



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

To: Councillors Galvin (Chair), Shepherd (Vice-Chair), Carr, Craghill, Gillies, Hunter, Cannon, Flinders, Cullwick, Orrell and Hayes

Date: Thursday, 6 July 2017

Time: 4.30 pm

Venue: The George Hudson Board Room - 1st Floor West Offices (F045)

A G E N D A

The mini-bus for Members of the Sub-Committee will leave from Memorial Gardens at 10.00

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 - 8)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 4 May 2017.

3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register, or requires further information, is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **5.00 pm on Wednesday 5 July 2017.**

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4. Plans List

To determine the following planning applications:

a) 31 Princess Road, York, YO32 5UE (17/00198/FUL)
(Pages 9 - 20)

Full height rear extension to no.31 including insertion of first floor windows and roof lights to side elevations and (recessed) balcony to rear, single storey rear extension to detached annex (31A Princess Road) and erection of detached garage with car port [Strensall] **[Site Visit]**

b) 5 Mayfield Grove, York, YO24 1HJ (16/00725/FUL)
(Pages 21 - 40)

Erection of 3no. dwellings with associated access following demolition of existing bungalow (revised scheme) [Dringhouses and Woodthorpe] **[Site Visit]**

- c) **1 Lastingham Terrace, York, YO10 4BW (17/01112/FUL)**
(Pages 41 - 48)
Single storey rear extension, roof dormers and part conversion of garage into habitable room (resubmission) [Fishergate]
- d) **2 Lastingham Terrace, York, YO10 4BW (17/00961/FUL)**
(Pages 49 - 54)
Single storey rear extension [Fishergate]
- e) **Land to the Rear of 79 to 85 Stockton Lane, York (16/02923/FUL)** (Pages 55 - 74)
Erection of 9no. dwellings with access from Greenfield Park Drive [Heworth Without] **[Site Visit]**

5. Appeals Performance and Decision Summaries
(Pages 75 - 90)

This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 January and 31 March 2017, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals at date of writing is also included.

6. Planning Enforcement Cases - Update (Pages 91 - 94)

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

7. Urgent Business

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

Democracy Officer:

Name: Laura Clark

Contact Details:

- Telephone – (01904) 554538
- E-mail – Laura.Clark@york.gov.uk

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**

AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 5 July 2017**

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

TIME (Approx)	SITE	ITEM
10:10	5 Mayfield Grove	4b
11:00	Land to the rear of 79 To 85 Stockton Lane	4e
12:00	31 Princess Road, Strensall	4a

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	4 May 2017
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Carr, Craghill, Gillies, Hunter, Cannon, Flinders, Mercer and Orrell
Apologies	Councillor Looker

Site	Visited by	Reason
5 Lynwood Avenue, Copmanthorpe	Councillors Galvin, Shepherd, Carr and Gillies	As the recommendation was to approve and objections had been received
Pool Bridge Farm, Crockey Hill	Councillors Galvin and Shepherd	To enable Members to understand the site layout and see the relationship of the proposed building with the open countryside
Former London's store, 31A Hawthorn Grove	Councillors Galvin and Shepherd	As the recommendation was to approve and objections had been received

52. Declarations of Interest

Members were invited to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial interests or disclosable pecuniary interests that they might have had in the business on the agenda. None were declared.

53. Minutes

Resolved: That the minutes of the Area Planning Sub Committee meeting held on 6 April 2017 be approved and then signed by the Chair as a correct record.

54. 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.

55. Plans List

55a) Pool Bridge Farm, Wheldrake Lane, York, YO19 4SQ (17/00411/OUT)

Members considered an outline application by Mr Stephen Fletcher for the erection of a two-storey dwelling with office including the conversion of existing storage building (resubmission).

Officers gave an update, which was attached to the online agenda following the meeting. This included a minor correction to the Officer's report and a summary of additional information submitted since agenda publication.

Steven Fletcher, the applicant, spoke to stress the importance of having a permanent onsite presence for the running of the business, security and animal welfare. He stated that he would be happy to accept an agricultural occupancy condition should Members be minded to approve the application.

Graham Fletcher, agent for the applicant, reminded Members of NPPF guidance on supporting sustainable, rural tourism and stated that this business was an important leisure and tourism facility for the City. He also stressed that the proposal was of a design that would integrate well with its surroundings.

In response to Member questions Mr Fletcher clarified that:

- Catching trespassers on the farm was a regular occurrence and had several police incident numbers evidencing this.
- There was CCTV covering the farm, but as there were public footpaths throughout the farm, the only way to detect intruders was to have an experienced manager on site.

During debate there were some Members who felt that the applicant had failed to demonstrate an essential need for another property on the site, however a majority felt that it was important to encourage sustainable business and that physical security and the welfare of the animals on site should be given due consideration. It was also felt that the building would not be intrusive.

Resolved: That the application be approved with conditions to be agreed by the Chair and Vice-Chair

Reason: The proposal would not constitute inappropriate development in the Green Belt. The applicant presented a compelling case of "very special circumstances", in particular that there was an essential need for a rural worker to live permanently on the site. There was also consideration given to diversification of former agricultural land, supporting sustainable business and animal welfare and supporting and encouraging rural enterprises and businesses. This outweighed the harm to the Green Belt by reason of inappropriateness as specifically required by paragraph 88 of the National Planning Policy Framework.

55b) 14 Priory Street, York, YO1 6EX (17/00093/FUL)

Members considered a full application by Mr Matthew Farrelly for a variation of condition 2 and removal of condition 3 of permitted application 16/00261/FUL (Conversion of four storey dwelling into two self contained flats) to add 2no. roof lights to front.

Officers reminded Members that this was an item which had been deferred at the last meeting of this committee.

The applicant, Matthew Farrelly spoke to explain the amendments to the application and to remind Members who had visited the site that the lights would not be visually prominent from the street. He also stated that there were 6-8 other properties with similar lights in the vicinity of his property.

In response to questions from Members he stated that whilst four rooflights in one room seemed a lot, it was a large space

and there were several properties facing the City walls with similar rooflights.

During debate some Members felt that the application should be refused on the grounds that this would harm the character and appearance of the Central Historic Core Conservation Area. Conversely, many Members reasoned that this impact would be minimal, given that the lights would not be seen from the street.

Resolved: That the application be approved with conditions to be agreed by the Chair and Vice-Chair

Reason: It was considered that the proposed roof lights would not be visually intrusive from the street and would therefore not harm the character and appearance of the Central Historic Core Conservation Area.

**55c) 5 Lynwood Avenue, Copmanthorpe, York, YO23 3SP
(17/00219/FUL)**

Members considered a full application by Mrs Laura Hindle for a single storey rear extension.

Officers gave an update, which was attached to the online agenda following the meeting. This explained an amendment which had been made to the General Permitted Development Order (GPDO) in April and referred to an additional drawing which had been received.

The Chair circulated a letter of objection to Members.

Mr John McCaffery, a neighbour, spoke in objection to the application. He stated that in his opinion misrepresentations had been made in the application and that the roof height would be greater than was quoted in the drawings. He also discussed the impact he felt the building work would have on his disability.

Nick Hindle, the applicant, stated that this single-story extension was to create an open plan family space and would match the existing extension. He reminded Members that this was only 60cm longer than would be allowed under permitted development rights and explained that the builders would be using methods that would minimise disruption, particularly in relation to dust.

Officers reminded Members that the extension would have to be built to the specifications in the drawing and that, should breaches be found, it would become an issue for planning enforcement.

Members agreed that the approved plans showed a height of 2.7 metres and those who had been on the site visit could see no reason to refuse the application.

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

Reason: The scale and design of the proposed extension is considered to be appropriate to the host dwelling and the appearance of the streetscene. Whilst there will be an impact on outlook and light to the rear of the adjoining house this is not considered to justify the refusal of the application. On balance the proposals are considered to comply with the NPFF, Draft Local Plan Policies H7 and GP1, Supplementary Planning Guidance - House Extensions and Alterations (Approved 2012) and Copmanthorpe Village Design Statement.

**55d) Former Londons, 31A Hawthorn Grove, York, YO31 7UA
(17/00088/FULM)**

Members considered a major full application by Miss J Golightly for the conversion of a shop (use class A1) to 10no. apartments (use class C3) with external alterations.

Officers provided an update stating that some minor modifications had been submitted to the application relating to bin and cycle storage and lowering windows by 8 inches.

Resolved: That the application be approved subject to the conditions listed in the Officer's report and a Section 106 agreement.

Reason: The principle of residential use of the site has previously been agreed. There is an eclectic mix of building forms in the vicinity and in the context the proposal is considered acceptable. It is considered that the enclosure/ landscaping of the front forecourt will enhance the setting of the building. Most of the

flats will have one bedroom. They appear well proportioned and offer separate sleeping and living accommodation, rather than being of the 'studio' type. The site is sustainably located. A Section 106 agreement will be required to ensure that the development does not put additional pressure on the locality's residents parking scheme.

Councillor Galvin, Chair

[The meeting started at 4.35 pm and finished at 5.35 pm].

COMMITTEE REPORT

Date:	6 July 2017	Ward:	Strensall
Team:	Householder and Small Scale Team	Parish:	Strensall With Towthorpe Parish Council

Reference: 17/00198/FUL
Application at: Fair View 31 Princess Road Strensall York YO32 5UE
For: Full Height rear extension to no.31 including insertion of first floor windows and roof lights to side elevations and (recessed) balcony to rear, single storey rear extension to detached annex (31A Princess Road) and erection of detached garage with car port.
By: Mr and Mrs B Pepper
Application Type: Full Application
Target Date: 12 July 217
Recommendation: Householder Approval

1.0 PROPOSAL

1.1 The application site relates to two individual dwellings known as 31 and 31a Princess Road situated within the village limits of Strensall. The site is in the Conservation area. The dwellings are separated by standard garden vegetation and the side drive way serving the dwelling at 31 Princess Road. Planning permission is sought to erect extensions to the rear of both dwellings and a new flat roof detached garage and car part to rear elevation of 31 Princess Road.

1.2 The proposal is subject to revised plans which following various discussions and revised plans have altered the roof, length and window arrangement of the extension associated to 31 Princess Road and removed a second driveway entrance to serve both dwellings. (drawing number UPL-478-01-03 rev F and UPL-478-01-04 rev B) refers. In addition revised plans have been submitted to reduce the height to the rear extension at 31a Princess Road (drawing number UPL-478-01-05 rev A) refers.

1.3 The application is supported by a Daylight and Sunlight Assessment.

SITE HISTORY:

1.4 The two dwellings have no physical connection with each other and there is no planning history which indicates that they are part of a original curtilage. Number 31a Princess Road was a former post office building converted into a dwelling in 1985 (ref: 3/131/85 /PA). Number 31 Princess Road has a existing flat roof rear extension approved without conditions (ref: 3/131/126/PA).

1.5 This application has been called to Planning Sub-Committee by Councillor Doughty on the impact on the development would have on the Conservation Area and the neighbouring dwelling at 29 Princess Road.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Strensall Village CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

CYHE3
Conservation Areas

3.0 CONSULTATIONS

3.1 INTERNAL:

Design, Conservation and Sustainable Development: No comments received.

3.2 EXTERNAL:

Strensall and Towthorpe Parish Council:

The Parish Council express concern that the plans for 31 are definitely not single storey resulting in a loss of light to the neighbouring property, however a reduction in the pitch/flat roof would reduce the overshadowing. The Parish Council object to this application in its present form but state if viewed and compared with 29 and 31A some re-designing would overcome this.

Councillor Paul Doughty has objected on the following grounds:

- Impact on the Conservation Area

Application Reference Number: 17/00198/FUL

Item No: 4a

- Loss of amenity to 29 Princess Road

3.3 PUBLICITY:

Neighbour notification letters sent on 20.02.2017. Following the re - consultation of the submitted revised plans the consultation period expires on 25.04.2017.

Four letters of objections have been received from the residents of 29 Princess Road relating to the extensions to (no31) on the following grounds:

- Over development of the site within the Conservation Area
- Scale and Mass of the extension creating a two storey extension
- Loss of sun light in to main living areas
- Loss of privacy from proposed new side windows and rear bi-folding second height doors and balcony.

Eight letters of objections have been received from local residents on the grounds of the extensions would impact on the character of the conservation areas and the loss of amenity to the residents of 29 Princess Road.

A Site Notice was posted on the front of the dwelling on 16.03.2017.

4.0 APPRAISAL

4.1 KEY ISSUES:

- Impact on the character and appearance of the Conservation Area.
- Impact on neighbouring dwellings.

Planning Policy:

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. On the subject of development within conservation areas it states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. It states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64).

4.3 Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. The NPPF states that there are three dimensions to sustainable development - an economic role, a social role and an environmental role. In considering proposals for new or improved residential accommodation, the benefits from meeting peoples housing needs and promoting the economy will be balanced against any negative impacts on the environment and neighbours' living conditions.

4.4 The NPPF, Chapter 12, Paragraph 132 states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting.

4.5 The NPPF, Chapter 12, Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.6 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF'. Policy H7 - "Residential Extensions" states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours. Policy HE3 reflects the statutory obligation of the Local Planning authority and states that within conservation areas, proposals for external alterations will only be permitted where there is no adverse effect on the character and appearance of the area.

4.7 The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations. The SPD was subject to consultation from January 2012 to March 2012 and was approved at Cabinet on 4 December 2012. The Council have an agreed Supplementary Planning Document 'House Extensions and Alterations' dated December 2012 which provides guidance on all types on domestic type development. A basic principle of this guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the road/street scene it is located on. In particular, care should be taken to ensure that the proposal does not dominate the house or clash with its appearance with the extension/alteration being subservient and in keeping with, the original dwelling. Guidance in sections 3,4,5,7,8, 12 and 13 are of relevance in the assessment of this application.

4.8 In terms of two/ first floor storey rear extensions proposals should respect the appearance of the house and street unless a justification can be given showing how the development will enhance the street scene. In addition the additional mass must not impact on space around building or conflict with the amenity of neighbouring dwellings. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing/loss of light or over-dominance/loss of light.

4.9 In terms of detached outbuildings paragraph 15.1 advises that detached outbuildings should reflect the style, shape and architectural features of the original building; should be smaller in scale than the original building and should not have a negative impact upon the amenity of neighbours.

STRENSALL VILLAGE DESIGN STATEMENT:

4.10 Strensall Conservation Area¹ is defined as an area of special architectural and historic interest. It was first designated in 1979 and included The Village and Church Lane which make up the linear street character of the historic Village. Many traditional side lanes and yards survive along The Village, a legacy of the medieval street pattern. In 2001, the Conservation Area was extended to the north and north - west from Bone Dyke to the rear of Netherwoods. This extension included Strensall Bridge and the riverside pasture land and paddocks to Strensall New Bridge. It was also expanded to the west, following West End and to the south along Princess Road. In 2011, it was extended to include housing to the north of Southfields Road, properties associated with the railway along Princess Road, The Village, Moor Lane and the former towpath. This document is material to the consideration of this application. It describes the history, visual characteristics and local setting of the village and the surrounding landscape in order to define principles to guide any future development.

ASSESSMENT:

4.11 The dwelling at 31 Princess Rod is a hipped roof bungalow which is situated behind an established hawthorn hedge and front garden with vehicular access from Princess Road into the existing driveway. The rear garden is in the region of 35 metres in length and currently hosts a small timber shed. The proposed full height extension would be set down from the original roof slope by approx 400mm designed with a roof slope which is angled away from the side wall of the main dwelling by 1.8 metres and increases to the full width of the dwelling at the eaves height. The extension would include two ground floor windows on the south elevation and one replacement first floor obscure glazed window on the original south side gable and four high level roof lights. The rear elevation would incorporate two sets of bi - folding doors on the ground floor elevation and one four paned bi-folding door to the upper floor serving a recessed balcony. The opposite north side elevation would incorporate five high level roof lights and two additional ground floor windows. The proposed extension would form part of the overall renovations to this

dwelling and would create additional ground floor living areas with one en - suite bedroom above.

4.12 The proposed flat roof garage/ car port serving this dwelling will be to the rear of the site and would have a total height of approx 2.8 metres by approx 13.8 metres in length and 4.3 metres in width. It would incorporate a sedum blanket roof and stained timber horizontal board cladding. The carport would be supported by pergola fascia and timber panels.

4.13 The dwelling at 31a is a modest bungalow with bay window set back from Princess Road by a moderately sized hedge and some mature planting. The proposed extension would be to the rear of this dwelling replacing an existing flat roof extension. It would have a total height of approx 5.6 metres set down from the main ridge height by approx 150mm and approx 3.5 metres in depth and approx 4.6 metres in width.

IMPACT ON THE CONSERVATION AREA:

4.14 The application site is within the Strensall Conservation Area and consideration of its location is in line with s72 of the Act. This requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area. The key issue with this application is the potential impact the extension would have on the setting of the Conservation area.

4.15 On assessment, although it is acknowledged that the depth of the extension at 31 Princess Road would increase the massing of the dwelling, in this location of varied house styles, it is considered that the shape of the roof slope and lowered ridge height would be compatible with the style and variation to the adjacent neighbouring houses, creating a cohesive appearance. With regards to public views, the side wall of the extension would be visible when viewed from the driveway serving this dwelling. There would be oblique views of the roof from Princess Road, However, the principal facades to the front are unaffected by the development. Therefore, with the use of matching materials these views are not considered to undermine the appearance of the property or the quality of street. The main house is designated as making a negative contribution to the Conservation area in the 2011 Conservation area Appraisal document. Thus the extension to the main house is considered to preserve the character of the conservation area and views within the streetscene.

4.16 The position of the detached garage between the host property and no.31A would be visible from the public views. The rear gardens of these houses do make a contribution to the character of the road. However, its significant setback from the front, the overall large size of the plot and modest height and natural use of materials would not unduly detract from the sense of openness and would only be

visually prominent in oblique views from the immediate vicinity of the site and not unduly from the road to the front.

4.17 With regards to the dwelling at 31a Princess Road the extensions would be part of a total renovation to this dwelling and given the shape of the house and styled of the roof would not be visually prominent from the Conservation Area. Furthermore, the side wall of this extension would be generally seen in context with the original side return that extends from the eaves.

4.18 On balance it is not considered that the proposed development to these pair of dwellings would undermine the spacious quality of the street in this historic location, and any views of the established rural character appearance of the village scene would be adequately retained. The development is quite extensive but the size of the plot is very large. The size and scale of the development are considered to comply with the design principals of the SPD and preserve the character and appearance of the Conservation area.

NEIGHBOUR AMENITY:

4.19 In relation to the assessment of neighbour amenity, paragraph 13.2 of the SPD advises that the Council will have regard to the impact on sunlight, dominance the relationship to windows and the height of the structure. The key issue would be the potential impact on the dwelling at 29 Princess Road. The internal and external areas of this dwelling have been inspected.

4.20 The proposed extension to 31 Princess Road would have a total height of approx 5.6 metres reducing to 2.4 metres at the eaves level. The total length would be approx 7.1 metres with a distance of approx 3.3 metres from the rear wall of the host dwelling increasing to approx 4.6 metres from the rear elevation of the extension. The residents have objected to the development on the following grounds.

- Scale and Mass of the extension creating a two storey extension
- Loss of sun light in to main living areas
- Loss of privacy from proposed new side windows and rear bi -folding second height doors and balcony.

4.21 This dwelling has a large rear garden incorporating extensive mature boundary treatment enclosed within the garden by a six foot fence. The revised plans have reduced the massing of the extension from their habitable windows and the south section of this resident's garden. The application property is positioned in the region of 2.4 metres from the shared boundary at its nearest point, with this

neighbouring dwelling just under 11 metres from the boundary. Therefore on the basis of the separation distance, the reduced height and footprint of the extension and the low eaves height, it is considered that the revisions have addressed the initial concerns raised by these residents. With regards to overshadowing, no. 29 has a south/southeast facing side garden and east facing rear. This house has an extensive rear garden completely enclosed from any views of neighbouring gardens. The extension from this point would be not be visually dominant and acceptable levels of light would be retained. The side south facing garden would be potential effected by light in the early afternoon, however given the size reduction and the height of the boundary treatment at this section of the property, it is not considered that the loss of light would be so severe as to warrant refusal. It is also the case that the light at this section of the garden is already reduced by the height and depth of the existing boundary treatment to some extent. Overlooking windows have been removed and made smaller to avoid the impact of overlooking or the perception of overlooking. In addition the proposed balcony would be recessed within the first floor rear elevation and would incorporate views onto the rear garden of the application house, however would be largely obscured from views towards 29 Princess Road. The first floor side window proposed to the original gable is shown to be obscure glazed and will be conditioned accordingly.

4.22 The relationship between 31 and 31a would mean that both extensions would be visually prominent. The reduction in size of the extension at no31 has improved the outlook for future residents of the 31a. In addition further privacy would be secured by the introduction of boundary treatment between the two dwellings. Therefore, given the amount of garden space available and large plot, it is not considered that the amount of development proposed would impact on the two neighbour dwellings.

4.23 No other neighbouring dwellings are considered to be affected. The revised plans have removed the second vehicle entrance to the front.

5.0 CONCLUSION

5.1 For the reasons stated, the revised development is considered acceptable and is considered to preserve the character and appearance of the conservation area. With regards to neighbour amenity the development would not create any significant harm in terms of overbearing impact proximity, light or overlooking, particularly given the generous size of the plots and separation distance. As such the proposal is considered to comply with the NPPF and Policies GP1 (Design), HE3 (Conservation Areas) and H7 (Residential Extensions) of the Development Control Local Plan and City of York Council's Supplementary Planning Document (House Extensions and Alterations). Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years

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

Revised plans floor and elevations for 31 Princess Road (Drawing No UPL-478-01-03 rev F)

Site plan for 31 ad 31a Princess Road (Drawing No UPL-478-01-04 rev B)

Extension for 31a Princess Road and garage plan for 31 Princess Road (Drawing No UPL-478-01-05 rev A)

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

3 VISQ1 Matching materials

4 EPU1 Electricity socket for vehicles

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted in the first floor of either side elevation of the extension at no.31.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the new first floor window in the side north elevation of the extension facing towards 29 Princess Road shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above ad non -opening unless a height of 1.7 metres above the floor of the room serving the window can be achieved.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

7 The new driveway or any additional hard surfaced areas to the front of the house shall be constructed of porous materials, or provision shall be made to direct

run-off water from any hard surfaced areas to a permeable or porous area or surface within the curtilage of the dwelling house.

Reason: To avoid increasing flood risk.

7.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority advised the agent to submit revisions to reduce the height and massing of the extensions in order to protect the Conservation area and retain neighbour amenity. Thus a positive outcome has been achieved.

2. AVOIDING DAMAGE TO THE HIGHWAY GRASS VERGE

Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused, by activities relating directly to the approved development (e.g. delivery of building materials via HGV's). The Council is particularly concerned at the increasing impacts and damage occurring to grass verges. This is detrimental to residential amenity, can present safety issues and places an unreasonable financial burden on the Council, if repairs are subsequently deemed necessary. Therefore, applicants/developers are strongly advised to work proactively with their appointed contractors and delivery companies to ensure that their vehicles avoid both parking and manoeuvring on areas of the public highway (grass verges) which are susceptible to damage. The council wishes to remind applicants that legislation (Highways Act 1980) is available to the authority to recover any costs (incurred in making good damage) from persons who can be shown to have damaged the highway, including verges. If the development is likely to require the temporary storage of building materials on the highway, then it is necessary to apply for a licence to do so. In the first instance please email highway.regulation@york.gov.uk, with details of the site location, planning application reference, anticipated materials, timelines and volume. Please refer to the Council website for further details, associated fees and the application form.

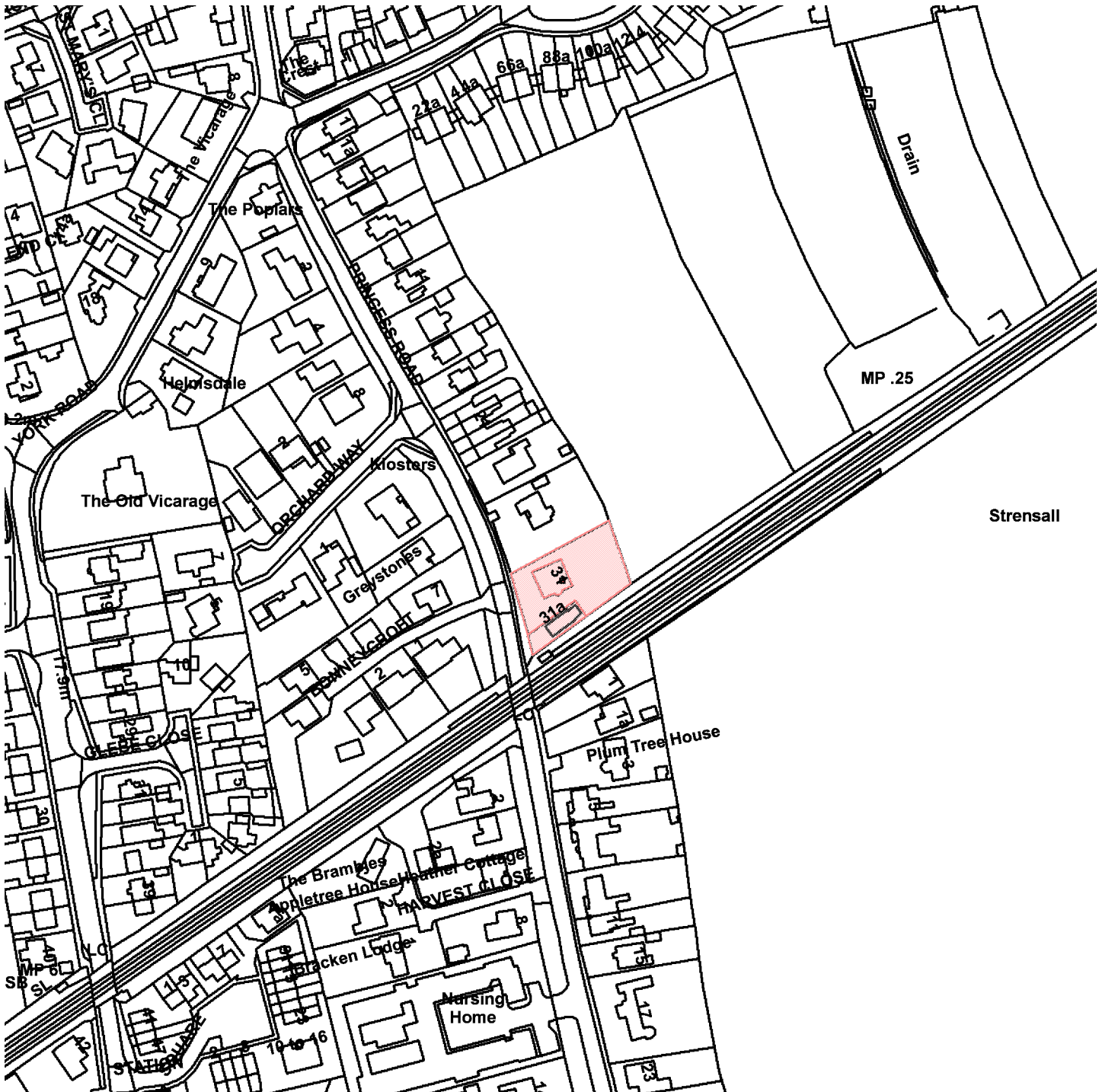
Contact details:

Author: Sharon Jackson, Development Management Assistant

Tel No: (01904) 551359

17/00198/FUL

Fair View, 31 Princess Road



Scale : 1:2235

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	26 June 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 6 July 2017 **Ward:** Dringhouses and Woodthorpe
Team: Major and Commercial Team **Parish:** Dringhouses/Woodthorpe Planning Panel

Reference: 16/00725/FUL
Application at: 5 Mayfield Grove York YO24 1HJ
For: Erection of 3no. dwellings with associated access following demolition of existing bungalow (revised scheme)
By: Mr D Evans
Application Type: Full Application
Target Date: 29 September 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 This application was before Sub-Committee in January for determination and was recommended for refusal by Officers on the grounds of lack of information to confirm the presence or absence of bats, which are protected by virtue of the Wildlife and Countryside Act 1981. The application was deferred at Sub-Committee to allow a bat survey to be carried out and a report of its findings submitted. A bat survey has now been undertaken and a report submitted for consideration.

1.2 The application seeks full planning permission for the erection of three dwellings on a 0.06ha plot at the eastern end of Mayfield Grove. The proposed houses would replace an existing bungalow located towards the front of the site with its main garden to the rear. There would be a semi-detached pair of 4 bedroom dwellings at the front of the site on the footprint of the existing bungalow and a single detached 2 bedroom bungalow to the rear. Vehicle access would be from Mayfield Grove, via newly created parking areas and private driveway to the rear property.

1.3 The application is supported by the following documents: Design and Access Statement, Sustainability Statement, Contamination Assessment and Bat Scoping Report. Revisions have been made to the including the omission of one dwelling and re-positioning of the frontage building and private driveway.

1.4 The application is called in for a Committee decision by Councillor Reid.

2.0 POLICY CONTEXT

2.1 Allocation: Areas of Archaeological Importance: Dringhouses Area

2.2 Draft York Local Plan (2005, 4th set of changes) – relevant policies include:

Application Reference Number: 16/00725/FUL

Item No: 4b

- CYGP1 - Design
- CYGP3 - Planning against crime
- CYGP4A – Sustainability
- CYGP4B – Air Quality
- CYGP6 - Contaminated land
- CYGP9 - Landscaping
- CYGP10 - Subdivision of gardens and infill devt
- CGP15A - Development and Flood Risk
- CYHE10 - Archaeology
- CYNE1 - Trees, woodlands, hedgerows
- CYNE6 - Species protected by law
- CYNE7 - Habitat protection and creation
- CYH4A - Housing Windfalls
- CYT4 - Cycle parking standards

2.3 Draft York Local Plan (2014) Publication Draft –relevant policies include:

- DP2 – Sustainable Development
- D2 – Placemaking
- D7 – Archaeology
- G13 – Biodiversity and Access to Nature
- G14 – Trees and Hedges
- CC2 – Sustainable Development and Construction
- ENV3 – Land Contamination
- ENV4 – Flood risk
- H2 – Density
- H4 – Housing mix
- T1 – Sustainable Access

3.0 CONSULTATIONS

3.1 The application has been publicised by means of a site notice posted at the front of the site on Mayfield Grove and notification to statutory consultees and neighbouring properties. Further consultation was undertaken following the submission of revised plans to statutory consultees and those who had expressed an interest in the application. The Council's Ecologist has been consulted on the submitted Bat report. The following comments have been received to the original and revised proposals:

INTERNAL

Planning and Environmental Management (Ecologist)

3.2 A preliminary bat roost assessment undertaken by Wold Ecology Ltd in and the buildings were assessed as having moderate potential to support roosting bats. Bats can use a range of features in a building and evidence is not always obvious from a daytime inspection if, for example, they are roosting between roof tiles and roofing felt. The professional judgement of the ecologist that undertook the preliminary roost assessment was that further surveys were required.

3.3 Following an additional daytime inspection of the buildings a bat activity survey was undertaken on the 16th May 2017, using three surveyors positioned around the building. Low numbers of common pipistrelles were recorded commuting and foraging around the site. No bats were recorded emerging from the buildings. As bats are a highly mobile species there remains a low risk that the buildings could be used by them at other times of the year, therefore if this application is approved, a condition should be attached.

Planning and Environmental Management (City Archaeologist)

3.4 The site lies within an Area of Archaeological Importance, close to the line of the Roman Road to Tadcaster (RCHME Road 10), where cemeteries are often located. It may also contain deposits or features relating to the historic settlement of Dringhouses, which evidence suggests was an Anglo-Scandinavian or early medieval settlement outside of the city boundary and existing as a separate manor prior to 1066. The construction of the buildings to the rear of the plot will have the most impact on any surviving Romano-British-Post-Medieval archaeology as this is an area of relatively undisturbed land and therefore a Strip, Map and Record (ARCH 1) is required to examine and record the nature of any existing archaeological features and deposits. An archaeological watching brief (ARCH2) is required on the groundworks of the front plot, given that the proposed building is largely within the footprint of the existing building and so archaeological deposits may have already been disturbed.

Public Protection

3.5 No objections raised and confirmation that following comments not affected by revised scheme. However, the neighbouring property of 20 Tadcaster Road is currently a petrol station and there is a potential for contamination due to the previous use of this site. Also, the Council's historic maps show there was some metal working activity on the adjacent site. To ensure that any contamination is adequately dealt, it is requested that a condition covering unexpected contamination be planed on any permission granted. A further condition requiring the installation of electric vehicle recharging points is requested in line with Paragraph 35 of the NPPF and the Council's Low Emission Strategy (adopted in October 2012).

Highway Network Management

3.6 No objections, subject to conditions, on the basis that parking meets maximum standards, impact on available parking has been minimised to allow some on street parking to be facilitated, restrictions are in place to protect nearby junctions, the site is in a sustainable and accessible location, and cycle parking is proposed.

Public Realm

3.7 No comments as the proposal is below the 10 unit threshold.

EXTERNAL

Yorkshire Water

3.8 Request condition in order to protect local aquatic environment and YW infrastructure as existing drainage details submitted on drawing 1593 105 (revision P00) dated 16/03/216 that has been prepared by DC Architecture are not acceptable to Yorkshire Water. In response to revised plan, confirm that comments and conditions are still relevant.

Ainsty (2008) Internal Drainage Board

3.9 The application site sits immediately adjacent to the Ainsty IDB district. The Board does have assets adjacent to the site in the form of Holgate Beck, which is at capacity and the site is in an area where drainage problems exist. No objections are raised to the principle of development subject to clarification on the drainage strategy and connectivity, to be covered by a condition on any approval.

Dringhouses and Woodthorpe Planning Panel

3.10 The Panel objected to the original submission and the revised plans on the following grounds:

- It represents extreme over-development of a small site;
- Replacing one house with four would increase both traffic and parking congestion in an already congested area;
- Off-street parking is achieved at the expense of on-street parking for local residents and visitors using the local shops;
- The revisions do not go far enough to negate the combined impact of traffic congestion and limited resident/visitor on-street parking when using the local facilities.

Neighbour Notification and Publicity

3.11 There have been 8 no. comments received from local residents objecting to the original proposal and 2 no. further comments to the revised scheme, on the following grounds:

- Surface water and drainage - proposed development would put additional strain on already stretched drainage system that floods at time of high rain fall;
- Vehicular access and parking – proposed development includes no visitor parking, requires relocation of street lamp post, would increase vehicle numbers which would impact on junction with Tadcaster Road, availability of on street parking, road safety on Mayfield Grove and affect emergency vehicle access.
- Design and Amenity – Out of character and overdevelopment of site in a sensitive area bordering a conservation area, with density, height, scale and proportions not being sympathetic to surroundings, invasion of privacy and light, limited details of materials;
- Bio-diversity – Loss of tree in front garden and query whether investigations been carried out to be confident that there will be no adverse affect to bats living in the area;
- Contamination – Query whether investigations have been carried out into previous contamination from adjacent garage and suspect material on site.
- Precedent – This would be the first application to develop in the area lying either side of the Old Orchard and could be seen as justification for further intensive development that would alter character of the area.

3.12 There has been 1no. comment received from resident of 4 Mayfield Grove:

- Cannot see any reason why the development should not go ahead;
- It could well alleviate present parking problems.

4.0 APPRAISAL

KEY ISSUES

4.1 The main considerations relevant to the determination of this application are:

- Principle of development;
- Flood risk and drainage;
- Impact on archaeological features and deposits;
- Impact on biodiversity;
- Access, parking and highway safety;
- Character and appearance;
- Affect on residential amenity.

SITE AND PLANNING HISTORY

4.2 The application relates to a site consisting of a detached bungalow with rear garden on the south side of Mayfield Grove, at its eastern end, close to its junction with Tadcaster Road. It sits behind the frontage properties on Tadcaster Road, which are located to the east and comprise a petrol filling station, shop unit (no.24) and dwelling house (no.26). To the north and west of the site are the other residential properties on Mayfield Grove. To the south is an open area of land that is understood to be used in connection with the commercial units on Tadcaster Road. The site has an existing vehicle access from Mayfield Grove via a private drive adjacent to the eastern site boundary. The site lies outside the Tadcaster Road Conservation Area (which excludes the properties adjoining the site on the west side of Tadcaster Road), though within the Dringhouses Archaeological Area of Importance. This is due to the line of Roman Road to the east of the site, Roman cemetery to the south and archaeological events on the land to the south of the site at the rear of 26-28 Tadcaster Road. There are archaeological monuments and listed buildings in the vicinity of Tadcaster Road, but not adjacent to the site. It falls within Flood Zone 1.

4.3 There is no relevant planning history for the application site as the records only show domestic extensions and outbuildings to the dwelling in the 1970s. A planning permission for the erection of 11 dwellings on land to the rear of this application site is currently before the Council for determination (26 Tadcaster Road, ref.15/02726/FULM), but has been delayed due to issues with the highway access to Tadcaster Road. The submitted plans show an access road immediately to the rear of the application site, beyond which there are two buildings both with 3 no. two-storey dwellings facing north overlooking the access road.

POLICY CONTEXT

4.4 Central Government guidance is contained in the National Planning Policy Framework ("NPPF", March 2012). This places emphasis on achieving sustainable development, by establishing a presumption in favour of development that contributes to building a strong, competitive economy and supports a vibrant and healthy community, whilst contributing to the protection and enhancement of our natural and built environments. Paragraph 7 of the National Planning Policy Framework says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking. The principles include: seeking high quality design and a good standard of amenity for all existing and future occupants of land and buildings; encouraging the effective use of land by reusing land previously developed that is not of high environmental value; taking full account of flood risk; contributing to conserving and enhancing the natural environment and

reducing pollution; and, actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling.

4.5 Section 4 of the NPPF promotes sustainable transport. Section 6 sets out the Government's policy for the delivery of homes. Section 7 seeks good design as a key aspect of sustainable development. Section 10 offers advice on meeting the challenge of climate change and flooding. Section 11 contains Government policy that aims to conserve and enhance the natural environment including landscapes, ecology and pollution and land instability.

4.6 Although there is no formally adopted local plan, the City of York Draft Local Plan (DLP), was approved for Development Control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF. The DLP identifies the site on the proposal map as lying within the main built-up area of the City. Relevant policies are summarised in section 2.2 and of particular relevance are policies GP1 'Design', GP4a 'Sustainability', GP10 'Subdivision of Gardens and Infill Development', HE10 'Archaeology' and H4a 'Housing Windfalls'.

4.7 Policies in the emerging Local Plan are considered to carry very little weight in the decision making process given the early stage of the plan (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is a material consideration in the determination of planning applications.

PRINCIPLE OF DEVELOPMENT

4.8 The NPPF promotes the approval, without delay, of proposals that accord with the development plan or where the plan is absent, silent or out of date, planning permission should be granted unless the adverse impacts of doing so demonstrably outweigh the benefits when assessed as a whole. One of the core planning principles set out in the NPPF is the effective use of land through the reuse of land which has been previously developed providing it is not of high environmental value.

4.9 However, it excludes land in built-up areas such as private residential gardens from the definition of previously developed land. Notwithstanding this, paragraph 49 of the NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development. It goes on to say, at paragraph 53, that local planning authorities should consider policies to resist inappropriate development of residential gardens, for example where it would cause harm to the local area. Local Plan Policy GP10 accords with paragraph 53 of the NPPF.

4.10 The application site is located on a predominantly residential street within a mixed use area that lies within the main built-up area of the City. It is in a sustainable and accessible location, within walking distance of local facilities and public transport routes. Therefore, subject to further consideration being given of the impacts of the development on the local environment, the proposal is considered to be acceptable in principle.

FLOOD RISK

4.11 Paragraph 103 of the NPPF states that development should be directed to the areas of low flood risk and that development should not result in an increase of flood risk within the site or elsewhere.

4.12 The site falls within flood zone 1, which is at the lowest risk from flooding and within which the likelihood from river flooding is low and residential development is considered appropriate.

4.13 Local residents have raised concerns based on the potential to exacerbate existing surface water problems in the vicinity. However, it is noted that neither Yorkshire Water nor the Ainsty Internal Drainage Board object to the scheme in terms of disposal of foul or surface water subject to conditions requiring detailed drainage information. It is clear that there is a solution available for surface water disposal either through a soakaway within the site or controlled discharge to the main sewer. As such, whilst the concerns of the local community are noted, there are not sufficient grounds to justify a refusal on the basis of increased flood risk within the site or elsewhere.

ARCHAEOLOGY

4.14 The NPPF requires developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation, where the site includes or has the potential to include heritage assets with archaeological interest (paragraph 128). It goes to say, at paragraph 135, that the effect of an application on the significance of a non-designated heritage asset should be taken into account when determining applications, with a balanced judgement being required between the scale of any direct or indirect harm or loss and the significance of the asset. Paragraph 139 of the NPPF states that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments should be considered subject to policies for designated heritage assets. These require that heritage assets be conserved for the benefit of future generations and planning permissions be refused where substantial harm is caused to them. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost proportionate to their importance and impact, and to make this information publicly accessible (para.141).

4.15 The site is within the Dringhouses Area of Archaeological Importance, close to the line of a Roman Road and Roman cemetery. There is also the potential for an Anglo-Scandinavian/early medieval settlement in the area. As the groundworks involved with the proposal may reveal or disturb archaeological features and deposits, conditions are requested by the City Archaeologist requiring archaeological excavation and recording for the works at the rear of the site where the land is undisturbed and an archaeological watching brief for the front building works where the land has been previously disturbed. Subject to such conditions, the application is considered to be acceptable as any harm can be adequately mitigated.

BIODIVERSITY

4.16 The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 provide the legal framework for the protection of habitats and species. In addition, the Natural Environment and Rural Communities Act 2006 imposes a duty on local authorities to have regard to the purpose of conserving biodiversity in the exercise of their functions.

4.17 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural local environment by, amongst other things, minimising impacts on biodiversity. Paragraph 118 of the NPPF aims to conserve and enhance biodiversity, including the refusal of planning applications where significant harm cannot be avoided or adequately mitigated and where development would adversely affect Sites of Special Scientific Interest (SSSI), ancient woodland and European protected sites. Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss. Draft Local Plan policies reflect this advice in relation to trees, protected species and habitats.

4.18 There are no designated nature sites that would be adversely affected by the proposals. A bat scoping report was submitted during the planning application process after it was identified that the existing building was suitable bat habitat. Furthermore, the planning application to the rear of the site (ref.15/02726/FULM) was accompanied by a full bat survey including an activity survey, which identified that the land was used for bat commuting and foraging and that, as bats were observed early on in the evening, it is likely that a roost is located close by, possibly within one of the neighbouring houses.

4.19 The bat scoping report identified that there were features present with the potential to provide roosting opportunities and that both the bungalow and garage were assessed as having a medium potential to support bats. It advised further bat survey work, including an emergent or warming in order to prevent any potential impacts occurring to bats present.

4.20 The application was deferred from the January Planning Sub-Committee to allow further bat survey work to be undertaken to confirm whether bats are present/absent and consider any necessary mitigation. The survey was carried out in May and a report of the survey findings was submitted to the authority. The report confirmed that no bats were recorded emerging from the buildings, though a low number of common pipistrelles were recorded commuting and foraging around the site.

4.21 The Council's Ecologist has reviewed the survey report and accepts its findings, but requests a condition covering bat mitigation in the event that approval is given. As such, and subject to condition, the proposal would have no adverse affect on any designated sites or protected species. The proposal would not, therefore, be contrary to the aims of the NPPF and local planning policies with regard to biodiversity.

HIGHWAY SAFETY

4.22 The NPPF encourages sustainable travel and the location of development in sustainable and accessible locations. The scheme is in such a location and provision is made within the scheme for secure and enclosed cycle parking to serve the three dwellings. The proposal would also provide one off-street parking space to serve each dwelling, with a front curtilage parking space for the semi-detached properties and a parking/turning space to the side and front of the rear dwelling. This parking provision would be accessed via a narrow private drive running along the side boundary with the petrol filling station (PFS). It is proposed to be set away from the boundary enclosure with the PFS at the front to allow adequate pedestrian visibility, to then be a width of 3.1m for a distance of approximately 12m, before narrowing to 2.75m. Revisions were requested by the highway officer to ensure that the front parking bays were long enough to accommodate a vehicle without overhang of the footpath and the private driveway was wide enough to accommodate a vehicle. The arrangement is tight, but workable.

4.23 Concern has been expressed by local residents on Mayfield Grove about the impact of the proposal on parking along the road and highway safety at the junction of Mayfield Grove with Tadcaster Road. No objection has been received from the local highway authority on highway safety grounds from the proximity of additional accesses to the junctions or potential loss of on-street parking outside the site.

CHARACTER AND APPEARANCE

4.24 Chapter 7 of the NPPF gives advice on design, placing great importance on the design of the built environment. The NPPF, at paragraph 64, advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Draft Local Plan policies GP1, GP10 and H4a are consistent with the aims of the NPPF in that they seek,

inter alia, development that respects and enhances the local environment and is appropriate in scale and density without impacting on existing landscape features.

4.25 The site is located at the start of Mayfield Grove, immediately adjacent to the frontage properties on Tadcaster Road, which include a petrol filling station. The character of the street largely comprises detached and semi-detached residential properties that face onto the road with small front gardens enclosed by low boundary walls and long rear gardens. The application site is at the transition point between the properties on Tadcaster Road and the rest of the residential properties along Mayfield Grove and has a wider frontage than the remaining residential properties on the south side of the street. The proposed layout is tight with three dwellings replacing one single dwelling, though it is noted that the existing property is a bungalow and, therefore, has a larger footprint than the average two storey house.

4.26 The footprint of the proposed semi-detached pair is equitable to the existing bungalow and would sit on a similar front building line – the two storey front elevation is set back from the existing front wall of the bungalow and that of no.7, but the single storey front porches extend to the same building line as the neighbouring house. The side wall of the proposed front dwellings with no.7 is on a similar line to the existing bungalow. The external form and appearance of the semi-detached pair would be in-keeping with others on the street – it is noted that the type and style of property varies at the eastern end of Mayfield Grove, with a hipped roof detached house at no.7 and a semi-detached gable roof houses opposite. The proposed semi-detached pair of properties is of the same overall height as no.7 and incorporates a hipped roof, but with the symmetrical double window arrangement of the semi-detached houses long the street. Parking provision has been revised to allow a low front boundary wall to be provided between the parking spaces. The bulk of the properties and front boundary wall would help to maintain the sense of enclosure that is characteristic along the south side of the street.

4.27 The proposal would introduce a dwelling at the rear of the property. This is at odds with the layout of Mayfield Grove and would not be supported on other residential plots along the street. However, the application site is located immediately to the rear of the commercial properties on Tadcaster Road and any built form to the rear would be read against, and in the more enclosed context of, these commercial buildings. Views through to the property to the rear would be limited, with glances of it along the private drive and that of no.7. As a result, the construction of a lower height property to the rear as proposed, and a higher density of housing on site, could be accommodated without adversely affecting the overall character and appearance of the street.

4.28 The detached dwelling to the rear would be subservient in scale and height to the frontage properties, with a roof ridge 1.2m lower than the frontage properties. It would have a dual pitched roof, with the end gables facing towards the front of the

site (north) and the open land to the rear (south). Its windows are orientated to make best use of its southerly aspect.

4.29 Overall, the proposal is considered to be acceptable in terms of its detailed design and visual impact on the character and appearance of the local environment.

RESIDENTIAL AMENITY

4.30 One of the core principles of planning outlined in the NPPF is to seek a good standard of amenity for all existing and future occupants. Paragraph 120 of the NPPF states that new development should be appropriate for its location to prevent unacceptable risks from pollution and land instability.

4.31 The proposal would mostly impact the neighbouring property to the west, 7 Mayfield Grove. This would mainly be from a visual awareness of additional built form rather than an erosion of the residential amenity that can reasonably be expected to be enjoyed in urban areas. The impact on the occupants of no.7 from disturbance from vehicles coming and going has been reduced by the re-design of the scheme and relocation of the private driveway serving the rear property to the boundary adjacent to the PFS. Whilst there is the potential for some disturbance at the rear due to vehicle movement, this would only be in relation to one 2-bedroom dwelling and the parking/turning area would be set back from the boundary by approximately 3m within which a landscaped buffer/screen could be planted.

4.32 The buildings would be set away from the boundary with no.7 by approximately 1m. The frontage building would sit largely on the same footprint as the existing bungalow, though would be two-storey and would extend beyond the rear wall of no.7 by approximately 800mm. It would be to the east of no.7, and at a distance of approximately 3.3m from the house itself, taking into account the private drive of no.7. No windows are proposed in the side elevations of the semi-detached pair. The eaves of the rear property, which would be single storey height) would be approximately 14m to the south of no.7 and the roof ridge, approximately 15.6m to the south-east. Openings in the north and west facing elevations would be at ground floor level only, with the exception of a bathroom roof light.

4.33 As a result, there would be limited additional overshadowing to the neighbouring property, given the limited projection and orientation of the frontage properties and the limited height adjacent to the boundary and distance of the rear property. Any shadowing of no.7 from the frontage properties would be in the early morning and short lived and would be to the rear garden area from the rear property. The daylight/sunlight to the rear of the dwelling for the majority of the day would be unaffected. There would be limited loss of privacy due to the absence of windows in the side elevation of the front property and inclusion of openings in only the ground floor of the rear dwelling. The front kitchen window would face towards the rear of the frontage building, though the secondary lounge window would face towards the

garden of no.7. Whilst not impacting on privacy within the house itself, it is recommended that this secondary window is obscured glazed to avoid potential overlooking, dependent on the height of the boundary enclosure.

4.34 The proposed buildings are at a sufficient distance from the other surrounding residential properties on Mayfield Grove and Tadcaster Road and as such would not result in any adverse loss of residential amenity.

4.35 In terms of the amenity of future occupiers, the internal size and facilities within the properties is acceptable. The properties would have a south-facing aspect, which would help to counter the smaller private amenity spaces than the existing bungalow and surrounding properties. The size of garden is not, however, unusual in more modern housing developments, though that serving the eastern semi-detached property is impinged to an extent by the private driveway serving the rear property. Each dwelling would have access to an off-street parking space and cycle and refuse storage.

4.36 The application is accompanied by a screening assessment which confirms a long term residential use and a low expectation for any land contamination. As such, the Council's Environmental Protection Unit raises no objection, subject to conditions to ensure that any potential land contamination is adequately addressed.

4.37 In summary, the main impact of the development on residential amenity is on the neighbouring property, 7 Mayfield Grove. Subject to a condition relating to the side secondary lounge window, any impact is considered to be within acceptable limits and would not result in an erosion of residential amenity over and above what can reasonably be expected in a built-up area. The proposal seeks to make the most efficient use of land, whilst achieving a good standard of amenity for existing and future occupants whilst making the most efficient use of land.

5.0 CONCLUSION

5.1 The proposal has been revised to address officer's concerns in respect of character and amenity, residential amenity and highway safety. Further bat survey work has been undertaken that did not find evidence of bats being present at the site. Subject to conditions, whilst considered to be a tight scheme, the development would not result in any demonstrable harm to flood risk, archaeology, biodiversity, visual and residential amenity, highway safety and land contamination.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

- Drawing no. 1593/105/P01 'Proposed Site Plan';
- Drawing no. 1593/110/P01 'Proposed Plans – Plots 1 & 2';
- Drawing no. 1593/115/P01 'Proposed Plans – Plot 3';
- Drawing no. 1593/130/P02 'Proposed Elevations Plots 1 & 2';
- Drawing no. 1593/131/P01 'Proposed Elevations Plots 1, 2 & 3';
- Drawing no. 1593/132/P01 'Proposed Elevations Plot 3';
- Drawing no. 1593/150/P01 'Site section';

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

3 ARCH2 Watching brief

4 The development hereby permitted shall be implemented in accordance with the scheme of mitigation set out in Section 7.0 Mitigation and Compensation of the Bat Survey report, dated August 2017 by Wold Ecology Ltd in all respects and any variation thereto shall be agreed in writing by the local planning authority before such change is made.

Note: In the UK, due to the decline in bat numbers in the last century, all species protected by the Wildlife & Countryside Act (1981) as amended, Countryside and Rights of Way Act (2000) and the Conservation of Habitats and Species Regulations (2010). Because of their protected status, it should be noted that if bats are discovered during the course of the work, all works must cease and Natural England must be informed immediately. It is an offence for anyone to disturb or handle a bat without the appropriate licences. This may cause some delay but should not prevent the work continuing, provided that due account is taken of their presence.

There are opportunities for the development to enhance the site for bats. This can be done without detriment to the buildings through bat friendly features which can be designed at the outset and include features such as bat bricks, bat tiles or an adapted fascia (see http://www.bats.org.uk/pages/bat_boxes.html for more information).

Reason: To ensure the protection of a European Protected Species.

5 DRAIN1 Drainage details

6 NOISE7 Restricted hours of construction

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 any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. 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.

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

Note: The front boundary enclosure shall be no higher than 1m above ground level.

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

10 HWAY18 Cycle parking

11 HWAY19 Car parking provision

12 LAND1 New Landscape details

13 Prior to first occupation, a three pin 13 amp external electrical socket shall be installed on the drive of each of the approved properties prior to its occupation. The sockets shall be located in a suitable position to enable the charging of an electric

vehicle on the driveway using a 3m length cable.

Note: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. Where located externally it should also have a weatherproof cover and an internal switch should be also provided in the property to enable the socket to be turned off.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles.

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the living/dining room window in the west-facing side elevation of the rear property, plot 3, shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above and remain fixed shut.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

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 Classes A (Extensions), B (Roof additions) and E (Outbuildings) 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.

INFORMATIVES:

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 (paragraphs 186 and 187) 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:

- Revisions to application to address concerns relating to highway access, visual amenity and residential amenity;
- Further information sought to assess presence/absence of bats;

Application Reference Number: 16/00725/FUL

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- Imposition of conditions to mitigate potential identified harm.

2. INF11 - Control of Pollution Act 1974

3 INF1 – Section 184

Contact details:

Author: Hannah Blackburn, Development Management Officer

Tel No: (01904) 551325

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17/00725/FUL

5 Mayfield Grove



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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	26 June 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 6 July 2017 **Ward:** Fishergate
Team: Householder and **Parish:** Fishergate Planning
 Small Scale Team Panel

Reference: 17/01112/FUL
Application at: 1 Lastingham Terrace York YO10 4BW
For: Single storey rear extension, roof dormers and part
 conversion of garage into habitable room
 (resubmission)
By: Mr and Mrs Cullwick
Application Type: Full Application
Target Date: 5 July 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 The proposal seeks consent for a single-storey, mono-pitched roof rear extension; roof dormers; part conversion of an existing garage into a habitable room; and increase height of rear boundary wall, on an end-terraced property at No.1 Lastingham Terrace, Fishergate. The application property lies within the New Walk/Terry Avenue Conservation Area, No.6.

1.2 The application is reported to Sub-Committee because the applicant is a CYC Councillor.

Planning History

1.3 Planning application 17/00030/FUL for a single storey rear extension and part conversion of garage into habitable room – Withdrawn by the applicant April 2017.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation: Conservation Area: New Walk / Terry Avenue

2.2 Policies:

CYGP1 Design
 CYH7 Residential extensions
 CYHE3 Conservation Areas

3.0 CONSULTATIONS

3.1 Fishergate Planning Panel - No response received

Application Reference Number: 17/01112/FUL

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3.2 Neighbour Notification / Publicity - No responses received

4.0 APPRAISAL

4.1 Key issue(s)

- Impact on amenity of neighbours
- Impact on Conservation area

Planning Policy and Guidance

4.2 The NPPF (March 2012) sets out the Government's overarching planning policies. As one of 12 core planning principles, it states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17). It states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64).

4.3 NPPF Chapter 12, Paragraph 132 states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.4 Draft Local Plan Policy H7 states that permission will be granted for residential extensions where they are sympathetically designed in relation to their host building and the character of the area in which they are located and do not detract from the amenity of neighbours. Policy GP1 states, amongst other criteria, that development proposals are expected to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. HE3 states that within conservation areas planning permission for external alterations will only be permitted where there is no adverse effect on the character and appearance of the area.

4.5 When determining planning applications within conservation areas, the Council is under a statutory duty under s72 of the of the Planning (Listed Buildings and Conservation) Act 1990 Act to consider the desirability of preserving or enhancing the character and appearance of the area.

4.6 The approved Supplementary Planning Document 'House Extensions and Alterations' provides guidance on all types of domestic type development. Section 3 relates to potential loss of privacy to neighbouring properties. Section 4 relates to how a proposal might impact on neighbouring properties, in terms of loss of light and potential overshadowing. Section 5 relates to how a proposal could potentially over-dominate a neighbouring property. Section 7 states that the extension should be in keeping with both the existing dwelling and the streetscene in general. Section 9 relates to the retention of private amenity space. Section 13 relates to how development could impact on the rear windows and rear gardens of adjacent properties. Section 14 relates to both the visual impact and neighbour amenity impact of rear dormers.

The Application Property

4.7 No.1 Lavington Terrace is a large dwelling, which faces out over the River Ouse. There is an access road at the rear of the property. The proposal seeks consent to widen the existing breakfast room, forming a re-located and enlarged kitchen. The existing kitchen will become a w/c and the existing garage will be subdivided in order to create a utility room. The proposal also includes 2 no rear dormers, in order to create an additional bedroom and w/c in the bathroom. The rear boundary wall will be raised to match that of the rear wall on No.2 Lavington Terrace. There are only 4 no dwellings which access the road to the rear and there are no implications in terms of off-road parking, refuse storage, or cycle storage and there will still be sufficient external amenity space at the rear, following development.

Impact on the Conservation Area

4.8 The rear extension will sit comfortably against the existing rear wall. It will incorporate a lantern roof and bricks will match those of the original dwelling. This approach would be considered acceptable on the rear elevation. Additionally, the raised boundary wall will mean the extension will only be partially visible from public space at the rear. The wall will harmonise with that on the adjoining property. The proposed rear dormers are set well above the eaves and also set in from both sides. There are a number of examples of rear dormers on properties on Lavington Terrace and they form part of the existing vernacular and are not prominent in views. Materials indicated are brick and slate tiles, to match those of the existing dwelling. The view from the riverside path, will be unaffected and it is not considered that the proposal will harm the character and appearance of the conservation area nor will it conflict with advice contained within the SPD.

Impact on Neighbouring Properties

4.9 The originally submitted scheme was withdrawn following officer advice about the impact the rear extension would have on the living conditions of the adjoining property of No.2 Lavington Terrace. However, the current application has been submitted

concurrently with an application for a similar rear extension at 2 Lastingham Terrace (reported elsewhere on this agenda). If the extensions are built in tandem there will be no adverse impact on the amenity of the neighbouring property, a planning condition is recommended.

4.10 The proposed dormers will not result in any additional overlooking.

5.0 CONCLUSION

5.1 The proposal is considered to be acceptable, subject to the conditions listed below, as it complies with the National Planning Policy Framework (2012), draft local plan policies GP1, HE3 and H7, Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act and also advice contained within Supplementary Planning Document (SPD) 'House Extensions and Alterations.' December 2012.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing No's - 2016 - 49 - 04D - Drawings - 2016 49 05A - 2016 49 05C - 2016 49 07E - Revised Drawing 2016 49 07F (Boundary Wall) Dated November 2016.

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 rear extension shall only be constructed concurrently with the approved development at No.2 Lastingham Terrace, Fishergate (planning permission ref: 17/0096/FUL) and shall not be constructed in isolation.

Reason: The Local Planning Authority considers that if built in isolation the proposal would be likely to have a detrimental impact on the amenity of the occupiers of the dwelling at No.2 Lastingham Terrace by reason of overbearing impact and loss of daylight.

7.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) and having taken account of all relevant national guidance and local

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policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available at:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

Contact details:

Author: Paul Edwards, Development Management Assistant
Tel No: (01904) 551642

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17/01112/FUL

1 Lastingham Terrace



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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	26 June 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 6 July 2017 **Ward:** Fishergate
Team: Householder and **Parish:** Fishergate Planning
 Small Scale Team Panel

Reference: 17/00961/FUL
Application at: 2 Lastingham Terrace York YO10 4BW
For: Single storey rear extension
By: Mr and Mrs M Allen
Application Type: Full Application
Target Date: 11 July 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 The proposal seeks consent for a single-storey, lantern- roof rear extension, on a terraced property at No.2 Lastingham Terrace, Fishergate. The application property lies within the New Walk/Terry Avenue Conservation Area, No.6.

1.2 The application is reported to Sub-Committee at the discretion of the Assistant Director because the decision making process is linked to that of application 17/01112/FUL for no.1 Lastingham Terrace which is also reported on this agenda.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation: Conservation Area: New Walk / Terry Avenue

2.2 Policies:

CYGP1 Design
 CYH7 Residential extensions
 CYHE3 Conservation Areas

3.0 CONSULTATIONS

3.1 Fishergate Planning Panel - No response received

3.2 Neighbour Notification / Publicity - No responses received

4.0 APPRAISAL

4.1 Key issue(s)

- Impact on the character and appearance of the Conservation area
- Impact on the amenity of neighbours

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Planning Policy and Guidance

4.2 The NPPF (March 2012) sets out the Government's overarching planning policies. As one of 12 core planning principles, it states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17). It states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64).

4.3 NPPF Chapter 12, Paragraph 132 states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.4 Draft Local Plan Policy H7 states that permission will be granted for residential extensions where they are sympathetically designed in relation to their host building and the character of the area in which they are located and do not detract from the amenity of neighbours. Policy GP1 states, amongst other criteria, that development proposals are expected to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. HE3 states that within conservation areas planning permission for external alterations will only be permitted where there is no adverse effect on the character and appearance of the area.

4.5 When determining planning applications within conservation areas, the Council is under a statutory duty under s72 of the of the Planning (Listed Buildings and Conservation) Act 1990 Act to consider the desirability of preserving or enhancing the character and appearance of the area.

4.6 The approved Supplementary Planning Document 'House Extensions and Alterations' provides guidance on all types on domestic type development. Section 3 relates to potential loss of privacy to neighbouring properties. Section 4 relates to how a proposal might impact on neighbouring properties, in terms of loss of light and potential overshadowing. Section 5 relates to how a proposal could potentially over-dominate a neighbouring property. Section 7 states that the extension should be in keeping with both the existing dwelling and the street-scene in general. Section 9 relates to the retention of private amenity space. Section 13 relates to how development could impact on the rear windows and rear gardens of adjacent properties.

The Application Property

4.7 No.2 Lastingham Terrace, is a large dwelling which faces out over the River Ouse. There is an access road at the rear of the property. The proposal seeks consent to widen the existing kitchen. There are no implications in terms of off-road parking, refuse storage, or cycle storage and there would still be sufficient external amenity space at the rear, following development.

Impact on the Conservation Area

4.8 The proposed extension will sit against the existing rear wall. It will incorporate a lantern roof and bricks will match those of the original dwelling. This approach is considered to be acceptable on the rear elevation. The view from the riverside path will be unaffected and It is not considered that the proposal will harm the character and appearance of the conservation area nor will it conflict with advice contained within the SPD.

Impact on Neighbouring Properties

4.9 Because of its height and projection, if built in isolation the extension would have a harmful impact on the living conditions of no.1 Lastingham Terrace. However, the proposal has been submitted along with an almost identical scheme for the adjoining property at No.1 (reported elsewhere on this agenda). If the extensions are built in tandem there will be no adverse impact on the amenity of the neighbouring property, a planning condition is recommended.

5.0 CONCLUSION

5.1 The proposal is considered to be acceptable, subject to the conditions listed below, as it complies with the National Planning Policy Framework (2012), draft local plan policies GP1, HE3 and H7, Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act and also advice contained within Supplementary Planning Document (SPD) 'House Extensions and Alterations.' December 2012.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing No's - 5120/02 - Dated March 2017

Reason: For the avoidance of doubt and to ensure that the development is carried out

Application Reference Number: 17/00961/FUL

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only as approved by the Local Planning Authority.

3. The rear extension shall only be constructed concurrently with the approved development at No.1 Lastingham Terrace, Fishergate (planning permission ref: 17/0112/FUL) and shall not be constructed in isolation.

Reason: The Local Planning Authority considers that if built in isolation the proposal would be likely to have a detrimental impact on the amenity of the occupiers of the dwelling at No.1 Lastingham Terrace by reason of overbearing impact and loss of daylight.

7.0 INFORMATIVES: Notes to Applicant

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

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

2. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available at:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

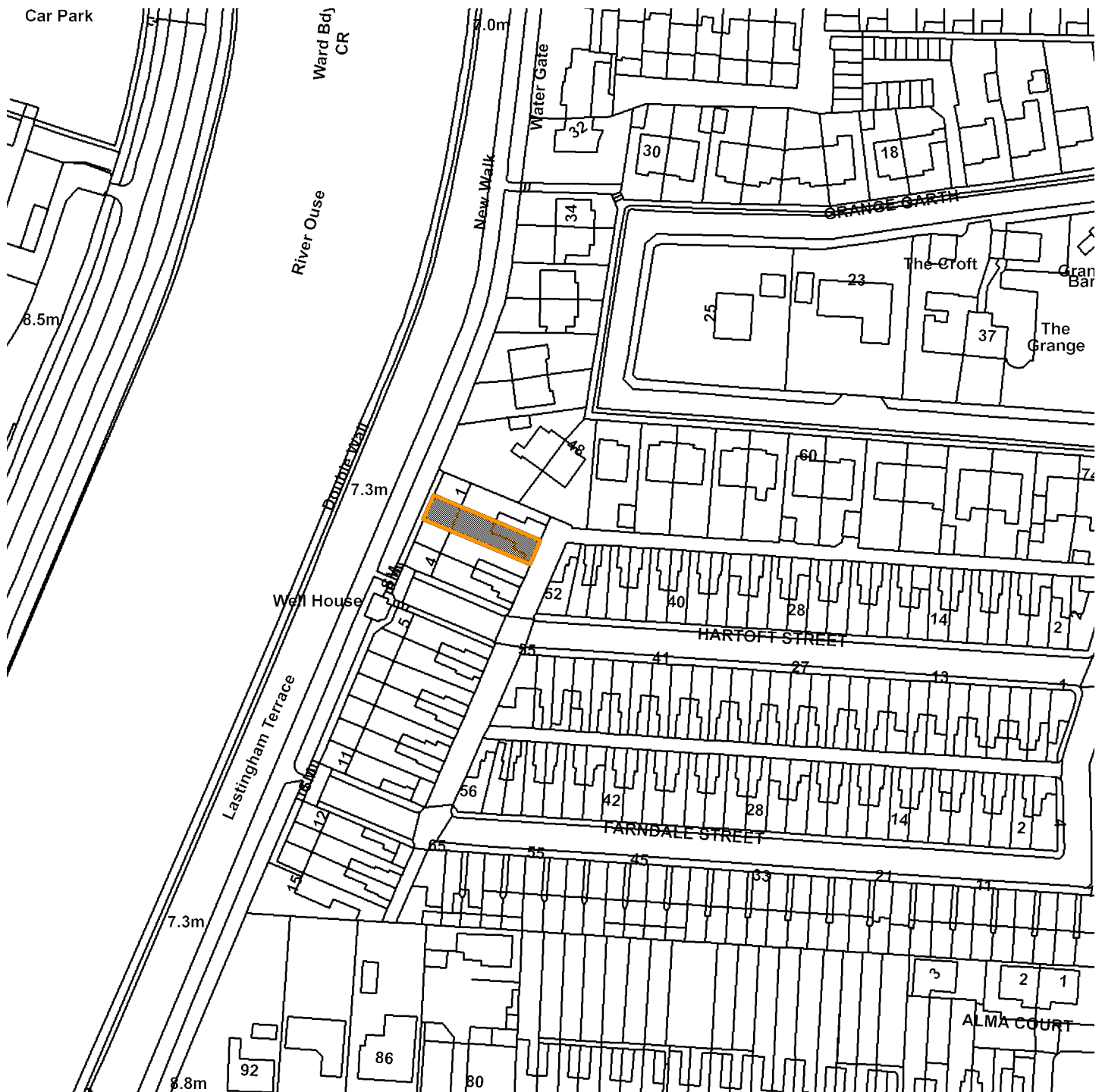
Contact details:

Author: Paul Edwards, Development Management Assistant

Tel No: (01904) 551642

17/00961/FUL

2 Lavingham Terrace



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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	26 June 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 6 July 2017 **Ward:** Heworth Without
Team: Major and **Parish:** No Parish
Commercial Team

Reference: 16/02923/FUL
Application at: Garden Land Lying to the Rear Of 79 To 85 Stockton Lane
York
For: Erection of 9no. dwellings with access from Greenfield Park
Drive
By: Pilcher Homes Ltd
Application Type: Full Application
Target Date: 13 July 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 The application proposes the erection of nine detached dwellings on a site measuring approximately 0.6ha in size. Access is proposed from the east via Greenfield Park Drive leading to a central turning head from which private drives serve the properties. The scheme proposes 7 houses and 2 bungalows ranging from 2 to potentially 7 bedrooms.

1.2 Revisions have been made to the scheme during the life of the application to address concerns raised about proximity to trees, which have been protected by a Tree Preservation Order (CYC367) served on 14.3.17.

2.0 POLICY CONTEXT

2.1 Draft York Local Plan (2005, 4th set of changes) – relevant policies include:

- CYGP1 - Design
- CYGP3 - Planning against crime
- CYGP4A – Sustainability
- CYGP4B – Air Quality
- CYGP6 - Contaminated land
- CYGP9 - Landscaping
- CYGP10 - Subdivision of gardens and infill devt
- CGP15A - Development and Flood Risk
- CYHE10 - Archaeology
- CYNE1 - Trees, woodlands, hedgerows
- CYNE6 - Species protected by law
- CYNE7 - Habitat protection and creation

- CYH3C – Mix of dwellings
- CYH4A - Housing Windfalls
- CYH5 – Housing density
- CYT4 - Cycle parking standards

2.2 Draft York Local Plan (2014) Publication Draft –relevant policies include:

- DP2 – Sustainable Development
- D2 – Placemaking
- D7 – Archaeology
- G13 – Biodiversity and Access to Nature
- G14 – Trees and Hedges
- CC2 – Sustainable Development and Construction
- ENV3 – Land Contamination
- ENV4 – Flood risk
- H2 – Density
- H4 – Housing mix
- T1 – Sustainable Access

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management (Forward Planning)

3.1 This site has been considered through the emerging Local Plan process and whilst deemed suitable for residential use in principle, it is not currently proposed that the site be allocated for housing in the Local Plan. Further assessment of access and design constraints is required. It is noted that potential access is indicated on the submitted plans accompanying the application and colleagues in highways should be consulted on its suitability. Comments from design and conservation should be sought on the submitted Extended Phase 1 Habitat Survey to address the design and conservation issues identified at the preferred options stage in the site selection paper (2013).

3.2 In conclusion, the key policy test is whether residential development at the site is appropriate. Whilst not currently proposed to be allocated for housing, the site has been found to be suitable in principle for housing through the local plan site selection process. As such, there is no objection to the principle of housing on the site, subject to comments from highways that an appropriate access can be achieved. Colleagues in design and conservation should also be satisfied that the proposals are acceptable.

Planning and Environmental Management (Archaeology)

3.3 This application site (16/02923/FUL) lies outside of the Central Area of Archaeological Importance but in an area of archaeological interest. Archaeological features/finds from the Romano-British period are known in the vicinity. It has been suggested that the Roman road which ran from York to Malton ran parallel to Stockton Lane. There have been finds of Roman occupational debris from the rear of 210 Stockton Lane. Further to the east a probable Roman kiln site was identified at Appletree Farm. The land to the rear of Stockton Lane was used for agricultural purposes throughout the medieval and post-medieval period this means that Roman or earlier deposits may potentially exist on the site in a well preserved state.

3.4 Despite negative results along other parts of Stockton Lane during recent investigations the size of this site and its location to known Romano-British areas of activity mean that further archaeological investigation will be required. This can take place post-determination as a planning condition.

3.5 An archaeological desk based assessment has been submitted as part of this application. It suggests that the dense vegetation on the site will prohibit geophysical survey from taking place. Therefore, an archaeological evaluation comprising of approximately five trenches (1.5 x 15m) spread out across the site should take place to determine whether any archaeological features or deposits are present. The desk-based assessment must be consulted by the archaeologist employed for the next phase of evaluation.

Planning and Environmental Management (Landscape Architect)

3.6 A new tree preservation order (TPO) has been served on five trees: Oaks 937, 968 and 972 and Spruces 948 and 953. The reasons for serving the order are that the large trees are visible between properties, provide a backdrop and a sense of scale; they are attractive specimens that contribute to the quality of the local amenity.

Public Protection

3.7 No objections, though request conditions given proximity to existing housing, in event of unexpected contamination and to require electric vehicle charge points.

Flood Risk Management

3.8 No objections subject to a condition requiring drainage details to be agreed before construction. It is not envisaged that flooding in surrounding gardens will be increased as a result of the development.

Highway Network Management

3.9 No objections subject to conditions. As long as a suitable bin collection point is supplied for all houses within 20m of the existing adopted highway, there is no requirement to adopt any of the highway for the scheme and it would be treated as a private drive beyond the existing adopted highway. The traffic generated by the proposed development is likely to result in an additional 6 cars movements in the peak hour. This equates to 1 car every 10 minutes, which will have a negligible effect on Greenfield Park Drive.

3.10 There is an existing vehicular dropped crossing forming part of the adopted highway leading to a private drive at the proposed junction with the highway, which would need to be reconstructed to provide a heavy duty crossover to serve the new properties. There is sufficient car parking to accommodate residents and visitor parking without displacing parking on to existing roads. Further details of cycle parking are required to CYC Appendix E minimum standards - 2 cycle per dwelling.

3.11 As the development is at the end of a long cul-de-sac, a method of works condition is required to establish how the developer is to mitigate the effect of construction on the highway and users of the highway.

Public Realm

3.12 No off site contribution is required as this would breach pooling regulations.

Facilities (Education)

3.13 No contribution sought.

EXTERNAL

Yorkshire Water

3.14 Note that the Site Percolation Test Results confirms soakaways would not be viable on site. With the above in consideration, Yorkshire Water has no objection in principle, based on drawing 11679/5000-02 dated November 2016, to:

- i) The proposed separate systems of drainage on site and off site.
- ii) The proposed amount of curtilage surface water to be discharged to the public 375mm diameter Surface water sewer (at a restricted rate of 3 (three) litres/second).
- iii) The proposed points of discharge of foul and surface water to the respective public sewers in Greenfield Park Drive.

3.15 Request a condition to ensure that development is built out in accordance with the agreed drainage strategy.

Foss Internal Drainage Board

3.16 The Board has assets in the wider area in the form of Pigeon Cote Dyke, which is known to be subject to high flows during storm events. The application will enlarge the impermeable area on site and has the potential to increase the rate of surface water run-off from the site if it is not effectively constrained. The application indicates that the surface water from the site is to be disposed of via a main sewer in Greenfield Park Drive. Further information is required to demonstrate the asset owners consent and confirm the sewer has sufficient capacity. The Board raises no objections in principle subject to conditions.

Ward Councillor Nigel Ayre

3.17 Objects on following grounds:

- Site has been deleted from Local Plan Preferred Sites Consultation July 2016 as it is 'not considered suitable for allocation on the basis of current evidence'; with problems of transport access highlighted as Greenfield Park Drive is a narrow cul-de-sac. Proposal contravenes NPPF paragraphs 32, 35 and 69 with regards to safe and suitable access, and Draft Local Plan Policy GP4a in terms of distance to frequent public transport route being within a 400m walk;
- Residents have also raised concerns over surface water and land drainage affecting gardens on Woodland Grove.

Neighbour Notification and Publicity

3.18 Objections have been received from residents of 18 properties on Stockton lane, Woodlands Grove, Greenfield Park Drive and Elmpark Vale, raising the following planning issues:

- exacerbation of existing surface water drainage problems;
- impact on trees, which are significant in area and need adequate protection;
- impact on highway safety and pollution from additional traffic;
- unsuitability of Greenfield Park Drive to carry more traffic, particularly construction traffic;
- erosion of living conditions from disturbance, loss of privacy, loss of outlook and right to light;
- loss of wildlife;
- inadequate provision for refuse/recycling collection;

- inadequate provision for visitor parking within the scheme resulting in congestion on existing street;
- queries about open drain to north of the site in terms of future maintenance and right of way;
- concerns about potential for future development on gardens of houses on Stockton Lane;
- redesign requested to site bungalows to rear of Elm Park Vale and on plot 1;
- measures requested to maintain safety and quality of life during construction.

4.0 APPRAISAL

KEY ISSUES

4.1 The main considerations relevant to the determination of the application are:

- Principle of development;
- Archaeology;
- Biodiversity;
- Character and appearance;
- Residential Amenity;
- Access, parking and highway safety;
- Flood risk and drainage.

SITE AND PLANNING HISTORY

4.2 The application relates to a piece of land measuring approximately 0.6ha in size that forms the furthest section of the private rear gardens serving 79 to 85 Stockton Lane (excluding 81). It is bounded by 20-32 Woodlands Grove to the west, 22-28 Elmpark Vale to the north and 43-45 and 52-54 Greenfield Park Drive to the east. There are a significant number of trees within the site, some of which are covered by a tree preservation order – TPO 62 (Willow) and TPO 367 (3no. Oaks and 2no. Spruce). It falls within Flood Zone 1.

4.3 Planning permission was refused in 2006 (ref. 06/01178/FUL), and subsequently dismissed on appeal in 2009, for the construction of four dwellings on the northern part of the site (0.29ha in size). The key issues that the application and appeal turned on were affordable housing provision and density. In both of these regards, the Inspector found that the lack of affordable housing provision due to only part of the larger developable area being developed and the lower density of below 14 dwellings per hectare did not accord with national and local planning policy. The decision pre-dates the National Planning Policy Framework, which was published in March 2012.

POLICY CONTEXT

4.4 The National Planning Policy Framework (NPPF, March 2012) places emphasis on achieving sustainable development, by establishing a presumption in favour of development that contributes to building a strong, competitive economy and supports a vibrant and healthy community, whilst contributing to the protection and enhancement of the natural and built environment. It goes on to set out twelve core land-use planning principles to underpin decision-taking. Those relevant to the proposal include: seeking high quality design and a good standard of amenity for all existing and future occupants of land and buildings; taking full account of flood risk; contributing to conserving and enhancing the natural environment and reducing pollution; encouraging the effective use of land by reusing previously developed land provided that it is not of high environmental value; conserving heritage assets in a manner appropriate to their significance; and, actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling. Individual chapters of the NPPF give further policy advice on these areas to assist decision-taking.

4.5 Although there is no formally adopted local development plan, the City of York Draft Local Plan (incorporating 4th set of changes, April 2005), has been adopted for development control purposes. Its policies are considered to be capable of being material considerations in the determination of planning applications, where relevant policies accord with the NPPF. The site is identified on the proposals map as lying within the main built-up area of the City, but has no specific allocation. Relevant policies are listed in section 2.2.

4.6 Policies in the emerging Local Plan are considered to carry very little weight in the decision making process given the early stage of the plan (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is a material consideration in the determination of planning applications. The site was considered as part of a larger site, H12, in the Site election Paper (June 2013), but was included as a housing site to be deleted from the publication draft in the Preferred Sites Consultation (July 2016) on the basis of deliverability and transport issues.

PRINCIPLE OF DEVELOPMENT

4.7 The NPPF promotes the approval of proposals that accord with the development plan or where the plan is absent, silent or out of date, planning permission should be granted unless the adverse impacts of doing so demonstrably outweigh the benefits when assessed as a whole. One of the core planning principles set out in the NPPF is the effective use of land through the reuse of land which has been previously developed providing it is not of high environmental value. The NPPF, however, excludes private residential gardens in built-up areas from the definition of previously developed land. Notwithstanding this, paragraph 49 of the NPPF states

that housing applications should be considered in the context of a presumption in favour of sustainable development. Local Plan Policy GP10 accords with paragraph 53 of the NPPF in that it seeks to resist inappropriate development of residential gardens, which would cause harm to the local area. Therefore, development of the land for residential purposes would only be supported in principle if it complies with the aims of the NPPF and the local policy requirements outlined in policies GP1, GP10 and H4a. That is, that the proposed development would provide high quality homes with a mixed community that would not be detrimental to the character and amenity of the local environment, would be of an appropriate scale and density and would not impact on existing landscape features.

4.8 The application site falls within the main urban area of the City and within a predominantly residential area. It is in a sustainable and accessible location, within walking distance of local facilities and public transport routes (though approximately 470m from Stockton Lane). Residential development of the land would be compatible with the surrounding land use. Therefore, the principle of development may be considered to be acceptable subject to further consideration being given to the impacts of the development on the character and appearance of the local area and trees.

ARCHAEOLOGY

4.9 Paragraph 135 requires the effect of an application on the significance of a non-designed heritage asset, such as heritage assets with archaeological interest, to be taken into account in determining an application. Draft Local Plan Policy HE10 reflects national planning guidance.

4.10 An archaeology desk based assessment has been submitted with the application. It concludes that the site contains no designated or non-designated heritage assets, but advises an archaeological watching brief as appropriate mitigation to assess if the site contains below ground archaeological deposits as the site is unsuitable for geophysical survey due to vegetation. The Council's Heritage Officer confirms that the site is in an area where there is archaeological interest with finds from the Romano-British period and, as such, considers that further archaeological investigation is required, secured by condition. The proposed mitigation would comply with the aims of the NPPF and Policy HE10.

BIODIVERSITY

4.11 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural local environment by, amongst other things, minimising impacts on biodiversity. Paragraph 118 requires LPAs to aim to conserve and enhance biodiversity, including the refusal of planning applications where significant harm cannot be avoided or adequately mitigated and where development would adversely affect Sites of Special Scientific Interest (SSSI), ancient woodland and

European protected sites. Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss. Draft Local Plan policies reflect this advice in relation to trees, protected species and habitats.

4.12 The site is not a SSSI, ancient woodland or European protected site. The application is supported by an Extended Phase 1 Habitat Survey, which confirms that there are no protected species or other important natural features present on site. The site is landscaped as is typical of residential gardens, with the most significant landscape features being the large trees within the site. The Inspector in the 2009 appeal accepted that the removal of the majority of the existing trees on site would not be detrimental to the character and appearance of the area, due to their size and the proposal to make better use of land. An Arboricultural Survey has been submitted in support of the application. During the course of the application, 5 no. trees were protected by the serving of a tree preservation order (TPO CYC367) in March 2017. The order covers 3no. Oaks and 2no. Spruces that are within the rear gardens of 83 and 85 Stockton lane and 24 Woodlands Grove, but which overhang the site boundary.

4.13 The Council's Landscape Architect had raised concerns about the proximity of the buildings and garages to the protected trees and the impact of the loss of approximately 55 no. trees from the site and replacement planting with only 5 no. trees. One of the trees to be removed is a Willow (no. 958), which is protected by TPO62-T2, but is considered to be unsuitable for retention because of its poor structure and condition. As a result of the concerns raised, the scheme has been revised so that buildings are further away from the protected trees and an increase in the number of replacement trees. The Landscape Architect now raises no objection to the proposal subject to conditions to cover tree protection and landscaping, though does consider that the relationship of buildings to trees remains tight.

4.14 In light of the above, and subject to conditions, the proposal would accord with national advice in paragraph 118 of the NPPF and local planning policies.

CHARACTER AND APPEARANCE

4.15 Chapter 7 of the NPPF gives advice on design, placing great importance to the design of the built environment. At paragraph 56, it says that good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. At paragraph 64, it advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. This guidance is reflected in Local Plan policies GP1 and GP10, which require development to respect or enhance the character and amenity of the local environment. In particular,

Policy GP10 only allows the sub-division of existing gardens to provide for new development where it would not be detrimental to the character and amenity of the local environment.

4.16 The site relates to garden land at the rear of houses on Stockton Lane. It is enclosed on all sides by housing of varying dates and differing layouts, form and style. These include two storey semi-detached properties on Stockton set in large linear plots, single and two storey detached properties on Woodlands Grove with generous gardens, dormer bungalows on Elmpark Vale and more modern two storey detached houses at the end of Greenfield Park Drive, with the exception of bungalow 45. All properties are of traditional construction using brick and tile with off-street parking and private gardens.

4.17 The Planning, Design and Access Statement includes within it a density count for the area north of Stockton Lane in support of the application, which states that the density for the whole of the area is 14 dwellings per hectare (dph), but within this area varies from 15.5 dph (Greenfield Park Drive character area D) to 27 dph (Elmpark Way character area C). Taking those dwellings within a 150m radius of the site (130 dwellings), there is a density of 18.6 dph. The development proposes a density of 15 dph, which the applicant considers is in keeping with the character of the surrounding area.

4.18 The proposed low density of the proposal and the decision of the Planning Inspector in the 2009 appeal against an application for the northern half of the site with a similar low density is noted. The Inspector found that the site could support a higher density scheme without harming the character and appearance of the area. However, this decision pre-dated the NPPF. One of the core planning principles of the NPPF is to encourage the effective use of land by reusing land that has been previously developed, but makes no specific reference to density. Whilst the Government is considering amending the NPPF to avoid building homes at low density and encouraging high-density in urban locations as set out in the Housing White Paper 'Fixing our broken housing market' (7 February 2017), it does not currently form part of national policy. Draft Local Plan Policy H5a 'Residential Density' would seek a density of 40 dph, and this policy is continued through to the emerging Local Plan. However, these plans are both draft documents and, whilst material considerations, could only be given weight where the policy is compliant with the NPPF. Therefore, despite concerns, in light of the lack of policy support, no objections are raised to the lower density of development proposed.

4.19 The layout of the development, which involves housing centred around a turning head from Greenfield Park Drive, is appropriate given the linear nature of the site. Whilst all properties are detached and have generous floor space, there are a mix of property size and design, with six different house designs ranging from 2 (possibly 3) bed bungalows to 5 (potentially 7) bed 2 1/2 storey houses. The site would appear as a continuation of the more modern houses on Greenfield Park

Drive, from which they would be accessed. No details have been provided of external materials or means of enclosure and so conditions would be required in the event of approval.

4.20 In light of the above, the proposal would accord with the aims of the NPPF and Draft Local Plan policies where compliant with the NPPF.

RESIDENTIAL AMENITY

4.21 One of the core principles of the planning system outlined in the NPPF is to seek a good standard of amenity for all existing and future occupants. Paragraph 120 of the NPPF also states that new development should be appropriate for its location to prevent unacceptable risks from pollution and land instability, with the responsibility for securing a safe development resting with the developer. Paragraph 123 in particular advises that planning decisions should avoid and mitigate any impacts from noise and light pollution. Policy GP1(i) of the 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.

4.22 The proposed houses are laid out so that front elevations face into the site and rear elevations face towards outer site boundaries. The spacing and orientation of the proposed dwellings, along with the external private amenity space to serve them, would maintain an acceptable level of amenity for future occupiers. The proposed development would clearly result in a change in outlook for neighbours, who currently overlook landscaped gardens that are some distance from the host dwellings. However, the planning system does not seek to protect private views across land in a different ownership. The presence of the protected trees, retention of hedging and proposed new planting at site boundaries would help to soften the urbanisation of the land.

4.23 Separation distances of at least 24m have been achieved between main habitable rooms where the rear elevations of the proposed houses face directly towards that of existing properties, which is considered sufficient to minimise any undue loss of privacy over and above what can reasonably be expected in a suburban area. The nearest relationship of new to existing is plot 9 to the adjacent house, no. 52 Greenfield Park Drive, which would be gable to gable with a separation distance of approximately 6m. Plot 9 has a long side elevation created by its L-shaped form at two storeys, which could potentially result in some casting of shadows to the front of no.52 in the afternoon. This elevation also has side openings at ground and first floor. The ground floor windows would serve a study and dining room and the doors would serve a garage and utility. The first floor windows would serve a bathroom and en-suite and would, therefore, be obscure glazed.

4.24 Two bungalows are included in the scheme on plots 2 and 3 in the south-western corner of the site that back onto two storey houses, whereas the houses to the south of those properties on Elmpark Vale - plots 7-9 - are 2 1/2 storey and back onto lower properties. It was suggested that the scheme be amended to provide more comparable dwellings within the northern section of the site, but the agent has pointed to the separation distances being achieved and the similar approved distances on the adjacent development to the east.

4.25 Concern has been expressed by residents on Greenfield Park Drive about the potential for disturbance from traffic associated with the development, particularly during construction. All construction work does have the potential to result in disturbance to residential amenity, though hours of working can be restricted to daytime hours and restrict working on Sundays and Bank Holidays. Once complete, it is considered that the traffic that would be generated from the additional 9 houses on Greenfield Park Drive would be negligible.

4.26 A desk-based contamination report was submitted with the application, which identifies a low chance of potential contamination on site. Public Protection has not raised any objection to the scheme subject to conditions to restrict hours of construction given the proximity of neighbouring properties, to require CYC to be notified of unexpected contamination and to require the provision of an electric vehicle charge point at each property in line with paragraph 35 of the NPPF and the Council's Low Emissions Strategy (2012).

4.27 Overall, the proposal would be unlikely to cause demonstrable harm to residential amenity that neighbours can reasonably expect in a suburban area and an acceptable level of amenity would be provided to future occupants, in line with one of the core principle in the NPPF and reflected in Policy GP1 of the Draft Local Plan.

ACCESS, PARKING AND HIGHWAY SAFETY

4.28 The NPPF encourages sustainable travel and the location of development in sustainable and accessible locations. The site is within an existing established predominantly residential area and within walking distance of a public transport route and within easy reach of the city centre.

4.29 Local residents of Greenfield Park Drive have raised concerns about the suitability of this road as the proposed access and, as mentioned, the site was deleted from the Local Plan Preferred Sites Consultation document 2016 partly due to the need for further assessment of the access arrangements.

4.30 The proposal has been considered by CYC Network Management, who raise no objections on highway safety grounds due to the limited traffic likely to be generated from 9 dwellings and the negligible impact this would have on Greenfield

Park Drive. Revisions were made at the request of the section to allow the incorporation of a refuse collection space adjacent to the site entrance, thereby negating the need to adopt any of the highway beyond the existing adopted highway. Sufficient parking for residents and visitors is included in the scheme. Conditions are requested relating to provision of car and cycle parking.

FLOOD RISK AND DRAINAGE

4.31 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 (paragraph 100). This advice is reflected in Draft Local Plan Policy GP15a.

4.32 The application site is located within low risk Flood Zone 1 and should not, therefore, suffer from river flooding. Concerns have been raised by local residents about the potential exacerbation of existing surface water problems in the area as well as the future of the open ditch between the site and the properties on Elmpark Vale. Drainage information has been submitted with the application. Foul water is proposed to be discharged to the foul water sewer on Greenfield Park Drive. Surface water drainage is proposed to be discharged to the existing surface water sewer on Greenfield Park Drive, which would be fitted with a flow control at point of discharge. The agent has confirmed that the existing ditch lies outside the planning application site.

4.33 Yorkshire Water and the Internal Drainage Board have raised no objections subject to conditions. The Council's Flood Risk Engineer has considered the drainage information submitted with the application and has sought further clarification. He raises no objection in principle subject to conditions to agree outstanding details. On this basis, the engineer does not envisage that flooding in surrounding gardens will be increased as a result of the development. Therefore, the proposal accords with advice in the NPPF and Draft Local Plan Policy GP15a.

5.0 CONCLUSION

5.1 The proposal involves the erection of 9 no. detached dwellings on a parcel of land within a predominantly residential environment that lies within the main urban area of York. It is in a sustainable and accessible location at a low risk of flooding and is compatible with the surrounding area. The proposal would respect the character and amenity of the local environment, without adversely affecting highway safety. Archaeology can be adequately mitigated. Revisions have been made to the scheme to address issues raised by officers relating to protected trees and residential amenity, and further clarification has been provided on drainage. In light of the above, the application is recommended for approval as, subject to the imposition of conditions, it complies with national and local planning policy.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

- Drawing no. 517/01H 'Site layout sections and location', dated 2 May 2017;
- Drawing no. 517/02B 'Plots 1 and 2', dated 2 May 2017;
- Drawing no. 517/03A 'Plots 4, 5, 8 and garages', dated 2 May 2017;
- Drawing no. 517/04 'Plots 6 and 7', dated December 2016;
- Drawing no. 517/05B 'Plot 9', dated 26 June 2017;
- Drawing no. 517/06A 'External Works Details', dated 22 December 2016;
- Drawing no. 517/07B 'Sections CC and DD', dated 2 May 17;
- Drawing no. 517/08 'Plot 3' dated May 2017;
- Drawing no. 2714/4 Rev.B 'Detailed Landscape Proposals', dated 20 April 2017;

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

3 A) Prior to the commencement of development a written scheme of investigation (WSI) shall be submitted to and approved in writing by the local planning authority. No archaeological evaluation shall take place until the WSI has been agreed. The WSI should conform to standards set by 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. Note: This part of the condition shall only be satisfied when these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.

D) Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an

amendment to the original WSI. It should be understood that there shall be presumption in favour of preservation in-situ wherever feasible.

E) No development shall take place until:

- details in D have been approved and implemented on site
- provision has been made for analysis, dissemination of results and archive deposition has been secured
- a copy of a report on the archaeological works detailed in Part D should be deposited with City of York Historic Environment Record within 6 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site lies within an area of archaeological interest. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ. This condition is imposed in accordance with Section 12 of NPPF. This condition is required to be prior to commencement of development in order to ensure that no archaeological features or deposits are adversely affected by any works carried out at the site.

4 Before the commencement of development including excavations and building operations, an Arboricultural Method Statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. Amongst others, this statement shall include details and locations of protective fencing, site rules and prohibitions, phasing of works, site access during preparation and construction, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, locations for stored materials, locations and means of installing utilities, location of site compound and marketing suite. A copy of the document will be available for inspection on site at all times.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area and/or development. This condition is required to be prior to commencement of development in order to ensure that no protected trees are adversely affected by any works carried out at the site.

5 The approved detailed landscape proposals shown on drawing no. 2714/4 Rev.B, 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 substantial completion of the planting, 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 the Local Planning Authority agrees alternatives in writing. Any works to existing trees that are protected by a tree preservation order (TPO) are subject to local authority approval within and beyond this five year period.

Reason: The landscape scheme provides environmental mitigation and is integral to the amenity of the development.

6 No construction works shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the local planning authority. Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal.

7 NOISE7 Restricted hours of construction

8 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. 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.

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

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

10 HWAY18 Cycle parking

11 HWAY19 Car parking provision

12 No construction works shall commence until details of the junction between the internal access road and the highway shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety.

13 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.

14 A three pin 13 amp external electrical socket shall be installed within each garage or on the drive of each of the approved properties prior to its occupation. The sockets shall be located in a suitable position to enable the charging of an electric vehicle on the driveway using a 3m length cable.

Note: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. Where located externally it should also have a weatherproof cover and an internal switch should be also provided in the property to enable the socket to be turned off.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles.

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 below shall not be erected or constructed:

A) Classes A (extensions) and E (outbuildings) of Schedule 2 Part 1 of that Order removed for plots 1, 4, 5, 7 and 8;

B) Class B (roof alterations) of Schedule 2 Part 1 of that Order removed for plots 7, 8 and 9.

Reason: In the interests of the (A) protecting the long term viability of the protected trees and (B) protecting 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.

7.0 INFORMATIVES:

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 (paragraphs 186 and 187) 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:

- Pre-application advice;
- Revisions to address areas of concern including proximity of building to trees and highway matters;
- Further information sought regarding drainage;
- Imposition of conditions to mitigate potential identified harm.

2. INF11 - Control of Pollution Act 1974

3 INF1 – Streetworks Special Permission – Stuart Partington

Contact details:

Author: Hannah Blackburn, Development Management Officer

Tel No: (01904) 551325

16/02923/FUL

Garden Land Lying To The Rear Of 79 to 85 Stockton Lane



Scale : 1:2022

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	26 June 2017
SLA Number	Not Set

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Planning Committee

12 July 2017

Area Planning Sub Committee

6 July 2017

Appeals Performance and Decision Summaries

Summary

1. This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 January and 31 March 2017, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals at date of writing is also included.

Background

2. Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. The Government propose to use the quarterly statistical returns as one of a number of measures to assess the performance of local planning authorities. To assess the quality of decisions, this will be based on the number of decisions that are subsequently overturned at appeal. The threshold whereby a Local Planning Authority is eligible for designation as under-performing is 10% of the Authority's total number of decisions on applications made during the assessment period being overturned at appeal.
3. The tables below include all types of appeals such as those against refusal of planning permission, against conditions of approval, listed building applications and lawful development certificates. Table 1 shows results of appeals decided by the Planning Inspectorate, for the quarter 1 January to 31 March 2016, Table 2 shows performance for the 12 months 1 April 2016 to 31 March 2017.

Table 1: CYC Planning Appeals Last Quarter Performance

	01/01/17 to 31/03/17 (Last Quarter)	01/01/16 to 31/03/16 (Corresponding Quarter)
Allowed	3	0
Part Allowed	0	0
Dismissed	6	5
Total Decided	9	5
% Allowed	33%	0%
% Part Allowed	-	-

Table 2: CYC Planning Appeals 12 month Performance

	01/04/16 to 31/03/17 (Last 12 months)	01/04/15 to 31/03/16 (Corresponding 12 month period)
Allowed	7	4
Part Allowed	3	0
Dismissed	32	29
Total Decided	42	33
% Allowed	17%	12%
% Part Allowed	7%	-

Analysis

4. Table 1 shows that between 1 January and 31 March 2017, a total of 9 appeals were determined by the Planning Inspectorate. Of those, 3 were allowed. None of these appeals related to “major” developments. By comparison, for the same period last year, out of 5 appeals 0 were allowed (0%), 0 were part allowed (0%). Using the assessment criteria set out in paragraph 2 above, 0.8% of the total decisions made in the quarter were overturned at appeal.
5. For the 12 months between 1 April 2016 and 31 March 2017, 17% of appeals decided were allowed, which is below the national percentage figure of 33% of appeals allowed, but slightly up on the previous 12 month figure. Using the assessment criteria set out in paragraph 2 above, 0.4% of the total decisions made in the 12 month period were overturned at appeal.
6. The summaries of appeals determined between 1 January and 31 March 2017 are included at Annex A. Details as to of whether the application was dealt with under delegated powers or by committee are included with each summary. In the period covered three appeals were determined following a decision at sub-committee/committee.

Table 3: Appeals Decided 01/01/2017 to 31/03/2017 following refusal by Sub-Committee/Committee

Ref No	Site	Proposal	Officer Recom.	Appeal Outcome
16/018 92/FUL	4 Heathfield Road	Two storey, single storey and roof extensions	Approve	Allowed
16/009 52/FUL	Church Lane, Wheldrake	Siting of 4 seasonal tents	Refuse	Dismissed
16/012 51/FUL	Poppleton Garden Centre, Northfield Lane	Use of land as car wash including storage container and canopy	Refuse	Dismissed

7. The list of current appeals is attached at Annex B. There are 13 planning appeals lodged with the Planning Inspectorate (excluding tree related appeals but including appeals against enforcement notices).
8. We continue to employ the following measures to ensure performance levels are maintained at around the national average or better:
 - i) Officers have continued to impose high standards of design and visual treatment in the assessment of applications provided it is consistent with Paragraph 56 of the NPPF and draft Development Control Local Plan Policy.
 - ii) Where significant planning issues are identified early with applications, revisions are sought to ensure that they can be recommended for approval, even where some applications then take more than the 8 weeks target timescale to determine. This approach is reflected in the reduction in the number appeals overall. This approach has improved customer satisfaction and speeded up the development process and, CYC planning application performance still remains above the national performance indicators for Major, Minor and Other application categories.
 - iii) Additional scrutiny is being afforded to appeal evidence to ensure arguments are well documented, researched and argued.

Consultation

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

Council Plan

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

Implications

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

Risk Management

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

Recommendation

16. That Members note the content of this report.

Reason

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

Contact Details

Author:

Gareth Arnold
Development Manager,
Directorate of Economy
and Place

Chief Officer Responsible for the report:

Mike Slater
Assistant Director (Planning and Public
Protection)

**Report
Approved**



Date 27 June
2017

Specialist Implications Officer(s) None.

Wards Affected:

All

For further information please contact the author of the report.

Annexes

Annex A – Summaries of Appeals Determined between 1 January and
31 March 2017

Annex B – Outstanding Appeals at 27 June 2017

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Appeal Summaries for Cases Determined 01/01/2017 to 31/03/2017

Application No: 16/00384/FUL
Appeal by: Mr Shaun Yeomans
Proposal: Conversion of existing garage into 1 no. self contained residential unit (retrospective)
Address: 30 Monkton Road York YO31 9AX

Decision Level: DEL
Outcome: ALLOW

The application site is located in a short cul-de-sac which runs between no.30 Monkton Road and St Paulinus Church. The surrounding area is residential. The application sought retrospective permission for the conversion of a detached garage into a self-contained dwelling unit. The application building was approved as a domestic garage in September 2014. The application was refused on the grounds that it represented overdevelopment, which provided a poor level of amenity and space for the occupants of the new unit and substantially diminished that of the occupants of no.30 Monkton Road. In addition the division of the rear curtilage of no.30 into two separate gardens resulted in substandard external curtilages and detracted from the character of the area. It also potentially set an unacceptable precedent for the potential severe erosion of the character of residential areas throughout the city. The Inspector noted there were no concerns over internal living standards. He considered that the garden area of the appeal building was proportionate in size and would not preclude the undertaking of a normal range of activities. Although the front curtilage would not meet parking standards he felt it could accommodate refuse/recycling and a small car. He felt the garden left for 30 Monkton Road was of a reasonable size. He dismissed the LPA's concerns over the sub-division into two curtilages stating that the building had already been permitted and there was 'no impact in this respect thereof'. The only other significant works were the erection of fencing which he considered was not uncharacteristic. In terms of precedent he did not consider the specifics of the appeal site to be particularly commonplace, that a genuinely comparable scheme would be likely to be acceptable and that the LPA would be able to resist any development which could be shown to be likely to cause demonstrable harm. The appeal was allowed.

Application No: 16/00601/ADV
Appeal by: Mr Paul Harris
Proposal: Display of 2 no. internally illuminated signs (retrospective) and programmable message board
Address: The Acomb Kingsway West York YO24 3BA

Decision Level: DEL

Outcome: DISMIS

The appeal related to the display of two large internally illuminated fascia signs and a programmable message board. The inspector agreed that the fascia signs were of a substantial size being approximately 0.7 metres in height and a combined width of 8.5 metres in length resulted in an overly dominant visual impact on both the existing building and the wider area. The colour and illumination exacerbated the visual impact. The message board appeared as an incongruous addition to the building and the Inspector agreed that it would be a distraction to highway users when approaching the adjacent roundabout due to the generally small size of the text, the extent and detail of information being provided, and the animated and moving format of the message board.

Application No: 16/00952/FUL
Appeal by: Derwent Valley Glamping
Proposal: Erection of four seasonal tents utilising existing access, the creation and maintaining of a footpath link, and the incorporation of a habitat enhancement plan (resubmission)
Address: Land At Grid Reference 469030 444830 Church Lane Wheldrake York

Decision Level: CMV

Outcome: DISMIS

The proposal related to a small scale camping proposal in close proximity to the Lower Derwent Valley National Nature Reserve and its associated viewing platform. It was a re-submission of an earlier scheme that had previously been refused permission on Green Belt grounds. The re-submitted proposal included a detailed habitat enhancement scheme and a footpath link to the National Nature Reserve. It was however considered that notwithstanding the nature of the revisions an appropriate case for "very special circumstances" as required under paragraphs 87 and 88 of the NPPF had not been forthcoming and planning permission was refused once again. The appellant contended that the proposed tents by virtue of their substantial nature and degree of annexation to the ground were buildings and that they benefitted from partial exclusion from the definition of inappropriate development within paragraph 89 covering appropriate buildings for sport and recreation purposes. The Inspector strongly disagreed with this line of reasoning and indicated his view that the proposal was for a change of use which was by definition inappropriate development and that the curtilage which would accommodate the tents and associated activity would in any case be harmful to the open character of the Green Belt. The appeal was therefore dismissed.

Application No: 16/01251/FUL
Appeal by: Mr James Edwards
Proposal: Change of use of part of car park to a car wash facility including the siting of a storage container and the erection of a free-standing canopy, and fence and screening to boundary. (Part retrospective)
Address: Poppleton Garden Centre Northfield Lane Upper Poppleton York YO26 6QF
Decision Level: COMPV
Outcome: DISMIS

The application was for the change of use of part of car park to a car wash facility including the siting of a storage container and the erection of a free-standing canopy, and fence and screening to boundary. With the exception of the fence and screening the application was retrospective. The application was refused on harm to the greenbelt and harm to visual amenity and character. The Inspector agreed with the council regarding the harm to the visual amenity: stating that due to the design, colour and temporary appearance together with their siting in a prominent location on a main approach into York, the container and canopy are incongruous and visually intrusive features which have a harmful effect on the character and appearance of the area. The economic benefits of the proposal were not considered to outweigh the harm. The Inspector questioned the green belt status of the site, given that the site may be allocated for housing in the emerging local Plan. The Inspector stated that if the appeal was not being refused on the harm to the visual amenity and character of the area they would have sought a hearing in order to discuss the green belt issues in detail.

Application No: 16/01291/FUL
Appeal by: Mr Urbanski
Proposal: Single storey front porch extension and installation of bay window to front and replacement window to first floor
Address: 12 Church Lane Bishopthorpe York YO23 2QG

Decision Level: DEL

Outcome: ALLOW

The application site is situated on the south side of Church Lane, Bishopthorpe. The proposals included a single storey front porch extension, the installation of a bay window and a replacement window to the front elevation of the host mid terraced, two storey dwelling house dating from the late nineteenth century and located in Bishopthorpe Conservation Area. The application was refused on the grounds that the single storey front porch extension would obscure one of the pair of front entrance doors at nos 12 and 14 Church Lane in public views, would detract from the symmetry and rhythm of the openings of this part of the principal elevation of the terrace, and would fail to preserve the character and appearance of this part of the conservation area. The inspector considered that there is some variation in the appearance of the front elevations of individual properties within the terrace and that taken as a whole, the terrace does not have a strong rhythm and that the individual properties do not have a significant appearance of symmetry. Due to the variation in the appearance of the host property and its neighbours, the inspector considered that the proposed porch would not detract from the character of the terrace or the wider conservation area. With regard to living conditions, the inspector concluded that the front porch would not harm the living conditions of residents at no. 14 Church Lane with regard to light and outlook. The appeal was allowed.

Application No: 16/01666/FUL
Appeal by: Mr John McGarry
Proposal: Single storey side extension (resubmission) and alterations to roof of existing single storey rear extension
Address: 43 West Thorpe York YO24 2PP

Decision Level: DEL

Outcome: DISMIS

The appeal property is a semi-detached dwelling set at the junction between West Thorpe and Chaloners Road within a largely residential area. This application sought permission for a mono-pitched roof single-storey side extension (to the side of an existing two-storey side extension) to form additional living space; along with alterations to the roof of an existing single storey rear extension. The host dwelling had already been extended by the addition of a two-storey side and rear extension, single storey rear extension and detached garage. The alterations to the roof of the existing single storey rear extension was considered acceptable, but the application was refused on the grounds that due to the prominent corner location of the site, the appearance of the proposed side extension, when viewed together with the existing extensions, would not appear subservient to the host dwelling and would represent a disproportionate further addition that would have an adverse impact on the character and appearance of this dwelling and it would further erode space to the side boundary which is characteristic of the area and would project beyond the building line of Chaloners Road which is considered detrimental to the streetscene in general. The inspector considered that existing extensions already exacerbated the visual prominence of the dwelling within the street scene and upon the building line with Chaloners Road, thus agreed that this further extension would result in an adverse impact on the character and appearance of the host dwelling and the area. The appeal was dismissed.

Application No: 16/01740/FUL
Appeal by: Mrs Christine Gray
Proposal: Change of use of dwelling (use class C3) to House in Multiple Occupation (use class C4)
Address: 52 Heslington Road York YO10 5AU

Decision Level: DEL
Outcome: DISMIS

The application was for the change of use of a dwellinghouse within use class C3 to a House in Multiple Occupation (class C4). The existing density levels for HMOs were 35% at street level and 23% at neighbourhood level. The Inspector noted a difference in character, between existing HMO's in the immediate neighbourhood and properties which are family dwellings. He did not accept the applicant's argument that the property could not be successfully marketed as a family home. The Inspector gave moderate weight to CYC policies where they were consistent with the NPPF. He concluded that the proposal would, if implemented, add to the imbalance within the community.

Application No: 16/01892/FUL
Appeal by: Mr D Rose
Proposal: Two storey and single storey side and rear extensions, hip to gable roof extension and dormer to rear
Address: 4 Heathfield Road York YO10 3AE

Decision Level: CMV
Outcome: ALLOW

The application sought permission for a two storey and single storey side and rear extensions, hip to gable roof extension and dormer to rear. The existing property was a 4 bed HMO. Officers considered that there would not be an unacceptable impact on the amenities of nearby residents or the streetscene and the application was recommended for approval. Sub-Committee refused the application on the grounds of overdevelopment that would result in significant harm to no.3 Heathfield Road and also because the closing of the gap between dwellings would result in significant harm to the appearance of the streetscene. In allowing the appeal the Inspector considered that a significant gap would be retained between the application property and no.3 Heathfield Road and did not consider that the proposal would give rise to any unacceptable overbearing effects. Whilst the proposed development would have some effect on light for the flank wall windows of no.3, he did not consider that any such loss of light would give rise to significant harm to the living conditions of the occupiers. In respect of car parking and access issues, he observed the narrow width of the street but considered that the proposed provision of 2 off-street parking spaces and cycle parking to be adequate to meet the needs of the proposal.

Decision Level:

DEL = Delegated Decision

COMM = Sub-Committee Decision

COMP = Main Committee Decision

Outcome:

ALLOW = Appeal Allowed

DISMIS = Appeal Dismissed

PAD = Appeal part dismissed/part allowed

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Outstanding appeals

Officer: Carolyn Howarth					Total number of appeals:	2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
20/04/2017	17/00012/REF	APP/C2741/D/17/3172865	H	211 Hamilton Drive West York YO24 4PL	Single storey side extension	
17/05/2017	17/00018/REF	APP/C2741/D/17/3173686	H	Glen Cottage Stripe Lane Skelton York YO30 1YJ	First floor side extension including dormers to front and rear	
Officer: Erik Matthews					Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
22/08/2016	16/00040/NON	APP/C2741/W/16/3158773	W	Country Park Pottery Lane Strensall York YO32 5TJ	Replacement managers lodge and laundry building (retrospective)	
Officer: Esther Priestley					Total number of appeals:	3
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
29/09/2016	16/00041/TPO	APP/TPO/C2741/5453	W	Two Oaks 39 York Road Strensall York YO32 5UB	Fell Oak tree (T1) protected by Tree Preservation Order No.: 1975/1	
12/05/2014	14/00017/TPO	APP/TPO/C2741/3909	W	14 Sails Drive York YO10 3LR	Fell Silver Brch (T3,T11), Mountain Ash (T5), Oak (T8), Trees protected by Tree Preservation Order CYC15	
09/05/2014	14/00015/TPO	APP/TPO/C2741/3907	W	7 Quant Mews York YO10 3LT	Crown Reduce Silver Birch (T1,T2), Trees protected by Tree Preservation Order CYC 15	
Officer: Elizabeth Potter					Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
07/06/2017	17/00022/REF	APP/C2741/D/17/3172097	H	Chelsea Cottage York Road Deighton York YO19	Two storey side extension, single storey side and front extensions following demolition of existing detached garage and domestic outbuilding.	
Officer: Heather Fairy					Total number of appeals:	2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
16/05/2017	17/00019/REF	APP/C2741/W/17/3171888	W	Site Lying To The Rear Of 1 To 9 Beckfield Lane York	Erection of 11no. dwellings with associated access road and parking	
02/06/2017	17/00020/REF	APP/C2741/W/17/3174277	W	Knapton Grange Main Street Knapton York YO26	Erection of replacement garage with accommodation in the roof	

Officer: Matthew Parkinson					Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
17/06/2011	11/00026/EN	APP/C2741/C/11/2154734	P	North Selby Mine New Road To North Selby Mine	Appeal against Enforcement Notice	
Officer: Paul Edwards					Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
06/06/2017	17/00021/REF	APP/C2741/D/17/3175678	H	2 Minster View Wigginton York YO32 2GN	Single storey side extension	
Officer: Sandra Duffill					Total number of appeals:	3
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
05/05/2017	17/00015/REF	APP/C2741/W/17/3170543	W	The Greyhound Inn 5 York Street Dunnington York	Variation of condition 2 of permitted application 14/02990/FUL to alter approved bow windows to bay windows and change window material from timber to UPVC	
05/05/2017	17/00017/REF	APP/C2741/Y/17/3171348	W	110 Holgate Road York YO24 4BB	Internal and external alterations including two storey rear extension and dormer to rear following demolition of existing single storey rear extension and associated internal alterations including alterations to internal layout.	
05/05/2017	17/00016/REF	APP/C2741/D/17/3171324	W	110 Holgate Road York YO24 4BB	Two storey rear extension and dormer to rear	
Officer: Sharon Jackson					Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
26/04/2017	17/00014/REF	APP/C2741/D/17/3171171	H	4 Minster Close Wigginton York YO32 2GP	First floor rear extensions including an increase in the size of existing dormer window	
Officer: Victoria Bell					Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
19/06/2017	17/00023/REF	APP/C2741/W/17/3176560	W	Holly Tree Farm Murton Way York YO19 5UN	The erection of single storey 2 bedroom dwelling to be used as a holiday let following the partial demolition of the stable building (retrospective)	
Total number of appeals:					16	

**Area Planning Sub-Committee**

6 July 2017

Planning Enforcement Cases - Update**Summary**

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

Background

2. Members have received reports on the number of outstanding enforcement cases within the Sub-Committee area, on a quarterly basis, since July 1998, this report continues this process for the period 1 February 2017 to 30 April 2017.
3. The lists of enforcement cases are no longer attached as an annexe to this report. The relevant cases for their Ward will be sent to each Councillor by email as agreed by the Chair of the Planning Committee.
4. Section 106 Agreements are monitored by the Enforcement team. A system has been set up to enable Officers to monitor payments required under the Agreement.

Current Position

5. Across the Council area 161 new enforcement investigation cases were received and 226 cases were closed. A total of 737 investigations remain open.
6. During the quarter one Enforcement Notice was served.
7. Members will be updated with the status of the section 106 monitoring report at the meeting.

Consultation

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

Options

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

Council Plan

10. The Council priorities for Building strong Communities and Protecting the Environment are relevant to the Planning Enforcement function. In particular enhancing the public realm by helping to maintain and improve the quality of York's streets and public spaces is an important part of the overall Development Management function, of which planning enforcement is part of.

Implications

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

Risk Management

11. There are no known risks.

Recommendations

12. That members note the content of the report.

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

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

Contact Details

Author:

Report Author:
Gareth Arnold
Development Manager

Tel No: (01904) 551320

Directorate: Economy and
Place

Chief Officer Responsible for the report:

Chief Officer's name
Michael Slater

Assistant Director (Planning and Public
Protection)

**Report
Approved**



Date 27/06/2016

Specialist Implications Officer(s)

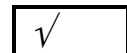
Financial

Legal:

Patrick Looker

Andrew Docherty

Wards Affected: *All Wards*



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