



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

To: Councillors Hollyer (Chair), Crawshaw (Vice-Chair),
Fisher, Galvin, Craghill, Melly, Orrell, Waudby, Webb,
Perrett and Daubeney

Date: Thursday, 12 August 2021

Time: 4.30 pm

Venue: Dante room, York Racecourse

AGENDA

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 8 July 2021.

3. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee. Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at remote meetings. The deadline for registering at this meeting is **5:00pm on Tuesday 10 August 2021**.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill out an online registration form. If you have any questions about the registration form or the meeting, please contact the relevant Democracy Officer, on the details at the foot of the agenda.

Webcasting of Remote Public Meetings

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

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Plans List

To determine the following planning applications:

5. Bright Beginnings Day Nursery 47 Rawcliffe (Pages 13 - 26) Drive York YO30 6PD [21/00066/FUL]

This application seeks to demolish of a small existing rear extension and replace with a single storey rear extension to form a small kitchen extension.

6. Cedar House 29 Station Road Haxby York (Pages 27 - 58) YO32 3LU [20/01958/FUL]

This application seeks permission for the conversion of the existing property into two dwellings (dwelling 1 and 2) with associated extensions and alterations and the construction of a new dwelling (dwelling 3) in the rear garden with access from Ash Lane.

7. 62 Heworth Road York YO31 0AD (Pages 59 - 82) [20/02010/FUL]

The application seeks full planning permission for the provision of two dwellings at the rear of 62 Heworth Road, which is a two storey property fronting the public highway with rear outbuildings and linear garden plot. The site comprises a collection of

buildings in the northern part immediately south of no.62 and an area to the south that is undeveloped with overgrown vegetation. It is accessed by an existing private lane that also serves the Nags Head Public House to the west and commercial building behind it. The area of land is bounded to the east and south by residential properties on Heworth Road and East Parade. It lies within the Heworth/Heworth Green/East Parade/Huntington Road Conservation Area No.5 ("Heworth CA"). The site falls within Flood Zone 1 (low probability).

8. Urgent Business

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

Democratic Services

Contact details:

- Telephone: (01904) 551088
- Email: democratic.services@york.gov.uk

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

Ta informacja może być dostarczona w twoim (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

Coronavirus protocols for attending Committee Meetings at York Racecourse

If you are attending a Council Committee Meeting at York Racecourse, you must observe the following protocol, which adheres to any risk assessment conducted by the external venue.

Windows and doors must remain open within the meeting room to maintain good ventilation.

Furniture must not be moved from the designated safe layout.

If you're displaying possible coronavirus symptoms (or anyone in your household is displaying symptoms), you must follow government self-isolation guidance and must NOT attend the meeting.

Testing

The Council encourages regular testing of all Officers and Members and also any members of the public in attendance at the Meeting. Any members of the public attending the Meeting are advised to take a test within 24 hours of attending a meeting, the result of the test should be negative, in order to attend. Test kits can be obtained by clicking on either link: [Find where to get rapid lateral flow tests - NHS \(test-and-trace.nhs.uk\)](https://www.nhs.uk/conditions/coronavirus/covid-19/rapid-lateral-flow-tests/), or, [Order coronavirus \(COVID-19\) rapid lateral flow tests - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/order-coronavirus-covid-19-rapid-lateral-flow-tests). Alternatively, if you call 119 between the hours of 7am and 11pm, you can order a testing kit over the telephone.

Guidelines for attending Committee Meetings

You must:

- Not arrive more than 30 minutes before the Meeting is due to start.
- Wear a face covering whilst in indoor communal areas, face coverings do not need to be worn in the Meeting room, or when seated during the meeting, unless you wish to wear a face covering.
- Use the hand sanitiser which will be situated on entry and exit to the venue and in different areas within the Meeting room.
- Adhere to social distancing where possible when using staircases and walkways, giving way on the staircase landings.
- If you do use a lift to access upper floors, please ensure that you maintain social distancing, or travel in the lift alone.
- You must sit at the dedicated spaces (you will be provided with your own table which may have a screen on it). If screens are in place do not move them or lean around them.

- Bring your own drink if required.
- Maintain social distancing of 2 metres within toilet areas and remain vigilant for other occupants.
- Only use the designated toilets for the Meeting room.

Please note: Anyone intentionally, or repeatedly breaching any of the social distancing measures, or hygiene instructions, may be asked to leave the Meeting.

Developing symptoms whilst in external venues

If you develop coronavirus symptoms during Full Council, you should:

- make your way home immediately.
- avoid the use of public transport where possible.
- self-isolate for 10 days.

You should also:

- Advise the Meeting organiser so they can arrange to assess and carry out additional cleaning.
- Continue to observe social distancing.
- Do not remain in the building any longer than necessary.
- Do not visit any other areas of the building before you leave.

If you receive a positive test result, or if you develop any symptoms before Full Council is due to take place, **you must not attend the meeting.**

If you test positive for coronavirus after the Meeting, you should:

- Notify the Democratic Services department of the Council immediately, either by emailing: democratic.services@york.gov.uk, or telephoning: 01904 551043.

City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	8 July 2021
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Fisher, Galvin, Craghill, Orrell, Waudby, Webb, Perrett, Daubeney and Lomas (Substitute)
Apologies	Councillor Melly

7. 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. Cllr Crawshaw declared a non prejudicial non pecuniary interest in agenda item as he was a school governor at a school in the South Bank Academy Trust, who were in advanced discussions with Fulford School regarding joining the Trust. Cllr Craghill also declared a non prejudicial interest in that item as a former governor at Fulford School over 10 years ago.

[Cllr Perrett joined the meeting at 16:34].

8. Minutes

Resolved:

- i. That the minutes of the Area Planning Sub-Committee meeting held on 25 May be approved and then signed by the Chair as a correct record.
- ii. That the minutes of the Area Planning Sub-Committee meeting held 10 June 2021 be approved subject to the addition of the below text after the final bullet point under the minute for 37 Mitchell Way, York, YO30 4SW [20/01662/FUL] and then signed by the Chair as a correct record: *After debate it was moved by Cllr Fisher and seconded by Cllr Daubeney that the application be refused on the grounds of inadequate car parking spaces, which would*

be detrimental to highway safety and the amenity of neighbours. On being put to the vote, the motion was not carried.

9. 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.

10. 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.

11. Fulford School, Fulfordgate, York, YO10 4FY [21/00737/FULM]

Members considered a major full application by Jenny Scholes for the erection of a two storey teaching block following partial demolition of Hawking Building and removal of temporary buildings, erection of temporary buildings, installation of external lift to Bronte Building and the creation of a vehicle access to the southern boundary of the site at Fulford School, Fulfordgate, York, YO10 4FY.

The Development Manager gave a presentation on the application. This was followed by an update during which Members were advised of additional comments that had been received and of updated conditions. The planning balance and recommendation remained unchanged. Members asked officers a number of questions to which they answered that:

- On site management of access roads was the responsibility of the school and this was covered by condition 27.
- Students using buses would be sent around the southern side of the tennis courts and cyclists would dismount before entering the school site.
- Detail was provided on the number of trees being removed. There was a planning balance on the removal of trees.

- The rationale for the modelling of buses and additional car parking along the northern boundary and their impacts was given.
- There was a condition for a travel plan.
- The Germany Beck planning decision was made by the Secretary of State. It was clarified that there was a road being built up to the edge of the Germany Beck site.

Public Speakers

John Heawood, a local resident, spoke in objection to the application on the grounds of the transport proposals and he asked for more consultation on this. He asked for all school buses to be removed and expressed concern regarding condition 27.

Dominique Healey a local resident, spoke in objection to the application. She opposed the travel plan, suggesting that it increased all traffic and cycle numbers. She objected to condition 27.

Vivienne Clare a local resident, spoke in objection to the application. She expressed concern regarding the residential amenity on Eastwood Avenue because of the impact on noise, air and light pollution and she made a number of requests concerning car parking on the site, protection of trees and shrubs. She was asked and clarified that she would like to limit car parking outside the school day.

Steve Lewis (Head Teacher of Fulford School and CEO of South York Multi Academy Trust) spoke in support of the application. He explained that the school provided outstanding education for thousands of families providing a vital link to the local community, He explained that the school was oversubscribed and the school would have no capacity to expand without the approval of the application.

In attendance at the meeting to aid Mr Lewis in answering questions was Alison Kelly (CYC Project Manager, Education). In response to questions from the Committee they clarified that:

- The development would be due for completion in September 2022.
- The one way system for traffic.
- The number of car parking spaces had been calculated by the officers leading the project.
- The school was oversubscribed by 30 children every year and the forecasts showed that there were deficit places at the school.

- The school tennis courts were for community use. The open green space next to the site could not be used for safeguarding reasons.
- The questionnaire was sent to all stakeholders and it was found that there was support for the expansion of the school. There were also diametrically opposing views regarding the traffic flow to and from the school.
- Sixth Formers could use the buses.

Alan Simpson, Architect, spoke in support of the application. He explained the complex nature of the site and advised that a strategy had been developed to improve student movement around the site. In answer to Member questions he noted:

- The rationale for car parking was explained.
- The BREAMM rating was a holistic approach and there may be the possibility of increasing the number of solar panels in the future.

Cllr Mary Urmston (on behalf of Fulford Parish Council) spoke on support of the application. She explained that whilst the Parish Council supported the expansion, they had concerns about the felling of twenty trees which would result in harm to the public amenity. She asked why the number of car parking spaces had increased and noted that the access road was never intended as a parking area. She noted concerns about parking on the northern boundary. She was asked and explained the history of the turning circle and previous assurance that had been made about the access to the site.

Cllr Keith Aspden (Ward Councillor) spoke on the application. He explained that Fulford School was an outstanding school and he noted that traffic and access around the school had been an ongoing issue. He acknowledged the competing needs of stakeholders and expressed support for residents and the Parish Council and made a number of suggested conditions. In response to Member questions he confirmed that:

- He was a member of Fulford Parish Council.
- He believed more conditions needed to be considered. These were outlined to the Committee.

[The meeting adjourned from 18:19 to 18:26].

Members then asked further questions to officers who noted that:

- The traffic data was pre pandemic.

- Detail on lighting being turned off was included in condition 12.
- A potential condition concerning traffic from the south could be delegated to officers in consultation with the Chair and Vice Chair.
- Allowing two way traffic would be difficult because of the school buses stacking.
- Condition 27 was explained and it was confirmed that it could be reworded to give an element of flexibility.

After debate it was moved by Cllr Fisher and seconded by Cllr Daubeney that the application be approved subject to amended conditions, and condition 19 to be amended so that any removed trees be replanted in the next planting season with those of a substantial size. Further debate ensued and the motion was amended such that condition 12 be amended so that lighting be turned off outside school hours, condition 27 be amended to look at alternatives to current proposal for traffic flow, and an amendment to the travel plan condition to include a bi-annual review. on being put to the vote, the motion was carried and it was:

Resolved: That the application be approved subject to the conditions in the report, additional and reworded conditions in the update and subject to amendments to conditions 27, 19 and 12. Condition 27 to be amended to look at alternatives to the current proposal for traffic flow, such wording delegated to officers in consultation with Chair and Vice Chair. Condition 19 be amended so that any removed trees are replanted with trees of a substantial size. Amendment to the travel plan condition to look at how the access road is working, to include a 2 yearly review to be carried out. Condition 12 be amended so that lighting on the northern boundary is turned off between the hours 7pm -7am.

Reason: The scheme overall would be compliant with the overarching sustainability principles and the policies of the NPPF and 2018 Draft Local Plan policies. In terms of decision-making, paragraph 11d ii of the NPPF is engaged; the presumption in favour of sustainable development applies and the proposal should be approved unless any adverse impacts of doing so would significantly and demonstrably

outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. On balance it is considered that the loss of trees and the minor harm to visual amenity and character are outweighed by the benefits of the improved educational facilities and additional access. The proposed development is not considered to have a significant impact on the surrounding road network.

[Cllr Orrell joined the meeting at 19:04]

12. Proposed Telecommunications Equipment, Millfield Lane, Nether Poppleton, York [21/01067/TCMAS]

Members considered an application for a Telecommunication Mast Notice from Hutchison UK Ltd for the erection of a new 15m high telecommunications mast with wrap around cabinet at base and associated ancillary works at Millfield Lane, Nether Poppleton, York.

The Development Manager outlined the application. He was asked and confirmed that:

- The height of the mast could be considered to a material planning consideration.
- The nearest property was 82 Millfield Lane which was 40m away from the mast and on the southern edge of the village.

Public Speakers

Edie Jones spoke in objection to the application on behalf of Nether Poppleton Parish Council. She noted that the height of the mast was excessive and was intrusive. She referred to the 2017 Neighbourhood Plan and suggested that the mast did not merit very special circumstances.

Cllr Hook (Ward Councillor and Parish Councillor for Upper and Nether Poppleton Parish Councils) spoke in objection to the mast. She expressed concern regarding the height of the mast and asked whether there would be another application for a mast in Upper Poppleton.

Following debate Cllr Fisher moved approved, seconded by Cllr Galvin. A vote was taken and it was

Resolved: That the application be approved.

Reasons:

- i. Prior approval is required for siting and appearance of the mast and equipment. The new telecommunications mast and cabinets to facilitate 5G technology is considered to be of an appropriate scale and design, due to its slimline design and finish, and would not detrimentally harm the visual amenity of the area or the special historic character of York.
- ii. It is considered that the requirements of the NPPF paragraph 112 which supports the expansion of electronic communication networks is met, along with 2018 draft plan policy C1 and policy GP20 of the Development Control Local Plan.

**13. Access Way Between 4 And 6 Howard Street, York
[21/01085/FUL]**

Members considered a major full application from Michael Hammill for the erection of one bedroom dwelling above access way between No. 4 and No.6 Howard Street.

The Development Manager outlined the application noting that a number of additional comments had been received. This did not change the planning balance and the recommendation remained unchanged.

Public Speakers

Nick Pears spoke in objection to the application on behalf of a number of residents on Howard Street and Gardeners Cottage. He explained that Howard Street was a non-designated Heritage Asset and expressed concern about heritage asset preservation. He explained that the infill breaks the symmetry on Howard Street and he noted concerns about highway convenience and safety, and the privacy of neighbouring residents.

Gaby Higgs, the Architect for the Applicant, spoke in support of the application. She emphasized that they had been working on the site since 2017 and the application was part of a wider site on Fulford Road. She explained the amendments made to the application to address the objections and comments made and added that the proposals met planning policy. In response to Member questions she noted that:

- The building would be freestanding and there would be acoustic linings for sound attenuations.
- There would not be a maintenance issue for neighbouring properties.
- The door at the front of the building led to a cycle/bin store.
- Construction would be managed on the land within the site.
- The brick used would be different to that of other buildings on the street.

The Applicant, Michael Hammill, then spoke in support of the application. He explained that application was for a one bedroom started home on a sustainable city centre site. He noted that they had complied with every request from the planning officer, and he noted the comments of the conservation officer.

Members asked further questions to officers. Officers confirmed that:

- The appeal officer did not consider the houses on Howard Street to be non-designated heritage assets.
- The loss of access to the neighbours gable ends was not considered to be a loss of amenity.

Gllr Galvin moved approval, seconded by Cllr Fisher. This was subject to the inclusion of a CEMP. A vote was taken and it was:

Resolved: That the application be approved subject to the inclusion of a CEMP.

Reason: In applying NPPF policy there is a presumption in favour of the proposed development. A very similar scheme has been considered at appeal by a Planning Inspector. The Inspector determined there were no highway or safety related issues with the scheme. In principle the Inspector was supportive of the scheme. He had issue with architectural detail,

which has been addressed in this amended scheme. There would be no unacceptable residential amenity issues. The scheme is recommended for approval, because it is NPPF compliant; there are no adverse impacts, which would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Cllr Hollyer, Chair

[The meeting started at 4.30 pm and finished at 8.00 pm].

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COMMITTEE REPORT

Date: 12 August 2021 **Ward:** Rawcliffe And Clifton Without

Team: West Area **Parish:** Clifton Without Parish Council

Reference: 21/00066/FUL
Application at: Bright Beginnings Day Nursery 47 Rawcliffe Drive York YO30 6PD
For: Single storey rear extension to form kitchen extension - resubmission
By: Mrs Christine Henderson
Application Type: Full Application
Target Date: 13 April 2021
Recommendation: Approve

1.0 PROPOSAL

1.1 The proposal is for the demolition of a small existing rear extension and its replacement with a single storey rear extension to form a small kitchen extension.

1.2 The application originally included a single storey rear extension to provide an additional baby area for a maximum of 6 babies. This element of the scheme has now been removed from the proposal and no additional spaces are proposed at the nursery.

Sub-committee call-in

1.3 The application has been called in by Councillor Smalley on the grounds of overdevelopment of the site and impact on local residential amenity.

2.0 POLICY CONTEXT

2.1 Emerging Local Plan (Publication draft 2018)

D11 – Extensions and alterations to existing buildings

HW4 – Childcare provision

Application Reference Number: 21/00066/FUL

Item No:

2.2 Development Control Local Plan (incorporating 4th set of changes) 2005

GP1 – Design

3.0 CONSULTATIONS

INTERNAL

Early Years And Childcare Service

3.1 The applicant has demonstrated an unmet need for nursery places with a current waiting list of 5 families wanting baby places. The application is supported. (Officer note – comments received in relation to original proposal for extension to nursery accommodation.)

Public Protection

3.2 The development is within a residential area. The addition of the extension will create more internal space and will reduce the amount of external play area. The applicant has not provided any details on how noise from the use of the baby room will be minimised so as to not cause any disturbance to surrounding residents. Other details relating to construction disturbance and odours from the kitchen could be controlled via condition.

Highway Network Management

3.3 Original proposal - The proposal is not supported. There are currently 2 off-street parking space with an extra one proposed as part of the application. The proposal for 6 new baby spaces would generate 2 new full-time positions and give a maximum total of 39 children and 12 staff. This equates to a need for a total of 12 parking spaces of which 9 would be accommodated on the highway. The site is close to a junction with Oriel Grove and already has an impact on highway safety with parking on footways, within 10m of a junction and parking inconsiderately such that busses cannot negotiate the roads. There is clear and compelling evidence that the nursery causes existing problems with highway safety and the additional parking generated as a result of this application would only exacerbate this causing an

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unacceptable impact on highway safety and severely affecting the free flow of highway users including frequent service busses.

3.4 Revised proposal - No highways implications are envisaged as a result of this application.

4.0 REPRESENTATIONS

4.1 Six letters of representation have been received from neighbouring residents. The issues raised are:

- Insufficient off-street parking
- Existing on-street parking and anti-social parking problems
- Highways safety concerns
- Buses struggle to get down the road
- Impact on residential amenity from size of extension
- Impact of increased intensity of use
- Extension not subservient to host building and poor design
- Impact of noise on neighbours
- No cycle parking on site
- Precedent for further development on the site
- Inadequate outdoor space
- Not possible to provide the additional off-street parking as suggested
- Inappropriate development for a residential area
- Inaccurate picture of actual parking situation given the recent lockdowns
- Access too tight for emergency service along Oriel Grove and Rawcliffe Drive
- Impact on residential amenity

5.0 APPRAISAL

5.1 Main issues

- Principle of the development
- Design and character
- Amenity issues
- Highways considerations

Planning policy and legislative context

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5.2 The National Planning Policy Framework (July 2021) (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

5.3 Paragraph 38 states that Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. It goes on to say that they should seek to approve applications for sustainable development where possible.

Emerging Draft Local Plan

5.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. 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).

Draft Development Control Local Plan (Approved April 2005) (DCLP)

5.5 This plan is not adopted policy but was approved for development management purposes. Policies in the DCLP carry very little weight but are capable of being

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material considerations in the determination of planning applications where these are consistent with those in the NPPF.

Principle of the development

5.6 The proposal is for extensions to the existing lawful use on site. Permission for a change of use with alterations from retail shop to day nursery/playschool was approved (ref: 00/02711/FUL) in December 2000 and the business currently in operation is broadly in line with that consent. Policy HW4 of the Submission Draft Local Plan states that the Council will support development that helps meet the city's need for childcare provision.

Design and character

5.7 The proposal is for a small flat roof single storey rear extension. The extension has a rear projection of 2.3m and is 3.4m wide and is 1.9m from the boundary with the neighbouring property, No.4 Oriel Grove. It is to be constructed from bricks to match the existing property.

5.8 Relevant to this proposal, policy D11 of the draft Local Plan requires that proposals should respond positively to its context in terms of the use of materials and detailing, scale, proportion, landscape design and space between buildings.

5.9 The proposal is small in scale and set well back from the highway. It remains subordinate to the host building and, while visible from the highway, will not be a prominent feature in the streetscene as it will be read in conjunction with the existing extension to the rear of No.4 Oriel Grove. For these reasons it is considered that the proposal meets the requirements of policy D11.

Amenity issues

5.10 The proposal provides enhanced washroom and kitchen facilities for the nursery. Currently the small kitchen sits within the middle of the building with a small washroom to the rear. The washroom and kitchen areas will be swapped and the kitchen extended to provide enhanced facilities for the nursery.

5.11 The scale and siting of the proposed extension will ensure that there is no detrimental impact from overshadowing, over-dominance or overlooking from the proposed extension.

5.12 Policy D11 of the draft Local Plan also requires that the design protects residential amenity and contributes to the function of the area. Objections have been made about an intensification of use of the site and the impact on neighbouring amenity from additional noise and disturbance as a result of this. The current proposal allows for no increase in child spaces but will provide enhanced facilities and sufficient outside space will be retained for play areas. For these reasons it is considered that there will be no significant impact on residential amenity as a result of the proposal which complies with policy D11 in this regard.

Highways considerations

5.13 The car parking area and associated crossover is to remain as existing and there are now no changes proposed which would result in harm to highway safety. While there is an acknowledged existing on-street parking issue, this proposal will have a neutral impact on parking and requiring the provision of additional off-street spaces would be unreasonable.

6.0 CONCLUSION

6.1 The scale, siting and design of the proposed extension ensures that it addresses the requirements of policy D11 in terms of visual and residential amenity. No additional child spaces are proposed and the scheme would therefore have no highways implications.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Location plan and block plan YO30-1899-PLN-C-003
Proposed plans and elevations YO30-1899-PLN-B-002

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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 proposed extension shall be used as kitchen facilities only as indicated on approved plan YO30-1899-PLN-B-002.

Reason: In the interests of clarity and to ensure no intensity of use of the site, as this would require further consideration of the highways implications.

4 The walling materials to be used externally shall match those of the existing buildings in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

8.0 INFORMATIVES:

Notes to Applicant

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

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

Advised that a proposal for the increase in child spaces on site is unlikely to be acceptable given the existing highway safety issues.

Contact details:

Case Officer: Alison Stockdale

Tel No: 01904 555730

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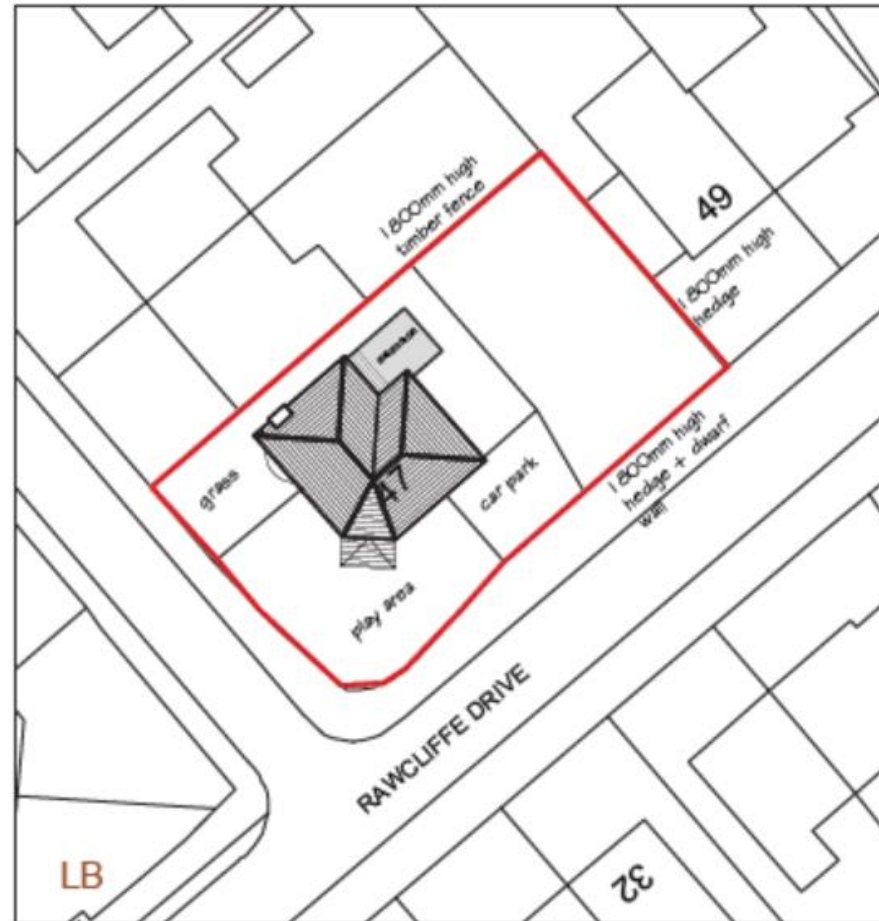


Area Planning Sub-Committee

21/00066/FUL


Bright Beginnings Day Nursery 47 Rawcliffe Drive

Block plan as proposed



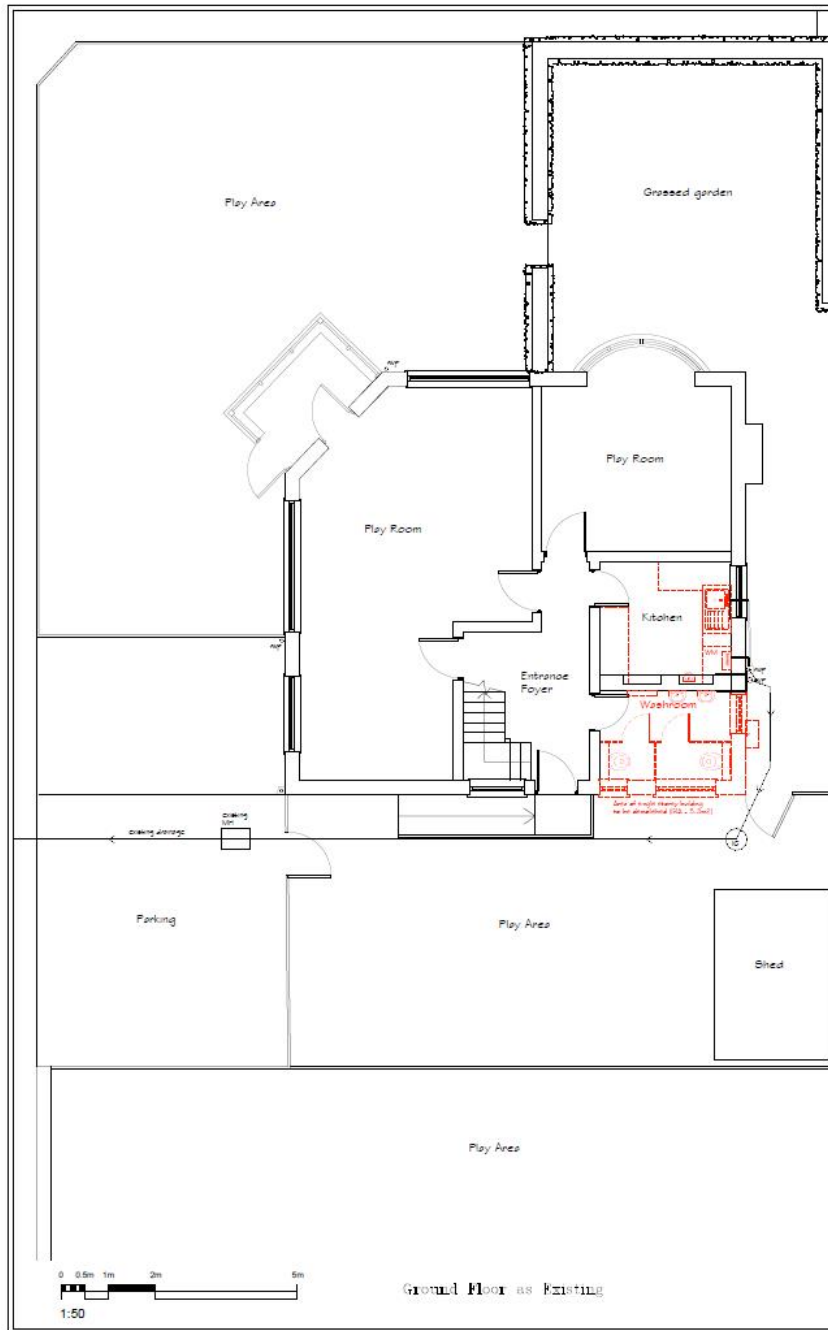
Block Plan (1:500)

KEY

 Site boundary



As existing



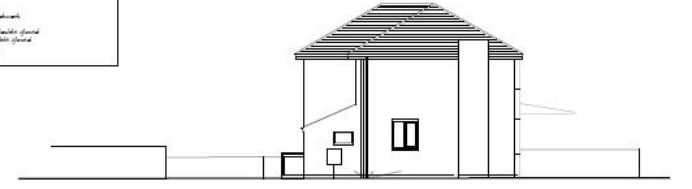
North East Elevation as Existing



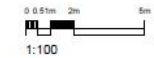
South West Elevation as Existing



South East Elevation as Existing



North West Elevation as Existing



- Drawing Notations
- Existing External Walls - Red / Orange Outline
 - Existing Walls - Grey Pattern
 - Existing External Windows - Blue / PVC double glazing
 - Existing External Doors - Wood / PVC double glazing
 - Existing External Stairs - Blue Pattern
 - Existing Patents - Green PVC

GIA of existing building
184 m²



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CLIENT
Mrs C. Chandler
47 Southwell Drive
1001
PO20 4PD

PROJECT TITLE
Proposed Single Storey Extension

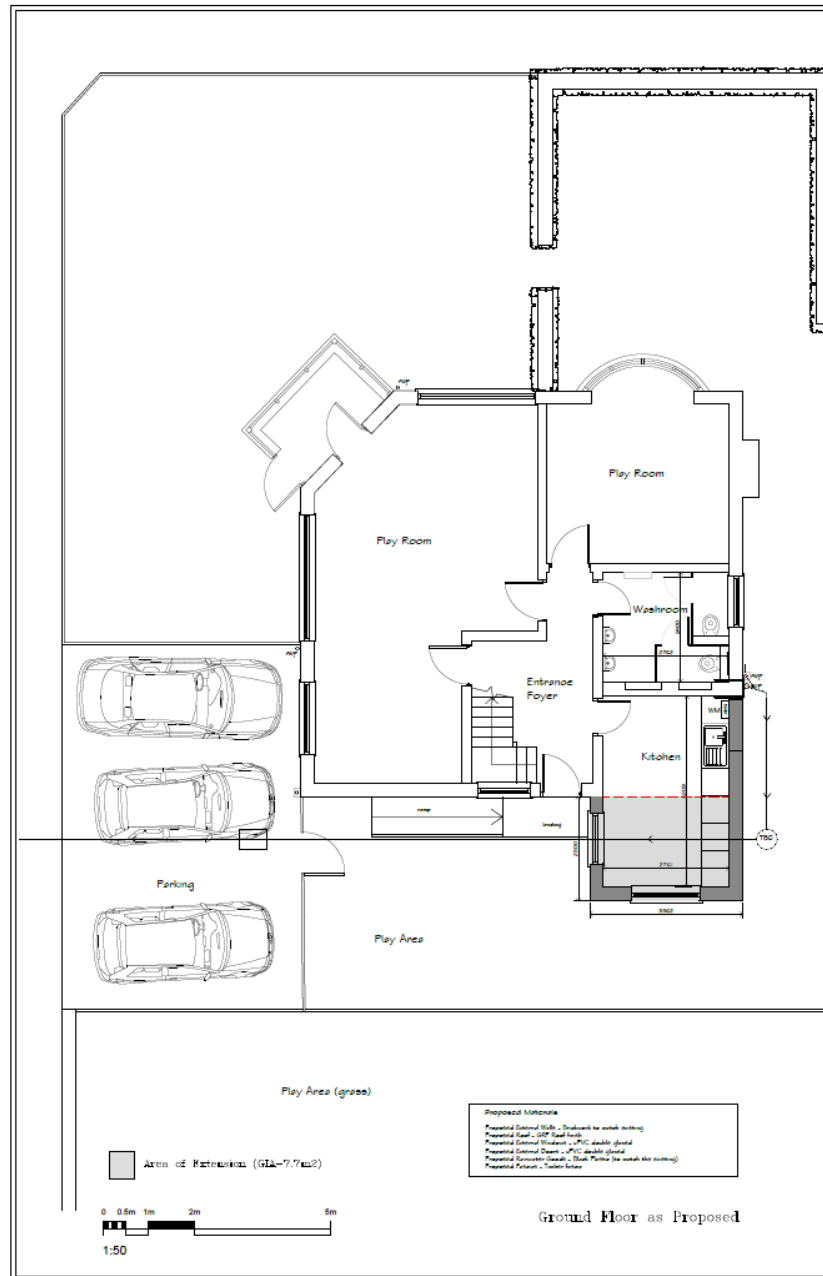
DRAWING TITLE
Existing Plans and Elevations

DRAWING PHASE
 Design
 Planning
 Preliminary Building Regulations
 Building Regulations
 Construction
 As Built

SCALE	DATE	DATE	DATE
NUMBER	BY	CHKD	APPD
001	AS	AS	AS
002	AS	AS	AS
003	AS	AS	AS
004	AS	AS	AS
005	AS	AS	AS
006	AS	AS	AS
007	AS	AS	AS
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Project no: 1000-1000
Drawing no: 001
Scale: 1:50

As proposed



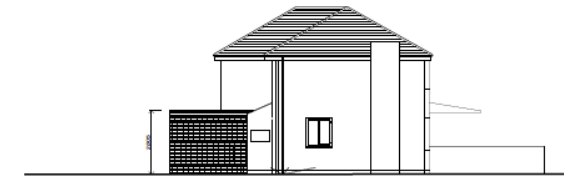
North East Elevation as Proposed



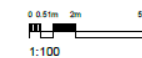
South West Elevation as Proposed



South East Elevation as Proposed



North West Elevation as Proposed



Architectural

Project: 10001 (10/10/2020)
 10001 (10/10/2020) (10/10/2020)

CLIENT
 Mrs C. Henderson
 40 Southfield Drive
 York
 YO12 5PS

PROJECT TITLE
 Proposed Single Storey Extension

DRAWING TITLE
 Proposed Plans and Elevations

DRAWING PHASE
 [X] Design
 [X] Planning
 [X] Preliminary Building Regulations
 [X] Building Regulations
 [X] Construction
 [X] As Built

SCALE	DATE	ISSUE
1:100	10/10/20	01
		02
		03
		04
		05
		06
		07
		08
		09
		10
		11
		12

Project no: 10001 Drawing no: 10001
 Date: 10/10/2020





COMMITTEE REPORT

Date: 12 August 2021 **Ward:** Haxby And Wigginton
Team: West Area **Parish:** Haxby Town Council
Reference: 20/01958/FUL
Application at: Cedar House 29 Station Road Haxby York YO32 3LU
For: Conversion of existing house into two dwellings with single storey rear extension, side and rear dormers, rear extension, demolition of garage and erection of new dwelling to rear
By: Mr Paul Lee
Application Type: Full Application
Target Date: 11 March 2021
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks permission for the conversion of the existing property into two dwellings (dwelling 1 and 2) with associated extensions and alterations and the construction of a new dwelling (dwelling 3) in the rear garden with access from Ash Lane.

1.2 The following amendments have been made to the original submission in response to concerns from officers and residents:

- Removal of external stairs and rear balcony to main dwelling and reduction in height of single storey rear extension
- Relocate vehicle access to dwelling 2
- Provide 2no. passing places and a turntable to dwelling 2
- Side dormer obscurely glazed and fixed shut

THE SITE

1.3 The host dwelling is a large semi-detached property accessed via Station Road with existing vehicle access to the rear garden via the adjacent Ash Lane. This lane also serves 1 and 2 Cedar Court. The large rear garden is bounded on three sides by a brick boundary wall and has been the subject of many previous planning applications, the most relevant of which are summarised below.

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RELEVANT PLANNING HISTORY

1.4 The following planning applications have previously been submitted for this and surrounding sites:

- 3/57/459/PA – Construction of a dwelling to the rear of 29 Station Road – REFUSED (March 1984) due to site incompatibility with surrounding development, overdevelopment and unsatisfactory highway access (length and narrow width)
- 3/57/459C/PA – Change of use of one dwelling into two and erection of single storey rear extension to form lounge – REFUSED (December 1988) due to length and width of access lane and proposed parking area to front garden would be detrimental to residential amenity of neighbouring properties.
- 3/57/459D/PA - Change of use of one dwelling into two and erection of single storey rear extension to form lounge – REFUSED (November 1989) due to impact on amenity of neighbours and length and width of access lane re vehicle movements.
- 03/04114/FUL – Erection of detached dormer bungalow and garage on land to the rear of 36 Windmill Lane – REFUSED (May 2004) due to siting and scale of the dwelling, together with the consequent need for access via a long and narrow private drive resulting in an adverse impact on the character and amenity of the area representing overdevelopment of the site.
- APP/C2741/A/04/1158659 – Appeal of 03/04114/FUL – DISMISSED (May 2005) due to overdevelopment of the site only.

COMMITTEE CALL-IN

1.5 The application has been called to committee by Cllr Pearson over concerns regarding the narrow/inappropriate access lane and the long history of rejected applications for additional dwellings accessed via Ash Lane.

2.0 POLICY CONTEXT

Publication Draft Local Plan 2018

2.1 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with

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paragraph 48 of the national Planning Policy Framework ('NPPF') the Draft Plan policies can be afforded weight according to:

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

2.2 Relevant Policies:

D1 Placemaking

D11 Extensions and Alterations

CC1 Renewable and Low Carbon Energy Generation and Storage

CC2 Sustainable Design and Construction of New Development

ENV5 Sustainable Drainage

Development Control Local Plan 2005

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

2.4 Relevant Policies:

GP1 Design

GP10 Subdivision of gardens and infill development

H7 Residential Extensions

3.0 CONSULTATIONS

Highways Network Management

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3.1 Initial consultation comments required further information to be submitted regarding :- sight lines, car parking and tracking, arrangements for deliveries, passing places, visitor parking/deliveries, refuse collection and cycle parking.

3.2 On receipt of further information and drawings officers consider that the issues raised have been addressed and there are no objections on highways grounds subject to a condition securing the vehicle turntable for dwelling 2. The addition of 2 dwellings would not significantly impact highway safety on this existing access lane.

Flood Risk Management

3.3 Following the submission of drainage details and a drainage report, a soakaway test on site was witnessed by the Senior Flood Risk Management Engineer. The test was successful and soakaways are considered an acceptable method of surface water disposal in this location. The proposals are therefore supported in principle subject to condition.

Public Protection

3.4 No objections subject to the inclusion of a condition for passive provision for electric vehicle recharging points.

Yorkshire Water

3.5 No observation comments required as existing drainage system in use.

Fire and Rescue

3.6 No objections to the proposed development.

Haxby Parish Council

3.7 No objections to the initial submission. Upon re-consultation, significant objections in support of multiple neighbour concerns, overdevelopment, highway safety concerns and historic refusals for similar developments. Also raise the issue of the new Haxby railway station which will compound parking/traffic flow in the area.

4.0 REPRESENTATIONS

Neighbour Notification and Publicity

Neighbour Notification and Publicity

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

- Significant access and highway safety issues relating to long and narrow access lane
- Lack of passing places resulting in dangerous vehicle manoeuvres
- Additional traffic and noise nuisance, including use of turntable
- Parking issues for occupants, visitors and deliveries
- Historic refusals of multiple applications for similar development due to the access lane
- Destruction of walled garden and impact on local environment and amenity
- Overdevelopment of the rear garden and plot as a whole
- Impact on the amenity of no. 25 in relation to new dwelling in the garden, specifically loss of light to ground floor dining room window
- Loss of privacy, overlooking and overshadowing from side and rear dormers
- Poor outlook to no's 1 and 2 Cedar Court and 25 Station Road
- Design of new dwelling not in keeping with appearance/scale of surrounding plots
- Proposals will significantly alter the visual appearance of the access lane and wall, including the loss of mature trees and plants to the detriment of surrounding properties.

Ward Councillor

4.2 The following objections have been received from Cllr E Pearson:

- Significant access and highway safety issues relating to long and narrow access lane
- Historic refusals on site due to inappropriate access lane
- The new and converted dwellings would have a detrimental impact on the amenity of neighbours

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- Parking should be provided to the front of no. 29 with direct access to Station Road
- Many of the highway requirements appear to be unachievable
- The new dwelling was cause a loss of light to the side facing window of no. 25 Station Road
- The dormer windows would result in a loss of privacy for adjacent neighbours
- Drainage issues are known to exist on site

5.0 APPRAISAL

KEY ISSUES:-

- Principle of development
- Design and appearance
- Impact on neighbouring property
- Highway issues
- Drainage
- Climate change
- Planning history

Principle of Development

5.1 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking this means where there are no relevant development plan policies, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The NPPF seeks to support the Government's objective of significantly boosting the supply of homes.

5.2 The NPPF requires local planning authorities to seek the efficient use of land in sustainable locations, focus development towards previously developed land and to deliver a wide choice of high quality homes. The definition of previously developed land does not however include residential gardens. Policy GP10 of the 2005 Draft Local Plan reflects NPPF policy and states that whilst subdivision of gardens may be acceptable this is subject to the proviso that there would be no detriment to the character and amenity of the local environment. Policy D1 of the 2018 Publication

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Draft Local Plan states that development proposals which cause damage to the character and quality of an area will be refused and requires that proposals are appropriate for its proposed use and neighbouring context.

5.3 The site lies within an established residential area within the village of Haxby in a sustainable location close to local shops and with public transport links into the centre of York. The proposal relates to an existing walled garden surrounded by residential development. Similar back land development in rear gardens has previously taken place. Given the previously developed nature of this part of the site, the principle of the subdivision of the existing dwelling and the infill house to the rear of the garden is considered to be acceptable in this location.

Design and Appearance

5.4 Section 12 of the NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 seeks to ensure that developments function well and add to the overall quality of the area while being visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Developments should be sympathetic to local character and history and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

5.5 Policy D1 of the 2018 Draft Plan states that proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.

Alterations to existing dwelling

5.6 The proposal seeks to sub-divide the existing large semi-detached property into two dwellings. Dwelling 1 would retain the main front facade with the addition of a single storey rear extension to infill between the existing boundary wall with no. 27 and the existing two storey rear offshoot. A rear dormer is also proposed. This dwelling would have 5no. bedrooms. Dwelling 2 would be formed within the two

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storey rear offshoot and existing single storey rear extension with a total of 4no. bedrooms. A side dormer facing east is also proposed.

5.7 The rear dormer would sit centrally within the rear roof slope and would mirror the adjacent rear dormer belonging to no. 27 in terms of height and depth. It would be wider than the existing rear dormer, however given its overall design and scale it is considered that it would not look overly large or dominant in this location. Its overall scale and proportions appear in keeping with the scale of the dwelling as a whole.

5.8 The side dormer would be located on the east elevation and would be situated relatively centrally within the side roof slope of the rear offshoot. The overall design and scale are considered acceptable and would not result in a top-heavy addition that would appear overly dominant here. It is noted that it appears to sit quite far down in the roof when viewed from the front elevation drawing, however, given the distance from the front elevation, it is likely that the side dormer would not appear overly incongruous.

5.9 It is also proposed to add a single storey flat roof extension to the full width of the rear elevation of dwelling 1 infilling the patio space between the rear offshoot and the side boundary with no.27. This element of the scheme has been amended from its initial submission, with the balcony and external steps removed and the overall height of the structure reduced. The revised scale and design and considered sympathetic to the overall design and scale of the dwelling, and given its location, tucked away from the main garden, there would be no adverse impact to the overall appearance of the site.

New dwelling

5.10 The new detached single storey dwelling (dwelling 3) would be located in the rear garden of the existing property, with a new vehicle access from Ash Lane. The new 2 bedroom dwelling would be modest in scale, measuring 9.7m (at its widest point) x 10.8m with a height of 3m and has been designed to reflect the form and design of a modern garden building rather than a more traditional bungalow. Bins and bicycles would be stored to the south west corner of the site with 2no. car parking spaces adjacent.

5.11 Residents have commented that the proposed dwelling does not resemble existing development in the area, with regard to design, form and materials. Further, they have objected to the modest size of the site, the small amount of external amenity space and that proposals appear cramped, the site overdeveloped and the resulting loss of the existing large walled garden which is an important feature within the immediate area.

5.12 It is acknowledged that the dwelling does not appear similar to existing brick built development, with the immediate area being characterised by larger dwellings (one and two storey), in spacious plots. However following previous refusals on this site, it was considered that a smaller, more modest dwelling would be better suited to the plot, with a reduced height so as to reduce impact to immediate dwellings and the overall design is that of a modern garden building, so that it would not look out of character in this back garden location. Whilst it is recognised that the dwelling would be a departure from form of surrounding development, it is not considered that the proposal would appear out of character with other back garden development in the immediate vicinity.

5.13 The proposal would sub-divide the existing large rear garden into three smaller plots, with dwelling 3 occupying the full width of the far rear garden and dwelling 1 and 2 retaining the remaining garden being split roughly down the middle. Dwelling 1 would retain the largest garden, with dwelling 2 having a modest rear courtyard garden and dwelling 3 would have a small wrap-around garden. All dwellings are considered to have adequate and appropriate outside amenity space for the corresponding size of each property, with adequate provision for bin and cycle storage. The subdivision of the garden is not considered to have a significant detrimental impact to the character of the area, with all of the existing walls that bound the garden to be retained.

Impact on neighbour amenity

5.14 The NPPF states that developments should create places with a high standard of amenity for all existing and future users. Policy D1 of the 2018 Draft Plan states that development proposals should ensure design considers residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.

5.15 The single storey dwelling would be situated in close proximity to 25 York Road which is a large two storey dwelling located along the side boundary with the application site. Multiple windows across the ground and first floor overlook the application site, with the new dwelling being located adjacent to the largest ground floor window serving the dining room. Objections have been raised by residents with regard to loss of light and overshadowing of this room. The Building Research Establishment (BRE) have set out guidelines to measure the impact a development would have upon the daylight of an existing building. The submitted drawing showing the 25 degree line, measured from the centre point of the window shows that there would not be a significant loss of daylight and because of the single storey height, it would not prevent the occupiers of no. 25 having sight of the sky. Whilst it is acknowledged that the new dwelling would be in close proximity of the boundary, the existing windows within no.25 have been located in close proximity and having sight over the existing rear garden. As such whilst there would be some impact on this room, the impact is not considered so harmful that refusal would be justified in this instance.

5.16 The creation of dwellings 2 and 3 would result in the relocation of the existing vehicle entrance to the side boundary wall facing Ash Lane and the addition of a new gated vehicle entrance to dwelling no. 3. The agent has confirmed that these changes would result in the removal of two small trees only, with the majority of mature vegetation to the north to be retained. Objections have been raised by the occupants of Cedar Court that the proposed alterations to the lane would result in significant harm to outlook, particularly from 1 Cedar Court which lies directly opposite the site. The proposals would result in the vehicle and pedestrian accesses being centralised within the wall, although these would be gated as per the present situation and as such the overall impact on outlook is not considered to be significant.

5.17 There have also been objections from residents with regard to noise nuisance from the additional development on site. Two additional households would occupy the rear garden, the use of the turntable and also the addition of car parking to what is currently a single rear garden. The development would result in more vehicle movements than at present, however there is an existing rear vehicle access which could be used to park cars in the rear garden. As such the principle of cars using the back lane and being parked in the current rear garden is already established. Whilst it is recognised that the potential additional vehicle use would create some

additional noise, it is not considered that this would be significant or detrimental to existing owners/occupiers of the lane or to other immediate neighbouring properties.

5.18 The side and rear dormers to the existing property have raised concern amongst residents due to their location and the associated loss of privacy, particularly from the side dormer on the east elevation. It is noted that both dormers could be constructed under permitted development rights as part of the existing dwelling, however as they would be installed as part of the application to sub-divide the property, it is considered appropriate to safeguard the amenity of neighbouring residents. As such amendments have been made to obscurely glaze the side dormer so that there would be no overlooking to properties further along Station Road. With regard to the rear dormer, it is noted that no. 27 has a similar dormer which already results in an element of overlooking to the host and neighbouring gardens. Therefore the addition of a rear dormer to the host dwelling is not considered to cause significant further overlooking than already occurs.

Highway Matters

5.19 The proposals would rely on Ash Lane to provide vehicle and pedestrian access to dwellings 2 and 3. The existing side vehicle entrance to the host dwelling would be relocated further north to the end of the plot for dwelling 2, with the new access created adjacent to this with a pedestrian access for dwelling 1 in between to provide access for bins and bicycles. All dwellings would have two car parking spaces and covered, secure cycle provision, although full details of the cycle provision would be required by condition. A communal bin storage area has also been provide in front of no. 1 for the collection of bins only, given the narrowness of the lane and the difficulty of refuse vehicles manoeuvring down the lane. Significant concerns have been raised by residents, the Parish Council and Cllr Pearson about the use of the lane for further vehicle movements due to its length and narrow width. Highways colleagues also expressed concern due to the limited width, lack of sight lines and passing places, which could cause highway safety issues for existing and new users of the lane. The revised site plan shows the inclusion of two passing places, one to the entrance to the lane adjacent the front drive of dwelling 1, and one further down the lane in front of the drive of dwelling 2. This would ensure that vehicles entering and exiting the lane would have adequate space to pull over in the event of another vehicle approaching in the opposite direction. It is considered that both passing places would be well situated to provide adequate width for two

vehicles, and there is also additional width at the turning head in Cedar Court and at the entrance to the lane for larger vehicles to wait if required.

5.20 In order to provide adequate sight lines for dwellings 2 and 3, the existing side vehicle access has been relocated for better visibility of vehicles entering and existing the new accesses and for other vehicles using the lane. Dwelling 3 has adequate space to turn within the site so could exit the drive in forward gear which is important in this instance given the highway concerns regarding the use of the narrow lane. A similar turning area could not be provided for dwelling 2, therefore a turntable to allow vehicles to access in forward gear is proposed and would be secured by condition. It is considered that the amendments made satisfy the Council's concerns regarding highway matters and that the lane, being an existing access for three properties, albeit the existing side access for no. 29 is not currently utilised, could accommodate further vehicle movements without causing harm to highway safety.

5.21 In terms of deliveries and visitor parking, it is considered that the passing places would provide short term parking if necessary for deliveries, as could the turning head at Cedar Court. Visitor parking would most likely be either within the sites themselves or on Station Road. Concerns have been raised by the Parish Council with regard to additional traffic caused by the Haxby railway station, however this should not have an impact on vehicle movements along Ash Lane.

5.22 Despite the amendments to address the Council's Highway concerns, significant neighbour objections still remain with regard to highway safety grounds and on the Highway comments made based on the CYC Highway Design Guide (Section 8.8). Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. As such strict compliance with the Council's Highway Design Guide is not justified in every situation, but a case by case judgement on the impact on highway safety. The proposals also relate to an existing private lane and not a newly designed access route. In considering the development, the primary access would be for up to 5 dwellings, three of which are existing accesses. The addition of two further dwellings here is not considered to cause significant additional traffic that there would be a detrimental impact on highway safety. It is also noted that the Fire Service and the Council's Waste Services have been consulted and neither have objected to the proposals.

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5.23 In this case, given the amendments made to address the highways issues raised, the limited number of additional dwellings being created and that the lane is an existing vehicle access route, despite not meeting all requirements of the Council's Highway Design Guide, the scheme would not result in an unacceptable impact on highway safety and as such would comply with the requirements of the NPPF.

Planning History

5.24 There have been a number of planning applications previously submitted for similar development on this and neighbouring sites, most of which have been refused due to the narrow access lane. The details of these are contained within Section 1.4. A number of objections have been made that the principle of no development has been established through the previous refusals on this site due to the use of the narrow access lane and its unsuitability of accommodating further traffic movements. The most recent application submitted in 2003 and dismissed at appeal in 2005, was recommended for approval by officers but overturned by members by reason of its siting and scale, together with the consequent need for access via a long and narrow private drive, which was considered to have an adverse impact on the character and amenity of the area, representing overdevelopment of the site. No specific highway safety concerns were raised. The Inspector specifically noted that the Council had not raised any objections on highways grounds and no case was made in either the planning officer's or Inspector's reports for there to be highways concerns. All previous refusal decisions which cited the unsuitability of the access lane as a reason for refusal were prior to 1990. Given the above, it is not considered that the historic planning decisions have set a precedent for refusing future development here because of the unsuitability of the access lane to accommodate additional vehicle movements.

Drainage

5.25 The application site sits partly within the Foss Internal Drainage Board district. The Board has assets in the wider area in the form of various watercourses, which are subject to high flows during storm events. It was therefore recommended that soakaways were first considered to manage surface water drainage across the site. Following the submission of a drainage plan and soakaway testing on site, the

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information was deemed sufficient that soakaways could be used on site to mitigate surface water flooding. In addition there have been no objections with regard to foul sewage which is proposed to be connected to the mains combined sewer. Yorkshire Water have no objections to this arrangement.

Climate Change

5.26 Policy CC1 of the 2018 Draft Plan states that new buildings must achieve a reasonable reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable. This should be achieved through the provision of renewable and low carbon technologies in the locality of the development or through energy efficiency measures.

5.27 Policy CC2 of the 2018 Draft Plan states that proposals for new residential buildings will be supported where they achieve the following at least a 19% reduction in Dwelling Emission Rate compared to the Target Emission Rate and a water consumption rate of 110 litres per person per day.

6.0 CONCLUSION

6.1 The proposed subdivision and extension to no. 29 is not considered to harm the appearance of the dwelling or cause significant impact to neighbour amenity. Similarly the proposals for the infill dwelling to the rear garden are also considered acceptable. The new dwelling would be within a sustainable location, utilising an existing access lane which, given the modest additional vehicle movements, would not cause harm to highway safety, following amendments made by the applicant to safeguard the safety of all existing and proposed users of the lane. The single storey design is compatible with its surroundings and it would not significantly harm the living conditions of adjacent dwellings. The proposals thereby comply with the National Planning Policy Framework (2021) and with Publication draft Local Plan (2018) policies D1, D11, CC1, CC2 and ENV5, the draft Local Plan (2005) policies GP1 and GP10.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Proposed Floor Plans - Drg. No: 01.02A

Proposed Elevations - Drg. No: 01.03C

Proposed Driveway Elevations - Drg. No: 01.05

Proposed Elevations - Drg. 01.06

Proposed Site Plan showing passing places - Drg. No: 01.01 submitted February 2021

Drainage Design - Drg. No: YH836/1A

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 materials to be used externally in relation to extensions to the existing dwelling shall match those of the existing dwelling in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application in relation to the new dwelling to the rear of the garden, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

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

Reason: So as to achieve a visually cohesive appearance.

5 The hereby approved side dormer shall be obscurely glazed and fixed shut at all times.

Reason: To protect the amenity of neighbouring residents.

6 The development should incorporate sufficient capacity within the electricity distribution board for one dedicated radial AC single phase connection to allow the future addition of an Electric Vehicle Recharge Point (minimum 32A) within each parking area. The applicant shall identify the proposed location for a future Electric Vehicle Recharge Point within the development curtilage and ensure that any

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necessary trunking/ducting is in place to enable cables to be run to the specified location.

Reason: To ensure future electric vehicle charge points can be easily added to the property in line with the NPPF and CYC's Low Emission Strategy.

Notes

- Any future Electric Vehicle Charging Points need to be professionally installed. The installation process routinely involves wall mounting a charge point on an exterior wall or garage and connecting it safely to the mains electricity supply. All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation

- In the UK, there is a government-grant scheme available to help reduce the cost of installing a home EV charge point. For more information on the scheme see the OLEV website:

<https://www.gov.uk/government/collections/government-grants-for-lowemission-vehicles>

- The above requirement does not preclude the installation of Electric Vehicle Charge Point from the outset, if desired.

- Details of passive provision to be included within household pack for first occupant, to include location of proposed Electric Vehicle Recharge Point, trunking/ducting provided and details of distribution board location and capacity.

7 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

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

i) a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development shall not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties. The topographical survey must also provide level data for both the existing and proposed foul and surface water drainage systems and again all levels must be to Ordnance Datum

Reason: In the interest of satisfactory and sustainable drainage.

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9 Prior to the occupation of dwelling 2 the turntable shall be installed as shown on drawing no. 01.01 and retained in situ unless otherwise approved in writing by the Local Planning Authority.

Reason: To enable vehicles to exit the site in forward gear.

10 Prior to the occupation of dwellings 2 and 3, the passing place at the entrance to Ash Lane shall be clearly marked to identify it as separate from the drive belonging to no. 29.

Reason: In the interests of highway safety.

11 Dwellings 2 and 3 shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

13 The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

14 Details of the reduction in carbon emissions that the development would achieve when compared against Part L of the Building Regulations (the notional building) shall

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be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the building and the development shall be carried out in accordance with the approved details.

The details shall demonstrate a reduction in carbon emissions of at least 28% through the provision of renewable or low carbon technologies or through energy efficiency measures and at least a 19% reduction in dwelling emission rate compared to the Target Emission Rate (calculated using Standard Assessment Procedure methodology as per Part L1A of the Building Regulations).

Details shall also be submitted that demonstrate that the development shall also achieve a water consumption rate of no more than 110 litres per person per day (calculated as per Part G of the Building Regulations).

Reason: In the interests of sustainable design and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

15 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes A and AA to E of Schedule 2 Part 1 of that Order shall not be erected or constructed in relation to the new detached dwelling to rear.

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

8.0 INFORMATIVES: Notes to Applicant

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

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

Officers requested further information with regards to drainage, highways alterations and cycle storage, and changes to the single storey rear extension and proposed side

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dormer.

Contact details:

Case Officer: Elizabeth Potter

Tel No: 01904 551477

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Area Planning Sub-Committee

20/01958/FUL

Cedar House 29 Station Road Haxby

Site Plan



Block Plan 1:500 @ A1
29 Station Road, Haxby, York



Location Plan 1:1250 @ A1
29 station Road, Haxby, York

RIBA 	
	
<small>Brierley Groom LLP Registered in England Registered Office: 100, The Quadrant, Leeds LS1 9PL</small>	
<small>21 City View House, Newbold Road, Huddersfield Business Park, Unit 10, Huddersfield, West Yorkshire HD1 3JH</small>	
<small>Partnership of Brierley Groom LLP and Huddersfield Property Services Ltd (Incorporated in England and Wales)</small>	
Client MR PAUL LEE	
Project CEDAR HOUSE	
Drawing LOCATION PLAN & BLOCK PLAN	
Date AUG. 2020	Scale 1:200 1:1250
Number L068.01.04	

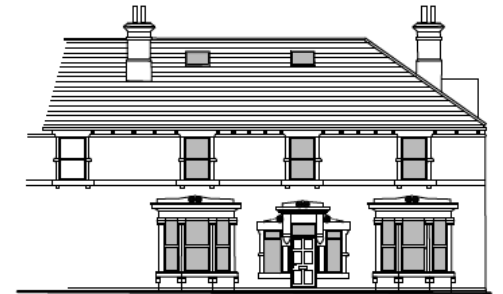
Cedar House –
As proposed
elevations



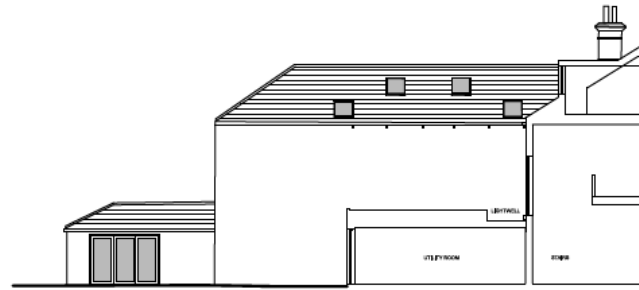
NORTH ELEVATION



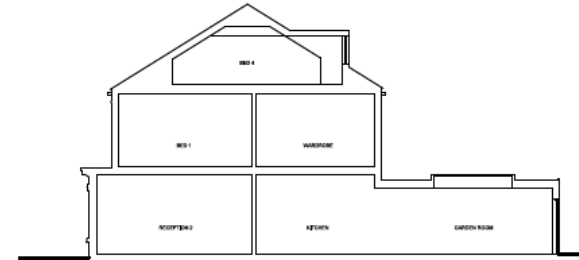
EAST ELEVATION



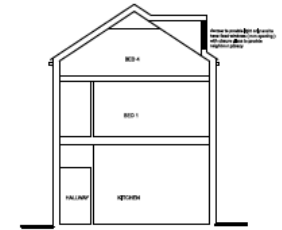
SOUTH ELEVATION



WEST ELEVATION



SECTION X - X



SECTION Y - Y

C 21.04.21 Dormer to have obscure glass, single storey dwelling elevations move to new drawing, section Y Y amended
B 24.03.21 New extension lowered & materials annotated on new build & extension
A 24.02.21 Balcony over kitchen removed, panelling on single storey dwelling amended to timber

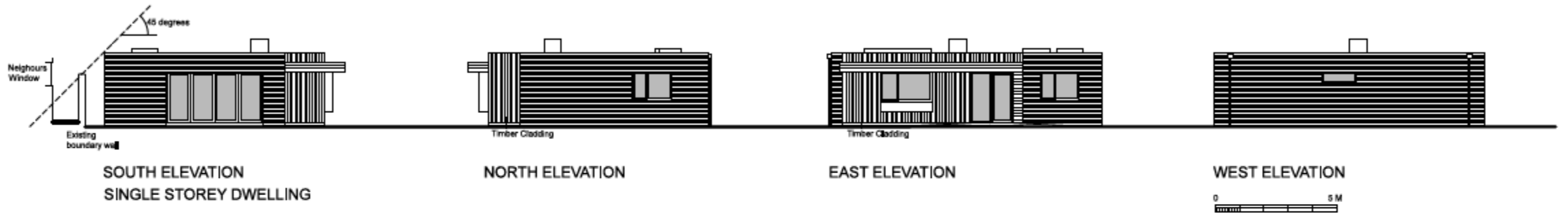
RIBA # 
BrierleyGroom
Chartered Architects

Brierley Groom LLP
Registered in England
Registered office: 211-213, High Street, London, EC1A 1BB
Tel: 020 7424 1111
Founded by Sir John Groom since 1780

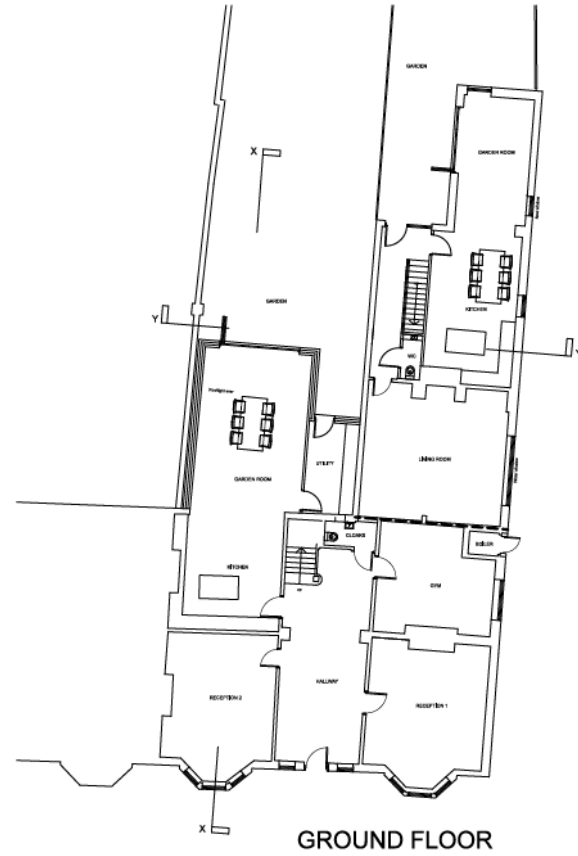
211/115, Tice House, Newwood Road,
Northminster Business Park, York, YO20 4DZ
t: 01904 344744
e: info@brierleygroom.co.uk
website: www.brierleygroom.com

client	
MR PAUL LEE	
project	
CEDAR HOUSE	
drawing	
ELEVATIONS AS PROPOSED	
date	status
AUG. 2020	
scale	revision
1:100	C
number	
L068.01.03	

Single story dwelling elevations



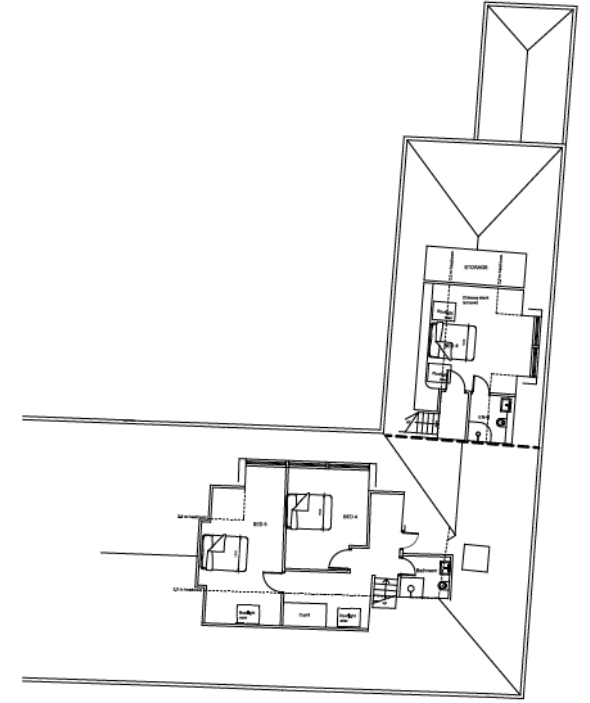
As proposed floor plans



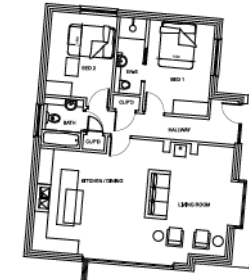
GROUND FLOOR



FIRST FLOOR



SECOND FLOOR



FLOOR PLAN
SINGLE STOREY DWELLING

A 23.02.21 Roof balcony removed

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client	MR PAUL LEE	
project	CEDAR HOUSE	
drawing	FLOOR PLANS AS PROPOSED	
date	AUG. 2020	status
scale	1:100	revision
number	L068.01.02	



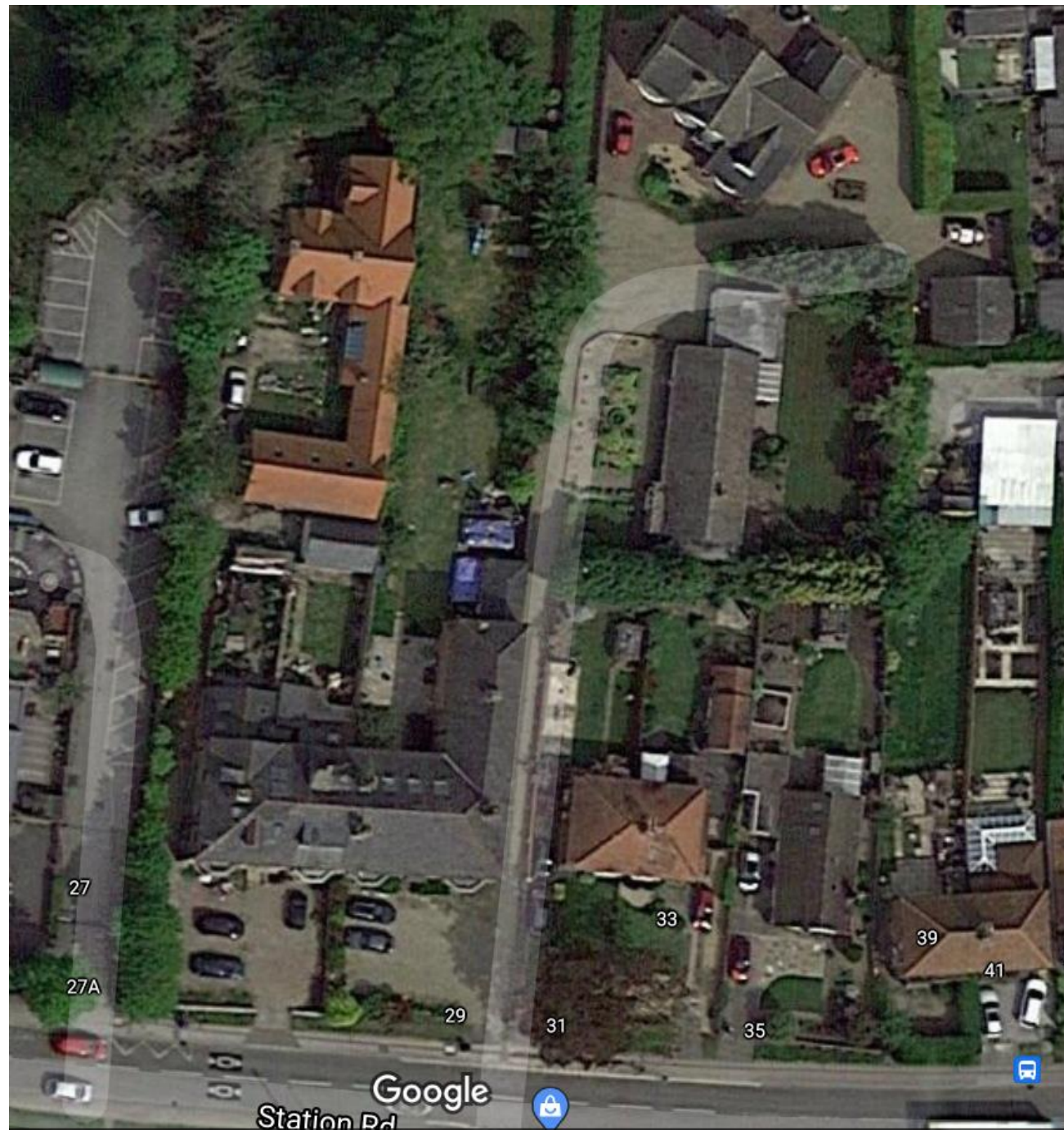
Showing access lane



Rear of Cedar House



Google satellite view



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COMMITTEE REPORT

Date: 12 August 2021 **Ward:** Heworth
Team: East Area **Parish:** Heworth Planning Panel
Reference: 20/02010/FUL
Application at: 62 Heworth Road York YO31 0AD
For: Erection of 1no. dwelling to rear of No.62 Heworth Road and conversion of outbuilding to dwelling with single storey extension following demolition of detached garage (resubmission)
By: Transcore Ltd
Application Type: Full Application
Target Date: 18 August 2021
Recommendation: Approve

1.0 PROPOSAL

1.1 The application seeks full planning permission for the provision of two dwellings at the rear of 62 Heworth Road, which is a two storey property fronting the public highway with rear outbuildings and linear garden plot. The site comprises a collection of buildings in the northern part immediately south of no.62 and an area to the south that is undeveloped with overgrown vegetation. It is accessed by an existing private lane that also serves the Nags Head Public House to the west and commercial building behind it. The area of land is bounded to the east and south by residential properties on Heworth Road and East Parade. It lies within the Heworth/Heworth Green/East Parade/Huntington Road Conservation Area No.5 ("Heworth CA"). The site falls within Flood Zone 1 (low probability).

1.2 The proposal involves re-using with extension an existing two storey building referred to as The Cottage to provide a 2-bedroom dwelling and the erection of a single storey building within the rear garden plot to provide 1 no. 2-bedroom dwelling. Demolition of an existing single storey garage and a section of the boundary wall with the private lane is proposed. Access would be from Heworth Road via the existing private lane and opening created in the boundary wall. It would lead to a shared driveway providing one parking space for each property. Each property would have a private amenity space, with provision for refuse and cycle parking. No.62 would retain a rear gated yard.

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1.3 The application has been revised since first submission, with the reduction of the rear dwelling from accommodation over 2 floors in a 1.5 storey building to a single storey property. Further bat survey work was required to be undertaken as part of the consideration of the application.

1.4 Planning application 20/00782/FUL, for the erection of three dwellings following demolition of existing buildings to the rear of no.62, was withdrawn in July 2020. This was after concerns were raised on conservation and residential amenity grounds.

Councillor Call-in

1.5 The application has been called-in to committee by the local ward councillor, Councillor Webb, based on the public interest in this so far and the following planning reasons:

- This would represent an amendment to the skyline in a conservation area.
- This would result in the overlooking of neighbouring properties.
- Damage to local biodiversity (a priority habitat) during building work.
- Threat to bats roosting in the trees and the old stable that is intended to be converted.
- Turning and access to the property from the highway could be dangerous – particularly as this will be nearby a local primary school – this will have a negative impact on safety.
- There has not been a structural survey on a neighbouring property's wall and the earthworks might cause subsidence.

2.0 POLICY CONTEXT

2.1 Draft Development Control Local Plan Incorporating the 4th set of changes – Approved April 2005 (DCLP):

GP1 – Design

GP3 – Planning Against Crime

GP4a – Sustainability

GP4b – Air Quality

GP6 – Contaminated Land

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GP10 – Subdivision of Gardens and Infill Development

GP15a – Development and flood risk

NE1 – Trees, Woodlands and Hedgerows

HE2 –Development in Historic Locations

HE3 – Conservation Areas

HE10 – Archaeology

HE11 – Trees and Landscape

T4 - Cycle parking standards

H4a – Housing Windfalls

2.2 Publication Draft Local Plan – February 2018 (Regulation 19 Consultation):

H3 – Balancing the Housing Market

D1 – Placemaking

D2 – Landscape and Setting

D4 – Conservation Areas

D6 – Archaeology

D7 – The Significance of non-Designated Heritage Assets

GI4 - Trees and Hedgerows

CC1 – Renewable and Low Carbon Energy Generation and Storage

CC2 – Sustainable Design and Construction of New Development

ENV1 – Air Quality

ENV2 – Managing Environmental Quality

ENV3 – Land Contamination

ENV4 – Flood Risk

ENV5 – Sustainable Drainage

T1 – Sustainable Access

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development (Archaeology)

3.1 62 Heworth Road is positioned in between two Roman roads. Roman cemeteries and sparse burials lined these main roads in and out of York. There is no known archaeological resource on this site. However, given the proximity to the former roads and the 3 known burial grounds within 500m of the plot an

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archaeological watching brief should take place during the construction of foundations and drainage should this application gain permission. If the site proves to be archaeologically sterile during the watching brief, monitoring can be reduced or halted. Condition requested.

Design, Conservation and Sustainable Development (Landscape)

3.2 None of the trees are worthy of a tree preservation order. Although the Root Protection Area of the adjacent apple tree T1 overlaps the site, the existing wall is likely to provide sufficient root protection for this small area of the theoretical RPA to prevent significant risk of harm to the tree. The crown of Apple T1 may be cut back to the site boundary by a professional tree surgeon to prevent overhang and allow room for construction. However, it would be aesthetically and practicably preferable if a greater distance could be achieved between the proposed dwelling and the neighbouring Apple tree in order to prevent the need to cut it back.

Design, Conservation and Sustainable Development (Conservation)

3.3 Existing buildings are C19th. They have heritage value as contemporary to the frontage building no.62 and add to the historic character, making positive contribution to character and appearance of village conservation area. Retention and conversion is encouraged. Discussion has taken place on the size and form of the rear new build property – originally proposed as 1.5 storey, but reduced to single storey with reduced ridge and eaves and to be constructed from traditional building materials.

Design, Conservation and Sustainable Development (Ecology)

3.4 Ecological enhancements have been recommended within the Bat Survey Report with the aim of providing biodiversity net gain post construction, including bat boxes/tube and bird boxes. As the presence of nesting bird habitat is highlighted in the Bat Survey Report, precautionary methods will need to be undertaken to ensure active nests are not destroyed during any vegetation clearance and demolition works. Conditions requested.

Public Protection

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3.5 Land contamination - The site is located on land where there have been outbuildings and garages and this past use could potentially have given rise to land contamination. A site investigation is required to find out whether contamination is present. If contamination is found, please note that appropriate remedial action will be required to ensure that the site is safe and suitable for its proposed use. Requests relevant planning conditions.

3.6 Electric Vehicle Recharging - In line with paragraph 110 of the NPPF, developments should be designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. Given that the application includes off street parking and in view of the NPPF and the Council's adopted Low Emission Strategy, which aims to facilitate the uptake of low emission vehicles in York. Request condition.

3.7 Noise - The proposed housing will be close to an existing public house and car park area therefore there could be noise associated with these activities that could cause disturbance to the future residents of the dwellings.

3.8 Construction Noise and Dust - Due to the close proximity of residential premises, an informative should be added to any planning approval to ensure that noise and dust emissions are controlled during construction.

EXTERNAL

Yorkshire Water

3.9 No comments.

4.0 REPRESENTATIONS

4.1 The application was publicised by a press and site notice as well as letters to adjacent neighbours. Following the submission of revised plans for a reduced scheme, notifications were sent to contributors.

4.2 Eleven representations from local residents to the original proposal for a 1.5 storey detached dwelling to the rear, which are summarised as follows. No additional responses have been received to the revised plans to reduce the height of the rear dwelling to single storey.

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- Alterations to old cottage are better;
- South wall of old garage is part of neighbours' boundary and should not be altered;
- Plot 2 has upper floor window that would overlook neighbours' properties;
- Plot 2 is too close to boundary and would damage rare plum tree;
- Proposal is example of garden-grabbing and over-development that is unsympathetic and poorly designed and does not meet objectives for appropriate in-filling and sustainable, accessible or affordable housing;
- Plot 2 remains too high and over-bearing, severely impacted visual amenity, looming over garden and blocking open views and light;
- Removal of trees in a conservation area with no provision for replacement trees;
- Design is architecturally unambitious and unsympathetic, does not reduce environmental impact and materials remain out of character in the conservation area;
- There is still no provision for charging electric cars in this new proposal.

5.0 APPRAISAL

5.1 Key issues:

- Principle of development
- Provision of housing
- Historic environment
- Design and visual amenity
- Sustainability
- Highway safety
- Residential amenity
- Natural environment
- Flood risk and drainage

PLANNING LEGISLATION

5.2 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when determining planning applications.

PLANNING POLICY

National Planning Policy Framework NPPF

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

5.4 The NPPF seeks the delivery of a supply of homes (chapter 5), promotes healthy and safe communities (chapter 8) and sustainable transport (chapter 9), aims for the effective use of land (chapter 11) and well-designed places (chapter 12), seeks appropriately located development in terms of flood risk (chapter 14) and requires the conservation of the natural environment (chapter 15) and historic environment (chapter 16).

Development Control Local Plan

5.6 Although there is no formally adopted local plan, the Development Control Local Plan (DCLP) 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 very limited except when they are in accordance with the NPPF. The site is included in the main built-up area of the City on the Proposals Map that accompanies the plan.

Publication Draft Local Plan

5.7 The Publication Draft Local Plan ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF as revised in July 2021, the relevant 2018 Draft Plan policies can be afforded weight according to:

-The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

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

5.8 Relevant policies are set out in section 2 and are attributed moderate weight. The site lies within the main urban area of the City on the Proposals Map that accompanies the 2018 Draft Plan.

PRINCIPLE OF DEVELOPMENT

5.9 The application proposes the provision of two dwellings on land to the rear of 62 Heworth Road, one in an existing building to be extended and the other in a new build property. A structural survey has been provided to demonstrate that the building is capable of conversion to a dwelling subject to remedial works. The NPPF encourages development that boosts the supply of homes, but recommends specific policies be included in local plans to resist inappropriate development of residential gardens where it would cause harm to the local area (paragraph 71). Policy GP10 of the 2005 draft Local Plan only supports subdivision or infilling where this would not be detrimental to the character and amenity of the local environment. The proposal would contribute to the City's housing supply, albeit to a limited extent. However, the host dwelling and its curtilage fall within a designated heritage asset, the Heworth Conservation Area. As such, and in accordance with paragraph 11(d)(i) of the NPPF, the more restrictive policies in the NPPF shall be applied.

HISTORIC ENVIRONMENT

5.10 The site lies within the Heworth Conservation Area ("Heworth CA") and sits between two Roman roads, which are characteristically lined with cemeteries and sparse burials. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("1990 Act") imposes a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when determining planning applications. The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its

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statutory duties under Section 72 of the 1990 Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted and, in these circumstances, the presumption in favour of sustainable development set out in paragraph 11 of the NPPF would not apply. Further, paragraph 203 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining an application. Draft Local Plan Policy HE10 and emerging Local Plan Policy D6 reflects national planning guidance.

5.11 The Heworth CA focuses on the original medieval village form of Heworth, which has been absorbed by later suburban development. Heworth Road, East Parade and Heworth retain a collective small village scale, identity and character typical of piecemeal development that has occurred along them, which differs to the larger suburban houses on Huntington Road and Heworth Green. A natural village centre is formed at the junction of Heworth Road, East Parade, Melrosegate and Heworth. The principal property, no.62 Heworth Road, dates from the early 19th Century and appears on the 1852 Historic Map. There is a collection of buildings present on the historic map to the rear of no.62 accessed from the driveway between the principal property and the properties to the west (now the Nags Head public house). This collection of buildings may be, in part, the outbuilding that still exists, referred to as The Cottage. The area to the south of the buildings appears from the 1852 Historic Map, and later maps, to be part of gardens of no.62 or neighbouring properties on East Parade.

5.12 Heworth Road and East Parade meet at the village centre to the east of the site and enclose a triangular shaped area of land between them. The site sits at a transition point between the wider rear curtilages between Heworth Road and East Parade to the west, where backland development has taken place, and the narrower, largely undeveloped, domestic curtilages of the frontage properties to the east. There is the developed car park of the public house to the west of the site with a large commercial building to the south of the pub car park. Further west are dwellings on Heworth Place and Limes Court, which extend back from Heworth Road, running perpendicular to it. The application site itself has an existing outbuilding close to the rear of no.62, but the rest of the properties to the east have largely undeveloped gardens.

5.13 The scheme has been revised since first submission in direct response to concerns raised about the impact of the scheme on the conservation area,

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particularly the height and design of the rear dwelling. The Cottage building, which is historically linked to the frontage dwelling no.62, is to be retained and extended with single storey elements. The rear dwelling is now single storey with a simple vernacular design approach. The buildings would read as subservient structures at the rear of the frontage property. It is considered that the proposal represents a compromise by allowing an appropriate level of residential development on this transition site between the more developed land to the west and the largely undeveloped gardens to the east, and the preservation of the character and appearance of the conservation area. An archaeological watching brief should be carried out during construction of foundations and drainage given the proximity of the Roman roads and known burial grounds. In light of the above, no harm is identified to heritage assets and the presumption in favour of sustainable development is engaged.

DESIGN AND VISUAL AMENITY

5.14 Chapter 11 of the NPPF seeks the efficient use of land, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Chapter 12 places emphasis on good design. In particular, it states that planning decisions should ensure that development will, *inter alia*, add to the overall quality of the area, be visually attractive, be sympathetic to local character and history, and have a high standard of amenity for existing and future users. It acknowledges the important contribution trees can make to the character and quality of urban environments. The advice in the NPPF is reflected in Draft Local Plan policies GP1, GP10 and H4a of the 2005 Draft Local Plan and D1 of the 2018 Draft Local Plan.

5.15 The scheme retains an existing historic building and proposes a single storey extension to it, which would run east-west across the plot separating this dwelling from no.62. A new single storey building is proposed in the rear currently undeveloped land, which would appear subservient to the surrounding buildings, particularly no.62. The extension and rear building are to be of simple design and traditional form constructed of red brick and pantile. Doors and windows are to be painted timber and with the exception of the bi-fold doors to living rooms, would be of an appropriate design given the age of the Cottage and appearance as outbuildings at the rear of no.62. Further details of external materials should be required through condition. The existing brick walls around the site boundary and to the south of the Cottage would be retained, with the exception of the section to be removed to create an access point. Overall, the scheme is sympathetic to the local

environment. A condition covering hard and soft landscaping to the site should be imposed. Subject to conditions, it is considered that the revised design for the scheme is acceptable in planning terms.

SUSTAINABILITY

5.16 Chapter 14 of the NPPF states that the planning system should support the transition to a low carbon future by, inter alia, reusing existing resources through the conversion of existing buildings and supporting renewable and low carbon energy. Emerging Local Plan Policy CC1 requires all new buildings to achieve a reasonable reduction in carbon emissions of at least 28%. Emerging Local Plan Policy CC2 requires new residential buildings to achieve at least a 19% reduction in Dwelling Emission Rate and a water consumption rate of 110 litres per person per day and converted buildings for residential use to meet BREEAM domestic refurbishment 'very good'. Where the proposals relate to buildings of heritage and conservation value these standards are only required where they can be achieved in a manner consistent with the appropriate conservation of that asset. If acceptable in all other matters, a condition should be imposed to ensure that the above requirements are met. A further condition should be attached to require passive provision of electric vehicle recharge points in line with the NPPF and CYC Low Emission Strategy.

HIGHWAY SAFETY

5.17 The NPPF focuses development in sustainable and accessible locations allowing opportunities to promote sustainable transport modes. Paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Paragraph 112 seeks priority to be given to pedestrian and cycle movements, meet needs of people with disabilities and enable charging of plug-in and ultra-low emission vehicles. The above is reflected in emerging Local Plan Policy T1: Sustainable Access, which supports development that minimises the need to travel and maximises the use of more sustainable modes of transport. Policy T1 of the 2018 emerging Local plan supports the approach of the NPPF in that it seeks the safe and appropriate access to the adjacent adopted highway, giving priority to pedestrians and cyclists. Policy T4 of the 2005 Draft Local Plan seeks adequate cycle parking provision.

5.18 The site is in a sustainable and accessible location, close to existing facilities and services and public transport routes. Access to the site is currently gained via the shared driveway between no. 62 and the Nags Head Public House. It serves the pub, the commercial building to the rear and no.62. The applicant does not have ownership of the lane, but a right of access and notice has been duly served. The application site has been severed from no.62, which now has a rear gated yard and parking on the front forecourt. Access would be retained along the lane, leading to parking provision for the two created dwellings in the space between them – 1 parking space each and provision made for cycle parking. Traffic generation is likely to be low from 2 no. 2-bedroomed houses. A refuse collection point is accommodated within the site adjacent to the yard access of no.62. As such, the proposal would not have an unacceptable impact on highway safety, subject to conditions regarding car and cycle parking and retention of manoeuvring space.

RESIDENTIAL AMENITY

5.19 Paragraph 130(f) of the NPPF seeks a high standard of amenity for existing and future users. This advice is reflected in local plan policies GP1 of the 2005 Draft Local Plan and the 2018 emerging Local Plan. In particular, Policy GP1(i) of the 2005 Draft Local Plan seeks to ensure that development proposals do not unduly affect the amenity of nearby residents in terms of noise disturbance, overlooking, overshadowing or from overbearing structures.

5.20 The Cottage building is existing with only one first floor window that overlooks the lane. Its proposed extension would be single storey with windows only in the south-west elevation facing into its own courtyard and away from nos. 62 and 64 Heworth Road located to the north-east. The northern wall of the extension would separate the dwelling from no. 62 and the retained 2.1m high boundary wall would be separate it from no .64 Heworth Village. The proposal has been amended so that the new build to the rear is only single storey, thereby removing any potential adverse impacts on occupants of neighbouring properties. It is recommended that permitted development rights for alterations and additions to the dwelling and, in particular, to the roof should be removed. The dwellings on East Parade have approximately 23m long rear gardens measured from the rear elevations of the main part of the dwellings and would be separated from the site by a 1.8-1.9m high existing wall. The building is of simple design giving the appearance of an outbuilding and would be constructed of red brick and pantile with some areas of horizontal timber boarding and with painted timber windows and doors. It would sit

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adjacent to, though not directly in line with, the commercial building to the west; this and the single storey projection at the front would help to avoid the building appearing as a continuation of the linear mass of the commercial building and provide a more domestic scale and appearance. All existing means of enclosure around site boundaries with neighbouring residential properties are to be retained.

5.21 The development would provide two small dwellings each with a kitchen/living space, two bedrooms and a private amenity space (courtyard for The Cottage and garden for the new build). Parking is provided in the space between the dwellings with space for cycle parking and refuse storage within the amenity spaces. A refuse collection point is shown at the rear of no. 62 and adjacent to the private lane that is approximately 15m distance from the public highway. No.62 retains its front forecourt and rear yard, the plot being already separated from its former curtilage by a timber fence. Given the proximity of the new dwellings to the public house to the west, a condition requiring noise insulation measures is necessary to protect the amenity of future residents.

5.22 On the basis of the changes made to the scheme, the proposal would provide a high standard of amenity for existing and future users as required by national and local planning policies.

NATURAL ENVIRONMENT

5.23 In chapter 15 the NPPF seeks to conserve and enhance the natural environment by requiring new development to be appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. It also seeks to protect and enhance biodiversity. Local planning policies reflect this policy.

5.24 The site has been previously used for domestic purposes. However, there is the potential for land contamination from past uses of the outbuilding (as part of it has been used as a stable and store) and garage. As such, land contamination conditions are recommended.

5.25 There are three trees within the rear part of the site and an apple tree on neighbouring land that is close to the site boundary. A tree survey identifies these trees as category C1 and proposes the removal of a cherry tree that is in poor

condition, partially collapsed and of limited arboricultural value. The Holly and the Apple within the site are intended to be retained, but the latter may need to be removed to allow for the construction of the dwelling; it is not in an ideal location being very close to the existing wall of the commercial building. The adjacent apple tree is outside of the site and separated from it by the existing boundary wall. The building is proposed to be to the south-east of the tree.

5.26 Survey work has been undertaken of the Cottage and garage buildings and the trees within the rear garden area. These revealed no evidence of roosting bats or any signs of bat activity in the Cottage or garage, which were identified as having low suitability to support roosting bats. No evidence of barn owls were identified. Whilst no bird's nests were observed in the building, the timing of works is important to ensure that no nests are disturbed between mid-February to early September and so conditions would need to be imposed to ensure that any harm could be adequately mitigated.

5.27 The proposal, subject to conditions, would not result in demonstrable harm to the natural environment in terms of pollution or biodiversity.

FLOOD RISK

5.28 In chapter 15, the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk but, where development is necessary, making it safe without increasing flood risk elsewhere. Draft local plan policies, GP15a of the 2005 draft plan and ENV4/5 of the 2018 draft plan reflect the aims of the NPPF.

5.29 The site lies in Flood Zone 1 (low probability) and is unlikely to suffer from river flooding and within which the provision of more vulnerable uses such as dwellings is appropriate. New drainage is proposed to connect to the combined drainage system in Heworth Road. However, in line with the Surface Water Drainage Hierarchy that drainage via infiltration should be investigated prior to discharge to a combined sewer. As there appears to be a drainage solution, a condition can be imposed to require further surface water drainage details to be provided.

6.0 CONCLUSION

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6.1 The application site lies within the main built up area of the City, in a sustainable and accessible location and in a predominantly residential area. It falls within the Heworth Conservation Area and Flood Zone 1 (low probability). The proposal involves the provision of two small dwellings that would contribute to the City's housing stock and, following amendments to the scheme and the imposition of conditions, would do so without harm to the character and appearance of the conservation area or potential archaeology at the site, visual amenity, highway safety, residential amenity of existing and future occupiers, natural environment or flood risk. Conditions can be imposed to ensure that the buildings meet sustainable construction requirements. In light of the above, the application complies with national and local planning policy and is recommended for approval.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing no. 18-110-104-P02 Demolition Plan, dated 10.2.21

Drawing no. 18-110-105-P03 Proposed Site Plan, dated 21.4.21

Drawing no. 18-110-107-P03 Proposed Black Plan, dated 21.4.21

Drawing no. 18-110-110-P01 Proposed Ground and First Floor Plan Existing Cottage, dated 10.9.20

Drawing no. 18-110-130-P01 Proposed Elevations Existing Cottage 10.9.20

Drawing no. 18-110-131 Proposed Elevations Existing Cottage 31.7.20

Drawing no. 18-110-210-P02 Proposed Ground Floor Plan Plot 2, dated 10.2.21

Drawing no. 18-110-230-P01 Proposed Elevations Plot 2, dated 10.2.21

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

3 A programme of post-determination archaeological mitigation, specifically an archaeological watching brief, is required on this site. The archaeological scheme comprises 3 stages of work. Each stage shall be completed and submitted to the Local Planning Authority for approval.

A) No groundwork or grubbing up of foundations shall take place until a written scheme of investigation (WSI) for a watching brief has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no development shall take place other than in accordance with the agreed

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WSI. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.

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

C) A copy of a report shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 2 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 16 of NPPF.

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

4 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

5 Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

6 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

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

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

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

8 Notwithstanding the submitted drainage plan, no development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and

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approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site. It is necessary to require this information prior to commencement of ground works on site as the provision of drainage is fundamental to the delivery of the scheme.

Design considerations.

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

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself.

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods can be proven to be unsuitable then In accordance with City of York Councils City of York Councils Sustainable Drainage Systems Guidance for Developers (August 2018) and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then Greenfield sites are to limit the discharge rate to the pre developed run off rate. The pre development run off rate should be calculated using either IOH 124 or FEH methods (depending on

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catchment size).

Where calculated runoff rates are not available the widely used 1.4l/s/ha rate can be used as a proxy, however, if the developer can demonstrate that the existing site discharges more than 1.4l/s/ha a higher existing runoff rate may be agreed and used as the discharge limit for the proposed development. If discharge to public sewer is required, and all alternatives have been discounted, the receiving public sewer may not have adequate capacity and it is recommend discussing discharge rate with Yorkshire Water Services Ltd at an early stage.

In some instances design flows from minor developments may be so small that the restriction of flows may be difficult to achieve. However, through careful selection of source control or SuDS techniques it should be possible to manage or restrict flows from the site to a minimum 0.5 l/sec for individual residential properties, please discuss any design issues with the City of York Council Flood Risk Management Team.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

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

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

9 There shall be no development above foundation level until a detailed scheme of noise insulation measures for protecting the approved residential occupiers from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the insulation scheme works no part of the development shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

Informative: The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and LAFMax level during the night (23:00-07:00 hours) should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A). These noise levels shall be observed with all windows open in the habitable rooms or if necessary windows closed and other

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means of ventilation provided.

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the National Planning Policy Framework.

10 Details of the reduction in carbon emissions the development hereby approved would achieve when compared against Part L of the Building Regulations (the notional building) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and shall be carried out in accordance with the approved details.

The details shall demonstrate a reduction in carbon emissions of at least 28% through the provision of renewable or low carbon technologies or through energy efficiency measures and at least a 19% reduction in dwelling emission rate compared to the Target Emission Rate (calculated using Standard Assessment Procedure methodology as per Part L1A of the Building Regulations).

Details shall also be submitted that demonstrate that the development shall also achieve a water consumption rate of no more than 110 litres per person per day (calculated as per Part G of the Building Regulations).

The development shall aim to achieve BREEAM domestic refurbishment 'very good' for the converted building and details shall be approved in writing by the Local Planning Authority before works commence of how this can be achieved.

Reason: In the interests of sustainable design and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

11 The development should incorporate sufficient capacity within the electricity distribution board for one dedicated radial AC single phase connection to allow the future addition of an Electric Vehicle Recharge Point (minimum 32A) within the parking area if desired. The applicant should identify the proposed location for a future Electric Vehicle Recharge Point within the development curtilage and ensure that any necessary trunking/ducting is in place to enable cables to be run to the specified location.

Reason: To ensure future electric vehicle charge points can be easily added to the property in line with the NPPF and CYC's Low Emission Strategy.

Notes

- Any future Electric Vehicle Charging Points need to be professionally installed. The installation process routinely involves wall mounting a charge point on an exterior wall or garage and connecting it safely to the mains

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electricity supply. All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation

- In the UK, there is a government-grant scheme available to help reduce the cost of installing a home EV charge point. For more information on the scheme see the OLEV website:

<https://www.gov.uk/government/collections/government-grants-for-lowemission-vehicles>

- The above requirement does not preclude the installation of Electric Vehicle Charge Point from the outset, if desired

- Details of passive provision to be included within household pack for first occupant, to include location of proposed Electric Vehicle Recharge Point, trunking/ducting provided and details of distribution board location and capacity.

12 A biodiversity enhancement plan/drawing shall be submitted to and be approved in writing by the local planning authority prior to the commencement of works. The content of the plan shall include the recommendations contained in the Bat Survey Report, Wold Ecology Ltd, June 2021. The development shall be carried out in accordance the approved plan/drawing and any enhancement measures shall be provided prior to occupation or in accordance with the timings set out in the approved plan/drawing.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with the NPPF to encourage the incorporation of biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity.

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

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

14 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of all external materials including surfacing materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development above foundation level. The development shall

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be carried out using the approved materials.

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

Reason: So as to achieve a visually cohesive appearance.

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

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

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

Reason: In the interests of highway safety.

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

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

18 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes A (extensions), B (roof

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additions) and C (alterations to the roof) of Schedule 2 Part 1 of that Order shall not be erected or constructed.

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

19 With the exception of the section of wall on the western site boundary proposed to be removed, none of the existing boundary walls enclosing the site shall be lowered or breached.

Reason: In the interests of the visual and residential amenities of the area.

8.0 INFORMATIVES:

Notes to Applicant

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

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

- submission of amended scheme
- request for further information, specifically relating to biodiversity
- imposition of conditions

2. INFORMATIVE:

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

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

Monday to Friday 08.00 to 18.00

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Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

3. INFORMATIVE:

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees hedgerows, scrub and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Contact details:

Case Officer: Hannah Blackburn

Tel No: 01904 551325



Area Planning Sub-Committee

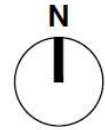
20/02010/FUL

62 Heworth Road

Site Location Plan



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KEY:

— Application Boundary

revision	date	description
PD1	27/10/2020	General Amendments

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project
 Land to Rear of No. 62 Heworth Road
 York, YO31 0AD

drawing
 Location Plan

scale
 1:1250 @ A4

job number	date	status	drawing number	revision
18-110	31.07.20	Planning	001	P01

SITE LOCATION PLAN - SCALE 1:1250 @ A4

Proposed Block Plan



PROPOSED BLOCK PLAN

Do not scale from this drawing.
Drawing to be read in conjunction with the specification document.
Contractor to check all dimensions on site and notify Vincent and Brown of any discrepancies prior to commencement of the works.



PO1 21/04/2021 Rules Collection Point Down on Site Plan
PO2 10/05/2021 Amendments following Planning Officer Clause 10
PO3 15/06/2021 Amendments following Planning Comments

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title
Proposed Block Plan

scale
1:500 @ A3

date created: 18-11-10
date: 31.07.20
sheet: Planning
drawing number: 107
revision: P03

Proposed Site Plan



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 Drawing to be read in conjunction with the specification document
 Contractor to check all dimensions on site and notify Vincent and Brown of any discrepancies prior to commencement of the works

N

KEY

- ① Existing 2m high wall
- ② Existing 2.1m high wall
- ③ Existing 1.8 / 1.9m high wall
- ④ Existing parapet boundary wall
- ⑤ Existing Access Road
- ⑥ Permeable Surface Driveway
- ⑦ Paved Private Courtyard
- ⑧ Gardens / Green Areas
- ⑨ Refuse Presentation Point

PO1 21/04/2021 Refuse Collection Point Given on Site Plan
 PO2 16/05/2021 Amend to include Refuse Presentation Point
 PO3 18/07/2021 Amend to include Refuse Presentation Point

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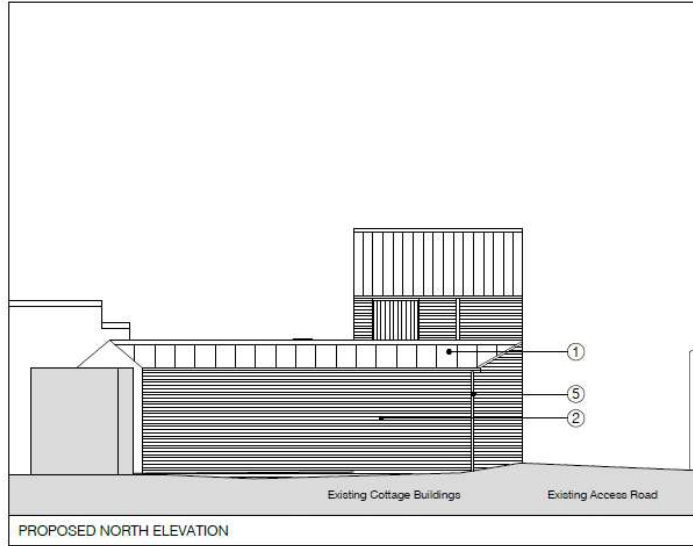
owner
 Land to Rear of No. 62 Heworth Road
 York, YO31 0AD

project
 Proposed Site Plan

scale
 1:200 @ A3

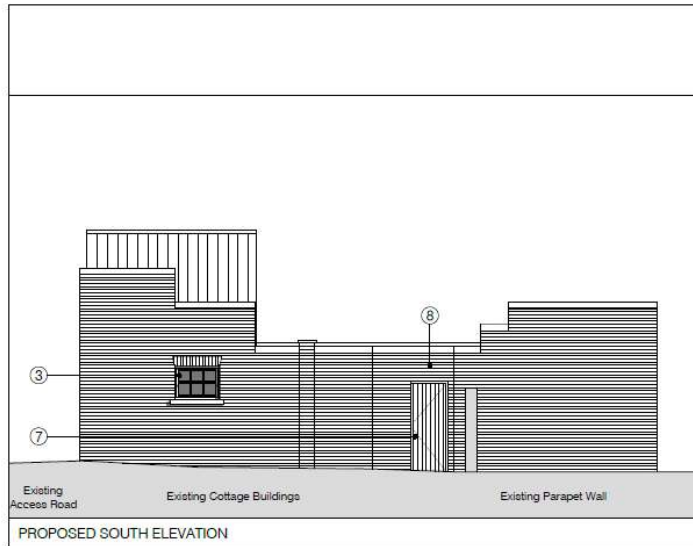
job number date issue drawing number revision
 18-110 31.07.20 Planning 105 PO3

Proposed Elevations – Existing Cottage



Do not scale from this drawing
Drawing to be read in conjunction with the specification document
Contractor to check all dimensions on site and notify Vincent and Brown of any discrepancies prior to commencement of the works

MATERIAL KEY	
①	Red Pantile Roof to match existing
②	Red Brickwork to match existing
③	Dark Painted Timber Sash Windows
④	Dark Timber Doors
⑤	Rainwater Goods to match existing
⑥	Rooflights
⑦	Timber Pedestrian Gate
⑧	Parapet Wall Re-introduced



DOI: 1998/2020 Amendments following Planning Comments
revision date description

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project
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drawing
Proposed Elevations
Existing Cottage

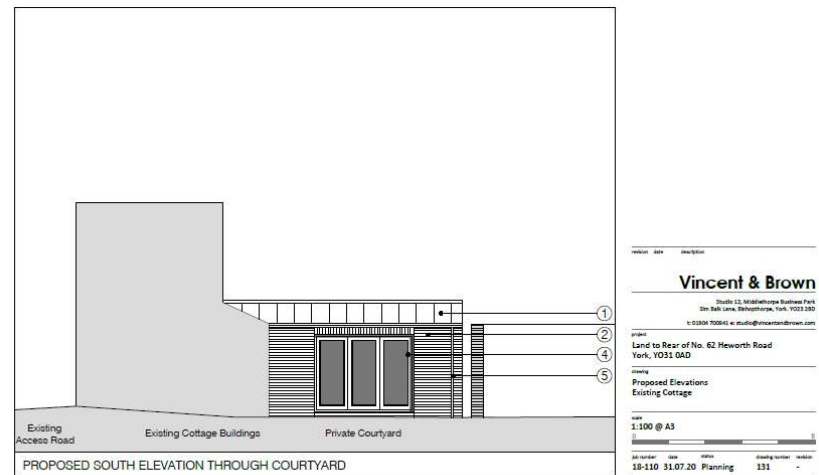
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18-110 31.07.20 Planning 130 P01

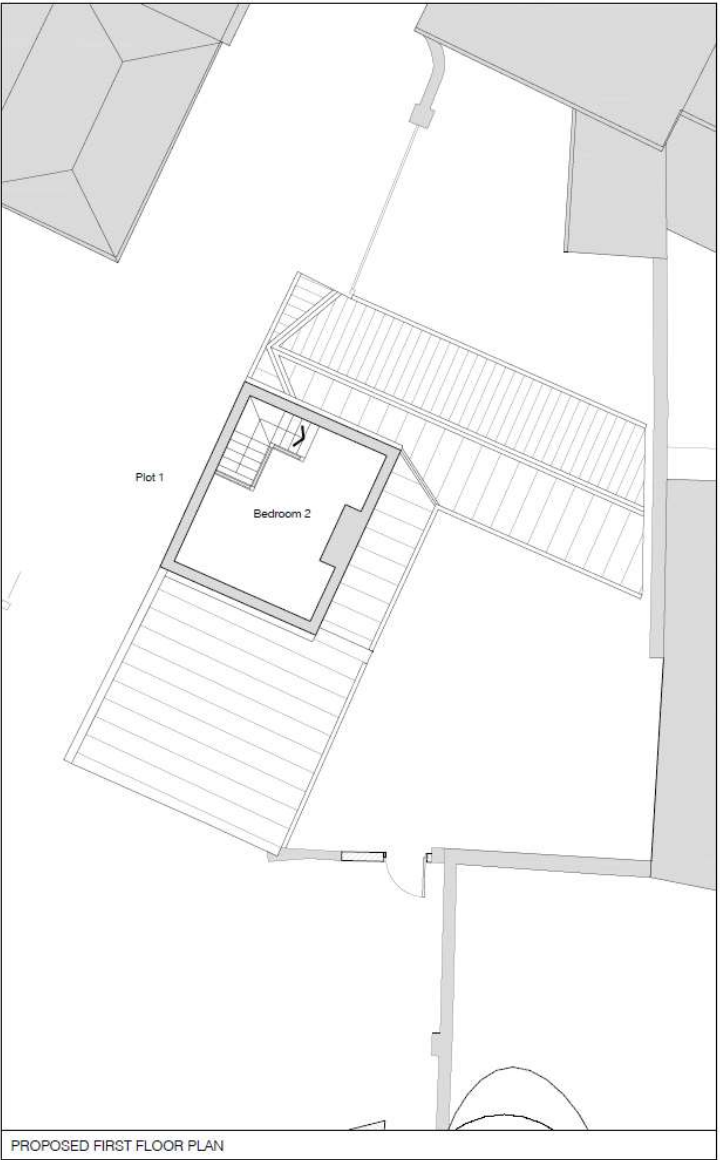
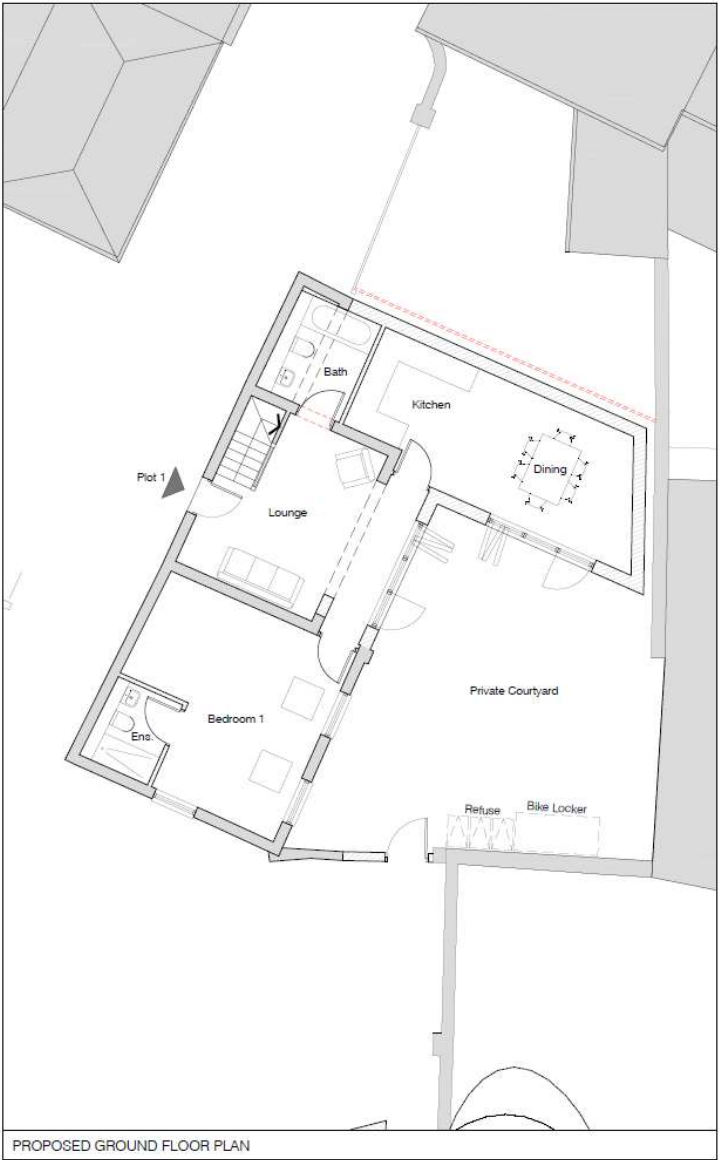
Proposed Elevations (2) – Existing Cottage

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 Drawing to be read in conjunction with the specification document
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MATERIAL KEY	
①	Red Pantile Roof to match existing
②	Red Brickwork to match existing
③	Dark Painted Timber Sash Windows
④	Dark Timber Doors
⑤	Rainwater Goods to match existing
⑥	Rooflights
⑦	Timber Pedestrian Gate
⑧	Parapet Wall Re-introduced



Proposed Ground and First Floor Plans – Existing Cottage



Do not scale from this drawing
Drawing to be used in conjunction with the specification document
Contractor to check all dimensions on site and notify Vincent and Brown of any discrepancies prior to commencement of the works

N

KEY

Existing Walls

Proposed Walls

PO: 10062020 Airedale Housing Planning Comments
Version: 04/21 Date: 04/01/21

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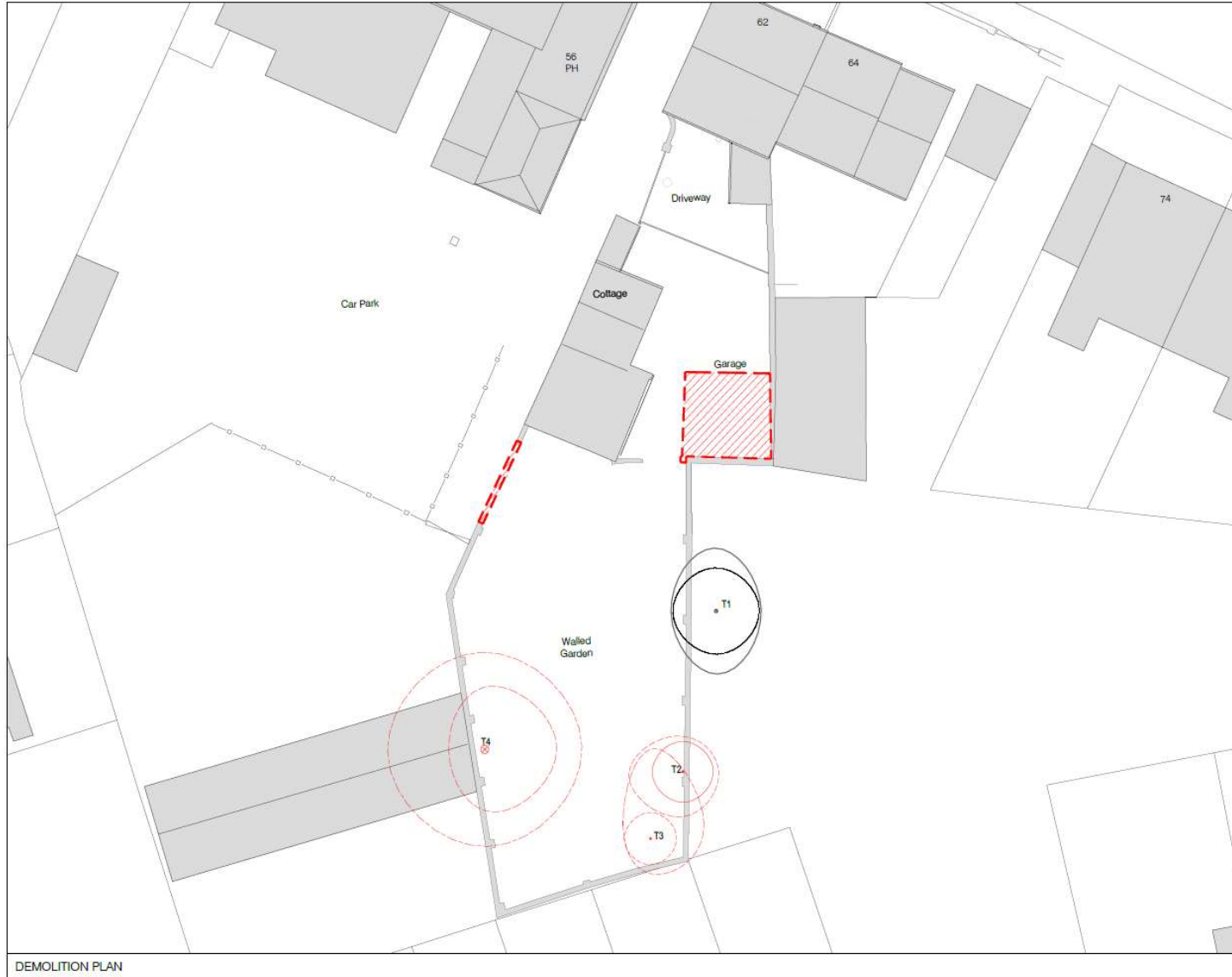
Project:
Land to Rear of No. 62 Heworth Road
York, YO31 0AD

Drawing:
Proposed Ground and First Floor Plan
Existing Cottage

Scale:
1:100 @ A3

Job number	Date	Version	Drawing number	Revision
18-110	31.07.20	Planning	110	001

Proposed Demolition



Do not scale from this drawing
 Drawing to be read in conjunction with this specification document
 Contractor to check all dimensions on site and notify Vincent and Brown of any discrepancies prior to commencement of the work



KEY	
	Demolition

PO2 15/09/2021 Amendments following Planning Officer Discussion
 PO1 10/09/2021 Amendments following Planning Comments
 revision date description

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 2nd Bell Lane, Elthorpe, York, YO33 2RD
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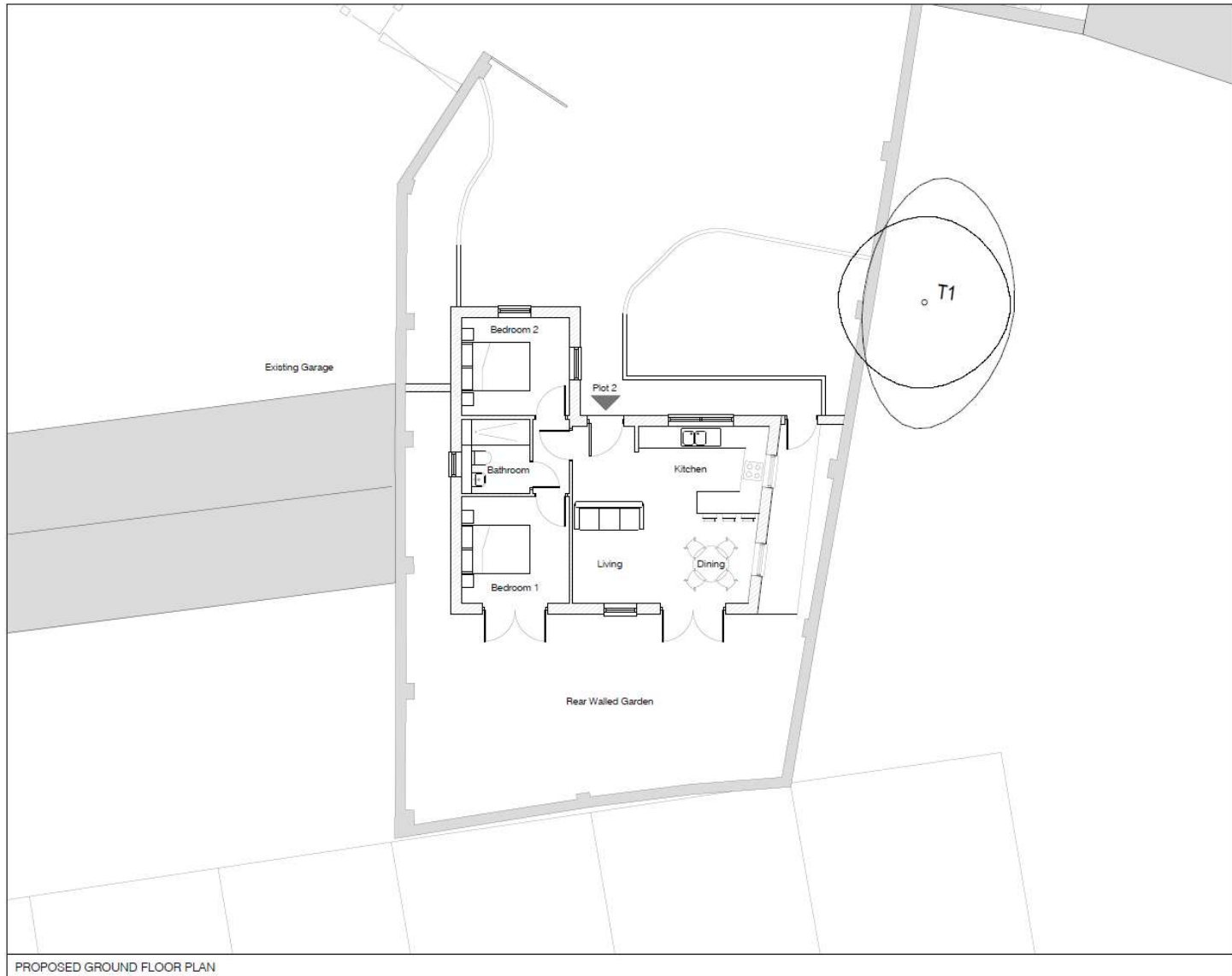
project
 Land to Rear of No. 62 Heworth Road
 York, YO31 0AD

drawing
 Demolition Plan

scale
 1:200 @ A3

revision	date	reason	drawing number	revision
18-110	31.07.20	Planning	104	PO2

Proposed Ground Floor Plan – Plot 2



Do not scale from this drawing
 Drawing to be read in conjunction with the specification document
 Contractor to check all dimensions on site and notify Vincent and Brown of any discrepancies prior to commencement of the works

N

KEY

- Existing Walls
- Proposed Walls

POD 10000051 Amendments Moving Planning Officer Discussion
 PO 10000000 Amendments Moving Planning Committee
 Meeting Date: 12/08/2021

Vincent & Brown
 Studio 12, Middlethorpe Business Park
 5th Floor, Lane, Bishopthorpe, York, YO31 2DD
 t: 01904 700945 e: studio@vincentandbrown.com

project
 Land to Rear of No. 62 Heworth Road
 York, YO31 0AD

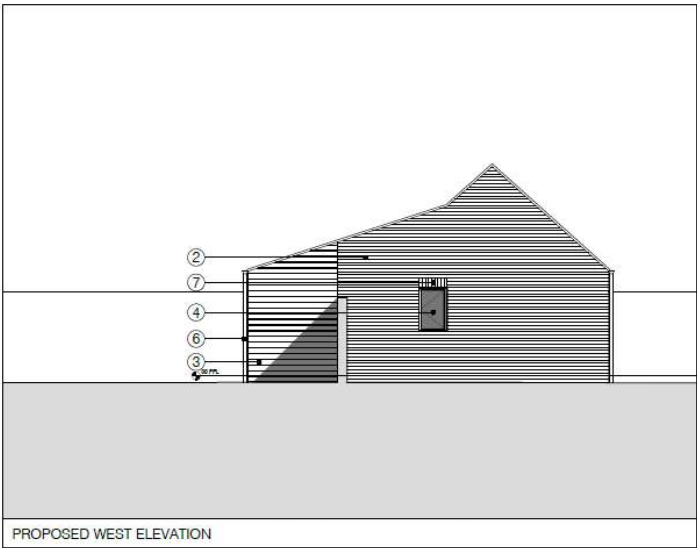
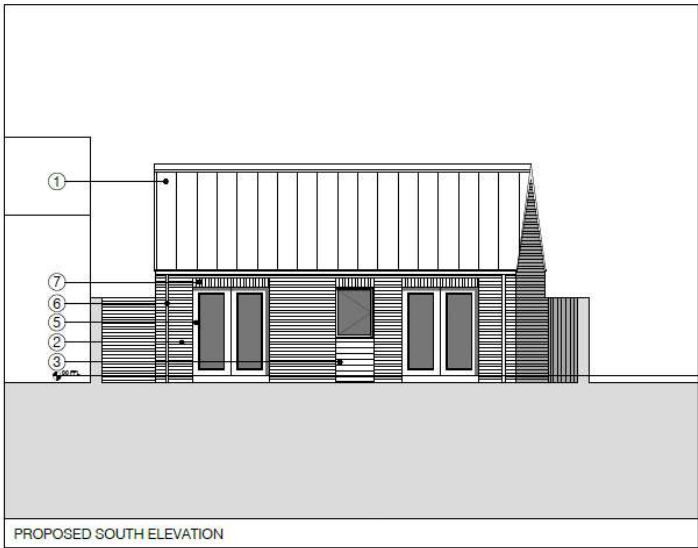
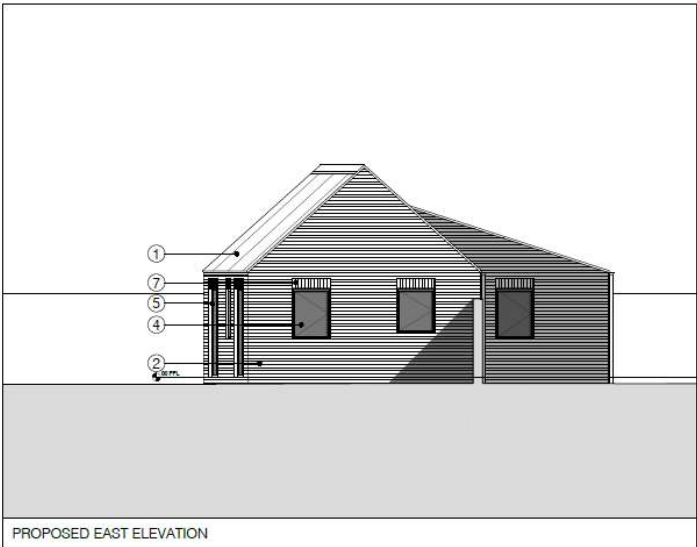
drawing
 Proposed Ground Floor Plan
 Plot 2

scale
 1:100 @ A3

job number	date	status	drawing number	revision
18-110	31.07.20	Planning	210	P02

PROPOSED GROUND FLOOR PLAN

Proposed Elevations New Build



Do not scale from this drawing
Drawing to be read in conjunction with the specification document
Contractor to check all dimensions on site and notify Vincent and Brown of any discrepancies prior to commencement of the work.

MATERIAL KEY	
①	Red Pantile Roof to match existing
②	Red Brickwork
③	Horizontal Timber Boarding
④	Dark Painted Timber Windows
⑤	Dark Timber Doors
⑥	Black Rainwater Goods
⑦	Brick Soldier Course
⑧	Timber Pedestrian Gate

P01 19022021 Amendments Making Planning Officer Decisions
 revision date description
Vincent & Brown
 South 11, Middlethorpe Business Park
 5th Bell Lane, Bishopton, York, YO33 2BQ
 t: 01304 700941 e: studio@vincentandbrown.com
 project
 Land to Rear of No. 62 Heworth Road
 York, YO31 6AD
 drawing
 Proposed Elevations
 Plots 2 & 3
 scale
 1:100 @ A3
 drawing number
 18-110 31.07.20 Planning 230 P01

Cottage building from access lane



Site from access lane



Area Planning Sub Committee Meeting - 12 August 2021

View of site from
Heworth Road
with access lane



Area Planning Sub Committee Meeting - 12 August 2021

Rear of 62 and 64
Heworth Road



Area Planning Sub Committee Meeting - 12 August 2021

Land at rear



Area Planning Sub Committee Meeting - 12 August 2021

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