Development Management Assistant

**Tel No:** 01904 551359

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10 Vicarage Lane Naburn



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	21 June 2019
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 4 July 2019                      **Ward:** Rural West York  
**Team:** Major and                      **Parish:** Upper Poppleton Parish  
Commercial Team                      Council

**Reference:** 19/00186/FUL  
**Application at:** Poppleton Community Centre Main Street Upper Poppleton  
York YO26 6JT  
**For:** Installation of 8 no. floodlights at Poppleton Lawn Tennis  
Club.  
**By:** Mr J Lister  
**Application Type:** Full Application  
**Target Date:** 28 June 2019  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application site is the existing outdoor tennis courts at Poppleton Community Centre, located to the south west of Main Street, Upper Poppleton. The site forms part of an area containing a number of community and leisure facilities including a children's play area, community centre and also Poppleton Ousebank Primary School and Library. There are two sets of tennis courts at the site and this application is for the courts in the north east corner of the site, adjacent to Main Street.

1.2 Opposite the site to the east are residential dwellings along Main Street. The children's play area is north west of the courts and the Poppleton Community Centre is to the south west. A lawn bowls green lies to the south east. There are existing floodlights to the other tennis courts at the site.

1.3 Planning permission is sought for the erection of 8 no floodlights to the tennis courts. The pylons for the floodlights will measure eight 8 metres in height and will floodlights will consist of twelve lamps in total, with one lamp fitted to each corner pylon and two lamps fitted to the central pylons.

1.4 The application was called in for determination at Planning Committee by the local ward member at the time Councillor Steward , who shared the concerns raised by local residents with regard to light and noise pollution

**2.0 POLICY CONTEXT**

2.1 Yorkshire and Humber Regional Spatial Strategy (saved policies)

YH9(C)                      Green Belts  
Y1 (C1 and C2)      York Area sub area policy

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## 2.2 Poppleton Neighbourhood Plan

PNP1 Green Belt Policy  
PNP4 Village Design Statement

## 2.3 2018 Publication Draft Local Plan

GB1 Development in the Green Belt  
HW3 Built Sport Facilities  
D1 Placemaking  
D2 Landscape and Setting  
D4 Conservation Areas  
GI2 Biodiversity and Access to Nature  
ENV2 Managing Environmental Quality

## 3.0 CONSULTATIONS

### INTERNAL

#### Highways Network Management

3.1 No objection

#### Public Protection

3.2 From the report the levels suggested at the nearest residential properties are maximum surface illuminance of 2.35 lux and maximum intensity cd 509. I would advise that the area is classed as Environmental zone E3 and therefore if the maximum surface illuminance is 2.35 lux and maximum intensity cd 509, then provided the lights are off by 2300 hours these levels would be acceptable. I would however request confirmation from the applicant that my interpretation of their report in terms of these levels at the nearest receptors is correct.

#### Design Conservation and Sustainable Development (Ecology)

3.3 In reviewing the flood lighting scheme I have referred to guidance produced by the Institution of Lighting Professionals and the Bat Conservation Trust (Bats and artificial lighting in the UK, 2018).

3.4 The proposed scheme is based on eight 8 metre columns and twelve 2kW Philips Optivision MVP507 using the 2kW MHN metal halide lamp, with a colour temperature of 4500K. Technical information on the lighting has been provided which shows the



illuminance (lux) levels, at ground level. In terms of wildlife this shows fairly significant light spill beyond the edge of the tennis courts.

3.5 However, there is limited semi-natural habitat surrounding the tennis pitches that would be impacted by increased light spill. Boundary vegetation along Main Street includes several conifer trees that are a species and form unlikely to support roosting bats, and a short stretch of neatly maintained Hawthorn hedgerow. At the corner of the tennis court and play area are an Hornbeam tree and Ash, again of a form and structure unlikely to provide any roosting opportunities for bats, and here there is also a well maintained leylandii hedge. The remaining areas are the club buildings, bowling green and further tennis courts. There is higher quality foraging habitat in the wider surrounding area. It is therefore considered that the impact of the light spill would not be significant.

3.6 A better design of lighting would reduce the column height to 5m and use LED lights for greater directionality, and be of a warm white <2700k to reduce the blue light component.

## EXTERNAL

### Upper Poppleton Parish Council

3.7 Object. Adverse impact on immediate neighbours of excessive and intrusive light pollution and noise which would result in the loss of quiet enjoyment of their homes during evening hours.

### Publicity and Neighbour Notification

3.8 The Chair of the Poppleton Centre Trust (the parent body of bowls, tennis and football at the Poppleton Centre) advised the Trust objects on grounds of light and noise pollution. They also question whether the lights are necessary given the existing floodlit courts have been observed as underused by Centre staff.

3.9 Objections were received from 8 individuals. The objections covered the following matters

- Light intrusion into properties
- Noise nuisance particularly at night
- Levels of lighting creating a health and safety risk for road users at night
- Existing floodlights are already a nuisance and the new ones would be closer
- The nearest pylon would dominate the view from living room (no 98 Main Street)
- Ambient lighting levels in the village are very low which will further compound the impact of the proposals in such a rural setting
- Concern over light and noise until 10pm

- Doesn't appear to be significant demand for use until 10pm
- The lighting report doesn't indicate how the design will mitigate light spill
- No reference to how glare will be controlled
- Existing floodlights visible from bedroom due to glare against the dark surroundings
- View of clear sky from living room directly over tennis courts, existing landscaping would not block the view and is deciduous
- Brightness of the lights is excessive
- Concerns over light intrusion, spill, source intensity and direct upward lighting
- Bats are seen at dusk and this should be a matter for consideration
- High localised lighting levels may be a highway concern
- Site adjacent to the boundary of the conservation area.
- Village is a dark rural village with low ambient light levels, however on Main Street we have (all night) the whole school lit up, library and bowls club house added to this existing tennis court lights, Poppleton Centre with associated path/car parking lighting
- Existing issues with the site in terms of theft, vandalism and large groups of youths gathering in the playground. Further activity beyond 10pm will cause more problems.

#### Councillor Hook

3.10 objected to the application on the grounds of noise and light pollution, having an impact on the residents living on Main Street.

## **4.0 APPRAISAL**

### 4.1 Key Issues

- Policy Context
- Green Belt assessment
- Provision of sports facilities
- Impact on the streetscene
- Character of the Nether Poppleton conservation area
- Impact on neighbour amenity
- Impact on local wildlife
- Highway safety

## **POLICY CONTEXT**

### Development Plan

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

#### Saved Policies of the Yorkshire and Humber RSS

4.3 The Yorkshire and Humber RSS was revoked in 2013 with the exception of the policies relevant to the York Green Belt. Policy YH9(C) states that the detailed inner boundaries of the Green Belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city. The boundaries must take account of the levels of growth set out in this RSS and must also endure beyond the Plan period. Policy Y1(C1) states that plans, strategies, investment decisions and programmes for the York sub area should in the City of York LDF, define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with policy YH9C. Figure 6.2 of the RSS illustrates the general extent of the Green Belt.

#### Poppleton Neighbourhood Plan

4.4 The Upper Poppleton and Nether Poppleton Neighbourhood Plan was formally adopted or 'made' on 19 October 2017. The application site lies within the Neighbourhood Plan boundary.

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

4.5 The revised National Planning Policy Framework (NPPF) was published on 19 February 2019 and sets out the government's planning policies for England and how these are expected to be applied.

4.6 The NPPF states that the planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives. The NPPF sets out in paragraph 11 the presumption in favour of sustainable development which applies unless the application of specific policies in the NPPF indicate development should be restricted.

#### Publication Draft Local Plan (2018)

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

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- 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).

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

#### Development Control Local Plan (2005)

4.9 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. 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.

#### Green Belt Assessment

4.10 The NPPF advises in paragraph 133 that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.

4.11 Paragraph 134 sets out the five purposes of Green Belts.

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.13 There is no definition of 'openness' in the NPPF, but it is commonly taken to mean the state of being free from development, the absence of buildings, and relates to the quantum and extent of development and its physical effect on the site. Para 144 goes onto to state 'substantial weight' should be given to any harm to the Green Belt.

4.14 Paragraph 145 advises that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this includes the provision of appropriate facilities (in connection with the existing use of

land or a change of use) for outdoor sport or outdoor recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

4.15 Neighbourhood Plan Policy PNP1 states that within the general extent of the Green Belt, inappropriate development will not be supported except in very special circumstances. Within the general extent of the Green Belt inappropriate development will not be supported except in very special circumstances. New buildings are regarded as inappropriate development and will not be supported other than in the circumstances identified in paragraph 89 of the National Planning Policy Framework (2012 version).

4.16 Policy GB1 of the 2018 Draft Plan states that permission will only be granted for development where:

- i. the scale, location and design of development would not detract from the openness of the Green Belt;
- ii. it would not conflict with the purposes of including land within the Green Belt; and
- iii. it would not prejudice or harm those elements which contribute to the special character and setting of York.

4.17 The proposed development of floodlights for the existing outdoor tennis courts is not inappropriate in the Green Belt so long as the openness of the Green Belt is preserved and there is no conflict with the purpose of including the land within the Green Belt.

4.18 The proposed floodlights will be on previously developed land and the site forms part of an existing cluster of community facilities including a community centre, bowling green and existing floodlit courts. The site lies between the highway and the existing community centre and is seen within this context. There are existing floodlights to the other courts at the site and street lighting on Main Street. Given this, the provision of additional floodlights is not considered to impact adversely on the openness of the Green Belt.

4.19 The site is previously developed land and the proposed development would is not considered to conflict with the purposes of the Green Belt set out in 4.11 above, including the historic setting of York's villages.

### Provision of Sports Facilities

4.20 Paragraph 96 of the NPPF stresses that opportunities for sport and physical activity are important for the health and well-being of communities. Policy HW3 of the 2018 Draft Plan states the Council will support development that enables residents to enjoy and make use of built sports facilities. The proposed development would allow for an increase to the hours of operation of the existing tennis courts to 2000 hours, 7 days a week. The proposal would therefore accord with national and local planning

policy with regard to the provision of sports facilities by enabling residents to enjoy and make use of the facilities.

### Setting of the Conservation Area

4.21 Paragraph 192 of the NPPF states that with regard to heritage assets, when determining applications local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

4.22 Paragraph 196 goes on to state that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

4.23 Policy D4 of the 2018 Draft Plan states proposals affecting the setting of a conservation area will be supported where they:

- i. are designed to preserve or enhance the special character and appearance of the conservation area and would enhance or better reveal its significance;
- ii. respect important views; and
- iii. are accompanied by an appropriate evidence based assessment of the conservation area's special qualities, proportionate to the size and impact of the development and sufficient to ensure that impacts of the proposals are clearly understood.

4.24 The application site lies adjacent to the south western boundary of the Nether Poppleton conservation area which was designated in 1993. The Conservation Area statement identified the main elements of the character of and appearance of the area as. The relevant elements include the continuity of Church Lane and Main Street, linking areas of historic and rural character through a series of curves and changes in level, revealing a pleasant sequence of views. Also relevant are the landscape elements - trees and grass verges - and the way they unify areas of different character.

4.25 The proposed development will be seen within the existing cluster of community facilities including the community centre, courts and the primary school and library beyond. There are existing floodlights at the site and although the proposed floodlights will be closer to the boundary they will be partially screened by existing greenery and will not impact adversely on views into the conservation area, for example from the south east of the site along Main Street. It is also noted there is

existing street lighting on Main Street and on the access road to the community centre.

4.26 Given the above it is considered that any impacts of the proposed development would have a minimal effect on the character of the conservation area and very little, if any harm, has been identified. As per paragraph 196 of the NPPF, where less than substantial harm to a heritage asset is identified this should be weighed against the public benefits of the proposal. There are identifiable public benefits to the proposal in the form of extended opening hours to the tennis courts which, as previously stated would be in support of paragraph 96 of the NPPF and Policy HW3.

#### Impact on the Streetscene

4.27 Section 12 of the NPPF sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Policy D1 of the 2018 Draft Plan states that proposals will be supported where they improve poor existing urban and natural environments, Development proposals that fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.

4.28 The site sits within an existing cluster of buildings and facilities, many of which have a sporting use. The siting of floodlights is therefore an appropriate addition. Floodlights by their design are slender and especially when turned off, have a minimal impact on the local streetscene. They will be set back from the public highway and partially obscured by existing trees. Given the location and the design of the floodlights the proposed development is considered to be acceptable in terms of the impact on the character of the area subject to a condition ensuring the development is carried out in accordance with the approved plans.

#### Impact on Neighbour Amenity

4.29 The NPPF states that developments should create places with a high standard of amenity for all existing and future users. It goes on to state that decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Policy ENV2 states that development will not be permitted where future occupiers and existing communities would be subject to significant adverse environmental impacts such as noise and light pollution without effective mitigation measures. Policy D1 seeks to ensure design considers residential amenity so that residents living nearby are not unduly affected by noise and disturbance,

4.30 The key concerns set out by residents relate to light pollution from the floodlights and noise pollution from the resultant increased operational hours of the site. The closest dwellings are 96 and 98 Main Street. The front elevations of these dwellings facing the tennis courts are approximately 28 to 30 metres distant from the proposed site of the nearest floodlight (eastern corner of the courts).

4.31 With regard to light, a contour survey and assessment has been submitted by the applicant, which considered the impact on the relevant elevations of 96 and 98 Main Street. This information has been considered by the Council's Environmental Health Officer.

4.32 Light pollution is measured by surface illuminance and by luminaire intensity. Surface illuminance is the amount of light striking a surface and is measured in lux. Luminaire intensity is a measure of brightness and is measured in candelas.

4.33 The Institute of Lighting Professionals Guidance sets out recommended obtrusive light limitations for exterior lighting installations for different environmental zones. Zone E2 is classified as rural and Zone E3 is classified as suburban. The application site is considered to be suburban, however this is disputed by a local resident who felt the location of the site meant it was more rural in nature. Zone E2 sites have lower limits and the Guidance advises a maximum 5 lux of light intrusion into windows and 7,500 candela light intensity for pre-curfew times, which is taken as prior to 2300 hours.

4.34 From the submitted report the levels at the nearest residential properties are a maximum surface illuminance of 2.35 lux and a maximum intensity candela of 509. These levels lie within the recommended limits of both Zones E2 and E3. It is also noted that the applicant has agreed to reduce the hours of the floodlights from 2200 hours finish to 2000 hours. The lights would not be turned on before 1500 hours. This can be controlled by condition and also via automatic timers to eliminate human error.

4.35 Regarding noise, the proposal would extend hours of operation to 2000 hours 7 days a week. The hours will be controlled by a planning condition if planning permission is granted. To ensure the floodlights are not used for alternative sports that may generate more noise, such as football, a condition will be imposed restricting the use to tennis only.

4.36 Given the above, the proposed development is subject to relevant conditions, not considered to protect amenity in line with the NPPF and the relevant policies in the 2018 Draft Plan.

#### Impact on Local Wildlife

4.37 Section 15 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment. Policy GI2 of the 2018 Draft Plan also seeks to conserve and enhance York's biodiversity where appropriate. The proposed floodlights have been considered in the light of possible impacts on protected species such as bats. The Council's Ecologist has noted the site's location away from the river and within the context of a number of existing lights. It is not considered that the



proposed development would have a significant impact on the natural and local environment.

### Impact on Highway Safety

4.38 Paragraphs 108 - 109 of the NPPF consider highway safety for all users. Policy T1 of the 2018 Draft Plan states development will be supported where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it, including those with impaired mobility. The proposed development will introduce additional lighting to the existing complex of sports and community facilities. There is existing lighting to the other tennis courts at the site, but this is set further back from the public highway. However there is also existing lighting to other buildings at the site and street lighting along Main Street. The nature of floodlights means the light will be static. The lights closest to the highway will also be set back approximately 8 metres. The proposal is not considered to give rise to a conflict with highway safety.

## **5.0 CONCLUSION**

5.1 The proposed development of the floodlights to the existing tennis court is considered due to its siting and design to not harm the openness of the Green Belt or the purposes of including the application site within the general extent of the Green Belt. The proposal is also considered to be acceptable in terms of the impact on the streetscene, the impact on the character of the adjacent conservation area, highway safety and on local ecology. With regard to residential amenity, subject to conditions regarding lighting levels, restricting the use of the floodlights to no later than 2000 hours and to the use as tennis only, the proposal is considered acceptable.

## **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 and other submitted details:-

683\_P11 Existing Site Plan, Existing Location Plan received 01 February 2019

683\_P21 Proposed Site Plan, Proposed Location Plan received 01 February 2019

683\_P22 Existing Elevation and Proposed Elevation received 01 March 2019

Poppleton LTC Lighting Report Rev A 23-5-19 by Exclusive Leisure Ltd received 24 May 2019

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 floodlights hereby approved shall only be used between 15:00 and 20:00 hours and shall be turned off by automatic timer, unless the last match finishes before 20:00 hours in which case it should be turned off promptly after the last match.  
Reason: To safeguard the amenities of adjoining occupants.

4 The lighting shall be designed to achieve lighting levels at no's 96 and 98 Main Street, Upper Poppleton no greater than a maximum surface illuminance of 2.35 lux and maximum intensity of 509 candelas.

Reason: To protect the amenity of the surrounding area

5 The hereby approved floodlights shall only be used in connection with the playing of tennis on the courts and for no other sports or purposes.

Reason: In the interests of neighbour amenity.

## **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:

Further information regarding the lighting from the applicant.

Confirmation of a reduction in the hours of use of the floodlights

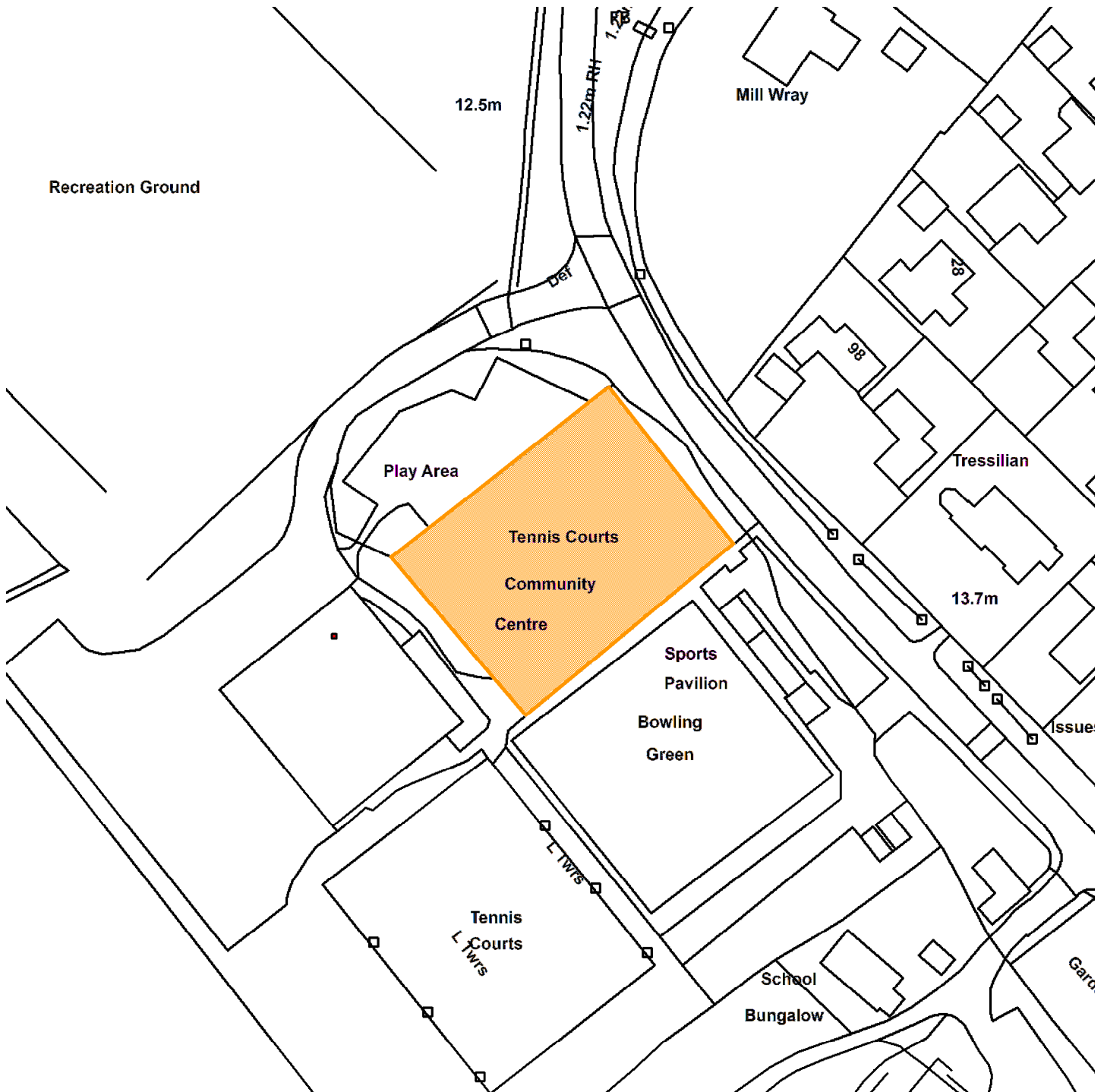
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19/00186/FUL

Poppleton Community Centre Main Street Upper Poppleton



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<b>Date</b>	21 June 2019
<b>SLA Number</b>	Not Set

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