



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

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

Date: Thursday, 30 November 2017

Time: 4.30 pm

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

A G E N D A

Sub Committee Site Visits

Would Members please note that the mini-bus for the site visits for this meeting will depart from Memorial Gardens at **10:00am on Wednesday 29 November 2017**

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. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officers on the contact details listed at the foot of this agenda. The deadline for registering is at **5.00pm on Wednesday 29 November 2017**.

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The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at http://www.york.gov.uk/download/downloads/id/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809.pdf

3. Plans List

To determine the following planning applications:

a) 31 Gillygate, York, YO31 7EA (17/02222/FUL)
(Pages 5 - 14)

Conversion of large House in Multiple Occupation to dwelling (use class C3) and 2no. holiday letting bedrooms within basement. Alterations to rear elevation including extension to rear balcony [Guildhall Ward] **[Site Visit]**

b) Grove House, 40 - 48 Penleys Grove Street, York, YO31 7PN (17/01129/FULM)
(Pages 15 - 40)

Conversion and part demolition of former care home (use class C2) to provide 32 no. apartments (use class C3) with external alterations, new raised roof and first floor rear extension. [Guildhall Ward] **[Site Visit]**

- c) **31 Malvern Avenue, York, YO26 5SF**
(17/01247/FUL) (Pages 41 - 54)
Change of use from dwelling (use class C3) to House in Multiple Occupation (use class C4), single storey cycle store and dormers to side and rear. [Holgate Ward]
- d) **Rowntree Wharf, Navigation Road, York**
(17/01905/FULM) (Pages 55 - 76)
Partial conversion of ground and first floor offices into 14 residential apartments (use class C3). [Guildhall Ward]
[Site Visit]
- e) **Rowntree Wharf, Navigation Road, York**
(17/01906/LBC) (Pages 77 - 84)
Internal alterations associated with partial conversion of ground and first floor offices to 14 no. apartments. [Guildhall Ward]
[Site Visit]
- f) **Holly Tree Farm, Murton Way, York, YO19 5UN**
(17/01935/FUL) (Pages 85 - 92)
Two storey side and single storey rear extensions (resubmission) [Osballdwick and Derwent Ward]
- g) **Deighton Lodge Limited, Rush Farm (Game Farm), York Road, Deighton, York**
(17/02380/FUL) (Pages 93 - 106)
Variation of condition 4 of permitted application 16/00267/FUL to increase number of events from 15 to 25 in total in any calendar year and condition 3 to allow the side garden to be used for wedding ceremonies. [Wheldrake Ward] **[Site Visit]**

4. Appeals Performance and Decision Summaries
(Pages 107 - 126)

This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 July and 30 September 2017, and provides a summary of the salient points from appeals determined in that period.

5. Urgent Business

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

Democracy Officer:

Catherine Clarke and Louise Cook (job share)

Contact details:

- Telephone – (01904) 551031
- Email catherine.clarke@york.gov.uk and louise.cook@york.gov.uk

(If contacting by email, please send to both Democracy Officers named above).

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 29 November 2017**

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

TIME (Approx)	SITE	ITEM
10:20	Rush Farm (Game Farm) York Road Deighton	3g
11.10	Rowntree Wharf Navigation Road	3d & 3e
11.45	Grove House 40 - 48 Penleys Grove Street	3b
12.15	31 Gillygate	3a

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Abbreviations commonly used in Planning Reports

(in alphabetical order)

AOD	above ordnance datum
BREEAM	building research establishment environmental assessment method
BS	British standard
CA	conservation area
CIL	Community Infrastructure Levy (Regulations)
CEMP	construction environmental management plan
CYC	City of York Council
DCLP	Draft Development Control Local Plan 2005
DCSD	Design Conservation and Sustainable Development team
dB	decibels
DEFRA	Department for Environment, Food and Rural Affairs
EA	Environment Agency
EDS	ecological design strategy
EIA	environmental impact assessment
EPU	Environment Protection Unit
FRA	flood risk assessment
FTE	full time equivalent
FULM	major full application
GCN	great crested newts
HGV	heavy goods vehicle
IDB	internal drainage board
IPS	interim planning statement
LBC	listed building consent
LGV	large goods vehicle
LPA	local planning authority
NERC	Natural Environment and Rural Communities Act (2006)
NHBC	National House Building Council

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
OAN	objectively assessed need
OUTM	major outline application
PROW	public right of way
RAM	reasonable avoidance measures
RTV	remedial target value
RSS	Regional Spatial Strategy
SHMA	Strategic Housing Market Assessment
SINC	Site of Interest for Nature Conservation
SHLAA	Strategic Housing Land Availability Assessment
SFRA	Strategic Flood Risk Assessment
SPD	Supplementary Planning Document
TPO	tree preservation order
TRO	Traffic Regulation Order
VDS	village design statement
WSI	written scheme of investigation
VAS	vehicle activated signage
VOA	Valuation Office Agency
WHO	World Health Organisation

COMMITTEE REPORT

Date: 30 November 2017 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 17/02222/FUL
Application at: 31 Gillygate York YO31 7EA
For: Conversion of large House in Multiple Occupation to dwelling (use class C3) and 2no. holiday letting bedrooms within basement. Alterations to rear elevation including extension to rear balcony
By: Mrs Tina Gavin
Application Type: Full Application
Target Date: 22 November 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 Permission is sought for a conversion of 31 Gillygate from House in Multiple Occupation (Sui Generis) to dwelling with 2no. holiday letting bedrooms at basement level. The works are partly retrospective, with work ongoing. The only alterations to the external elevations is an extension to the rear balcony serving the ground floor and the installation of bi-fold doors to rear serving the newly formed open-plan ground floor living/kitchen/dining areas. The letting bedrooms have their own entrances and have no internal connection to the upper floors. Parking is provided for the main dwelling by way of the existing garage (1 no. parking space), however no parking is offered for the holiday lets.

1.2 The application has been called to committee by Cllr. Flinders due to impact of the proposed balcony, which would not be in keeping with the surrounding properties 31-37 Gillygate.

RELEVANT PLANNING HISTORY

1.3 Change of use to 7 bedroom HMO - 11/03070/FUL approved January 2012.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Conservation Area GMS Constraints: Central Historic Core CONF

2.2 Policies:

Draft Development Control Local Plan

CYGP1	Design
CYH7	Residential extensions
CYHE3	Conservation Areas
CYV1	Criteria for visitor related devt

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 Experience of dealing with other applications on this road has shown noise to be an issue. It is likely that to address the noise from traffic on Gillygate, upgraded glazing would be required, this glazing should be adequate to attenuate the road traffic noise to a satisfactory level. In order to determine what level of glazing is required we would expect a noise report on the existing noise climate with a proposal for a scheme of glazing to address the noise levels.

Design, Conservation and Sustainable Development

3.2 The development lies in an area of archaeological importance. An operation notice informative is required to be added re. any works required for the installation of the basement bathrooms.

EXTERNAL

Guildhall Planning Panel

3.3 Object to the balcony which is considered to disrupt the balance of the building and does not use the lintels.

Publicity and Neighbour Notification

3.4 One objection has been received from the owner of both neighbouring dwellings, 29 and 33 Gillygate. The following issues have been raised:

- work is ongoing without consent
- the open plan structure has resulted in a change to the acoustics with noise being heard through the walls
- the external alteration to the door and window are out of character and the lintel doesn't line up with the soldier courses.

- parking issues relating to use of basement as holiday lets. No parking provision for these properties.
- the balcony could cause a loss of privacy to the raised garden of no. 29

4.0 APPRAISAL

KEY ISSUES:-

- Principle of use
- Visual impact on the dwelling and the conservation area
- Impact on residential amenity

RELEVANT PLANNING POLICY

4.1 The National Planning Policy Framework (March 2012) sets out 12 core planning principles that should underpin both plan-making and decision-taking. Of particular relevance here is 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 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. 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.

4.2 Paragraph 132 of the NPPF 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.

4.3 The draft Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF. Policies GP1 (Design) and H7 (Residential Extensions) require that residential extensions appear subservient to the main dwelling, do not detract from the street scene and do not cause significant harm to residential amenity with regards to loss of light, privacy or outlook. Policy HE3 states that within conservation areas, proposals will only be permitted where there is no adverse effect on the character and appearance of the area. Policy V1 states that visitor related developments will be encouraged. Account

will be taken of whether the proposal has made adequate servicing arrangements; is accessible to public transport routes; will result in increased traffic, parking, cycles and pedestrian movement on the public highway and pedestrian/cycle routes; is likely to improve the prosperity of the tourism industry and the City's economy; will adversely impact on the reasonable use and enjoyment of adjacent buildings and land; and adversely impact on the countryside setting of the City.

4.4 The Council have an approved Supplementary Planning Document 'House Extensions and Alterations' dated December 2012 which provides guidance on all types on domestic types of 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/streetscene 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. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook. Guidance in sections 3, 4, 5, 7 and 13 are relevant to the determination of the application.

THE SITE

4.5 The host building is a four storey (including basement) mid terraced dwelling situated just outside of the City Walls in a busy street comprising a mix of residential and commercial premises. The property has been operating as a large house in multiple occupation under a planning permission granted in 2012. There is a detached rear garage and pedestrian access via St Giles Court.

APPRAISAL

Principle of Use

4.6 It is considered that the proposed use as a single dwellinghouse with 2no. holiday letting bedrooms would be likely result in a similar, or possibly lower residential occupancy of the site than the present HMO use. The holiday lets would be would be small with limited facilities suggesting that occupiers would be most likely to be short stay visitors. It is not considered that the turnover of short-stay visitors in this location would be harmful to residential amenity. Concerns have been raised by the neighbouring property owner regarding a lack of proposed parking and whilst there would be no parking available on site for the letting rooms, the city centre location would provides public transport links and parking is available in near-by public car parks. The property has previously been occupied by up to 7no. individuals with only one car parking space.

4.7 Gillygate is a street with high levels of traffic noise. Public Protection have recommended that the applicant provide a noise report and if necessary a noise mitigation scheme. It is noted that the property has been in residential use for a number of years, and was originally constructed as a dwelling. The proposed change of use would not be significantly different from the current use as a house in multiple occupation and would not increase the number of residents in the property exposed to traffic noise. As such it is not considered necessary to request that such matters are addressed in this instance.

Visual Impact on the Dwelling and Conservation Area

4.8 The application site is within the Central Historic Core Conservation Area where section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

4.9 Proposed external alterations include the insertion of bi-fold doors to the rear to replace the existing back door and ground floor window and the replacement and extension of the existing balcony. The new balcony would be glazed with stainless steel balustrades and would extend the width of the property. It would project an additional 600mm from the rear wall having a total projection of 1600mm. The adjacent property, no. 33 has a similar scaled balcony, albeit constructed from railings as per the existing balcony belonging to the host.

4.10 Concerns have been raised that the bi-fold doors do not sit well with the existing brick arches and are not in keeping with the existing property. It is noted that the bi-fold doors are not shown to sit centrally on the drawing supplied, however from the site visit it would appear as though they have been inserted centrally under the arched headers which gives them a better aesthetic appearance. Whilst the materials of the balcony are more contemporary than the additions to neighbouring properties, the bi-fold doors are similar to those in the extension to no. 29 adjacent and also to the scale of the balcony at no. 33. As such it is not considered that they appear out of keeping with neighbouring development.

4.11 Whilst the site can be accessed from St Giles Court, the ground floor of the host property is hidden from view by the existing garage structures. The proposed alterations are not visible in the wider conservation area and the impact is therefore considered to be neutral.

Impact on residential amenity

4.12 The garden of no. 29 is raised above the yard of the host building being at roughly the same level as the proposed balcony. The owner of no. 29 has stated the balcony would result in a loss of privacy to their garden, however the balcony would be situated adjacent to the existing extension belonging to no. 29 on a similar

level to their garden which overlooks the rear yard of the host dwelling. No. 33 has a similar balcony which extends across the full width of the dwelling resulting in both neighbouring properties overlooking the rear yard of the host property. Given the level differences and the existence of an existing neighbouring balcony, the addition of the proposed balcony is not considered to cause significant harm to residential amenity. It is not considered that the bi-folding doors would result in unacceptable noise impact from the normal residential use of proposed dwelling.

Archaeology

4.13 The site is located within an Area of Archaeological Importance. An operation notice under s.35 of the Ancient Monuments and Archaeological Areas Act 1979 for any ground works associated with the installation of the second basement bathroom is required to be submitted prior to ground works being undertaken. The applicant has confirmed that no ground works have taken place to date.

5.0 CONCLUSION

5.1 The proposal is considered to have a neutral impact on the character and appearance of the conservation area and would not result in significant harm to residential amenity. The application complies with the policies of the draft local plan and the NPPF.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Proposed Floor Plans - Drg. No: SW0047-002 Rev. A
Existing and Proposed Elevations - Drg. No: SW0047-003 Rev. A
Proposed side elevation of balcony staircase

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

7.0 INFORMATIVES:

Notes to Applicant

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

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

Officers requested further information regarding parking provision for the holiday lets.

2. OPERATIONS NOTICE

This development lies within the Area of Archaeological Importance designated under Part 2 of the 1979 Ancient Monuments and Archaeological Areas Act. The owner must serve an Operations Notice on the City of York Council under Section 35 of the 1979 Ancient Monuments and Archaeological Areas Act at least 6 weeks prior to development commencing. The Operations Notice can be downloaded from https://www.york.gov.uk/downloads/download/3360/operations_notice

3. INF11 - Control of Pollution Act 1974

4. INF9 - Party Wall Act 1996

Contact details:

Author: Elizabeth Potter Development Management Assistant

Tel No: 01904 551477

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17/02222/FUL

31 Gillygate, YO31 7EA



Scale : 1:642

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Organisation	City of York Council
Department	Economy and Place
Comments	Site location plan
Date	20 November 2017
SLA Number	

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COMMITTEE REPORT

Date: 30 November 2017 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 17/01129/FULM
Application at: Grove House 40 - 48 Penleys Grove Street York YO31 7PN
For: Conversion and part demolition of former care home (use class C2) to provide 32 no. apartments (use class C3) with external alterations, new raised roof and first floor rear extension
By: Mr R. Slater
Application Type: Major Full Application (13 weeks)
Target Date: 6 December 2017
Recommendation: Approve subject to the prior completion of a Section 106 Agreement

1.0 PROPOSAL

1.1 The application site is currently occupied by a vacant care home. The site is not within a conservation area; however the Central Historic Core Conservation Area abuts the site to the south and south east. Nearby 31 Penley's Grove Street is grade II listed. The area is residential in character with predominantly two storeys dwellings. However to the immediate north east of the site is a single storey crescent of alms houses, with a four storey block of flats on the corner of Helmsley House. Trees along the frontage of the site with Penley's Grove Street and St John's Crescent are subject to a Tree Preservation Order, (CYC 353). The existing building is designed around a landscaped courtyard, with parking to the north. There is a single storey element to the north.

1.2 Permission was initially sought for the change of use and extension of the existing building to create 33 flats. However concerns were raised regarding the impact of the development on the trees that are subject to a Tree Preservation Order, together with highway and neighbour amenity considerations. The development was revised to set back the first and second floor on Penley's Grove Street. This has resulted in a reduction to 32 flats. The mix of accommodation includes 28 no. 1 bed units, 1 no. 2 bed unit and 3 no. 3 bed units. The existing single storey element will be demolished, and replaced by a two storey extension, with a similar footprint, although set back at first and second floor. The ridge height of the two storey part of the existing building measures approximately 7.8m. The single storey element fronts Penley's Grove and has a flat roof that extends to 3.2m. The ridge height of the proposed building will be approximately 8.7m. The building works will retain the existing brick work, with an area of cedar cladding at the higher part of four of the gables. The roof will be covered in plain grey tile or slate.

Application Reference Number: 17/01129/FULM

Item No: 3b

1.3 The initial application included a number of large dormers and projecting bays along the frontage with St John's Crescent. This part of the proposed development has been revised with the large dormer windows on this elevation now deleted, and only two small dormer windows remain.

1.4 The revised plans also show a revision to provide a single access into the site from Garden Street. Secure cycle storage will be provided on the ground floor adjacent to the access. Refuse provision is within a timber fenced compound adjacent to the access off Garden Street.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

2.2 Draft 2005 Development Control Local Plan policies:

GP1 Design
GP3 Crime Prevention
GP4A Sustainability
GP9 Landscaping
GP15A Development and Flood Risk
L1c Provision of new open space in developments
T4 Cycle parking standards
T13a Travel Plans and contributions
NE1 Trees Woodlands and Hedgerows
HE10 Archaeology
HE2 Development in Historic Locations
HE3 Conservation Areas
HE4 Listed Buildings
C3 Change of use of community facilities
CYH4A Housing Windfalls
CYH2A Affordable Housing

2.3 Pre-Publication Draft Local Plan (September 2017) Policies:

Policy H3 Balancing the Housing Market
Policy H10 Affordable Housing
Policy D2 Landscape and setting
Policy D4 Conservation
Policy D5 Listed Buildings
Policy D6 Archaeology
Policy D11 Extensions and Alterations to existing buildings

Policy GB3 Reuse of Buildings

Policy CC2 Sustainable Design and Construction of New Development

Policy ENV3 Land Contamination

Policy ENV5 Sustainable Drainage

Policy CC2 Sustainable Design and Construction of New Development

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management (Conservation)

3.1 The Conservation Area Appraisal (Character Area 6: Lord Mayor's Walk) defines the character of the adjacent Conservation Area in general terms as:

These streets contain mid-19th century terraces of uniform design. They are two-storey red brick houses with bay windows. The doors are set back within shallow panelled porches. Many original sash windows and cornices remain. Some roof alterations have taken place, such as the insertion of windows for loft conversion and addition of solar panels.

3.2 The houses on each side of St John Street also form a very distinctive framing view of the Minster which is identified in the Conservation Area Appraisal; the houses on are also considered buildings of merit. The existing south east elevation of Grove House is on St John Street and is parallel with the Conservation Area boundary and faces the terraced houses identified as buildings of merit. Consequently development of Grove House has the potential to affect the setting of the Conservation Area and, therefore, its significance as identified in Paragraph 129 of the NPPF.

3.3 The proposal is to remodel the existing internal and external fabric to provide residential accommodation. The building is re-fenestrated, re-clad and the roof line is raised to achieve a second storey. During the application process a number of concerns were raised relating to the design and particularly in relation to the setting of the Conservation Area. It was felt that the scale of the proposal, due to the large dormers, and the proposed rendered finish was in conflict with the character of the Conservation Area. At present the existing building has a neutral impact on the setting of the Conservation Area due to its scale and complimentary materials.

3.4 The revised elevations have tackled these concerns and a more sympathetic scale has been achieved by removing the dormers and the character of the area is better reflected with the use of brick. The two small dormers proposed facing St John Street are, however, still considered too dominant in scale and these should be replaced with roof lights. In terms of the materials a condition should be included

with any approval but it is expected that the roof should be finished in a natural slate to maintain the quality and, therefore, the character of the area.

3.5 Following the revised drawings any negative impact on the significance of the Conservation Area has been considerably reduced. Considered that any negative impact remaining could be further reduced to a neutral impact if the two dormers, mentioned above, were removed and the roof material was confirmed as natural slate.

Planning and Environmental Management (Landscape Architect)

3.6 The Lime trees located within the application site along St. John's Crescent and Penley's Grove Street are subject to tree preservation order (TPO) CYC 353.

3.7 In relation to the original plans concerns were raised regarding:

- (i) The location of the bays due to the impact on the root protection zone of the Lime trees.
- (ii) The increase the height of the building to two or three storeys would create a direct conflict between the trees and the proposed flats because of the very close proximity of the tree canopies, which would result in significant shading of the rooms, a lack of outlook, and a regular contact between the trees and the building facade.
- (iii) The proposed one way parking system due to the impact on trees. There is invariably some compaction and a reduction in gaseous exchange between the soil and the atmosphere, plus an increased risk to the trees during construction.

3.8 Comments following the revised drawings: The ingress and egress are now both from the same point off Garden Street, thus avoiding the creation of a new cross-over from Penley's Grove Street. Whilst there remains a small encroachment into the theoretical root protection area (RPA) of Lime trees T14 and T13 (that is not already under hard standing or building), the extent of loss is relatively small; and the cellular grid construction for the parking bays is feasible, as no excavations are required to alter ground levels towards the pavement.

3.9 The first and second floor have been pulled back slightly to ease the relationship with the adjacent Lime trees T13 and T12. Whilst the proximity of the trees is still a bit tight, this latest arrangement is more comfortable.

3.10 The proposed removal of trees within the courtyard is acceptable. These have less public amenity value than the Limes. The Birch and Cherry are attractive trees. The recommendations within the Arboricultural report are fair and reasonable.

Planning and Environmental Management (Ecology)

3.11 Evidence of Japanese knotweed was found on the site in 2015. This is listed in Part II of Schedule 9, of the Wildlife and Countryside Act 1981 (as amended). As such it is an offence to causes it to grow in the wild. Accordingly it is recommended that a condition be imposed in relation to detailing the containment, control and removal of it from site.

3.12. In relation to bats, it is not considered that the building has significant potential to support bats. However it is an opportunity to provide features which bats could use, such as integral bat boxes. An informative is recommended.

Planning and Environmental Management (Archaeology)

3.13 Grove House lies within the Area of Archaeological Importance. It is situated in an area where there are a number of designated and undesignated heritage assets of local and national significance. These assets include stray Roman burials, evidence for medieval agriculture and listed buildings. The site also includes the location of the original, now demolished, 1845 Ann Harrison Hospital. Accordingly an archaeological watching brief will be required on any groundworks including the grubbing out of foundations following demolition and any excavations for new service connections of foundation trenches.

Highway Network Management.

3.14 No objections to the proposed development from a highways point of view. The development retains a single point of access to car parking, via a reduced width vehicle crossover. Details of the new access should be conditioned, with existing vehicle crossover alongside the building to be brought up to footpath level. The car park layout includes a turning area to be retained solely for this purpose to ensure vehicles can manoeuvre into the echelon parking and exit the site in forward gear. Allocated car parking has been provided for 16 vehicles associated with the proposed apartments. The number of parking spaces does not exceed the maximum number of spaces required by out CYC Appendix E standards.

3.15 Good quality cycle parking has been detailed on the latest plans at a rate of 1 per unit and 8 extra, which positively exceeds CYC Appendix E minimum standards.

3.16 The development is currently within the R10 Resident parking zone. As a care home, the site would not have been eligible for residents parking zone permits. As a residential development of 32 units, the site could attract numerous residents parking permits, putting an unreasonable demand on the existing residents parking zone.

3.17 A length of single yellow lining in the Abbot Street and Garden Street, could attract indiscriminate parking overnight. An amendment to the traffic regulation order to convert these lines to double yellow 24 hour restrictions to protect the streets and junctions in the vicinity is required.

3.18 The site is situated in a particularly sustainable location in York city centre close to amenities public transport. Guildhall ward has the lowest number of cars per household in York with 51% of households not owning a car and 40% owning just 1. Parking for 16 cars is to be provided in the associated car park. Although the site is considered to be in a sustainable location the limited off-street parking means that without viable sustainable travel alternatives being promoted, the development has the potential to still attract multiple car ownership but without the off-street facilities to accommodate them. In order to address this we seek the following contributions/measures to incentivise sustainable travel and reduce the potential impact on the highway;

- 1) First occupiers to be offered the choice of either a free cycle or 6 month bus pass (up to the value of £200 per unit)
- 2) First occupiers to be given membership of and drivetime for the city car club. This is based upon a contribution of £200 per residential dwelling.

3.19 Although agreement has been reached regarding item 1 above, the applicant has indicated that they are unprepared to fund Car Club contributions. We recommend these proposals as access to this scheme has been proven to reduce car ownership in line with the sentiments of section 4 NPPF.

Flood Risk Management

3.20 Require additional information to demonstrate that the impermeable part of the site is being reduced. It is also necessary to take account of the drainage needs of the SFRA and the reduced flow rates that are required from brownfield sites such as this. This can be achieved by condition.

PFI/Schools Contracts Manager

3.21 No education contributions required.

Public Realm (Strategy and Contracts)

3.22 There are no payments required for amenity open space, or children's play space, as there are no local sites which have not already had 5 schemes contributing to them.

3.23 There will be a need for an off site outdoor sports contribution of £8520, this will be used towards the improvement and expansion of facilities at Heworth rugby club to attract women into sport there.

Public Protection

3.24 No objection in relation to noise, dust, light, odour, land contamination or air quality. Recommend conditions in relation to the reporting of unexpected contamination and the provision of an electric charging point.

EXTERNAL

Yorkshire Water Services

3.25 No observations

Publicity

3.26 Eighteen letters of objection have been received and raise the following points:

- High density development with no variety in size. This will not provide a residential community that reflects the diversity of the surrounding neighbourhood.
- The height of the additional floors is not set down nor back as envisaged in the Planning Brief. The 2.5 storey will be overbearing on the street and impact on privacy.
- Development will lead to pressure for mutilation or tree removal due to proximity of trees to the building.
- Overlooking from number of new windows, in particular due to the increase in size of windows.
- If development is approved, quality materials should be approved that complement the surrounding Victorian houses, including matching bricks and a natural slate roof.
- If development approved, request an enforceable tree maintenance regime.
- Inadequate parking provision.
- Increase in height will change the character of the area.
- Top floor balconies should face courtyard.
- Bollards on Garden Street should remain in position.
- Impact of additional height on light to properties
- Impact on character of conservation area and setting of two listed buildings.
- Long term maintenance of lime trees
- Concern regarding loss of a sorbus as proposed
- Impact of construction on neighbouring occupiers.
- Traffic will increase

- Segregation of affordable housing is inappropriate

4.0 APPRAISAL

4.1 The key considerations are:

- Principle of development
- Heritage Assessment
- Landscape assessment
- Residential amenity
- Highway considerations
- Sustainable development
- Ecology seek clarification regarding Japanese Knotweed
- Drainage]
- Contributions

PLANNING POLICY

4.2 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the National Planning Policy Framework (NPPF, March 2012). It is against this Framework that the application proposal should principally be addressed.

4.3 Paragraph 7 of the National Planning Policy Framework states that 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, such as supporting the delivery of homes, seeking high quality design and a good standard of amenity for all existing and future occupants, taking full account of flood risk, encouraging the effective use of land, and conserving heritage assets in a manner appropriate to their significance.

4.4 Section 6 of the NPPF 'Delivering a wide choice of high quality homes' seeks to boost the supply of housing.

4.5 Section 7 of the NPPF requires good design. 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. Paragraph 58 states that decisions should aim to ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as

part of developments) and support local facilities and transport networks; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

4.6 Section 10 of the NPPF requires local planning authorities, when determining planning applications, to ensure flood risk is not increased elsewhere as a result of the development.

4.7 Section 12 of the NPPF requires local planning authorities to take account in determining planning applications of the desirability of sustaining and enhancing the significance of heritage assets and put them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness. It advises consent to be refused where there is substantial harm to a heritage assets significance unless it can be demonstrated that this is necessary to achieve substantial public benefits or where there is less than substantial harm, this be weighed against the public benefits of the proposal.

4.8 Significance of heritage assets is defined in Annex 2 of the NPPF as the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

4.9 The National Planning Policy Guidance (NPPG) provides advice about what is meant by significance in decision taking in the historic environment. In particular the NPPG says that 'Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals'.

Development Control Local Plan (DCLP)

4.10 Although there is no formally adopted local plan. The City of York Draft Local Plan Incorporating the Fourth set of Changes was approved for Development Management purposes in April 2005. It does not form part of the statutory development plan for the purposes of s.38(6) of the Act. Its policies are however considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

Emerging Local Plan

4.11 Consultation on the Pre-Publication Draft -2017 ended on October 30th. The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight is limited. The evidence base that underpins the emerging policies is also a material consideration.

4.12 The up to date evidence base considered relevant to this application includes:

City of York Affordable Housing Viability Study (2010) and Annex 1 (2011) (AHVS)
City of York Local Plan and CIL Viability Assessment (Draft) 2017.

Strategic Housing Market Assessment (SHMA) 2016

Strategic Housing Market Assessment Addendum (SHMA) 2016

City of York Heritage Topic Paper update September 2014

The Local Plan (2012) preferred options supporting documents - Biodiversity Action plan.

The Local Plan (2012) Preferred Options supporting document -local Heritage List for York SPD

PRINCIPLE OF DEVELOPMENT

4.13 One of the core planning principles of the NPPF seeks to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. A relevant policy of the DCLP is policy C3, 'Change of use of Community Facilities which includes criteria for the change of use of care homes. This requires demonstration that the facility is surplus to requirements and alternatives have been provided. It is considered that this has been established through the Older Person's Accommodation Programme. The Council's Executive meeting of October 29 2015 agreed to the closure of the home and the sale of the site to generate a capital receipt to support the wider Older Person's Accommodation Programme.

4.14 A further core principle in the NPPF states that planning should proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs. This is re-affirmed in chapter 6 of the NPPF which relates to the delivery of a wide choice of high quality homes. The site is undesignated within the 2005 Draft Local Plan. It is identified however in the Pre-publication Draft Local Plan as a housing allocation. Whilst the plan carries little weight at this stage, the evidence base in The City of York Council SHMA and Addendum (2016) concludes that demand is particularly high for smaller affordable properties although in order to meet the demands and expectations of family's larger market properties will also be required in the future. As recognised in Policy H3C of the DCLP and re-iterated in Policy H3

of the Pre-publication Draft Local Plan, neighbourhoods should reflect the diversity found across the city, rather than clustering similar groups together. As such, in order to balance the housing market there is a need to ensure a mix of types of housing across a development. Whilst little weight can be afforded to these policies, they are broadly in accordance with paragraph 50 of the NPPF.

4.15 The site is located in a very sustainable location with easy access to a wide range of services, shops, employment opportunities and public transport. Its use for housing is considered to be compatible with the surrounding area. As such it is considered that subject to other material considerations, the principle of the proposed development is acceptable.

HERITAGE ASSESMENT AND DESIGN APPROACH.

4.16 The site is located adjacent Character Area 6 Lord Mayor's Walk, York's Central Historic Core Conservation Area (CHCCA). The boundary includes the eastern side of St John's Crescent and includes all of St Johns Street. Nos. 29 and 31 Penley's Grove Street is Grade II listed. The site lies within the Area of Archaeological Importance.

4.17 The NPPF states that Local Authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and that they should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including any development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. (para 129). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the to the asset's conservation. The more important the asset the greater the weight should be (para 132). Where a proposed development would lead to substantial harm or to total loss of significance consent should be refused, unless this is necessary to achieve substantial public benefits; where a development proposal would lead to less than substantial harm to the significance of the asset, this harm should be weighed against public benefits of the proposal. The NPPF goes on to state that Local Planning Authorities should look for opportunities within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance.

4.18 Paragraph 137 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of the asset should be treated favourably. Development Control Local Plan (2005) policies HE2, HE3, HE4 and HE10 reflect legislation and national planning guidance. In particular, Policy HE2 states that proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

4.19 The Central Historic Core Conservation Area Appraisal (2013) sets out important considerations for the area which must be met by any new development. It is considered that this is relevant for sites that lie within the setting of the Conservation Area. The appraisal advises that St John Street and St John's Crescent in particular possess high quality buildings with a largely uniform appearance and survival of original features. This, together with attractive front gardens and iron railings, forms a street scene which contributes positively to the Conservation Area. The appraisal further states that these streets are also important because of their close proximity to the Grade II listed College and the city wall. The houses on each side of St John Street form a very distinctive framing view of the Minster. Other neighbouring streets were considered for inclusion but were determined to be of lower architectural quality and lacked the attractive setting of front gardens. The buildings on St John Street and St John's Crescent are identified in the character appraisal as buildings of merit.

4.20 It is considered that the existing building has a neutral impact on the setting of the Conservation Area due to its scale and complimentary materials. During the application process, a number of concerns were raised relating to the scale of the proposal, and in particular the dormers, and the use of render. Revised elevations have been submitted which remove most of the dormers and the projecting bays.

4.21 It is not considered that the increase in height of the main part of the building will have a negative impact on the significance of the conservation area. Furthermore it is considered that the existing single storey extension is not sensitive to the character of the area, and its replacement with a full height extension will not be out of keeping with the surrounding area, nor will it harm the setting of the Conservation area. The deletion of the bays and most of the windows is welcomed, and removes much of the negative impact on the significance of the conservation area. The improvement in walling materials better reflects the character of the surrounding area.

4.22 It is considered however that the remaining harm relates to the two small dormers that front St John's Crescent, and the proposed roof materials. In relation to the dormers, it is considered however that due to their limited size, the set back of the building forms the frontage with St John's Crescent, and the location of the trees such harm is minor. Of more importance is the improvement to the proposed roofing materials. The applicant has confirmed that the front of the building that faces St John's Crescent will be natural slate. The other elevations will be artificial slate. Given that St John's Crescent leads to an important view, it is considered that the proposed materials will preserve the setting of the conservation area. It is not considered that the extension to the building will harm the setting of 29/31 Penley's Grove Street.

4.23 Overall it is considered that the scale and design of the proposed development is acceptable, and will not be out of scale with surrounding buildings. A letter of objection raises concern that the development will be overbearing in relation to neighbouring buildings. However it is not considered that increase in height of the main part of the building, nor the development above the existing single storey part of the building will result in a development that is over dominant. Taking account of the design of the existing building, the proposed use of natural slate fronting the principle elevation, and powder coated aluminium to windows, it is considered that the development will as such accord with paragraph 56 of the NPPF and the relevant criteria within policy GP1:Design of the DCLP.

4.24 In relation to archaeology, the site is situated in an area where there are a number of designated and undesignated heritage assets of local and national significance. Accordingly, it is recommended that any approval should be subject to a condition an archaeological watching brief will be required on any groundworks including the grubbing out of foundations following demolition and any excavations for new service connections of foundation trenches.

LANDSCAPE ASSESSMENT

4.25 The existing building has a row of Lime Trees fronting Penley's Grove Street and St John's Crescent which are subject to a Tree Preservation Order, (TPO) CYC 353. It is considered that they have significant amenity value in the area and a feature within the setting of the conservation area. The building has a greater mass and different character than those surrounding residential properties, and the trees aid the transition in character.

4.26 The Landscape Architect expressed concern regarding elements of the scheme as submitted. In particular the impact of the projecting bays, the formation of the access, the impact of a pedestrian footpath and the proximity of the building as extended to the trees. Revised plans have been submitted that have addressed the issues in respect of the footpath and the projecting bays.

4.27 In relation to the impact of the extension to create a first and second floor above the existing ground floor of the building, Concern was raised regarding proximity to the trees. Revised plans have been received which show a set back in the first and second floor. The landscape architect has advised that whilst the relationship with the adjacent Lime trees T13 and T12 is still a bit tight, this latest arrangement is more comfortable.

4.28. In relation to the ground floor, the impact of the trees relates to a one bedroom flat. However because it will only be the trunk at this level, and the living room window is more or less unaffected, it is not considered that the proximity of the tree will have a significant impact on amenity. In relation to the first floor, the impact relates to two flats. However the set back of this storey is such that the impact on

amenity is reduced and indeed both flats in any event have two windows. The second floor will be little affected because it is situated within the roof space that slopes away from the tree canopy, and the living room is on the gable away from the trees.

4.29 In summary, it is considered that the relationship of T12 and T13 with the extended building is tight. Nevertheless, the revised plans are an improvement, and provide a better relationship between the building and the trees that have been identified as having great amenity value.

4.30 The ingress and egress are now both from the same point off Garden Street, thus avoiding the creation of a new cross-over from Penley's Grove Street. Whilst there remains a small encroachment into the theoretical root protection area (RPA) of Lime trees T14 and T13 (that is not already under hard standing or building), the extent of loss is relatively small; and the cellular grid construction for the parking bays is feasible, as no excavations are required to alter ground levels towards the pavement. It is considered that subject to an arboricultural management plan, the development as revised will accord with policy NE1 criteria a) and b) of the DCLP and policy D2 ii) of the pre-publication plan.

4.31 An objection has been received regarding the loss of a tree within the court yard, however the amenity value of this tree is not so substantial as to require its retention. Furthermore additional planting in the form of a beech hedge is being provided around the frontage of the site.

AMENITY SPACE

4.32 The proposed development will retain the landscaped courtyard within the site. It is considered that this is commensurate with the scale of the development and provides a similar level of amenity space as other developments of flats in the area..

NEIGHBOUR IMPACT

4.33 The site is situated within a residential area, and as such it is considered that the proposed use is compatible with the area. Neighbour objections have been received in relation to overlooking from windows and impact on privacy. The building will be increased in height on two elevations by approx 1m in height. The distance to those properties on Garden Street is approximately 15m. It is considered that this distance is in keeping with surrounding areas and is acceptable, furthermore the outlook is onto the side elevations of neighbouring properties. In relation to St John's Crescent, the distance remains as existing. The level of fenestration has increased by virtue of the rooflights and two dormer windows. Officers sought revised plans in part to reduce the level of overlooking. The most recent changes have limited the width of the first floor balcony on the southern extent of this elevation. Given the existing fenestration on this elevation it is not considered that there will be a

significant adverse impact on existing amenities. In relation to Penley's Grove, there is a greater change by virtue of the extension to provide two additional floors over that part of the building that is currently single storey. There are also additional windows to provide the extra floor of accommodation. In view of this there will be some additional potential to overlook those properties that lie on the opposite side of Penley's Grove Street. It is acknowledged that the use of the building for flats is more intensive than it would be for a traditional dwelling; nevertheless it is considered that the separation of the building from those houses opposite is acceptable, in particular for an urban street frontage. The softening impact of the trees will be beneficial.

4.34 The building will also have some impact on Ann Harrison's Almshouses. These are single storey dwellings arranged around a crescent. There is increased height at the northern extent of the application building, together with additional windows, including balconies. The gables of the building as extended are orientated towards blank gable on the almshouses. There is potential to look at a more oblique angle towards the front of the almshouses, however given the angle, it is considered that the minimum distance of 20m is acceptable. The more direct views are a minimum of 25m, and extending to 40m. Whilst the application building is much greater in scale, than the almshouses, it is not considered that it will have an overbearing impact due to the relationship of the two buildings, and existing landscaping on the common boundary.

4.35 Overall it is considered that the development accords with the core policy in the NPPF in relation to amenity, together with that part of policy GP1 that relates to amenity.

HIGHWAY CONSIDERATIONS

4.36 As a result of concerns raised by highway and landscape officers, the access to the site has now been changed to exit and egress from Garden Street. This has reduced the conflict with trees. The parking and cycle provision accords with policy.

4.37 The development will provide 16 car parking spaces. A contribution is required to secure amendments to the Traffic Regulation Order to exclude the site from the resident's parking zone. This will prevent future occupants from applying for resident parking permits thereby avoiding creating unreasonable demands being placed on the existing residents parking zone. A length of single yellow lining in the Abbot Street and Garden Street, could attract indiscriminate parking overnight. An amendment to the TRO to convert these lines to double yellow 24 hour restrictions to protect the streets and junctions in the vicinity is also required.. The contribution satisfies the tests at regulation 122 of the CIL Regulations, which require obligations to be a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.

4.38 Officers in Highway Network Management have recommended measures to incentivise sustainable travel and reduce the potential impact on the highway. This includes occupiers being offered the choice of either a free cycle or 6 month bus pass, and being given membership of and drive time for the city car club. The site is in a sustainable location, and whilst the development has the potential to attract multiple car ownership it is proposed that the development be removed from the resident's parking zone. It is noted that the applicant has agreed to fund the free cycle or bus pass. However given that there is no approved policy for this and it is not considered necessary to make the development acceptable in planning terms it is not considered that it such a request meets the tests at paragraph 122 of the CIL Regulations.

DRAINAGE

4.39 The applicant has advised that the existing drainage will be updated to take account of the change in development. In terms of surface water, there is no increase in footprint, and the parking/ hardstanding areas will be permeable. In view of this, there will be a reduction in outfall from the development. The Flood Risk Manager has recommended a condition to provided specific details to take account of the drainage needs from the SFRA and the reduced flow rates that are required from all brownfield sites. Subject to the approval of such details it is considered that the development complies with Section 10 of the NPPF in meeting the challenge of climate change, flooding and coastal change, and that part of Policy GP15a that relates to sustainable drainage systems.

CRIME PREVENTION

4.40 The development will be occupied by 32 flats with windows around all elevations. The building will be accessed by a secure key entry system. It is considered that this will provide a level of surveillance that will beneficial in crime prevention. Accordingly it is considered that the development accords with policy GP3 of the DCLP.

SUSTAINABLE DESIGN

4.41 The applicant has stated that the proposed upgrade will comply with current building regulations/BREEAM requirements where possible/appropriate and as such will be efficient in terms of thermal insulation & energy consumption which assists in minimising the carbon footprint of the existing building. Construction materials & components, wherever possible, will be selected with regard to life cycle costing, the amount of energy embodied within & with a view to recyclability. Materials will also be used & sourced locally, wherever possible to benefit the local economy & community. The re-use of the building is also in itself sustainable.

PROVISION OF OFF-SITE OPEN SPACE

4.42 The Council's Public Health Programme Manager has requested a contribution of £8,520 towards off-site sports provision in the city. The contribution satisfies the tests at regulation 122 of the CIL Regulations, which require obligations to be a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. The applicant has agreed to the contribution. It will be used towards the improvement and expansion of facilities at Heworth Rugby Club to attract women into sport there.

AFFORDABLE HOUSING

4.43 In relation to affordable housing provision the applicant is proposing to provide an affordable housing commuted sum in respect of the increased floorspace to be provided. Discussions are on-going as to whether the development of the site is subject to the Vacant Building Credit. Members will be updated on whether it applies in this case.

5.0 CONCLUSION

5.1 When considering the planning balance, as some harm is identified to the setting of the adjacent conservation Area, the more restrictive policies in the NPPF relating to conservation of heritage assets apply, rather than the 'tilted balance' in favour of sustainable development in paragraph 14 of the NPPF. In the planning balance, the site is previously developed land within a sustainable location. The provision of 32 flats will contribute towards City of York Council's housing supply.

5.2 It is considered that the revised plans have addressed concerns identified in relation to the plans as submitted in relation to the impact of the development on the trees subject to a Tree Preservation Order that front the site, and in relation to access concerns and neighbour amenity.

5.3 In accordance with paragraph 129 of the NPPF, revised plans were sought that addressed concern in relation to the impact of the development on the significance of the Conservation Area. Great weight has been given to the minor harm identified in relation to the revised plans on the setting of the conservation area in accordance with paragraph 132 of the NPPF. The harm identified is very minor, and it is considered that the public benefits of the delivery of residential development, in a sustainable location, outweighs that harm. (para134)

5.4 Accordingly, the recommendation is one of approval subject to a Section 106 Agreement to provide a financial contribution towards off-site sport provision and to secure affordable housing provision.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to the prior completion of a Section 106 Agreement to provide a contribution of £8520 (index-linked) towards off site outdoor sports provision and up to £5000 to amend the existing Traffic Regulation Order in respect of the Resident's Parking Zone and to extend existing parking restrictions. Members will be updated regarding the contribution towards affordable housing provision.

1 TIME2 Development start within three years

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

NOR-472-002 14 REV F

NOR-472-002D Proposed Block Plan

NOR-472-002 10 REV E Proposed ground and basement

NOR-472-002 11 REV E Proposed First Floor Plan

NOR-472-002 12 REV D Proposed Second Floor Plan

NOR-472-002 20 REV E Proposed Elevations

NOR-472-002 21 REV E Context Elevations

Arboricultural Survey & Implication Study

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 elevation fronting St John's Crescent shall be roofed in natural slate. 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 any construction work.

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 and in the interests of the character and appearance of the adjacent conservation area.

4 The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. The scheme shall detail proposed planting within the courtyard and ground cover planting between the parking bays, together with a Beech hedge around the

perimeter site as identified on the proposed Site Plan (NOR-472-002 14F).

This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

5 Prior to the commencement of any invasive work on site, including demolition, 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 information,, this statement shall include details and locations of protective fencing, site rules and prohibitions, phasing of works, site access and means of demolition/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. The document shall also include methodology and construction details and existing and proposed levels where a change in surface material and/or boundary treatments is proposed within the root protection area of existing trees. A copy of the document shall 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.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), the windows shown to be 'coated glazed blank panels' on the submitted elevations (NOR-472-002 20 REV E); 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.

7 Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: To ensure that an adequate means of eradicating or containing the spread of Japanese knotweed is considered and thereafter implemented to prevent further spread of the plant which would have a negative impact on biodiversity and existing or proposed landscape features.

8 The development shall not be occupied until the junction between the internal access road and the highway has been constructed in accordance with a scheme which has previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety.

9 The development shall not be brought into use until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb and footway to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

10 HWAY18 Cycle parking details to be agreed

11 HWAY19 Car and cycle parking laid out

12 No part of the site shall come into use until the turning areas have been provided in accordance with the approved plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

13 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Details to include:

- i. Calculations and invert levels to ordnance datum of the existing surface water system should be provided together with details to include calculations and invert levels to ordnance datum of the proposals for the new development.
- ii. Topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

- iii. Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.
- iv. An assessment carried out under BRE Digest 365, (preferably in winter) to prove that the ground has sufficient capacity to except surface water discharge from the proposed permeable paving, and to prevent flooding of the surrounding land and the paving itself. Note: City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.
- v. If the above testing proves to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

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

14 In the event that 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.

15 EPU1 Electricity socket for vehicles

16 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification approved by the Local Planning Authority. This programme and the archaeological

unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

17 NOISE7 - Restricted hours of construction (8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays)

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 took the following steps in order to achieve a positive outcome:

Requested revised plans in relation to design, neighbour impact, landscape and access.

2. Ecology

(i) In the UK, due to the decline in bat numbers in the last century, all species of bat are 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.

(ii) There are opportunities for the development to enhance the building for bats. This can be done without detriment to the building 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).

3. INFORMATIVE:

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

Contact details:

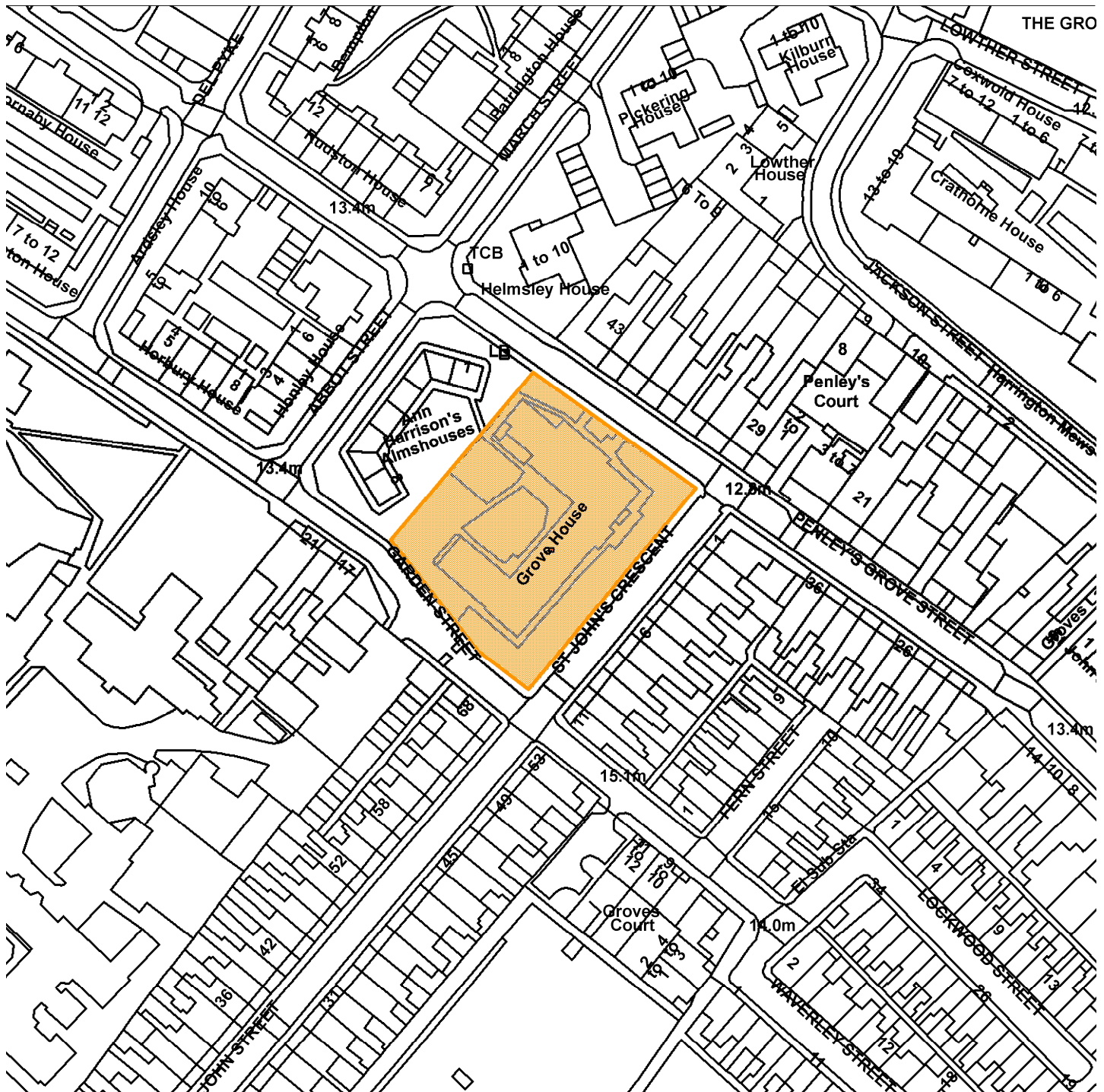
Author: Rachel Smith Development Management Officer

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17/01129/FULM

Grove House 40 - 48 Penleys Grove Street YO31 7PN



Scale : 1:1284

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Organisation	City of York Council
Department	Economy and Place
Comments	Site location plan
Date	20 November 2017
SLA Number	

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COMMITTEE REPORT

Date: 30 November 2017 **Ward:** Holgate
Team: Householder and **Parish:** Holgate Planning Panel
Small Scale Team

Reference: 17/01247/FUL
Application at: 31 Malvern Avenue York YO26 5SF
For: Change of use from dwelling (use class C3) to House in Multiple Occupation (use class C4), single storey cycle store and dormers to side and rear
By: Mr Adrian Hill
Application Type: Full Application
Target Date: 7 December 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks permission for the change of use from a 3 bed dwelling to HMO (Class C4) including the erection of a single storey cycle store to the side of the property and dormers to side and rear. This traditional style two-storey semi-detached dwelling is sited within a residential area, made up largely of similar style dwellings.

1.2 The application has been called-in for determination by Councillor Crisp on loss of a family home, the fact that the scheme will do nothing for community cohesion and adverse impact on the on street parking situation.

1.3 The application was deferred at the committee meeting in August 2017 because revised plans raised an issue with the depth of the forecourt which needed to be investigated. As originally submitted the scheme included a single storey side extension and was for a 6 bed HMO; this was reduced to 5 bed HMO before the August 2017 meeting. Revised plans have now been submitted in which the side extension has been removed and the scheme has been reduced to a 4 bed HMO.

2.0 POLICY CONTEXT

2.1 Development Control Local Plan Policies:

CYGP1Design

CYH8 Conversion to flats/HMO/student accom

3.0 CONSULTATIONS

Planning & Environmental Management (Forward Planning)

3.1 Within 100m (street level) of 31 Malvern Avenue there are currently 0 known HMO out of 44 properties, 0.00%. At the neighbourhood level there are currently 4 known HMOs out of 769 properties, 0.52%. In accordance with the provisions of the SPD neither the street or neighbourhood level thresholds have been breached and further change of use to HMO is likely to be acceptable. Albeit an assessment of residential amenity (bin storage, parking etc.) and the ability of the area to absorb further change of use should also be undertaken.

Highway Network Management

3.2 This is a very tight arrangement. Two off street parking spaces are acceptable for a HMO. The car parking space perpendicular to the road is partially in front of the building. There is not enough distance to the building to accommodate a car/ works van without overhanging the highway; therefore they would need to park alongside the house to clear the highway sufficiently. Should they do this, they will be restricting the access in to the back for cycles and bins. It is also noted that this arrangement would not allow car parking spaces to operate independently.

3.3 As this is a HMO (i.e. people living independently of each other in one house), we would expect the cars to be able to be manoeuvred into place without having to move cars. As the car will have to park alongside the house in any case, it would be advisable to move this car parking space further into the site to allow the other car to move in and out of its space independently.

3.4 We would recommend that cycle parking and bins are located in the front garden to allow access when the cars are in position.

3.5 We do not accept gravel adjacent to the highway due to loose material being dragged onto the highway. Please ensure that a bound/ paved area is provided 3m into the site measured from the back of the footway. This may be conditioned (HWAY11 (40m 3m))

3.6 The access is very close to tree roots. We would not recommend increasing the width of the crossover due to tree roots – to manoeuvre into the required car spaces, the verge will be untouched.

EXTERNAL

Neighbour Notification

Comments on Original Application

3.7 The Authority received letters of objection from twelve nearby properties and a petition against the proposal with 48 signatures. Eleven of the signatures were from properties that had submitted individual letters of objection.

3.8 The objections can be outlined as follows:

- a) Malvern Avenue is a narrow street where it is already difficult to park cars - this will mean more cars which will worsen the situation especially the safety of children
- b) Student occupants will cause noise
- c) This is the wrong area for such type of accommodation
- d) There is already a drainage problem in the street - 6 bathrooms/showers will worsen it
- e) The applicant owns multiple properties in the street - this would be an unwelcome precedent that would lead to fire risk, loss of privacy (bike rack users will look into front windows of no.29), rubbish and overcrowding and could lead applicant into turning his other properties into HMOs
- f) The bike rack at the front would be unsightly and will attract thieves, it is also a ruse as university/business occupants will have cars
- g) Loss of a family home
- h) A hard surface parking area will generate additional run-off and exacerbate existing flood risk - the drains are already blocked
- i) The approval of a dwelling in the back garden of no.22 has already changed the character of the street
- j) The plans are incorrect - they show a 2.5m wide extension but there is only 2.45m available at the front of the property
- k) There is no fire door between bedroom 6 (in the attic) and the staircase (Case Officer Note: this is an issue for Building Regulations)
- l) It appears that guttering on side extension will overhang boundary with no.33

Comments on Revised Scheme

3.9 Two letters of objection received;

- Revised parking arrangements are inadequate as one car will be unable to get in or out if a second car is also parked on the property. This is likely to cause difficulty for the residents of the HMO and create additional demand for on street parking which be difficult to accommodate and cause difficulty for surrounding residents
- Bedrooms 3 and 4 do not have bathrooms
- There is a sewer vent built into front wall near the left gate post – what would happen to this if access is widened

Holgate Planning Panel

3.10 Objections as follows:

- We object on the grounds of over-development.
- There is already a side extension next door - so concerns on buildability,

- Party Wall Act etc. 1996 - consult neighbour
- The creeping 'Terrace-isation' of Sub-urban streetscape, each semi detached house joining up.
- Ensure extension meets part b - Fire Regulations for escape and spread of flame.
- Object to HMO
- Top bedroom does not have bathroom
- Dormer to front /side is detrimental to appearance from street
- Dormer to rear is excessive
- Insufficient parking - we have to assume that each occupant could be living independently and own a car - this is not a family home with say 1 or 2 cars. We don't believe a bike store is an adequate substitute for lack of parking provision.
- Access to rear garden is blocked off - how/where will refuse be stored and collected.

4.0 APPRAISAL

KEY ISSUES

4.1 The key issues in assessing the proposal are:

- whether the change would lead to an unacceptable concentration of HMO's in a single location.
- whether the accommodation is of an appropriate standard and whether the use would impact adversely on local residents.

LEGISLATIVE BACKGROUND

4.2 Section 38(6) of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. There is no development plan in York other than the saved policies of the Regional Spatial Strategy relating to the general extent of the Green Belt. In the absence of a formally adopted local plan the most up to date representation of key relevant policy issues is the National Planning Policy Framework, March 2012 (NPPF).

POLICY CONTEXT

National Planning Policy Framework

4.3 The NPPF sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development. In Paragraph 17 it sets out 12 core planning principles that should underpin both plan-making and decision-taking. Of particular relevance here is the fourth principle, which advises 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.

City of York Council Development Control Local Plan

4.4 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 CYH7 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.

4.5 Policy CYGP1 requires development to respect or enhance the local environment, be of a design that is compatible with the character of the area and neighbouring buildings, protect private, individual or community amenity space and ensure residents are not unduly affected by overlooking, overshadowing or dominated by overbearing structures.

4.6 Policy CYH8: Conversions sets out the criteria by which conversions of houses to HMO's should be assessed. On this basis planning permission will only be granted for the conversion of a house to a HMO where:

- the dwelling is of sufficient size (min 4 bedrooms) and the internal layout is shown to be suitable for the proposed number of households or occupants and will protect residential amenity for future residents;
- external alterations would not harm the appearance of the area;
- adequate on and off road parking and cycle parking is incorporated;
- it would not create an adverse impact on neighbouring amenity through noise disturbance or residential character by virtue of the conversion alone or cumulatively with a concentration of such uses;
- adequate provision is made for the storage and collection of refuse and recycling

City of York Council Supplementary Planning Document (SPD) for House Extensions and Alterations

4.7 The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations and was approved on December 2012 and Amended 2014. The SPD offers overarching general advice relating to such issues as privacy and general amenity as well as advice which is specific to the design and size of particular types of extensions or alterations. Paragraph 3.4 advises that balconies will only normally be acceptable where they overlook public or communal areas or areas of neighbouring gardens that are not typically used for sitting out or already have a low

level of privacy. In some instances sensitively designed balcony screens can help retain adequate levels of privacy.

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

City of York Council Draft Supplementary Planning Document: Controlling the Concentration of Houses in Multiple Occupancy

4.9 Draft Supplementary Planning Document (SPD): Controlling the Concentration of Houses in Multiple Occupancy was approved by cabinet on 15 April 2012 (Amended 2014). This Guidance was prepared in connection with an Article 4 Direction which the Council made in respect of houses within the defined urban area. It has the effect of bringing the change of use of dwellings to small HMO's, which would otherwise be permitted development, within planning control.

4.10 Paragraph 5.7 of the SPD advises that applications for change of use from dwellings to HMO's will only be permitted where:

- a) The property is in a neighbourhood area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and
- b) Less than 10% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and
- c) The accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

4.11 Paragraph 5.17 advises that in assessing planning applications for HMOs the Council will seek to ensure that the change of use will not be detrimental to the overall residential amenity of the area. In considering the impact on residential amenity attention will be given to whether the applicant has demonstrated the following:

- the dwelling is large enough to accommodate an increased number of residents;
- there is sufficient space for potential additional cars to park;
- there is sufficient space for appropriate provision for secure cycle parking;

- the condition of the property is of a high standard that contributes positively to the character of the area and that the condition of the property will be maintained following the change of use to HMO;
- the increase in number of residents will not have an adverse impact on noise levels and the level of amenity neighbouring residents can reasonably expect to enjoy
- there is sufficient space for storage provision for waste/recycling containers in a suitable enclosure area within the curtilage of the property; and
- the change of use and increase in number of residents will not result in the loss of front garden for hard standing for parking and refuse areas which would detract from the existing street scene

ASSESSMENT

Proposals

4.12 As originally submitted the application involved the creation of a 6 bed HMO and included cycle parking in the front garden. The property already has a 4m long single storey mono-pitch rear extension that stretches the full width of the house. The plans included a single storey mono-pitch roof side extension projecting 4m to the rear and set back 0.7m from the front elevation; this would have provided 2 additional bedrooms. The side and rear dormers would allow an additional bedroom in the roofspace. The plans were revised before the August committee meeting to a scheme for a 5 bed HMO; the reduction being achieved by the front part of the proposed side extension being used to provide bin and cycle storage space. The cycle parking was removed from the front curtilage, which was proposed to have a permeable surface to enable 2 cars to be parked.

4.13 Following the deferral at committee the scheme has been further revised with the side extension being removed and the number of bedrooms reduced to 4. It is now also proposed to erect a cycle store at the side of the property.

Principle of Use

4.14 Development Control Local Plan Policy H8 requires that a dwelling has a minimum of 4 bedrooms if it is to be considered acceptable for change of use to an HMO. However, had the Article 4 Directive not been made, this proposal would have constituted permitted development. Given that the purpose of the Directive was to control concentrations of houses in multiple occupation and protect family housing, the requirement of the Policy for a minimum of 4 bedrooms is not considered to be a material consideration in the appraisal of this proposal.

4.15 In terms of other requirements of Policy CYH8 and the SPD:

- it is not considered that the proposed external alterations (i.e. cycle store/dormers) would harm the appearance of the area
- there is ample space in the rear curtilage to store refuse bins
- the application property appears to be well maintained and internal layout and room size are considered to be acceptable

4.16 Consideration of the scheme, however, still leaves a requirement, under Local Plan Policy and the SPD, to avoid adverse impact on neighbouring amenity through noise disturbance or residential character by virtue of the conversion alone or cumulatively with a concentration of such uses. In this respect, Paragraph 5.2 of the SPD states a 'threshold based policy approach' is considered most appropriate method for controlling the number of HMO's across the City, as this tackles concentrations and identifies a 'tipping point' when issues arising from concentrations of HMO's become harder to manage and a community or locality can be said to tip from balanced to unbalanced.

4.17 Within 100m (street level) of 31 Malvern Avenue there are currently 0 known HMO out of 44 properties; i.e. 0.00%. At the neighbourhood level there are currently 4 known HMOs out of 769 properties; i.e. 0.52%. The current street and neighbourhood HMO levels are therefore well below the thresholds established by the SPD and, in view of the Council's own policy, it is not considered that it could be argued that approval of the application would lead to the creation of an unbalanced community.

Extensions

4.18 The single storey side cycle store 9m long, 1.1m wide and 2.3m high. It is set back 5m from the front elevation and it is not considered that it will have a significant impact on the townscape or impact adversely on neighbours.

4.19 The adjacent property, no.33, sits on land circa 0.5m higher than no.31 and it has a two storey side extension that abuts the boundary with the application property. At the rear of this is a covered side passage (open on this side with no.31) that leads out to the rear garden. The cycle store would overlap this side passageway by circa 4m and although it could reduce light to this area it would not affect any windows to habitable rooms within no.33. A small part of the proposed cycle store would be visible from the adjoining semi no.29 but it would be 7m away from this property and would not impact adversely on the amenities of the occupants.

4.20 The proposed rear dormer is lower than the ridge and set back more than 200mm from the eaves so, although it is quite large, it could be erected under permitted development rights. Similarly the side dormer, which has an obscure glazed side window, could also be erected under permitted development rights.

Car Parking

4.21 The Council's maximum parking standards can require up to 2 parking spaces for a 4 bed HMO and the applicants have provided a plan which shows that 2 parking spaces would be provided within the front curtilage; with a small part of the front boundary wall being removed to help facilitate access/egress.

4.22 In respect of the concerns raised by Network Management, the revised plans that have been prepared show the distance between the front of the house and back of pavement to be 4.7m. On site this actually measures at 4.8m which is sufficient to accommodate a medium size car. In addition the plans show that there is sufficient space to park a car at right angles adjacent to this in front of the house.

4.23 The applicants have provided swept path plans to show that cars can manoeuvre in and out of the parking area in front of the house. Network Management officers suggest that it would be advisable to move the car parking space on the drive further into the site to allow the other car to move in and out of its space independently. In this respect it should be noted that the swept path plans have been drawn to show that a car could park on the drive and off the highway and leave sufficient space at the side (0.9m) to allow bins and bicycles to be manoeuvred from back of the plot to the front.

4.24 It is acknowledged that the car on the drive would have to be moved to allow a car parked in front of the house to egress the site. However, a similar parking layout for 2 cars has been undertaken in close proximity to the application site at a number of other properties in the street. This provision appears to work satisfactorily for residents and it is considered it would be difficult to argue that such an arrangement is acceptable for households but not for 4 occupants of a small HMO. It should also be noted that the applicants are providing 4 covered and secure cycle spaces in line with the Council's sustainable transport initiatives.

4.25 Although the SPD advises against the loss of front garden for hard standing for parking, this work could be undertaken without planning permission and as other properties in the street have made the same provision it is also not considered that the application could be refused on this ground. The revised plans also show that the front curtilage would have a porous paved surface rather than gravel thereby addressing Network Management's concerns. The plans also show that the sewer vent built in the front wall will be retained.

5.0 CONCLUSION

5.1 It is considered that the proposal would not breach the guidelines set out in the Supplementary Planning Document "Controlling the Concentration of Houses in Multiple Occupancy" nor is there evidence that the use of the house as an HMO would result in significant harm to the living conditions of nearby houses. Parking provision would meet standards set out in the DCLP and is a similar arrangement to that

existing at a number of nearby properties. The application complies with national guidance in the NPPF and Development Control Local Plan Policies.

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 plan and other submitted details

CAL010217/04F, 05F and 06F

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

3 HMO1 HMO condition 1

4 Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), the cycle store hereby approved shall be retained for cycle storage use only, for as long as the property is used as an House in Multiple Occupation.

Reason: To ensure that the site retains adequate facilities for storage and parking

5 VISQ1 Matching materials

6 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 side dormer windows in the roof slope facing no.33 Malvern Avenue shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above.

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

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 took the following steps in order to achieve a positive outcome:

Revised cycle/car parking details were secured.

Account has been taken of all relevant national guidance and local policies and with the attachment of conditions the proposal is considered to be satisfactory

Contact details:

Author: David Johnson Development Management Assistant

Tel No: 01904 551665

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31 Malvern Avenue, YO26 5SF



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Organisation	City of York Council
Department	Economy and Place
Comments	Site location plan
Date	20 November 2017
SLA Number	

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COMMITTEE REPORT

Date: 30 November 2017 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 17/01905/FULM
Application at: Rowntree Wharf Navigation Road York
For: Partial conversion of ground and first floor offices into 14 residential apartments (use class C3).
By: Piccadilly One Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 10 November 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 The site is within the Central Historic Core Conservation Area, Rowntree Wharf is a Grade II listed building and due to its height and enclosure by water features (Wormalds Cut and the River Foss) on three sides, is a landmark building in this part of the city. Constructed in 1896 as a roller flour mill by W G Penty for Sidney Leetham. Converted (upper floors) to flats in 1990. At the time of construction, the mill was at the forefront of technology. The building is attached via a mezzanine level access at first floor to a 1990s-era multi storey car park building providing car parking for the existing office and residential use.

1.2 Planning permission is sought for the change of part of the ground and first floor of the building to form 14 additional residential units. The application originally sought change of use to 23 units; however the plans were changed in the light of comments made. This part of the building has most recently been used for office accommodation.

1.3 The proposal will provide 8 studio apartments on the ground floor together with 5 studio apartments and one no. one bedroom flat on the first floor including the creation of one additional apartment in the space of an existing staircase. (modern insertion). The apartments will be arranged either side of a central corridor, with residents accessing the building via the existing main doors at the eastern end of the building.

1.4 An application for listed building consent has been submitted in respect alterations to allow the residential conversion (17/01906/LBC).

1.5 The alterations to the buildings and its setting necessary to allow the conversion include:

- Removal of modern internal partition walls and replacement with new partitions to create the individual residential units.
- Removal of a modern metal staircase
- Alteration to the existing suspended ceiling.
- Alterations to the bin storage arrangements
- Crime prevention measures including upgraded lighting and CCTV and clear safety film to windows.

No alterations are proposed to the existing window openings.

PLANNING HISTORY

05/02251/FUL and 05/02258/LBC - planning permission and listed building consent for the conversion of fifth floor offices to eight apartments with the provision of additional car parking - granted permission January 2006.

15/0189/ FULM and 15/01892/LBC - planning and listed building consent granted for alterations to the ground and first floor to create 34 flats.

17/01533/FULM and 17/01535/LBC variation of condition 2 approved to enclose some columns within the ground and first floor.

17/01888/FUL and 17/01889/LBC planning and listed building consent approved for the alteration of the layout granted by applications 15/01891/FULM and 15/01892/LBC, to provide 5 additional units.

There have been a number of applications and listed building consents for works to individual flats within the Rowntree Wharf development. These applications are not considered significant to the consideration of the current application

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Floodzone 2 GMS Constraints: Floodzone 2

Floodzone 3 GMS Constraints: Floodzone 3

Listed Buildings GMS Constraints: Grade 2; Rowntree Wharf Navigation Road

2.2 Policies

Draft Development Control Local Plan (2005)

GP1 Design
GP3 Planning against crime
GP4A Sustainability
H3 Conservation Areas
H4 Listed Buildings
GP15A Development and Flood Risk

Pre- Publication Draft Local Plan (September 2017) Policies

D1 Place making
D4 Conservation Areas
D5 Listed Buildings
E3C Loss of Employment land
ENV5 Sustainable Drainage

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 Any comments received will be reported verbally.

Planning and Environment Management (Forward Planning)

3.2 Advice of the Economic Development Officer should be sought on the loss of the office space. If concerns are raised by Economic Development then policy would raise an objection to the loss of this employment site. If the loss of employment use is acceptable residential use is supported provided the development detail within the conservation area and to the listed building is acceptable.

Economic Development Unit

3.3 Any comments received will be reported verbally.

Planning and Environment Management Conservation Officer)

3.4 The lower floors have most recently been in use as offices, and retain large open spaces punctuated by cast iron columns, and staircases between the floors. There has been subdivision by partitions and insertion of suspended ceilings in connection with office use. The machinery has gone, but the open spaces, cast iron

columns and layout of the building are a tangible link to its use and the technology use in the construction of the building. The significance of the listed building is as a roller mill of late 19th century date, constructed to the design of a prominent local architect, within historic core of the City of York. Consent has previously been granted for residential conversion of part of the lower floors (15/01892/LBC 15/01891/FULM).

3.5 The current scheme proposes conversion of the remaining office space on the same two floors. Whilst the 2015 conversions have retained important fabric, for example, the floor structure, cast iron columns and brickwork of the buildings envelope, the spacious quality of the internal spaces has been undermined. This spaciousness is in any event less pronounced in the parts of the building included in the current applications due to existing subdivision for office use. With the spacious character lost, and the structural fabric preserved no objection to planning permission and listed building consent being granted.

Flood Risk Management

3.6 With regards to emergency access and egress it is anticipated that Emergency Planning will require a detailed emergency access and egress plan together with details of the proposed temporary ramp from first floor to the Hungate Bridge to include minimum platform level to AOD.

Emergency Planning Officer

3.7 Comments awaited

Public Protection

3.8 No objection subject to conditions regarding hours of construction, and the submission of a construction management plan. In addition In terms of air quality it is noted that no additional car parking spaces are to be provided, with 101 being provided overall. As a result it is not considered necessary to require that electric vehicle charge points be provided. However recommend an informative in relation to provision.

EXTERNAL

Environment Agency (EA)

3.9 The Flood Risk Assessment by Dudleys dated 12 May 2017 ref:17133 REP01(1)REVB has been reviewed. Based on our review, consider that the proposed development will meet the requirements of the National Planning Policy Framework and that planning permission could be granted, subject to a planning

condition being applied to any planning permission granted in relation to floor levels and flood resilience measures as detailed in the FRA..

Foss Internal Drainage Board

3.10 Defer to the opinion of the Flood Risk Management Team.

Crime Prevention Officer

3.11 By reducing the opportunities for crime and anti-social behaviour to occur in accordance with the recommendations, it is considered that residents will be provided with a safe and secure environment to live. This will accord with the core principles and design objectives set out in the National Planning Policy Framework and local policy.

Neighbour notification and publicity

3.12 Twenty letters of objection were received and raise the following points:

- Object to loss of tower door as used regularly and is used as an emergency access by many people including the elderly. Increased safety risk.
- The proposed flat in the tower would only be accessible from the walkway which would present problems in the event of a fire.
- Object to loss of lift
- The development offers no real affordable housing for the area. It looks more like rental and holiday lets. This will mean a drop in the care and respect for the surrounding area and not in the spirit of the Rowntree Foundations conversion which went so far as to not allow rental.
- The city needs affordable office space.
- The properties have no secondary glazing or insulation. Those living in them will have little option to make alterations.
- Some residents work night shifts and need to sleep during the day. Need provision to protect residents whilst work on-going.
- Concern regarding the density of the occupation of the site. Combined with other applications, the situation will be even worse. Should be assessed against the density of population, parking, access and escape and pressure on amenities etc. It appears that family accommodation is needed which this isn't.
- Concern regarding lack of ventilation or natural light due to blocking of window for provision of flats.
- Inappropriate for numbering of new apartments to be finished with letter 'A' because it will lead to confusion over deliveries.
- The rationale behind this proposed change is to enable a small flat to be created, can only be regarded as an overdevelopment of the building. It is entirely wrong

that this should be allowed and goes against the spirit of the nature and style of the original conversion of the building.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of development for housing
- Loss of office accommodation
- Heritage assessment
- Flood Risk
- Neighbour amenity
- Traffic and parking
- Refuse collection
- Crime prevention
- Contributions
- Sustainability

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

4.2 Section 66 Planning (Listed Buildings and Conservation areas) Act 1990 states that in determining planning applications for development which affect a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. Section 72 of the same act imposes a general duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The Council's statutory duty under section 66 and 72 gives rise to a strong presumption against planning permission being granted, and considerable importance and weight must be given to any harm, even that harm would be minor.

PLANNING POLICY CONTEXT

National Planning Policy Framework

4.3 The 'tilted' balance in favour of sustainable development is dis-engaged in relation to the consideration of this application because it relates to a listed building within a designated conservation area.

4.4 Section 17 of the NPPF advises that within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. Of particular relevance to this application are:

- be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas,
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources.
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

Draft 2005 Development Control Local Plan

4.5 There is no formally adopted local plan , however the City of York Draft Local Plan incorporating the Fourth Set of Changes was approved for development management purposes in April 2005. It does not form part of the statutory development plan for the purposes of section 38 (6) of the Act. Its policies are however considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

Emerging Local Plan

4.6 Consultation on a new pre-publication draft local plan and revised evidence base ended on October 30th 2017. The emerging local plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process which policies will be limited. The evidence base that underpins the proposed emerging policies is also a material consideration in the determination of the planning application.

Relevant Evidence Base

4.7 The evidence base includes:

- Strategic Housing Land Availability Assessment (SHLAA) (2017)

- Strategic Housing Land Availability Assessment (SHLAA) Annexes (2017) (18.67 MB - PDF)
- Heritage Impact Assessment (2017) (2.36 MB - PDF)
- Heritage Impact Assessment Annexes (2017) (5.61 MB - PDF)

PRINCIPLE OF DEVELOPMENT FOR HOUSING

4.8 The existing use of this part of the building is for office accommodation. At Paragraph 20 the NPPF sets out that local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. However at paragraph 22 it advises that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of sites allocated for employment use being used for that purpose. Policy E3b of the DCLP also seeks to resist the loss of existing employment sites. This is re-affirmed in policy EC3 of the Pre- Publication Draft Plan. In relation to housing, the NPPF states that local planning authorities should deliver a wide choice of high quality homes, widen opportunities for home ownership, and create sustainable, inclusive and mixed communities (paragraphs 50-55).

Paragraph 50 further states that local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Policy H4 of the DCLP is in general conformity with the NPPF and advises that, housing proposals within the defined settlement limits will generally be acceptable where they involve the conversion of a building. Policies HE2 (Development in Historic Locations), HE3 (Conservation Areas) and HE4 (Listed Buildings) of the DCLP, and emerging plan policies D4 (Conservation Areas) and D5 (listed Building) are applicable. However the impact of the development in relation to the historic environment will be considered later in this report.

4.9 When considering the loss of employment premises, the Council will expect the applicant to demonstrate that there is no demand for such facilities by marketing the property for a reasonable period of time. The Planning Statement submitted with the application states that the majority of the ground and first floor office accommodation was occupied by a company of Solicitors. Once it was apparent that they would be vacating the building, the space was initially marketed informally to general enquirers, and potentially interested parties. The site was formally advertised from February 2017. The total time period for marketing is one year, including a six month formal marketing period. The agents advised that potential occupants considered that the premises were outdated, were split over two floors and the location was perceived as secondary. The offices were categorised as Grade 'B' and therefore not of interest to those wanting Grade 'A' accommodation. Accordingly, no interest in the use of offices was received.

4.10 Whilst no formal comments have been received from the economic development officer, they advised on a previous application on the site:

There are a number of businesses looking for high quality office accommodation in the centre of York. Ideally the space should be retained in office use. The site has been marketed and a few businesses shown around the site without further interest given the quality of the accommodation.

4.11 Accordingly, from an economic perspective, the retention of the employment use is desirable. However, given the level of marketing that has been carried out, the previous approval of the change of office accommodation, and the retention of part of the ground floor of the building for office accommodation for the applicant, it is not considered that a refusal of a change of use could be sustained.

4.12 Weight must also be given to the strong support in the NPPF for the delivery of a wide choice of high quality homes in order to boost supply. The City of York SHMA and Addendum (2016) concludes that demand is particularly high for smaller affordable properties, and in order to meet the demands and expectations of family's larger houses will also be required. The site is in a sustainable location, and in both walking, and cycling distance of shops, services, and employment opportunities. Furthermore there is a wide range of public transport opportunities to access employment further afield.

4.13 The proposed development relates to small units, and in itself will not provide the range of accommodation required by the NPPF or indeed Policy H3 of the DCLP. Nevertheless, it is not considered that the accommodation should all be provided by one application to provide the required diversity. The applicant has advised that the following the development building will include;

Studios 41
1 bed 27
2 bed 49
3 bed 4.

4.14 It is therefore considered that there is a variety of accommodation throughout the building as a whole. In addition, whilst the size of accommodation is at the lower size range, the City of York SHMA and Addendum (2016) demonstrates a need for smaller units, and as such it is not considered that the development is inappropriate, and it broadly complies with the requires of the NPPF, DCLP and emerging plan when they are taken as a whole. Accordingly it is considered that the principle of development is acceptable.

HERITAGE CONSIDERTIONS

4.15 The majority of the alterations will be carried out within the building, and therefore there will be little impact on the character of the Conservation Area. There is a small increase in the size of the refuse store. In accordance with paragraph 128 of the NPPF, the application is accompanied by a heritage statement. Having taken account of the requirements of section 12 of the NPPF however it is considered that change to the refuse area is in keeping with the scale and design of the existing building, and will not harm the character and appearance of the conservation Area.

4.16 In relation to the impact of the development on the significance of the listed building, and in accordance with paragraph 132 of the NPPF, great weight has been given to the conservation of the building and those elements of its significance. The proposal will put the building to a viable use which is consistent with the buildings conservation. The Conservation Officer has taken account of the previous subdivision of the building by partitions and insertion of suspended ceilings in connection with the office use. The machinery has gone, but the open spaces, cast iron columns and layout of the building are a tangible link to its use and the technology used in the construction of the building. The significance of the listed building is as a roller mill of late 19th century date, constructed to the design of a prominent local architect.

4.17 The current scheme proposes conversion of some of remaining office space on the same two floors as residential accommodation that was approved in 2016. The 2015 conversions have retained important historic fabric within the building, such as the floor structure, cast iron columns and brickwork of the buildings envelope. The existing spaciousness within the building is less pronounced in the parts of the building subject to the current applications. This is due to the existing subdivision that was carried out for the office use. The greater sub division of the building will result in some harm, however with the retention of the historic fabric, and given the existing subdivision that has occurred, the harm is considered to be at the lower end of less than substantial. The reduction in the number of units being created has further reduced the level of harm identified.

4.18 The Strategic Housing Land Availability Assessment (SHLAA) (2017) is part of the evidence base for the emerging local plan. Whilst it does not carry much weight at this stage, it demonstrates the need for residential accommodation within the city. The site is located in a very sustainable location, with good access by foot, cycle or public transport to services, shops and employment opportunities. In view of this it is considered that the delivery of 13 dwellings in the manner proposed would create a significant public benefit, and will put the building to a use that is consistent with its conservation. In view of this, it is considered that the public benefits, outweigh the limited harm identified in accordance with paragraph 134 of the NPPF.

FLOOD RISK

4.19 The application site lies adjacent to the River Foss, and is located within flood zone 3a. The site is therefore considered to be at high risk of flooding. Paragraphs 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment. However at paragraph 104, it further states that applications for minor development and changes of use should not be subject to sequential or exception tests, but should still meet the requirements for site-specific flood risk assessments.

4.20 The flood risk and mitigation were approved as part of the previous application 15/01891/FULM. However the application is accompanied by an up to date Flood risk Assessment that, (in accordance with the NPPG), provides information on sources of flood risk, historic flood data, emergency escape routes and recommended flood resilience measures. This states that the apartments will be safe from flooding as the existing ground level will be raised to 10.61 AOD, and furthermore, the development will not increase the risk of flooding elsewhere because the footprint of the building will not change. The proposal includes flood resilience measures such as raising the height of gas meters, electric boxes and sockets. Communication wiring will be encased in sealed ducts.

4.21 The planning application approved in December 2016 (15/01891/FULM) approved the provision of a means of escape for residents on the eastern elevation of the car park. This is provided by a retractable escape stairway to the bridge across the river. It will be employed in times of flood risk.

4.22 It is considered that the principle of the extended residential use of this building in flood zone 3a was accepted when application 15/01891/FULM was approved. It is therefore considered that subject to conditions requiring the implementation of flood resilience measures and the flood evacuation plan, (including the flood escape stairway), the application accords with the requirements of section 10 of the NPPF - Meeting the challenge of climate change, flooding and coastal change, together with the technical guidance in the NPPG. The Lead Flood Management Team has advised that they accept the recommended Environment Agency condition within their response dated 6th September 2017. It is recommended however a condition be imposed requiring implementation of the previously approved emergency access and egress to include minimum platform level to AOD.

NEIGHBOUR AMENITY

4.23 The proposed 14 additional residential apartments will result in a greater intensification of the residential use of the building. The comings and goings

associated with more studio and one bedroom accommodation can be greater than may occur from a reduced number of larger flats. Nevertheless, it is considered that the layout of the accommodation within the building is acceptable and will not result in a significant adverse impact on the existing amenities of neighbouring occupiers. Whilst entry and exit from the flats is along a long corridor past other flats, the single or two person occupancy of each flat is such that there is less potential for the level of noise that may occur for example if groups sharing a large unit are exiting or leaving at night time. Comments made on previous applications at the time referred to an impact on resident's amenity due to the comings and goings along the walkway past their windows. Nevertheless, it is considered that this is something that is commonplace within cities, and is not dissimilar to pedestrians walking along footways in close proximity to windows of houses that directly face a street. The applicant has demonstrated that the refuse storage and cycle provision is acceptable, and the flood resilient measures will equally apply to the increase in number of residents.

4.24 A significant number of objections were received in relation to the application as submitted. This is because the plans omitted access to an existing door from the building onto the original bridge from the building. This was an error that was subsequently corrected by the submitted revised plans. Furthermore, written confirmation has been received from the applicant that the lift and door will be retained.

RESIDENTIAL AMENITY

4.25 One of the core principles of the NPPF requires development to provide a good standard of amenity for all existing and future occupants of land and buildings. Concern has been raised regarding that the accommodation is very small and intensive. There is no doubt that the smallest unit at 26.83m is at the lower limits of what might provide an acceptable level of amenity for occupants. Nevertheless all the flats provide kitchen, bathroom and a small seating area, although potential storage space is very limited. It is considered that it will provide a step on the housing ladder, or much needed rental accommodation. It is also understood, that due to locational factors, some accommodation is utilised by those working in the city during the week. As such the development fulfils a need in the housing market. It is also considered that the outlook that faces onto the river result in a more open aspect than would occur in a site that is more constrained. It is of relevance that there is not an adopted development plan policy that includes space standards.

DESIGNING OUT CRIME

4.26 The Police Designing Out Crime Officer has carried out an analysis of police recorded incidents within a 200m radius of the proposed development. In summary, there were 158 crimes and 163 anti-social behaviour incidents recorded during this twelve month period, with theft in general and cycle theft in particular, burglary and

criminal damage being the most significant issues. Crime and anti-social behaviour levels within the vicinity of the proposal can be described as high.

4.27 In order to protect the occupants from broken glass and from 'smash and grab' style burglary, the window glazing on the first floor that fronts onto the public cantilevered walkway is to be fitted with clear safety film to internal panes to an appropriate standard. In addition, the Designing Out Crime Officer has advised that the proposed development should be incorporated into the same CCTV and lighting schemes as previously approved (reference - 15/01891/FUL). Furthermore, the proposed cycle storage should be totally enclosed and have self-closing automatic locking doors with fob release/access.

4.28 It is noted that the proposed 29 allocated car parking spaces within the adjacent multi-storey car park are shared with the extant consent for 34 residential units mentioned above. In order to avoid conflict and confrontation, parking spaces for the residents of the proposed development be specifically and clearly allocated.

4.29 By reducing the opportunities for crime and anti-social behaviour to occur in accordance with the recommendations detailed above, it is considered that residents will be provided with a safe and secure environment to live. This will accord with the core principles and design objectives set out in the National Planning Policy Framework and local policy.

TRAFFIC AND PARKING

4.30 There are 29 car parking spaces available in the adjacent (attached) multi storey car park which will serve the proposed application, together with that for the previously approved 34 units. As such they will serve all the accommodation to ground and first floors. However the site is located in a very sustainable location, within walking and cycling of services and shops. Furthermore frequent bus and train access is within walking distance of the site, giving access to nearby employment opportunities and also those further afield. Additional cycle spaces are also to be provided within the existing car park and the total provision will ensure a minimum of one secure/covered cycle space/ per flat. Given the sustainable location, it is not considered that a lack of car parking is a sustainable reason for refusal.

REFUSE COLLECTION

4.31 The consideration of application 15/01891/FULM approved the relocation of refuse storage to the rear of the cycle store. The refuse strategy on that application agreed that weekly refuse collections would provide sufficient capacity. It is proposed to extend the area slightly to provide space for a further 2 no 1,100l bins. Additional bins will be located in the existing recycling store which will again provide

suitable capacity for the whole development based on weekly collection previously approved.

SUSTAINABILITY

4.32 The sustainability of the development and its principles are in line with CYC guidelines. The site benefits from good routes for cars, bicycles and pedestrians and the proximity of frequent bus and train services allows easy public transport access to the wider area. The proposal addresses the local residential need by providing a type of quality home with a mix of sizes with a proven requirement and high demand and the design is intended to enhance the character of the town and promote a feeling of community and security. The lighting will be fitted with low energy bulbs, and high efficiency white goods and boilers will be specified throughout. During the alterations, materials will be sourced locally where possible, and the construction teams will use the local facilities and contribute to the local economy. The internal layouts have been designed as far as possible to take advantage of the natural lighting arrangement to the habitable rooms as presented.

AFFORDABLE HOUSING

4.33 The development is subject to the Vacant Building Credit that allows vacant floor space in an existing building to be converted to residential use without the requirement for affordable housing.

CONTRIBUTIONS

4.34 No S106 Education Contribution is required because all the units will be one bed flats. No open space contribution is required as more than five contributions have been sought towards open space within the area. Restrictions on the pooling of s.106 planning obligations under regulation 123 of the amended Community Infrastructure Regulation 2014 means that no more contributions may be collected in respect of a specific infrastructure project or type of infrastructure through a section 106 agreement, if five or more obligations for that type of project have already been entered into since April 2010.

OTHER MATERIAL CONSIDERATIONS

4.35 The plans include the loss of a metal staircase to facilitate the provision of flat 23. It is not considered that this will result in any harm to amenity. In addition the applicant has advised that it is not required as a fire exit. The (secondary) stair only served the first floor Office space (entrance to these office suites were via the door at GF). This stair was retained as part of the original application (for 34 units) and for the additional 5 units, as it provided a means of escape to those apartments at that end of the building. This stair can be omitted from the current application as it is proposed to convert the whole of the first floor into residential use. Therefore the

corridor will run full length of the building and provide access to the exit/stair at the western end of the building exactly as happens on the upper floors. In so doing this renders the secondary stair redundant and can therefore be removed.

5.0 CONCLUSION

5.1 In considering the planning balance, as some harm is identified to the significance of the listed building, the more restrictive policies in the NPPF relating to conservation of heritage assets apply, rather than the "tilted balance" in favour of sustainable development in paragraph 14 of the NPPF. In the planning balance, Rowntree Wharf is sustainably located close to the city centre. Whilst Policy E3b (Existing and Proposed Employment Sites) of the DCLP seeks to resist the loss of existing employment sites and retain them within their current use class' the building has been marketed for six months, with no demand demonstrated for the building. In addition the principle of providing new housing in this location is considered to be acceptable and to accord with NPPF policy which seeks to boost significantly the supply of housing. Furthermore, the revised plans to reduce the numbers will result in the retention of an area of offices to be occupied by the applicant.

5.2 It is not considered that the development will harm the significance of the Conservation Area. Limited harm has been identified in relation to the significance of the listed building, even taking account of the requirements of paragraph 66 of the Planning (listed building and Conservation Area) Act 1990, it is considered that the public benefits of delivering additional residential accommodation, and securing an optimum viable use for the building, the proposal outweigh the harm identified. This is in accordance with the requirements of paragraph 134 of the NPPF.

5.3 The parking, residential amenity and flood risk implications of the scheme are acceptable when considered in the context of NPPF policy and subject to appropriate conditions. It is not considered that there are any material considerations that would outweigh the general support for the delivery of additional housing in a sustainable location, and the recommendation is one of approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

TCA-288-005 2001 REV A Ground Floor

TCA-288-005 2001 REV A First Floor

TCA-288-005 2021 Car parking

Application Reference Number: 17/01905/FULM

Item No: 3d

TCA-288-005 2040 Sections

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

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

Monday to Friday 08:00 to 18:00

Saturday 09:00 to 13:00

Not at all on Sundays or Bank Holidays.

Reason: To protect the amenities of existing residents within the building.

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

Reason: In the interests of highway safety.

5 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Dudleys dated 12 May 2017 ref:17133 REP01(1)REVB and the following mitigation measures detailed within the FRA:

*Finished floor levels are set no lower than 10.61m above Ordnance Datum (AOD).

*Provision of flood proofing / resilience measures as detailed within the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

6 The scheme for on - site refuse and re-cycling storage shown on the approved plans, and detailed in relation to application AOD/17/00005 including weekly refuse collections, shall be implemented in accordance with the approved details before any dwelling is occupied and shall continue to operate in accordance with the scheme for the life time of the development unless otherwise approved in writing with the Local Planning Authority.

Reason: In the interests of the residential and visual amenity of the site and area to accord with paragraph 17 of the National Planning policy framework.

NB: In accordance with the information submitted with the application in order for the scheme to provide sufficient storage for refuse a weekly collection of waste is agreed.

7 The development hereby approved shall not be occupied until the following crime prevention measures have been carried out in accordance with details that have first been submitted to, and approved in writing by the Local Planning Authority. The details shall include:

- Specific allocation of parking spaces for the residents of the proposed development .
- Access to cycle store to be secure and accessed by fob.
- The proposed development should be incorporated into the same CCTV and lighting schemes as previously approved (reference - 15/01891/FUL).
- Provision of clear film on windows in accordance with the details previously in relation to application reference -15/01891/FUL.

Reason In the interests of crime prevention

8 The existing lift at the western end of the building, together with the door that provides access to the bridge at this end of the building shall be retained for use by existing and proposed residents. Details of any revision to the access, including during the construction period shall be submitted to, and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of existing and future occupiers.

9 Unless otherwise agreed in writing by the Local Planning Authority, the development shall not be occupied until the flood evacuation measures, including the provision of the escape stair, approved under application 15/01891/FULM and detailed in AOD/17/00005, have been implemented on site.

Reason: In the interests of safe access and egress.

10 Prior to the commencement of that part of the works on site, precise details of the railing/close boarding to provide the extension to the refuse area, shall be submitted to, and approved in writing by the Local Planning Authority.

Reason; In the interests of preserving the character of the Conservation area.

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 took the following steps in order to achieve a positive outcome:

Revised plans to show retention of access at western extent of building.

2. ELECTRIC VEHICLE CHARGING POINTS

It is recommended that two electric vehicle recharge points, serving two dedicated car parking bays, are installed. The bays should be marked out for the exclusive use of electric vehicles. In addition, to prepare for increased demand in future years, appropriate cable provision should be included in scheme design and development in agreement with the Local Planning Authority.

3. INFORMATIVE:

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

Contact details:

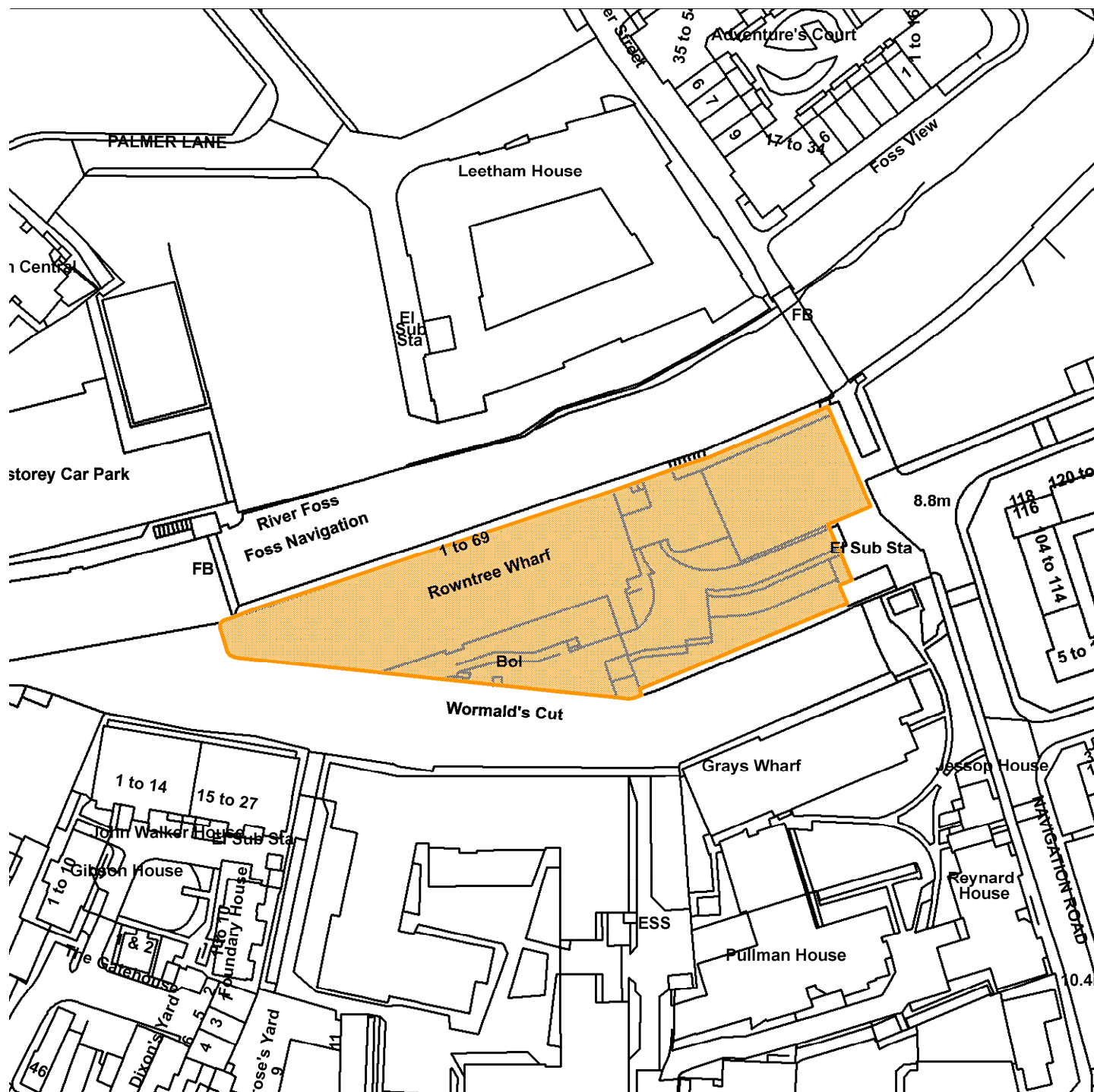
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17/01905/FULM

Rowntree Wharf Navigation Road York



Scale : 1:1284

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Organisation	City of York Council
Department	Economy and Place
Comments	Site location plan
Date	20 November 2017
SLA Number	

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COMMITTEE REPORT

Date: 30 November 2017 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 17/01906/LBC
Application at: Rowntree Wharf Navigation Road York
For: Internal alterations associated with partial conversion of ground and first floor offices to 14 no. apartments.
By: Piccadilly One Ltd
Application Type: Listed Building Consent
Target Date: 2 October 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 Rowntree Wharf is a Grade II listed building and due to its height and enclosure by Wormalds Cut and the River Foss on three sides, is a landmark building in this part of the city. It was constructed as a roller flour mill by W G Penty for Sidney Leetham in 1896 and converted (upper floors) to flats in 1990. At the time of construction, the mill was at the forefront of technology. The building is attached via a mezzanine level access at first floor to a 1990s-built multi storey car park providing car parking for the existing office and residential use. A separate application for planning permission has been submitted in respect of the use of the building and associated alterations to allow the residential conversion (17/01905/FULM).

1.2 Listed building consent is sought for the change of part of the ground and first floor of the building to form 14 additional residential units. The application originally sought change of use to 23 units, however the plans were changed in the light of comments made. This part of the building has most recently been used for office accommodation.

1.3 The proposal will provide 8 studio apartments on the ground floor together with 5 studio apartments and one no. one bedroom flat on the first floor.

1.4 The alterations to the buildings and its setting necessary to allow the conversion include:

- Removal of modern internal partition walls and replacement with new partitions to create the individual residential units.
- Removal of a modern metal staircase
- Alteration to the existing suspended ceiling.
- Alterations to the bin storage arrangements

- Crime prevention measures including upgraded lighting and CCTV and clear safety film to windows.
- No alterations are proposed to the existing window openings.

PLANNING HISTORY

05/02251/FUL and 05/02258/LBC - planning application and listed building consent for the conversion of fifth floor offices to eight apartments with the provision of additional car parking - granted permission January 2006.

15/0189/ FULM and 15/01892/LBC - planning and listed building consent granted for alterations to the ground and first floor to create 34 flats.

17/01533/FULM and 17/01535/LBC variation of condition 2 approved to enclose some columns within the ground and first floor.

17/0188/FUL and 17/01889/LBC planning and listed building consent approved for the alteration of the layout granted by applications 15/01891/FULM and 15/01892/LBC, to provide 5 additional units.

There have been a number of applications and listed building consents for works to individual flats within the Rowntree Wharf development. These applications are not considered significant to the consideration of the current application.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Listed Buildings GMS Constraints: Grade 2; Rowntree Wharf Navigation Road

2.2 Draft Development Control Policy:

CYHE4 Listed Buildings

2.3 Pre-Publication Draft Local Plan 2017:

Policy D5: Listed Buildings.

3.0 CONSULTATIONS

INTERNAL

Design Conservation and Sustainable Development - Conservation Officer

3.1 The lower floors have most recently been in use as offices, and retain large open spaces punctuated by cast iron columns, and staircases between the floors. There has been subdivision by partitions and insertion of suspended ceilings in connection with office use. The machinery has gone, but the open spaces, cast iron columns and layout of the building are a tangible link to its use and the technology use in the construction of the building. The significance of the listed building is as a roller mill of late 19th century date, constructed to the design of a prominent local architect, within historic core of the City of York (15/01892/LBC 15/01891/FULM).

3.2 Consent was subsequently granted for residential conversion. The current scheme proposes conversion of the remaining office space on the same two floors. Whilst the 2015 conversions have retained important fabric, for example, the floor structure, cast iron columns and brickwork of the buildings envelope, the spacious quality of the internal spaces has been undermined. This spaciousness is in any event less pronounced in the parts of the building included in the current applications due to existing subdivision for office use. With the spacious character lost, and the structural fabric preserved, DCSD does not object to planning permission and listed building consent being granted.

EXTERNAL

Historic England

3.3 On the basis of the information available to date, Historic England does not wish to offer any comments.

York Civic Trust

3.4 The conservation of the building holds important evidential significance of York's rich industrial and social history. The Trust laments the application's desire to alter the 1989 permitted office use on the ground and first floors for residential use. The continued use of some aspect of the building for employment would be more in keeping with its historical function. Furthermore, the public walkway on the first floor currently affords evidence of the internal openness of the former mill to the passer-by, the character of which would be lost through this proposal. Indeed, the desire to refurbish the layout to accommodate what are almost entirely studio flats (over half of which are of a very small nature and less than 30m² gross internal floor area) will disrupt the personality of the building and cheapen what is an important and prominent historic landmark in York.

4.0 APPRAISAL

POLICY CONTEXT

Application Reference Number: 17/01906/LBC

Item No: 3e

4.1 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building, its setting or any features of special architectural or historic interest when considering whether to grant listed building consent.

4.2 Central Government guidance dealing with the heritage environment is contained in chapter 12 of the National Planning Policy Framework (NPPF). It directs local planning authorities to give great weight to the conservation of heritage assets and to refuse development that would lead to substantial harm or total loss. Where the harm to the significance of a heritage asset would be less than substantial the harm should be weighed against the public benefits of the proposal, including securing the optimum viable use (paragraph 134 of the NPPF).

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

4.4 The 2005 Draft Local Plan (DCLP) does not form part of the statutory development plan for the purposes of S38 of the 1990 Act. Its policies are however considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are consistent with those in the NPPF, although it is considered that their weight is limited. Policy HE4 Listed Buildings seeks to ensure that consent is only granted where there is no adverse effect on the character, appearance or setting of the listed building.

4.5 Consultation on a new pre-publication draft local plan and revised evidence base concluded on 30th October 2017. The emerging Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be limited. The evidence base that underpins the proposed emerging policies is also a material consideration in the determination of the planning application. Policy D5: Listed Buildings also seeks to preserve the significance and heritage values of the building, and require the submission of an evidence based heritage statement and justification.

4.6 The evidence base includes:

Strategic Housing Land Availability Assessment (SHLAA) (2017)

Strategic Housing Land Availability Assessment (SHLAA) Annexes (2017) (18.67 MB - PDF)

Heritage Impact Assessment (2017) (2.36 MB - PDF)

Heritage Impact Assessment Annexes (2017) (5.61 MB - PDF)

ASSESSMENT

4.7 The scheme would not lead to the loss of any significant features. The current application seeks to retain the original brick walls within apartments rather than cover in dry lining as previously approved.

4.8 In accordance with paragraph 132 of the NPPF, great weight has been given to the conservation of the building and those elements of its significance. The proposal will also put the building to a viable use which is consistent with the buildings conservation. Account has been taken of the previous subdivision of the building by partitions and insertion of suspended ceilings in connection with the office use. The machinery has gone, but the open spaces, cast iron columns and layout of the building are a tangible link to its use and the technology use in the construction of the building. The significance of the listed building is as a roller mill of late 19th century date, constructed to the design of a prominent local architect.

4.9 The current scheme proposes conversion of some of remaining office space on the same two floors as residential accommodation that was approved in 2016. The 2015 conversions have retained important historic fabric within the building, such as the floor structure, cast iron columns and brickwork of the buildings envelope. Officers have taken account of the objection from York Civic Trust in relation to the loss of employment use that they consider is more in keeping with the character of the building, public views from the walkway, and subdivision 'cheapening' the character of the building. However the number of units has been reduced from 23 to 14, and sub division of large areas of the building have previously been approved. Given this it is not considered that the views from the walkway to the apartments that constitute this application will have an impact on significance. Furthermore, the existing spaciousness within the building is less pronounced in the parts of the building subject to the current applications. This is due to the existing subdivision that was carried out for the office use. The greater subdivision of the building will result in some harm, however with the retention of the historic fabric, and the existing subdivision that has occurred; the harm is considered to be at the lower end of less than substantial. The minor change to the refuse store will have very little impact. The revised plans that reduce the number of flats being created from 23 to 14 has further reduced the level of harm identified.

4.10 The Strategic Housing Land Availability Assessment (SHLAA) (2017) is part of the evidence base for the emerging local plan. Whilst it does not carry much weight at this stage, it demonstrates the need for residential accommodation within the city. The site is located in a very sustainable location, with good access by foot, cycle or public transport to services, shops and employment opportunities. In view of this it is considered that the delivery of 14 dwellings in the manner proposed would create a significant public benefit, and will put the building to a use that is consistent with its conservation. In view of this, it is considered that the public benefits, outweigh the limited harm identified.

5.0 CONCLUSION

5.1 The site is within the Central Historic Core Conservation Area, Rowntree Wharf is a Grade II listed building and due to its height and enclosure by Wormalds Cut and the River Foss on three sides, is a landmark building in this part of the city.

5.2 Special regard has been given to the desirability of preserving the listed building, its setting or any features of special architectural or historic interest as required by Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Great weight has been attributed to the harm identified, however in view of the significant changes that have already occurred within the building, by virtue of the level of sub division, it is considered that the harm is at the lower level of less than substantial. Officers therefore consider that the benefits of delivering much needed residential accommodation in a sustainable location are sufficient to outweigh the limited harm identified. The proposal complies with the guidance within Section 12 of The NPPF, and Policy HE4 of the DCLP, and Policy D5 of the Pre-publication Draft 2017.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME L2 Development start within 3 yrs (LBC/CAC)

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

TCA-288-005 2020 REV A Site Plan
TCA-288-005 2001 REV A Ground Floor
TCA-288-005 2002 Rev A First Floor
TCA-288-005 2040 Typical Sections

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

7.0 INFORMATIVES:

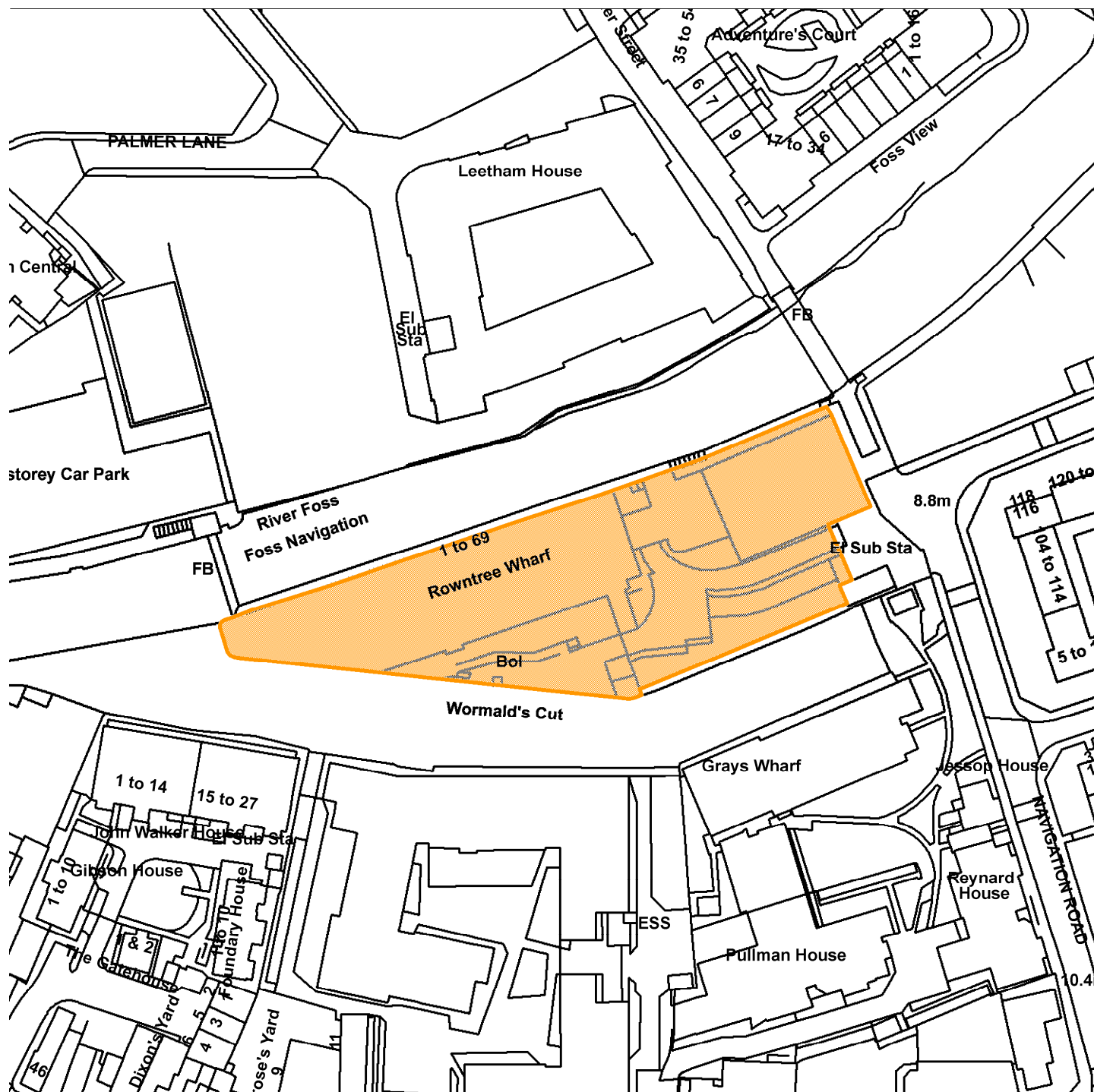
Notes to Applicant

Contact details:

Author: Rachel Smith Development Management Officer
Tel No: 01904 553343

17/01906/LBC

Rowntree Wharf Navigation Road York



Scale : 1:1284

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Organisation	City of York Council
Department	Economy and Place
Comments	Site location plan
Date	20 November 2017
SLA Number	

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COMMITTEE REPORT

Date: 30 November 2017 **Ward:** Osbaldwick And Derwent
Team: Householder and **Parish:** Osbaldwick Parish
Small Scale Team Council

Reference: 17/01935/FUL
Application at: Holly Tree Farm Murton Way York YO19 5UN
For: Two storey side and single storey rear extensions (resubmission)
By: Mr And Mrs Richardson
Application Type: Full Application
Target Date: 17 November 2017
Recommendation: Householder Refusal

1.0 PROPOSAL

1.1 The application site is a two storey extended detached dwelling positioned on the outskirts of Osboldwick Village and located within the Green Belt. Planning permission is sought for the construction of a first floor side extension above an original outbuilding and two story side/ rear and single storey rear extension. The extension creates one additional en-suite bedroom and increases the ground floor living space.

1.2 The application has been called-in to sub-committee at the request of Councillor Warters should the recommendation be to refuse all the submitted schemes.

Property History

3/100/139/PA Two storey extension to dwelling to form additional living area, kitchen and cloakroom with two bedrooms above – Approved 1980

3/100/96/PA Construction of a double garage – Approved 1978

16/01172/FUL Two storey side and single storey rear extensions - Withdrawn

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Flood zone 2 Flood zone 2
Flood zone 3 Flood zone 3

2.2 Policies:

CYGP1	Design
CYH7	Residential extensions
CYGB1	Development within the Green Belt
CYGB4	Extension to existing dwellings in GB
CGP15A	Development and Flood Risk

3.0 CONSULTATIONS

Osballdwick Parish Council

3.1 No comments received.

Publicity/Neighbour Notification

3.2 No responses received.

4.0 APPRAISAL

4.1 KEY ISSUES:

- Whether the development is considered inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
- The effect on the openness of the Green Belt.
- Amenity of nearby residential dwellings.
- The effect of the development on flood risk.

PLANNING POLICY

4.2 The National Planning Policy Framework (NPPF) 2012 sets out the Government's overarching planning policies. It states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. The construction of new buildings within the Green belt is inappropriate and should not be approved except in very special circumstances (para 87). However paragraph 89 lists exceptions to this general presumption including the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

4.3 The Regional Strategy for Yorkshire and Humber (the RSS) Policy YH9C "Green Belts" states that the detailed inner boundaries of the Green Belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city. RSS Policy Y1 states that the

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

4.4 The Development Control Local Plan (DCLP) 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.

4.5 Draft DCLP 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.

4.6 Policy CYGB1 states that in the Green Belt permission will only be granted where a) the scale and location would not detract from the open character of the Green Belt b) it would not conflict with the purposes of including land within the Green Belt c) it would not prejudice the setting and special character of the City Of York. CYGB4 states that the extension and alteration of dwellings in the Green Belt and open countryside will be permitted providing the proposal: a) would not cause undue visual intrusion; and b) is appropriate in terms of design and materials; and c) is small scale compared to the original dwelling.

4.7 House Extensions and Alterations Draft Supplementary Planning Document (SPD) (December 2012) states that the basic shape and size of an extension should be sympathetic to the design of the original dwelling and should also appear subservient. The appearance of the side extension will be improved if it is set back from the main building. Paragraph 7.1 advises that a basic principle is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the street scene generally. In particular, care should be taken to ensure that the proposal does not dominate the house or clash with its appearance. Paragraph 12.4 and 12.6 states the siting of an extension should not be detrimental to the pattern of buildings and the spacing between them. Unduly wide extensions should normally be avoided; typically a two-storey extension should not exceed around 50% of the width of the original house. It is important that the erection of two-storey side extension does not through overdevelopment, lead to the impression of the terracing of the front elevation of adjoining properties and the erosion of a street's spaciousness and character. The scale of the new extension should not dominate the original building.

ASSESSMENT

4.8 The host dwelling is located to the east of Osbaldwick village and is in separate ownership from the small holding to the side and rear of the site previously associated with this house. This land has been subject to planning proposals

including an unimplemented approval for eight holiday cabins (2011); the conversion of a stable building into holiday accommodation (2011) which was approved on appeal and the erection of single storey holiday dwelling following the partial demolition of the stable building (retrospective) which was refused and dismissed on appeal (2016).

DESIGN

4.9 The host dwelling has been previously extended at the rear at two storey height. There is a double detached garage to the side attached to two metre high walls which enclose the rear garden. The proposed first floor and two storey side extensions would be lowered from the ridge by a minimum of 300mm and reduced at the eaves. The width would continue along the principal building line by approximately 4.3 metres projecting approximately 3.2 metres in depth. The single storey section would project along the full width of the rear elevation, approximately in 3.4 metres in height by approx 2.2 metres in depth, incorporating full height rear openings. An existing porch is centralised on the principal elevation which would provide some relief from the resulting width of the extension against the dwelling. The materials to be used are appropriate and sympathetic to the area. Thus, given the detached nature of the dwelling the extensions would be considered to be in accordance with advice contained within the SPD.

IMPACT ON THE GREEN BELT:

4.10 The key issue in the determination of residential extensions in the Green Belt is whether the increase in size would result in disproportionate additions over and above the size of the original dwelling. National planning advice contained within the NPPF states that the construction of new buildings in the Green Belt is inappropriate and should be resisted. However, exceptions to this general presumption include the extension or alteration of a building provided that it is disproportionate in scale to the original building.

4.11 DCLP Policy GB4 is generally in accordance with the NPPF. The explanatory text to DCLP policy GB4 contains a guideline which states that a planning application to extend a dwelling by more than 25 percent of the original foot print will be considered to be large scale and disproportionate over and above the size of the original building. In assessing proportionality of this application there are no scale drawings which enable an accurate calculation of the increase to the dwelling by the previous extensions. In addition there is evidence that an upper floor area to the side (formally an attached outhouse) has been demolished. However, a judgement has to be made on the comparison and increase in size between the original house and additional development. The previous two storey rear extension added two additional bedrooms above additional living space to what was a two bedroom dwelling. The cumulative increase with this current proposal would significantly exceed the footprint of original dwelling.

4.12 In addition to the increased massing another factor is the visual impact on the openness of the Green Belt. The NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential characteristics of the Green Belt are its openness and permanence. The increased massing of the building, widening the dwelling and frontage at first floor level would harm openness. There are no very special circumstances which have been advanced, or appear to exist, that would outweigh this harm of this development. The proposal would, therefore, conflict with national planning policy contained within the NPPF, in addition to Policy GB1 and GB4 of the Draft Local Plan.

RESIDENTIAL AMENITY:

4.13 In terms of protecting neighbour amenity, the Council will have regard for the adjacent neighbours in terms of the impact on sunlight, the relationship of windows, height, massing and dominance. The extensions would be sited at an acceptable distance away from adjacent houses to avoid impact on light, with good amounts of screening from ground floor living areas. As such the size of the extension and position of the new openings would not affect the level of privacy appropriate for these dwellings. Nor result in a dominant appearance from private gardens. Thus there would be no impact to residential amenity.

FLOOD RISK:

4.14 The site lies within Flood Zone 2/3. In relation to this, the agent has confirmed that the floor level of the proposals will be set no lower than the existing floor levels and flood proofing has been considered by the applicant and would be incorporated where appropriate.

5.0 CONCLUSION

5.1 It is considered that the proposal would result in a disproportionate addition over and above the size of the original dwelling and thus represent inappropriate development in the green belt. Furthermore, the size and overall massing of the house would be increased to a level which would harm openness. This would be contrary to the National Planning Policy Framework paragraphs 87, 88 and 89 and Local Policies GB1 and GB4 of the City of York Draft Local Plan, which seek to restrict the size of additions and extensions to existing dwellings in the Green Belt in order to maintain openness.

6.0 RECOMMENDATION: Householder Refusal

- 1 The house is within the Green Belt as defined by policy YH9 and Y1 of The Regional Strategy for Yorkshire and Humber. The proposed two storey and single storey extensions when added to previous extensions would result in disproportionate additions over and above the size of the original building, which would, by definition represent inappropriate development in the Green Belt. It would create a significant extension to the original property which would harm the openness of the Green Belt. No very special circumstances have been identified that would outweigh this harm. As such the proposal conflicts with Chapter 9 of the National Planning Policy Framework (Protecting Green Belt Land), in particular paragraphs 87-89 and policy GB4 of the City of York Draft Development Control Local Plan 2005.

7.0 INFORMATIVES:

Notes to Applicant

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

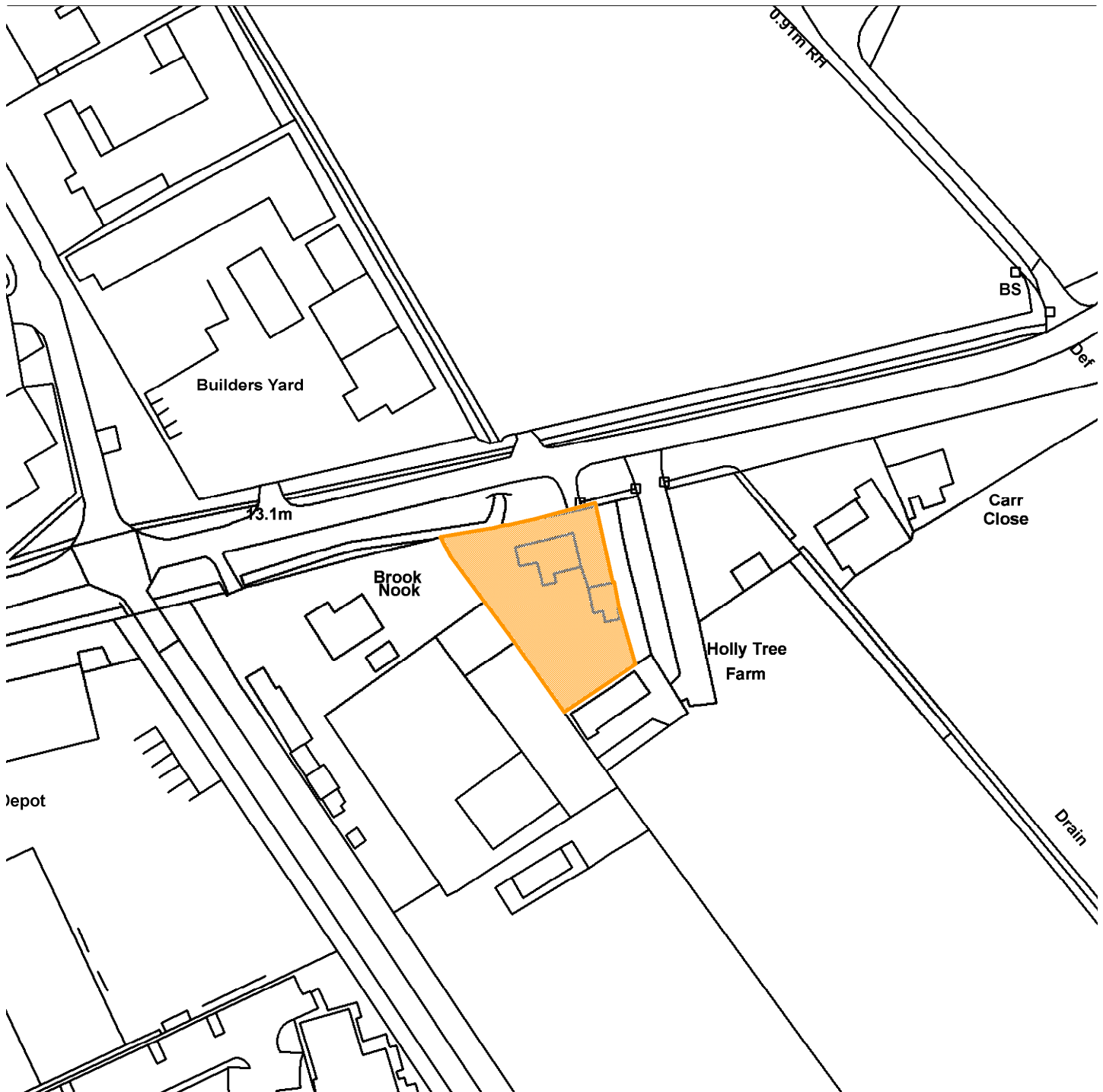
In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority considered that because of the additions to this dwelling a further extension would result in inappropriate development within the Green Belt. Therefore, resulting in planning permission being refused for the reasons stated and a positive outcome could not be achieved.

Contact details:

Author: Sharon Jackson Development Management Assistant
Tel No: 01904 551359

17/01935/FUL

Holly Tree Farm, Murton Way, York



Scale : 1:1284

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Organisation	City of York Council
Department	Economy and Place
Comments	Site location plan
Date	20 November 2017
SLA Number	

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COMMITTEE REPORT

Date: 30 November 2017 **Ward:** Wheldrake
Team: Major and **Parish:** Deighton Parish Council
Commercial Team

Reference: 17/02380/FUL
Application at: Deighton Lodge Limited Rush Farm (Game Farm) York Road
Deighton York
For: Variation of condition 4 of permitted application
16/00267/FUL to increase number of events from 15 to 25 in
total in any calendar year and condition 3 to allow the side
garden to be used for wedding ceremonies.
By: Mrs Carla Mitchell
Application Type: Full Application
Target Date: 29 November 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 The application seeks permission to vary two planning conditions of permission 16/00267/FUL which was approved on 15 June 2016 and allowed the change of use of a guest house (use class C1) and agricultural barn to a mixed use guest house and wedding venue. The amendment are to condition 3, to allow the side garden to be used for wedding ceremonies, and condition 4, to increase the number of events from 15 to 25 in total in any calendar year.

1.2 The conditions state:

Condition 3: Notwithstanding the provisions of Part 4, Temporary Use of Land, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), once the hereby approved used has been implemented the associated land shall not be used for any temporary use, other than the parking of vehicles associated with the events taking place on site, which would otherwise be classed as permitted development.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future uses 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.

Condition 4: Notwithstanding the information contained within the application forms the site shall be used for no more than 15 events in total in any calendar year.

Reason: In order to protect the amenities of nearby residential properties

RELEVANT HISTORY

16/00267/FUL - Change of use from guesthouse (use class C1) to mixed use guesthouse and wedding venue Approved 15th June 2016

16/01827/FUL - Removal of conditions 3 and 4 of permitted application
16/00267/FUL to allow use of surrounding fields for camping and associated outdoor activities Refused October 2016 for the following reason:

'The local planning authority considers that the removal of conditions 3 and 4 of planning permission 16/00267/FUL would result in an unacceptable level of disturbance to the nearby residential properties by way of noise generated by vehicular movements to and from the site and by visitors utilising the adjacent field for activities taking place in association with the approved use of the barn. As such, the removal of the conditions would be contrary to paragraph 17 of the National Planning Policy Framework, which states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings, and Policy GP1 of the Development Control Local Plan, which states that development proposals will be expected to ensure that residents living nearby are not unduly affected by noise and disturbance.'

1.3 The application has been called-in to committee at the by Councillor S Mercer.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation: York Green Belt

2.2 Policies:

City of York Local Plan Deposit Draft 2005

CYGP1	Design
CYGB1	Development within the Green Belt
CYGB3	Reuse of buildings

Emerging Local Plan Pre-Publication Draft September 2017

GB1	Development within the Green Belt
GB3	Reuse of buildings

3.0 CONSULTATIONS

INTERNAL

Public Protection - Environmental Health Manager

3.1 The conditions on the permission 16/00267/FUL are still relevant in particular condition 5 which limits the hours during which recorded music can be played and when guests need to leave the site. Concerns are raised that there could be a loss of amenity due to noise from the use of the garden area and from noise breakout from the barn when doors are opened. To address these concerns, should permission be granted conditions be placed on any permission. These should include:

- limiting the use of the garden to wedding ceremonies only and between the hours of 9am to 7pm
- unamplified music only in the external area for 2 hours at a time between 9am and 7pm
- no amplified music played externally
- live music inside the barn limited from 9am to 11pm
- details of secondary doors to create a lobby to the doors to the western elevation.

Highway Network Management

3.2 No objections in principle. Verified accident data, showing personal injury accidents including figures for 2016, shows no accidents at the access. This does not cover the newly operating venue with the widened entrance as approved, but includes the use permitted under permitted development rights for the marquees, and camping which would have attracted similar number of traffic movements at any one event.

EXTERNAL

Deighton Parish Council

3.3 Object to the application. An alcohol license has been submitted requesting that alcohol can be served and live music can be played until 01:30. This is unacceptable to the amenities of nearby residents. Historically the applicants have not complied with the conditions attached to previous applications with high late night noise levels being audible. It is noted that the barn has been soundproofed but this is of little use if the doors are propped open. The amenity of residents will be significantly worsened if the applicants were permitted to use their outside spaces and then double the number of events

Neighbours and Publicity (Site Notice Expires 22nd November 2017)

3.4 Three objections received on the following grounds:

- Doubling the number of events would double the nuisance
- The barn is only operating at 66% capacity
- The sound proof barn is not soundproof when the doors are jammed open
- Unable to sit outside in the evening when a wedding is taking place
- The existing noise level varies depending on wind direction
- Live music has been played outside
- If noise level tests are arranged by the site manager then these can be manipulated by simply turning down the sound when the test is undertaken
- Poor vehicular access
- Have previously had fireworks as part of the wedding creating additional noise disturbance
- The events reduce the quality of life of neighbours
- Have applied for a licence for live music and alcohol until 01:30

4.0 APPRAISAL

4.1 The Key Issues are:

- Site history
- Walled garden - Condition 3
- Noise disturbance - Condition 4
- Highway implications

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. The framework states that the Government attaches great importance to the design of the built environment. 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. Paragraph 17 of the National Planning Policy Framework, states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings

4.3 The site falls within the general extent of the Green Belt as shown on the Key Diagram of the RSS (the Yorkshire and Humber Plan) saved under The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre and although the RSS has now been withdrawn, these policies relating to York's Green Belt have been saved.

4.4 The protection of the Green Belt is one of the core planning principles of the NPPF (Para 17). The NPPF states the types of development that are appropriate within Green Belts. All other development is deemed inappropriate and by definition harmful to the Green Belt. The NPPF states that the local planning authority should ensure that substantial weight is given to any harm to the Green Belt. The NPPF sets out the 5 purposes of the Green Belt (Para 80) these are: to check unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.5 Policy SP2 'The York Green Belt' in the City of York Council Development Control Local Plan (2005) states that the primary purpose of the York Green Belt is to safeguard the setting and historic character of the City of York.

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 GP1 states that development proposals will be expected, amongst other things, to ensure that residents living nearby are not unduly affected by noise and disturbance.

4.7 The Pre - Publication Draft Local Plan finished its consultation on October 30th 2017. It is considered that the draft Local Plan policies carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of planning applications.

4.8 Policies contained within the Emerging Local Plan include GB1 and GB3 which are concerned with appropriate development within the green belt and the re-use of buildings.

4.9 Whilst the site is located within the Green Belt, the reason for the two conditions in dispute was to protect the amenities of nearby residential properties, hence the key issue in this case is the potential for noise disturbance to arise as a result of the additional activity that could take place if the conditions were to be removed.

SITE HISTORY

4.10 Planning permission was granted in June 2016 for the change of use of an existing barn to a wedding venue with a number of restrictive conditions attached. The site has been used during 2015/2016 for weddings which were allowed under a Temporary Events Notice (TEN) and under Part 4 'Temporary Use of Land' Class B

of the Town and Country Planning (General Permitted Development) (England) Order 2015 which allows land to be used for any purpose for up to 28 days a year, dependant on certain restrictions. In order to hold the wedding the applicant erected a large marquee in the adjacent field within their ownership. Guests were able to camp within the site over the weekend and music was played during the evening. A number of noise complaints were received in connection with noise disturbance arising as a result of the weddings taking place.

4.11 When assessing that previous application it was considered that in allowing the change of use, the local planning authority could control and restrict the level of noise emitting from the site which could otherwise continue unrestricted under permitted development rights. The applicant stated that if planning permission were not granted they would continue holding weddings at the site in the marquee under a TEN for up to the 28 days allowed and under Part 4 'Temporary Use of Land' Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015. In assessing the application it was considered that the noise emitting from the marquee would result in a higher level of disturbance than that which could be controlled from the barn conversion. The applicant agreed to restrictive conditions being placed on any approval preventing the adjacent field being used for any purpose other than car parking, to limit the number of events to 15 and to sound proofing the barn. The works to the barn have been completed and weddings have been held within the barn during the summer of 2017.

Walled Garden - Condition 3

4.12 The purpose of condition 3 of the original permission was to prevent the land around the barn from being used for any purpose other than the parking of vehicles. When the site operated with the marquee it was apparent that music played at the event was audible for some distance and fairground rides were occasionally present, which increased the level of disturbance to nearby residential properties, which lie approximately 150m away. Preventing the use of the land was aimed at removing any external use of the land that could result in additional noise which could otherwise take place under permitted development rights, including the use of a marquee or the use of the field for camping.

4.13 It was always the intention of the applicant to utilise the walled garden to the side of the barn for wedding ceremonies, although the condition imposed would not allow this. The amendment to condition 3 is to allow for the use of the walled garden only for ceremonies with the remainder of the site still being restricted. Additional conditions are proposed which would only allow unamplified music to be played within this area between the hours of 9am and 7pm and only for a maximum of two hours.

4.14 It is considered that the use of this area for wedding ceremonies only would be unlikely to result in an unacceptable level of noise disturbance to nearby residential properties.

NOISE DISTURBANCE

4.15 At present the use of the barn is restricted to 15 events per calendar year. The application seeks to increase this to 25 events. As originally submitted the applicant sought to increase this number to 30 but has agreed to reduce this level. As part of the previous permission conditions were imposed stating that the barn had to be made soundproof prior to the use commencing. The applicant has undertaken this work and Public Protection officers have visited the site and inspected the insulation used and agreed that the work is adequate to prevent noise breakout. However, objections have been received stating that music is still audible during the evenings.

4.16 As the barn is soundproof it appears that the noise break out is arising when the door located to the southern side of the western elevation is being propped open to allow ventilation into the building or when guests are entering or leaving. No mechanical ventilation is present within the building and as such this is an event which is likely to occur. It is considered that a condition can be attached to any approval stating that a second set of doors should be installed at this location to create a lobby which would act as a barrier to the noise. The doors would be sufficiently spaced to allow for one door to close before the second door is opened. It is considered that this would reduce the noise breaking out from the building and reduce the loss of amenity to nearby residential properties. Additional conditions are proposed limiting the playing of live music until 23:00.

4.17 As part of a licensing application the applicant undertook a noise survey. The survey date was chosen as the wedding taking place was large and had live music being played during the afternoon and evening and as such could be considered as a worse case scenario. The survey was carried out from 15:00 until 01:00. The report concluded that noise from the barn was inaudible at distances greater than 20m away and that the primary noise source at all times was from traffic on the A19. This supports the issue that noise breakout is occurring when the doors are being propped open.

4.18 The previous application 16/01827/FUL was refused on the grounds of loss of amenity to nearby residential properties. The application differed as it sought to remove the restrictive condition to allow unlimited events and also allow the use of the land for camping. The potential for noise generation was considered to be unacceptable.

HIGHWAY IMPLICATIONS

4.19 The site is accessed along an unmade track directly off the A19. Improvements to the access were required as part of the previous approval to allow for two vehicles to pass at the junction with the A19. This work has been undertaken to the satisfaction of the highway authority. Concerns have been raised that the junction is dangerous and accidents are likely to happen due to the increased number of vehicles accessing the site. However, the junction is located on a long straight with wide verges allowing for clear unrestricted views for a considerable distance in both directions.

4.20 The applicant has stated that there are usually in the region of 30 vehicles associated with the guests and staff at the events, with the majority of these being guests that are staying over in the guesthouse on site, which caters for 19 guests. The majority of guests travel by taxi, minibus or car share and the applicant has a contract with York cars for £10 taxis and £15 mini-buses to York centre. As such the majority of movements would take place during daylight hours when guests staying in the guesthouse are arriving or by taxi drivers that are familiar with the locality.

5.0 CONCLUSION

5.1 The noise survey submitted indicates that the noise generated by events taking place on site is inaudible at nearby residential properties. The existing situation of noise breakout occurring when the door is opened can be controlled by the insertion of a second set of doors secured by planning condition. It is considered that use of the walled garden and the increase in 10 events a year would not have a detrimental impact upon residential amenity. As such the application accords with policies contained within the Draft Local Plan, the Emerging Local plan and the NPPF.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 Notwithstanding the provisions of Part 4, Temporary Use of Land, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), the associated land shall not be used for any temporary use, other than the parking of vehicles associated with the events taking place on site, which would otherwise be classed as permitted development. This excludes the land edged green on plan received 24th October 2017 which can be used for wedding ceremonies.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future uses 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.

2 Notwithstanding the information contained within the application forms the site shall be used for no more than 25 events in total in any calendar year.

Reason: In order to protect the amenities of nearby residential properties

3 Notwithstanding the information contained within the application the playing of music associated with the use hereby approved shall cease at 01:00 and the site shall be vacated by staff and guests not residing in the guest house by 01:30

Reason: In order to protect the amenities of the nearby residential properties.

4 The outdoor garden area as outlined in green shall only be used for wedding ceremonies between 09:00 and 19:00.

Reason: To protect the amenity of local residents

5 Unamplified music played outside the barn in association with wedding ceremonies shall only be played in the garden to the east of the barn as outlined in green between 09:00 and 19:00 for a maximum time of 2 hours on any day.

Reason: To protect the amenity of local residents

6 No amplified music shall be played outside the barn.

Reason: To protect the amenity of local residents

7 Whilst live or recorded music is played inside the barn, all doors and windows shall be kept closed with the door on the northern elevation used for ingress and egress. The door on the southern end of the western elevation shall not be used for ingress or egress at anytime, except in the event of an emergency, until such time as a scheme for a second set of doors fitted with a self-closing mechanism and an intervening lobby area has been submitted to and approved by the local planning authority and the scheme installed as approved. After installation of the second set of doors, this door may be used for ingress and egress.

Reason: To protect the amenity of local residents

8 Details of all machinery, plant and equipment to be installed which would be audible either outside of the site boundary or within the residential apartments when in use shall be submitted to the local planning authority for approval.

The details shall include the location, maximum sound levels (LA_{max}(f)), average sound levels (LA_{eq}), octave band noise levels and any proposed noise mitigation measures. The report shall be undertaken by a specialist noise consultant or suitably qualified person and it shall be conducted in accordance with BS4142:1997. The report shall assess the impact of the additional noise sources on residential properties and include any mitigation measures that are required. The approved mitigation measures shall be implemented prior occupation of the development and maintained accordingly thereafter.

Reason: In the interests of the amenity of future occupants and those of surrounding premises.

Note: Any external plant not shown on the approved plans may require separate planning permission.

9 Details of any external lighting associated with the use hereby approved shall be submitted to and approved in writing by the local planning authority prior to the first event taking place on site and shall be implemented in accordance with the approved details thereafter.

Reason: In order to control external light spillage that may have a detrimental impact upon foraging bats and result in a loss of amenity to nearby residential properties

10 The applicant shall install a three pin 13 amp external electrical socket which is suitable for outdoor use. The socket shall be located in a suitable position to enable the charging of an electric vehicle on the driveway using a 3m length cable.

Note: A basic electric vehicle recharging solution for the site could involve the installation of a three pin 13 amp external electrical socket, to enable the charging of an electric vehicle, whilst parked in the bay, using a 3m length cable. Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. It should also have a weatherproof cover and an internal switch should be also provided in the building to enable the socket to be turned off if necessary. The council's Low Emission Officer can provide further advice on suitable technologies for the site.

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

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 took the following steps in order to achieve a positive outcome:

Reduced the number of events from 30 to 25

Attached appropriate conditions

Contact details:

Author: Heather Fairy Development Management Officer

Tel No: 01904 552217

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17/02380/FUL

Rush Farm (Game Farm), Deighton, YO19 6HQ



Scale : 1:2569

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Organisation	City of York Council
Department	Economy and Place
Comments	Site location plan
Date	20 November 2017
SLA Number	

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Planning Committee

13 December 2017

Area Planning Sub Committee

30 November 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 July and 30 September 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 July to 30 September 2017 and the corresponding quarter for 2016, Table 2 shows performance for the 12 months 1 October 2016 to 30 September 2017 and the corresponding period 2015-2016.

Table 1: CYC Planning Appeals Last Quarter Performance

	01/07/17 to 30/09/17 (Last Quarter)	01/07/16 to 30/09/16 (Corresponding Quarter)
Allowed	2	3
Part Allowed	0	1
Dismissed	9	9
Total Decided	11	13
% Allowed	18%	23%
% Part Allowed	-	8%

Table 2: CYC Planning Appeals 12 month Performance

	01/10/16 to 30/09/17 (Last 12 months)	01/10/15 to 30/09/16 (Corresponding 12 month period)
Allowed	9	4
Part Allowed	3	1
Dismissed	31	30
Total Decided	43	35
% Allowed	21%	11%
% Part Allowed	7%	3%

Analysis

- 4 Table 1 shows that between 1 July and 30 September 2017, a total of 11 appeals were determined by the Planning Inspectorate. Of those, 2 were allowed (18%). None related to a “major” development. By comparison, for the same period last year, out of 13 appeals 3 were allowed (23%), 1 was part allowed (8%). Using the assessment criteria set out in paragraph 2 above, 0.4% of the total decisions made in the quarter were overturned at appeal.
- 5 For the 12 months between 1 October 2016 and 30 September 2017, 21% of appeals decided were allowed, which is below the national percentage figure of 33% of appeals allowed, but up on the previous 12 month figure. Using the assessment criteria set out in paragraph 2 above, 0.5% of the total decisions made in the 12 month period were overturned at appeal.
- 6 The summaries of appeals determined between 1 July and 30 September 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 one appeal was determined following a decision at sub-committee/committee.

Table 3: Appeals Decided 01/07/2017 to 30/09/2017 following Refusal by Committee / Sub-Committee

Ref No	Site	Proposal	Officer Recom.	Appeal Outcome
16/02700/ FUL	30 Southfield Close Rufforth	Removal of hours of construction condition	Approve	Allowed

- 7 The list of current appeals is attached at Annex B. There are 8 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: 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 21.11.2017

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 July and
30 September 2017**

Annex B – Outstanding Appeals at 21 November 2017

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Appeal Summaries for Cases Determined 01/07/2017 to 30/09/2017

Application No: 16/00617/FUL
Appeal by: Mr Peter Mandy
Proposal: The erection of single storey 2 bedroom dwelling to be used as a holiday let following the partial demolition of the stable building (retrospective)
Site: Holly Tree Farm Murton Way York YO19 5UN
Decision Level: DEL
Outcome: DISMIS

The applicant argues that the proposed development was the conversion of an existing stable block to a holiday let that was granted by appeal (APP/C2741/A/12/2169412/NWF). This permission had lapsed. The development was actually for the partial demolition of the stable block, a small part of the north and west walls have been retained and the erection of a single storey dwelling to be used as a holiday let. The resulting building was taller than the previous stable and had a larger footprint - 54% increase. The application was retrospective. The application was refused on green belt grounds - the proposed development did not fall within any of the exception criteria of the NPPF. The development was in Flood Zone 3 and failed the sequential and exception test. The Inspector agreed that despite the surrounding existing and proposed development the site was within the general extent of the greenbelt and therefore the proposed development was inappropriate development. The Inspector considered that the development would have a greater impact on the openness of the Green Belt. The Inspector considered that the submitted flooding information was out of date and not sufficiently robust and there was not enough information to demonstrate that the sequential and exception test could be passed, and it did not meet national policy in relation to flooding and flood risk. The appeal was dismissed.

Application No: 16/01113/FUL
Appeal by: Miss Raquel Nelson
Proposal: Replacement managers lodge and laundry building
(retrospective)
Site: Country Park Pottery Lane Strensall York YO32 5TJ
Decision Level: DEL
Outcome: ALLOW

The appeal site has a long and complex planning history having originally been first given planning permission as a touring caravan site in the Green Belt at Strensall in 2005. The appeal proposal related to the retention of a manager's lodge which had been given planning permission originally in 2012 but had not been constructed in accordance with the approved plans. Additionally a brick laundry building had also been constructed without planning permission. When the application was submitted a protracted period of negotiation took place over the extent of the additional accommodation that had been built and also the brick laundry building. The appellant appealed non-determination soon after the target period had expired but negotiations continued. It was eventually accepted that the case for "very special circumstances" in respect of the original proposal could equally apply to the as built construction and that was to be accepted by the Inspector. Shortly before the appeal was determined the appellant demolished the laundry building and cleared the site. The appeal was therefore allowed.

Application No: 16/01594/FUL
Appeal by: Mr & Mrs Chapman
Proposal: Two storey side extension, single storey side and front extensions following demolition of existing detached garage and domestic outbuilding.
Site: Chelsea Cottage York Road Deighton York YO19 6EY
Decision Level: DEL
Outcome: DISMIS

The appeal relates to the refusal of a two storey side extension, single storey side and front extensions to Chelsea Cottage, York Road, Deighton, a semi-detached dwelling situated in the green belt. Whilst the extensions would have followed the demolition of existing detached garage and domestic outbuilding, they would have represented an 86% increase in the footprint of the dwelling. The application was refused due to the scale, height and massing of the proposed extensions as they would constitute large scale additions to the house which would be disproportionate to the size of the original building. Similarly the single storey annexe would not have been in keeping with the existing simply proportioned and modest sized cottage and would have resulted in dominant additions which were not considered subservient to the existing house. The proposals would therefore constitute inappropriate development in the Green Belt which would be harmful to the openness of the green belt. No very special circumstances were identified to outweigh the harm. Harm would also be caused to the existing simple character and appearance of the cottage. The inspector agreed with the points made in the delegated report with regard to the harm to the green belt in terms of disproportionate additions and openness. However the inspector considered that the extensions would not cause harm to the character and appearance of Chelsea Cottage unlike the LPA but agreed there would be little impact on the surrounding Escrick Conservation Area due to its limited visibility outside of the site. The appeal was dismissed.

Application No: 16/01658/FUL
Appeal by: E & C Goran Ltd
Proposal: 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
Site: The Greyhound Inn5 York
StreetDunningtonYorkYO19 5PN
Decision Level: DEL
Outcome: DISMIS

The appeal relates to two UPVC double glazed bay windows installed to the ground floor of the front elevation of the former Greyhound Inn, currently Dunnington Pharmacy, 5 York Street, Dunnington. The UPVC canted bay windows differ from the timber bow windows with vertical sliding sashes authorised as part of planning approval ref. 14/02990/FUL. Planning consent was refused for the variation of condition 2 of permitted application 14/02990/FUL to alter the approved bow windows to canted bay windows and change the window material from timber to UPVC, ref. 16/01658/FUL. The host building is located in Dunnington Conservation Area. The Inspector considered that whilst the host building is not architecturally distinguished, it retains a simple elegance and makes a positive contribution to the character and appearance of the conservation area. The UPVC windows that have been installed are comprised of canted bays with utilitarian cornices and friezes which are at odds with the traditional detailing of the central doorcase. The windows are constructed of non traditional materials with large profile frames, fixed lights and uncharacteristically thick dummy glazing bars between the inner and outer panes of the double glazed units. As a result the Inspector considered that the replacement windows harm the character and appearance of the host building and fail to preserve or enhance the character and appearance of the conservation area. Whilst the harm to the significance of the conservation area is less than substantial, the public benefits are not sufficient to outweigh the harm. The appeal was dismissed.

Application No: 16/02556/FUL
Appeal by: Mr Paul Waines
Proposal: First floor rear extensions including an increase in the size of existing dormer window
Site: 4 Minster Close Wigginton York YO32 2GP
Decision Level: DEL
Outcome: DISMIS

The application site is a semi-detached bungalow situated in a street of mixed bungalows and two storey dwellings. The dwelling has an ample sized garden with a detached garage situated behind the main house on the side shared boundary. The proposal for planning permission was subject to two sets of revised plans for the construction of a pitched roof first floor rear extension above an existing flat roof rear extension. The proposal would include an extension to the existing flat roof box style dormer window on the rear elevation. The Council refused the proposed development on the grounds that the amount of extension to the rear of the dwelling would not appear as a subservient addition to the host property. Officers considered that the amount of extensions would result in an incongruous, unattractive and top heavy development that would not relate to the existing house, the adjoining house and the wider street scene. The Planning Inspector agreed with the Council in that he felt that the scale and bulk of the proposed rear extension would result in an adverse impact on the character and appearance of the host dwelling, and the area.

Application No: 16/02578/FUL
Appeal by: Mr Keith Lancaster
Proposal: Two storey rear extension.
Site: 14 Pulleyn Drive York YO24 1DX
Decision Level: DEL
Outcome: DISMIS

This application sought permission for a two-storey rear extension to a detached two-storey dwelling. The design of the addition was considered to appear appropriate in relation to the host dwelling and surrounding area, and the Inspector agreed with this. The major neighbouring impact was upon adjacent residents at No. 16 White House Drive, which is sited at a slightly lower ground level than the host. No undue loss of light or overshadowing was considered to occur, and again the Inspector agreed with this view. However, due to the close proximity to the common side boundary of these two dwellings, along with the significant height and length proposed it was considered to have a detrimental and harmful impact upon the amenities of the occupiers of 16 Pulleyn Drive, by way of overdominance and a harmful increased sense of enclosure. The Inspector agreed with this stating the extension would accentuate the staggered relationship of the two houses and its bulk and scale would have an imposing, oppressive and dominating effect that would significantly harm the living conditions of the occupiers of this (neighbouring) dwelling.

Application No: 16/02677/FUL
Appeal by: Mr John Flynn
Proposal: Erection of replacement garage with accommodation in the roof
Site: Knapton Grange Main Street Knapton York YO26 6QG
Decision Level: DEL
Outcome: DISMIS

The application sought permission for the erection of a replacement garage to a property in the green belt. The application was refused on the grounds of inappropriate development. The garage would result in an increase of 127 percent in footprint. The Inspector agreed that the proposal would represent a disproportionate addition over and above the size of the original building and would result in a loss of openness. The appellant stated that the site should be considered as Previously Developed Land (PDL). However, notwithstanding the classification (or otherwise) of the land as PDL, paragraph 89 of the Framework states that development in this respect should not have a greater impact on the openness of the Green Belt than the existing development. The proposal would result in built development consisting of a large garage being introduced where there is presently only very limited built development consisting of a much smaller garage.

Application No: 16/02700/FUL
Appeal by: Mr Alex Kirby
Proposal: Variation of condition 2 of permitted application
16/01635/FUL to amend approved drawings to include 3no.
rooflights to front and reposition the detached garage
Site: 30 Southfield Close Rufforth York YO23 3RE
Decision Level: COMM
Outcome: ALLOW

The appeal relates to variation of condition application 16/02700/FUL to vary condition 2 (drawings) and removal of condition 5 (hours of construction) of permission 16/01635/FUL for extensions and alterations to 30 Southfield Close in Rufforth. The condition in dispute is condition 5 re. hours of construction as it was resulting in issues of neighbours reporting on noise/work outside of the specified hours, which the appellant stated was not due to building works associated with the planning permission. The variation of condition 2 was approved by committee, however the removal of the condition relating to hours of construction was refused by members on the grounds that removing the condition would result in an adverse impact on the living conditions of neighbouring occupiers with regard to noise and disturbance. The inspector noted that the appeal site was close to neighbouring properties but that the Control of Pollution Act 1974 was a reasonable and appropriate alternate means of managing noise and disturbance resulting from the approved development. He also noted that the construction informative that was added to the decision was sufficient to guide the applicant in the respect of working hours. The inspector concluded that whilst it provides some degree of legal compliance, the imposition of the disputed condition is difficult to enforce. Furthermore, it would duplicate controls which are available to the Council outside of planning legislation through the Control of Pollution Act 1974. The appeal was allowed.

Application No: 16/02729/FUL
Appeal by: Mr & Mrs M Boynton
Proposal: Hip to Gable extensions to roof and dormer window to front
Site: 35 Keith AvenueHuntingtonYorkYO32 9QH
Decision Level: DEL
Outcome: ALLOW

35 Keith Avenue - 16/02729/FULThe application was for a hipped to gable extension and front dormer, on a detached bungalowThe Inspector noted that the hip to gable would have constituted permitted development, had there not been a previous rear extension (not visible from Keith Avenue) The combined additional cubic capacity in the roof space would exceed Class B tolerance.He did not consider the hipped to gable would have a negative impact on the appearance of the bungalow and a 'gabled roof, in juxtaposition with a hipped roof would not be an unusual feature in the street-scene.He noted that front dormers are rare on Keith Avenue. However there is an example on a bungalow, opposite the application property. This is a large box dormer, which he considered suited that type of larger bungalow.He felt that the much smaller, pitched-roof, centrally positioned dormer, proposed on the application bungalow, was acceptable in visual terms.For these reasons, he allowed the appealPaul Edwards22.11.2017

Application No: 16/02844/FUL
Appeal by: Ms Victoria Jack
Proposal: Variation of conditions 2 and 3 of permitted application 16/00789/FUL to alter external materials used to dormers and walls (retrospective)
Site: 8 Badger Wood Walk York YO10 5HN
Decision Level: DEL
Outcome: DISMIS

The host dwelling is a detached property located on a cul-de-sac containing a mixture of detached and semi-detached houses and detached bungalows. The application sought permission to vary conditions to alter external materials used to dormers and walls (retrospective). The approved scheme raised the eaves of the property by 0.7m and the ridge height by 1.9m to provide accommodation in a new first floor. The ridge to the roof is at right angles to the road and the scheme included two dormers on either roof slope. As built the scheme varied from the approval in a number of ways, including:

- a. mid grey plastic cladding was used on the side elevations and gables of the property and on the faces and cheeks of the dormers instead of timber cladding
- b. 3 dormers had ridges the same height as the main ridge instead of being lower
- c. the cheeks of the dormers were higher resulting in a deeper area of cladding between the top of the window and the underside of the apex on the face of each dormer

The Inspector noted that the higher ridges and eaves of the dormers resulted in a greater area between the top of the windows and the apex giving them a top-heavy, discordant appearance. He also felt that the contrast between the mid-grey UPVC and the tiled roof drew the eye to the dormers and emphasised their incongruous appearance. He considered that the mid-grey colouring and tone of the UPVC emphasised the extent of cladding and resulting in an incongruous appearance in relation to the host property and the streetscene. He further noted that although a variety of cladding, including UPVC and light coloured materials, had been used elsewhere in the cul-de-sac and the wider estate, this was generally contained within the apex of roofs or as a band between the windows on the front elevation and was therefore not as extensive as that on the appeal property. Furthermore, the mid-grey colour was unique to the appeal site. The appeal was dismissed.

Application No: 17/00032/FUL
Appeal by: Nigel Cook
Proposal: Single storey side extension
Site: 2 Minster View Wigginton York YO32 2GN
Decision Level: DEL
Outcome: DISMIS

The application property is a semi-detached bungalow at No.2 Minster View, which is located on a corner plot. Its front elevation faces onto Minster View and it has a side elevation facing onto Kirkcroft. The proposal was for a side extension, almost up to the boundary adjacent to Kirkcroft. The Inspector considered the principal issue to be the impact of the development on the character and appearance of the locality. He noted that the proposed extension would extend up to a short distance of the side boundary of the site. That the extended property would have a 'cramped appearance when seen from Minster View and Kirkcroft. In addition that the restricted side space would noticeably 'diminish the spacious appearance of Kirkcroft at this point' He considered that the scope for planting to 'soften' the visual appearance of the extension, would be severely limited. The Inspector considered that the benefits of providing a bedroom and bathroom for an elderly mother did not outweigh the harm arising from the proposal.

Application No: 17/00262/FUL
Appeal by: Mr And Mrs Dunn
Proposal: First floor side extension including dormers to front and rear
Site: Glen Cottage Stripe Lane Skelton York YO30 1YJ
Decision Level: DEL
Outcome: DISMIS

The application property is a two-storey detached cottage within in a large plot which has a rural character along a quiet lane, and is sited within the green belt. The application proposed a first floor side extension with front and rear dormers; this request had recently been removed from a recent planning application for multiple extensions at the host, at officer request. As the dwelling already had planning permission for significant additions which were already considered to be disproportionate to the original dwelling (albeit some existing) any further addition was considered to be inappropriate development in the green belt, this is even though the actual proposed addition was relatively small in scale. No special circumstances were demonstrated in order to outweigh this harm. The extension was also not considered to appear subservient to the original dwelling, thus not complying with CYC Supplementary Planning Guidance (2012). The Inspector agreed with all of the above and also added that whilst the addition was considered inappropriate development, this element alone would also lead to some loss of openness due to the increased height.

Decision Level:

DEL = Delegated Decision

COMM = Sub-Committee Decision

COMP = Main Committee Decision

Outcome:

ALLOW = Appeal Allowed

DISMIS = Appeal Dismissed

PAD = Appeal part dismissed/part allowed

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Outstanding appeals

Officer: Alison Stockdale					Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
11/10/2017	17/00036/REF	APP/C2741/D/17/3181661	H	53 The Avenue Haxby York YO32 3EJ	Two storey side and rear extensions and single storey rear extension	
Officer: Carolyn Howarth					Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
20/04/2017	17/00012/REF	APP/C2741/D/17/3172865	H	211 Hamilton Drive West York YO24 4PL	Single storey side extension	
Officer: David Johnson					Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
01/11/2017	17/00038/REF	APP/C2741/X/17/3176205	W	31 Blossom Street York YO24 1AQ	Certificate of lawfulness for use as a House in Multiple Occupation for up to 4no. occupants within Use Class C4	
Officer: Erik Matthews					Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
29/09/2017	17/00035/REF	APP/C2741/W/17/3180738	I	Proposed Dwelling To The South Of Mayfields Dauby	Erection of 1no. agricultural/horticultural workers dwelling	
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: Jonathan Kenyon					Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
13/06/2017	17/00029/NON	APP/C2741/W/17/3177821	P	British Sugar Corporation Ltd Plantation Drive York	Outline application for the development of the site comprising up to 1,100 residential units, community uses (D1/D2) and new public open space with details of access (to include new access points at Millfield Lane and Boroughbridge Road and a new link road, crossing the Former Manor School Site) and demolition of the Former Manor School buildings (duplicate application)	
Officer: 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: Sophie Prendergast					Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
16/08/2017	17/00032/REFL	APP/C2741/Y/17/3178115	W	Railway Station Station Road York	Display of non illuminated sign on wall of gentlemen's toilet block at the end of Platform 2	
Officer: Victoria Bell					Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
15/08/2017	17/00031/REF	APP/C2741/W/17/3179382	W	Dutton Farm Boroughbridge Road York	Erection of 1no. dwelling with associated landscaping and access following the demolition of existing barn	
Total number of appeals:					11	