



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

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

**Date:** Tuesday, 30 March 2021

**Time:** 4.30 pm

**Venue:** Remote Meeting

**AGENDA**

**1. Declarations of Interest**

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

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

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

**2. Minutes** (Pages 1 - 6)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on Thursday 18 February 2021.

**3. Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at remote meetings. The deadline for registering at this meeting is **5:00pm on Friday 26 March 2021**.

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

### **Webcasting of Remote Public Meetings**

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

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

#### **4. Plans List**

To determine the following planning applications:

- a) **The Jubilee, Balfour Street, York, YO26 4YU** (Pages 7 - 50)  
**[20/01498/FUL]**

Alterations and conversion of part of first floor and all of the roofspace of the public house building to 3no. self-contained apartments and retention of public house on ground floor and altered function room on first floor (resubmission). [Holgate Ward]

- b) **Quad West, York St John University, Lord** (Pages 51 - 64)  
**Mayors Walk, York [21/00472/TPO and**  
**21/00474/TCA]**

Fell 9no. Lime Trees protected by Tree Preservation Order No. CYC383 and fell 5no. Lime trees in a Conservation Area. [Guildhall Ward]

- c) **1 Duncombe Barracks, Burton Stone Lane, York, YO30 6BU [20/01902/FULM]** (Pages 65 - 116)  
Erection of 34 dwellings (Use class C3), and a commercial unit (Use Class E), with associated parking, landscaping, access and ancillary works following demolition of existing buildings and structures.
- d) **33 Patterdale Drive, York, YO30 5TW [21/00045/FUL]** (Pages 117 - 130)  
Dormer to front (resubmission) (retrospective) [Rawcliffe And Clifton Without]
- e) **Grange House, Main Street, Elvington, York, YO41 4AG [21/00315/FUL]** (Pages 131 - 142)  
1no. rooflight to north elevation and 2no. rooflights to south elevation [Wheldrake Ward]
- f) **2 Garden Street, York, YO31 7QX [21/00122/FUL]** (Pages 143 - 156)  
Single storey rear extension and new gate to yard wall after demolition of existing rear extension [Guildhall Ward]

## 5. Urgent Business

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

### Democracy Officer:

Louise Cook

Contact details:

- Telephone: (01904) 551031
- Email: [louise.cook@york.gov.uk](mailto:louise.cook@york.gov.uk)

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

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

Contact details are set out above.

**This information can be provided in your own language.**

**我們也用您們的語言提供這個信息 (Cantonese)**

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

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

**Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)**

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

** (01904) 551550**

City of York Council

Committee Minutes

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Meeting	Area Planning Sub-Committee
Date	18 February 2021
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Cullwick, Fisher, Galvin, Melly, Orrell, Waudby, Webb, Perrett and D'Agorne (Substitute)
Apologies	Councillor Craghill

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### 38. Declarations of Interest

Members were invited to declare, at this point in the meeting, any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests that they might have in the business on the agenda. No interests were declared.

### 39. Minutes

Resolved: That, subject to the following amendment, the minutes of the Area Planning Sub-Committee meeting held on 10 December 2020 be approved as a correct record, to be signed by the Chair at a future date:

#### Minute 34 (Declarations of Interest)

The second paragraph of this minute to be amended to read as follows:

*“Cllr Crawshaw declared a personal prejudicial interest in respect of Agenda Item 4b) (54 Scarcroft Hill [20/01561/FUL]), due to living within the same ResPark zone as the application property. Having also called the decision in for consideration at this sub-committee, Cllr Crawshaw wished to make clear that he had only realised this interest after the Call-In request was made and that it had had no bearing on his decision to request a call-in. He left the meeting prior to consideration of the item and took no part in the debate or decision thereon.”*

#### **40. Public Participation**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

#### **41. Plans List**

Members considered a schedule of reports of the Assistant Director, Planning and Public Protection, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

##### **41a) 98B Tadcaster Road, Dringhouses, York, YO24 1LT [20/00990/FUL]**

Members considered a full application from Mr Richard Marchant for the erection of a single dwelling and associated carport/garden store following partial demolition of single storey element to the front of 98B Tadcaster Road.

Officers gave a presentation based upon the slides at pages 27-38 of the agenda papers. They then provided an update, reporting:

- an amendment to Condition 2 to include 2 new section drawings, and
- an additional condition (Condition 20) in respect of the ground level.

In response to Members questions, it was confirmed that:

- The passing place referred to in paragraph 5.10 of the report was within the curtilage of the land;
- There was no policy enabling the council to require a Section 106 contribution towards tree planting elsewhere;
- The building would be similar in height to the adjacent bungalow, and have a similar sized garden;
- This application was separate from the outline planning permission previously granted, and not subject to the conditions attached to the outline permission.

Ian Alford spoke in objection to the application on the grounds that a 2-storey dwelling was inappropriate for this location and that the excavation to create a the basement could have an

adverse effect on drainage from his property next door. In response to Members' questions, he confirmed that:

- all the buildings adjacent to the site were bungalows, one with dormer windows, and
- during past flooding events he had experienced puddles of water in his garden but nothing more serious.

Lee Vincent, the Applicant's Agent spoke in support, stating that all issues raised during the application process had been addressed; the building's footprint would be similar to neighbouring properties, a drainage design had been agreed with Yorkshire Water, and all spoil would be removed from the site to ensure existing site levels were maintained.

In response to further questions from Members, officers confirmed that:

- they did not consider the building to be overbearing;
- the excavation would have no effect on the water table; the ground was pure clay.

After debate, Cllr Crawshaw moved, and Cllr Webb seconded, that the application be approved subject to the conditions listed in the report and the amended and additional conditions reported at the meeting. A named vote was taken, and all Members voted in favour of this proposal.

Resolved: That the application be approved, subject to the conditions listed in the report and the following amended / additional conditions:

#### Amended Condition 2

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

151 P00 received 13 January 2021; 19210-DR-C-0100-P11 received 16 December 2020; 18011\_130 P02 received 24 September 2020; 18011\_105\_P03 received 9 June 2020; 18011\_106\_P02 received 9 June 2020; 18011\_107\_P01 received 9 June 2020; 18011\_110\_P01 received 9 June 2020; 18011\_111\_P01 received 9 June 2020; 18011\_115\_P01 received 9 June 2020; 18011\_131\_P01 received 9 June 2020; 18011\_135\_P01 received 9 June 2020; 18011\_001\_P02 received 9 June 2020; 18011\_005\_P01 received 9 June 2020

**18011\_150\_P00**

**18011\_152\_P00**

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

Additional Condition 20

Before any works, other than demolition, commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period. There shall be no material alteration to ground levels other than where approved under this planning permission and any soil excavated as result of the development shall be removed from the application site.

Reason: To ensure that the approved development does not have an adverse impact on surface water drainage and the character and appearance of the area.

Reason: The proposed dwelling is acceptable in principle with an outline permission already in place for a dwelling on site. By sinking the level of the dwelling in part, the proposal will allow for a second internal level to be created. It is also noted that there are other two storey backland dwelling in the immediate area. The design of the dwelling is acceptable in terms of its backland location, its form and the use of materials. The impact on amenity has been considered and due to the height and location of openings there are not considered to be any unacceptable adverse impacts. The loss of a Grade B tree weighs against the proposal, however this harm is limited by the location of the tree in a rear garden and the use of a condition ensuring replacement tree planting. The use of conditions will ensure the proposal is acceptable with regard to drainage, highways and archaeology. Overall, subject to conditions, the proposal is considered to be acceptable.

**41b) 1 Duncombe Barracks, Burton Stone Lane, York, YO30 6BU  
[20/01902/FULM]**

Members received an application from City of York Council for the erection of dwellings and a commercial unit, with associated parking, landscaping, access and ancillary works, following demolition of existing buildings and structures.

Officers explained that an issue had arisen in relation to the highways design for the scheme and sought to defer the application to allow further consideration of this matter.

Cllr Crawshaw then moved, and Cllr Hollyer seconded, that the item be deferred. A named vote was taken, and all Members voted in favour of this proposal.

Resolved: That the application be deferred to a future meeting.

Reason: To enable officers to give further consideration to the highways aspect of the application.

Cllr A Hollyer, Chair

[The meeting started at 4.31 pm and finished at 5.36 pm].

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**COMMITTEE REPORT**

**Date:** 30 March 2021      **Ward:** Holgate  
**Team:** West Area      **Parish:** Holgate Planning Panel

**Reference:** 20/01498/FUL  
**Application at:** The Jubilee Balfour Street York YO26 4YU  
**For:** Alterations and conversion of part of first floor and all of the roofspace of the public house building to 3no. self-contained apartments and retention of public house on ground floor and altered function room on first floor (resubmission).  
**By:** Mr Dominic Woodward  
**Application Type:** Full Application  
**Target Date:** 6 April 2021  
**Recommendation:** Approve subject to Section 106 Agreement

**1.0 PROPOSAL**

1.1 The application property is a vacant public house located in the Leeman Road area of the city. The property is a substantial detached building of traditional construction with accommodation located over three floors as well as a large cellar. It sits in a relatively prominent position on the corner of Jubilee Terrace and Balfour Street. To the east (side) of the building is a grassed curtilage formerly used as a beer garden. To the rear (north) is a hard-surfaced parking/storage area.

1.2 The property is currently laid out with bar/lounge areas on the ground floor and a large function room with bar on part of the first floor. A manager/landlords flat (two/three bedrooms) is located in part of the first floor and in the roof space.

1.3 It is proposed to convert part of the first floor and all of the second floor/roofspace to create three self-contained flats. Two would contain 1 bedroom and one would contain two bedrooms. The ground floor and cellar is proposed to remain in pub use. The existing first floor function room with a vaulted roof would be horizontally sub-divided with a new lower ceiling introduced. The upper part of the function room and roof space would become a self-contained flat. The remaining floor space below would remain as a function room with a new staircase introduced from the lobby of the bar area. The internal height of the function room would be 3 metres. In respect to the external space, the area of grassed beer garden

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immediately to the side of the main pub building would remain as a beer garden. The rear part of the beer garden is proposed to become a parking and turning area for the flats. A total of three car parking spaces are indicated for the flats. The car park area will also be used for external storage for the public house and to access the doors above the cellar.

1.4 In respect to external changes to the building the following is proposed:

- The creation of a third dormer on the south elevation. Two of the dormers will be designed to function as small covered balconies.
- Removal of the outbuildings and offshoots within the yard area.
- Insertion of 5 roof lights in the roof.
- Removal of the external staircase and provision of external door in the east elevation and the south elevation.

1.5 It should be noted that the scheme has been revised from when it was first submitted in August 2020. The main change is the retention of part of the function room on the first floor and the provision of a new internal staircase to serve this. Consultation took place in respect to the original proposals and the later revision to the scheme to reduce the number of flats to 3 and retain part of the function room. Since this consultation minor changes have been made to the drawings, including to the bin storage location and function room staircase design. The impact of these changes did not justify re-consultation.

1.6 The application has been brought to committee at the request of Cllr K. Taylor due to concerns regarding the negative impact the proposal will have on the availability of community facilities in the local area.

### Recent Planning History

1.7 In December 2017 a certificate of lawfulness for the proposed use of part of the first floor and the second floor as ancillary guest accommodation for the pub (17/02670/CPU) was granted. The drawings indicated that the ceiling of the function room would be lowered to create living accommodation above. No external changes were proposed. A certificate of lawfulness does not assess the merits of a proposal but only considers whether the works could be undertaken without the need to apply for planning permission.

1.8 In May 2018 planning permission was refused (16/00862/FUL) for the conversion of the first and second floor of the public house building to 4 self-contained apartments and the retention of a reduced size public house on part of the ground floor. In the course of assessing the application the proposal had been revised from a scheme to convert all of the building to 6 flats. The refused scheme did not retain any parts of the function room or beer garden in pub use. The application was refused under delegated powers for the following reason:

1.9 “The change of use of a large part of the internal and external areas of the building/site from public house use to four flats is considered to be an unnecessary loss of valued and important social, recreational and cultural facilities. Furthermore the loss of such space would not be a modernisation that is considered necessary or beneficial to sustain the public house use for the local community. The proposal conflicts with guidance in the National Planning Policy Framework with particular regard to promoting healthy communities (Paragraph 70), relevant guidance in the City of York Publication Draft Local Plan 2018 (Policies D3, HW1 and DP3) and policy C3 in the City of York Draft Local Plan 2005.”

1.10 The applicant appealed against the decision. On 30 October 2019 following an Informal Hearing the appeal was dismissed. The reason for the dismissal of the appeal related to the detrimental social impact that the loss of the function room and beer garden would have on the local community.

## **2.0 POLICY CONTEXT**

### National Planning Policy Framework

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.

2.2 The National Planning Policy Framework (‘NPPF’) is a material consideration in the determination of this planning application. Key policies / sections of the NPPF are as follows –

Section 4 Decision making

Section 5 Delivering a sufficient supply of homes

Section 8 Promoting healthy and safe communities.

Section 11 Making effective use of land

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## Section 12 Achieving well-designed places

2.3 The Publication Draft City of York Local Plan 2018 (2018 Draft Plan) was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the 2018 Draft Plan took place in December 2019. The plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

2.4 Key relevant 2018 Draft Plan Policies are as follows –

HW1	Protecting Existing Facilities
HW7	Healthy Places
D1	Placemaking
D3	Cultural Provision
D11	Extensions and Alterations to Buildings
D2	Landscape and Setting
D6	Archaeology
CC2	Sustainable Design and Construction of New Development
ENV4	Flood Risk
ENV5	Sustainable Drainage
T1	Sustainable Access

2.5 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 and its policies carry very limited weight. Appendix E to the 2005 Draft Local Plan outlines car and cycle parking standards for development and specifies that a maximum of 1 car parking space should be provide for each one or two bedroom dwelling along with one cycle parking space for each.

### **3.0 CONSULTATIONS**

#### CYC Highway Network Management

No objections. There is adequate space within the parking for cars to park and manoeuvre to leave in a forward gear. The modest number of parking spaces is such that it is not considered there would be an unacceptable conflict with deliveries to the public house.

CYC Emergency Planning Co-ordinator

Does not object from a flood rescue perspective as the building is unlikely to be quickly inundated with water and notes that first floor has a large function room that could be occupied more intensively. If the application is approved a condition should be included that requires a communal first floor window to serve as means of escape.

CYC Public Protection

Do not object providing sound proofing measures are undertaken in accordance with the noise assessment and a sound limiting device is provided in the function room. Conditions should also be included regarding delivery/collection hours, noise transfer, the insulation of external windows and restricting use of the beer garden to 10pm.

**4.0 REPRESENTATIONS**

Environment Agency

Do not object providing the application complies with the submitted Flood Risk Assessment.

Holgate Planning Panel

No objections

York Campaign for the Protection of Real Ale (CAMRA)

The applicant has been unwilling to work with the community and the scheme is cynical and profit driven. The reduced size of the function room and restraints placed on its use undermines its value. Living accommodation is essential to a community pub. The ground floor is poorly laid out. The proposal will lead to noise complaints. The proposed pub could be unviable and see an application for a change of use to residential accommodation. A commercial kitchen is important when maximising revenue. The vandalised ground floor must be restored by the applicant. The limited proposal for pub use should be opposed in favour of a scheme that retains the whole building.

Neighbour Notification and Publicity

47 Letters have been received from neighbours in respect to the current planning application. The scheme was re-consulted upon following revisions showing the

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retention of part of the function room. These changes have not resulted in any support for the proposals.

A number of the first round of objections raised concerns regarding the ground floor room being described as the function room with the first floor space being lost. This issue is no longer relevant in the light of the provision of a function room on the first floor. The comments that have been submitted are listed below:

- The whole building and external areas should remain in pub use.
- The loss of community provision conflicts with advice in the National Planning Policy Framework.
- The York Central development will increase custom for a historic pub.
- The area is a densely populated 'island' and is short of community facilities. The building could provide a range of social, artistic, charity and recreational functions and could be a catalyst for bringing the community together. There is a big local appetite for a community hub.
- Want a large community building rather than a small pub – space is at more of a premium with social distancing.
- The pub could function in a similar way as The Golden Ball in Bishophill.
- The proposal will exacerbate parking problems in the area. Concerns regarding the impact on safety of school children and bus routes. The pub should have parking for staff and visitors. Cycle parking should also be provided for customers.
- To be viable and attractive to investors the pub needs staff accommodation.
- There is no provision for a smoking area.
- The building has been left to degrade. It has been poorly secured and vandalised. The kitchen has been removed along with the attractive Victorian fireplaces.
- It is an asset of community value.
- The petition signed by 1000 people supporting the dismissal of the previous appeal relating to the loss of much of the pub shows the level of community support for the pub and community use. A group of local residents have formed a group with the goal of a community buy-out of the property. The owners should work with the local community to bring it back into use. The owner has refused to sell or lease out the building. There were previous offers made to keep the building entirely as a pub.
- A kitchen is an essential feature in most modern pubs.
- The loss of the pub's yard area will reduce the functionality of the pub.

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- Changes such as the addition of roof lights, additional dormer and introduction of Juliette balconies in the dormers will detract from the appearance of the attractive historic building.
- There is no provision for the pool room that was integral to the previous operation.
- The function room shares a wall with a proposed flat and also a flat is located above. This will inevitably generate complaints which will impact on the range of activities that can take place in the function room. Activities in a function room are normally noisy.
- The function room no longer includes a bar.
- The route to bring food from the kitchen/lounge area to the bar is past the toilets.
- The occupants of the flats and function room will share the stairwell.
- There is no cycle parking for visitors.
- The bar area is too small.
- The use of the beer garden will be restricted by the proximity of residential accommodation.
- The building has been vacant too long and is an eyesore.

### Jubilee Community Pub Group

The building is an Asset of Community Value. The proposal is not a 'sustainable modernisation for the benefit of the community'. It would be an unnecessary loss to the community. The building in its entirety is valuable and offers flexibility in its use. The new layout diminishes its use. The bar size is reduced, the staircase to the function room is less accessible and attached to the bar and lacks the grandeur of the existing. The reduction in height and size of the function room lessens its value. The use is not fully compatible with the proposed flats. The flats will also impact on use of the beer garden. Many of the proposed works are repairs resulting from the building being uncared for over recent years. The landlord's accommodation is valuable for staff and if not used by staff could serve numerous alternative functions of the community. There is no local support for the proposals. The need to fit out the pub is a clear obstacle to future occupiers. The demolition of outbuildings undermines viability. Allowing a flat to be occupied before the pub is repaired and altered creates perception that it is the pub that is the 'agent of change'. Consider that the Inspector's reference to the loss of space that could be let should not be restricted to the function room and garden. It is the pub as a whole that is significant

to what can be provided for the community. The area is an island that will be further cut off by proposed works at the Railway Museum. The building is needed to help meet the needs of the local community. The building should remain in community use even if it is not used as a pub. A community benefit society has been established and is well supported. They have sought to meet with the owner to discuss purchasing the building but requests have been declined.

Cllr R Baker

Object. The changes will lead to noise complaints from the use of the function room. The lack of manager's accommodation undermines the viability. Need clarity on future use of the beer garden. There is strong local support for the retention of the pub.

Cllr D Heaton

Object. The Jubilee has huge potential as a community venue. The proposal will eventually lead to all of the pub being converted to residential use. The amended function room would be much restricted in use due to the proximity with living accommodation. There is huge local support for its retention as a pub and community venue.

Cllr K. Taylor

Object. There is a commitment from local people to work together to bring the pub back into use. Work is on-going building a business case and raising funds. The proposal conflicts with the NPPF and Local Plan policies that support the retention of established community facilities and services. The proximity to the flats will curtail use of the function room. The use needs living accommodation and staff parking. Not convinced of the applicant's desire to provide a pub use. A change to residential should be a last resort after the Jubilee has been given a chance to succeed.

## **5.0 APPRAISAL**

5.1 The key issues in assessing the application are:

- Impact on streetscene and neighbours living conditions
- Quality of accommodation
- Flood risk
- Highway and Parking Issues

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- Sustainability
- Loss of community facilities
- Viability and Implementation

### Impact on streetscene and neighbours living conditions

5.2 NPPF paragraph 127 states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area;
- b) are visually attractive as a result of good architecture, layout and landscaping;
- c) are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space); and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.3 Policy D1 of the 2018 Draft Plan (Placemaking) expects development proposals to improve poor existing urban and natural environments, enhance York's special qualities, better reveal the historic environment and protect the amenity of neighbouring residents. Development proposals that fail to make a positive contribution to the city or cause damage to the character and quality of an area, or the amenity of neighbours will be refused.

5.4 The building is not listed or located in a Conservation Area, however it is a well-proportioned substantial corner building important to the historic form of the inner city residential area. The proposed external changes to the building are relatively modest and are not considered to impact unduly on the appearance of the street. The new dormer reflects the design of the existing two dormers and relates to the existing fenestration. It is not considered that the works to make a balcony area in two of the dormers will be incongruous subject to agreeing details of railings and glazing. The introduction of a door into the Salisbury Terrace elevation would

appear secondary to the existing fenestration and is considered acceptable subject to the materials and detailing. The provision of several roof lights will not have a positive impact on the roofscape, but the degree of harm is not considered to be so significant to justify refusal of the application.

5.5 It is not considered that the physical changes would have a negative impact on existing neighbours' living conditions. The introduction of an external door to better link the pub with the beer garden will potentially increase activity within the beer garden and noise from inside the pub should the access door remain open however the beer garden is an existing facility. Public Protection state that they received noise complaints regarding the use of the beer garden in 2012, 2013 and 2016. It is considered reasonable in the context of the insertion of the side door to condition that the beer garden is not used after 10pm at night. In addition, it should also be conditioned that the new door serving the garden should be self-closing.

#### Quality of accommodation

5.6 NPPF paragraph 127 states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for future users.

5.7 The three flats are of an adequate size to meet the occupants' needs. The key consideration is the relationship of the flats with the existing beer garden and the altered function room. In respect to the beer garden it is considered that the relationship would be similar to that which currently exists between the beer garden and the existing flats to the rear and side. To minimise conflict it should be conditioned that habitable windows are double glazed or have secondary glazing. A condition relating to the management plan for the site would help to avoid conflicts between the pub use and flats. The times that deliveries and use of the yard in relation to the pub can take place would need to be conditioned.

5.8 The key consideration in respect to the living conditions within the flats is their relationship with the first floor function room and ground floor bar. One flat would be located on the same floor as the function room. In the second floor/roofspace one flat would be located above the function room and the other one above the proposed first floor flat. The applicant has submitted a noise impact assessment. It concluded that improvements can be made to insulation such that noise from music during live events would not be expected to affect the amenity of residents. The City Council's Public Protection Team have considered the assessment. They are satisfied that the proposals would allow the function room to remain in use for live music and

other similar events. To help reduce the risk of conflict with residents they have requested a condition stating that all electronically amplified music emitted from the premises shall be played or reproduced through loud speakers and a tamper proof noise limitation device. It is not considered that this would impact significantly on the range of uses that the function room could be put to.

5.9 The provision of 3 flats (where 1 exists) in an accessible location is beneficial. However, it is not considered that the modest gains in housing supply would outweigh any significant loss of valued community facilities that can serve the existing local population.

### Flood risk

5.10 Policy ENV4 of the 2018 Draft Plan requires development not to increase flood risk on or off site. Policies relating to flood risk are contained in chapter 14 of the NPPF. In respect to decision making the NPPF states that the proposal should meet the requirements of a site specific flood risk assessment.

5.11 The existing pub and living accommodation is in flood zone 3 (high flood risk). The uses of a public house and self-contained residential accommodation are in the same flood risk category (more vulnerable). As the proposal is for a change of use and does not propose caravans, camping etc. the proposal is not subject to the sequential or exception tests. It must though still meet the requirements for site specific flood risk assessments. The Environment Agency has seen the applicant's submitted flood risk assessment and consider that the assessment is in accordance with the requirements of the National Planning Policy Framework. A condition can be included relating to flood risk/resilience matters in respect to physical design, safe escape and flood warning. Details of the additional external hard surfacing can be conditioned to avoid increasing surface water run-off from the site.

### Highway and Parking Issues

5.12 Chapter 9 of the NPPF states that in assessing applications it should be ensured that:

- Opportunities to promote, and facilitate access to sustainable transport included where appropriate.
- Give priority first to pedestrian and cycle movements.

- Minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.
- Be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- Safe and suitable access for all users.
- Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 111 requires an assessment of impacts on the network, when development will generate significant amounts of movement.

5.13 Paragraph 109 of the NPPF also states, “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

5.14 Three parking spaces are proposed in the parking area. Although the space is relatively tight it is considered adequate to allow vehicles to turn and exit in a forward gear. Bin storage and an individual cycle pod for each flat is proposed.

5.15 The applicant has indicated that the parking area can also be used for deliveries and bin storage in relation to the pub. Lorries delivering food and drink would need to park to the side of the pub on Balfour Street and roll barrels to the cellar hatch. It would be envisaged that the rear yard would only be essential for the delivery of kegs to the cellar and the number of deliveries to the yard each week or month would be relatively low. Although there would occasionally be some inconvenience to vehicles entering or existing the parking spaces the low number of parking spaces (3) is such that overall the impact would be modest. Highway Network Management are satisfied that the proposal will not create Highway Safety concerns.

### Sustainability

5.16 Policy CC2 of the 2018 Draft Plan “Sustainable Design and Construction of New Development” requires applications for the change of use of buildings to residential to achieve BREEAM very good standard. The applicant is in agreement with a condition being included relating to this matter. The dwellings would be

located close to the city centre and have suitable storage for cycles and recycling bins.

### Loss of community facilities

5.17 Chapter 8 of the NPPF relates to promoting healthy and safe communities. Paragraph 91 (a) states that decisions should promote social interaction, including opportunities for meetings between people who might not otherwise come into contact. Paragraph 92 (c) states that decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs.

5.18 Policy HW1 in the 2018 Draft Plan relates to Protecting Existing Facilities. This policy includes reference to Public Houses. The fourth criterion of the policy states that, in the case of commercial facilities their loss will not be supported unless evidence is provided that demonstrates the facilities are no longer viable. Supporting text at 6.8 states that a loss of local facilities that residents depend upon has the potential to erode community cohesion and exacerbate social isolation. It further states that although a loss of facilities would affect all residents, groups likely to be particularly affected by loss of amenities include the elderly, those with reduced mobility and those on low income, all of whom may struggle to travel to use alternative facilities. The policy is similar in intent as paragraphs 91 and 92 of the NPPF which would have greater weight in decision making.

5.19 It is considered that issues relating to the loss of community facilities is the key consideration in assessing the proposal. This is the reason that the previous application was refused and dismissed at appeal.

5.20 In assessing the current application regard must be had to the Planning Inspector's decision letter dated 9 October 2019 as a material planning consideration.

5.21 There is no doubt that the vast majority of objectors feel that none of the pub should be changed to incorporate 3 self-contained flats. The numerous reasons why this is considered to be so are listed in the representations. The petition signed by around 1000 people (that was submitted at the time of the earlier appeal) indicates the level of local support for the retention of the pub. Furthermore, a number of residents have established a group to actively work towards purchasing or leasing the whole building/site for a community focussed pub/venue.

5.22 The application for 4 flats and retention of the public house on the ground floor was refused in May 2018 under delegated powers. In refusing the application it was emphasised that it was considered that it was the pub as a whole including the external space, living accommodation and function room that made it particularly viable and of value to the local community. This was reiterated in the Local Planning Authority's appeal statement. At the appeal hearing on 9 October 2019 the Inspector considered the issue of whether the retention of the upper floor manager's accommodation was necessary to ensure the successful running of the Public House. At the hearing were local councillors, local residents, a representative of CAMRA, a successful publican and a prospective purchaser of the building. Those people present were given the opportunity to comment on the proposed loss of the Manager's accommodation and other space. It was made clear to the Inspector that it was considered that the Manager's accommodation was essential in respect to making the Pub use financially viable and for convenience and security. It was stated that such accommodation was an integral part of a neighbourhood pub.

5.23 Although the Inspector dismissed the appeal, he did not state that all of the building or curtilage needed to remain in Public House use. His decision letter included the following statements:

- There is nothing sufficiently compelling, some logistical and security issues aside that seem eminently possible to overcome, that would lead me to conclude that a reduced sized public house could not operate viably and thus successfully.
- The appeal scheme would be acceptable in other areas such as the living conditions of existing and future occupiers, design and access as well as the appeal site being accessible by means other than the private car.
- Whilst it might be stretching it to suggest that the loss of the floor space and facilities on offer at the Jubilee would impinge on the ability of the community to meet its day to day needs, this should not devalue what it can offer and how that can be of benefit to incumbent and future residents on a socially inclusive level.
- The appeal scheme would seek to provide a public house when there is a public house existing. The loss in this case however would be what the Jubilee

has to offer that is not readily available locally, mainly in the shape of the additional lettable space it can provide as well as a sizable outdoor space. In this respect it is not just the sale of drinks to passing or regular patrons to consider. The provision of usable floor space for functions, socially connected sports teams or meetings for local groups can act as a focal point for a community otherwise bereft of such provision and a good quality outdoor space would be beneficial to a business in the summer months.

- ...the social impact of the loss of the facilities on offer would, for the reasons I have set out, be detrimental to the local community in the manner I have explained.

5.24 It is considered that the above statements are unambiguous in setting out the Inspector's view that a smaller pub is viable and would be viable without the manager's accommodation. The reason for dismissing the appeal centred on the scheme leading to the loss of the function room and the loss of the beer garden. The Inspector's concerns related to the social impact of the loss of the facilities.

5.25 Clearly objectors and the Local Planning Authority may disagree with the conclusions of the Inspector and continue to feel that all of the pub and its curtilage should be retained in public house use, however it is considered that the Inspector's reasoning should be given significant weight. The decision was recent (October 2019) and at that time the Inspector was well aware of the strong opposition to the proposals and that there were parties interested in purchasing the public house with the intention of retaining it in its entirety. The issue of whether it is possible to disregard the statements made in the Inspector's decision and refuse the application on the grounds of the loss of the Manager's accommodation (and other concerns not opposed by the Planning Inspector) has been considered by the Council's Legal department. It has advised that regard should be had to the importance of consistency in decision making and therefore a practical test for the decision maker is to ask itself whether, if it decides this application in a certain way, is it agreeing or disagreeing with some critical aspect of the decision in the previous appeal. Where there is disagreement, then adequate reasons should be given to explain departure from it. Otherwise, there is a risk of a successful challenge to the decision.

5.26 In the light of the appeal decision it is considered in assessing the current application the key issue is whether the scheme overcomes the previous reason for

refusal and appeal decision concerns specifically relating to the loss of the function room and the loss of the beer garden. These issues are considered below:

### Function room

5.27 The function room currently has a vaulted ceiling. Access to the room is via a staircase located at the central lobby of the public house. It has a small relatively makeshift bar in the corner. The only toilets in the Public House are on the ground floor. The application proposes to install a lower ceiling in the function room, allowing a flat to be located in the roof space above. The ceiling would be located above the existing tall windows in the room and would be around 3m above the floor level. Access to the function room would be via a new staircase off the lobby at the rear of the premises. The provision of the staircase and new entrance would mean that the floor area of the function room would be reduced from 12m x 6m to approximately 9.5m x 6m. The overall reduction in floor space would be from 72sqm to 57sqm. The proposed scheme indicates a full height cupboard within the room. This is included in the floor space calculations given it would not need to be provided.

5.28 It is not considered that the access arrangements would significantly impact on the quality of provision. The users of the function room would still need to use the toilets on the ground floor. It is not currently a wholly self-contained venue as people accessing or existing the function room need to travel through the bar area of the pub. The additional height within the function room is part of its character and gives a greater feeling of spaciousness, however, the proposed 3m ceiling height would not be so low as to make the room feel cramped and would be more practical in respect to maintenance and heating. In considering the acceptability of the changes to the ceiling, some regard is also given to the fact that the Pub is not a listed building and as such *internal* alterations can be undertaken without planning permission providing the use remains in the same use, or ancillary to the use (Public House). Significantly, the applicant is willing to accept a condition that the function room remains as a single undivided space capable of hosting functions and retains the internal ceiling height indicated on the approved drawings.

5.29 The current function room is served by a single staircase. Building Regulations would normally restrict the capacity of a first floor room served by a single staircase to 60 people. In respect to assessing the maximum capacity of the existing and proposed altered function room for various events, Approved Document B of the Building Regulations 'Fire Safety: Buildings other than Dwellings' uses a

figure of 1sqm per person for dining areas and 0.5m per person for standing (for example, dancing or watching live music). The relative *theoretical* gross maximum capacity of the function room based purely on floor area (and not taking account of the capacity limitations resulting from the access) would be 72 existing and 57 proposed if used for dining and 144 existing and 114 proposed for dancing. The 'theoretical' figures are the maximum and the standing capacity would be reduced were space also needed for, for example a bar or performers etc. Based on the above, it is considered that the impact of the changes on the current capacity of the function room would be relatively modest for most events. It would be expected that for 'typical' pub related events such as for live music and dancing, the capacity would still remain around 60. The room could also accommodate 60 people for events where people sit in rows such as a public meeting or watching a sporting event on TV.

5.30 In respect to fire safety it should be noted that if a further staircase were provided from the room the capacity could be increased. It is difficult to envisage a practical arrangement where this could be achieved for the proposed layout. In respect to the existing layout the provision of a new external door from the function room leading to an associated Building Regulations compliant external staircase would allow the capacity to be increased beyond 60.

5.31 In respect to noise levels, as set out previously the Council's Public Protection officer is satisfied that noise insulation can be provided that when coupled with a tamper proof noise limitation device would ensure that the normal uses of the function room would be compatible with the living conditions of the occupants of the proposed flats.

5.32 The original drawings with the current application did not include the first floor function room and showed the pool room and adjacent Bothy (with widened associated opening) as a function room. In respect to practicalities this ground floor space can be self-contained and in respect to access has the benefit of being on the ground floor. Although not a replacement for the first floor function room it is a relatively large room and would be a space suitable for meetings, exhibitions and smaller gatherings.

5.33 On balance it is considered that the proposed changes to the existing function room would not have a significant impact on the local community's ability to meet its day-to-day needs. Fire regulations mean that the current capacity would not typically be reduced for the vast majority of pub related events that would take place

in the space such as parties or live music. The changes would also have a fairly limited impact on day-to day community events such as classes, clubs, meetings and children's parties that would normally attract less than 60 people. For larger seated events it would be expected that the local church could be used. It would be for the operator of the pub to decide how they wanted to use the various spaces, however, it is considered that the proposed ground floor and first floor layout is such that the building would still be capable of being used for the vast majority of day to day events and activities as well as drinking and informal socialising.

### Beer Garden

5.34 A beer garden would remain with the pub and for the use of the pub. A new external door is proposed from a lobby area of the Pub to the garden. Currently the only way to access the garden is via the service yard or around the building and as such the changes will enhance access to the outdoor space. The area of the garden will be reduced a little as the northern part is proposed for car parking and storage, however, the garden is still capable of meeting the normal needs of the pub. Because of the proximity to existing flats it is not considered to be a beer garden suited to particularly intensive use.

5.35 In the future if needed the garden could be used for community purposes such as a break out area for coffee mornings or toddler groups. The changes are not considered to reduce the ability of the community to meet its day to day needs.

### Viability and Implementation

5.36 In his decision letter relating to the dismissal of the previous appeal at the site the Inspector stated that, "The appellant has every intention of investing in the fit out of the public house element in the scheme, being willing to accept conditions imposed on a planning permission." The current proposals for the pub are superior to the previous dismissed scheme in respect to the amount of space available to customers. It is noted that there is not a kitchen, though this could be accommodated by a future operator. The retention of a function room and beer garden would also aid viability. The pub also retains a large cellar area. The applicant has accepted a condition that the remaining pub areas be repaired and fitted out as a shell. The fit out of the shell would need to be completed before the second flat is occupied. The future occupier would need to install a bar area, toilets, install carpets, decorate the walls and provide furnishing etc. It cannot be guaranteed that anyone will occupy the remaining pub space, however, it would be

unusual for the works to be undertaken and the developer not to seek a financial return from its occupation.

5.37 The applicant has also agreed that should planning permission be granted a S106 agreement would be signed ensuring that the yard area shared with the flats will remain accessible to the public house irrespective of the ownership of the yard area. This is important as the yard is used for storage and deliveries and is also the exit point from the ground floor escape door serving the proposed altered function room.

## **6.0 CONCLUSION**

6.1 In assessing the proposal it is considered that significant weight should be given to the content of the Inspector's recent decision letter relating to the dismissal of the previous mixed use scheme at the site. The decision did not indicate that a smaller pub was unviable, the loss of manager's accommodation unacceptable, or that the use was incompatible with the proposed upper floor residential uses. The reason the appeal was dismissed related to the loss of the beer garden and loss of the function room and the impact that this would have on 'social inclusion'.

6.2 The current scheme as revised retains a first floor function room, which though smaller in size would, because of national fire safety restrictions, normally have the same maximum capacity as the existing. There would also be an improved access to a reasonable sized beer garden. In respect to the actual floor area of the building, relatively little space that has historically been accessible to the local population will be lost and conditions can be included to help ensure that this remains the case.

6.3 The future style or ownership of the Pub is unknown, however, it is considered that should the managers seek to operate it in a way that focuses on a 'community model', adequate space (including that for storage) remains available for this approach to be taken. Furthermore, the changes are not considered to undermine the ability to adapt the building for other community uses should a pub use prove unviable.

6.4 Having regard to the reasoning in the Planning Inspector's recent decision letter, it is considered that that the scheme overall would be compliant with the policies of the NPPF relating to community facilities.

**7.0 RECOMMENDATION:** Approve subject to conditions and to a legal agreement under s106 of the Act to ensure that the Public House retains access to the yard for those purposes essential to sustain its use.

1 TIME2 Development start within three years

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

Proposed Floor Plans 02035-210 Revision C received on 12 March 2021.  
Proposed Elevations 02035-201 Revision B received on 12 November 2020.  
Proposed Site Plan 02035-110 Revision D received on 19 February 2021.  
Ceiling heights shown on Proposed Sections 02035-212 received on 12 November 2020.

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

3 Prior to the occupation of any of the proposed flats, a building survey of the internal and external areas shown on the approved plans indicated to remain in public house use and a report clearly documenting all of the repair, adaption and improvement works that are needed to create well-functioning internal and external areas and a durable shell fit-out ready for re-occupation as a public house shall be submitted to and approved in writing by the Local Planning Authority. The survey and written report shall be undertaken by competent persons.

The repair and improvement works shall include:

- o Public house cleared of rubbish. Debris and soiled carpets removed with floor made good for any new flooring of the operators' choice.
- o All electrical and gas installations on site made first fix ready and suitable level of provision provided for each space. Unfit or dangerous fixtures and fittings removed.
- o Cellar area flooding/broken pipework resolved and then cleared and area made ready for safe and efficient provision of kegs and beer lines.
- o All vandalised fixtures and fittings e.g. built in seating areas removed and area left as blank canvass ready for operator fit out.
- o New stairs, ceiling and associated doors and utilities provided to function

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room.

- o All walls skimmed where required.
- o Windows and doors that have been vandalised to be repaired/replaced like for like. Boards used for boarding up removed.
- o Cellar doors made fully functional.
- o Site cleared of rubbish and fly tipping.
- o Out buildings demolished and cleared and all external brickwork and any openings made good.
- o Beer garden area cut back and cleared as necessary.
- o Insertion of a new door leading directly from the pub to the beer garden.
- o New staircase and re-designed function room.
- o Provision of new walls, doors, toilet fittings and washing fittings in accordance with approved plans.

Reason: To preserve a viable Public House on site.

4 Prior to the occupation of more than one of the approved flats the proposed repair, adaption and improvement works listed in the building survey as approved referred to in condition 3 needed to create well-functioning internal and external areas and a durable shell fit-out ready for re-occupation shall be completed and a verification report by competent persons that demonstrates that the works have been completed in a satisfactory manner in accordance with the report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To preserve a viable Public House on site.

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

The details shall demonstrate a reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable through the provision of renewable or low carbon technologies or through energy efficiency measures and at least a 19% reduction in dwelling emission rate compared to the Target Emission

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Rate (calculated using Standard Assessment Procedure methodology as per Part L1A of the Building Regulations).

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

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

6 Details of new and replacement external surfacing shall be submitted to and approved in writing by the Local Planning Authority prior to the implementation of the works. The surfacing shall be provided in accordance with the approved details.

Reason: To avoid any increase in flood risk and ensure the materials are an appropriate quality

7 Elevation details of the new structures to be erected in the parking and service area shown on the approved site plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first flat. The structures shall be provided in accordance with the approved details prior to the occupation of the first flat and thereafter retained as approved.

Reason: To ensure the functional use of the site and provision remains for refuse, recycling and cycle storage.

8 Prior to their provision large scale drawings shall be submitted to and approved in writing by the Local Planning Authority of the following elements of the scheme:

- o New dormer window
- o New roof lights
- o New external doors.
- o New boundary treatments and gates.

The works shall be completed in accordance with the approved details.

9 The parking, storage, access and manoeuvring areas shown on the parking and service areas to serve the flats and public house shall be laid out in accordance with the approved plans prior to the occupation of the first flat and notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) these areas shall remain laid out in accordance with the approved plans and shall be kept free of obstruction and not used for any purpose other than for parking, storage, access and manoeuvring.

Reason: To ensure the functional use of the site and provision remains for refuse, recycling and cycle storage.

10 Delivery vehicles to the public house and waste removal vehicles to the public house shall be confined to the following hours:

Monday to Friday 08:00 to 18:00 hours

Saturday 09:00 to 13:00 hours and not at all on Sundays and Bank

Holidays

Reason: To protect the amenity of occupants of the nearby properties from noise.

11 Prior to the re-occupation of the Public House a management plan shall be submitted to and approved in writing by the Local Planning Authority setting out how and when the yard will be used in association with the pub and how deliveries will be managed in a way that minimises disruption to occupiers of the proposed flats. Thereafter deliveries shall operate in accordance with the management plan as approved.

Reason: To reduce conflict with residential occupiers and ensure the efficient functioning of the shared parking and delivery area.

12 The beer garden shown on the approved plans shall only be used for purposes of the Public House and purposes ancillary to the Public House and shall not be used for any other purpose, including access in association with the occupation of the flats.

Reason: To support the effective operation of the public house.

13 The beer garden shown on the approved plans shall not be used by customers between the hours of 22.00 and 09:00.

Reason: To protect neighbours' living conditions.

14 The new external door to the beer garden shall be self-closing and shall remain as such.

Reason: To protect neighbours' amenity.

15 Notwithstanding the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, no part of the public house shown on the approved plans shall be converted to ancillary living or sleeping accommodation.

Reason: To protect the remaining pub areas for use by the community.

16 Notwithstanding the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification the function room shown on the approved plans shall remain as a single undivided space capable of hosting functions and shall retain the internal ceiling height indicated on the approved drawings.

Reason: To protect the space for community use.

17 All sound attenuation measures detailed in the submitted noise assessment [Nova Acoustics (ref 5314TC dated 26/11/20)] shall be fully implemented prior to the occupation of the first flat and permanently retained thereafter. Prior to the occupation of the first flat a report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates that the predicted noise levels for internal rooms in all of the flats has been achieved.

Reason: To protect the amenity of people living in the new property from noise

associated with the ground floor use and in accordance with the National Planning Policy Framework

18 No development shall take place until a detailed scheme of noise insulation measures for protecting the approved residential accommodation from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the insulation scheme works no part of the development shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

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

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

19 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval in writing. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment as approved and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be maintained thereafter.

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

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

20 All electronically amplified music emitted from the premises shall be played or reproduced through loud speakers and a tamper proof noise limitation device. The device, the levels set and the installation shall be approved in writing by the Local Planning Authority before the use hereby approved commences. Thereafter the approved levels, equipment, installation, position and type of speakers shall be maintained in accordance with the approved details and at no time shall they be modified without the written approval of the Local Planning Authority.

Reason:- To safeguard the amenity of neighbouring properties.

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

Reason

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

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

o In the UK, there is a government-grant scheme available to help reduce the cost of installing a home EV charge point. For more information on the scheme see the OLEV website <https://www.gov.uk/government/collections/government-grants-for-low-emission-vehicles>

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

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

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

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

23 Prior to the commencement of development details setting out how the following flood risk measures will be addressed shall be submitted to and approved in writing by the Local Planning Authority:

Physical Design Measures

Safe Escape

Flood Warning

The works shall be undertaken and the property operated in accordance with the approved details.

Reason: To minimise the impacts of potential flooding.

## 8.0 INFORMATIVES:

### Notes to Applicant

#### 1. Development Informative

The developer's attention should also be drawn to the following which should be attached to any planning approval as an informative:

1. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".

2. Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions. Some basic information on control noise from construction site can be found using the following link.

[https://www.york.gov.uk/downloads/download/304/developers\\_guide\\_for\\_controlling\\_pollution\\_and\\_noise\\_from\\_construction\\_sites](https://www.york.gov.uk/downloads/download/304/developers_guide_for_controlling_pollution_and_noise_from_construction_sites)

3. 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 manufacturer's instructions.

4. There shall be no bonfires on the site.

#### 2. Statement of the Council's Positive and Proactive Approach

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

Revised drawings received showing retention of part of function room and area of beer garden.

**Contact details:**

**Case Officer:** Neil Massey

**Tel No:** 01904 551352

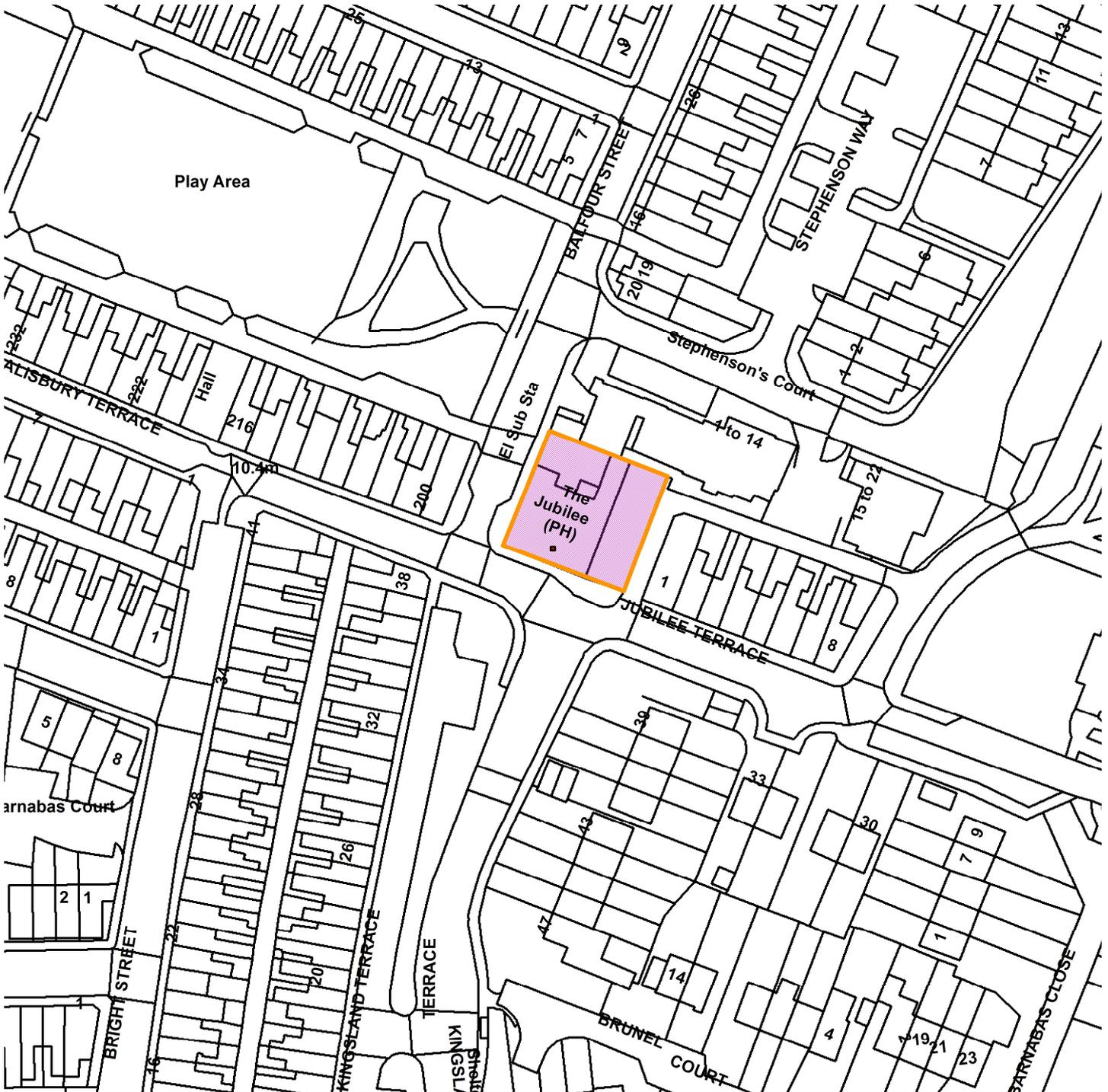
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# The Jubilee, Balfour Street, YO26 4YU

20/01498/FUL



GIS by ESRI (UK)



Scale : 1:991

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<b>Organisation</b>	City of York Council
<b>Department</b>	Economy & Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	25 February 2021
<b>SLA Number</b>	

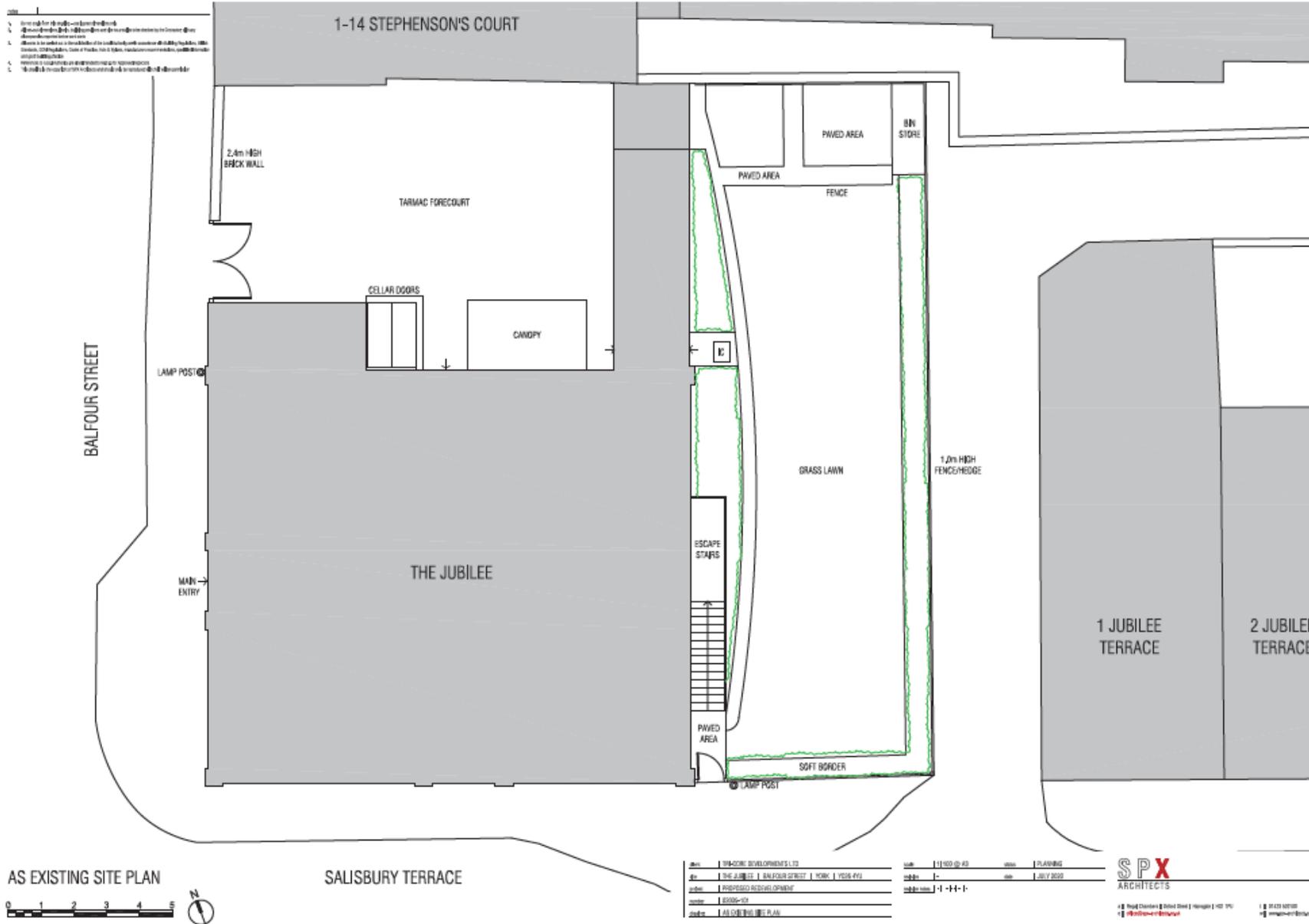
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## Area Planning Sub-Committee

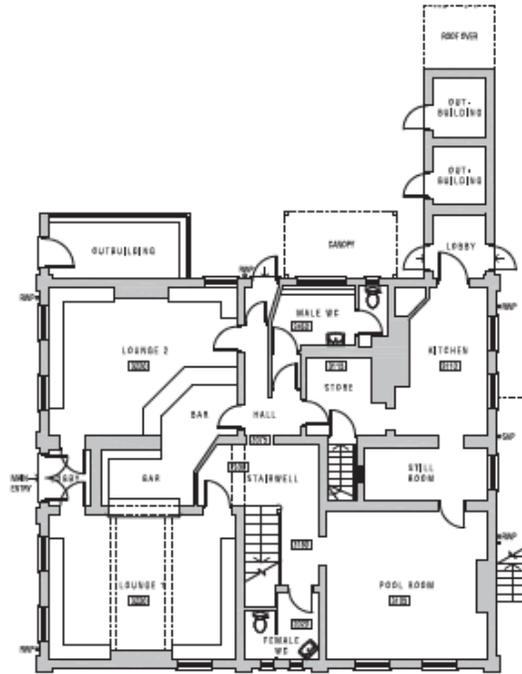
20/01498/FUL

The Jubilee Balfour Street

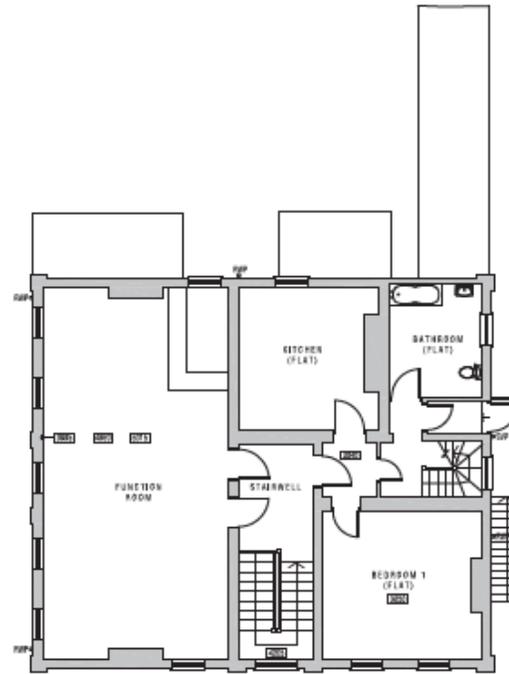


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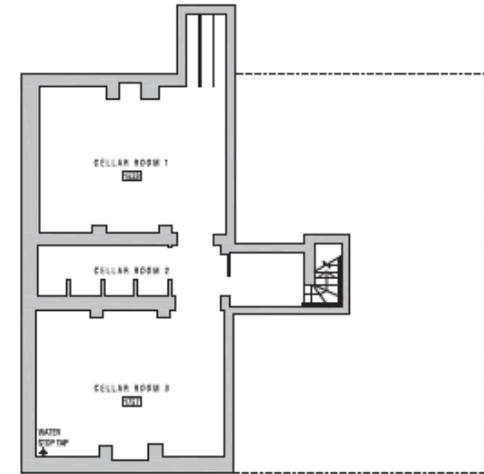
# As existing floor plans



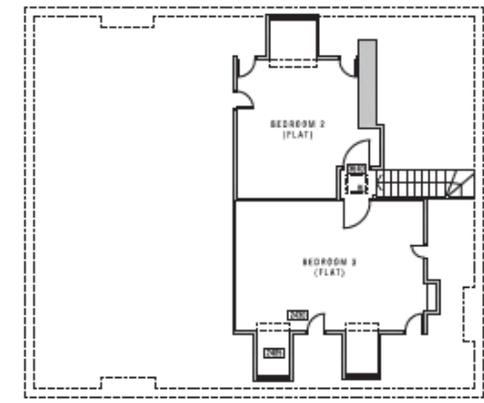
AS EXISTING GROUND FLOOR PLAN



AS EXISTING FIRST FLOOR PLAN



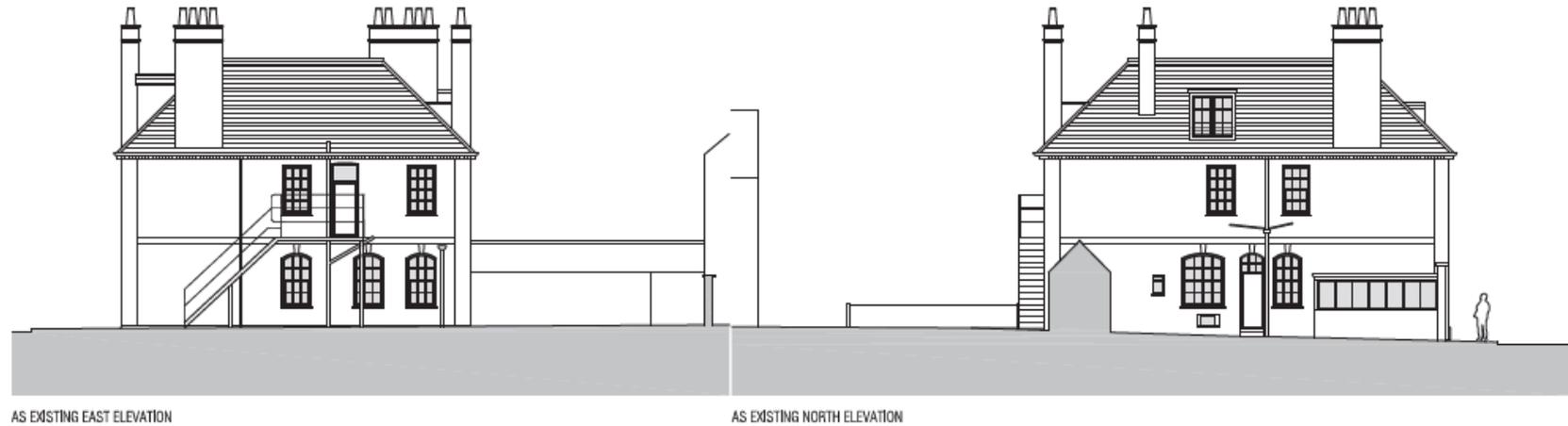
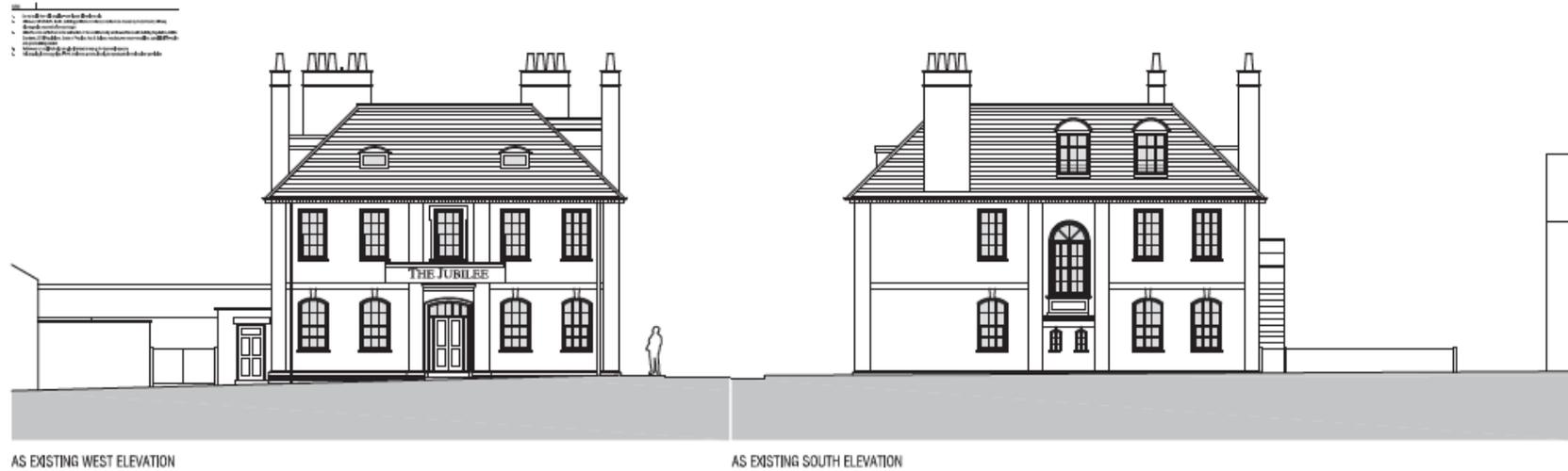
AS EXISTING BASEMENT PLAN



AS EXISTING SECOND FLOOR PLAN

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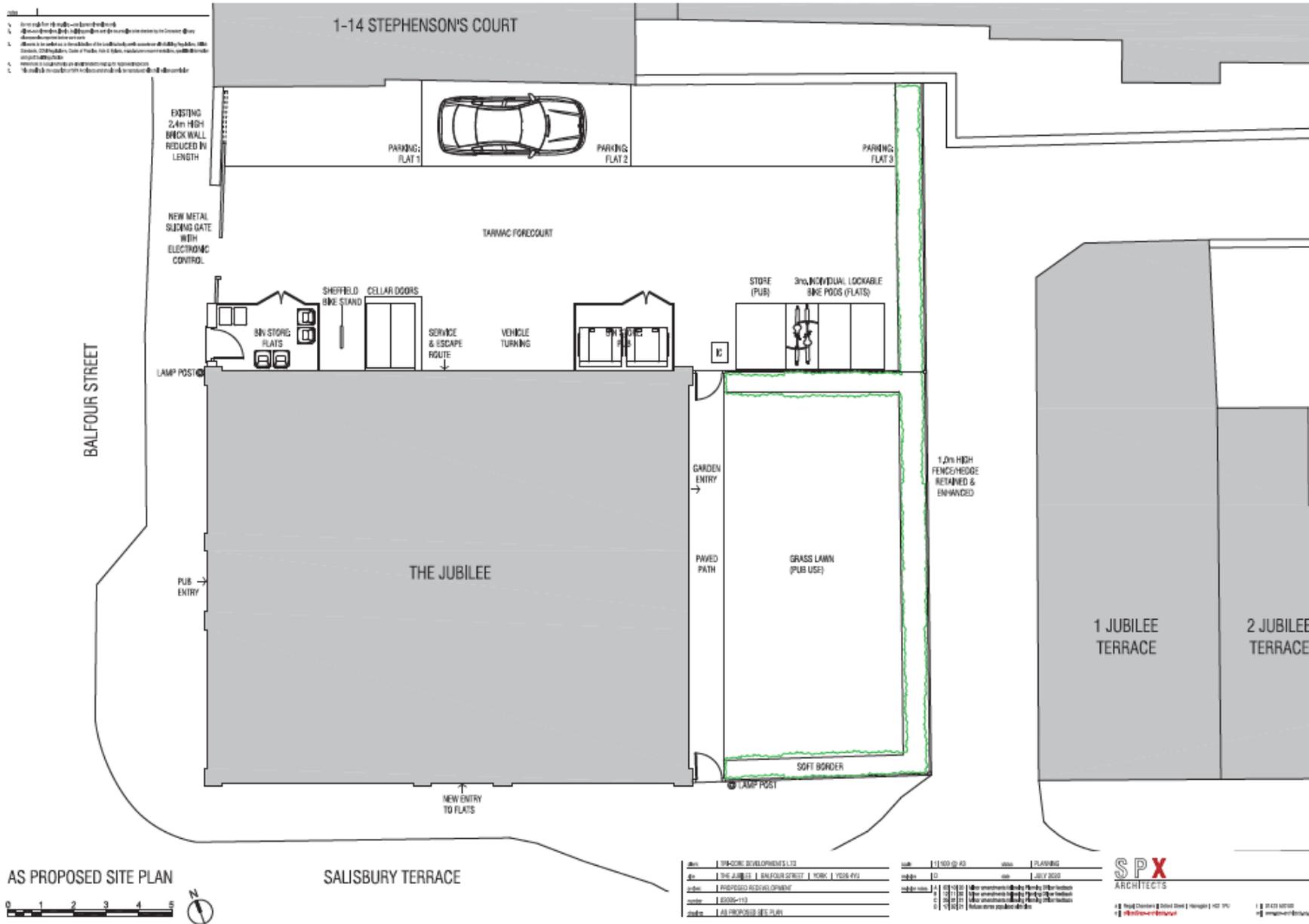
# As existing elevations



**MATERIALS KEY**

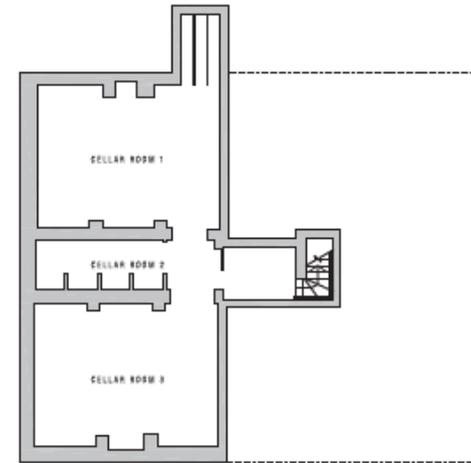
• SLATE ROOF	• RED BRICK STONE COURSE
• LEAD FLASHINGS	• STONE WINDING & BORN BURNINGS
• LEAD CLAD CORRUGATED	• TERRAZZO MARBLE
• BLACK UPV'S MAINWATER & POLY WATER GOODS	• TERRAZZO COVERS
• RED BRICK WALLS	

DRG NO.	1/20	DATE	18/02/2021	SCALE	1:100
PROJECT NO.	1/20	CLIENT	AREA PLANNING SUB COMMITTEE	DESIGNER	AREA PLANNING SUB COMMITTEE
PROJECT NAME	1/20	LOCATION	AREA PLANNING SUB COMMITTEE	DATE	18/02/2021
PROJECT ADDRESS	1/20	PROJECT NO.	1/20	SCALE	1:100

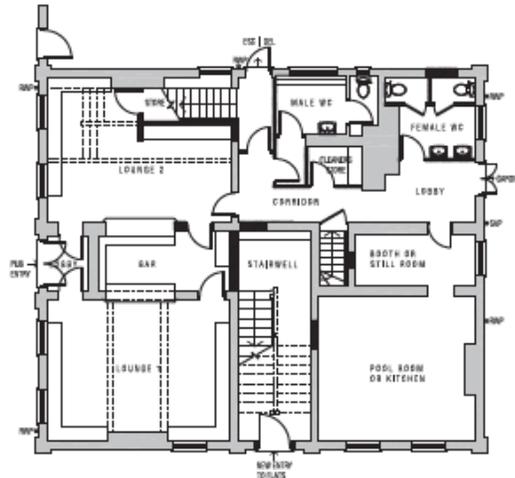


- 1. Proposed Development
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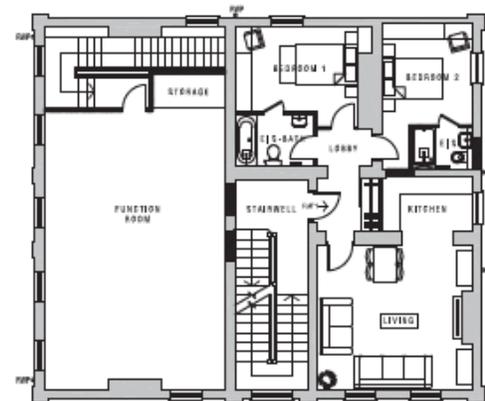
As proposed floor plans



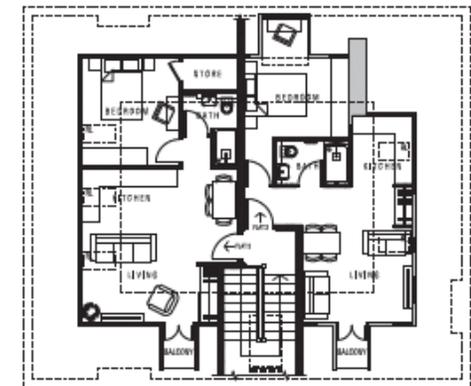
AS PROPOSED BASEMENT PLAN



AS PROPOSED GROUND FLOOR PLAN



AS PROPOSED FIRST FLOOR PLAN



AS PROPOSED SECOND FLOOR PLAN

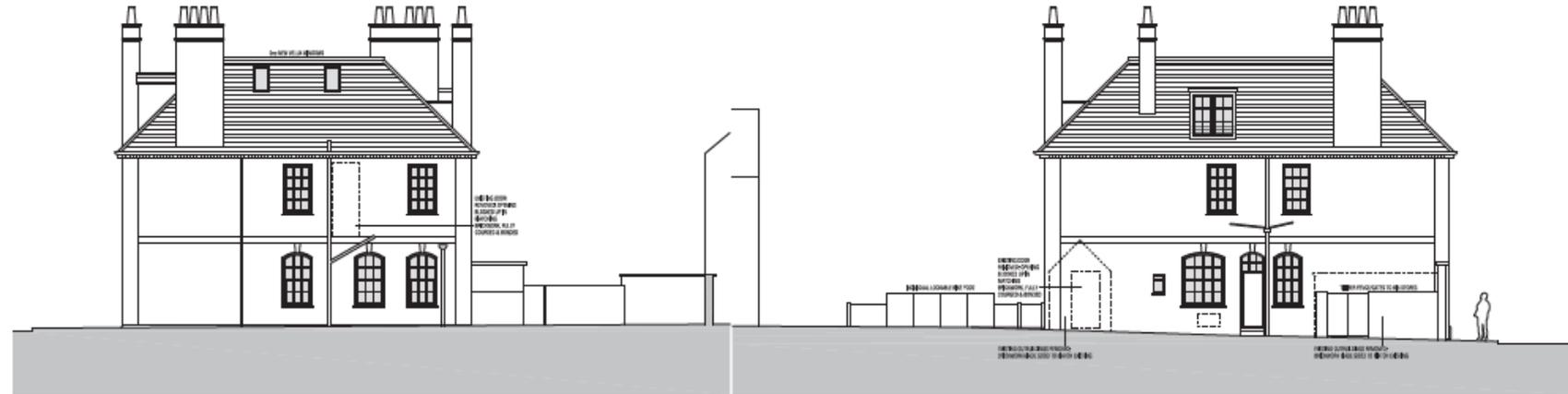
Prepared by: [Name]	Checked by: [Name]	Drawn by: [Name]	Scale: [Scale]
Approved by: [Name]	Approved by: [Name]	Approved by: [Name]	Approved by: [Name]
Date: [Date]	Date: [Date]	Date: [Date]	Date: [Date]

As proposed elevations



AS PROPOSED WEST ELEVATION

AS PROPOSED SOUTH ELEVATION



AS PROPOSED EAST ELEVATION

AS PROPOSED NORTH ELEVATION

**MATERIALS KEY**

• SLATE ROOF AS EXISTING	• SPERMEN BLOCKED UP IN MORTAR AND RED BRICK
• LEAD FLASHING AS EXISTING	• RED BRICK WITH COURSE AS EXISTING
• LEAD CLAY CHIMNEYS TO MATCH EXISTING	• STONE MASONRY & OVER SUNDRIES AS EXISTING
• BLACK UPVC RAINWATER & PULL WATER GOODS	• TIMBER WINDOWS TO MATCH EXISTING
• RED BRICK WALLS AS EXISTING	• TIMBER DOORS TO MATCH EXISTING

DATE: 15/02/2021	SCALE: 1:50	PROJECT: THE JUBILEE	CLIENT: THE JUBILEE
DRAWN BY: [Name]	CHECKED BY: [Name]	APPROVED BY: [Name]	DATE: 15/02/2021

As proposed and as existing cross-sections





Function Room





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**COMMITTEE REPORT**

**Date:** 30 March 2021                      **Ward:** Guildhall  
**Team:** Design, Conservation        **Parish:** Guildhall  
& Sustainable  
Development

**References:** 21/00472/TPO and 21/00474/TCA  
**Applications at:** Quad West York St John University Lord Mayors Walk York  
**For:** Fell 9no. Lime Trees protected by Tree Preservation Order  
No. CYC383 and fell 5no. Lime trees in a Conservation Area.  
**By:** Mr Robert Scott, Facilities Directorate, York St John  
University  
**Application Type:** Tree Preservation Order and Tree works in a Conservation  
Area notification  
**Target Date:** 20.04.2021 and 06.04.2021 respectively  
**Recommendations:** i. Approve 21/00472/TPO  
ii Do not make a TPO in respect of trees proposed to be  
removed by 21/00474/TCA

**1.0 PROPOSAL**

1.1 Two tree works applications have been logged in relation to trees at Quad West, York St John University, Lord Mayors Walk, York, the combined proposals include felling 14 trees:

- 21/00472/TPO - Fell 9no. Lime Trees protected by Tree Preservation Order No. CYC383  
and
- 21/00474/TCA - Fell 5no. Lime trees (nos. C002, C003, C006, C021, C022) in a Conservation Area.

The original application has been logged as two applications, separating-out the works to the 9 lime trees protected by a Tree Preservation Order (TPO), and another 5 lime trees which are in a Conservation Area (TCA). For the purpose of this report the two applications will be considered at the same time, following the decision parameters of the TPO legislation and Conservation Area Regulations.

Application Ref Nos: 21/00472/TPO and 21/00474/TCA

1.2 A summary of the tree locations are shown in Appendix 1, the 'T' numbers (T1 – T7, T13 & T14) denote trees covered by a TPO and the 'C' numbers those in a Conservation Area (nos. C002, C003, C006, C021, C022).

1.3 The applications have been called in to Committee by Cllr Denise Craghill who is concerned that the loss of mature trees, following the significant loss that has already taken place, is a matter of significant public concern and as such should be considered in public by the Planning Committee.

## **2.0 POLICY CONTEXT**

2.1 City of York Publication Draft Local Plan 2018

GI 1 Green Infrastructure

GI 4 Trees and Hedgerows

2.2 City of York Council Development Control Local Plan 2005

CYNE1 Trees, woodlands, hedgerows

CYGP9 Landscaping

## **3.0 CONSULTATIONS**

### Guildhall Planning Panel

3.1 Object to the 21/00472/TPO application for the following reasons:

'Whilst we understand the need to 'maintain' the trees, we cannot accept the reduction in total number of trees proposed. Surely we should be adding to the total number of trees in York City.'

### Publicity and Neighbour Notification

3.2 In response to the two applications, nine objection letters were received including objection from Councillor Widdowson and Treemendous. To date no letters in support of the application have been received. The following provides a summary of the points raised in the letters:

- The trees soften the look of a congested road
- Reduce pollution, provide air filtration.
- Improves the health and wellbeing of local people.
- Support wildlife

Application Ref Nos: 21/00472/TPO and 21/00474/TCA

- Provide shade

## **4.0 APPRAISAL**

### **KEY ISSUES**

4.1 The key issues in the assessment of this proposal are the impact upon:

- Health and safety
- Public amenity
- Setting of the City
- Integrity of green corridor
- Landscape setting for the grounds of The University of St Johns Lord Mayors Walk

### **LEGISLATIVE BACKGROUND**

4.2 In considering applications for consent under a Tree Preservation Order and tree works notifications in a Conservation Area, the Local Planning Authority (LPA) should assess the impact of the proposal on the amenity of the area and whether the proposal is justified, having regard to the reasons and additional information put forward in support of it.

In certain circumstances, compensation may be payable by the LPA for loss or damage which results from the authority refusing consent under a TPO or granting consent with conditions.

4.3 When determining applications for consent in relation to trees covered by a TPO, the LPA may:

- (i) grant consent unconditionally;
- (ii) grant consent subject to such conditions as it thinks fit; or
- (iii) refuse consent.

The LPA must decide the application before it, so it should not issue a decision which substantively alters the work applied for. The authority could, however, grant consent for less work than that applied for.

4.4 Under section 211 of the Town and Country Planning Act 1990 someone wishing to carry out work to any tree (above 75mm in diameter at 1.5m height) in a Conservation Area must give prior Notice (a 'section 211 Notice') to the LPA.

The LPA can deal with a tree works notification in a Conservation Area in one of three ways. They may:

Application Ref Nos: 21/00472/TPO and 21/00474/TCA

- (i) make a TPO if justified in the interests of amenity. The proposal would then have to be the subject of a formal application under the TPO, or
- (ii) decide not to make a TPO and allow the six week period to expire, at which point the proposed work may go ahead as long as it is carried out within two years from the date of the notice, or
- (iii) decide not to make a TPO and inform the applicant that the work can go ahead.

The LPA cannot refuse consent, nor can they grant consent subject to conditions (such as a condition requiring the planting of a replacement tree). This is because a section 211 Notice is not, and should not be treated as, an application for consent under a TPO.

## POLICY CONTEXT

### National Planning Policy Framework

4.5 Section 15. 'Conserving and enhancing the natural environment', paragraph 170 states: Planning policies and decisions should contribute to and enhance the natural and local environment by:

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

4.6 The lime trees were planted as part of the landscape infrastructure of the grounds of The University of St Johns within the landscaped area located to the front of the original building constructed in 1845 in the Tudor style, which is a Grade II Listed building.

4.7 The York Central Historic Core Conservation Area Appraisal describes the Lord Mayor's Walk character area with reference to the trees as:

'In 1718 Lord Mayor's Walk was planted with elm trees to create an avenue. The avenue is still a distinctive feature although the original trees have been replaced.'

'Lord Mayor's Walk is a busy road lined with mature trees providing a sense of enclosure. It is framed by green spaces - the formal garden of St John's College on the northern side and the city wall ditch and ramparts on the southern side. It is a significant space where the city wall can be seen, unlike

neighbouring Gillygate where it is hidden behind houses. The College gardens are well maintained and a very attractive setting for the buildings.'

4.8 The grounds comprise of open formal garden areas. The site is bounded by the Lord Mayors Walk to the south. The trees were planted at close spacing along the boundary adjacent to Lords Mayors Walk and along the edge of various paths within the grounds of the gardens. The trees were pollarded as early as the 1970's. Pollarding is a pruning system involving the removal of the upper branches of the tree which is aimed to promote the growth of a dense head of foliage and branches. It is a method of pruning which aims to keep trees smaller, alter the natural shape of the tree and in some case prolong the life of the tree. The process requires repeating on a cyclical basis, between 2 and 15 years. If the repeat process of pollarding is not carried out the branches become weak and often fail. The lime trees within the grounds of St Johns have been pollarded on a number of occasions as a measure of keeping them safe. The result of regular pollarding has altered the natural shape of the trees as compared with the lime trees located on the opposite side of the road. The original rationale for the original pollarding is not known.

4.9 In 2009 York St John University commissioned a tree survey to assess the condition of the trees and concluded that as a result of past pruning techniques (pollarding) the trees developed varying degrees of wood decay on the main stems and the branches and that the trees had limited safe life expectancy.

4.10 In 2011 13no. lime trees were felled and the remaining trees re-pollarded, essentially to make them safe. In 2019 5no. trees were felled. The proposal was to remove the remaining 14no. lime trees in phases over a period of 10 to 15 years, 6no. trees in the first phase, 6 no. trees in the second phase, and 2no. trees in a third phase.

4.11 Another survey was commissioned in 2018 stating that since 2009 the remaining 14no. trees have developed new branches. As is often the case with pollarded trees new growth can become weak and prone to failing. It was the failure of a branch that prompted the University to implement the 2<sup>nd</sup> phase.

4.12 In February 2018 an application to fell the remaining 14no. lime trees was refused and a TPO was served.

4.13 In April and May 2018 the remaining 14no. lime trees were inspected again. On this occasion a climbing inspection took place which is much more thorough than a

visual inspection from ground level (see Appendix 2 – Extract of 2018 Tree Report). The conclusion, again as a result of the pollarding decay and dysfunctional xylem was discovered. Dysfunctional xylem means the flow of water and nutrients are unable to flow freely resulting in poor and weak growth and the decline of the tree. To ensure the safety of the trees further large diameter wood would need to be removed. The rationale for wanting to bring forward the phases of the work is essentially to establish new trees sooner and reduce future risk.

4.14 Jo Ryan, Arboricultural Consultant, carried out an arboricultural report on behalf of their client York St John University in May 2018. This was submitted with a previous application and sections were submitted with the current application, as the information is still relevant today:

‘Approximately 15 young lime trees were planted as eventual replacements for the existing lime avenue. These trees have not established well; growth is much less than would be expected after nearly 10 years, and there is noticeable variability in tree form. Young tree development has most likely been in check as a result of competition for water, nutrients and light by the mature trees. In addition, some of the young trees show poor form and would be structurally compromised into maturity, affecting the visual unity of the new avenue’.

4.15 The Tree Preservation Order (TPO) was served in 2018 it is still relevant today, and serves to provide a public visual amenity from all directions as seen from east to west along Lord Mayor Walk and from the bar walls.

4.16 Where consent is granted to remove a tree subject to a TPO, the planting of a replacement tree can be imposed as a condition of consent, including specifying the size, species and location of the replacement tree(s).

4.17 Despite the general poor condition, shape and form of the pollarded trees, they do not pose a significant threat to life or property. However, to maintain the safety of the trees they would have to undergo the regular, cyclical work of pollarding. The consequence of this work, although prolonging the life of the trees, would not stop the decline in their health. It is important to note they would never develop into a natural form of a lime tree. Although trees can be regularly managed to keep them safe, a TPO would not be suitable when regular repeat operations are needed with high incumbent costs imposed on the tree owner.

4.18 Despite the relatively poor form of the trees, as a whole they provide a distinct, highly visible, landscape feature in the area, as viewed from east to west along Lord Mayors Walk.

4.19 In the officer's opinion it is not necessary to fell the trees specified in order to comply with health and safety requirements. However, there is no doubt that the trees are in poor health and are in slow decline. The repeated pruning the trees have undergone over the years has contributed to their poor health and has significantly altered their natural shape and form to the extent they will never recover.

4.20 It is the officer's opinion that the proposed felling operation has merit in its aim to allow better growing conditions for the replacement trees. The success of replacement planting will depend on suitable growing conditions, quality of the planting stock, species choice, suitable ground preparation, plus adequate aftercare.

4.21 It is likely that with removal of the pollarded lime trees and associated competition factors, subsequent new tree planting will perform a lot better and fill-out, to become significant sustainable landscape features and ultimately reflect the natural form of lime trees as seen on the opposite side of Lord Mayors Walk.

4.22 The pollarded tree stock on this site only provides a limited capacity to absorb CO2 emissions in comparison to a fully grown mature lime tree. This is due to the continued practice of pollarding, with the removal and chipping of cut material.

4.23 Due to repeat removal of the canopy, the practice of pollarding diminishes the lime tree' wildlife value, reducing habitat and food sources.

## **5.0 CONCLUSION**

5.1 The tree stock on this site has not been well maintained for a number of years which has contributed to the poor condition of many of the trees. Given the relatively useful, safe life expectancy of the remaining 14no. lime trees it is the officer's opinion that it would be beneficial in the long term and significantly more sustainable to fell the 14no. trees and replant.

5.2 Consequently, it is felt that the proposed tree felling is acceptable. The removal of the trees presents an opportunity to replant with more suitable species of young, healthy stock, and provide a more attractive amenity feature which is significantly

more sustainable than the current situation. The removal of the trees would reduce competition for resources such as light, water and nutrients that can reduce a tree's ability to successfully establish and produce a canopy of good shape, form and structure.

5.3 The pollarded lime tree stock on this site only provides a limited amenity value and wildlife habitat and their capacity to absorb CO2 emissions is also limited in comparison to a fully grown mature lime trees. Although the planting of young trees initially would not provide the same level of amenity value, habitat for wildlife or absorb the levels of CO2 as mature trees, neither does regularly pollarded trees.

5.4 The officer's recommendation is to approve 21/00472/TPO to fell 9no. Lime Trees protected by TPO No. CYC383 with a condition to replant with 9no. replacement trees.

5.5 It is recommended that the decision is to not make a TPO in response to application number 21/00474/TCA - Fell 5no. Lime trees, and inform the person giving notification that the work can go ahead.

## 6.0 RECOMMENDATION:

- i. Approve 21/00472/TPO to fell 9no. Lime Trees protected by TPO No. CYC383, subject to the following conditions/informative:

1 TREE4 Valid for two years

This consent is valid for two years from the date of the notice.

Reason: In accordance with the Department for Communities and Local Government Guide to Tree Preservation Orders and trees in conservation areas 2014.

2 TREE5 Branch wood not burned

The branch wood should not be burned but be either chipped or otherwise removed from site.

Reason: In the interests of the protected trees, public safety and nature conservation.

3 TREE7 Replanting

Application Ref Nos: 21/00472/TPO and 21/00474/TCA

There is a duty under the Town and Country Planning Act 1990 to replant with similar/more appropriate species or species as agreed with the Local Planning Authority.

Reason: Requirement under the Town and Country Planning Act 1990.

#### 4 Replacement planting

Before the trees are removed, a scheme for the planting and maintenance of replacement trees shall be submitted to and approved in writing by the Local Planning Authority; these works shall be carried out as approved. The details shall include soil preparation; and the position of planting; means of support and watering; and a maintenance programme. The works shall be carried out in the first available planting season (November to March) following the removal of the first tree. The replacement trees shall be agreed in writing by the Local Planning Authority. Nursery stock shall be to a minimum size of 20-22cms in girth (measured at 1metre above soil level), and 3.0-3.5m high, with one strong main leader.

If within a period of five years from the date of the planting of that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written approval to any variation.

#### 5 TREE9 Rights of Appeal

##### YOUR RIGHT OF APPEAL

If you disagree with our decision, you can appeal to The Planning Inspectorate. If you want to appeal, you must do so in writing to The Environment Appeals Team, Room 4/04 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, Telephone: 0117 372 8192, e-mail it to: [Environment.appeals@pins.gsi.gov.uk](mailto:Environment.appeals@pins.gsi.gov.uk) within 28 Days from the date you receive this decision.

#### 6 TREE10 Compensation

If you suffer any loss or damage as a result of this refusal of consent/imposition of conditions, you may be entitled to recover from the Council compensation. If you wish to make a claim you must do so within 12 months from the date of this decision (or, if you appeal to the Secretary of

State, within 12 months from the date of his decision). Claims should be made in writing to the City of York Council, West Offices, Station Rise, York YO1 6GA, Tel: 01904 551550.

**INFORMATIVE:**

7 TREE8 Wildlife and Countryside Act

Under Section 1 and 99 of the Wildlife and Countryside Act 1981 it is an offence to intentionally damage or destroy any birds nest whilst it is in use being built or to deliberately damage or destroy a bat roost.

Reason: Requirement under Section 1 and 99 of the Wildlife and Countryside Act 1981.

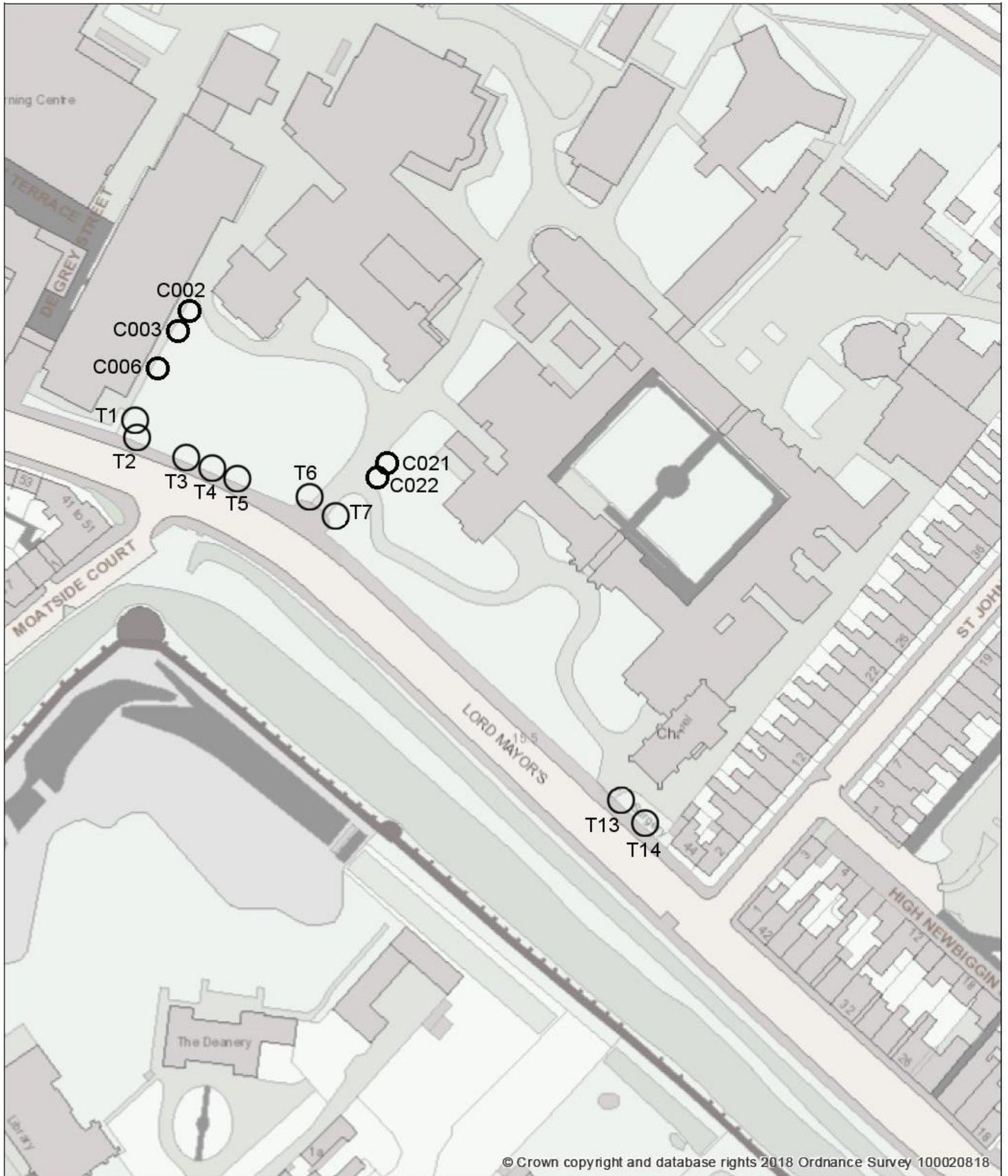
- ii. Decide not to make a TPO and inform the applicant that the work can go ahead as proposed in 21/00474/TCA - Fell 5no. Lime trees (nos. C002, C003, C006, C021, C022) in a Conservation Area.

**Contact details:**

**Author:** Brian William, Tree Conservation Officer

**Tel No:** 01904 551168

Appendix 1 – Tree location – trees numbered 'T' in applicant's tree report and on Tree Preservation Order no. CYC383, trees in the Conservation Area are 'C' nos.

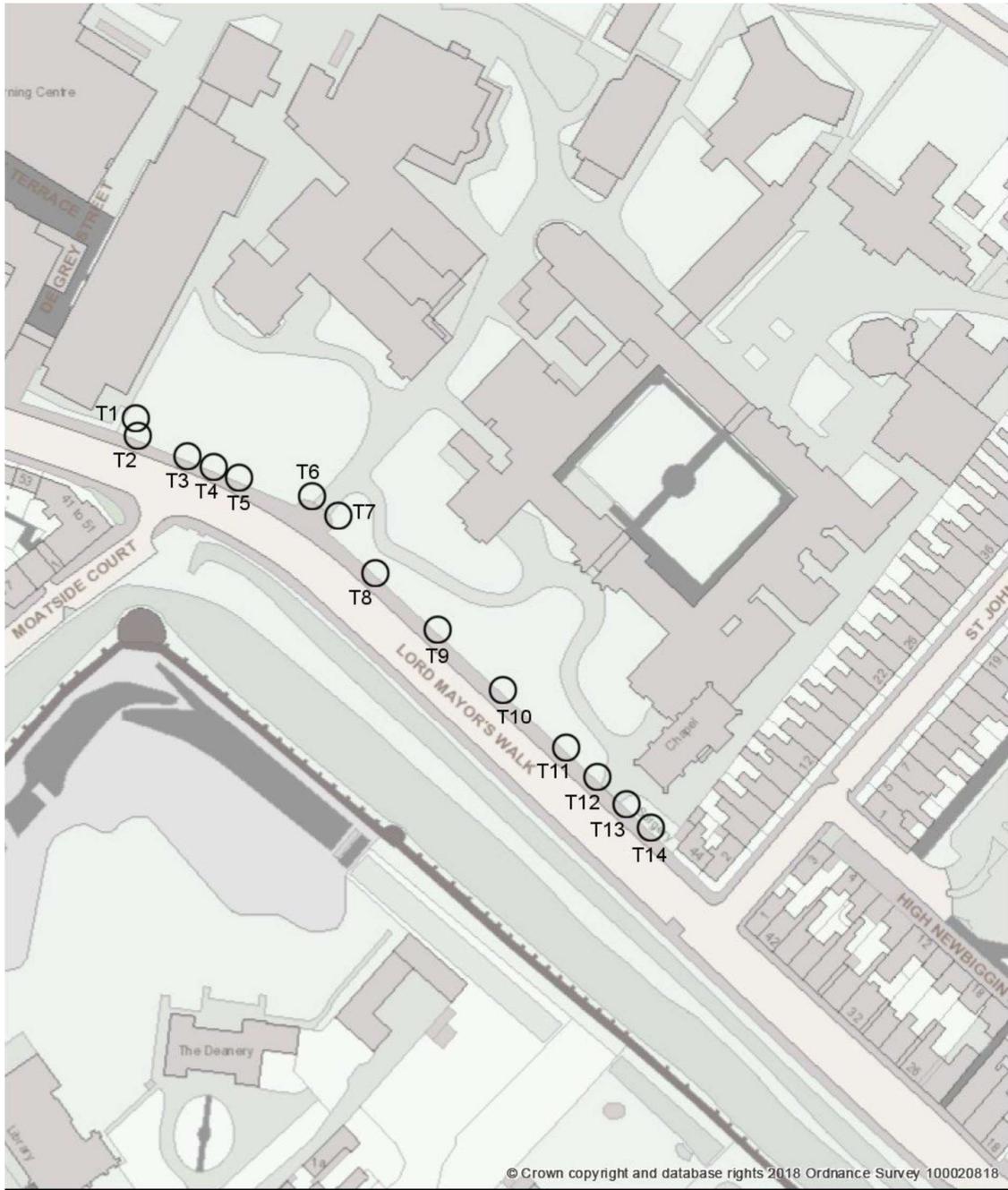


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21/00474/TCA

York St John University Lord Mayors Walk

Fell 5no. Lime trees (nos. C002, C003, C006, C021, C022) in a Conservation Area



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## COMMITTEE REPORT

**Date:** 30 March 2021      **Ward:** Clifton  
**Team:** West Area      **Parish:** Clifton Planning Panel

**Reference:** 20/01902/FULM  
**Application at:** 1 Duncombe Barracks Burton Stone Lane York YO30 6BU  
**For:** Erection of 34 dwellings (Use class C3), and a commercial unit (Use Class E), with associated parking, landscaping, access and ancillary works following demolition of existing buildings and structures  
**By:** City Of York Council  
**Application Type:** Major Full Application  
**Target Date:** 28 February 2021  
**Recommendation:** Approve

### 1.0 PROPOSAL

#### APPLICATION SITE

1.1 The application relates to the part of the Duncombe Barracks site which is to the north-eastern side of the existing site access. This part of the site is now vacant and overgrown. The site sits behind landscaping which runs parallel to Burton Stone Lane. This landscaped area incorporates prominent street trees, including lime, cherry and whitebean, which are of high amenity value. There are also ash and ivy trees by the boundary with the football ground which are locally prominent and therefore of high amenity value also. There are three buildings towards the edge of the site which would be demolished; a two storey building of domestic appearance by St Lukes Church, and single storey storage buildings by the almshouses and the shared boundary with the football ground.

1.2 The operational remainder of the barracks site (to the south) contains a series of single storey buildings, two of which are setback from the street, behind the aforementioned landscaping strip, and others which are also single storey and which sit against the site boundary.

1.3 Houses on the opposite side of Burton Stone Lane are semi-detached, set behind prominent street trees. Street trees are a defining feature of this section of Burton Stone Lane. The trees are Council maintained and are not subject to tree preservation orders.

1.4 The football ground bounds the site to the eastern side. The ground is however subject to a current application for housing. The scheme for that site envisages a pedestrian and cycle route running through the application site and providing a more direct route between Burton Stone Lane and the bridge over the railway; providing better connectivity to the hospital and towards St John's University campus.

1.5 To the northern side of the site is St Luke's church and single storey almshouses. The almshouses have communal grounds and are arranged around a central landscaped area.

1.6 The site is unallocated in the Publication Draft Local Plan 2018. It is not in an area of flood risk and there are no designated or undesignated heritage assets on-site. The nearest listed building is the Grade II former Shipton Street school now converted into housing.

## PROPOSALS

1.7 The application is for residential development with a commercial unit towards the front of the site. The scheme would have 34 houses, either 2 or 3 storey high, designed to achieve Passivhaus standards and be accessible (in relation to Building Regulations Part M). There would be two areas of public open space within the scheme and the layout will enable a pedestrian and cycle connection through the neighbouring Persimmon housing site.

1.8 The Passivhaus standard requires buildings to have very high levels of insulation and typically includes an efficient mechanical ventilation system. Buildings achieve a 75% reduction in space heating requirements compared to the current Building Regulations.

1.9 In terms of being accessible Building Regulations references are as follows –

- M4(2) Category: accessible and adaptable dwellings – 23 of the homes intended to achieve this standard.
- M4(3) Category: wheelchair user dwellings – 11 of the homes intended to achieve this standard.

1.10 The proposals are for a mix of 60% market and 40% affordable housing. The affordable a split of 7 for rent and 7 for affordable home ownership.

1.11 The accommodation mix would be as follows -

	Total
1-bed	12
2-bed	8
3-bed	8
4+ bed	6

Car parking spaces	19
Cycle parking spaces	141

## 2.0 POLICY CONTEXT

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.

2.2 The National Planning Policy Framework ('NPPF') is a material consideration in the determination of this planning application. Key policies / sections of the NPPF are as follows –

Section 4	Decision making
Section 5	Delivering a sufficient supply of homes
Section 9	Promoting sustainable transport
Section 11	Making effective use of land
Section 12	Achieving well-designed places

2.3 The Publication Draft City of York Local Plan 2018 (2018 Draft Plan) was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. The plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

2.4 Key relevant 2018 Draft Plan Policies are as follows -

SS1	Delivering Sustainable Growth for York
DP3	Sustainable Communities
H2	Density of Residential Development
H3	Balancing the Housing Market
H10	Affordable Housing
HW7	Healthy Places
D1	Place-making
D2	Landscape and Setting
D6	Archaeology
GI6	New Open Space Provision
CC1	Renewable and Low Carbon Energy Generation and Storage
CC2	Sustainable Design and Construction of New Development
ENV1	Air Quality
ENV3	Land Contamination
ENV5	Sustainable Drainage
T1	Sustainable Access

### 3.0 CONSULTATIONS

#### ARCHAEOLOGY

3.1 Officers request a watching brief, to be secured through condition.

3.2 The proposed development site lies outside of the Central Area of Archaeological Importance. However, the modern roads of Bootham and Clifton have Roman origins with Clifton having several known areas of Roman occupation and cemeteries.

3.3 Archaeologically the site has been subjected to limited intrusive investigation (YAT 2019) across the central green area. This confirmed the agricultural use of the area during the medieval and post-medieval periods and did not reveal any significant archaeological features or deposits. An archaeological watching brief should be maintained during groundworks as evaluation was limited and any surviving archaeological deposits are likely to be located within undisturbed isolated pockets.

#### DRAINAGE

3.4 The overall run-off rate from the site is as required - 16.6 L/sec. It is noted that a new connection is also proposed into the Yorkshire Water surface water sewer from the site to the south. This proposal will need direct approval from Yorkshire Water.

#### EDUCATION

3.5 No education contribution for primary and secondary required. Catchment schools are Clifton Green Primary & Vale of York; each have capacity for the foreseeable future.

3.6 Early years - a contribution is sought towards places within the catchment (1.5km radius). 3 places are required for this development. This equates to a contribution of £56,928 (school based, permanent expansion 2020/21 figures).

#### HIGHWAY NETWORK MANAGEMENT

3.7 Officer recommendations were as follows -

- Access junction with Burton Stone Lane – officers do not support the design and consider the road is too narrow (5m wide) at the junction. 5.5m width is requested to enable two vehicles to access/egress without a risk of collision.
  - Waste collection would preferably take place from Burton Stone Lane. Consider the turning area for the bin lorry (within the site) is too tight and has poor visibility
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(tracking details show the vehicle over-running grass verge areas and clipping car parking areas). It is not desirable at this point where a pedestrian cycle route is proposed, connecting through the Persimmon Bootham Crescent football ground site to the east.

- Doors to storage open into the highway/footway – doors should not open into the highway, footway, paths, etc. This applies specifically to areas which are open to the public.

## LANDSCAPE ARCHITECT

3.8 The layout creates a wide attractive frontage to the street. And the removal of the existing building allows the creation of a community garden in front of the west end of St. Luke's Church, which directly engages the site with Burton Stone Lane and the wider community, and gives the church greater status in the street. The arrangement of blocks around an accessible central open space which would be planted with a number of trees, is also a significant environmental benefit of the scheme. The retained Ash trees along the eastern boundary would contribute to the amenity and sense of scale of this central space.

3.9 Two category A Ash trees (T17 and T18), with combined canopies, are to be removed to accommodate the footprint and rear gardens of Block A. Whilst these are sizeable trees, they are set back from the street and are not part of the row of mature trees along the frontage on Burton Stone Lane that are most critical to the public amenity of the street and to which the eye is drawn. Nor are these two trees exceptional or rare.

## NORTH YORKSHIRE POLICE

3.10 Support the scheme. The community and stakeholder engagement prior to the submission of this application has been exemplary and is reflected in this planning application. From a crime prevention through environmental design perspective it is very good. The design and layout is to be commended.

## PUBLIC PROTECTION

3.11 Advice as follows –

- Ask for a construction management plan
- Contamination – site investigation required to inform remediation scheme
- Noise – houses to be constructed so to achieve adequate internal noise levels / details of any plant / machinery at the commercial unit to be submitted for approval. Following completion of the scheme recommend delivery and waste removal vehicles and opening times of the commercial unit to be subject to restricted times.

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3.12 Transport officers have advised that rather than providing EV charging facilities on site a £40,000 contribution could be used to support facilities at the following public sites -

- Union Terrace HyperHub (by the Hospital) – HyperHub with four 50 kW Rapid and four 150 kW Ultra Rapid chargers
- Union Terrace car park – replace the existing fast charge-points and install additional fast charge-points up to 5% of spaces
- Bootham Row car park - replace the existing fast charge-points and install additional fast charge-points up to 5% of spaces

## SPORTS AND ACTIVE LEISURE

3.13 Officers have advised that as there are no facilities proposed on-site, an off site contribution could be used towards the following projects –

Bootham Park –playing fields

Clarence Gardens bowling club

Crombie Avenue – teenagers play and sport facilities

Sports pitches by Burton Green primary school (subject to further investigation and agreement from the school over the use of ancillary facilities)

## EXTERNAL

### CLIFTON PLANNING PANEL

3.14 No response.

### YORK CIVIC TRUST

3.15 The trust supports the scheme and the housing delivery programme in general. Specific to this site comments were as follows -

- The low-car use aspiration for the site is admirable and works well with local transport links and walkable distance to the city centre. However this must work in practice to avoid car parking issues elsewhere.
- Overall, the proposal sets a welcome benchmark of how to aspire to create good, green and sustainable place-making.
- Achieving access into and through the (soon to be former) York City Football Club site would be strongly supported. It would allow connection to proposed public open space on that neighbouring site and, ideally, enhance cycle and pedestrian routes and community cohesion across what will be two, new, large developments.

- Materials - timber shingles or clay tiles are shown as a cladding material on the taller buildings and it was questioned whether these are typical of the local vernacular or will enhance the design.

## YORKSHIRE WATER

3.16 No objection to the drainage strategy (revision P10). This includes agreements to the proposed sewer diversion, drainage connections and run-off rates. It is noted that direct Yorkshire Water approval is also required for adoption or diversion under the Water Industry Act.

## 4.0 REPRESENTATIONS

4.1 Two comments in support of the scheme have been received. These praise the aspirations of the development in respect of community involvement, addressing climate change and providing high quality modern development in the right location.

## 5.0 APPRAISAL

### KEY ISSUES

- Principle of the proposed use (also commercial use)
- Housing type and tenure
- Design / amenity
- Highway network management
- Drainage and flood risk
- Public Protection
- Sustainable design and construction
- Archaeology
- Biodiversity
- Education
- Open Space

### PRINCIPLE OF THE PROPOSED USE

5.1 This is a development where the presumption in favour of development applies, as set out in paragraph 11 of the NPPF. This means that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

5.2 2018 Draft Plan policy H10 establishes local targets for affordable housing. For Brownfield sites this is 20% overall, with 80% for rent, 20% discount sale. The policy

in so far as it relates to major developments (for 10 or more dwellings) can be given moderate weight in decision making.

5.3 The scheme intends to provide 40% affordable housing. The amount for affordable home ownership would exceed local requirements in policy H10. Rounded up the policy requirement and proposals for affordable housing are as follows –

	Local policy compliant	Proposed
Total	7	13
Affordable rent	6	7
Affordable home ownership	1.4	6

5.4 As detailed in section 1 there is a varied mix in house types ranging from 1-bed to 4-bed. The majority of affordable homes will have 1 and 2 bedrooms; the market housing is predominantly 3-bed. This provision broadly accords with local need.

5.5 The proposed commercial unit is towards the front of the site overlooking a public amenity space. There would be flexibility to use this space for commercial purposes; currently referred to as Class E in the Use Classes Order 1987 (as amended). Class E uses are normally considered to be compatible with residential areas.

5.6 This arrangement enables an opportunity to provide a facility, along with the public space, for communal use, within a prominent and public location, of a scale to cater for resident's daily needs. Such a community facility is promoted within NPPF policy and national design guidance regarding healthy communities (NPPF chapter 8), place-making (12) and the provision of mixed-use developments to reduce the need to travel (9).

## DESIGN / AMENITY

5.7 NPPF paragraph 127 states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area;
- b) are visually attractive as a result of good architecture, layout and landscaping;
- c) are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space); and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and

where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.8 The proposed layout comprises of two rows of housing perpendicular to Burton Stone Lane (BSL) and setback to respect the tree lined street. Between the two rows is a single 3-storey block, behind which is a public open space (with play area), central to the site, and a car parking area beyond (at the back of the site). There is a single vehicle entrance, opposite 83 and 85 Burton Stone Lane (BSL). The layout allows a connection into what would be the central open space at the site next door when the football ground is re-developed and for the pedestrian / cycle link from BSL towards the railway bridge.

5.9 The row of houses on the northern side are setback furthest from BSL, this allows for a further public space within the site and better reveals the gable end of St Lukes Church. This public space will be fronted onto by a commercial unit.

5.10 The northern row of houses is referred to as block A. The block is 2-storey, bookended by 3-storey sections. Block B, at the opposite end is similar, but also has a 3-storey section in the centre of the row. Block C, positioned in-between is 3-storey and has balconies on the upper floors orientated to overall the central public open space.

5.11 Blocks A and B have gated alleyways behind. These will accommodate cycle stores, for larger bikes and include communal spaces for residents to use as amenity space.

5.12 The removal of two Ash trees (which are category A graded) are proposed to accommodate terrace A. These are the two tall trees that sit to the side of the existing 2-storey building onsite. Their loss, to accommodate the proposed layout on balance is acceptable on the following grounds -

- The trees are not visually prominent (due to the trees that line Burton Stone Lane). Nor are they exceptional or rare.
- The loss is offset by the creation of two landscaped public open spaces, in particular the public open space and landscaped setting created adjacent Burton Stone Lane and the church.
- Some 60 new trees are proposed for the site in addition to those retained at the boundary with the football ground and those alongside Burton Stone Lane.

5.13 The scheme achieves the aspirations of the NPPF in terms of design; the scheme will be distinctive whilst respecting local character, will deliver extra amenities for the area, makes efficient use of the site and is informed by sustainable design and construction.

5.14 The layout is influenced by the following factors and will consequently respect the setting and provide new amenities for the locality –

- Protection of trees along Burton Stone Lane.
- Revealing the gable end of St Luke's Church; this landmark will overlook public open space which would also be fronted by a commercial unit within the site.
- A larger central public open space, which the housing would be grouped around.
- The provision of a pedestrian and cycle route through this site and the Persimmon site next door (at the football ground) providing a more direct connection to the Hospital area on the eastern side of the railway line.
- A prevailing house type of brick, with pitched roof and the use of brick detailing, such as in identifying main entrances.

5.15 There are a mix of house types immediately around the site; to the north almshouses, which are single storey and formally arranged around a landscaped courtyard; terraced houses on Shipton Street and semi-detached houses on the opposite side of BSL. The layout respects the positive characteristics of these typologies. The scale and form of the housing is also informed by housing need, making efficient use of the site and achieving Passivhaus levels of energy efficiency.

#### Residential amenity

5.16 Block A on the northern side of the site is a mix of 2 and 3 storey high buildings (the 3-storey being at each end). The closest two almshouses to the north, which have rear elevations facing the site are just under 4m from the boundary. There is currently a garage block building within the site, which is around 5m from the almshouses and around 3.7m high. There is also tree cover behind the houses by the boundary.

5.17 The proposed houses opposite the almshouses would be around 9m from the boundary and 5m high to eaves level. The proposed arrangement allows for more openness and using Building Research Establishment (BRE) guidelines there would be no loss of sunlight to the almshouses. Given the proposed removal of the garage block, by moving development away from the site boundary, and considering the tree cover at the boundary the impact of the proposed development would have a beneficial effect on neighbours' outlook.

5.18 At the end of the proposed terrace the buildings would step up in height to 3-storey. There is also an outside amenity space proposed at second floor level. At this end the proposed elevations face a side elevation and therefore there will be no loss of light or overlooking into the neighbouring houses. The outside area at the almshouses is communal; there are no sub-dividing boundaries and in the pertinent corner of the site is hard-standing and out-buildings used for storage. As such there would be no undue loss of neighbours' privacy. At other site boundaries, the scheme is compatible with the agreed layout for the Persimmon development,

proposed for Bootham Crescent and the TA centre next door where there are single storey functional buildings and hard-standing.

5.19 With regards future residents amenities although one of the buildings on the TA site has been used as a firing range, it was constructed to provide adequate noise attenuation.

## TRANSPORT AND ACCESS

5.20 The NPPF (108 & 110) states that in assessing applications it should be ensured that:

- Opportunities to promote, and facilitate access to sustainable transport included where appropriate.
- Give priority first to pedestrian and cycle movements.
- Minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.
- Be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- Safe and suitable access for all users.
- Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

5.21 The NFFPF (109) states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

5.22 Relevant to highway design are the following overarching development principles set out in Draft Local Plan policy DP3: Sustainable Communities –

- create a people friendly environment which promotes opportunities for social and community interaction
- promote integration, connectivity and accessibility to, from and within the site by maximising opportunities for walking, cycling and frequent public transport thereby promoting and facilitating a modal shift from the car to more sustainable and healthier forms of travel
- minimise the environmental impact of vehicle trips to and from the development and mitigate the impact of residual car trips on the highway network where possible, including addressing air quality issues

5.23 As advocated in the NPPF the layout and landscape design prioritises the creation of attractive public realm and to minimise the presence of vehicles. The scheme is designed to appear as an almost car-free environment and require low vehicle speeds. This allows the housing to be primarily orientated to overlook

landscaped areas and have a feel as being within a landscaped setting. The 3 car parking spaces by the main entrance will be to accessible standard. The majority of the car parking – 16 of the spaces – will be in a discreet area at the far side of the site.

5.24 The vehicle access into the site is intentionally tight, but workable. The layout will ensure low and considerate vehicle speeds, and influence habit, in what will be a pedestrian priority space. Burton Stone Lane has a 20 mph speed limit and a raised table is proposed by the entrance as a further traffic calming measure. The design approach is supported because it conforms with sustainable travel objectives to encourage a shift to places where pedestrians have priority over vehicles. This arrangement would not result in an unacceptable impact on highway.

5.25 The layout promotes walking and cycling. A link for pedestrians and cyclists is to be facilitated through the site and the adjoining Persimmon development, this will provide a safe and more convenient route for local residents towards the city centre, hospital and university. There are bus stops adjacent the site on Burton Stone Lane, with two services per hour running towards the city centre. There are further services along Clifton to the south, although these are just over the 400m away.

5.26 Each of the dwellings would have their own covered and secure cycle storage, accommodating at least 2 cycles. Storage areas would be both at the front of the houses and in secure rear garden areas. There would also be lockers in secure areas for larger and cargo sized bikes. There will be two electric cargo bikes provided at the development for resident's use. Rather than provide EV car charging on site it has been agreed this can be facilitated at local car parks, as part of a council project to deliver enhanced facilities. Measures to promote walking and cycling are detailed in the Travel Plan and this would be secured through condition.

5.27 The impacts on the highway network is not expected to be discernible. Modelling suggests there would be around 13-16 extra car trips at peak times. The impact on the network would not be severe, and reasonably mitigated through the sustainable travel measures and aspirations of the scheme overall, which seeks to discourage private car use.

5.28 A remit of the Housing Delivery programme, evident in this scheme, is to encourage sustainable travel, and its associated benefits around health and well-being. The aspiration is to create an attractive environment with amenities for residents, not compromised by the presence and activity of motor vehicles. Limited provision is provided for private car parking; viable and practical alternatives are facilitated. This aspiration is consistent with local (specifically policy DP3, see 5.22) and national planning policy and sustainability principles. The housing proposed will provide choice in the market, compared to the adjoining site, for example, where there are typically two car parking spaces per dwelling.

## DRAINAGE AND FLOOD RISK

5.29 Relevant NPPF advice on flood risk is not to increase flood risk elsewhere. With regards drainage developments should incorporate sustainable systems, unless there is clear evidence that such would be inappropriate. 2018 Draft Plan policy ENV 5 requires surface water run off at brownfield sites to be restricted to 70% of the existing rate. Sustainable drainage, following the hierarchy in the NPPG, should be facilitated unless this is not feasible.

5.30 The site is in Flood Zone 1 where there is a low probability of flooding and where residential development is suitable.

5.31 The drainage strategy has followed the required sustainable drainage approach. It is evident surface water cannot either directly run into a watercourse or soak away. Connection into the existing drainage network is therefore proposed. The surface water discharge from the site accords with the local approach of 70% of the existing rate (16.6 litres/second), calculated taking into consideration existing buildings and hard-standing on site. The run off rate, and the general approach, is agreed and has approval in principle from Yorkshire Water.

## PUBLIC PROTECTION

5.32 NPPF policy on land contamination and noise is set out in section 15 of the NPPF. In accordance with the NPPF, conditions would secure investigation and any required remediation of the site. There will be a condition to deal with construction management, due to the scale of the development and as demolition is involved.

## SUSTAINABLE DESIGN AND CONSTRUCTION

5.33 National Planning Guidance allows local authorities to require energy performance in housing equivalent to the now abolished Code for Sustainable Homes Level 4 (which is approximately 20% above current Building Regulations). It also allows for a reasonable proportion of energy to be from renewable or low/zero carbon technology. Local requirements are set out in 2018 Draft Plan policies CC1 and CC2. These require a 28% enhancement over Building Regulations overall, secured through energy efficiency and low/zero carbon / renewables.

5.34 This development aims to achieve Passivhaus certification, which will significantly exceed local policy requirements. Through the use of efficient fabric, therefore reducing heating requirements overall, and the use of PV panels, air-sourced heat pumps and MVHR (mechanical ventilation and heat recovery) technology Building Regulations requirements will be exceeded by at least 85% (the end terraces being the least efficient).

## ARCHAEOLOGY

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5.35 Policy D7 of the 2018 Draft Plan requires an understanding of archaeology affected, to avoid substantial harm (preserve 95% of deposits) or where there would be harm, undertake adequate mitigation.

5.36 A watching brief shall be required on groundworks because although the site lies outside of the Central Area of Archaeological Importance, it is close to Roman Roads, and with Clifton having several known areas of Roman occupation and cemeteries. Archaeologically the site has been subjected to limited intrusive investigation (YAT report 2019) across the central open area and any surviving archaeological deposits are likely to be located within undisturbed isolated pockets.

## BIODIVERSITY

5.37 NPPF paragraph 170 states decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

5.38 In terms of bats, there have been multiple surveys at the site as buildings are proposed for demolition and trees would be affected, with some removed to accommodate the development. A low level of bat activity was consistently observed at the site. No evidence of bats was observed during the climb-and-inspect surveys of trees, which have consequently been assessed as having 'negligible' bat roost potential. No bats were observed emerging from the buildings on-site.

5.39 In mitigation for the tree loss proposed it is recommended bat boxes be attached to new buildings and/or retained trees and that a sensitive lighting regime should be designed which include 'dark corridors' along the site's eastern and northern margins.

## EDUCATION

5.40 NPPF paragraph 94 states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications". Local supplementary planning guidance explains how the need for extra education spaces are determined and the relevant planning obligations.

5.41 Primary and Secondary schools in the catchment of this site have capacity. Places are required for early years facilities to accommodate anticipated need from the development. Based on the Education SPG (2019 version, but using figures

from 2020/21) three places are required. The contribution required is £18,976 per place; £56,928 overall.

## OPEN SPACE

5.42 The NPPF advises that planning decision should aim to create healthy and inclusive places. Paragraph 96 states ‘access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate’.

5.43 2018 Draft Plan policy GI6 (new open space provision) of the DLP 2018 states ‘all residential development proposals should contribute to the provision of open space for recreation and amenity’.

5.44 Amenity and play space is proposed within the site. The area in the centre of the site is landscaped and contains informal play facilities. There is a public garden and seating area towards the front of the site, opposite the gable of St Luke’s Church. Behind the two terraces is also communal space, within the ginnels, that will be private to the residents within the relevant row. These areas will be available for residents use and could be used, for example to provide allotments, play, seating and landscaping.

5.45 In area the amount of amenity space does not equate to the amount required when applying local recommendations in the Open space and Green Infrastructure update 2017. As such there is a requirement for an off site contribution, which would need to be made within the catchment area (within 480m which applies for children’s play).

5.46 There are no proposed sports facilities proposed on site. There is therefore the need for a contribution towards facilities off-site. An off-site sports contribution can be prioritised towards improvements to the facility at Crombie Avenue and the re-provision of sports pitches on the land around Burton Green School. There is also the potential to use funds at Bootham Park.

## 6.0 CONCLUSION

6.1 The scheme overall would be compliant with the overarching sustainability principles and the policies with the NPPF. The site is vacant and in a sustainable location in terms of access to services. The housing proposed is broadly consistent

with local need. The scheme is compliant with sustainable design principles in terms of promoting walking and cycling, providing different types of outside amenity space and community uses and in building to Passivhaus standard, which significantly exceeds local and national targets in terms of environmental performance.

6.2 In terms of decision-making, paragraph 11d ii of the NPPF applies; the presumption in favour of sustainable development and that proposal should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. In this respect, technical issues can be addressed, by design, and through condition, considering in particular, residential amenity, archaeology, land contamination, drainage and promoting sustainable travel.

6.3 Because the council are landowner and developer, negatively worded conditions limiting the development that can take place, until a planning obligation or other agreement has been entered into, to secure affordable housing, education and open space provision and electric charging facilities, are appropriate in this case. Each requirement is reasonable and necessary and compliant with the 6 tests for using planning conditions, as set out in the NPPF.

6.4 Approval is recommended subject to conditions / the undertaking of a legal agreement to secure the following;

- Affordable housing – 8 homes (6 affordable rent)
- Education provision – 3 early years/pre-school places
- Open Space – off-site public open space and sports –  
Open Space - £13,806  
Sports - £16,188
- Electric vehicle charging facilities - £40,000

## **7.0 RECOMMENDATION:** Approve

- 1 TIME2 Development start within three years
- 2 Approved Plans

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

- (00) 010 P04 Site plan
- (00) 011 P01 Roof plan
- (00) 020 P01 Demolition plan

Ground floor plans

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(00) 100 P01 Block A  
(00) 110 P01 Block B  
(00) 120 P01 Block C

Plans and elevations for flats

Flat A

(00) 130 P01  
(00)131 P01

Flat B

(00) 132 P01  
(00) 133 P01

Flat C

(00) 134 P01  
(00) 135 P01

Flat D

(00) 136 P01  
(00) 137 P01

Plans and elevations for houses

House type A

(00) 140 P01  
(00) 141 P01  
(00) 142 P01  
(00) 143 P01

House type B

(00) 144 P01  
(00) 145 P01  
(00) 146 P01  
(00) 147 P01

House type C

(00) 148 P01  
(00) 149 P01  
(00) 150 P01  
(00) 151 P01

Site elevations

(00) 200 P01

(00) 201 P01  
(00) 202 P01  
(00) 203 P01

Block elevations

(00) 210 P01  
(00) 211 P01  
(00) 212 P01

Sections

(00) 300 P01  
(00) 301 P01

Typical details

SK 001 P01  
SK 002 P01  
SK 003 P01  
SK 004 P01  
SK 005 P01 (note communal bike stores) (drawings 005 and 006 to be updated to show taller cycle stores in rear yards)  
SK 006 P01 (bike ashp)  
SK 007 P01 (communal bin stores)

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

### 3 Construction Management

Prior to commencement of development a Construction Management Plan shall be approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period.

The plan shall include: -

- a) Vehicle parking arrangements for site operatives and visitors.
- b) Means of access control, and measures to prevent construction/delivery vehicles parking/blocking the highway.
- c) Details of measures to keep the highway clean - to include wheel washing facilities for the cleaning of vehicles leaving the site, to include location and type.
- d) Dust - A site-specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and including a package of mitigation measures commensurate with the risk identified in the assessment.
- e) Air Quality - The air quality impacts associated with construction vehicles and non-road mobile machinery (NRMM) and the proposed mitigation measures, commensurate with the identified risk.

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- f) Noise - Details on types of machinery to be used, noise mitigation, any monitoring and compliance with relevant standards. Hours of working.
- g) Vibration - Details on any activities that may result in excessive vibration, e.g. piling, and details of monitoring and mitigation to be implemented.
- h) Lighting - Details on artificial lighting and measures to minimise impact, such as restrictions in hours of operation, and the location and angling of lighting.
- i) Complaints procedure - The procedure should detail how a contact number will be advertised to the public, investigation procedure when a complaint is received, any monitoring to be carried out, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken shall be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses - [public.protection@york.gov.uk](mailto:public.protection@york.gov.uk) and [planning.enforcement@york.gov.uk](mailto:planning.enforcement@york.gov.uk)

Reason: To ensure before development commences that construction methods will safeguard the amenities of neighbouring properties in accordance with Policy ENV2 of the City of York Publication Draft Local Plan.

#### 4 Tree protection

Trees shown as retained on the approved plans shall be protected in accordance with BS: 5837: Trees in relation to construction.

Prior to commencement of development (including demolition, excavations, and building operations) an Arboricultural Method Statement detailing protection measures for the existing trees, shown as retained on the approved drawings, shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include details of means of installing utilities and be informed by the recommendations set out in the Quants Arboricultural Impact Assessment dated August 2020.

The development shall be carried out in accordance with the approved details. A copy of the statement shall be available for inspection on site at all times.

Reason: Details are required prior to commencement, considering NPPF paragraph 55, to ensure protection of existing trees that make a significant contribution to the amenity of the area and to biodiversity and are fundamental to whether the scheme would be acceptable when assessed against policies within the NPPF.

5 LC1 Land contamination - Site investigation

6 LC2 Land contamination - remediation scheme

7 LC3 Land contamination - remedial works

8 LC4 Land contamination - unexpected contam

9 Archaeology

A) No below ground works shall commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.

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

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

Reason: In accordance with Section 16 of NPPF. The site is considered to be an area of archaeological interest. Therefore, the development may affect important archaeological deposits which must be recorded prior to destruction.

10 Drainage

Surface water run-off from the site shall be no more than 16.6 litres per second. Site specific details of the final drainage strategy (including on site surface water attenuation that is to the satisfaction of the Local Planning Authority and details of future maintenance) shall be approved in writing by the Local Planning Authority prior commencement of the development hereby permitted (this allows demolition works and other site preparation to commence in advance of approval of details). The development shall be carried out in accordance with the approved drainage strategy.

Reason: In order to avoid increased flood risk elsewhere in accordance with Publication Draft Local Plan policy ENV4 and NPPF paragraph 163.

11 Affordable Housing

No development shall commence unless and until a scheme for affordable housing provision has been submitted to and approved in writing by the Local Planning

Authority. The affordable housing shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

The scheme shall include the provision of at least eight affordable homes on site and shall include:

- The type / tenure and location of the affordable housing.
- The timing of the construction of the affordable housing.
- The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing.
- The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.

Reason: In order to meet identified need for affordable housing in accordance with policy H10 of the Publication Draft Local Plan.

## 12 Education

No development shall commence unless and until a scheme to ensure the provision of adequate additional early years / pre-school places (funding for three places) within the local catchment area has been submitted to and approved by the local planning authority.

Reason: The education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in the interests of the sustainable development of the city. The provision is required in accordance with NPPF paragraph 94, Policy DM1 of the Publication Draft Local Plan and the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated June 2019 update.

### INFORMATIVE:

The provisions of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, The obligation should provide for a financial contribution calculated at £56,928 (3 places, school based, permanent expansion);. The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" (dated June 2019 with costs updated 2021).

## 13 Open Space and Sports Provision

No development shall commence unless and until details of provision for off-site public open space and sports facilities or alternative arrangements have been

submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy GI6 of the Publication Draft Local Plan which requires that all new housing sites make adequate provision for the open space needs of future occupiers.

**INFORMATIVE:**

The requirements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution as follows -

Open Space -	£13,806
Sports -	£16,188

#### 14 Electric Vehicles

No development shall commence unless and until a scheme to facilitate charging facilities for electric vehicles within the local area has been submitted to and approved by the local planning authority.

Reason: To encourage the use of electric vehicles and reduce emissions, in accordance with paragraphs 110 and 170 the NPPF and policy ENV1 of the Publication Draft Local Plan.

**INFORMATIVE:**

The provisions of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, The obligation should provide for a financial contribution calculated at £40,000; to be used to provide facilities at Union Terrace and Bootham Row.

#### 15 Materials

The external materials to be used shall be as annotated on the approved drawings. Prior to construction of the building envelope of the dwellings hereby approved details of the following items shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details -

- a) Manufacturer's details and colour finish of render.
- b) Sample panels of the brickwork to be used (which shall be erected on the site and

Application Reference Number: 20/01902/FULM

shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used). This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

c) Manufacturer's details and colour finish of vertical hung clay tiles.

Reason: In the interests of visual amenity and local distinctiveness, in accordance with paragraph 127 of the NPPF.

## 16 Large scale details

Large scale typical details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the building envelope of the dwellings hereby approved.

The development shall be carried out in accordance with the approved details.

a) Windows and their surrounds

b) Eaves

Reason: In the interests of good design, in accordance with NPPF paragraph 127.

## 17 Habitat creation for bats

Prior to first occupation of the development hereby permitted a strategy to encourage bat activity on site shall be submitted to and approved by the Local Planning Authority, and implemented in accordance with the approved details. The strategy shall include the provision of bat boxes on trees and buildings and details of lighting to the north and east sides of the site, which shall be designed to encourage commuting.

Reason: To minimise the impacts on and to provide net gains for biodiversity, in accordance with NPPF paragraph 170 and to ensure the favourable conservation status of a European Protected Species can be maintained through retaining bat roosting features on site.

## 18 Landscaping / public realm

The development shall not be occupied until there has been submitted to, and approved in writing by the Local Planning Authority, a detailed hard and soft landscaping scheme (following the principles shown on submitted urbed landscape drawings) which shall illustrate the number, species, height and position of trees and shrubs, details of play equipment, street furniture and surfacing.

The hard-landscaping (including street furniture, cycle and bin storage) shall be installed in accordance with the approved plans and details prior to first occupation

of the development hereby permitted, unless an alternative phasing scheme has been approved in writing by the Local Planning Authority, which shall subsequently be implemented in accordance with the approved details.

A phasing scheme for installation of the soft landscaping scheme, as shown on the approved plans, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted, and subsequently implemented in accordance with the approved details.

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: In the interests of good design, in accordance with paragraph 127 of the NPPF.

## 19 Highways works

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

- a) Bus stop relocation on the eastern side of Burton Stone Lane.
- b) Main (vehicular) entrance onto Burton Stone Lane. This shall include details of - the access immediately within the site which shall evidence adequate space for vehicles to pass at the junction (5.0m to 5.5m wide for a distance of approx. 10m recommended) and passing space for vehicles along the access road, without compromising pedestrian safety and movement - all as illustrated on Civic drawing "proposed adoptable highways and site access arrangements" contained within the travel plan - accessible parking bays at least 2m wide.
- c) clarification of areas to be adopted highway and construction details and materials.

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

## 20 Connection into Persimmon site

Prior to first occupation of the development hereby permitted details of an access through the east boundary wall (location and design) and an associated footpath (at least 3 m wide) within the application site, connecting into the site to the east, shall

be submitted to and approved by the Local Planning Authority.

The access, as detailed above, shall be carried out in accordance with the approved details, prior to first occupation, unless alternative arrangements have been approved by the Local Planning Authority.

Reason: To provide improved public connectivity for pedestrians, and cyclists; to promote sustainable travel in accordance with NPPF paragraphs 102, 108, and 110.

## 21 Travel Plan

An updated Travel Plan, following on from the principles and objectives established within the Civic Travel Plan V1.0, shall be submitted to the Local Planning Authority for approval prior to first occupation.

The travel plan shall provide full details regarding the following sustainable travel incentives -

- Ongoing management of the communal cycle parking, use of cargo bikes and car parking.
- Travel Plan co-ordinator to be specified.
- Provision and implementation of sustainable travel incentives for first occupants: £400/unit for bus or cycle vouchers and £200/unit for car club incentives.

The required annual monitoring reports shall be issued to the Local Planning Authority.

Reason: In order to promote sustainable travel, in accordance with section 9 of the NPPF and Publication Draft Local Plan policy T7.

## 22 Car club

Prior to first occupation of the development hereby permitted details of a car club scheme shall be submitted to and approved in writing by the Local Planning Authority. The car club scheme shall comprise -

- Provision of car club membership for all eligible residents of the development
- Promotion of the scheme

Reason: In order to reduce private car use in the interests of sustainable travel and given the low provision of car parking on site.

## 23 Cycle and bin storage

The cycle and bin storage, shall be provided prior to first occupation of the relevant buildings, and be as shown on the approved plans. The facilities shall be

unobstructed and retained for such use at all times.

Notwithstanding the approved plans prior to the commencement of construction of block C, detailed drawings clarifying the cycle storage facilities and their functionality shall be submitted to and approved in writing. The scheme shall be implemented in accordance with the approved details.

The details shall clarify that a) the outside stores are accessed from within the curtilage (opposed to the path beyond) and that b) there is adequate space for cycles in the internal allocated areas without impeding access.

Reason: To promote sustainable transport and in the interests of good design in accordance with section 9 of the NPPF.

24 House type c block a

Prior to first occupation the enclosure to the second floor roof terrace at the rear of house type C in block A shall be installed in accordance with the approved plans - as shown on drawings 288 A (00) 148 P01 and 149 P01 - and retained as such at all times.

Reason: In the interests of residential amenity, to avoid undue overlooking of neighbouring land.

25 Restricted permitted development rights - block A

There shall be no enlargements/extensions to the houses on block A (as identified on the approved site plan) that would extend beyond the rear of the original dwellinghouse and would exceed 3 metres in height without the prior written planning permission of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents, of the almshouses to the north of the site. The Local Planning Authority considers that it should exercise control over any future extensions 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 (as amended).

26 Commercial unit

The commercial unit hereby permitted shall only be open to customers between the hours of 07:00 and 22:00 each day of the week.

All deliveries and collections to the commercial unit shall only occur during the following times -

Monday to Friday 08:00 to 18:00 hours

Application Reference Number: 20/01902/FULM

Saturday 09:00 to 13:00 hours  
Not at all on Sundays and Bank Holidays

Reason: To protect the amenity of occupants of the nearby properties from noise.

## 27 Noise insulation to dwellings

The building envelope of all dwellings shall be constructed so as to achieve internal noise levels in habitable rooms as follows -

Daytime (07:00-23:00 hrs)  
- No greater than 35 dB LAeq (16 hour)

Night (23:00-07:00 hours)  
- 30 dB LAeq (8 hour)  
- LAFMax level should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A).

These noise levels shall be observed with all windows open in the habitable rooms or if necessary windows closed and other means of ventilation provided.

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the NPPF paragraphs 127 and 180.

## 28 Sustainable construction

The dwellings hereby permitted shall achieve a reduction in carbon emissions of at least 28% compared to the target emission rate as required under Part L of the Building Regulations.

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

## **8.0 INFORMATIVES: Notes to Applicant**

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

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

Application Reference Number: 20/01902/FULM

identified issues with the scheme and through the use of planning conditions.

## 2. Yorkshire Water

If the developer requires new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), they should contact the Developer Services Team (telephone 0345 120 84 82, email:technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.

### **Contact details:**

**Case Officer:** Jonathan Kenyon

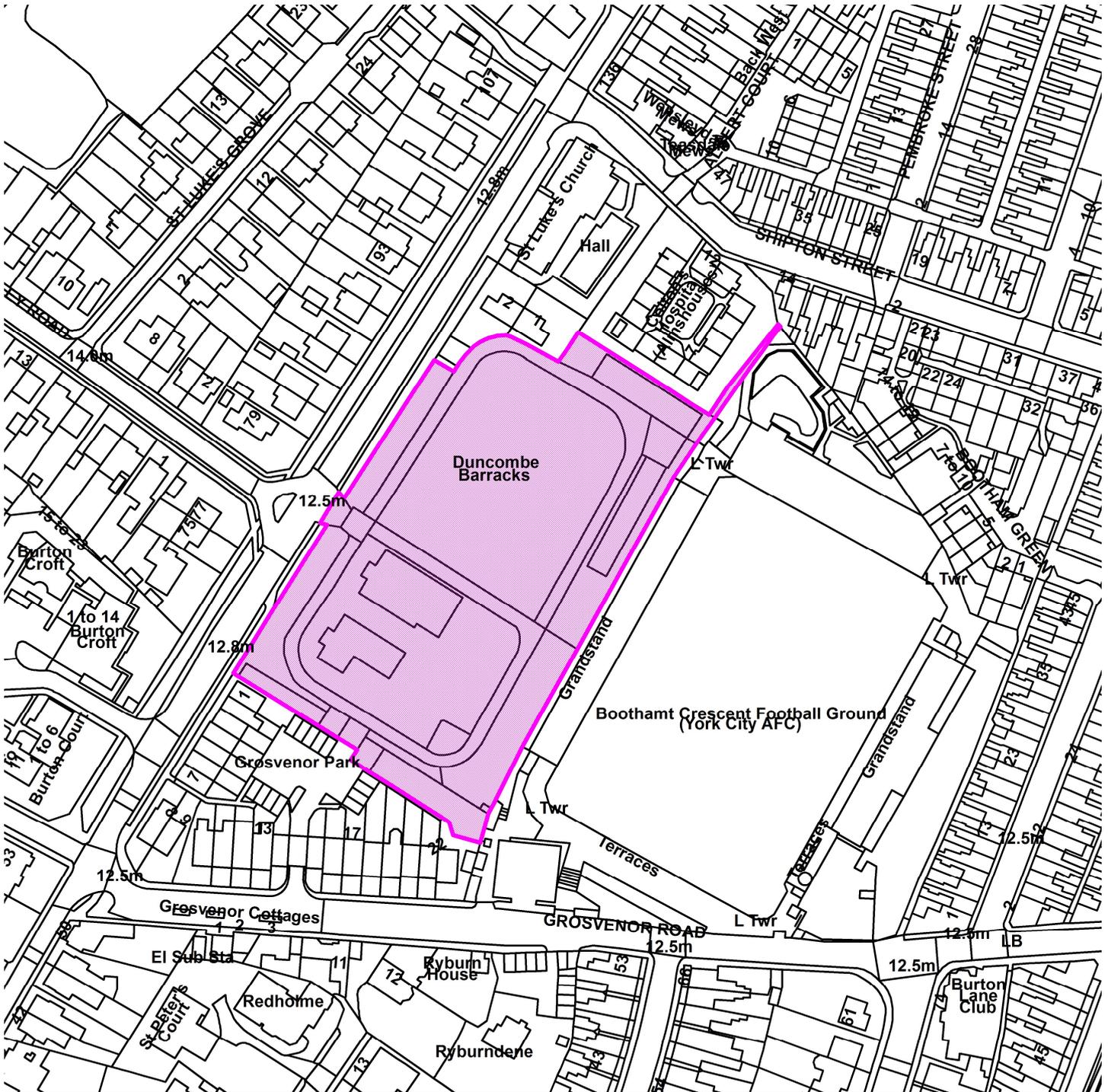
**Tel No:** 01904 551323

# 20/01902/FULM

1 Duncombe Barracks Burton Stone Lane



GIS by ESRI (UK)



Scale : 1:1698

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<b>Organisation</b>	City of York Council
<b>Department</b>	Economy and Place
<b>Comments</b>	Not Set
<b>Date</b>	22 March 2021
<b>SLA Number</b>	Not Set

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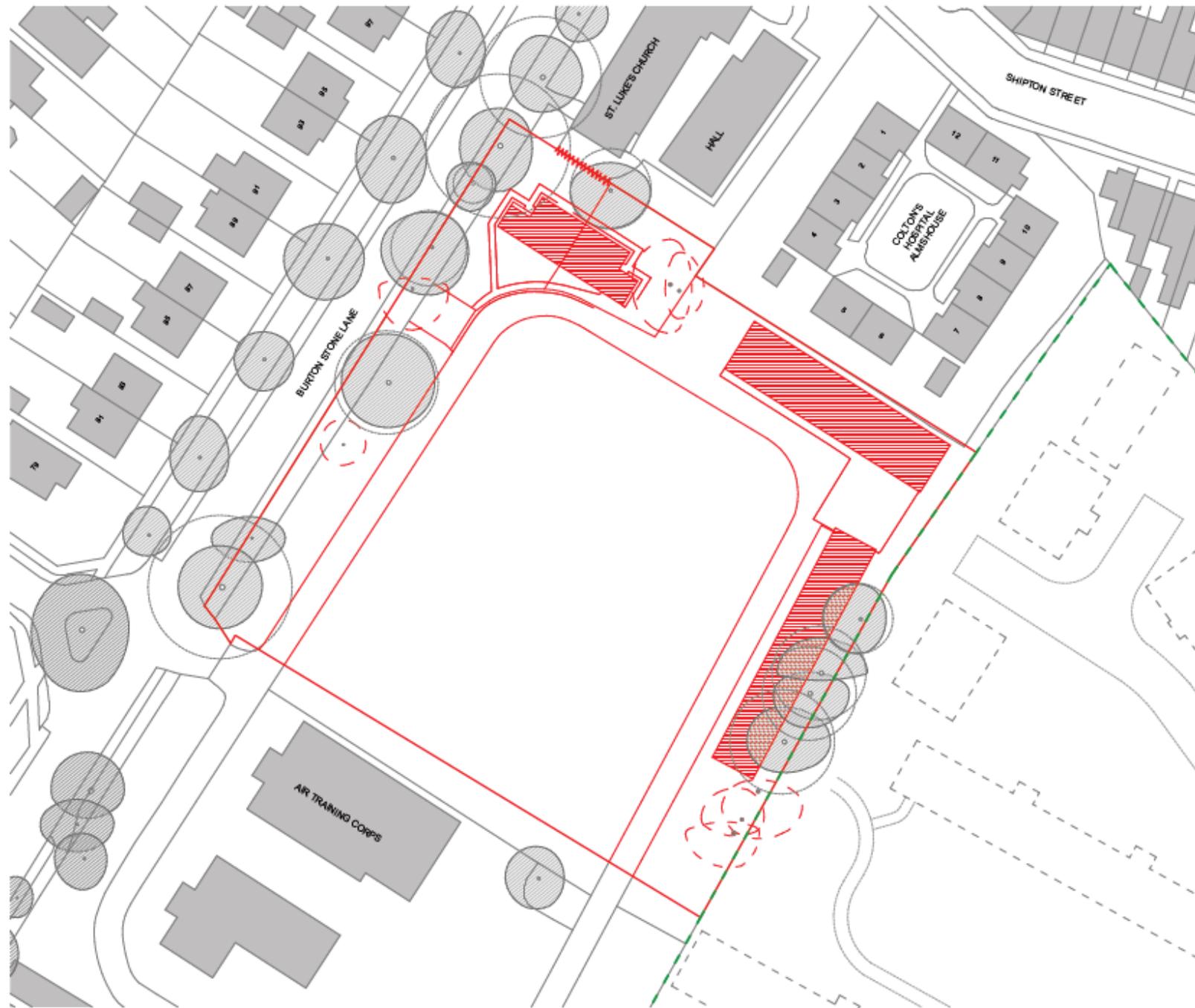


## Area Planning Sub-Committee

20/01902/FULM

Duncombe Barracks, Burton Stone Lane

# Existing site and demolition plan



- KEY:**
- Boundary Line
  - Building to be Demolished
  - Adjacent Planning Proposal
  - Adjacent Planning Proposal Building Footprint
  - Details of the Building to be Demolished
  - Tree to be Retained
  - Tree Protection Zone
  - Tree Close



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 mriches@riches.co.uk

**HEALTH, SAFETY AND ENVIRONMENT INFORMATION BOX**

**Notes:** This drawing is to be used in conjunction with the Job Safety Plan and Risk Assessment for the demolition work. The contractor is advised to consult the Health and Safety File for the building to be demolished and to take appropriate precautions when dealing with the type of materials detailed in the drawing.

**NOT FOR CONSTRUCTION  
 DO NOT SCALE FROM THIS DRAWING**

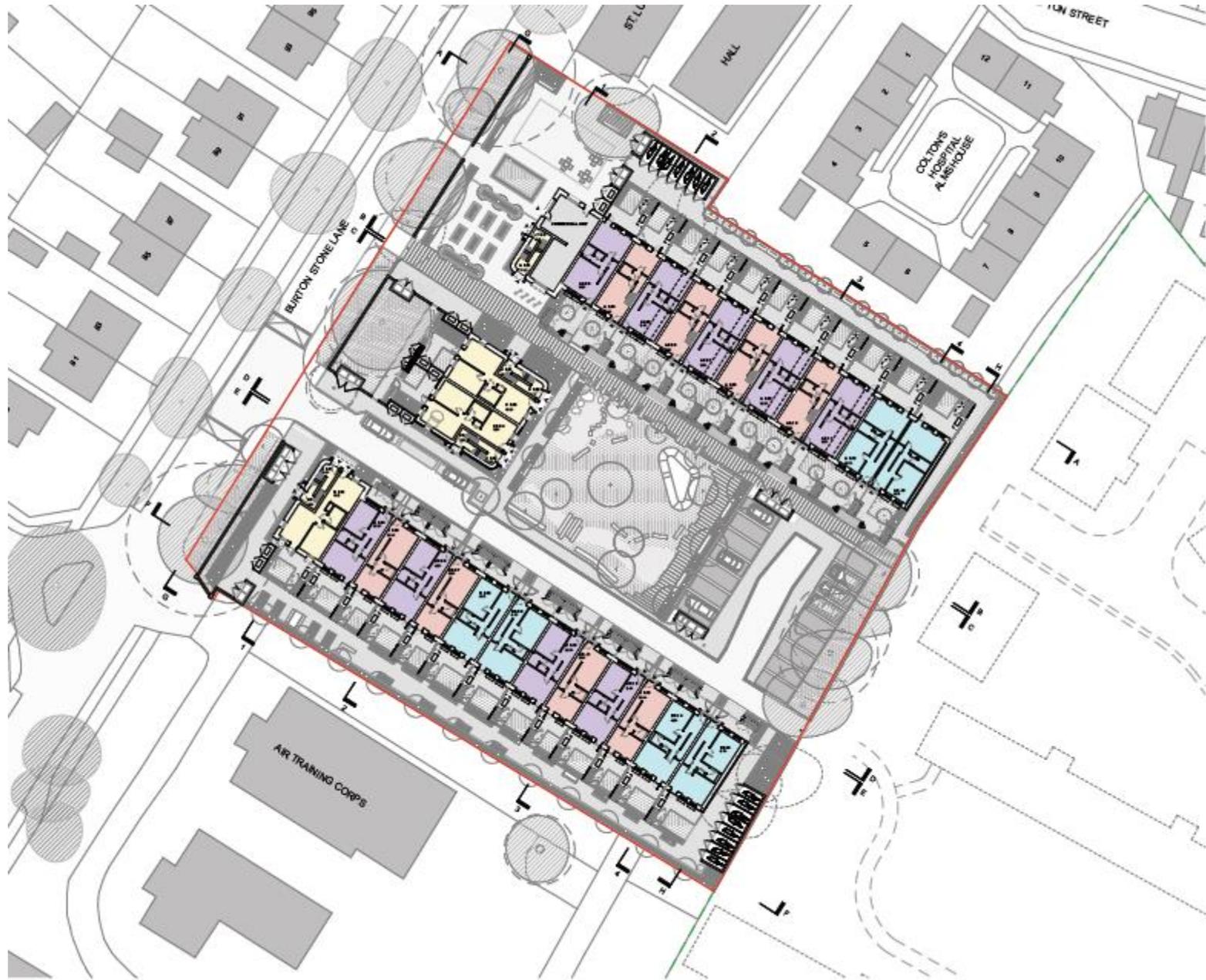
All dimensions shall be given as a double, on which there shall be no tolerance. All dimensions shall be taken from the face of the work unless otherwise stated. All dimensions shall be taken from the face of the work unless otherwise stated.

DRAWING TITLE: A | Durcombe Barracks

## Demolition Plan

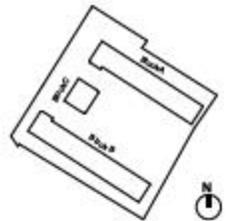
<b>PROJECT</b>	
Durcombe Barracks	
<b>CLIENT</b>	<b>DATE</b>
HDP - City of York Council	25/06/2020
<b>DRAWING STATUS</b>	<b>SCALE</b>
PLANNING	1:500 @ A3
<b>Project:</b>	<b>Revision:</b>
288 A (00) 020	P01

# Site plan



**KEY**

Commercial	Adjacent Planning Proposal
W1 (1 story)	Adjacent Planning Building Footprint
W2 (2 story)	Car Parking
W3 (3 story)	Road Footprint Area
W4 (4 story)	Tree Area
W5 (5 story)	
W6 (6 story)	



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 020 8996 9000  
 www.mikhailriches.com

**PLEASE NOTE: INFORMATIONAL INFORMATION ONLY**  
 This drawing is to be read in conjunction with the full planning application to the local planning authority. It is not to be used for any other purpose without the prior written consent of the architect.

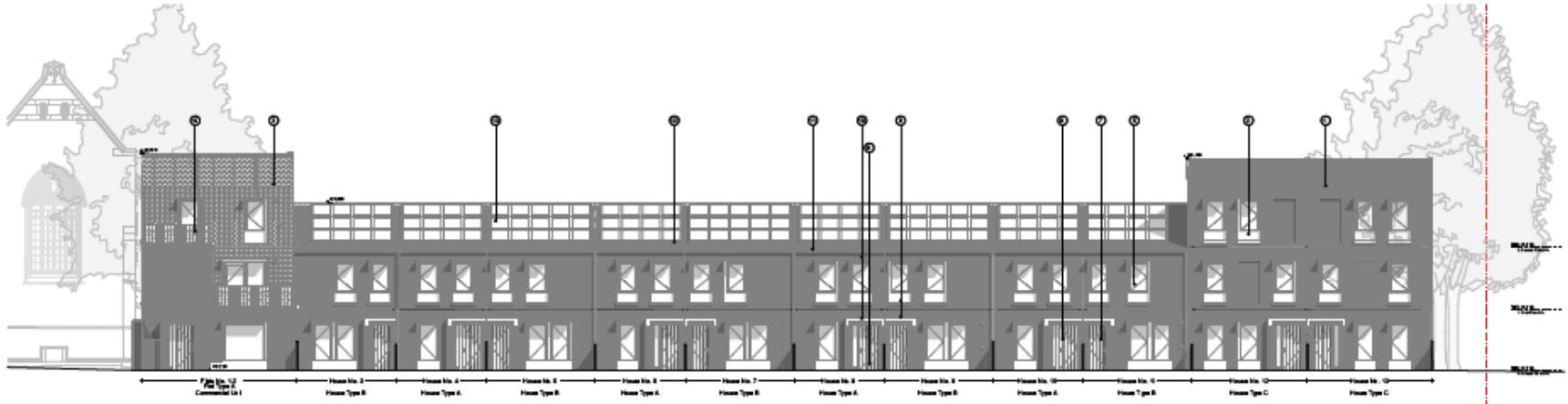
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**Proposed Site Plan**

PROJECT	DATE
Client: City of London	10/08/2021
DRAWING NO.	SCALE
288 A (00) 010	1:500 @ A1
DATE	SCALE
10/08/2021	1:500 @ A1
PROJECT	DATE
288 A (00) 010	10/08/2021



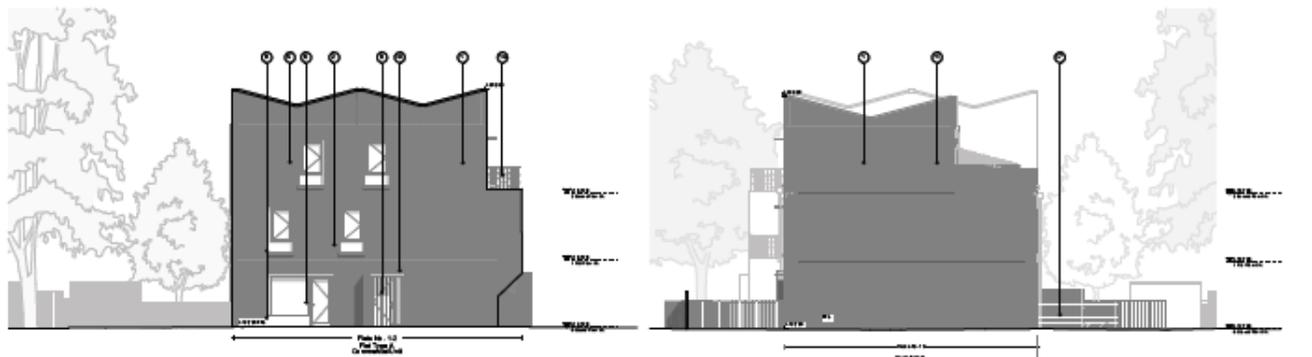
# Block A Elevations



28.1 Block A - South West Elevation (Front)

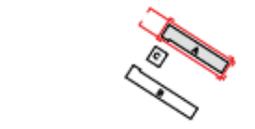


28.2 Block A - North East Elevation (Back)



28.3 Block A - South East Elevation

28.4 Block A - South East Elevation



- MATERIALS:**
1. Flat Matt Black with F Rock and Smooth Polishing
  2. Plywood
  3. Lightweight, Heavy Clay Tile
  4. Flat Matt Black Finish
  5. Glass 3mm clear glass
  6. Clearcoat Aluminium Clad
  7. Solid Core and a Core
  8. Solid Core and a Core with Side Light
  9. Vek Stone 1 in half round C/S
  10. 80mm Solid Plywood Core of Edge and Glueless - Made to Fit
  11. Customised Steel Custom Components
  12. Black Flat Glass
  13. Integrol P Porcelain Panels
  14. Timber - Redwood
  15. Plywood / Custom Size for Metal Fixing
  16. Timber - Clad on Core
  17. Plywood / Custom Plywood
  18. Plywood / Custom Plywood / Aluminium Mesh and Black Mesh Stone
  19. Plywood / Custom Plywood / Aluminium Mesh and Black Mesh Stone
  20. Plywood / Custom Plywood / Aluminium Mesh and Black Mesh Stone
  21. Brick wall

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 Melbourne VIC 3000

**NOT FOR CONSTRUCTION**  
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**Block A, Elevation**

**PROJECT:**  
 Columbus Fremantle

**CLIENT:** City of York Council

**DATE:** 28/08/2023

**DRAWING TITLE:** 28.1-28.4

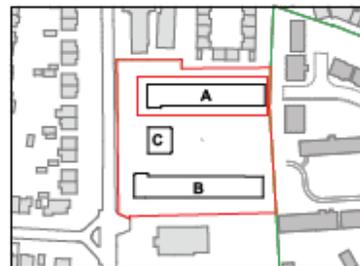
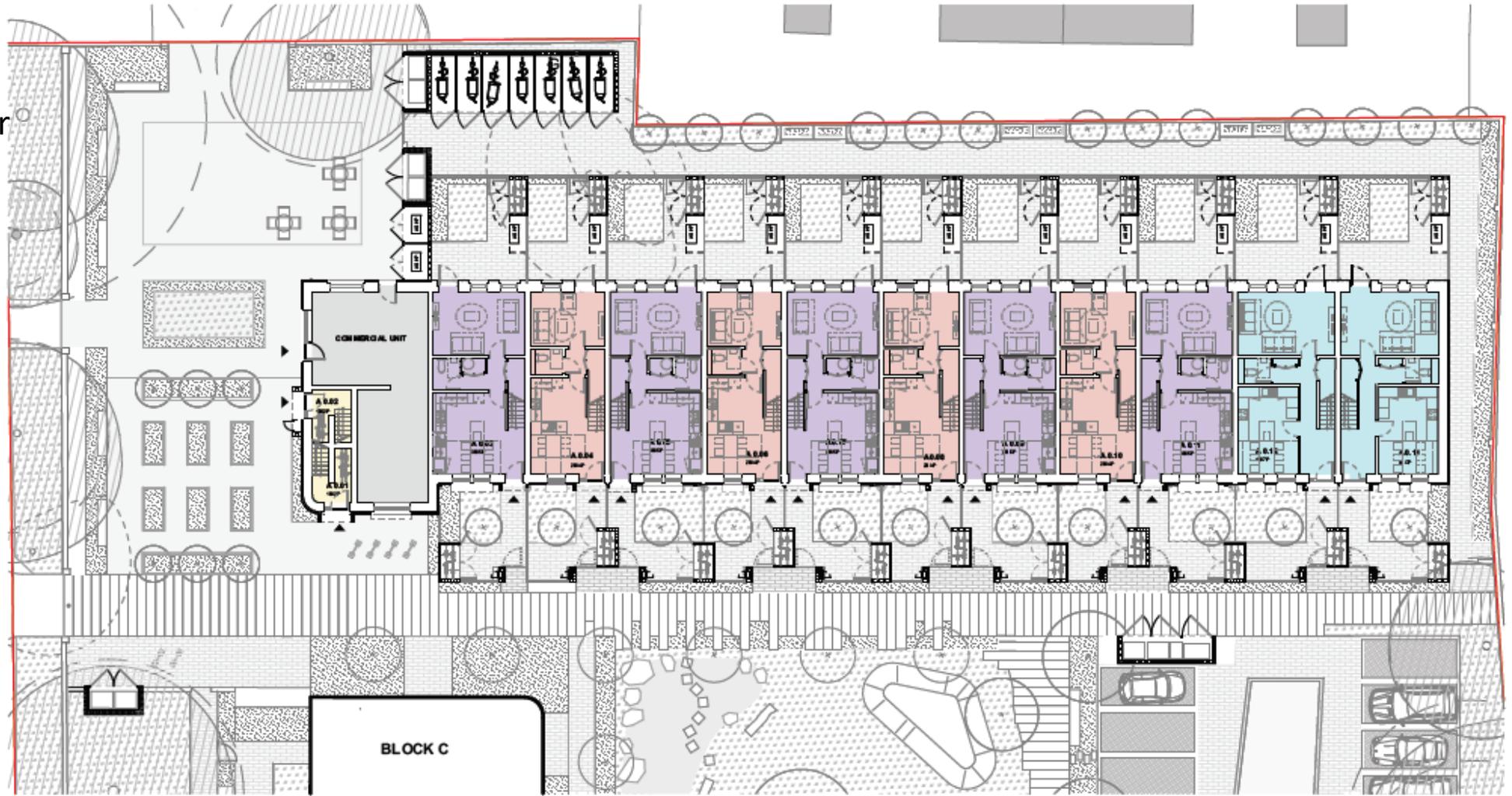
**PLANNING:** 1/188 @A1

**Scale:** 1:100

**Page:** 288 A (00) 210

**Author:** PD1

Block A ground floor layout



- KEY:**
- Commercial Unit
  - 1bSp (1 storey)
  - 2bSp (2 storey)
  - 3bSp (2 storey)
  - 4bSp (3 storey)
  - Site Boundary
  - Adjacent Planning Proposal
  - Adjacent Planning Proposal Building Layout
  - Road Protection Area
  - Tree Crown



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**HEALTH, SAFETY AND ENVIRONMENTAL INFORMATION BOX**

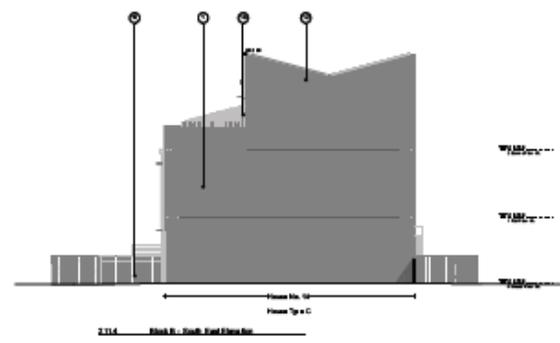
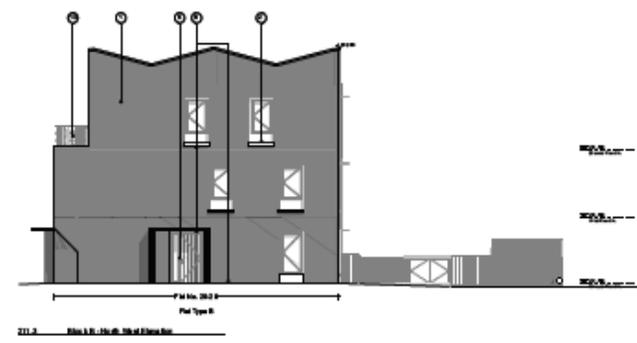
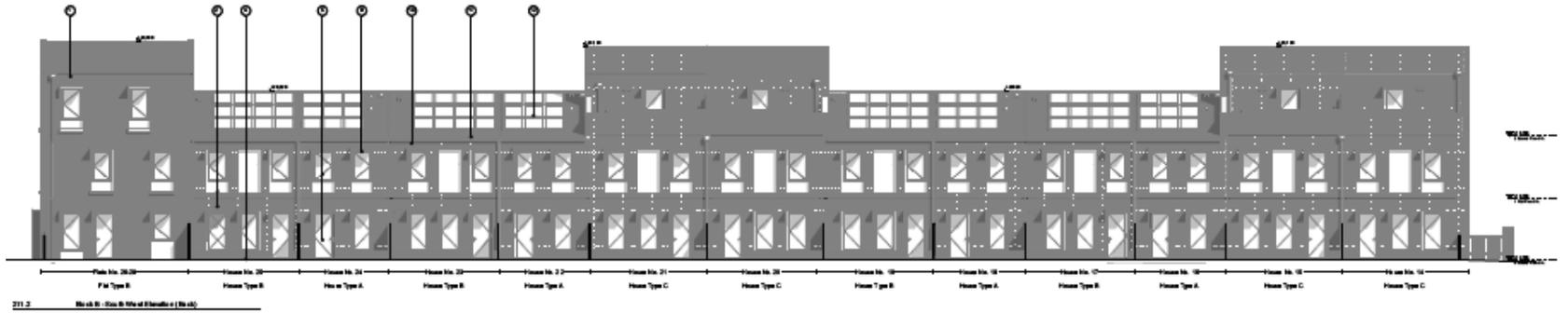
Note: This drawing is to be read in conjunction with the risk register produced for this scheme to the health and safety plan. The hazard register is available to consult on site and is also held by a competent contractor when dealing with the type of work detailed on the drawing.

**NOT FOR CONSTRUCTION  
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All measurements given are in millimetres, unless otherwise stated and shall be taken prior to the purchase of materials. All dimensions shall be taken to the face unless otherwise stated. All dimensions shall be taken to the face unless otherwise stated.

<b>DRAWING TITLE:</b> A   Durcombe Barracks	
<b>Block A, Ground Floor Plan</b>	
<b>PROJECT:</b> Durcombe Barracks	<b>DATE:</b> 25/06/2020
<b>CLIENT:</b> HDP - City of York Council	<b>SCALE:</b> 1:200 @ A3
<b>DRAWING STATUS:</b> PLANNING	<b>Revision:</b>
<b>Project No:</b> 288 A (00) 100	<b>Revision:</b> P01

# Block B elevations



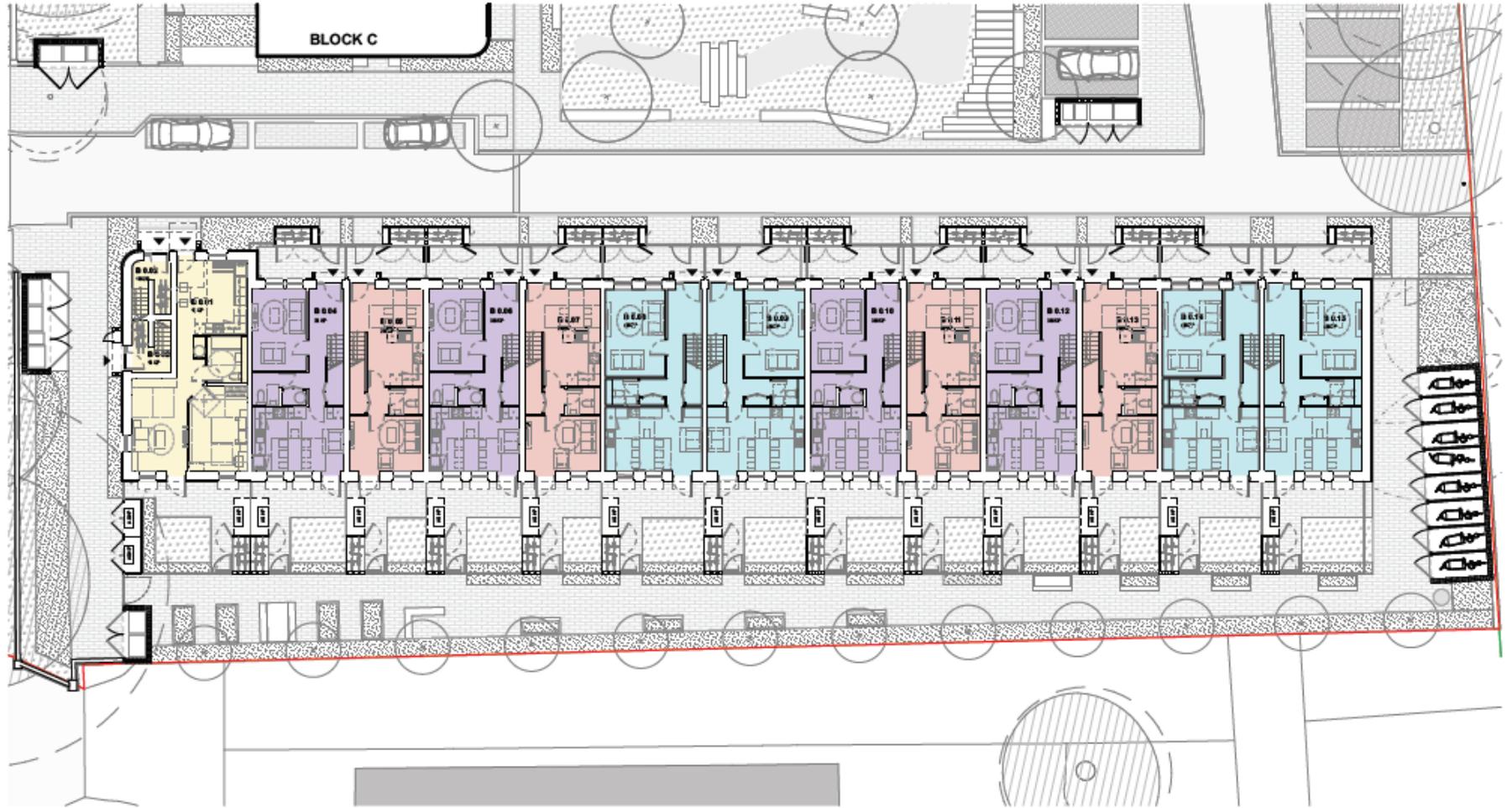
**MIKHAIL RICHES**  
 6, 10th Street  
 Suite 101  
 New York, NY 10014  
 212.254.1111

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**Block B, Elevation**

DATE:	02/18/2021
CLIENT:	NYC, City of New York
DRAWING TITLE:	Block B, Elevation
SCALE:	1/8" = 1'-0"
PROJECT:	288 A (00) 211
DATE:	02/18/2021
CLIENT:	NYC, City of New York
DRAWING TITLE:	Block B, Elevation
SCALE:	1/8" = 1'-0"
PROJECT:	288 A (00) 211

# Block B ground floor layout



- KEY:**
- Commercial Unit
  - 1st fl (1 storey)
  - 2nd fl (2 storey)
  - 3rd fl (2 storey)
  - 4th fl (3 storey)
  - Site Boundary
  - Adjacent Planning Proposal
  - Adjacent Planning Proposal Building Layout
  - Road Protection Area
  - Tree Crown



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**HEALTH, SAFETY AND ENVIRONMENTAL INFORMATION ON BOX**  
Notes: This drawing is to be read in conjunction with the adjacent planning proposal for the health and safety plan. The hazard notices in addition to control notices and are issued by a certified and competent person dealing with the type of work detailed on the drawing.

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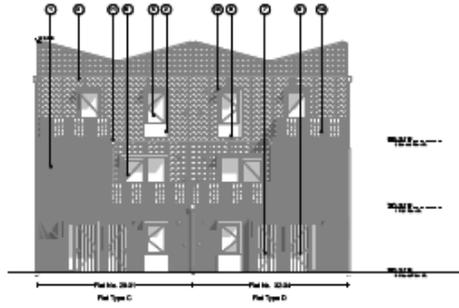
All measurements, given and indicated, on this drawing are stated to be dimensioned prior to the provision of any materials. All dimensions are to be taken to the face of the work unless otherwise stated. All dimensions are to be taken to the face of the work unless otherwise stated.

DRAWING TITLE: A | Duncombe Barracks

**Block B, Ground Floor Plan**

PROJECT Duncombe Barracks	DATE 25/06/2020
CLIENT HDP - City of York Council	SCALE 1:200 @ A3
DRAWING STATUS PLANNING	Revision P01
Project No. 288 A	Drawing No. (00) 110

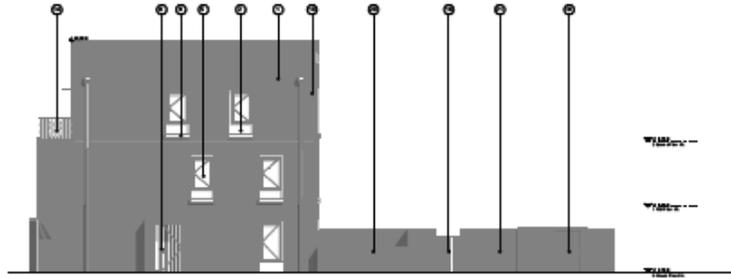
# Block C elevations



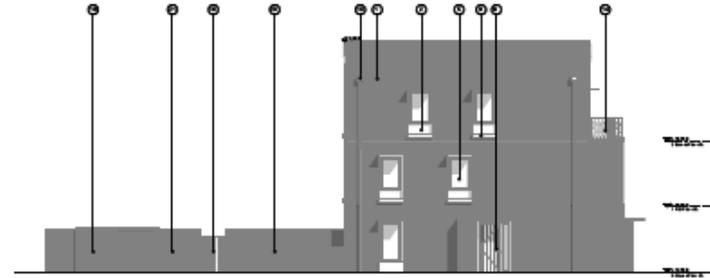
1.1.1 Block C - Side B East Elevation (Part)



1.1.2 Block C - Side B East Elevation (Block)



1.1.3 Block C - Side B West Elevation



1.1.4 Block C - Side B West Elevation



**NOTES:**

1. Flat Matt Brick with Fink and Stained Painting
2. Plaster
3. Lightweight, Hong Clay Tile
4. Flat Matt White Plaster
5. Stone to be used on
6. Stained Resistor, Co or
7. Solid Concrete and Co or
8. Solid Concrete and Co or with Stone Top
9. Solid Stone L & H with Stone Top
10. To be used: Plaster Coated & Resistor and Resistor, Mesh to Frame
11. Customized Stone Coated Concrete
12. Block Face Tile
13. Stippled Polystyrene Panels
14. Timber, Resistor side
15. Timber, Resistor side
16. Timber, Resistor side
17. Timber, Resistor side
18. Plaster Coated Expanded Aluminium Mesh and Block Brick Stone
19. Plaster Coated Expanded Aluminium Mesh and Block Brick Stone
20. Plaster Coated Expanded Aluminium Mesh and Block Brick Stone
21. Brick wall



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 mriches@riches.com

**NOTICE TO CLIENTS AND ARCHITECTS/ENGINEERS**

**!** Before this drawing is used in conjunction with the site, register professional contractors of the trade and verify plan. The layout shown is not subject to construction site, thereby a contractor can refer to the drawing with the typical work detailed on the drawing.

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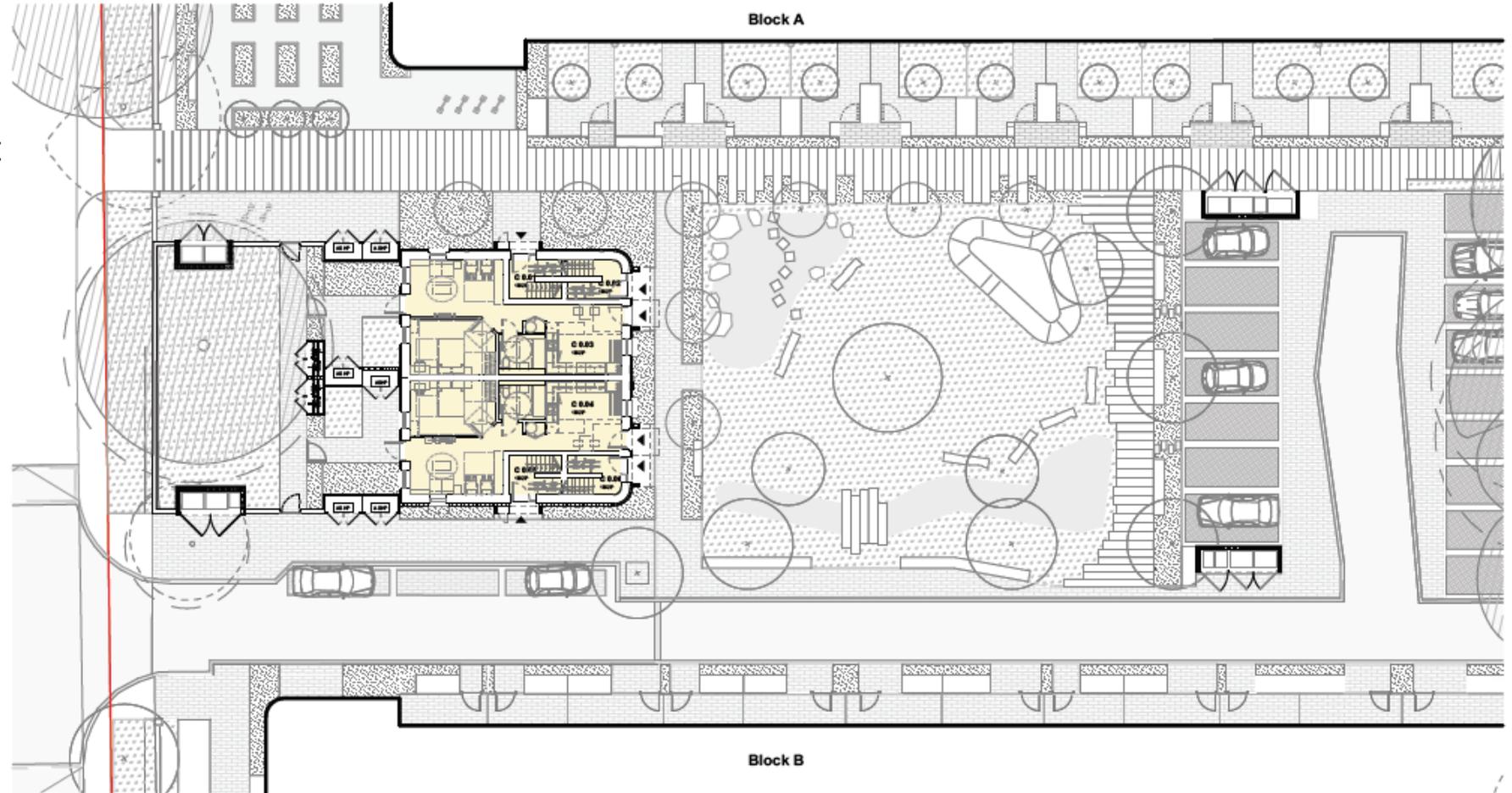
All measurements given unless otherwise stated in millimetres to the nearest millimetre. All dimensions shown in this drawing are approximate and shall be subject to change without notice.

DRAWING TITLE: A | Can see the Resistor

**Block C, Elevation**

PROJECT:	DATE:
Customer Name:	28 MARCH
CLIENT:	MDP, City of Johor Bahru
DRAWING STATUS:	SCALE:
PLANNING:	1:100 @A1
Project No.:	Sheet No.:
288	A (00) 212
	FDI

Block C ground floor layout



- KEY:**
- Commercial Unit
  - 1bSp (1 storey)
  - 2bSp (2 storey)
  - 3bSp (2 storey)
  - 4bSp (3 storey)
  - Site Boundary
  - Adjacent Planning Proposal
  - Adjacent Planning Proposal Building Layout
  - Road Protection Area
  - Tree Crown



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**HEALTH, SAFETY AND ENVIRONMENTAL RESPONSIBILITY**  
 Notice: This drawing is to be read in conjunction with the A&P register produced for circulation to the health and safety plan. The former rules are in addition to national law and are followed by a competent contractor when dealing with the type of works detailed on the drawing.

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DRAWING TITLE: A | Durcombe Barracks

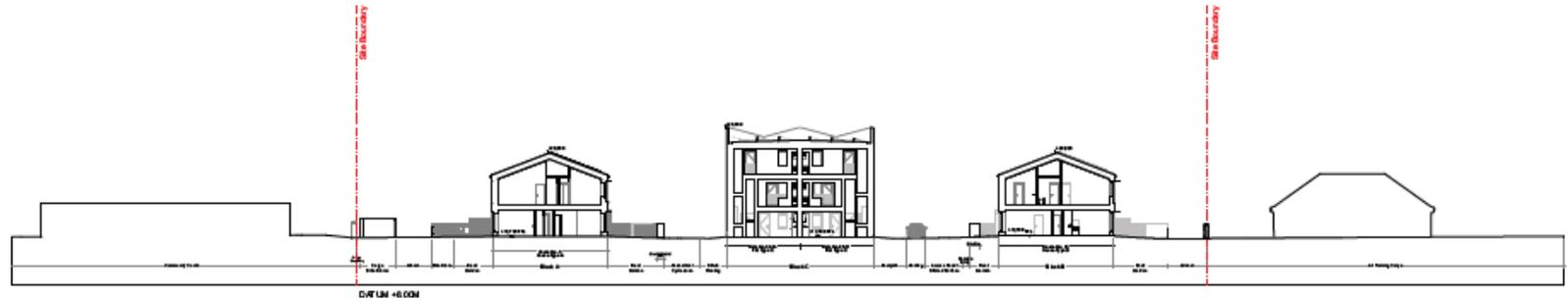
**Block C, Ground Floor Plan**

PROJECT Durcombe Barracks	DATE 25/06/2020
CLIENT HDP - City of York Council	SCALE 1:250 @ A3
DRAWING STATUS PLANNING	Revision P01
Project No. 288	Drawing No. A (00) 120

# Site sections 1 and 2



300.1 Site Section 1-1



300.2 Site Section 2-2

- MATERIAL KEY**
1. Flat Matt Brick with Pank and Flashed Pointing
  2. Plaster
  3. Lightweight, Hung Clay Tile
  4. Flat Matt Brick Finish
  5. Stone 15 or 20 stone
  6. Coloured Stone 15 or 20
  7. 20 M Comp walls
  8. 20 M Comp walls
  9. 20 M Comp walls
  10. 20 M Comp walls
  11. 20 M Comp walls
  12. 20 M Comp walls
  13. 20 M Comp walls
  14. 20 M Comp walls
  15. 20 M Comp walls
  16. 20 M Comp walls
  17. 20 M Comp walls
  18. 20 M Comp walls
  19. 20 M Comp walls
  20. 20 M Comp walls
  21. 20 M Comp walls



**MIKHAIL RICHES**

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Auckland 1010  
Tel: 09 770 1000  
www.mikhailriches.co.nz

**PROJECT INFORMATION**

Project: **Site Sections 1&2**

Client: **City of Auckland**

Project No: **288 A**

Scale: **1:300**

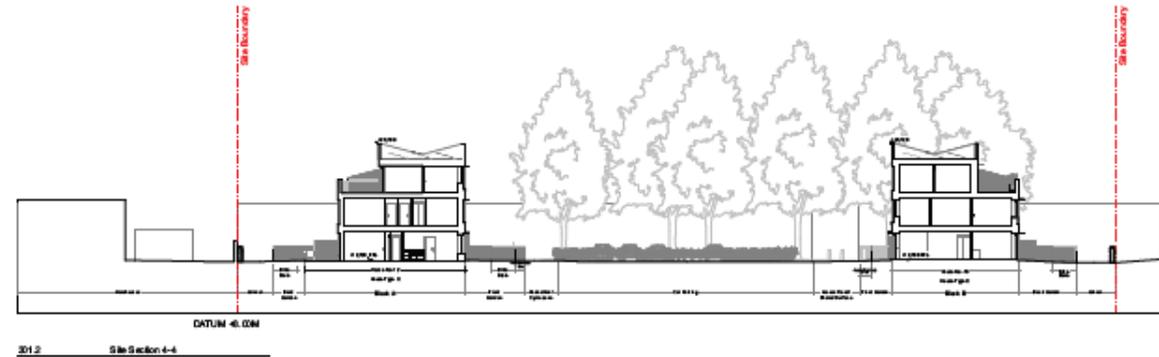
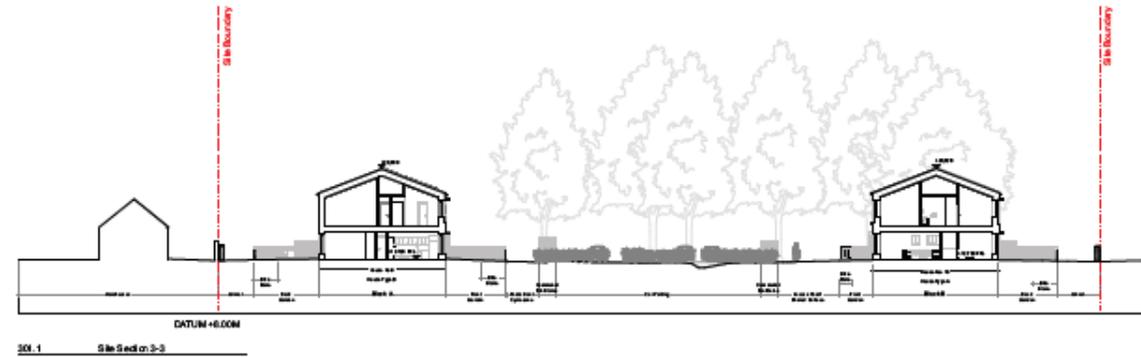
Sheet: **001**

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DRAWING TITLE		4.1 (For use for the works)	
<b>Site Sections 1&amp;2</b>			
PROJECT	Client	DATE	
City of Auckland	City of Auckland	20 08/2020	
DRAWING NO.	SCALE	SHEET	
288 A	(00) 300	001	

# Site sections 3 and 4



**MATERIALS**

1. Flat Matt Bricks with Fink and Smooth Finishing
2. Plaster
3. Lightweight, Yang Clay Tile
4. Flat Matt Bricks Finish
5. Floor 2.0 m wide
6. Cement Floor 3 mm. Clay
7. 20 mm Concrete Slab
8. 10 mm Concrete Slab with 20 mm light
9. 10 mm Stone 1.5 m thick x 200
10. 10 mm Stone 1.5 m thick x 200
11. 10 mm Stone 1.5 m thick x 200
12. 10 mm Stone 1.5 m thick x 200
13. 10 mm Stone 1.5 m thick x 200
14. 10 mm Stone 1.5 m thick x 200
15. 10 mm Stone 1.5 m thick x 200
16. 10 mm Stone 1.5 m thick x 200
17. 10 mm Stone 1.5 m thick x 200
18. 10 mm Stone 1.5 m thick x 200
19. 10 mm Stone 1.5 m thick x 200
20. 10 mm Stone 1.5 m thick x 200
21. 10 mm Stone 1.5 m thick x 200

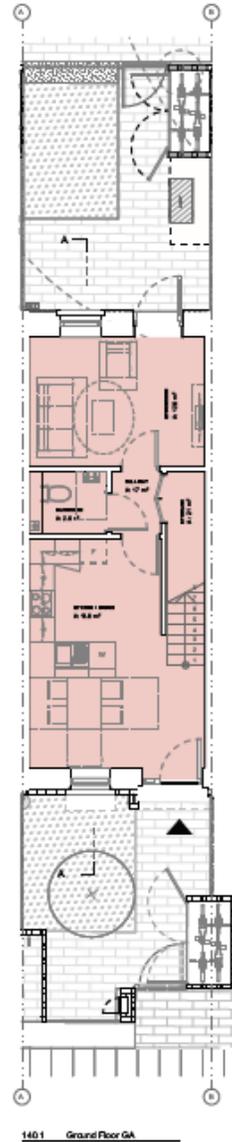


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11, 28 Avenue Street  
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60000

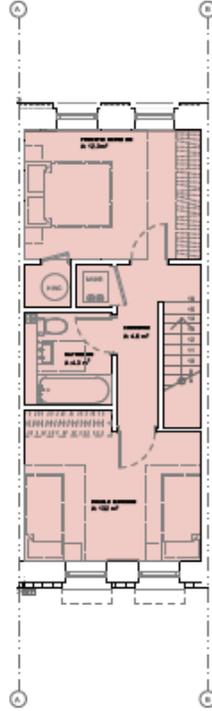
**NOT FOR CONSTRUCTION**  
DO NOT SCALE FROM THIS DRAWING

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Site Section 3&4			
PROJECT	Compass Estate		
CLIENT	MCP, City of Klang		
DRAWING NUMBER	23218		
PLANNING	1208 @A1		
PAGE	288	TOTAL	301
DATE	(00)	SCALE	PD1

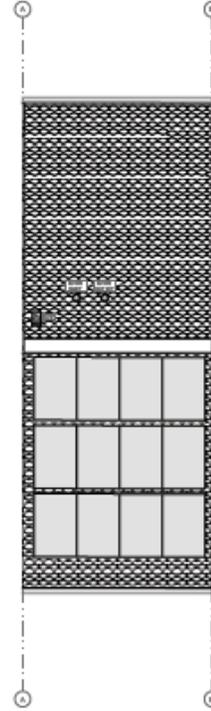
# House type A Block A



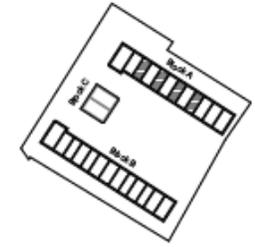
140.1 Ground Floor GA



140.2 First Floor GA



140.3 Roof Level GA



**KEY:**

- Commercial Unit
- 1b0p (1 storey)
- 2b0p (2 storey)
- 2b5p (2 storey)
- 4b0p (3 storey)



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 mriches@riches.co.uk

**HEALTH, SAFETY AND ENVIRONMENTAL INFORMATION BOX**  
 Note: This drawing is to be read in conjunction with the A6 Health and Safety Plan. The proposed construction is to be carried out in accordance with the Health and Safety Plan and the Environmental Information Box. The proposed construction is to be carried out in accordance with the Health and Safety Plan and the Environmental Information Box.

**NOT FOR CONSTRUCTION**  
**DO NOT SCALE FROM THIS DRAWING**  
 All dimensions are given in metres to the nearest millimetre, unless otherwise stated. All dimensions are to be taken from the centre of the wall unless otherwise stated.

DRAWING TITLE: A | Durcombe Barracks

**House Type A - Block A Plans**

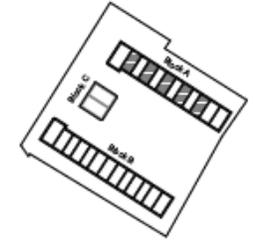
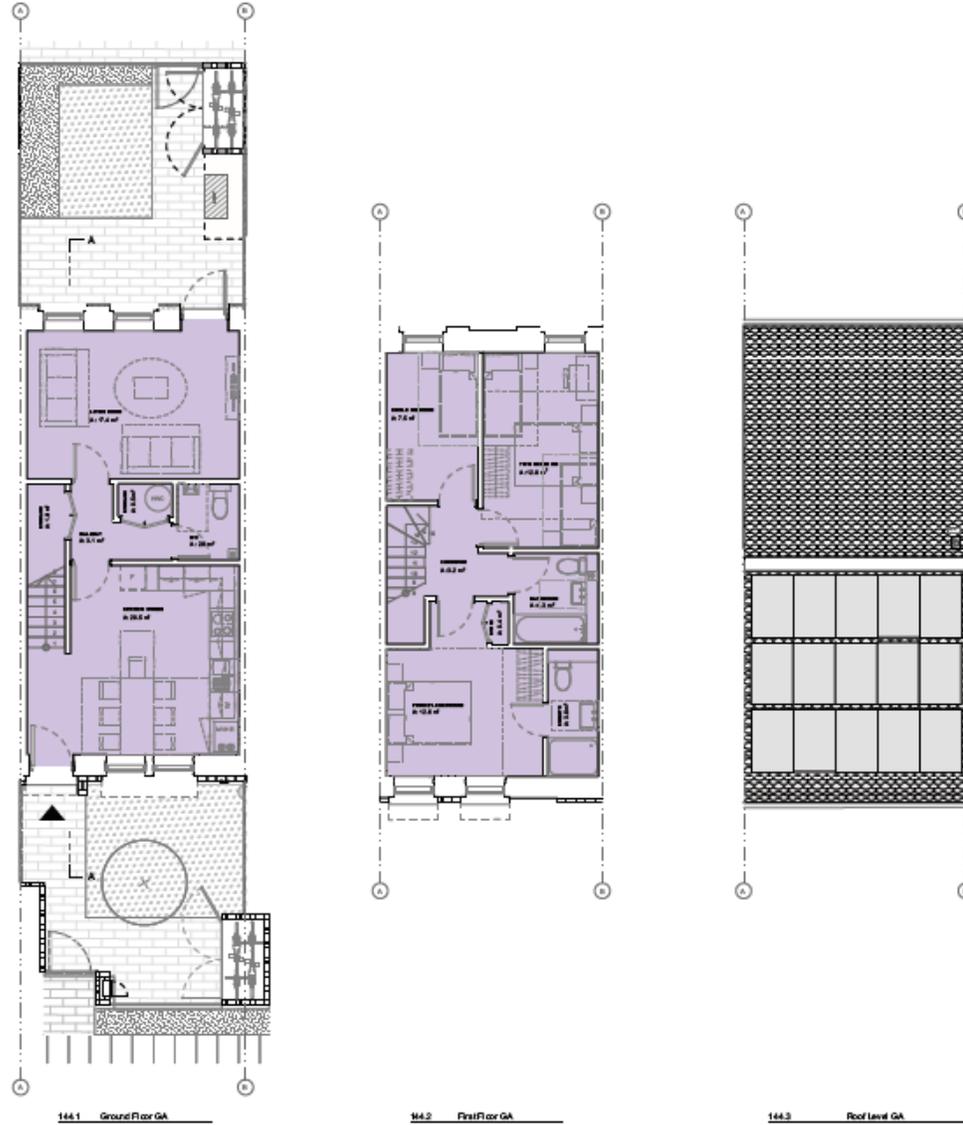
PROJECT: Durcombe Barracks

CLIENT: HDP - City of York Council

DRAWING STATUS: PLANNING

Project No.	Site No.	Drawing No.	Revision
288	A	(00) 140	P01

# House Type B Block A plans



KEY:

Commercial Unit	2b4tp (2 storey)
1b4tp (1 storey)	4b4tp (3 storey)
2b4tp (2 storey)	



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**HEALTH, SAFETY AND ENVIRONMENTAL RECOMMENDATIONS**  
 Notes: This drawing is to be used in conjunction with the ARS application for inclusion in the health and safety plan. The relevant rules are to refer to current standards and ARS based by appropriate construction detailing with the type of work detailed on the drawing.

**NOT FOR CONSTRUCTION**  
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 It is recommended to give a site visit, or site of work should be undertaken prior to the work commencing on site. All drawings are subject to change without notice and shall be subject to the site conditions.

DRAWING TITLE: A | Durcombe Barracks

## House Type B - Block A Plans

PROJECT: Durcombe Barracks

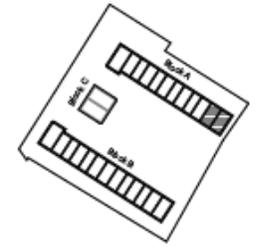
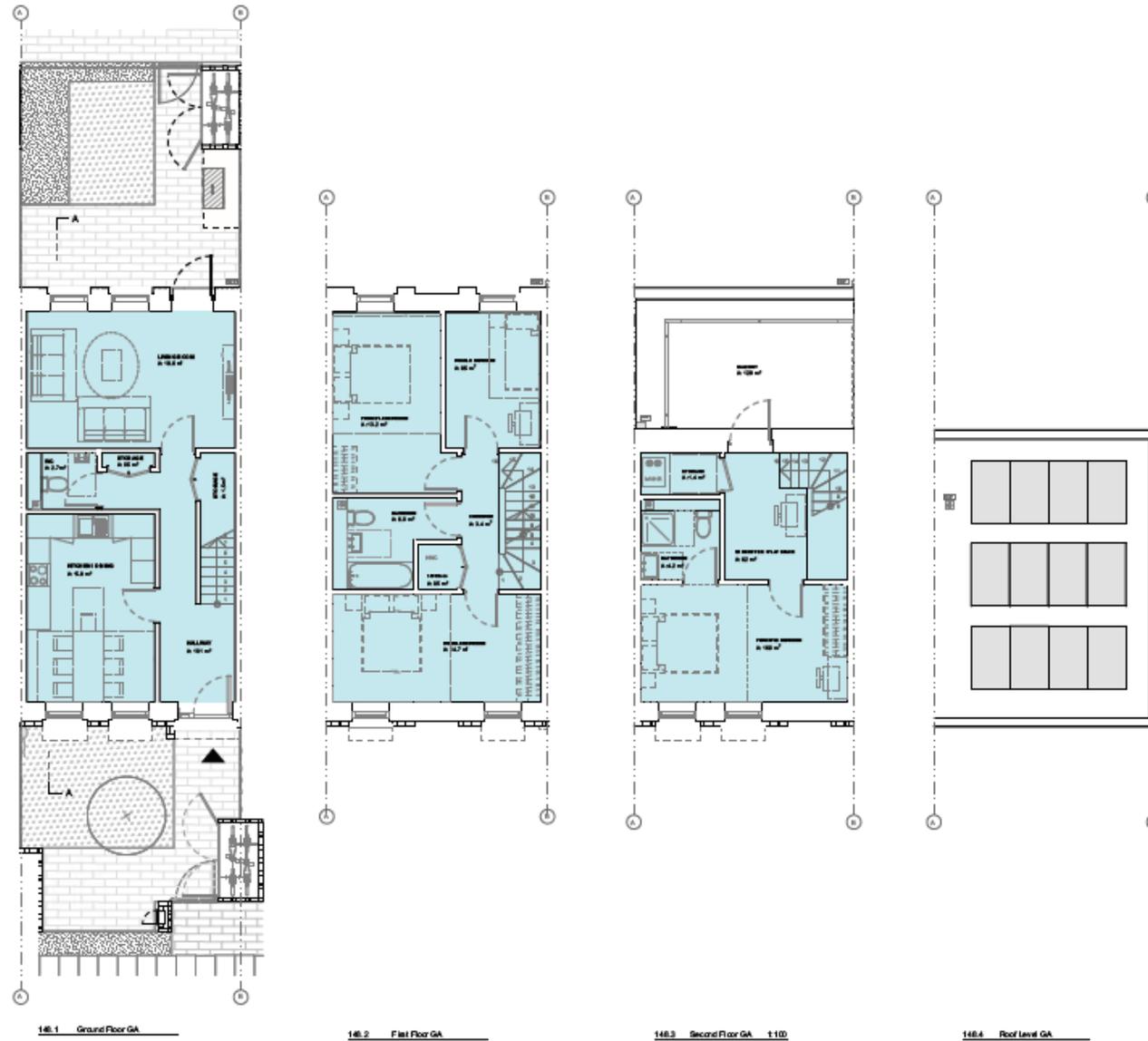
CLIENT: HDP - City of York Council DATE: 25/06/2020

DRAWING STATUS: SCALE: 1:100 @ A3

Project No: Drawing No: Revision

288 A (00) 144 P01

# House Type C Block A plans



KEY:

- Commercial Unit
- 1bdp (1 storey)
- 2bdp (2 storey)
- 3bdp (2 storey)
- 4bdp (2 storey)



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**HEALTH, SAFETY AND ENVIRONMENTAL INFORMATION BOX**  
 Note: This drawing is issued in conjunction with the risk register produced for inclusion in the health and safety file. The design team can be contacted for normal hours and advised by accident and emergency services during out of hours periods. Details of the design team can be found on the drawing.

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 All dimensions to give a 30mm tolerance, or other dimensions must be taken from a plan to the grid lines and not from any other lines. All dimensions between walls and floor slabs must be taken from the grid lines and not from the face of the walls or floor slabs.

DRAWING TITLE: A | Durcombe Barracks

**House Type C - Block A Plans**

PROJECT: Durcombe Barracks

CLIENT: HDP - City of York Council

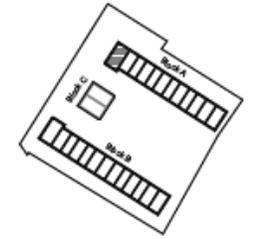
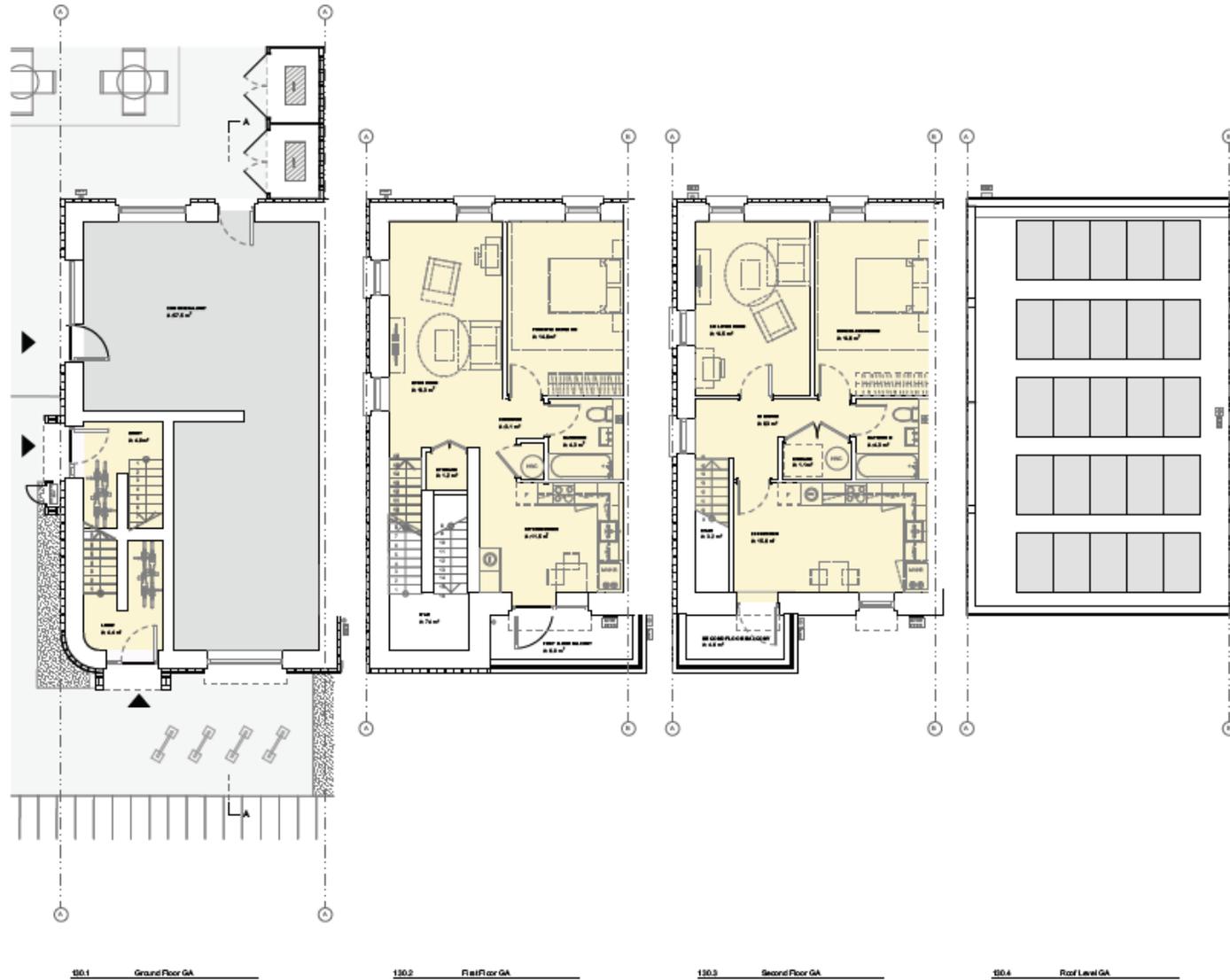
DRAWING STATUS: 1100 @ A3

Project No: 288 A

Scale: (00) 148

Revision: P01

# Flat A Block A plans



**KEY:**

- Commercial Unit
- 1bdp (1 storey)
- 2bdp (2 storey)
- 3bdp (2 storey)
- 4bdp (2 storey)



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**HEALTH, SAFETY AND ENVIRONMENTAL INFORMATION BOX**  
 Note: This drawing is to be read in conjunction with the risk register prepared for inclusion in the health and safety file. The contractor must be advised to correct failures and also advised to complete construction file drawing with the type of work detailed on the drawing.

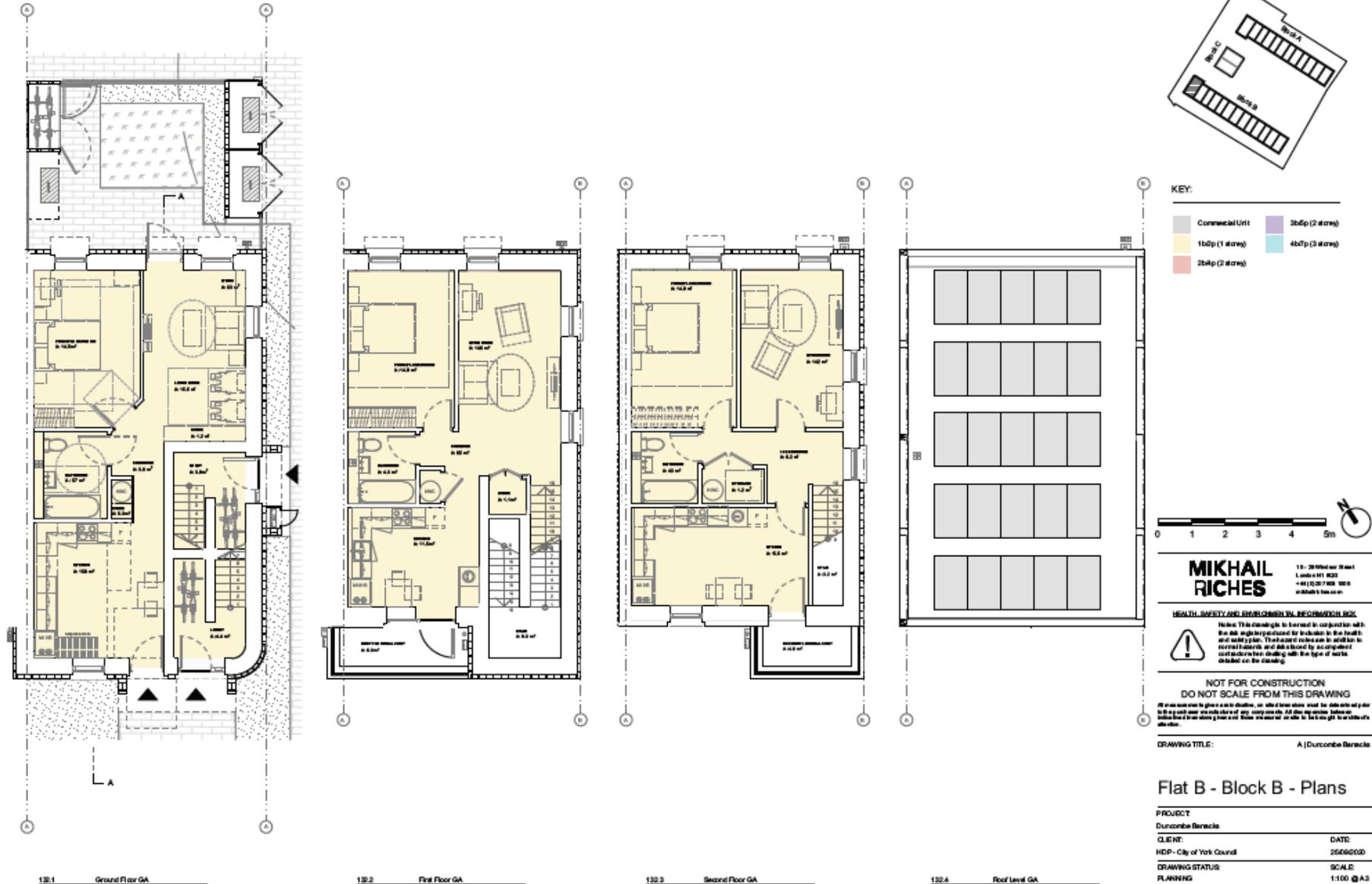
**NOT FOR CONSTRUCTION**  
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 All measurements to give a size in dimension, or other information, must be obtained only after being used over the scale of any component. All dimensions must be taken from the centre of the object.

DRAWING TITLE: A | Duncombe Barracks

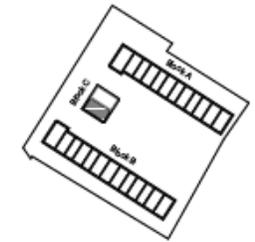
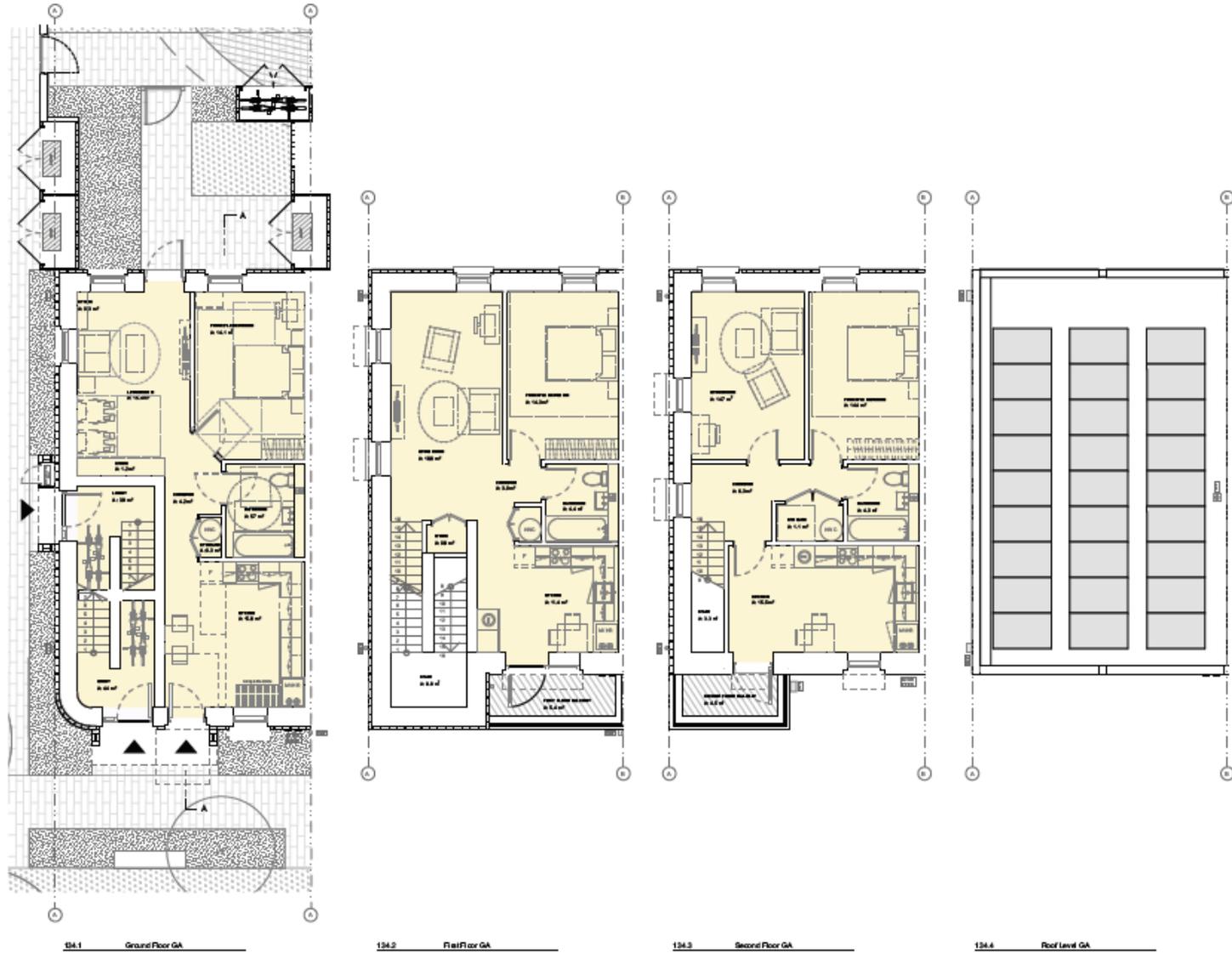
## Flat A - Block A - Plans

PROJECT	
Duncombe Barracks	
CLIENT:	DATE:
HDP - City of York Council	25/09/2020
DRAWING STATUS:	SCALE:
PLANNING	1:100 @ A3
Pages:	Revision
288 A (00) 130	P01

# Flat B Block B plans



# Flat C Block C



0 1 2 3 4 5m

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**HEALTH, SAFETY AND ENVIRONMENTAL RECOMMENDATIONS**

Please Note: This drawing is to be used for guidance only. It is not intended to be used as a basis for construction. The contractor shall be responsible for ensuring that the work is carried out in accordance with the relevant regulations and standards. The contractor shall be responsible for ensuring that the work is carried out in accordance with the relevant regulations and standards.

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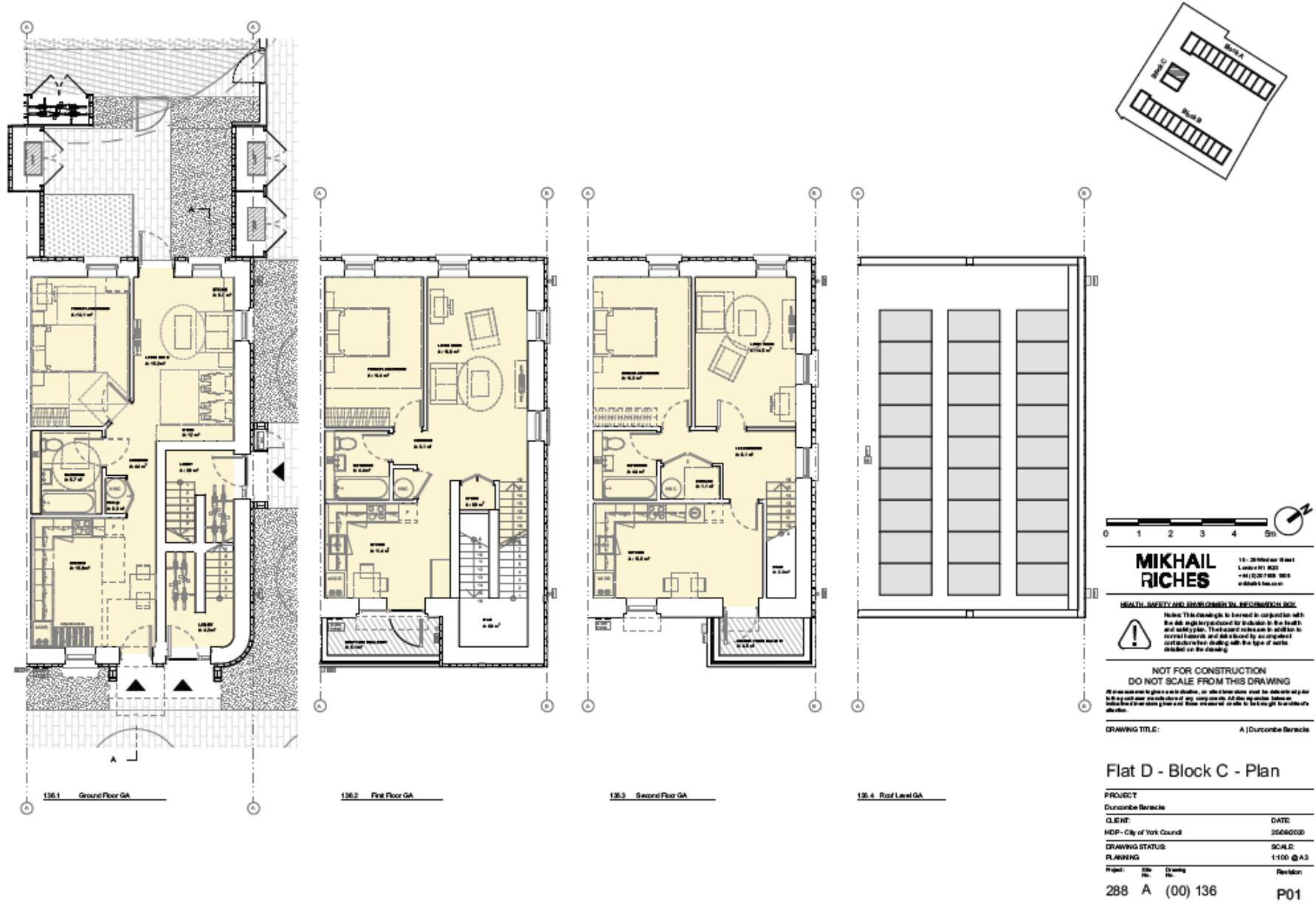
All measurements are given in millimetres, or metres where stated. All dimensions are to the face of the work unless otherwise stated. All dimensions are to the face of the work unless otherwise stated.

DRAWING TITLE: A | Durcombe Baracle

**Flat C - Block C - Plans**

PROJECT	
Durcombe Baracle	
CLIENT	DATE
HDP - City of York Council	25/06/2020
DRAWING STATUS	SCALE
PLANNING	1:100 @ A3
Project No.	Revision
288 A	(00) 134 P01

# Flat D Block C



Google aerial photo



Site – looking north east  
along Burton Stone Lane



Looking south west along Burton  
Stone Lane



**COMMITTEE REPORT**

**Date:** 30 March 2021      **Ward:** Rawcliffe And Clifton  
Without

**Team:** West Area      **Parish:** Rawcliffe Parish Council

**Reference:** 21/00045/FUL

**Application at:** 33 Patterdale Drive York YO30 5TW

**For:** Dormer to front (resubmission) (retrospective)

**By:** Mr And Mrs Stephenson

**Application Type:** Full Application

**Target Date:** 1 April 2021

**Recommendation:** Refusal

**1.0 PROPOSAL**

1.1 This application seeks permission for the erection of a dormer to the front roofslope of a single storey semi-detached dwelling in Rawcliffe. This is a retrospective application, and a resubmission of the scheme previously refused under application reference 20/01842/FUL.

**1.2 Property History:**

- 20/01842/FUL – dormer to front. Refused 06/01/2021 on the grounds of visual amenity. The appeal was dismissed by decision dated 18.03.21, the Inspector concluding “that the proposal would be of a design and scale that would lead to significant harm to the character and appearance of the host dwelling and the streetscape”.

1.3 This application has been called in by Cllr. Smalley for consideration by the sub-committee so as to provide the opportunity to discuss considerations such as any impact on the street scene, proposals in the development plan and previous planning decisions on Patterdale Drive.

**2.0 POLICY CONTEXT**

Draft Development Control Local Plan 2005

GP1 – Design

Application Reference Number: 21/00045/FUL

H7 – Residential Extensions

City of York Publication Draft Local Plan 2018

D1 – Placemaking

D11 – Extensions and Alterations to Existing Buildings

### **3.0 CONSULTATIONS**

3.1 Rawcliffe Parish Council – no objections.

### **4.0 REPRESENTATIONS**

4.1 One letter has been received raising the following objections:

- Visual amenity – approval of the development would set a precedent for similar schemes affecting all other bungalows in the area. Velux windows should be installed instead, which would be in keeping with other properties in the area.
- Other issues - the brick porch referred to in the planning application would contravene the building line.

### **5.0 APPRAISAL**

#### **KEY ISSUES**

5.1 Impact on the dwelling and character of the surrounding area; impact on neighbour amenity.

#### **POLICY CONTEXT**

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

5.3 Paragraph 38 of the NPPF (Chapter 4, 'Decision-Making') advises that local planning authorities should approach decisions on proposed development in a positive and creative way, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions

of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

5.4 Paragraph 127 (NPPF Chapter 12, 'Achieving Well-Designed Places') states that planning policies and decisions should ensure that developments will achieve a number of aims, including:

- that they 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;
- that they will be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- that they are sympathetic to local character and history, including the surrounding built environment and landscape setting;
- that they will help create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users.

5.5 The NPPF also places great importance on good design. Paragraph 128 says that design quality should be considered throughout the evolution and assessment of individual proposals. Paragraph 130 says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

5.6 The Publication Draft Local Plan 2018 for the City of York ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the following 2018 Draft Plan policies can be afforded moderate weight:

5.7 Policy D1 (Placemaking) of the 2018 Draft Plan states that proposals that fail to make a positive contribution to the city or cause damage to the character and quality of an area, or the amenity of neighbours will be refused.

5.8 Policy D11 (Extensions and Alterations to Existing Buildings) states that proposals to extend, alter or add to existing buildings will be supported where the design responds positively to its immediate architectural context, local character and history in terms of the use of materials, detailing, scale, proportion, landscape and space between buildings. Proposals should also sustain the significance of a

heritage asset, positively contribute to the site's setting, protect the amenity of current and neighbouring occupiers, contribute to the function of the area and protect and incorporate trees.

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

5.10 The 2005 Draft Local Plan policy GP1 states that, with respect to Design, development proposals will be expected to (i) respect or enhance the local environment; (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks, the rural character and setting of villages and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

5.11 Draft Local Plan 2005 Policy H7 concerns Residential Extensions, and states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality of the development; (ii) the design and scale are appropriate in relation the main building; (iii) there is no adverse effect on neighbour amenity; (iv) proposals respect the spaces between dwellings; and (v) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

5.12 The Supplementary Planning Document 'House Extensions and Alterations' (dated December 2012) (SPD) provides guidance on all types on domestic type development. Section 14 of the SPD relates to dormer windows and roof extensions. Paragraph 14.1 of the SPD states that; if poorly located or designed, dormer windows and roof extensions can make a building appear 'top heavy' and cluttered, and harm its balance, or symmetry. Paragraph 14.5 of the SPD advises that, when located on bungalows with a shallow roof pitch, dormers are considered unacceptable on the front roof slope, as to create adequate head height they will inevitably dominate the roof slope and make the building appear 'top heavy'. In

streets where there are few dormer windows it is unlikely that new dormers will be allowed on the front elevation unless it can be clearly shown that they will not detract from its character.

## ASSESSMENT

### The scheme

5.13 The scheme proposes a flat roofed dormer to the upper part of the front roofslope of the dwelling, utilising red tile cladding and white UPVc windows. The application is retrospective, with the majority of the dormer having been constructed at the time of the site visit.

### Impact on the dwelling and character of the surrounding area

5.14 The proposed dormer is considered to be an incongruous addition to the shallow front roofslope of the host bungalow. The structure sits just beneath the ridge, towards the top of the roof, and results in the dwelling appearing 'top heavy'. This, together with the relatively shallow depth of the dormer, represents a poorly proportioned scheme and is considered poor design. The dormer is also considered to harm the balance between the host dwelling and its semi-detached neighbour, no.35, which has no similar addition to its roof.

5.15 Although the surrounding streetscene does contain a few examples of flat roofed front dormers, these are mainly original features of dwellings which differ in design from the host dwelling, and include steeper and larger roofslopes which are better able to accommodate front dormer additions. The host dwelling is a smaller bungalow with a smaller, much shallower roofslope, in keeping with the majority of the rest of the street, including the host dwelling's semi-detached neighbour. It is not considered, overall, that front dormers are a particular characteristic of the street, and the proposed dormer is considered out of keeping with the wider character and prevailing pattern of development along the street. Approving this development would set an unacceptable precedent for other similar schemes which may be difficult to resist.

5.16 In dismissing the appeal for the refusal of application 20/01842/FUL, the Inspector concluded that "due to the size and height of the dormer, this would give the resultant building an ungainly and top-heavy appearance. This would also contrast uncomfortably with the unaltered and uncluttered roofscape of nearby

bungalows of a similar design". In terms of the other front dormers nearby in Patterdale Drive he stated "These dwellings are of a design which is able to accommodate dormer windows whilst maintaining an acceptable appearance, particularly in respect of the extent of roof slope above and below the dormer." With reference to the applicant's reference to similar dormers in Borrowdale Drive the Inspector concluded "this is some distance from the appeal site and does not set a visual context for the appeal proposal. In any event, the dormers referred to indicate the incongruous and unsightly appearance of this form of development on dwellings similar to the appeal property."

### Impact on neighbour amenity

5.17 It is not considered that the proposed extension would have any undue impact on the amenity of the neighbours to either side, by virtue of its scale and position on the dwelling.

## **6.0 CONCLUSION**

6.1 The proposal is not considered to comply with National Planning Policy Framework (2019), policies D1 and D11 of the City of York Publication Draft Local Plan 2018, policies GP1 and H7 of the 2005 City of York Draft Local Plan, and advice contained within Supplementary Planning Document 'House Extensions and Alterations' (December 2012).

## **7.0 RECOMMENDATION: Refusal**

- 1 The proposed dormer to the front roofslope would have a detrimental impact on the character and appearance of the host dwelling and the visual amenity of the wider streetscene, constituting an addition of unsympathetic and dominant scale and design in the context of the shallow roofslope of the host bungalow. This would be out of character with the largely unaltered roofscape on similar properties along Patterdale Drive. The proposal is considered to represent poor design contrary to paragraphs 127 and 130 of the National Planning Policy Framework (2019), policies D1 and D11 of the City of York Publication Draft Local Plan 2018, policies GP1 and H7 of the 2005 City of York Draft Local Plan, and guidance contained within Supplementary Planning Document 'House Extensions and Alterations' (December 2012), in particular paragraphs 14.1 and 14.5.

## **8.0 INFORMATIVES:**

### **Notes to Applicant**

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority considers that the proposed extension would clearly result in a harmful impact on the visual amenity of the host dwelling and the wider streetscene. No amendments could be suggested in order to make the proposal acceptable, due to the retrospective nature of the application. Planning permission is therefore being refused for the reasons stated and a positive outcome could not be achieved.

#### **Contact details:**

**Case Officer:** Sam Baker

**Tel No:** 01904 551718

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# 33 Patterdale Drive, YO30 5TW

21/00045/FUL



GIS by ESRI (UK)



Scale : 1:1321

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<b>Organisation</b>	City of York Council
<b>Department</b>	Economy & Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	17 March 2021
<b>SLA Number</b>	

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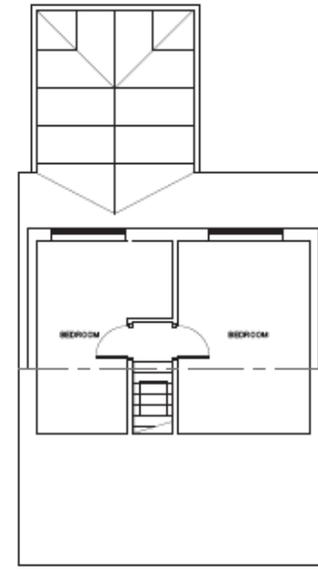
## Area Planning Sub-Committee

21/00045/FUL

33 Patterdale Drive



GROUND FLOOR PLAN



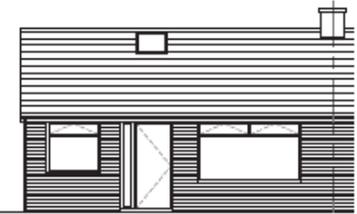
1st FLOOR PLAN



LOCATION PLAN  
1:1250



SIDE ELEVATION



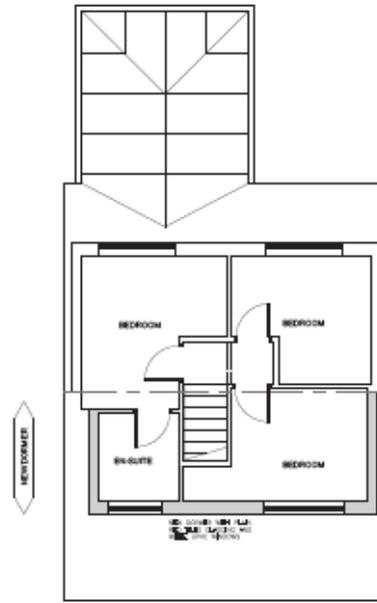
FRONT ELEVATION

- HALL: STONE
- CONSERVATORY: STONE
- ROOF: CLAY TILES
- WALLS: BRICK
- CHIMNEY: BRICK

project name:	33 Patterdale Drive, York
drawing number:	01
drawing title:	EXISTING DWELLING PLANS & ELEVATIONS
drawing scale:	1:100, 1:1250



GROUND FLOOR PLAN



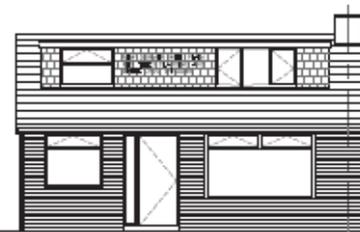
1st FLOOR PLAN



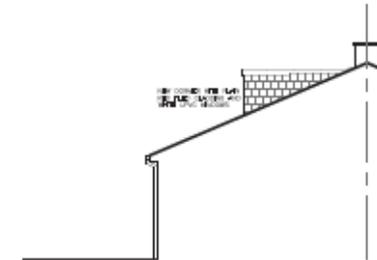
PROPOSED SITE BLOCK PLAN  
1:500



SOUTH ELEVATION



FRONT ELEVATION



NORTH ELEVATION

project name:	33 Patterdale Drive, York
drawing number:	02B
drawing title:	PROPOSED DWELLING PLANS & ELEVATIONS
drawing scale:	1:100, 1:1250



**COMMITTEE REPORT****Date:** 30 March 2021**Ward:** Wheldrake**Team:** East Area**Parish:** Elvington Parish Council**Reference:** 21/00315/FUL**Application at:** Grange House Main Street Elvington York YO41 4AG**For:** 1no. rooflight to north elevation and 2no. rooflights to south elevation**By:** Mrs A Slater**Application Type:** Full Application**Target Date:** 7 April 2021**Recommendation:** Approval**1.0 PROPOSAL**

1.1 The application site relates to Grange House, which is a detached house located in the village of Elvington and outside of the Elvington Conservation Area boundary. Planning permission is sought for the installation of 3no. roof lights to be centred on the vertical rise of the roof slope to a section of the dwelling which is forward of the main principal elevation.

1.2 The application has been brought to Area Planning Sub Committee under 2.2(e) of the Scheme of Delegation as the applicant is the spouse/partner of a CYC Senior Manager.

**2.0 POLICIES**2.1 Publication Draft Local Plan 2018

Policy D11 Extensions and alterations

2.2 Development Control Local Plan 2005

CYGP1 Design

**3.0 CONSULTATIONS**

3.1 Elvington Parish Council – no comments received at the time of writing.

Application Reference Number: 21/00315/FUL

## 4.0 REPRESENTATIONS

4.1 The application has been published by neighbour consultation letter. No comments have been received at the time of writing. Any correspondence received can be updated at the Committee meeting.

## 5.0 APPRAISAL

### 5.1 Key issue(s)

- Impact on street scene
- Impact on amenity of neighbours

5.2 The National Planning Policy Framework (NPPF) sets out the Government's overarching planning policies and how they should be applied. Paragraph 38 states that decision-makers should seek to approve applications for sustainable development where possible.

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

- are sympathetic to local character and history, including the surrounding built environment and landscape setting
- create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users

5.4 The NPPF also places great importance on good design. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

### The Publication Draft Local Plan 2018

5.5 The Publication Draft Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the

Application Reference Number: 21/00315/FUL

NPPF the 2018 Draft Plan the following policy policies can be afforded moderate weight.

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

#### The Development Control Local Plan 2005

5.7 The Development Control Local Plan was approved for development management purposes in April 2005. Its policies carry very limited weight only where there are compliant with the NPPF. Policy GP1 - "Design" sets out a series of criteria that the design of development proposals would be expected to meet. These include requirements to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

#### Supplementary Planning Document 'House Extensions and Alterations' (dated December 2012).

5.8 The Supplementary Planning Document 'House Extensions and Alterations' (dated December 2012), provides guidance on domestic development. Section 3 refers to privacy and paragraph 3.1 says that proposals should not result in direct overlooking of rooms in neighbouring dwellings or excessive overlooking of adjacent garden areas. Paragraph 3.3 says that roof lights can sometimes be an appropriate solution to harmful overlooking, but that clear glazed first floor side windows should be avoided where they overlook adjoining gardens.

#### Impact on the street scene

5.9 The position of the roof lights would create 1no.opening on the north side roof slope and 2no.openings on the south side roof slope to an elongated element which projects to the front of the dwelling. The proposed drawings have illustrated the

windows to be clear glazed with pivoted openings of approximately 940 mm x 1400mm for the purpose of gaining light and ventilation to the first floor accommodation.

5.10 The host dwelling is located in a slightly elevated position above Main Street and screened by a hedge and large tree which denotes the property frontage. Thus, the visible elements of the property frontage are somewhat concealed from the public realm. The roof lights would sit approximately 150mm proud of roof slope which is predominantly lower than the main elements of the dwelling. The windows will be sufficiently small in scale as to not appear prominent in the street scene. As such would not be harmful to character and appearance of the host dwelling and the public realm of the village setting.

### Impact on Neighbour Amenity

5.11 Grange House shares its southern boundary with The Villa a traditional two storey detached house, with a large rear garden and set back from the public highway. The proposed roof lights to the south elevation would be visible from the rear garden. With regards to privacy, the roof lights would be about 1.8m above floor level. Therefore, by virtue of their siting, size and angle within the roof slope the roof lights would not lead to an increased overlooking or a perception of being overlooked. Moreover, the function of the windows when open would not cause any potential disturbance and noise which would be considered as unacceptable in this residential setting.

5.12 The dwelling known as Bank House on the opposite northern boundary is separated from the host by the width of the front and side garden. Additionally, the curtilage of the dwellings are screened by dense vegetation which forms the boundary separating the joint gardens. As such views of the roof light to the north elevation would be seen at a very oblique angle from principal sections of this dwelling.

## **6.0 CONCLUSION**

6.1 The roof windows are considered to be acceptable in terms of design and appearance and, by virtue of their size and position in the roof slope, will not cause harm to neighbours in terms of loss of privacy. The proposal is considered to comply with the NPPF, policies D11 of the Publication Draft Local Plan 2018,

Application Reference Number: 21/00315/FUL

policies GP1 of the Development Control Local Plan 2005 and the Council's Supplementary Planning Document 'House Extensions and Alterations' (December 2012).

**7.0 RECOMMENDATION:** Approval

- 1 TIME2 Development start within three years
- 2 The development hereby permitted shall be carried out in accordance with the following plans:-

Existing and proposed arrangement drawing number GRANGE /001

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

**8.0 INFORMATIVES:**

**Notes to Applicant**

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

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

**Contact details:**

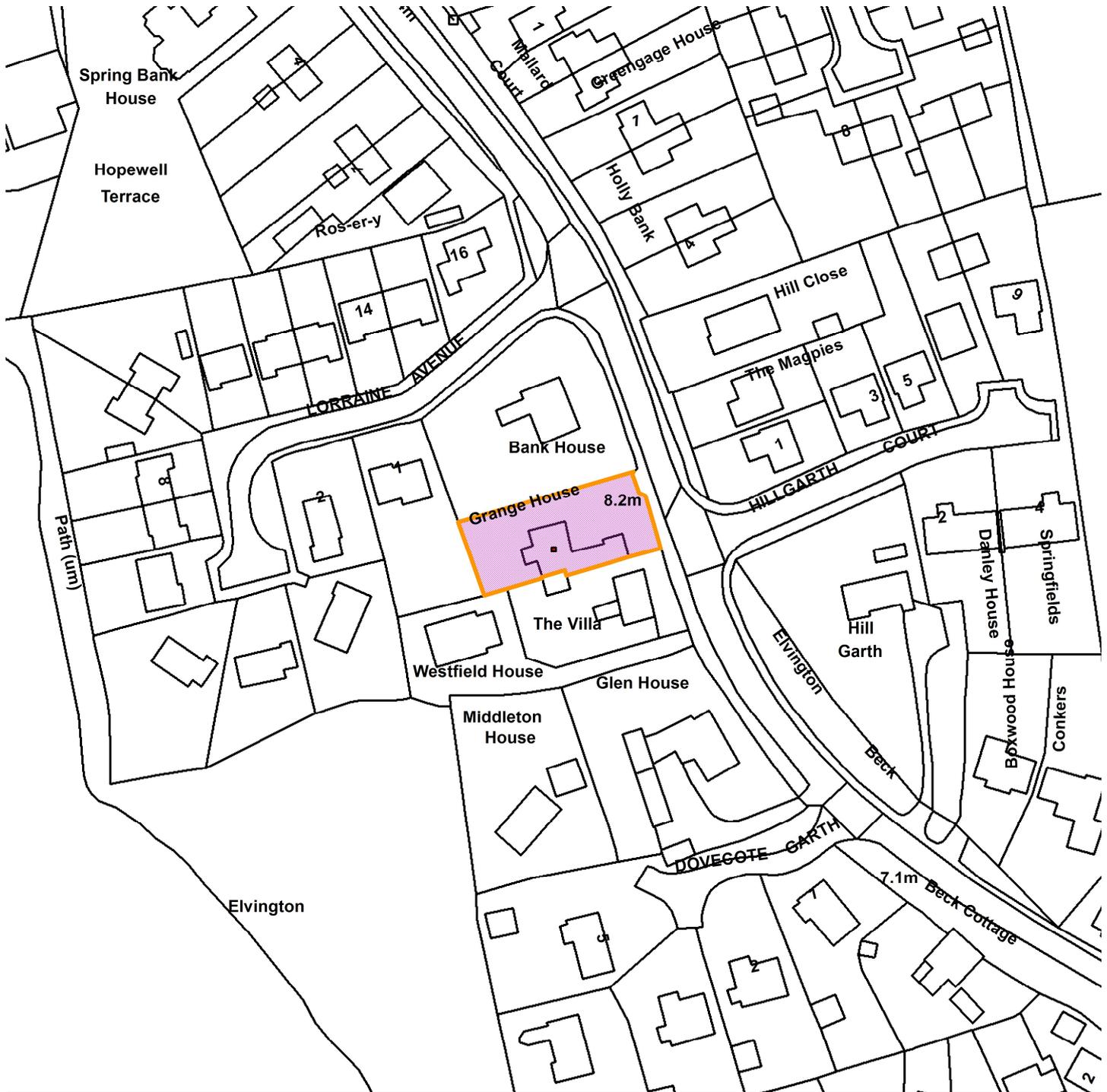
**Case Officer:** Sharon Jackson

**Tel No:** 01904 551359

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# Grange House, Main Street, Elvington YO41 4AG

21/00315/FUL



Scale : 1:1181

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<b>Organisation</b>	City of York Council
<b>Department</b>	Economy & Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	01 March 2021
<b>SLA Number</b>	

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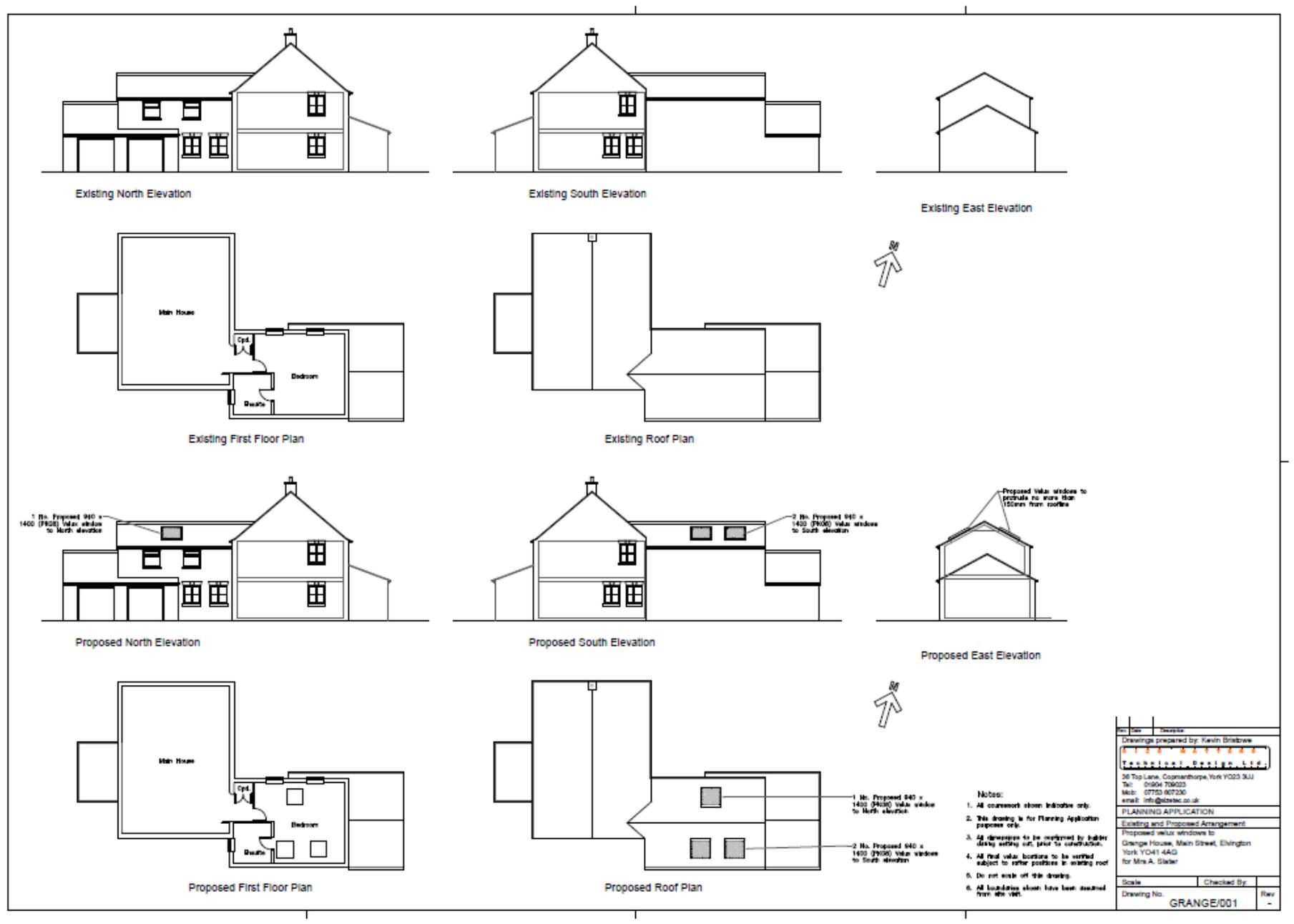
## Area Planning Sub-Committee

21/00315/FUL

Grange House Main Street Elvington



Drawings prepared by: Kevin Skelton	
36 Top Lane, Copmanthorpe, York YO3 3JU	
Tel: 01904 706023	
Mobile: 07763 807230	
email: info@skelton.co.uk	
PLANNING APPLICATION	
Site Location Plan	
Proposed single storey extension to No. 31 Heworth Road, York YO31 0AA for Caroline Yacoubou	
Scale 1:200	Checked by:
Drawing No. GRANGE/002	Rev -



Rev	Date	Revised
Drawings prepared by: Kevin Brabner		
36 Top Lane, Copmanthorpe, York YO33 3UJ		
Tel: 01904 709023		
Mob: 07753 807230		
email: info@kbrabner.co.uk		
PLANNING APPLICATION		
Building and Proposed Arrangement		
Proposed velux windows to		
Grange House, Main Street, Evington		
York YO41 4AG		
for Mrs A. Slater		
Scale	Checked By	
Drawing No.	GRANGE/001	Rev
		-



**COMMITTEE REPORT**

**Date:** 30 March 2021      **Ward:** Guildhall  
**Team:** East Area      **Parish:** Guildhall Planning Panel

**Reference:** 21/00122/FUL  
**Application at:** 2 Garden Street York YO31 7QX  
**For:** Single storey rear extension and new gate to yard wall after demolition of existing rear extension  
**By:** Mr Robert Webb  
**Application Type:** Full Application  
**Target Date:** 23 March 2021  
**Recommendation:** Householder Approval

**1.0 PROPOSAL**

1.1 This application seeks permission for a single storey extension to the rear of an end terrace dwelling on Garden Street, Guildhall Ward, along with a new gate to the wall forming the side boundary of the property. The proposed extension would replace an existing rear extension at the site.

1.2 The application has been brought to Area Planning Sub Committee under 2.2(e) of the Scheme of Delegation as the applicant is a serving Councillor.

**2.0 POLICY CONTEXT**

Draft Development Control Local Plan 2005

H7 – Residential Extensions

City of York Publication Draft Local Plan 2018

D11 – Extensions and Alterations to Existing Buildings

**3.0 CONSULTATIONS**

3.1 Guildhall Planning Panel - no comments received.

Application Reference Number: 21/00122/FUL

## 4.0 REPRESENTATIONS

4.1 No comments received.

## 5.0 APPRAISAL

### KEY ISSUES

5.1 Impact on the dwelling and character of the surrounding area; impact on neighbour amenity.

### POLICY CONTEXT

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

5.3 The National Planning Policy Framework (NPPF) sets out the Government's overarching planning policies and how they should be applied. Paragraph 38 states that decision-makers should seek to approve applications for sustainable development where possible.

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

- are sympathetic to local character and history, including the surrounding built environment and landscape setting
- create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users

5.5 The NPPF also places great importance on good design. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

5.6 The Publication Draft Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the

NPPF the 2018 Draft Plan the following policy policies can be afforded moderate weight.

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

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

5.9 Draft Local Plan 2005 Policy H7 concerns Residential Extensions, and states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality of the development; (ii) the design and scale are appropriate in relation the main building; (iii) there is no adverse effect on neighbour amenity; (iv) proposals respect the spaces between dwellings; and (v) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

5.10 The Supplementary Planning Document 'House Extensions and Alterations' (dated December 2012) ('SPD'), which provides guidance on all types on domestic type development. It offers overarching general advice relating to such issues as privacy, overshadowing, oppressiveness and general amenity as well as advice which is specific to the design and size of particular types of extensions, alterations and detached buildings. A basic principle of this guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the road/street-scene it is located on. Furthermore, proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook. Section 13 of the SPD provides specific advice for rear extensions.

## ASSESSMENT

### Impact on the dwelling and character of the surrounding area

5.11 The proposed extension to the rear elevation of the house is not considered to cause undue harm to the character of the dwelling, or the wider streetscene. The structure would be of a sympathetic scale and design, would utilise sympathetic materials, and would be well screened from wider prominence within the street by the existing and proposed boundary treatment to the side of the rear yard.

5.12 The replacement of the large double gate to the side boundary wall with a narrower gate and new section of wall is not considered to cause undue harm to the character of the dwelling, or the wider streetscene. The replacement wall and gate would be of a sympathetic appearance in the context of the terraced host dwelling. The wider area is characterised by a mixture of dwelling types and boundary treatments, and the appearance of the proposed changes to the boundary would be considered of an acceptable appearance in this context.

### Impact on neighbour amenity

5.13 It is not considered that the proposed rear extension would have any undue impact on the amenity of the adjacent neighbour at no.16 Fern Street. The extension would be entirely screened from the neighbouring property by the existing high boundary wall and corresponding single storey rear offshoot on the neighbouring side. The only change visible from the neighbour's yard would be the rearmost section of the boundary wall, closest to the electrical substation building, being built up so as to be at the same level as the rest of the boundary. This small additional section of wall would not be considered to result in any significant harm to the outlook or light enjoyed by the neighbour.

5.14 The proposed changes to the boundary, by virtue of their position and the nature of the works proposed, would not be considered to have any undue impact on any of the surrounding properties in terms of outlook, light or privacy.

## **6.0 CONCLUSION**

6.1 The proposal is considered to comply with National Planning Policy Framework (2019), policies D11 of the City of York Publication Draft Local Plan  
Application Reference Number: 21/00122/FUL

2018 and H7 of the 2005 City of York Draft Local Plan, and advice contained within Supplementary Planning Document 'House Extensions and Alterations' (Dec. 2012).

**7.0 RECOMMENDATION:** Approval

1 TIME2 Development start within three years

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

Drawing No. 3593/100.1 (Received 19th January 2021) - As Proposed - Option 2 Revised

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

**8.0 INFORMATIVES:**

**Notes to Applicant**

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

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

2. THE PARTY WALL ETC ACT 1996

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

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

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

**Contact details:**

**Case Officer:** Sam Baker

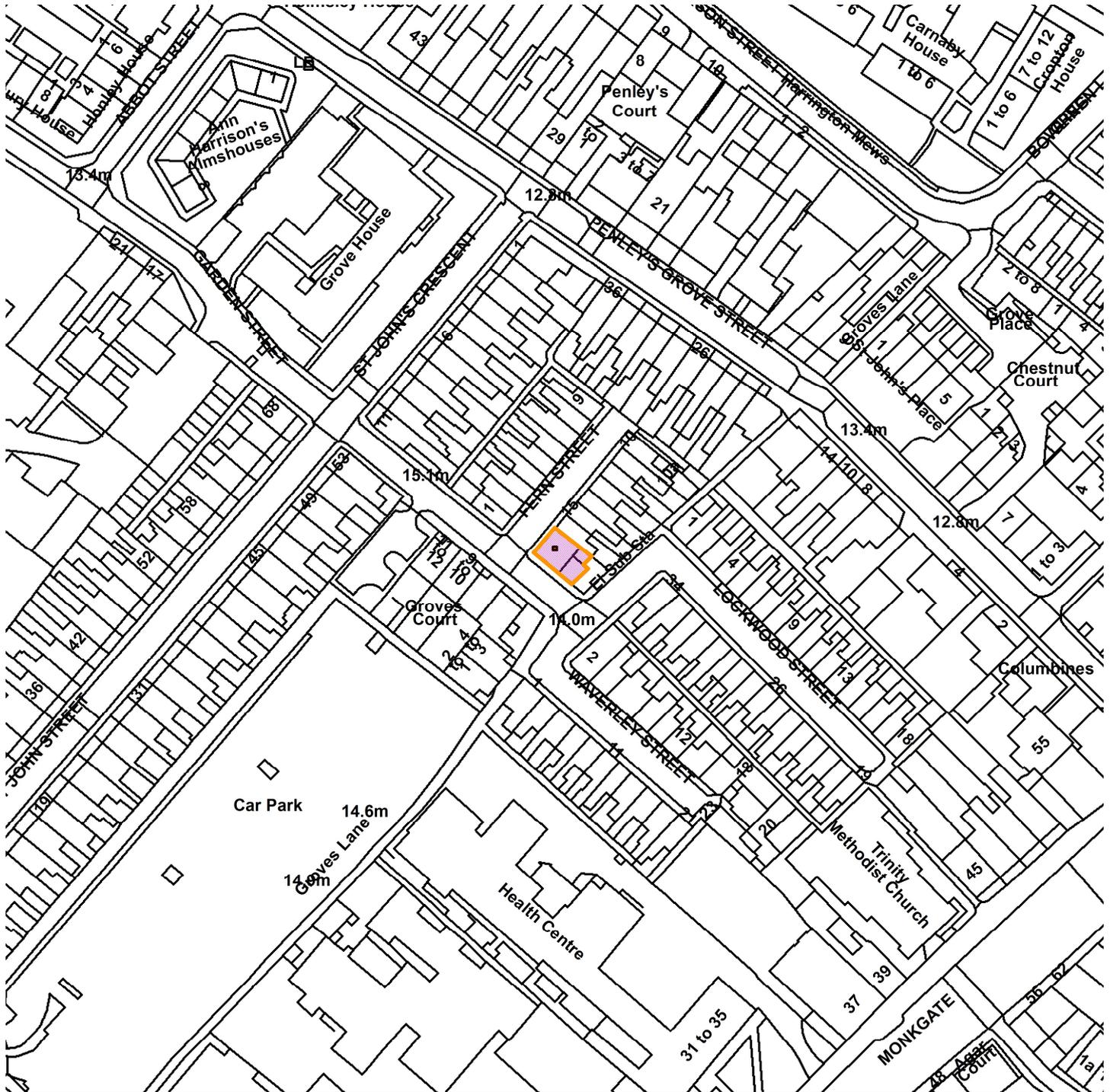
**Tel No:** 01904 551718

Application Reference Number: 21/00122/FUL

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# 2 Garden St, YO31 7QX

21/00122/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	Economy & Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	17 March 2021
<b>SLA Number</b>	

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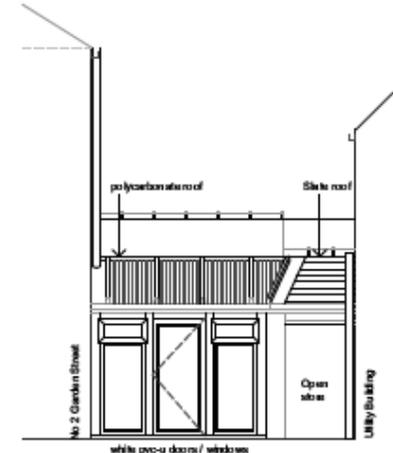
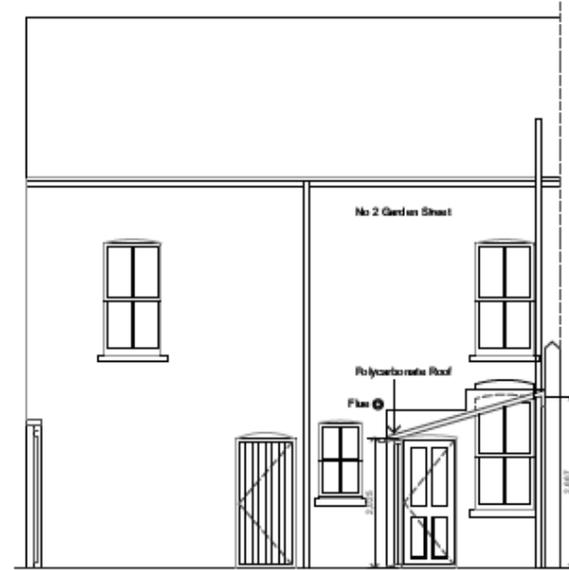
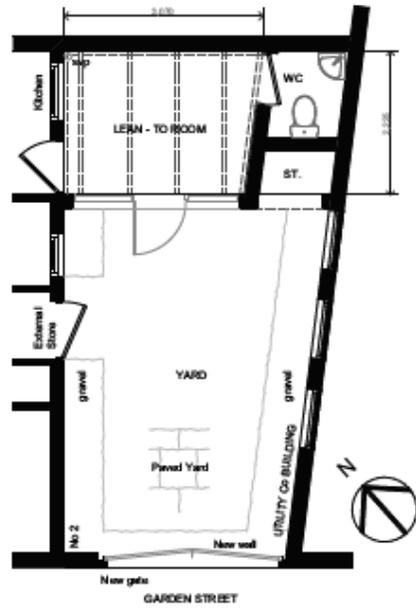


## Area Planning Sub-Committee

21/00122/FUL  
2 Garden Street



As existing



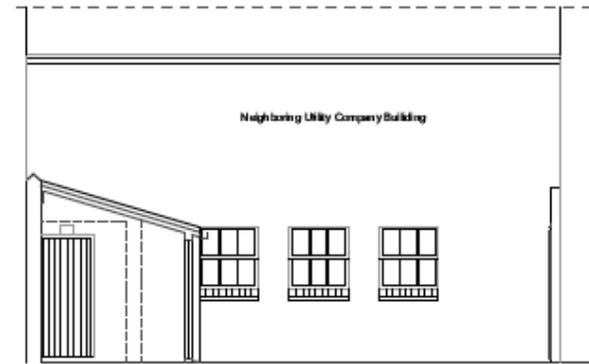
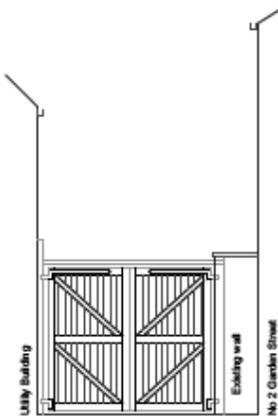
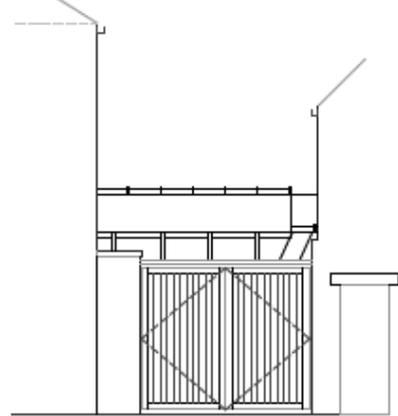
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YARD ELEVATION - AS EXISTING

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0. A-A EXISTING 1:50

0. YARD ELEV EXISTING 1:50



0. Street Elevation - As Existing 1:50

0. YARD GATES - EXISTING 1:50

0. B-B EXISTING 1:50

AS EXISTING

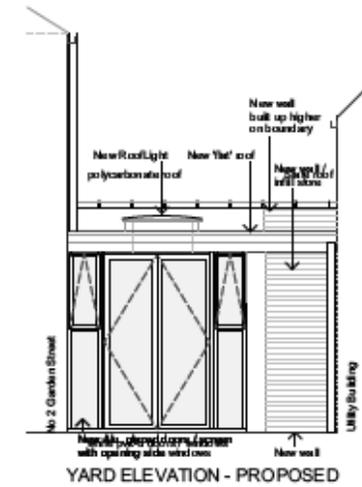
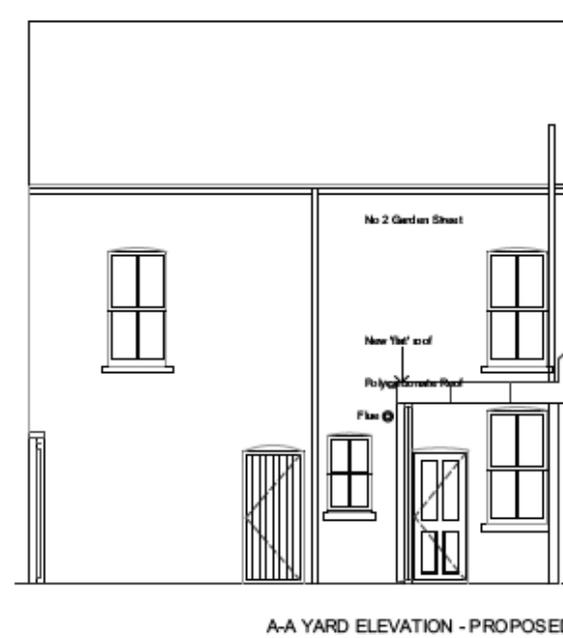
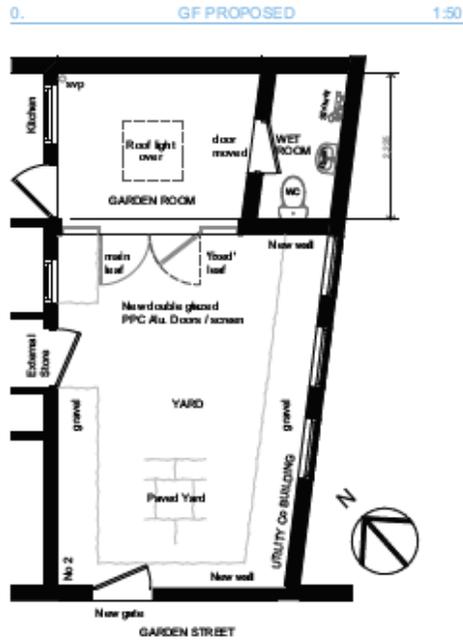
Suite 58, The Catalyst,  
University of York, East Campus,  
Bail Lane, Heslington, York YO10 5GA  
T: 01904 633044 E: post@ppl.york.ac.uk

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2 Garden Street, York  
Extension  
As Existing

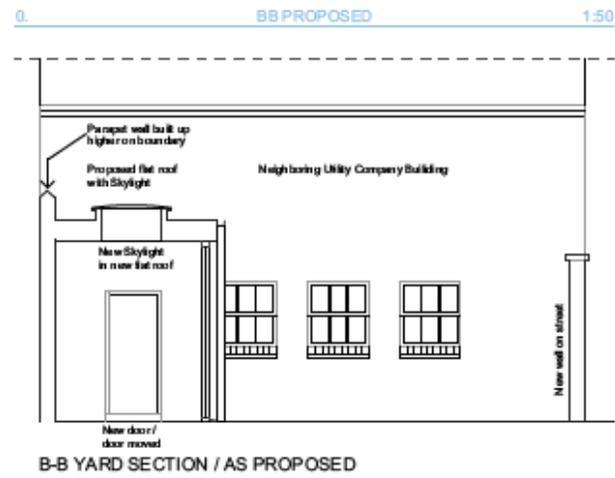
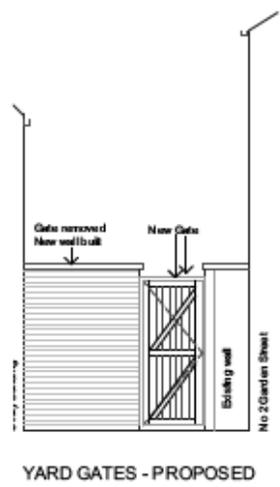
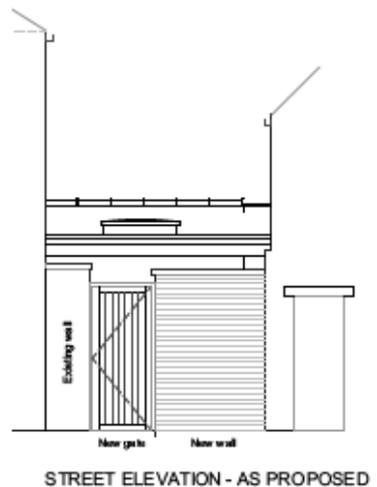
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DATE Dec 2020		
DRAWN mtd		

As proposed



0. Street Elevation - As Proposed 1:50

0. YARD GATES PROPOSED 1:50



AS PROPOSED  
OPTION 2 REV

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University of York, East Campus,  
Baild Lane, Heslington, York YO10 5GA  
T: 01904 63304 / E: ppi@ppi.co.uk



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2 Garden Street, York  
Extension  
As Proposed - Option 2 Revised

SCALE 1:50  
DATE Dec 2020  
DRAWN mtd

REV  
3593/100.1  
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